

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 487

Representative Amstutz (By Request)

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A B I L L

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and provide for implementation of those levies, 294
and to provide authorization and conditions for 295
the operation of state programs. 296

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

Section 101.01. That sections 7.10, 7.16, 102.02, 105.41, 297
109.57, 109.572, 109.803, 118.023, 118.06, 120.08, 120.53, 121.04, 298
121.08, 121.083, 121.084, 121.22, 122.07, 122.15, 122.151, 299
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5751.12, 5751.20, 5751.22, 5751.98, 5753.03, 5902.02, 6109.21, 427
6111.46, and 6115.20 be amended; sections 123.011 (123.22), 123.04 428
(123.02), 123.07 (123.03), 123.09 (123.04), 123.10 (123.05), 429
123.024 (123.06), 123.101 (123.27), 123.11 (123.07), 123.13 430
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(4781.39), 3733.11 (4781.40), 3733.12 (4781.41), 3733.121 446

(4781.42), 3733.122 (4781.43), 3733.123 (4781.44), 3733.13 447
(4781.45), 3733.14 (4781.46), 3733.15 (4781.47), 3733.16 448
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(4781.51), 3733.20 (4781.52), 5123.169 (5123.1610), 5503.21 450
(5502.05), 5503.22 (5502.06), and 5503.23 (5502.07) be amended for 451
the purpose of adopting new section numbers as indicated in 452
parentheses; and new sections 3702.526, 4905.80, 4905.81, 4921.01, 453
4921.03, 4921.05, 4921.07, 4921.09, 4921.11, 4921.13, 4921.15, 454
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5726.99, 5747.65, 5749.031, and 5751.54 of the Revised Code be 471
enacted to read as follows: 472

Sec. 7.10. For the publication of advertisements, notices, 473
and proclamations, except those relating to proposed amendments to 474
the Ohio Constitution, required to be published by a public 475
officer of the state, a benevolent or other public institution, a 476
trustee, assignee, executor, or administrator, or by or in any 477

court of record, except when the rate is otherwise fixed by law, 478
publishers of newspapers may charge and receive for such 479
advertisements, notices, and proclamations rates charged on annual 480
contracts by them for a like amount of space to other advertisers 481
who advertise in its general display advertising columns. 482

For the publication of advertisements, notices, or 483
proclamations required to be published by a public officer of a 484
county, municipal corporation, township, school, or other 485
political subdivision, publishers of newspapers shall establish a 486
government rate, which shall include free publication of 487
advertisements, notices, or proclamations on the newspaper's 488
internet web site, if the newspaper has one. The government rate 489
shall not exceed the lowest classified advertising rate and lowest 490
insert rate paid by other advertisers. 491

Legal advertising, except that relating to proposed 492
amendments to the Ohio Constitution, shall be set up in a compact 493
form, without unnecessary spaces, blanks, or headlines, and 494
printed in not smaller than six-point type. The type used must be 495
of such proportions that the body of the capital letter M is no 496
wider than it is high and all other letters and characters are in 497
proportion. 498

Except as provided in section 2701.09 of the Revised Code, 499
all legal advertisements or notices shall be printed in ~~newspapers~~ 500
a newspaper of general circulation ~~and also shall be posted on the~~ 501
~~state public notice web site created under section 125.182 of the~~ 502
~~Revised Code~~, and on a the newspaper's internet web site, if the 503
newspaper has one. 504

Sec. 7.16. (A) As used in this section: 505

(1) "State agency" means any organized body, office, agency, 506
institution, or other entity established by the laws of the state 507
for the exercise of any function of state government, including 508

state institutions of higher education, as defined in section 509
3345.011 of the Revised Code. 510

(2) "Political subdivision" has the meaning defined in 511
section 2744.01 of the Revised Code. 512

(B) If a section of the Revised Code or an administrative 513
rule requires a state agency or a political subdivision ~~of the~~ 514
~~state~~ to publish a notice or advertisement two or more times in a 515
newspaper of general circulation and the section or administrative 516
rule refers to this section, the first publication of the notice 517
or advertisement shall be made in its entirety in a newspaper of 518
general circulation and may be made in a preprinted insert in the 519
newspaper, but the second publication otherwise required by that 520
section or administrative rule may be made in abbreviated form in 521
a newspaper of general circulation in the state or in the 522
political subdivision, as designated in that section or 523
administrative rule, and on the newspaper's internet web site, if 524
the newspaper has one. The state agency or political subdivision 525
may eliminate any further newspaper publications required by that 526
section or administrative rule, provided that the second, 527
abbreviated notice or advertisement meets all of the following 528
requirements: 529

(1) It is published in the newspaper of general circulation 530
in which the first publication of the notice or advertisement was 531
made and is published on that newspaper's internet web site, if 532
the newspaper has one. 533

(2) It is published on the state public notice web site 534
established under section 125.182 of the Revised Code. 535

(3) It includes a title, followed by a summary paragraph or 536
statement that clearly describes the specific purpose of the 537
notice or advertisement, and includes a statement that the notice 538
or advertisement is posted in its entirety on the state public 539

notice web site ~~established under section 125.182 of the Revised~~ 540
~~Code.~~ The notice or advertisement also may be posted on the state 541
agency's or political subdivision's internet web site. 542

~~(3)~~(4) It includes the internet addresses of the state public 543
notice web site, and of the newspaper's and state agency's or 544
political subdivision's internet web site if the notice or 545
advertisement is posted on those web sites, and the name, address, 546
telephone number, and electronic mail address of the state agency, 547
political subdivision, or other party responsible for publication 548
of the notice or advertisement. 549

~~(B)~~(C) A notice or advertisement published under this section 550
on an internet web site shall be published in its entirety in 551
accordance with the section of the Revised Code or the 552
administrative rule that requires the publication. 553

~~(C)~~(D) ~~If a state agency or political subdivision does not~~ 554
~~operate and maintain, or ceases to operate and maintain, an~~ 555
~~internet web site, and if~~ the state public notice web site 556
established under section 125.182 of the Revised Code is not 557
operational, the state agency or political subdivision shall not 558
publish a notice or advertisement under this section, but instead 559
shall comply with the publication requirements of the section of 560
the Revised Code or the administrative rule that refers to this 561
section. 562

Sec. 102.02. (A) Except as otherwise provided in division (H) 563
of this section, all of the following shall file with the 564
appropriate ethics commission the disclosure statement described 565
in this division on a form prescribed by the appropriate 566
commission: every person who is elected to or is a candidate for a 567
state, county, or city office and every person who is appointed to 568
fill a vacancy for an unexpired term in such an elective office; 569
all members of the state board of education; the director, 570

assistant directors, deputy directors, division chiefs, or persons 571
of equivalent rank of any administrative department of the state; 572
the president or other chief administrative officer of every state 573
institution of higher education as defined in section 3345.011 of 574
the Revised Code; the executive director and the members of the 575
capitol square review and advisory board appointed or employed 576
pursuant to section 105.41 of the Revised Code; all members of the 577
Ohio casino control commission, the executive director of the 578
commission, all professional employees of the commission, and all 579
technical employees of the commission who perform an internal 580
audit function; the individuals set forth in division (B)(2) of 581
section 187.03 of the Revised Code; the chief executive officer 582
and the members of the board of each state retirement system; each 583
employee of a state retirement board who is a state retirement 584
system investment officer licensed pursuant to section 1707.163 of 585
the Revised Code; the members of the Ohio retirement study council 586
appointed pursuant to division (C) of section 171.01 of the 587
Revised Code; employees of the Ohio retirement study council, 588
other than employees who perform purely administrative or clerical 589
functions; the administrator of workers' compensation and each 590
member of the bureau of workers' compensation board of directors; 591
the bureau of workers' compensation director of investments; the 592
chief investment officer of the bureau of workers' compensation; 593
all members of the board of commissioners on grievances and 594
discipline of the supreme court and the ethics commission created 595
under section 102.05 of the Revised Code; every business manager, 596
treasurer, or superintendent of a city, local, exempted village, 597
joint vocational, or cooperative education school district or an 598
educational service center; every person who is elected to or is a 599
candidate for the office of member of a board of education of a 600
city, local, exempted village, joint vocational, or cooperative 601
education school district or of a governing board of an 602
educational service center that has a total student count of 603

twelve thousand or more as most recently determined by the 604
department of education pursuant to section 3317.03 of the Revised 605
Code; every person who is appointed to the board of education of a 606
municipal school district pursuant to division (B) or (F) of 607
section 3311.71 of the Revised Code; all members of the board of 608
directors of a sanitary district that is established under Chapter 609
6115. of the Revised Code and organized wholly for the purpose of 610
providing a water supply for domestic, municipal, and public use, 611
and that includes two municipal corporations in two counties; 612
every public official or employee who is paid a salary or wage in 613
accordance with schedule C of section 124.15 or schedule E-2 of 614
section 124.152 of the Revised Code; members of the board of 615
trustees and the executive director of the southern Ohio 616
agricultural and community development foundation; all members 617
appointed to the Ohio livestock care standards board under section 618
904.02 of the Revised Code; and every other public official or 619
employee who is designated by the appropriate ethics commission 620
pursuant to division (B) of this section. 621

The disclosure statement shall include all of the following: 622

(1) The name of the person filing the statement and each 623
member of the person's immediate family and all names under which 624
the person or members of the person's immediate family do 625
business; 626

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 627
and except as otherwise provided in section 102.022 of the Revised 628
Code, identification of every source of income, other than income 629
from a legislative agent identified in division (A)(2)(b) of this 630
section, received during the preceding calendar year, in the 631
person's own name or by any other person for the person's use or 632
benefit, by the person filing the statement, and a brief 633
description of the nature of the services for which the income was 634
received. If the person filing the statement is a member of the 635

general assembly, the statement shall identify the amount of every 636
source of income received in accordance with the following ranges 637
of amounts: zero or more, but less than one thousand dollars; one 638
thousand dollars or more, but less than ten thousand dollars; ten 639
thousand dollars or more, but less than twenty-five thousand 640
dollars; twenty-five thousand dollars or more, but less than fifty 641
thousand dollars; fifty thousand dollars or more, but less than 642
one hundred thousand dollars; and one hundred thousand dollars or 643
more. Division (A)(2)(a) of this section shall not be construed to 644
require a person filing the statement who derives income from a 645
business or profession to disclose the individual items of income 646
that constitute the gross income of that business or profession, 647
except for those individual items of income that are attributable 648
to the person's or, if the income is shared with the person, the 649
partner's, solicitation of services or goods or performance, 650
arrangement, or facilitation of services or provision of goods on 651
behalf of the business or profession of clients, including 652
corporate clients, who are legislative agents. A person who files 653
the statement under this section shall disclose the identity of 654
and the amount of income received from a person who the public 655
official or employee knows or has reason to know is doing or 656
seeking to do business of any kind with the public official's or 657
employee's agency. 658

(b) If the person filing the statement is a member of the 659
general assembly, the statement shall identify every source of 660
income and the amount of that income that was received from a 661
legislative agent during the preceding calendar year, in the 662
person's own name or by any other person for the person's use or 663
benefit, by the person filing the statement, and a brief 664
description of the nature of the services for which the income was 665
received. Division (A)(2)(b) of this section requires the 666
disclosure of clients of attorneys or persons licensed under 667
section 4732.12 of the Revised Code, or patients of persons 668

certified under section 4731.14 of the Revised Code, if those 669
clients or patients are legislative agents. Division (A)(2)(b) of 670
this section requires a person filing the statement who derives 671
income from a business or profession to disclose those individual 672
items of income that constitute the gross income of that business 673
or profession that are received from legislative agents. 674

(c) Except as otherwise provided in division (A)(2)(c) of 675
this section, division (A)(2)(a) of this section applies to 676
attorneys, physicians, and other persons who engage in the 677
practice of a profession and who, pursuant to a section of the 678
Revised Code, the common law of this state, a code of ethics 679
applicable to the profession, or otherwise, generally are required 680
not to reveal, disclose, or use confidences of clients, patients, 681
or other recipients of professional services except under 682
specified circumstances or generally are required to maintain 683
those types of confidences as privileged communications except 684
under specified circumstances. Division (A)(2)(a) of this section 685
does not require an attorney, physician, or other professional 686
subject to a confidentiality requirement as described in division 687
(A)(2)(c) of this section to disclose the name, other identity, or 688
address of a client, patient, or other recipient of professional 689
services if the disclosure would threaten the client, patient, or 690
other recipient of professional services, would reveal details of 691
the subject matter for which legal, medical, or professional 692
advice or other services were sought, or would reveal an otherwise 693
privileged communication involving the client, patient, or other 694
recipient of professional services. Division (A)(2)(a) of this 695
section does not require an attorney, physician, or other 696
professional subject to a confidentiality requirement as described 697
in division (A)(2)(c) of this section to disclose in the brief 698
description of the nature of services required by division 699
(A)(2)(a) of this section any information pertaining to specific 700
professional services rendered for a client, patient, or other 701

recipient of professional services that would reveal details of 702
the subject matter for which legal, medical, or professional 703
advice was sought or would reveal an otherwise privileged 704
communication involving the client, patient, or other recipient of 705
professional services. 706

(3) The name of every corporation on file with the secretary 707
of state that is incorporated in this state or holds a certificate 708
of compliance authorizing it to do business in this state, trust, 709
business trust, partnership, or association that transacts 710
business in this state in which the person filing the statement or 711
any other person for the person's use and benefit had during the 712
preceding calendar year an investment of over one thousand dollars 713
at fair market value as of the thirty-first day of December of the 714
preceding calendar year, or the date of disposition, whichever is 715
earlier, or in which the person holds any office or has a 716
fiduciary relationship, and a description of the nature of the 717
investment, office, or relationship. Division (A)(3) of this 718
section does not require disclosure of the name of any bank, 719
savings and loan association, credit union, or building and loan 720
association with which the person filing the statement has a 721
deposit or a withdrawable share account. 722

(4) All fee simple and leasehold interests to which the 723
person filing the statement holds legal title to or a beneficial 724
interest in real property located within the state, excluding the 725
person's residence and property used primarily for personal 726
recreation; 727

(5) The names of all persons residing or transacting business 728
in the state to whom the person filing the statement owes, in the 729
person's own name or in the name of any other person, more than 730
one thousand dollars. Division (A)(5) of this section shall not be 731
construed to require the disclosure of debts owed by the person 732
resulting from the ordinary conduct of a business or profession or 733

debts on the person's residence or real property used primarily 734
for personal recreation, except that the superintendent of 735
financial institutions shall disclose the names of all 736
state-chartered savings and loan associations and of all service 737
corporations subject to regulation under division (E)(2) of 738
section 1151.34 of the Revised Code to whom the superintendent in 739
the superintendent's own name or in the name of any other person 740
owes any money, and that the superintendent and any deputy 741
superintendent of banks shall disclose the names of all 742
state-chartered banks and all bank subsidiary corporations subject 743
to regulation under section 1109.44 of the Revised Code to whom 744
the superintendent or deputy superintendent owes any money. 745

(6) The names of all persons residing or transacting business 746
in the state, other than a depository excluded under division 747
(A)(3) of this section, who owe more than one thousand dollars to 748
the person filing the statement, either in the person's own name 749
or to any person for the person's use or benefit. Division (A)(6) 750
of this section shall not be construed to require the disclosure 751
of clients of attorneys or persons licensed under section 4732.12 752
or 4732.15 of the Revised Code, or patients of persons certified 753
under section 4731.14 of the Revised Code, nor the disclosure of 754
debts owed to the person resulting from the ordinary conduct of a 755
business or profession. 756

(7) Except as otherwise provided in section 102.022 of the 757
Revised Code, the source of each gift of over seventy-five 758
dollars, or of each gift of over twenty-five dollars received by a 759
member of the general assembly from a legislative agent, received 760
by the person in the person's own name or by any other person for 761
the person's use or benefit during the preceding calendar year, 762
except gifts received by will or by virtue of section 2105.06 of 763
the Revised Code, or received from spouses, parents, grandparents, 764
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 765

brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 766
fathers-in-law, mothers-in-law, or any person to whom the person 767
filing the statement stands in loco parentis, or received by way 768
of distribution from any inter vivos or testamentary trust 769
established by a spouse or by an ancestor; 770

(8) Except as otherwise provided in section 102.022 of the 771
Revised Code, identification of the source and amount of every 772
payment of expenses incurred for travel to destinations inside or 773
outside this state that is received by the person in the person's 774
own name or by any other person for the person's use or benefit 775
and that is incurred in connection with the person's official 776
duties, except for expenses for travel to meetings or conventions 777
of a national or state organization to which any state agency, 778
including, but not limited to, any legislative agency or state 779
institution of higher education as defined in section 3345.011 of 780
the Revised Code, pays membership dues, or any political 781
subdivision or any office or agency of a political subdivision 782
pays membership dues; 783

(9) Except as otherwise provided in section 102.022 of the 784
Revised Code, identification of the source of payment of expenses 785
for meals and other food and beverages, other than for meals and 786
other food and beverages provided at a meeting at which the person 787
participated in a panel, seminar, or speaking engagement or at a 788
meeting or convention of a national or state organization to which 789
any state agency, including, but not limited to, any legislative 790
agency or state institution of higher education as defined in 791
section 3345.011 of the Revised Code, pays membership dues, or any 792
political subdivision or any office or agency of a political 793
subdivision pays membership dues, that are incurred in connection 794
with the person's official duties and that exceed one hundred 795
dollars aggregated per calendar year; 796

(10) If the disclosure statement is filed by a public 797

official or employee described in division (B)(2) of section 798
101.73 of the Revised Code or division (B)(2) of section 121.63 of 799
the Revised Code who receives a statement from a legislative 800
agent, executive agency lobbyist, or employer that contains the 801
information described in division (F)(2) of section 101.73 of the 802
Revised Code or division (G)(2) of section 121.63 of the Revised 803
Code, all of the nondisputed information contained in the 804
statement delivered to that public official or employee by the 805
legislative agent, executive agency lobbyist, or employer under 806
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 807
the Revised Code. 808

A person may file a statement required by this section in 809
person or by mail. A person who is a candidate for elective office 810
shall file the statement no later than the thirtieth day before 811
the primary, special, or general election at which the candidacy 812
is to be voted on, whichever election occurs soonest, except that 813
a person who is a write-in candidate shall file the statement no 814
later than the twentieth day before the earliest election at which 815
the person's candidacy is to be voted on. A person who holds 816
elective office shall file the statement on or before the 817
fifteenth day of April of each year unless the person is a 818
candidate for office. A person who is appointed to fill a vacancy 819
for an unexpired term in an elective office shall file the 820
statement within fifteen days after the person qualifies for 821
office. Other persons shall file an annual statement on or before 822
the fifteenth day of April or, if appointed or employed after that 823
date, within ninety days after appointment or employment. No 824
person shall be required to file with the appropriate ethics 825
commission more than one statement or pay more than one filing fee 826
for any one calendar year. 827

The appropriate ethics commission, for good cause, may extend 828
for a reasonable time the deadline for filing a statement under 829

this section. 830

A statement filed under this section is subject to public 831
inspection at locations designated by the appropriate ethics 832
commission except as otherwise provided in this section. 833

(B) The Ohio ethics commission, the joint legislative ethics 834
committee, and the board of commissioners on grievances and 835
discipline of the supreme court, using the rule-making procedures 836
of Chapter 119. of the Revised Code, may require any class of 837
public officials or employees under its jurisdiction and not 838
specifically excluded by this section whose positions involve a 839
substantial and material exercise of administrative discretion in 840
the formulation of public policy, expenditure of public funds, 841
enforcement of laws and rules of the state or a county or city, or 842
the execution of other public trusts, to file an annual statement 843
on or before the fifteenth day of April under division (A) of this 844
section. The appropriate ethics commission shall send the public 845
officials or employees written notice of the requirement by the 846
fifteenth day of February of each year the filing is required 847
unless the public official or employee is appointed after that 848
date, in which case the notice shall be sent within thirty days 849
after appointment, and the filing shall be made not later than 850
ninety days after appointment. 851

Except for disclosure statements filed by members of the 852
board of trustees and the executive director of the southern Ohio 853
agricultural and community development foundation, disclosure 854
statements filed under this division with the Ohio ethics 855
commission by members of boards, commissions, or bureaus of the 856
state for which no compensation is received other than reasonable 857
and necessary expenses shall be kept confidential. Disclosure 858
statements filed with the Ohio ethics commission under division 859
(A) of this section by business managers, treasurers, and 860
superintendents of city, local, exempted village, joint 861

vocational, or cooperative education school districts or 862
educational service centers shall be kept confidential, except 863
that any person conducting an audit of any such school district or 864
educational service center pursuant to section 115.56 or Chapter 865
117. of the Revised Code may examine the disclosure statement of 866
any business manager, treasurer, or superintendent of that school 867
district or educational service center. Disclosure statements 868
filed with the Ohio ethics commission under division (A) of this 869
section by the individuals set forth in division (B)(2) of section 870
187.03 of the Revised Code shall be kept confidential. The Ohio 871
ethics commission shall examine each disclosure statement required 872
to be kept confidential to determine whether a potential conflict 873
of interest exists for the person who filed the disclosure 874
statement. A potential conflict of interest exists if the private 875
interests of the person, as indicated by the person's disclosure 876
statement, might interfere with the public interests the person is 877
required to serve in the exercise of the person's authority and 878
duties in the person's office or position of employment. If the 879
commission determines that a potential conflict of interest 880
exists, it shall notify the person who filed the disclosure 881
statement and shall make the portions of the disclosure statement 882
that indicate a potential conflict of interest subject to public 883
inspection in the same manner as is provided for other disclosure 884
statements. Any portion of the disclosure statement that the 885
commission determines does not indicate a potential conflict of 886
interest shall be kept confidential by the commission and shall 887
not be made subject to public inspection, except as is necessary 888
for the enforcement of Chapters 102. and 2921. of the Revised Code 889
and except as otherwise provided in this division. 890

(C) No person shall knowingly fail to file, on or before the 891
applicable filing deadline established under this section, a 892
statement that is required by this section. 893

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

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

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

For state office, except member of the state board of education	\$95	
For office of member of general assembly	\$40	
For county office	\$60	
For city office	\$35	
For office of member of the state board of education	\$25 <u>\$35</u>	
For office of member of the Ohio livestock care standards board	\$.....	
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30	
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$30	

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of

record, shall be required to pay the fee required under division 926
(E)(1) or (2) or (F) of this section. 927

(4) For any public official who is appointed to a nonelective 928
office of the state and for any employee who holds a nonelective 929
position in a public agency of the state, the state agency that is 930
the primary employer of the state official or employee shall pay 931
the fee required under division (E)(1) or (F) of this section. 932

(F) If a statement required to be filed under this section is 933
not filed by the date on which it is required to be filed, the 934
appropriate ethics commission shall assess the person required to 935
file the statement a late filing fee of ten dollars for each day 936
the statement is not filed, except that the total amount of the 937
late filing fee shall not exceed two hundred fifty dollars. 938

(G)(1) The appropriate ethics commission other than the Ohio 939
ethics commission and the joint legislative ethics committee shall 940
deposit all fees it receives under divisions (E) and (F) of this 941
section into the general revenue fund of the state. 942

(2) The Ohio ethics commission shall deposit all receipts, 943
including, but not limited to, fees it receives under divisions 944
(E) and (F) of this section, investigative or other fees, costs, 945
or other funds it receives as a result of court orders, and all 946
moneys it receives from settlements under division (G) of section 947
102.06 of the Revised Code, into the Ohio ethics commission fund, 948
which is hereby created in the state treasury. All moneys credited 949
to the fund shall be used solely for expenses related to the 950
operation and statutory functions of the commission. 951

(3) The joint legislative ethics committee shall deposit all 952
receipts it receives from the payment of financial disclosure 953
statement filing fees under divisions (E) and (F) of this section 954
into the joint legislative ethics committee investigative fund. 955

(H) Division (A) of this section does not apply to a person 956

elected or appointed to the office of precinct, ward, or district 957
committee member under Chapter 3517. of the Revised Code; a 958
presidential elector; a delegate to a national convention; village 959
or township officials and employees; any physician or psychiatrist 960
who is paid a salary or wage in accordance with schedule C of 961
section 124.15 or schedule E-2 of section 124.152 of the Revised 962
Code and whose primary duties do not require the exercise of 963
administrative discretion; or any member of a board, commission, 964
or bureau of any county or city who receives less than one 965
thousand dollars per year for serving in that position. 966

Sec. 105.41. (A) There is hereby created in the legislative 967
branch of government the capitol square review and advisory board, 968
consisting of thirteen members as follows: 969

(1) Two members of the senate, appointed by the president of 970
the senate, both of whom shall not be members of the same 971
political party; 972

(2) Two members of the house of representatives, appointed by 973
the speaker of the house of representatives, both of whom shall 974
not be members of the same political party; 975

(3) Five members appointed by the governor, with the advice 976
and consent of the senate, not more than three of whom shall be 977
members of the same political party, one of whom shall be the 978
chief of staff of the governor's office, one of whom shall 979
represent the Ohio arts council, one of whom shall represent the 980
Ohio historical society, one of whom shall represent the ~~Ohio~~ 981
~~building authority~~ department of administrative services, and one 982
of whom shall represent the public at large; 983

(4) One member, who shall be a former president of the 984
senate, appointed by the current president of the senate. If the 985
current president of the senate, in the current president's 986
discretion, decides for any reason not to make the appointment or 987

if no person is eligible or available to serve, the seat shall 988
remain vacant. 989

(5) One member, who shall be a former speaker of the house of 990
representatives, appointed by the current speaker of the house of 991
representatives. If the current speaker of the house of 992
representatives, in the current speaker's discretion, decides for 993
any reason not to make the appointment or if no person is eligible 994
or available to serve, the seat shall remain vacant. 995

(6) The clerk of the senate and the clerk of the house of 996
representatives. 997

(B) Terms of office of each appointed member of the board 998
shall be for three years, except that members of the general 999
assembly appointed to the board shall be members of the board only 1000
so long as they are members of the general assembly and the chief 1001
of staff of the governor's office shall be a member of the board 1002
only so long as the appointing governor remains in office. Each 1003
member shall hold office from the date of the member's appointment 1004
until the end of the term for which the member was appointed. In 1005
case of a vacancy occurring on the board, the president of the 1006
senate, the speaker of the house of representatives, or the 1007
governor, as the case may be, shall in the same manner prescribed 1008
for the regular appointment to the commission, fill the vacancy by 1009
appointing a member. Any member appointed to fill a vacancy 1010
occurring prior to the expiration of the term for which the 1011
member's predecessor was appointed shall hold office for the 1012
remainder of the term. Any appointed member shall continue in 1013
office subsequent to the expiration date of the member's term 1014
until the member's successor takes office, or until a period of 1015
sixty days has elapsed, whichever occurs first. 1016

(C) The board shall hold meetings in a manner and at times 1017
prescribed by the rules adopted by the board. A majority of the 1018
board constitutes a quorum, and no action shall be taken by the 1019

board unless approved by at least six members or by at least seven 1020
members if a person is appointed under division (A)(4) or (5) of 1021
this section. At its first meeting, the board shall adopt rules 1022
for the conduct of its business and the election of its officers, 1023
and shall organize by selecting a chairperson and other officers 1024
as it considers necessary. Board members shall serve without 1025
compensation but shall be reimbursed for actual and necessary 1026
expenses incurred in the performance of their duties. 1027

(D) The board may do any of the following: 1028

(1) Employ or hire on a consulting basis professional, 1029
technical, and clerical employees as are necessary for the 1030
performance of its duties. All employees of the board are in the 1031
unclassified service and serve at the pleasure of the board. For 1032
purposes of section 4117.01 of the Revised Code, employees of the 1033
board shall be considered employees of the general assembly, 1034
except that employees who are covered by a collective bargaining 1035
agreement on ~~the effective date of this amendment~~ September 29, 1036
2011, shall remain subject to the agreement until the agreement 1037
expires on its terms, and the agreement shall not be extended or 1038
renewed. Upon expiration of the agreement, the employees are 1039
considered employees of the general assembly for purposes of 1040
section 4117.01 of the Revised Code and are in the unclassified 1041
service and serve at the pleasure of the board. 1042

(2) Hold public hearings at times and places as determined by 1043
the board; 1044

(3) Adopt, amend, or rescind rules necessary to accomplish 1045
the duties of the board as set forth in this section; 1046

(4) Sponsor, conduct, and support such social events as the 1047
board may authorize and consider appropriate for the employees of 1048
the board, employees and members of the general assembly, 1049
employees of persons under contract with the board or otherwise 1050

engaged to perform services on the premises of capitol square, or 1051
other persons as the board may consider appropriate. Subject to 1052
the requirements of Chapter 4303. of the Revised Code, the board 1053
may provide beer, wine, and intoxicating liquor, with or without 1054
charge, for those events and may use funds only from the sale of 1055
goods and services fund to purchase the beer, wine, and 1056
intoxicating liquor the board provides; 1057

(5) Purchase a warehouse in which to store items of the 1058
capitol collection trust and, whenever necessary, equipment or 1059
other property of the board. 1060

(E) The board shall do all of the following: 1061

(1) Have sole authority to coordinate and approve any 1062
improvements, additions, and renovations that are made to the 1063
capitol square. The improvements shall include, but not be limited 1064
to, the placement of monuments and sculpture on the capitol 1065
grounds. 1066

(2) Subject to section 3353.07 of the Revised Code, operate 1067
the capitol square, and have sole authority to regulate all uses 1068
of the capitol square. The uses shall include, but not be limited 1069
to, the casual and recreational use of the capitol square. 1070

(3) Employ, fix the compensation of, and prescribe the duties 1071
of the executive director of the board and other employees the 1072
board considers necessary for the performance of its powers and 1073
duties; 1074

(4) Establish and maintain the capitol collection trust. The 1075
capitol collection trust shall consist of furniture, antiques, and 1076
other items of personal property that the board shall store in 1077
suitable facilities until they are ready to be displayed in the 1078
capitol square. 1079

(5) Perform repair, construction, contracting, purchasing, 1080
maintenance, supervisory, and operating activities the board 1081

determines are necessary for the operation and maintenance of the 1082
capitol square; 1083

(6) Maintain and preserve the capitol square, in accordance 1084
with guidelines issued by the United States secretary of the 1085
interior for application of the secretary's standards for 1086
rehabilitation adopted in 36 C.F.R. part 67; 1087

(7) Plan and develop a center at the capitol building for the 1088
purpose of educating visitors about the history of Ohio, including 1089
its political, economic, and social development and the design and 1090
erection of the capitol building and its grounds. 1091

(F)(1) The board shall lease capital facilities improved or 1092
financed by the Ohio building authority pursuant to Chapter 152. 1093
of the Revised Code for the use of the board, and may enter into 1094
any other agreements with the authority ancillary to improvement, 1095
financing, or leasing of those capital facilities, including, but 1096
not limited to, any agreement required by the applicable bond 1097
proceedings authorized by Chapter 152. of the Revised Code. Any 1098
lease of capital facilities authorized by this section shall be 1099
governed by division (D) of section 152.24 of the Revised Code. 1100

(2) Fees, receipts, and revenues received by the board from 1101
the state underground parking garage constitute available receipts 1102
as defined in section 152.09 of the Revised Code, and may be 1103
pledged to the payment of bond service charges on obligations 1104
issued by the Ohio building authority pursuant to Chapter 152. of 1105
the Revised Code to improve, finance, or purchase capital 1106
facilities useful to the board. The authority may, with the 1107
consent of the board, provide in the bond proceedings for a pledge 1108
of all or a portion of those fees, receipts, and revenues as the 1109
authority determines. The authority may provide in the bond 1110
proceedings or by separate agreement with the board for the 1111
transfer of those fees, receipts, and revenues to the appropriate 1112
bond service fund or bond service reserve fund as required to pay 1113

the bond service charges when due, and any such provision for the 1114
transfer of those fees, receipts, and revenues shall be 1115
controlling notwithstanding any other provision of law pertaining 1116
to those fees, receipts, and revenues. 1117

(3) All moneys received by the treasurer of state on account 1118
of the board and required by the applicable bond proceedings or by 1119
separate agreement with the board to be deposited, transferred, or 1120
credited to the bond service fund or bond service reserve fund 1121
established by the bond proceedings shall be transferred by the 1122
treasurer of state to such fund, whether or not it is in the 1123
custody of the treasurer of state, without necessity for further 1124
appropriation, upon receipt of notice from the Ohio building 1125
authority as prescribed in the bond proceedings. 1126

(G) All fees, receipts, and revenues received by the board 1127
from the state underground parking garage shall be deposited into 1128
the state treasury to the credit of the underground parking garage 1129
operating fund, which is hereby created, to be used for the 1130
purposes specified in division (F) of this section and for the 1131
operation and maintenance of the garage. All investment earnings 1132
of the fund shall be credited to the fund. 1133

(H) All donations received by the board shall be deposited 1134
into the state treasury to the credit of the capitol square 1135
renovation gift fund, which is hereby created. The fund shall be 1136
used by the board as follows: 1137

(1) To provide part or all of the funding related to 1138
construction, goods, or services for the renovation of the capitol 1139
square; 1140

(2) To purchase art, antiques, and artifacts for display at 1141
the capitol square; 1142

(3) To award contracts or make grants to organizations for 1143
educating the public regarding the historical background and 1144

governmental functions of the capitol square. Chapters 125., 127., 1145
and 153. and section 3517.13 of the Revised Code do not apply to 1146
purchases made exclusively from the fund, notwithstanding anything 1147
to the contrary in those chapters or that section. All investment 1148
earnings of the fund shall be credited to the fund. 1149

(I) Except as provided in divisions (G), (H), and (J) of this 1150
section, all fees, receipts, and revenues received by the board 1151
shall be deposited into the state treasury to the credit of the 1152
sale of goods and services fund, which is hereby created. Money 1153
credited to the fund shall be used solely to pay costs of the 1154
board other than those specified in divisions (F) and (G) of this 1155
section. All investment earnings of the fund shall be credited to 1156
the fund. 1157

(J) There is hereby created in the state treasury the capitol 1158
square improvement fund, to be used by the board to pay 1159
construction, renovation, and other costs related to the capitol 1160
square for which money is not otherwise available to the board. 1161
Whenever the board determines that there is a need to incur those 1162
costs and that the unencumbered, unobligated balance to the credit 1163
of the underground parking garage operating fund exceeds the 1164
amount needed for the purposes specified in division (F) of this 1165
section and for the operation and maintenance of the garage, the 1166
board may request the director of budget and management to 1167
transfer from the underground parking garage operating fund to the 1168
capitol square improvement fund the amount needed to pay such 1169
construction, renovation, or other costs. The director then shall 1170
transfer the amount needed from the excess balance of the 1171
underground parking garage operating fund. 1172

(K) As the operation and maintenance of the capitol square 1173
constitute essential government functions of a public purpose, the 1174
board shall not be required to pay taxes or assessments upon the 1175
square, upon any property acquired or used by the board under this 1176

section, or upon any income generated by the operation of the 1177
square. 1178

(L) As used in this section, "capitol square" means the 1179
capitol building, senate building, capitol atrium, capitol 1180
grounds, the state underground parking garage, and the warehouse 1181
owned by the board. 1182

(M) The capitol annex shall be known as the senate building. 1183

Sec. 109.57. (A)(1) The superintendent of the bureau of 1184
criminal identification and investigation shall procure from 1185
wherever procurable and file for record photographs, pictures, 1186
descriptions, fingerprints, measurements, and other information 1187
that may be pertinent of all persons who have been convicted of 1188
committing within this state a felony, any crime constituting a 1189
misdemeanor on the first offense and a felony on subsequent 1190
offenses, or any misdemeanor described in division (A)(1)(a), 1191
(A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of the Revised 1192
Code, of all children under eighteen years of age who have been 1193
adjudicated delinquent children for committing within this state 1194
an act that would be a felony or an offense of violence if 1195
committed by an adult or who have been convicted of or pleaded 1196
guilty to committing within this state a felony or an offense of 1197
violence, and of all well-known and habitual criminals. The person 1198
in charge of any county, multicounty, municipal, municipal-county, 1199
or multicounty-municipal jail or workhouse, community-based 1200
correctional facility, halfway house, alternative residential 1201
facility, or state correctional institution and the person in 1202
charge of any state institution having custody of a person 1203
suspected of having committed a felony, any crime constituting a 1204
misdemeanor on the first offense and a felony on subsequent 1205
offenses, or any misdemeanor described in division (A)(1)(a), 1206
(A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of the Revised 1207

Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence who is not in any other category of child specified in this division, if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a), (A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of

violence if committed by an adult. The clerk of the court of 1241
common pleas shall include in the report and summary the clerk 1242
sends under this division all information described in divisions 1243
(A)(2)(a) to (f) of this section regarding a case before the court 1244
of appeals that is served by that clerk. The summary shall be 1245
written on the standard forms furnished by the superintendent 1246
pursuant to division (B) of this section and shall include the 1247
following information: 1248

(a) The incident tracking number contained on the standard 1249
forms furnished by the superintendent pursuant to division (B) of 1250
this section; 1251

(b) The style and number of the case; 1252

(c) The date of arrest, offense, summons, or arraignment; 1253

(d) The date that the person was convicted of or pleaded 1254
guilty to the offense, adjudicated a delinquent child for 1255
committing the act that would be a felony or an offense of 1256
violence if committed by an adult, found not guilty of the 1257
offense, or found not to be a delinquent child for committing an 1258
act that would be a felony or an offense of violence if committed 1259
by an adult, the date of an entry dismissing the charge, an entry 1260
declaring a mistrial of the offense in which the person is 1261
discharged, an entry finding that the person or child is not 1262
competent to stand trial, or an entry of a nolle prosequi, or the 1263
date of any other determination that constitutes final resolution 1264
of the case; 1265

(e) A statement of the original charge with the section of 1266
the Revised Code that was alleged to be violated; 1267

(f) If the person or child was convicted, pleaded guilty, or 1268
was adjudicated a delinquent child, the sentence or terms of 1269
probation imposed or any other disposition of the offender or the 1270
delinquent child. 1271

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

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the

Revised Code with respect to the registration of persons who are 1304
convicted of or plead guilty to a sexually oriented offense or a 1305
child-victim oriented offense and with respect to all other duties 1306
imposed on the bureau under that chapter. 1307

(5) The bureau shall perform centralized recordkeeping 1308
functions for criminal history records and services in this state 1309
for purposes of the national crime prevention and privacy compact 1310
set forth in section 109.571 of the Revised Code and is the 1311
criminal history record repository as defined in that section for 1312
purposes of that compact. The superintendent or the 1313
superintendent's designee is the compact officer for purposes of 1314
that compact and shall carry out the responsibilities of the 1315
compact officer specified in that compact. 1316

(B) The superintendent shall prepare and furnish to every 1317
county, multicounty, municipal, municipal-county, or 1318
multicounty-municipal jail or workhouse, community-based 1319
correctional facility, halfway house, alternative residential 1320
facility, or state correctional institution and to every clerk of 1321
a court in this state specified in division (A)(2) of this section 1322
standard forms for reporting the information required under 1323
division (A) of this section. The standard forms that the 1324
superintendent prepares pursuant to this division may be in a 1325
tangible format, in an electronic format, or in both tangible 1326
formats and electronic formats. 1327

(C)(1) The superintendent may operate a center for 1328
electronic, automated, or other data processing for the storage 1329
and retrieval of information, data, and statistics pertaining to 1330
criminals and to children under eighteen years of age who are 1331
adjudicated delinquent children for committing an act that would 1332
be a felony or an offense of violence if committed by an adult, 1333
criminal activity, crime prevention, law enforcement, and criminal 1334
justice, and may establish and operate a statewide communications 1335

network to be known as the Ohio law enforcement gateway to gather 1336
and disseminate information, data, and statistics for the use of 1337
law enforcement agencies and for other uses specified in this 1338
division. The superintendent may gather, store, retrieve, and 1339
disseminate information, data, and statistics that pertain to 1340
children who are under eighteen years of age and that are gathered 1341
pursuant to sections 109.57 to 109.61 of the Revised Code together 1342
with information, data, and statistics that pertain to adults and 1343
that are gathered pursuant to those sections. 1344

(2) The superintendent or the superintendent's designee shall 1345
gather information of the nature described in division (C)(1) of 1346
this section that pertains to the offense and delinquency history 1347
of a person who has been convicted of, pleaded guilty to, or been 1348
adjudicated a delinquent child for committing a sexually oriented 1349
offense or a child-victim oriented offense for inclusion in the 1350
state registry of sex offenders and child-victim offenders 1351
maintained pursuant to division (A)(1) of section 2950.13 of the 1352
Revised Code and in the internet database operated pursuant to 1353
division (A)(13) of that section and for possible inclusion in the 1354
internet database operated pursuant to division (A)(11) of that 1355
section. 1356

(3) In addition to any other authorized use of information, 1357
data, and statistics of the nature described in division (C)(1) of 1358
this section, the superintendent or the superintendent's designee 1359
may provide and exchange the information, data, and statistics 1360
pursuant to the national crime prevention and privacy compact as 1361
described in division (A)(5) of this section. 1362

(4) The attorney general may adopt rules under Chapter 119. 1363
of the Revised Code establishing guidelines for the operation of 1364
and participation in the Ohio law enforcement gateway. The rules 1365
may include criteria for granting and restricting access to 1366
information gathered and disseminated through the Ohio law 1367

enforcement gateway. The attorney general shall permit the state 1368
medical board and board of nursing to access and view, but not 1369
alter, information gathered and disseminated through the Ohio law 1370
enforcement gateway. 1371

The attorney general may appoint a steering committee to 1372
advise the attorney general in the operation of the Ohio law 1373
enforcement gateway that is comprised of persons who are 1374
representatives of the criminal justice agencies in this state 1375
that use the Ohio law enforcement gateway and is chaired by the 1376
superintendent or the superintendent's designee. 1377

(D)(1) The following are not public records under section 1378
149.43 of the Revised Code: 1379

(a) Information and materials furnished to the superintendent 1380
pursuant to division (A) of this section; 1381

(b) Information, data, and statistics gathered or 1382
disseminated through the Ohio law enforcement gateway pursuant to 1383
division (C)(1) of this section; 1384

(c) Information and materials furnished to any board or 1385
person under division (F) or (G) of this section. 1386

(2) The superintendent or the superintendent's designee shall 1387
gather and retain information so furnished under division (A) of 1388
this section that pertains to the offense and delinquency history 1389
of a person who has been convicted of, pleaded guilty to, or been 1390
adjudicated a delinquent child for committing a sexually oriented 1391
offense or a child-victim oriented offense for the purposes 1392
described in division (C)(2) of this section. 1393

(E) The attorney general shall adopt rules, in accordance 1394
with Chapter 119. of the Revised Code, setting forth the procedure 1395
by which a person may receive or release information gathered by 1396
the superintendent pursuant to division (A) of this section. A 1397
reasonable fee may be charged for this service. If a temporary 1398

employment service submits a request for a determination of 1399
whether a person the service plans to refer to an employment 1400
position has been convicted of or pleaded guilty to an offense 1401
listed in division (A)(1), ~~(3), (4), (5),~~ or ~~(6)(2)~~ of section 1402
109.572 of the Revised Code or has been convicted of, pleaded 1403
guilty to, or been found eligible for intervention in lieu of 1404
conviction for a disqualifying offense as defined in section 1405
173.394, 3701.881, or 5111.032 of the Revised Code, the request 1406
shall be treated as a single request and only one fee shall be 1407
charged. 1408

(F)(1) As used in division (F)(2) of this section, "head 1409
start agency" means an entity in this state that has been approved 1410
to be an agency for purposes of subchapter II of the "Community 1411
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1412
as amended. 1413

(2)(a) In addition to or in conjunction with any request that 1414
is required to be made under section 109.572, 2151.86, 3301.32, 1415
3301.541, division (C) of section 3310.58, or section 3319.39, 1416
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 1417
~~5126.28, 5126.281,~~ or 5153.111 of the Revised Code or that is made 1418
under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 1419
Revised Code, the board of education of any school district; the 1420
director of developmental disabilities; any county board of 1421
developmental disabilities; any ~~entity under contract with a~~ 1422
~~county board of developmental disabilities~~ provider or 1423
subcontractor as defined in section 5123.081 of the Revised Code; 1424
the chief administrator of any chartered nonpublic school; the 1425
chief administrator of a registered private provider that is not 1426
also a chartered nonpublic school; the chief administrator of any 1427
home health agency; the chief administrator of or person operating 1428
any child day-care center, type A family day-care home, or type B 1429
family day-care home licensed or certified under Chapter 5104. of 1430

the Revised Code; the administrator of any type C family day-care 1431
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1432
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1433
general assembly; the chief administrator of any head start 1434
agency; the executive director of a public children services 1435
agency; a private company described in section 3314.41, 3319.392, 1436
3326.25, or 3328.20 of the Revised Code; or an employer described 1437
in division (J)(2) of section 3327.10 of the Revised Code may 1438
request that the superintendent of the bureau investigate and 1439
determine, with respect to any individual who has applied for 1440
employment in any position after October 2, 1989, or any 1441
individual wishing to apply for employment with a board of 1442
education may request, with regard to the individual, whether the 1443
bureau has any information gathered under division (A) of this 1444
section that pertains to that individual. On receipt of the 1445
request, the superintendent shall determine whether that 1446
information exists and, upon request of the person, board, or 1447
entity requesting information, also shall request from the federal 1448
bureau of investigation any criminal records it has pertaining to 1449
that individual. The superintendent or the superintendent's 1450
designee also may request criminal history records from other 1451
states or the federal government pursuant to the national crime 1452
prevention and privacy compact set forth in section 109.571 of the 1453
Revised Code. Within thirty days of the date that the 1454
superintendent receives a request, the superintendent shall send 1455
to the board, entity, or person a report of any information that 1456
the superintendent determines exists, including information 1457
contained in records that have been sealed under section 2953.32 1458
of the Revised Code, and, within thirty days of its receipt, shall 1459
send the board, entity, or person a report of any information 1460
received from the federal bureau of investigation, other than 1461
information the dissemination of which is prohibited by federal 1462
law. 1463

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

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

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

(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received

from a school district board of education and shall comply with 1496
divisions (F)(2)(a) and (c) of this section. 1497

(5) When a recipient of a classroom reading improvement grant 1498
paid under section 3301.86 of the Revised Code requests, with 1499
respect to any individual who applies to participate in providing 1500
any program or service funded in whole or in part by the grant, 1501
the information that a school district board of education is 1502
authorized to request under division (F)(2)(a) of this section, 1503
the superintendent of the bureau shall proceed as if the request 1504
has been received from a school district board of education under 1505
division (F)(2)(a) of this section. 1506

(G) In addition to or in conjunction with any request that is 1507
required to be made under section 3701.881, 3712.09, 3721.121, or 1508
5119.693, ~~or 5119.85~~ of the Revised Code with respect to an 1509
individual who has applied for employment in a position that 1510
involves providing direct care to an older adult or adult 1511
resident, the chief administrator of a home health agency, hospice 1512
care program, home licensed under Chapter 3721. of the Revised 1513
Code, adult day-care program operated pursuant to rules adopted 1514
under section 3721.04 of the Revised Code, or adult foster home, 1515
~~or adult care facility~~ may request that the superintendent of the 1516
bureau investigate and determine, with respect to any individual 1517
who has applied after January 27, 1997, for employment in a 1518
position that does not involve providing direct care to an older 1519
adult or adult resident, whether the bureau has any information 1520
gathered under division (A) of this section that pertains to that 1521
individual. 1522

In addition to or in conjunction with any request that is 1523
required to be made under section 173.27 of the Revised Code with 1524
respect to an individual who has applied for employment in a 1525
position that involves providing ombudsperson services to 1526
residents of long-term care facilities or recipients of 1527

community-based long-term care services, the state long-term care 1528
ombudsperson, ombudsperson's designee, or director of health may 1529
request that the superintendent investigate and determine, with 1530
respect to any individual who has applied for employment in a 1531
position that does not involve providing such ombudsperson 1532
services, whether the bureau has any information gathered under 1533
division (A) of this section that pertains to that applicant. 1534

In addition to or in conjunction with any request that is 1535
required to be made under section 173.394 of the Revised Code with 1536
respect to an individual who has applied for employment in a 1537
position that involves providing direct care to an individual, the 1538
chief administrator of a community-based long-term care agency may 1539
request that the superintendent investigate and determine, with 1540
respect to any individual who has applied for employment in a 1541
position that does not involve providing direct care, whether the 1542
bureau has any information gathered under division (A) of this 1543
section that pertains to that applicant. 1544

On receipt of a request under this division, the 1545
superintendent shall determine whether that information exists 1546
and, on request of the individual requesting information, shall 1547
also request from the federal bureau of investigation any criminal 1548
records it has pertaining to the applicant. The superintendent or 1549
the superintendent's designee also may request criminal history 1550
records from other states or the federal government pursuant to 1551
the national crime prevention and privacy compact set forth in 1552
section 109.571 of the Revised Code. Within thirty days of the 1553
date a request is received, the superintendent shall send to the 1554
requester a report of any information determined to exist, 1555
including information contained in records that have been sealed 1556
under section 2953.32 of the Revised Code, and, within thirty days 1557
of its receipt, shall send the requester a report of any 1558
information received from the federal bureau of investigation, 1559

other than information the dissemination of which is prohibited by federal law.

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

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

(J) As used in this section:

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

(2) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.

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

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

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1590
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1591
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1592
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1593
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1594
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1595
2925.06, or 3716.11 of the Revised Code, felonious sexual 1596
penetration in violation of former section 2907.12 of the Revised 1597
Code, a violation of section 2905.04 of the Revised Code as it 1598
existed prior to July 1, 1996, a violation of section 2919.23 of 1599
the Revised Code that would have been a violation of section 1600
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1601
had the violation been committed prior to that date, or a 1602
violation of section 2925.11 of the Revised Code that is not a 1603
minor drug possession offense; 1604

(b) A violation of an existing or former law of this state, 1605
any other state, or the United States that is substantially 1606
equivalent to any of the offenses listed in division (A)(1)(a) of 1607
this section. 1608

~~(2) On receipt of a request pursuant to section 5123.081 of 1609
the Revised Code with respect to an applicant for employment in 1610
any position with the department of developmental disabilities, 1611
pursuant to section 5126.28 of the Revised Code with respect to an 1612
applicant for employment in any position with a county board of 1613
developmental disabilities, or pursuant to section 5126.281 of the 1614
Revised Code with respect to an applicant for employment in a 1615
direct services position with an entity contracting with a county 1616
board for employment, a completed form prescribed pursuant to 1617
division (C)(1) of this section, and a set of fingerprint 1618
impressions obtained in the manner described in division (C)(2) of 1619
this section, the superintendent of the bureau of criminal 1620
identification and investigation shall conduct a criminal records 1621~~

~~check. The superintendent shall conduct the criminal records check 1622
in the manner described in division (B) of this section to 1623
determine whether any information exists that indicates that the 1624
person who is the subject of the request has been convicted of or 1625
pleaded guilty to any of the following: 1626~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 1627
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1628
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1629
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1630
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1631
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1632
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1633
2925.03, or 3716.11 of the Revised Code; 1634~~

~~(b) An existing or former municipal ordinance or law of this 1635
state, any other state, or the United States that is substantially 1636
equivalent to any of the offenses listed in division (A)(2)(a) of 1637
this section. 1638~~

~~(3) On receipt of a request pursuant to section 173.27, 1639
173.394, 3712.09, 3721.121, or 5119.693, ~~or 5119.85~~ of the Revised 1640
Code, a completed form prescribed pursuant to division (C)(1) of 1641
this section, and a set of fingerprint impressions obtained in the 1642
manner described in division (C)(2) of this section, the 1643
superintendent of the bureau of criminal identification and 1644
investigation shall conduct a criminal records check with respect 1645
to any person who has applied for employment in a position for 1646
which a criminal records check is required by those sections. The 1647
superintendent shall conduct the criminal records check in the 1648
manner described in division (B) of this section to determine 1649
whether any information exists that indicates that the person who 1650
is the subject of the request previously has been convicted of or 1651
pleaded guilty to any of the following: 1652~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 1653~~

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1654
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1655
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1656
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1657
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1658
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1659
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1660
2925.22, 2925.23, or 3716.11 of the Revised Code; 1661

(b) An existing or former law of this state, any other state, 1662
or the United States that is substantially equivalent to any of 1663
the offenses listed in division (A)~~(3)~~(2)(a) of this section. 1664

~~(4) On receipt of a request pursuant to section 3701.881 of 1665
the Revised Code with respect to an applicant for employment with 1666
a home health agency as a person responsible for the care, 1667
custody, or control of a child, a completed form prescribed 1668
pursuant to division (C)(1) of this section, and a set of 1669
fingerprint impressions obtained in the manner described in 1670
division (C)(2) of this section, the superintendent of the bureau 1671
of criminal identification and investigation shall conduct a 1672
criminal records check. The superintendent shall conduct the 1673
criminal records check in the manner described in division (B) of 1674
this section to determine whether any information exists that 1675
indicates that the person who is the subject of the request 1676
previously has been convicted of or pleaded guilty to any of the 1677
following: 1678~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 1679
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1680
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1681
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1682
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1683
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1684
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1685~~

~~2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;~~

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

~~(5)(3) On receipt of a request pursuant to section 173.27, 173.394, 3701.881, 5111.032, 5111.033, or 5111.034, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for ~~any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction~~;~~

~~(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41,~~

~~2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1718
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 1719
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 1720
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 1721
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 1722
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 1723
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 1724
penetration in violation of former section 2907.12 of the Revised 1725
Code, a violation of section 2905.04 of the Revised Code as it 1726
existed prior to July 1, 1996, a violation of section 2919.23 of 1727
the Revised Code that would have been a violation of section 1728
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1729
had the violation been committed prior to that date;~~ 1730

~~(b) A violation of an existing or former municipal ordinance 1731
or law of this state, any other state, or the United States that 1732
is substantially equivalent to any of the offenses listed in 1733
division (A)(5)(a) of this section a disqualifying offense as 1734
defined in the section of the Revised Code under which the request 1735
is made. 1736~~

~~(6) On receipt of a request pursuant to section 3701.881 of 1737
the Revised Code with respect to an applicant for employment with 1738
a home health agency in a position that involves providing direct 1739
care to an older adult, a completed form prescribed pursuant to 1740
division (C)(1) of this section, and a set of fingerprint 1741
impressions obtained in the manner described in division (C)(2) of 1742
this section, the superintendent of the bureau of criminal 1743
identification and investigation shall conduct a criminal records 1744
check. The superintendent shall conduct the criminal records check 1745
in the manner described in division (B) of this section to 1746
determine whether any information exists that indicates that the 1747
person who is the subject of the request previously has been 1748
convicted of or pleaded guilty to any of the following:~~ 1749

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 1750
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1751
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1752
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1753
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1754
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1755
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1756
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1757
2925.22, 2925.23, or 3716.11 of the Revised Code;~~ 1758

~~(b) An existing or former law of this state, any other state, 1759
or the United States that is substantially equivalent to any of 1760
the offenses listed in division (A)(6)(a) of this section. 1761~~

~~(7)(4)~~ When conducting a criminal records check upon a 1762
request pursuant to section 3319.39 of the Revised Code for an 1763
applicant who is a teacher, in addition to the determination made 1764
under division (A)(1) of this section, the superintendent shall 1765
determine whether any information exists that indicates that the 1766
person who is the subject of the request previously has been 1767
convicted of or pleaded guilty to any offense specified in section 1768
3319.31 of the Revised Code. 1769

~~(8)(5)~~ On receipt of a request pursuant to section 2151.86 of 1770
the Revised Code, a completed form prescribed pursuant to division 1771
(C)(1) of this section, and a set of fingerprint impressions 1772
obtained in the manner described in division (C)(2) of this 1773
section, the superintendent of the bureau of criminal 1774
identification and investigation shall conduct a criminal records 1775
check in the manner described in division (B) of this section to 1776
determine whether any information exists that indicates that the 1777
person who is the subject of the request previously has been 1778
convicted of or pleaded guilty to any of the following: 1779

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1780
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1781

2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1782
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1783
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1784
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1785
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1786
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1787
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1788
of the Revised Code, a violation of section 2905.04 of the Revised 1789
Code as it existed prior to July 1, 1996, a violation of section 1790
2919.23 of the Revised Code that would have been a violation of 1791
section 2905.04 of the Revised Code as it existed prior to July 1, 1792
1996, had the violation been committed prior to that date, a 1793
violation of section 2925.11 of the Revised Code that is not a 1794
minor drug possession offense, two or more OVI or OVUAC violations 1795
committed within the three years immediately preceding the 1796
submission of the application or petition that is the basis of the 1797
request, or felonious sexual penetration in violation of former 1798
section 2907.12 of the Revised Code; 1799

(b) A violation of an existing or former law of this state, 1800
any other state, or the United States that is substantially 1801
equivalent to any of the offenses listed in division (A)~~(8)~~(5)(a) 1802
of this section. 1803

~~(9)~~(6) Upon receipt of a request pursuant to section 5104.012 1804
or 5104.013 of the Revised Code, a completed form prescribed 1805
pursuant to division (C)(1) of this section, and a set of 1806
fingerprint impressions obtained in the manner described in 1807
division (C)(2) of this section, the superintendent of the bureau 1808
of criminal identification and investigation shall conduct a 1809
criminal records check in the manner described in division (B) of 1810
this section to determine whether any information exists that 1811
indicates that the person who is the subject of the request has 1812
been convicted of or pleaded guilty to any of the following: 1813

(a) A violation of section 2903.01, 2903.02, 2903.03, 1814
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 1815
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 1816
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 1817
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1818
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 1819
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1820
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1821
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 1822
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 1823
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1824
3716.11 of the Revised Code, felonious sexual penetration in 1825
violation of former section 2907.12 of the Revised Code, a 1826
violation of section 2905.04 of the Revised Code as it existed 1827
prior to July 1, 1996, a violation of section 2919.23 of the 1828
Revised Code that would have been a violation of section 2905.04 1829
of the Revised Code as it existed prior to July 1, 1996, had the 1830
violation been committed prior to that date, a violation of 1831
section 2925.11 of the Revised Code that is not a minor drug 1832
possession offense, a violation of section 2923.02 or 2923.03 of 1833
the Revised Code that relates to a crime specified in this 1834
division, or a second violation of section 4511.19 of the Revised 1835
Code within five years of the date of application for licensure or 1836
certification. 1837

(b) A violation of an existing or former law of this state, 1838
any other state, or the United States that is substantially 1839
equivalent to any of the offenses or violations described in 1840
division (A)~~(9)~~(6)(a) of this section. 1841

~~(10)~~(7) Upon receipt of a request pursuant to section 1842
5153.111 of the Revised Code, a completed form prescribed pursuant 1843
to division (C)(1) of this section, and a set of fingerprint 1844
impressions obtained in the manner described in division (C)(2) of 1845

this section, the superintendent of the bureau of criminal 1846
identification and investigation shall conduct a criminal records 1847
check in the manner described in division (B) of this section to 1848
determine whether any information exists that indicates that the 1849
person who is the subject of the request previously has been 1850
convicted of or pleaded guilty to any of the following: 1851

(a) A violation of section 2903.01, 2903.02, 2903.03, 1852
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1853
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1854
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1855
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1856
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1857
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1858
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1859
felonious sexual penetration in violation of former section 1860
2907.12 of the Revised Code, a violation of section 2905.04 of the 1861
Revised Code as it existed prior to July 1, 1996, a violation of 1862
section 2919.23 of the Revised Code that would have been a 1863
violation of section 2905.04 of the Revised Code as it existed 1864
prior to July 1, 1996, had the violation been committed prior to 1865
that date, or a violation of section 2925.11 of the Revised Code 1866
that is not a minor drug possession offense; 1867

(b) A violation of an existing or former law of this state, 1868
any other state, or the United States that is substantially 1869
equivalent to any of the offenses listed in division (A)~~(10)~~(7)(a) 1870
of this section. 1871

~~(11)~~(8) On receipt of a request for a criminal records check 1872
from an individual pursuant to section 4749.03 or 4749.06 of the 1873
Revised Code, accompanied by a completed copy of the form 1874
prescribed in division (C)(1) of this section and a set of 1875
fingerprint impressions obtained in a manner described in division 1876
(C)(2) of this section, the superintendent of the bureau of 1877

criminal identification and investigation shall conduct a criminal 1878
records check in the manner described in division (B) of this 1879
section to determine whether any information exists indicating 1880
that the person who is the subject of the request has been 1881
convicted of or pleaded guilty to a felony in this state or in any 1882
other state. If the individual indicates that a firearm will be 1883
carried in the course of business, the superintendent shall 1884
require information from the federal bureau of investigation as 1885
described in division (B)(2) of this section. The superintendent 1886
shall report the findings of the criminal records check and any 1887
information the federal bureau of investigation provides to the 1888
director of public safety. 1889

~~(12)~~(9) On receipt of a request pursuant to section 1321.37, 1890
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1891
Code, a completed form prescribed pursuant to division (C)(1) of 1892
this section, and a set of fingerprint impressions obtained in the 1893
manner described in division (C)(2) of this section, the 1894
superintendent of the bureau of criminal identification and 1895
investigation shall conduct a criminal records check with respect 1896
to any person who has applied for a license, permit, or 1897
certification from the department of commerce or a division in the 1898
department. The superintendent shall conduct the criminal records 1899
check in the manner described in division (B) of this section to 1900
determine whether any information exists that indicates that the 1901
person who is the subject of the request previously has been 1902
convicted of or pleaded guilty to any of the following: a 1903
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 1904
2925.03 of the Revised Code; any other criminal offense involving 1905
theft, receiving stolen property, embezzlement, forgery, fraud, 1906
passing bad checks, money laundering, or drug trafficking, or any 1907
criminal offense involving money or securities, as set forth in 1908
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1909
the Revised Code; or any existing or former law of this state, any 1910

other state, or the United States that is substantially equivalent 1911
to those offenses. 1912

~~(13)~~(10) On receipt of a request for a criminal records check 1913
from the treasurer of state under section 113.041 of the Revised 1914
Code or from an individual under section 4701.08, 4715.101, 1915
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1916
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1917
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1918
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1919
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 1920
a completed form prescribed under division (C)(1) of this section 1921
and a set of fingerprint impressions obtained in the manner 1922
described in division (C)(2) of this section, the superintendent 1923
of the bureau of criminal identification and investigation shall 1924
conduct a criminal records check in the manner described in 1925
division (B) of this section to determine whether any information 1926
exists that indicates that the person who is the subject of the 1927
request has been convicted of or pleaded guilty to any criminal 1928
offense in this state or any other state. The superintendent shall 1929
send the results of a check requested under section 113.041 of the 1930
Revised Code to the treasurer of state and shall send the results 1931
of a check requested under any of the other listed sections to the 1932
licensing board specified by the individual in the request. 1933

~~(14)~~(11) On receipt of a request pursuant to section 1121.23, 1934
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 1935
Code, a completed form prescribed pursuant to division (C)(1) of 1936
this section, and a set of fingerprint impressions obtained in the 1937
manner described in division (C)(2) of this section, the 1938
superintendent of the bureau of criminal identification and 1939
investigation shall conduct a criminal records check in the manner 1940
described in division (B) of this section to determine whether any 1941
information exists that indicates that the person who is the 1942

subject of the request previously has been convicted of or pleaded 1943
guilty to any criminal offense under any existing or former law of 1944
this state, any other state, or the United States. 1945

~~(15)~~(12) On receipt of a request for a criminal records check 1946
from an appointing or licensing authority under section 3772.07 of 1947
the Revised Code, a completed form prescribed under division 1948
(C)(1) of this section, and a set of fingerprint impressions 1949
obtained in the manner prescribed in division (C)(2) of this 1950
section, the superintendent of the bureau of criminal 1951
identification and investigation shall conduct a criminal records 1952
check in the manner described in division (B) of this section to 1953
determine whether any information exists that indicates that the 1954
person who is the subject of the request previously has been 1955
convicted of or pleaded guilty or no contest to any offense under 1956
any existing or former law of this state, any other state, or the 1957
United States that is a disqualifying offense as defined in 1958
section 3772.07 of the Revised Code or substantially equivalent to 1959
such an offense. 1960

~~(16)~~(13) Not later than thirty days after the date the 1961
superintendent receives a request of a type described in division 1962
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), ~~(10)~~, (11), (12), 1963
~~(14)~~, or ~~(15)~~(13) of this section, the completed form, and the 1964
fingerprint impressions, the superintendent shall send the results 1965
of the criminal records check to the person, board, or entity that 1966
made the request ~~any information, other than.~~ The superintendent 1967
shall exclude from the results any information the dissemination 1968
of which is prohibited by federal law, ~~the superintendent~~ 1969
~~determines exists with respect to the person who is the subject of~~ 1970
~~the request that indicates that the person previously has been~~ 1971
~~convicted of or pleaded guilty to any offense listed or described~~ 1972
~~in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10),~~ 1973
~~(11), (12), (14), or (15) of this section, as appropriate. The~~ 1974

superintendent shall send the person, board, or entity that made 1975
the request a copy of the list of offenses ~~specified in division~~ 1976
~~(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12),~~ 1977
~~(14), or (15) of this section, as appropriate for which the~~ 1978
criminal records check was conducted. ~~If the request was made~~ 1979
~~under section 3701.881 of the Revised Code with regard to an~~ 1980
~~applicant who may be both responsible for the care, custody, or~~ 1981
~~control of a child and involved in providing direct care to an~~ 1982
~~elder adult, the superintendent shall provide a list of the~~ 1983
~~offenses specified in divisions (A)(4) and (6) of this section.~~ 1984

Not later than thirty days after the superintendent receives 1985
a request for a criminal records check pursuant to section 113.041 1986
of the Revised Code, the completed form, and the fingerprint 1987
impressions, the superintendent shall send the treasurer of state 1988
any information, other than information the dissemination of which 1989
is prohibited by federal law, the superintendent determines exist 1990
with respect to the person who is the subject of the request that 1991
indicates that the person previously has been convicted of or 1992
pleaded guilty to any criminal offense in this state or any other 1993
state. 1994

(B) The superintendent shall conduct any criminal records 1995
check ~~requested under section 113.041, 121.08, 173.27, 173.394,~~ 1996
~~1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03,~~ 1997
~~1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39,~~ 1998
~~3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 4717.061,~~ 1999
~~4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28,~~ 2000
~~4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296,~~ 2001
~~4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06,~~ 2002
~~4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051,~~ 2003
~~4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013,~~ 2004
~~5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 5123.081,~~ 2005
~~5126.28, 5126.281, or 5153.111 of the Revised Code~~ to be conducted 2006

under this section as follows: 2007

(1) The superintendent shall review or cause to be reviewed 2008
any relevant information gathered and compiled by the bureau under 2009
division (A) of section 109.57 of the Revised Code that relates to 2010
the person who is the subject of the ~~request~~ criminal records 2011
check, including, if the criminal records check was requested 2012
under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 2013
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 2014
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 2015
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 2016
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, ~~5119.85~~, 2017
5123.081, ~~5126.28~~, ~~5126.281~~, 5123.169, or 5153.111 of the Revised 2018
Code, any relevant information contained in records that have been 2019
sealed under section 2953.32 of the Revised Code; 2020

(2) If the request received by the superintendent asks for 2021
information from the federal bureau of investigation, the 2022
superintendent shall request from the federal bureau of 2023
investigation any information it has with respect to the person 2024
who is the subject of the ~~request~~ criminal records check, 2025
including fingerprint-based checks of national crime information 2026
databases as described in 42 U.S.C. 671 if the request is made 2027
pursuant to section 2151.86, 5104.012, or 5104.013 of the Revised 2028
Code or if any other Revised Code section requires 2029
fingerprint-based checks of that nature, and shall review or cause 2030
to be reviewed any information the superintendent receives from 2031
that bureau. If a request under section 3319.39 of the Revised 2032
Code asks only for information from the federal bureau of 2033
investigation, the superintendent shall not conduct the review 2034
prescribed by division (B)(1) of this section. 2035

(3) The superintendent or the superintendent's designee may 2036
request criminal history records from other states or the federal 2037
government pursuant to the national crime prevention and privacy 2038

compact set forth in section 109.571 of the Revised Code. 2039

(C)(1) The superintendent shall prescribe a form to obtain 2040
the information necessary to conduct a criminal records check from 2041
any person for whom a criminal records check is ~~requested under~~ 2042
~~section 113.041 of the Revised Code or required by section 121.08,~~ 2043
~~173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53,~~ 2044
~~1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32,~~ 2045
~~3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08,~~ 2046
~~4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101,~~ 2047
~~4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281,~~ 2048
~~4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10,~~ 2049
~~4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06,~~ 2050
~~4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012,~~ 2051
~~5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85,~~ 2052
~~5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code to be~~ 2053
conducted under this section. The form that the superintendent 2054
prescribes pursuant to this division may be in a tangible format, 2055
in an electronic format, or in both tangible and electronic 2056
formats. 2057

(2) The superintendent shall prescribe standard impression 2058
sheets to obtain the fingerprint impressions of any person for 2059
whom a criminal records check is ~~requested under section 113.041~~ 2060
~~of the Revised Code or required by section 121.08, 173.27,~~ 2061
~~173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531,~~ 2062
~~1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541,~~ 2063
~~3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101,~~ 2064
~~4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14,~~ 2065
~~4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281,~~ 2066
~~4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10,~~ 2067
~~4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06,~~ 2068
~~4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012,~~ 2069
~~5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85,~~ 2070

~~5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code to be~~ 2071
~~conducted under this section.~~ Any person for whom a records check 2072
is ~~requested under or required by any of those sections to be~~ 2073
~~conducted under this section~~ shall obtain the fingerprint 2074
impressions at a county sheriff's office, municipal police 2075
department, or any other entity with the ability to make 2076
fingerprint impressions on the standard impression sheets 2077
prescribed by the superintendent. The office, department, or 2078
entity may charge the person a reasonable fee for making the 2079
impressions. The standard impression sheets the superintendent 2080
prescribes pursuant to this division may be in a tangible format, 2081
in an electronic format, or in both tangible and electronic 2082
formats. 2083

(3) Subject to division (D) of this section, the 2084
superintendent shall prescribe and charge a reasonable fee for 2085
providing a criminal records check ~~requested under section~~ 2086
~~113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05,~~ 2087
~~1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26,~~ 2088
~~2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121,~~ 2089
~~3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501,~~ 2090
~~4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171,~~ 2091
~~4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202,~~ 2092
~~4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061,~~ 2093
~~4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091,~~ 2094
~~5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693,~~ 2095
~~5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised~~ 2096
~~Code under this section.~~ The person ~~making a~~ requesting the 2097
criminal records ~~request under any of those sections~~ check shall 2098
pay the fee prescribed pursuant to this division. ~~A person making~~ 2099
~~a request under section 3701.881 of the Revised Code for a~~ 2100
~~criminal records check for an applicant who may be both~~ 2101
~~responsible for the care, custody, or control of a child and~~ 2102
~~involved in providing direct care to an older adult shall pay one~~ 2103

~~fee for the request.~~ In the case of a request under section 2104
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 2105
of the Revised Code, the fee shall be paid in the manner specified 2106
in that section. 2107

(4) The superintendent of the bureau of criminal 2108
identification and investigation may prescribe methods of 2109
forwarding fingerprint impressions and information necessary to 2110
conduct a criminal records check, which methods shall include, but 2111
not be limited to, an electronic method. 2112

(D) ~~A determination whether any information exists that~~ 2113
~~indicates that a person previously has been convicted of or~~ 2114
~~pleaded guilty to any offense listed or described in division~~ 2115
~~(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or~~ 2116
~~(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b),~~ 2117
~~(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15)~~ 2118
~~of this section, or that indicates that a person previously has~~ 2119
~~been convicted of or pleaded guilty to any criminal offense in~~ 2120
~~this state or any other state regarding a criminal records check~~ 2121
~~of a type described in division (A)(13) of this section, and that~~ 2122
~~is made by the superintendent with respect to information~~ 2123
~~considered in The results of a criminal records check in~~ 2124
~~accordance with conducted under this section is, other than a~~ 2125
~~criminal records check specified in division (A)(8) of this~~ 2126
~~section, are valid for the person who is the subject of the~~ 2127
criminal records check for a period of one year from the date upon 2128
which the superintendent ~~makes the determination~~ completes the 2129
criminal records check. ~~During the~~ If during that period in which 2130
~~the determination in regard to a person is valid, if the~~ 2131
superintendent receives another request ~~under this section is made~~ 2132
for a criminal records check to be conducted under this section 2133
for that person, the superintendent shall provide the ~~information~~ 2134
~~that is the basis for the superintendent's initial determination~~ 2135

results from the previous criminal records check of the person at 2136
a lower fee than the fee prescribed for the initial criminal 2137
records check. 2138

(E) When the superintendent receives a request for 2139
information from a registered private provider, the superintendent 2140
shall proceed as if the request was received from a school 2141
district board of education under section 3319.39 of the Revised 2142
Code. The superintendent shall apply division (A)~~(7)~~(4) of this 2143
section to any such request for an applicant who is a teacher. 2144

(F) As used in this section: 2145

(1) "Criminal records check" means any criminal records check 2146
conducted by the superintendent of the bureau of criminal 2147
identification and investigation in accordance with division (B) 2148
of this section. 2149

(2) "Minor drug possession offense" has the same meaning as 2150
in section 2925.01 of the Revised Code. 2151

~~(3) "Older adult" means a person age sixty or older.~~ 2152

~~(4)~~ "OVI or OVUAC violation" means a violation of section 2153
4511.19 of the Revised Code or a violation of an existing or 2154
former law of this state, any other state, or the United States 2155
that is substantially equivalent to section 4511.19 of the Revised 2156
Code. 2157

~~(5)~~(4) "Registered private provider" means a nonpublic school 2158
or entity registered with the superintendent of public instruction 2159
under section 3310.41 of the Revised Code to participate in the 2160
autism scholarship program or section 3310.58 of the Revised Code 2161
to participate in the Jon Peterson special needs scholarship 2162
program. 2163

Sec. 109.803. (A)(1) Subject to division (A)(2) of this 2164
section, every appointing authority shall require each of its 2165

appointed peace officers and troopers to complete ~~up to~~ 2166
~~twenty four~~ four hours of continuing professional training each 2167
calendar year, ~~as directed by the Ohio peace officer training~~ 2168
~~commission. The number of hours directed by the commission, up to~~ 2169
~~twenty four hours, is intended to be a minimum requirement, and~~ 2170
~~appointing authorities are encouraged to exceed the number of~~ 2171
~~hours the commission directs as the minimum. The commission shall~~ 2172
~~set the required minimum number of hours based upon available~~ 2173
~~funding for reimbursement as described in this division. If no~~ 2174
~~funding for the reimbursement is available, no continuing~~ 2175
~~professional training will be required.~~ 2176

(2) An appointing authority may submit a written request to 2177
the peace officer training commission that requests for a calendar 2178
year because of emergency circumstances an extension of the time 2179
within which one or more of its appointed peace officers or 2180
troopers must complete the required ~~minimum number of~~ four hours 2181
of continuing professional training ~~set by the commission, as~~ 2182
~~described in division (A)(1) of this section.~~ A request made under 2183
this division shall set forth the name of each of the appointing 2184
authority's peace officers or troopers for whom an extension is 2185
requested, identify the emergency circumstances related to that 2186
peace officer or trooper, include documentation of those emergency 2187
circumstances, and set forth the date on which the request is 2188
submitted to the commission. A request shall be made under this 2189
division not later than the fifteenth day of December in the 2190
calendar year for which the extension is requested. 2191

Upon receipt of a written request made under this division, 2192
the executive director of the commission shall review the request 2193
and the submitted documentation. If the executive director of the 2194
commission is satisfied that emergency circumstances exist for any 2195
peace officer or trooper for whom a request was made under this 2196
division, the executive director may approve the request for that 2197

peace officer or trooper and grant an extension of the time within 2198
which that peace officer or trooper must complete the required 2199
~~minimum number of~~ four hours of continuing professional training 2200
~~set by the commission~~. An extension granted under this division 2201
may be for any period of time the executive director believes to 2202
be appropriate, and the executive director shall specify in the 2203
notice granting the extension the date on which the extension 2204
ends. Not later than thirty days after the date on which a request 2205
is submitted to the commission, for each peace officer and trooper 2206
for whom an extension is requested, the executive director either 2207
shall approve the request and grant an extension or deny the 2208
request and deny an extension and shall send to the appointing 2209
authority that submitted the request written notice of the 2210
executive director's decision. 2211

If the executive director grants an extension of the time 2212
within which a particular appointed peace officer or trooper of an 2213
appointing authority must complete the required ~~minimum number of~~ 2214
four hours of continuing professional training ~~set by the~~ 2215
~~commission~~, the appointing authority shall require that peace 2216
officer or trooper to complete the required ~~minimum number of~~ 2217
hours of training not later than the date on which the extension 2218
ends. 2219

(B) With the advice of the Ohio peace officer training 2220
commission, the attorney general shall adopt in accordance with 2221
Chapter 119. of the Revised Code rules setting forth minimum 2222
standards for continuing professional training for peace officers 2223
and troopers and governing the administration of continuing 2224
professional training programs for peace officers and troopers. 2225
The attorney general shall transmit a certified copy of any rule 2226
adopted under this section to the secretary of state. 2227

(C) Every appointing authority shall submit documentation to 2228
the Ohio peace officer training commission indicating its peace 2229

officers' or troopers' compliance with this section together with 2230
the roster that is required to be submitted under section 109.761 2231
of the Revised Code. 2232

(D) As used in this section: 2233

(1) "Peace officer" has the same meaning as in section 109.71 2234
of the Revised Code. 2235

(2) "Trooper" means an individual appointed as a state 2236
highway patrol trooper under section 5503.01 of the Revised Code. 2237

(3) "Appointing authority" means any agency or entity that 2238
appoints a peace officer or trooper. 2239

Sec. 118.023. (A) Upon determining that one or more of the 2240
conditions described in section 118.022 of the Revised Code are 2241
present, the auditor of state shall issue a written declaration of 2242
the existence of a fiscal watch to the municipal corporation, 2243
county, or township and the county budget commission. The fiscal 2244
watch shall be in effect until the auditor of state determines 2245
that none of the conditions are any longer present and cancels the 2246
watch, or until the auditor of state determines that a state of 2247
fiscal emergency exists. The auditor of state, or a designee, 2248
shall provide such technical and support services to the municipal 2249
corporation, county, or township after a fiscal watch has been 2250
declared to exist as the auditor of state considers necessary. 2251

(B) Within one hundred twenty days after the day a written 2252
declaration of the existence of a fiscal watch is issued under 2253
division (A) of this section, the mayor of the municipal 2254
corporation, the board of county commissioners of the county, or 2255
the board of township trustees of the township for which a fiscal 2256
watch was declared shall submit to the auditor of state a 2257
financial recovery plan that shall identify actions to be taken, 2258
including entering into shared services agreements with other 2259

political subdivisions for the joint exercise of any power, 2260
performance of any function, or rendering of any service, if so 2261
authorized by statute, to eliminate all of the conditions 2262
described in section 118.022 of the Revised Code, and shall 2263
include a schedule detailing the approximate dates for beginning 2264
and completing the actions, ~~and include~~ a five-year forecast 2265
reflecting the effects of the actions. The financial recovery plan 2266
is subject to review and approval by the auditor of state. The 2267
auditor of state may extend the amount of time by which a 2268
financial recovery plan is required to be filed, for good cause 2269
shown. 2270

(C) If a feasible financial recovery plan for a municipal 2271
corporation, county, or township for which a fiscal watch was 2272
declared is not submitted within the time period prescribed by 2273
division (B) of this section, or within any extension of time 2274
thereof, the auditor of state shall declare that a fiscal 2275
emergency condition exists under section 118.04 of the Revised 2276
Code in the municipal corporation, county, or township. 2277

Sec. 118.06. (A) Within one hundred twenty days after the 2278
first meeting of the commission, the mayor of the municipal 2279
corporation or the board of county commissioners or board of 2280
township trustees shall submit to the commission a detailed 2281
financial plan, as approved or amended and approved by ordinance 2282
or resolution of the legislative authority, containing the 2283
following: 2284

(1) Actions to be taken by the municipal corporation, county, 2285
or township to: 2286

(a) Eliminate all fiscal emergency conditions determined to 2287
exist pursuant to section 118.04 of the Revised Code; 2288

(b) Satisfy any judgments, past due accounts payable, and all 2289
past due and payable payroll and fringe benefits; 2290

(c) Eliminate the deficits in all deficit funds;	2291
(d) Restore to construction funds and other special funds moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such construction funds by the purchase of debt obligations of the municipal corporation, county, or township with the moneys of such funds, or missing from the construction funds or such special funds and not accounted for;	2292 2293 2294 2295 2296 2297 2298
(e) Balance the budgets, avoid future deficits in any funds, and maintain current payments of payroll, fringe benefits, and all accounts;	2299 2300 2301
(f) Avoid any fiscal emergency condition in the future;	2302
(g) Restore the ability of the municipal corporation, county, or township to market long-term general obligation bonds under provisions of law applicable to municipal corporations, counties, or townships generally;	2303 2304 2305 2306
<u>(h) Enter into shared services agreements with other political subdivisions for the joint exercise of any power, performance of any function, or rendering of any service, if so authorized by statute.</u>	2307 2308 2309 2310
(2) The legal authorities permitting the municipal corporation, county, or township to take the actions enumerated pursuant to division (A)(1) of this section;	2311 2312 2313
(3) The approximate dates of the commencement, progress upon, and completion of the actions enumerated pursuant to division (A)(1) of this section, a five-year forecast reflecting the effects of those actions, and a reasonable period of time expected to be required to implement the plan. The municipal corporation, county, or township, in consultation with the commission and the financial supervisor, shall prepare a reasonable time schedule for progress toward and achievement of the requirements for the	2314 2315 2316 2317 2318 2319 2320 2321

financial plan and the financial plan shall be consistent with 2322
that time schedule. 2323

(4) The amount and purpose of any issue of debt obligations 2324
that will be issued, together with assurances that any such debt 2325
obligations that will be issued will not exceed debt limits 2326
supported by appropriate certifications by the fiscal officer of 2327
the municipal corporation, county, or township and the county 2328
auditor; 2329

(5) Assurances that the municipal corporation, county, or 2330
township will establish monthly levels of expenditures and 2331
encumbrances pursuant to division (B)(2) of section 118.07 of the 2332
Revised Code; 2333

(6) Assurances that the municipal corporation, county, or 2334
township will conform to statutes with respect to tax budgets and 2335
appropriation measures; 2336

(7) The detail, the form, and the supporting information that 2337
the commission may direct. 2338

(B) The financial plan developed pursuant to division (A) of 2339
this section shall be filed with the financial supervisor and the 2340
financial planning and supervision commission and shall be updated 2341
annually. After consultation with the financial supervisor, the 2342
commission shall either approve or reject any initial or 2343
subsequent financial plan. If the commission rejects the initial 2344
or any subsequent financial plan, it shall forthwith inform the 2345
mayor and legislative authority of the municipal corporation or 2346
the board of county commissioners or board of township trustees of 2347
the reasons for its rejection. Within thirty days after the 2348
rejection of any plan, the mayor with the approval of the 2349
legislative authority by the passage of an ordinance or 2350
resolution, or the board of county commissioners or board of 2351
township trustees, shall submit another plan meeting the 2352

requirements of divisions (A)(1) to (7) of this section, to the 2353
commission and the financial supervisor for approval or rejection 2354
by the commission. 2355

(C) Any initial or subsequent financial plan passed by the 2356
municipal corporation, county, or township shall be approved by 2357
the commission if it complies with divisions (A)(1) to (7) of this 2358
section, and if the commission finds that the plan is bona fide 2359
and can reasonably be expected to be implemented within the period 2360
specified in the plan. 2361

(D) Any financial plan may be amended subsequent to its 2362
adoption in the same manner as the passage and approval of the 2363
initial or subsequent plan pursuant to divisions (A) to (C) of 2364
this section. 2365

(E) If a municipal corporation, county, or township fails to 2366
submit a financial plan as required by this section, or fails to 2367
substantially comply with an approved financial plan, upon 2368
certification of the commission, all state funding for that 2369
municipal corporation, county, or township other than benefit 2370
assistance to individuals shall be escrowed until a feasible plan 2371
is submitted and approved or substantial compliance with the plan 2372
is achieved, as the case may be. 2373

Sec. 120.08. There is hereby created in the state treasury 2374
the indigent defense support fund, consisting of money paid into 2375
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 2376
4511.19 of the Revised Code and pursuant to sections 2937.22, 2377
2949.091, and 2949.094 of the Revised Code out of the additional 2378
court costs imposed under those sections. The state public 2379
defender shall use at least ~~ninety~~ eighty-eight per cent of the 2380
money in the fund for the ~~purpose~~ purposes of reimbursing county 2381
governments for expenses incurred pursuant to sections 120.18, 2382
120.28, and 120.33 of the Revised Code and operating its system 2383

pursuant to division (C)(7) of section 120.04 of the Revised Code 2384
and division (B) of section 120.33 of the Revised Code. 2385
Disbursements from the fund to county governments shall be made at 2386
least once per year and shall be allocated proportionately so that 2387
each county receives an equal percentage of its total cost for 2388
operating its county public defender system, its joint county 2389
public defender system, its county appointed counsel system, or 2390
its system operated under division (C)(7) of section 120.04 of the 2391
Revised Code and division (B) of section 120.33 of the Revised 2392
Code. The state public defender may use not more than ~~ten~~ twelve 2393
per cent of the money in the fund for the purposes of appointing 2394
assistant state public defenders ~~or for~~, providing other 2395
personnel, equipment, and facilities necessary for the operation 2396
of the state public defender office, and providing training, 2397
developing and implementing electronic forms, or establishing and 2398
maintaining an information technology system used for the uniform 2399
operation of this chapter. 2400

Sec. 120.53. (A) A legal aid society that operates within the 2401
state may apply to the Ohio legal assistance foundation for 2402
financial assistance from the legal aid fund established by 2403
section 120.52 of the Revised Code to be used for the funding of 2404
the society during the calendar year following the calendar year 2405
in which application is made. 2406

(B) An application for financial assistance made under 2407
division (A) of this section shall be submitted by the first day 2408
of November of the calendar year preceding the calendar year for 2409
which financial assistance is desired and shall include all of the 2410
following: 2411

(1) Evidence that the applicant is incorporated in this state 2412
as a nonprofit corporation; 2413

(2) A list of the trustees of the applicant;	2414
(3) The proposed budget of the applicant for these funds for the following calendar year;	2415 2416
(4) A summary of the services to be offered by the applicant in the following calendar year;	2417 2418
(5) A specific description of the territory or constituency served by the applicant;	2419 2420
(6) An estimate of the number of persons to be served by the applicant during the following calendar year;	2421 2422
(7) A general description of the additional sources of the applicant's funding;	2423 2424
(8) The amount of the applicant's total budget for the calendar year in which the application is filed that it will expend in that calendar year for legal services in each of the counties it serves;	2425 2426 2427 2428
(9) A specific description of any services, programs, training, and legal technical assistance to be delivered by the applicant or by another person pursuant to a contract with the applicant, including, but not limited to, by private attorneys or through reduced fee plans, judicare panels, organized pro bono programs, and mediation programs.	2429 2430 2431 2432 2433 2434
(C) The Ohio legal assistance foundation shall determine whether each applicant that filed an application for financial assistance under division (A) of this section in a calendar year is eligible for financial assistance under this section. To be eligible for such financial assistance, an applicant shall satisfy the criteria for being a legal aid society and shall be in compliance with the provisions of sections 120.51 to 120.55 of the Revised Code and with the rules and requirements the foundation establishes pursuant to section 120.52 of the Revised Code. The	2435 2436 2437 2438 2439 2440 2441 2442 2443

Ohio legal assistance foundation then, on or before the fifteenth 2444
day of December of the calendar year in which the application is 2445
filed, shall notify each such applicant, in writing, whether it is 2446
eligible for financial assistance under this section, and if it is 2447
eligible, estimate the amount that will be available for that 2448
applicant for each six-month distribution period, as determined 2449
under division (D) of this section. 2450

(D) The Ohio legal assistance foundation shall allocate 2451
moneys contained in the legal aid fund monthly for distribution to 2452
applicants that filed their applications in the previous calendar 2453
year and are determined to be eligible applicants. 2454

All moneys contained in the fund on the first day of each 2455
month shall be allocated, after deduction of the costs of 2456
administering sections 120.51 to 120.55 and sections 1901.26, 2457
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 2458
Code that are authorized by section 120.52 of the Revised Code, 2459
according to this section and shall be distributed accordingly not 2460
later than the last day of the month following the month the 2461
moneys were received. In making the allocations under this 2462
section, the moneys in the fund that were generated pursuant to 2463
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 2464
4705.10 of the Revised Code shall be apportioned as follows: 2465

(1) After deduction of the amount authorized and used for 2466
actual, reasonable administrative costs under section 120.52 of 2467
the Revised Code: 2468

(a) Five per cent of the moneys remaining in the fund shall 2469
be reserved for use in the manner described in division (A) of 2470
section 120.521 of the Revised Code or for distribution to legal 2471
aid societies that provide assistance to special population groups 2472
of their eligible clients, engage in special projects that have a 2473
substantial impact on their local service area or on significant 2474
segments of the state's poverty population, or provide legal 2475

training or support to other legal aid societies in the state; 2476

(b) After deduction of the amount described in division 2477
(D)(1)(a) of this section, one and three-quarters per cent of the 2478
moneys remaining in the fund shall be apportioned among entities 2479
that received financial assistance from the legal aid fund prior 2480
to ~~the effective date of this amendment~~ July 1, 1993, but that, on 2481
and after ~~the effective date of this amendment~~ July 1, 1993, no 2482
longer qualify as a legal aid society that is eligible for 2483
financial assistance under this section. 2484

(c) After deduction of the amounts described in divisions 2485
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 2486
remaining in the fund shall be placed in the legal assistance 2487
foundation fund for use in the manner described in division (A) of 2488
section 120.521 of the Revised Code. 2489

(2) After deduction of the actual, reasonable administrative 2490
costs under section 120.52 of the Revised Code and after deduction 2491
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 2492
this section, the remaining moneys shall be apportioned among the 2493
counties that are served by eligible legal aid societies that have 2494
applied for financial assistance under this section so that each 2495
such county is apportioned a portion of those moneys, based upon 2496
the ratio of the number of indigents who reside in that county to 2497
the total number of indigents who reside in all counties of this 2498
state that are served by eligible legal aid societies that have 2499
applied for financial assistance under this section. Subject to 2500
division (E) of this section, the moneys apportioned to a county 2501
under this division then shall be allocated to the eligible legal 2502
aid society that serves the county and that has applied for 2503
financial assistance under this section. For purposes of this 2504
division, the source of data identifying the number of indigent 2505
persons who reside in a county shall be ~~the most recent decennial~~ 2506
census selected by the Ohio legal assistance foundation from the 2507

best available figures ~~from~~ maintained by the United States 2508
~~department of commerce, division of~~ census bureau. 2509

(E) If the Ohio legal assistance foundation, in attempting to 2510
make an allocation of moneys under division (D)(2) of this 2511
section, determines that a county that has been apportioned money 2512
under that division is served by more than one eligible legal aid 2513
society that has applied for financial assistance under this 2514
section, the Ohio legal assistance foundation shall allocate the 2515
moneys that have been apportioned to that county under division 2516
(D)(2) of this section among all eligible legal aid societies that 2517
serve that county and that have applied for financial assistance 2518
under this section on a pro rata basis, so that each such eligible 2519
society is allocated a portion based upon the amount of its total 2520
budget expended in the prior calendar year for legal services in 2521
that county as compared to the total amount expended in the prior 2522
calendar year for legal services in that county by all eligible 2523
legal aid societies that serve that county and that have applied 2524
for financial assistance under this section. 2525

(F) Moneys allocated to eligible applicants under this 2526
section shall be paid monthly beginning the calendar year 2527
following the calendar year in which the application is filed. 2528

(G)(1) A legal aid society that receives financial assistance 2529
in any calendar year under this section shall file an annual 2530
report with the Ohio legal assistance foundation detailing the 2531
number and types of cases handled, and the amount and types of 2532
legal training, legal technical assistance, and other service 2533
provided, by means of that financial assistance. No information 2534
contained in the report shall identify or enable the 2535
identification of any person served by the legal aid society or in 2536
any way breach client confidentiality. 2537

(2) The Ohio legal assistance foundation shall make an annual 2538
report to the governor, the general assembly, and the supreme 2539

court on the distribution and use of the legal aid fund. The 2540
foundation also shall include in the annual report an audited 2541
financial statement of all gifts, bequests, donations, 2542
contributions, and other moneys the foundation receives. No 2543
information contained in the report shall identify or enable the 2544
identification of any person served by a legal aid society, or in 2545
any way breach confidentiality. 2546

(H) A legal aid society may enter into agreements for the 2547
provision of services, programs, training, or legal technical 2548
assistance for the legal aid society or to indigent persons. 2549

Sec. 121.04. Offices are created within the several 2550
departments as follows: 2551

In the department of commerce: 2552

Commissioner of securities; 2553

Superintendent of real estate and professional 2554

licensing;

Superintendent of financial institutions; 2555

State fire marshal; 2556

Superintendent of ~~labor~~ industrial compliance; 2557

Superintendent of liquor control; 2558

Superintendent of unclaimed funds. 2559

In the department of administrative services: 2560

~~State architect and engineer;~~ 2561

Equal employment opportunity coordinator. 2562

In the department of agriculture: 2563

Chiefs of divisions as follows: 2564

Administration; 2565

Animal health; 2566

Livestock environmental permitting; 2567

Dairy; 2568

Food safety;	2569
Plant health;	2570
Markets;	2571
Meat inspection;	2572
Consumer protection laboratory;	2573
Amusement ride safety;	2574
Enforcement;	2575
Weights and measures.	2576
In the department of natural resources:	2577
Chiefs of divisions as follows:	2578
Mineral resources management;	2579
Oil and gas resources management;	2580
Forestry;	2581
Natural areas and preserves;	2582
Wildlife;	2583
Geological survey;	2584
Parks and recreation;	2585
Watercraft;	2586
Recycling and litter prevention;	2587
Soil and water resources;	2588
Engineering.	2589
In the department of insurance:	2590
Deputy superintendent of insurance;	2591
Assistant superintendent of insurance, technical;	2592
Assistant superintendent of insurance, administrative;	2593
Assistant superintendent of insurance, research.	2594
Sec. 121.08. (A) There is hereby created in the department of	2595
commerce the position of deputy director of administration. This	2596
officer shall be appointed by the director of commerce, serve	2597
under the director's direction, supervision, and control, perform	2598
the duties the director prescribes, and hold office during the	2599

director's pleasure. The director of commerce may designate an 2600
assistant director of commerce to serve as the deputy director of 2601
administration. The deputy director of administration shall 2602
perform the duties prescribed by the director of commerce in 2603
supervising the activities of the division of administration of 2604
the department of commerce. 2605

(B) Except as provided in section 121.07 of the Revised Code, 2606
the department of commerce shall have all powers and perform all 2607
duties vested in the deputy director of administration, the state 2608
fire marshal, the superintendent of financial institutions, the 2609
superintendent of real estate and professional licensing, the 2610
superintendent of liquor control, the superintendent of ~~labor~~ 2611
industrial compliance, the superintendent of unclaimed funds, and 2612
the commissioner of securities, and shall have all powers and 2613
perform all duties vested by law in all officers, deputies, and 2614
employees of those offices. Except as provided in section 121.07 2615
of the Revised Code, wherever powers are conferred or duties 2616
imposed upon any of those officers, the powers and duties shall be 2617
construed as vested in the department of commerce. 2618

(C)(1) There is hereby created in the department of commerce 2619
a division of financial institutions, which shall have all powers 2620
and perform all duties vested by law in the superintendent of 2621
financial institutions. Wherever powers are conferred or duties 2622
imposed upon the superintendent of financial institutions, those 2623
powers and duties shall be construed as vested in the division of 2624
financial institutions. The division of financial institutions 2625
shall be administered by the superintendent of financial 2626
institutions. 2627

(2) All provisions of law governing the superintendent of 2628
financial institutions shall apply to and govern the 2629
superintendent of financial institutions provided for in this 2630
section; all authority vested by law in the superintendent of 2631

financial institutions with respect to the management of the 2632
division of financial institutions shall be construed as vested in 2633
the superintendent of financial institutions created by this 2634
section with respect to the division of financial institutions 2635
provided for in this section; and all rights, privileges, and 2636
emoluments conferred by law upon the superintendent of financial 2637
institutions shall be construed as conferred upon the 2638
superintendent of financial institutions as head of the division 2639
of financial institutions. The director of commerce shall not 2640
transfer from the division of financial institutions any of the 2641
functions specified in division (C)(2) of this section. 2642

(D) There is hereby created in the department of commerce a 2643
division of liquor control, which shall have all powers and 2644
perform all duties vested by law in the superintendent of liquor 2645
control. Wherever powers are conferred or duties are imposed upon 2646
the superintendent of liquor control, those powers and duties 2647
shall be construed as vested in the division of liquor control. 2648
The division of liquor control shall be administered by the 2649
superintendent of liquor control. 2650

(E) The director of commerce shall not be interested, 2651
directly or indirectly, in any firm or corporation which is a 2652
dealer in securities as defined in sections 1707.01 and 1707.14 of 2653
the Revised Code, or in any firm or corporation licensed under 2654
sections 1321.01 to 1321.19 of the Revised Code. 2655

(F) The director of commerce shall not have any official 2656
connection with a savings and loan association, a savings bank, a 2657
bank, a bank holding company, a savings and loan association 2658
holding company, a consumer finance company, or a credit union 2659
that is under the supervision of the division of financial 2660
institutions, or a subsidiary of any of the preceding entities, or 2661
be interested in the business thereof. 2662

(G) There is hereby created in the state treasury the 2663

division of administration fund. The fund shall receive 2664
assessments on the operating funds of the department of commerce 2665
in accordance with procedures prescribed by the director of 2666
commerce and approved by the director of budget and management. 2667
All operating expenses of the division of administration shall be 2668
paid from the division of administration fund. 2669

(H) There is hereby created in the department of commerce a 2670
division of real estate and professional licensing, which shall be 2671
under the control and supervision of the director of commerce. The 2672
division of real estate and professional licensing shall be 2673
administered by the superintendent of real estate and professional 2674
licensing. The superintendent of real estate and professional 2675
licensing shall exercise the powers and perform the functions and 2676
duties delegated to the superintendent under Chapters 4735., 2677
4763., and 4767. of the Revised Code. 2678

(I) There is hereby created in the department of commerce a 2679
division of ~~labor~~ industrial compliance, which shall have all 2680
powers and perform all duties vested by law in the superintendent 2681
of ~~labor~~ industrial compliance. Wherever powers are conferred or 2682
duties imposed upon the superintendent of ~~labor~~ industrial 2683
compliance, those powers and duties shall be construed as vested 2684
in the division of ~~labor~~ industrial compliance. The division of 2685
~~labor~~ industrial compliance shall be under the control and 2686
supervision of the director of commerce and be administered by the 2687
superintendent of ~~labor~~ industrial compliance. 2688

(J) There is hereby created in the department of commerce a 2689
division of unclaimed funds, which shall have all powers and 2690
perform all duties delegated to or vested by law in the 2691
superintendent of unclaimed funds. Wherever powers are conferred 2692
or duties imposed upon the superintendent of unclaimed funds, 2693
those powers and duties shall be construed as vested in the 2694
division of unclaimed funds. The division of unclaimed funds shall 2695

be under the control and supervision of the director of commerce 2696
and shall be administered by the superintendent of unclaimed 2697
funds. The superintendent of unclaimed funds shall exercise the 2698
powers and perform the functions and duties delegated to the 2699
superintendent by the director of commerce under section 121.07 2700
and Chapter 169. of the Revised Code, and as may otherwise be 2701
provided by law. 2702

(K) The department of commerce or a division of the 2703
department created by the Revised Code that is acting with 2704
authorization on the department's behalf may request from the 2705
bureau of criminal identification and investigation pursuant to 2706
section 109.572 of the Revised Code, or coordinate with 2707
appropriate federal, state, and local government agencies to 2708
accomplish, criminal records checks for the persons whose 2709
identities are required to be disclosed by an applicant for the 2710
issuance or transfer of a permit, license, certificate of 2711
registration, or certification issued or transferred by the 2712
department or division. At or before the time of making a request 2713
for a criminal records check, the department or division may 2714
require any person whose identity is required to be disclosed by 2715
an applicant for the issuance or transfer of such a license, 2716
permit, certificate of registration, or certification to submit to 2717
the department or division valid fingerprint impressions in a 2718
format and by any media or means acceptable to the bureau of 2719
criminal identification and investigation and, when applicable, 2720
the federal bureau of investigation. The department or division 2721
may cause the bureau of criminal identification and investigation 2722
to conduct a criminal records check through the federal bureau of 2723
investigation only if the person for whom the criminal records 2724
check would be conducted resides or works outside of this state or 2725
has resided or worked outside of this state during the preceding 2726
five years, or if a criminal records check conducted by the bureau 2727
of criminal identification and investigation within this state 2728

indicates that the person may have a criminal record outside of 2729
this state. 2730

In the case of a criminal records check under section 109.572 2731
of the Revised Code, the department or division shall forward to 2732
the bureau of criminal identification and investigation the 2733
requisite form, fingerprint impressions, and fee described in 2734
division (C) of that section. When requested by the department or 2735
division in accordance with this section, the bureau of criminal 2736
identification and investigation shall request from the federal 2737
bureau of investigation any information it has with respect to the 2738
person who is the subject of the requested criminal records check 2739
and shall forward the requisite fingerprint impressions and 2740
information to the federal bureau of investigation for that 2741
criminal records check. After conducting a criminal records check 2742
or receiving the results of a criminal records check from the 2743
federal bureau of investigation, the bureau of criminal 2744
identification and investigation shall provide the results to the 2745
department or division. 2746

The department or division may require any person about whom 2747
a criminal records check is requested to pay to the department or 2748
division the amount necessary to cover the fee charged to the 2749
department or division by the bureau of criminal identification 2750
and investigation under division (C)(3) of section 109.572 of the 2751
Revised Code, including, when applicable, any fee for a criminal 2752
records check conducted by the federal bureau of investigation. 2753

Sec. 121.083. The superintendent of ~~labor~~ industrial 2754
compliance in the department of commerce shall do all of the 2755
following: 2756

(A) Administer and enforce the general laws of this state 2757
pertaining to buildings, pressure piping, boilers, bedding, 2758
upholstered furniture, and stuffed toys, steam engineering, 2759

elevators, plumbing, licensed occupations regulated by the department, and travel agents, as they apply to plans review, inspection, code enforcement, testing, licensing, registration, and certification.

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

(C) Collect and collate statistics as are necessary.

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

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

(F) Oversee a chief of construction and compliance, a chief of operations and maintenance, a chief of licensing and certification, a chief of worker protection, and other designees appointed by the director to perform the duties described in this section.

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

(H) Accept submissions, establish a fee for submissions, and review submissions of certified welding and brazing procedure specifications, procedure qualification records, and performance qualification records for building services piping as required by

section 4104.44 of the Revised Code. 2791

Sec. 121.084. (A) All moneys collected under sections 2792
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 2793
4169.03, 4171.04, and 5104.051 of the Revised Code, and any other 2794
moneys collected by the division of ~~labor~~ industrial compliance 2795
shall be paid into the state treasury to the credit of the ~~labor~~ 2796
industrial compliance operating fund, which is hereby created. The 2797
department of commerce shall use the moneys in the fund for paying 2798
the operating expenses of the division and the administrative 2799
assessment described in division (B) of this section. 2800

(B) The director of commerce, with the approval of the 2801
director of budget and management, shall prescribe procedures for 2802
assessing the ~~labor~~ industrial compliance operating fund a 2803
proportionate share of the administrative costs of the department 2804
of commerce. The assessment shall be made in accordance with those 2805
procedures and be paid from the ~~labor~~ industrial compliance 2806
operating fund to the division of administration fund created in 2807
section 121.08 of the Revised Code. 2808

Sec. 121.22. (A) This section shall be liberally construed to 2809
require public officials to take official action and to conduct 2810
all deliberations upon official business only in open meetings 2811
unless the subject matter is specifically excepted by law. 2812

(B) As used in this section: 2813

(1) "Public body" means any of the following: 2814

(a) Any board, commission, committee, council, or similar 2815
decision-making body of a state agency, institution, or authority, 2816
and any legislative authority or board, commission, committee, 2817
council, agency, authority, or similar decision-making body of any 2818
county, township, municipal corporation, school district, or other 2819
political subdivision or local public institution; 2820

(b) Any committee or subcommittee of a body described in 2821
division (B)(1)(a) of this section; 2822

(c) A court of jurisdiction of a sanitary district organized 2823
wholly for the purpose of providing a water supply for domestic, 2824
municipal, and public use when meeting for the purpose of the 2825
appointment, removal, or reappointment of a member of the board of 2826
directors of such a district pursuant to section 6115.10 of the 2827
Revised Code, if applicable, or for any other matter related to 2828
such a district other than litigation involving the district. As 2829
used in division (B)(1)(c) of this section, "court of 2830
jurisdiction" has the same meaning as "court" in section 6115.01 2831
of the Revised Code. 2832

(2) "Meeting" means any prearranged discussion of the public 2833
business of the public body by a majority of its members. 2834

(3) "Regulated individual" means either of the following: 2835

(a) A student in a state or local public educational 2836
institution; 2837

(b) A person who is, voluntarily or involuntarily, an inmate, 2838
patient, or resident of a state or local institution because of 2839
criminal behavior, mental illness or retardation, disease, 2840
disability, age, or other condition requiring custodial care. 2841

(4) "Public office" has the same meaning as in section 2842
149.011 of the Revised Code. 2843

(C) All meetings of any public body are declared to be public 2844
meetings open to the public at all times. A member of a public 2845
body shall be present in person at a meeting open to the public to 2846
be considered present or to vote at the meeting and for purposes 2847
of determining whether a quorum is present at the meeting. 2848

The minutes of a regular or special meeting of any public 2849
body shall be promptly prepared, filed, and maintained and shall 2850

be open to public inspection. The minutes need only reflect the 2851
general subject matter of discussions in executive sessions 2852
authorized under division (G) or (J) of this section. 2853

(D) This section does not apply to any of the following: 2854

(1) A grand jury; 2855

(2) An audit conference conducted by the auditor of state or 2856
independent certified public accountants with officials of the 2857
public office that is the subject of the audit; 2858

(3) The adult parole authority when its hearings are 2859
conducted at a correctional institution for the sole purpose of 2860
interviewing inmates to determine parole or pardon; 2861

(4) The organized crime investigations commission established 2862
under section 177.01 of the Revised Code; 2863

(5) Meetings of a child fatality review board established 2864
under section 307.621 of the Revised Code and meetings conducted 2865
pursuant to sections 5153.171 to 5153.173 of the Revised Code; 2866

(6) The state medical board when determining whether to 2867
suspend a certificate without a prior hearing pursuant to division 2868
(G) of either section 4730.25 or 4731.22 of the Revised Code; 2869

(7) The board of nursing when determining whether to suspend 2870
a license or certificate without a prior hearing pursuant to 2871
division (B) of section 4723.281 of the Revised Code; 2872

(8) The state board of pharmacy when determining whether to 2873
suspend a license without a prior hearing pursuant to division (D) 2874
of section 4729.16 of the Revised Code; 2875

(9) The state chiropractic board when determining whether to 2876
suspend a license without a hearing pursuant to section 4734.37 of 2877
the Revised Code; 2878

(10) The executive committee of the emergency response 2879
commission when determining whether to issue an enforcement order 2880

or request that a civil action, civil penalty action, or criminal
action be brought to enforce Chapter 3750. of the Revised Code; 2881
2882

(11) The board of directors of the nonprofit corporation 2883
formed under section 187.01 of the Revised Code or any committee 2884
thereof, and the board of directors of any subsidiary of that 2885
corporation or a committee thereof; 2886

(12) An audit conference conducted by the audit staff of the 2887
department of job and family services with officials of the public 2888
office that is the subject of that audit under section 5101.37 of 2889
the Revised Code. 2890

(E) The controlling board, the development financing advisory 2891
council, the ~~industrial technology and enterprise advisory council~~ 2892
third frontier commission, the tax credit authority, or the 2893
minority development financing advisory board, when meeting to 2894
consider granting assistance pursuant to Chapter 122. or 166. of 2895
the Revised Code, in order to protect the interest of the 2896
applicant or the possible investment of public funds, by unanimous 2897
vote of all board, council, commission, or authority members 2898
present, may close the meeting during consideration of the 2899
following information confidentially received by the authority, 2900
council, commission, or board from the applicant: 2901

(1) Marketing plans; 2902

(2) Specific business strategy; 2903

(3) Production techniques and trade secrets; 2904

(4) Financial projections; 2905

(5) Personal financial statements of the applicant or members 2906
of the applicant's immediate family, including, but not limited 2907
to, tax records or other similar information not open to public 2908
inspection. 2909

The vote by the authority, council, commission, or board to 2910

accept or reject the application, as well as all proceedings of 2911
the authority, council, commission, or board not subject to this 2912
division, shall be open to the public and governed by this 2913
section. 2914

(F) Every public body, by rule, shall establish a reasonable 2915
method whereby any person may determine the time and place of all 2916
regularly scheduled meetings and the time, place, and purpose of 2917
all special meetings. A public body shall not hold a special 2918
meeting unless it gives at least twenty-four hours' advance notice 2919
to the news media that have requested notification, except in the 2920
event of an emergency requiring immediate official action. In the 2921
event of an emergency, the member or members calling the meeting 2922
shall notify the news media that have requested notification 2923
immediately of the time, place, and purpose of the meeting. 2924

The rule shall provide that any person, upon request and 2925
payment of a reasonable fee, may obtain reasonable advance 2926
notification of all meetings at which any specific type of public 2927
business is to be discussed. Provisions for advance notification 2928
may include, but are not limited to, mailing the agenda of 2929
meetings to all subscribers on a mailing list or mailing notices 2930
in self-addressed, stamped envelopes provided by the person. 2931

(G) Except as provided in division (J) of this section, the 2932
members of a public body may hold an executive session only after 2933
a majority of a quorum of the public body determines, by a roll 2934
call vote, to hold an executive session and only at a regular or 2935
special meeting for the sole purpose of the consideration of any 2936
of the following matters: 2937

(1) To consider the appointment, employment, dismissal, 2938
discipline, promotion, demotion, or compensation of a public 2939
employee or official, or the investigation of charges or 2940
complaints against a public employee, official, licensee, or 2941
regulated individual, unless the public employee, official, 2942

licensee, or regulated individual requests a public hearing. 2943
Except as otherwise provided by law, no public body shall hold an 2944
executive session for the discipline of an elected official for 2945
conduct related to the performance of the elected official's 2946
official duties or for the elected official's removal from office. 2947
If a public body holds an executive session pursuant to division 2948
(G)(1) of this section, the motion and vote to hold that executive 2949
session shall state which one or more of the approved purposes 2950
listed in division (G)(1) of this section are the purposes for 2951
which the executive session is to be held, but need not include 2952
the name of any person to be considered at the meeting. 2953

(2) To consider the purchase of property for public purposes, 2954
or for the sale of property at competitive bidding, if premature 2955
disclosure of information would give an unfair competitive or 2956
bargaining advantage to a person whose personal, private interest 2957
is adverse to the general public interest. No member of a public 2958
body shall use division (G)(2) of this section as a subterfuge for 2959
providing covert information to prospective buyers or sellers. A 2960
purchase or sale of public property is void if the seller or buyer 2961
of the public property has received covert information from a 2962
member of a public body that has not been disclosed to the general 2963
public in sufficient time for other prospective buyers and sellers 2964
to prepare and submit offers. 2965

If the minutes of the public body show that all meetings and 2966
deliberations of the public body have been conducted in compliance 2967
with this section, any instrument executed by the public body 2968
purporting to convey, lease, or otherwise dispose of any right, 2969
title, or interest in any public property shall be conclusively 2970
presumed to have been executed in compliance with this section 2971
insofar as title or other interest of any bona fide purchasers, 2972
lessees, or transferees of the property is concerned. 2973

(3) Conferences with an attorney for the public body 2974

concerning disputes involving the public body that are the subject	2975
of pending or imminent court action;	2976
(4) Preparing for, conducting, or reviewing negotiations or	2977
bargaining sessions with public employees concerning their	2978
compensation or other terms and conditions of their employment;	2979
(5) Matters required to be kept confidential by federal law	2980
or regulations or state statutes;	2981
(6) Details relative to the security arrangements and	2982
emergency response protocols for a public body or a public office,	2983
if disclosure of the matters discussed could reasonably be	2984
expected to jeopardize the security of the public body or public	2985
office;	2986
(7) In the case of a county hospital operated pursuant to	2987
Chapter 339. of the Revised Code, a joint township hospital	2988
operated pursuant to Chapter 513. of the Revised Code, or a	2989
municipal hospital operated pursuant to Chapter 749. of the	2990
Revised Code, to consider trade secrets, as defined in section	2991
1333.61 of the Revised Code.	2992
If a public body holds an executive session to consider any	2993
of the matters listed in divisions (G)(2) to (7) of this section,	2994
the motion and vote to hold that executive session shall state	2995
which one or more of the approved matters listed in those	2996
divisions are to be considered at the executive session.	2997
A public body specified in division (B)(1)(c) of this section	2998
shall not hold an executive session when meeting for the purposes	2999
specified in that division.	3000
(H) A resolution, rule, or formal action of any kind is	3001
invalid unless adopted in an open meeting of the public body. A	3002
resolution, rule, or formal action adopted in an open meeting that	3003
results from deliberations in a meeting not open to the public is	3004
invalid unless the deliberations were for a purpose specifically	3005

authorized in division (G) or (J) of this section and conducted at 3006
an executive session held in compliance with this section. A 3007
resolution, rule, or formal action adopted in an open meeting is 3008
invalid if the public body that adopted the resolution, rule, or 3009
formal action violated division (F) of this section. 3010

(I)(1) Any person may bring an action to enforce this 3011
section. An action under division (I)(1) of this section shall be 3012
brought within two years after the date of the alleged violation 3013
or threatened violation. Upon proof of a violation or threatened 3014
violation of this section in an action brought by any person, the 3015
court of common pleas shall issue an injunction to compel the 3016
members of the public body to comply with its provisions. 3017

(2)(a) If the court of common pleas issues an injunction 3018
pursuant to division (I)(1) of this section, the court shall order 3019
the public body that it enjoins to pay a civil forfeiture of five 3020
hundred dollars to the party that sought the injunction and shall 3021
award to that party all court costs and, subject to reduction as 3022
described in division (I)(2) of this section, reasonable 3023
attorney's fees. The court, in its discretion, may reduce an award 3024
of attorney's fees to the party that sought the injunction or not 3025
award attorney's fees to that party if the court determines both 3026
of the following: 3027

(i) That, based on the ordinary application of statutory law 3028
and case law as it existed at the time of violation or threatened 3029
violation that was the basis of the injunction, a well-informed 3030
public body reasonably would believe that the public body was not 3031
violating or threatening to violate this section; 3032

(ii) That a well-informed public body reasonably would 3033
believe that the conduct or threatened conduct that was the basis 3034
of the injunction would serve the public policy that underlies the 3035
authority that is asserted as permitting that conduct or 3036
threatened conduct. 3037

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

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

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

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

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

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

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

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

conducts as an executive session that pertains to the applicant's, 3069
recipient's, or former recipient's application for financial 3070
assistance. 3071

(3) A veterans service commission shall vote on the grant or 3072
denial of financial assistance under sections 5901.01 to 5901.15 3073
of the Revised Code only in an open meeting of the commission. The 3074
minutes of the meeting shall indicate the name, address, and 3075
occupation of the applicant, whether the assistance was granted or 3076
denied, the amount of the assistance if assistance is granted, and 3077
the votes for and against the granting of assistance. 3078

Sec. 121.35. (A) Subject to division (B) of this section, the 3079
following state agencies shall collaborate to revise and make more 3080
uniform the eligibility standards and eligibility determination 3081
procedures of programs the state agencies administer: 3082

(1) The department of aging; 3084

(2) The department of alcohol and drug addiction services; 3085

(3) The department of development; 3086

(4) The department of developmental disabilities; 3087

(5) The department of education; 3088

(6) The department of health; 3089

(7) The department of job and family services; 3090

(8) The department of mental health; 3091

(9) The rehabilitation services commission. 3092

(B) In revising eligibility standards and eligibility 3093
determination procedures, a state agency shall not make any 3094
program's eligibility standards or eligibility determination 3095
procedures inconsistent with state or federal law. To the extent 3096
authorized by state and federal law, the revisions may provide for 3097

the state agencies to share administrative operations. 3098

Sec. 122.07. (A) The department of development may do ~~either~~ 3099
any of the following: 3100

(1) Disseminate information concerning the industrial, 3101
commercial, governmental, educational, cultural, recreational, 3102
agricultural, and other advantages and attractions of the state; 3103

(2) Provide technical assistance to public and private 3104
agencies in the preparation of promotional programs designed to 3105
attract business, industry, and tourists to the state; 3106

(3) Enter into cooperative or contractual agreements, through 3107
the director of development, with any individual, organization, or 3108
business to create, administer, or otherwise be involved with Ohio 3109
tourism-related promotional programs. Compensation under such 3110
agreements shall be determined by the director and may include 3111
deferred compensation. This compensation is payable from the 3112
travel and tourism cooperative projects fund of the department. 3113
Any excess revenue generated under such a cooperative or 3114
contractual agreement shall be remitted to the fund to be 3115
reinvested in ongoing tourism marketing initiatives as authorized 3116
by law. 3117

(B) Records related to tourism market research submitted to 3118
or generated by the research office of the division of travel and 3119
tourism of the department of development, and any information 3120
taken for any purpose from such research, are not public records 3121
for the purposes of section 149.43 of the Revised Code. The 3122
department may use, however, such tourism market research in a 3123
public report if the director of the department determines that 3124
issuing and distributing the report would promote or market the 3125
state's travel and tourism industry or otherwise advance the 3126
purposes of this section. 3127

Sec. 122.15. As used in sections 122.15 to 122.154 of the Revised Code:

(A) "~~Edison center~~ Director" means a ~~cooperative research and development facility that receives funding through the Thomas Alva Edison grant program under division (C) of section 122.33~~ director of the Revised Code development.

(B) "Ohio entity" means any corporation, limited liability company, or unincorporated business organization, including a general or limited partnership, that has its principal place of business located in this state and has at least fifty per cent of its gross assets and fifty per cent of its employees located in this state. If a corporation, limited liability company, or unincorporated business organization is a member of an affiliated group, the gross assets and the number of employees of all of the members of that affiliated group, wherever those assets and employees are located, shall be included for the purpose of determining the percentage of the corporation's, company's, or organization's gross assets and employees that are located in this state.

(C) "Qualified trade or business" means any trade or business that primarily involves research and development, technology transfer, bio-technology, information technology, or the application of new technology developed through research and development or acquired through technology transfer. "Qualified trade or business" does not include any of the following:

(1) Any trade or business involving the performance of services in the field of law, engineering, architecture, accounting, actuarial science, performing arts, consulting, athletics, financial services, or brokerage services, or any trade or business where the principal asset of the trade or business is the reputation or skill of one or more of its employees;

(2) Any banking, insurance, financing, leasing, rental, investing, or similar business;	3159 3160
(3) Any farming business, including the business of raising or harvesting trees;	3161 3162
(4) Any business involving the production or extraction of products of a character with respect to which a deduction is allowable under section 611, 613, or 613A of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 611, 613, or 613A;	3163 3164 3165 3166
(5) Any business of operating a hotel, motel, restaurant, or similar business;	3167 3168
(6) Any trade or business involving a hospital, a private office of a licensed health care professional, a group practice of licensed health care professionals, or a nursing home. As used in division (C)(6) of this section:	3169 3170 3171 3172
(a) "Nursing home" has the same meaning as in section 3721.50 of the Revised Code.	3173 3174
(b) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	3175 3176
(D) "Information technology" means the branch of technology devoted to the study and application of data and the processing thereof; the automatic acquisition, storage, manipulation or transformation, management, movement, control, display, switching, interchange, transmission or reception of data, and the development or use of hardware, software, firmware, and procedures associated with this processing. Information technology includes matters concerned with the furtherance of computer science and technology, design, development, installation and implementation of information systems and applications that in turn will be licensed or sold to a specific target market. Information technology does not include the creation of a distribution method for existing products and services.	3177 3178 3179 3180 3181 3182 3183 3184 3185 3186 3187 3188 3189

(E) "Insider" means an individual who owns, controls, or holds power to vote five per cent or more of the outstanding securities of a business. For purposes of determining whether an investor is an insider, the percentage of voting power in the Ohio entity held by a person related to the investor shall be added to the investor's percentage of voting power in the same Ohio entity, if the investor claimed the person related to the investor as a dependent or a spouse on the investor's federal income tax return for the previous tax year.

(F) "Related to" means being the spouse, parent, child, or sibling of an individual.

(G) "Research and development" means designing, creating, or formulating new or enhanced products, equipment, or processes, and conducting scientific or technological inquiry and experimentation in the physical sciences with the goal of increasing scientific knowledge that may reveal the bases for new or enhanced products, equipment, or processes.

(H) "State tax liability" means any tax liability incurred under division (D) of section 5707.03, section 5727.24, 5727.38, or 5747.02, or Chapter 5733. of the Revised Code.

(I) "Technology transfer" means the transfer of technology from one sector of the economy to another, including the transfer of military technology to civilian applications, civilian technology to military applications, or technology from public or private research laboratories to military or civilian applications.

(J) "Affiliated group" means two or more persons related in such a way that one of the persons owns or controls the business operations of another of those persons. In the case of a corporation issuing capital stock, one corporation owns or controls the business operations of another corporation if it owns

more than fifty per cent of the other corporation's capital stock 3221
with voting rights. In the case of a limited liability company, 3222
one person owns or controls the business operations of the company 3223
if that person's membership interest, as defined in section 3224
1705.01 of the Revised Code, is greater than fifty per cent of 3225
combined membership interest of all persons owning such interests 3226
in the company. In the case of an unincorporated business 3227
organization, one person owns or controls the business operations 3228
of the organization if, under the articles of organization or 3229
other instrument governing the affairs of the organization, that 3230
person has a beneficial interest in the organization's profits, 3231
surpluses, losses, or other distributions greater than fifty per 3232
cent of the combined beneficial interests of all persons having 3233
such an interest in the organization. 3234

(K) "Money" means United States currency, or a check, draft, 3235
or cashier's check for United States currency, payable on demand 3236
and drawn on a bank. 3237

(L) "EDGE business enterprise" means an Ohio entity certified 3238
by the director of administrative services as a participant in the 3239
encouraging diversity, growth, and equity program established by 3240
the governor's executive order 2002-17T. 3241

(M) "Distressed area" has the same meaning as in section 3242
122.23 of the Revised Code. 3243

Sec. 122.151. (A) An investor who proposes to make an 3244
investment of money in an Ohio entity may apply to ~~an Edison~~ 3245
~~center~~ the director for a tax credit under this section. The 3246
~~Edison-center~~ director shall prescribe the form of the application 3247
and any information that the investor must submit with the 3248
application. The investor shall include with the application a fee 3249
of two hundred dollars. The ~~center~~ director, within ~~three~~ four 3250
weeks after receiving the application, shall review it, determine 3251

whether the investor should be recommended for the tax credit, and 3252
send written notice of ~~its~~ the director's initial determination to 3253
the ~~industrial technology and enterprise advisory council~~ third 3254
frontier commission established under section 184.01 of the 3255
Revised Code and to the investor. If the ~~center~~ director 3256
determines the investor should not be recommended for the tax 3257
credit, ~~it~~ the director shall include in the notice the reasons 3258
for the determination. Subject to divisions (C) and (D) of this 3259
section, an investor is eligible for a tax credit if all of the 3260
following requirements are met: 3261

(1) The investor's investment of money is in an Ohio entity 3262
engaged in a qualified trade or business. 3263

(2) The Ohio entity had less than two million five hundred 3264
thousand dollars of gross revenue during its most recently 3265
completed fiscal year or had a net book value of less than two 3266
million five hundred thousand dollars at the end of that fiscal 3267
year. 3268

(3) The investment takes the form of the purchase of common 3269
or preferred stock, a membership interest, a partnership interest, 3270
or any other ownership interest. 3271

(4) The amount of the investment for which the credit is 3272
being claimed does not exceed three hundred thousand dollars in 3273
the case of an investment in an EDGE business enterprise or in an 3274
Ohio entity located in a distressed area, or two hundred fifty 3275
thousand dollars in the case of an investment in any other Ohio 3276
entity. 3277

(5) The money invested is entirely at risk of loss, where 3278
repayment depends upon the success of the business operations of 3279
the Ohio entity. 3280

(6) No repayment of principal invested will be made for at 3281
least three years from the date the investment is made. 3282

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

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

(9) The investor is not an insider.

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

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

(B) A group of two but not more than twenty investors, each of whom proposes to make an investment of money in the same Ohio entity, may submit an application for tax credits under division (A) of this section. The group shall include with the application a fee of eight hundred dollars. The application shall identify each investor in the group and the amount of money each investor

proposes to invest in the Ohio entity, and shall name a contact 3314
person for the group. The ~~Edison-center~~ director, within ~~three~~ 3315
four weeks after receiving the application, shall review it, 3316
determine whether each investor of the group should be recommended 3317
for a tax credit under the conditions set forth in division (A) of 3318
this section, and send written notice of ~~its~~ the director's 3319
determination to the ~~industrial technology and enterprise advisory~~ 3320
~~council~~ commission and to the contact person. The ~~center~~ director 3321
shall not recommend that a group of investors receive a tax credit 3322
unless each investor is eligible under those conditions. The 3323
~~center~~ director may disqualify from a group any investor who is 3324
not eligible under the conditions and recommend that the remaining 3325
group of investors receive the tax credit. If the ~~center~~ director 3326
determines the group should not be recommended for the tax credit, 3327
~~it~~ the director shall include in the notice the reasons for the 3328
determination. 3329

(C) ~~The industrial technology and enterprise advisory council~~ 3330
~~shall establish from among its members a three person committee.~~ 3331
Within four weeks after the ~~council~~ commission receives a notice 3332
of recommendation from ~~an Edison-center~~ the director, the 3333
~~committee~~ commission shall review the recommendation and issue a 3334
final determination of whether the investor or group is eligible 3335
for a tax credit under the conditions set forth in division (A) of 3336
this section. The ~~committee~~ commission may require the investor or 3337
group to submit additional information to support the application. 3338
~~The vote of at least two members of the committee is necessary for~~ 3339
~~the issuance of a final determination or any other action of the~~ 3340
~~committee.~~ Upon making the final determination, the ~~committee~~ 3341
commission shall send written notice of approval or disapproval of 3342
the tax credit to the investor or group contact person, and the 3343
~~director of development, and the Edison-center.~~ If the ~~committee~~ 3344
commission disapproves the tax credit, it shall include in the 3345
notice the reasons for the disapproval. 3346

(D)(1) The ~~industrial technology and enterprise advisory~~ 3347
~~council committee~~ commission shall not approve more than one 3348
million five hundred thousand dollars of investments in any one 3349
Ohio entity. However, if a proposed investment of money in an Ohio 3350
entity has been approved but the investor does not actually make 3351
the investment, the ~~committee~~ commission may reassign the amount 3352
of that investment to another investor, as long as the total 3353
amount invested in the entity under this section does not exceed 3354
one million five hundred thousand dollars. 3355

If the one-million-five-hundred-thousand-dollar limit for an 3356
Ohio entity has not yet been reached and an application proposes 3357
an investment of money that would exceed the limit for that 3358
entity, the ~~committee~~ commission shall send written notice to the 3359
investor, or for a group, the contact person, that the investment 3360
cannot be approved as requested. Upon receipt of the notice, the 3361
investor or group may amend the application to propose an 3362
investment of money that does not exceed the limit. 3363

(2) Not more than ~~forty-five~~ fifty-one million dollars of tax 3364
credits shall be issued under sections 122.15 to 122.154 of the 3365
Revised Code. 3366

(E) If an investor makes an approved investment of less than 3367
two hundred fifty thousand dollars in any Ohio entity other than 3368
an EDGE business enterprise or in an Ohio entity located in a 3369
distressed area, the investor may apply for approval of another 3370
investment of money in that entity, as long as the total amount 3371
invested in that entity by the investor under this section does 3372
not exceed two hundred fifty thousand dollars. If an investor 3373
makes an approved investment of less than three hundred thousand 3374
dollars in an EDGE business enterprise or in an Ohio entity 3375
located in a distressed area, the investor may apply for approval 3376
of another investment of money in that entity, as long as the 3377
total amount invested in that entity by the investor under this 3378

section does not exceed three hundred thousand dollars. An 3379
investor who receives approval of an investment of money as part 3380
of a group may subsequently apply on an individual basis for 3381
approval of an additional investment of money in the Ohio entity. 3382

(F) The ~~industrial technology and enterprise advisory council~~ 3383
~~committee~~ commission shall approve or disapprove tax credit 3384
applications under this section in the order in which they are 3385
received by the ~~council~~ commission. 3386

(G) The director ~~of development may disapprove any~~ 3387
~~application recommended by an Edison center and approved by the~~ 3388
~~industrial technology and enterprise advisory council committee,~~ 3389
~~or may disapprove a credit for which a tax credit certificate has~~ 3390
~~been issued under section 122.152 of the Revised Code, if the~~ 3391
~~director determines that the entity in which the applicant~~ 3392
~~proposes to invest or has invested is not an Ohio entity eligible~~ 3393
~~to receive investments that qualify for the credit. If the~~ 3394
~~director disapproves an application, the director shall certify~~ 3395
~~the action to the investor, the Edison center that recommended the~~ 3396
~~application, the industrial technology and enterprise advisory~~ 3397
~~council, and the tax commissioner, together with a written~~ 3398
~~explanation of the reasons for the disapproval. If the director~~ 3399
~~disapproves a tax credit after a tax credit certificate is issued,~~ 3400
~~the investor shall not claim the credit for the taxable year that~~ 3401
~~includes the day the director disapproves the credit, or for any~~ 3402
~~subsequent taxable year.~~ 3403

The ~~director of development~~, in accordance with section 3404
111.15 of the Revised Code and with the advice of the ~~industrial~~ 3405
~~technology and enterprise advisory council~~ commission, may adopt, 3406
amend, and rescind rules necessary to implement sections 122.15 to 3407
122.154 of the Revised Code. 3408

(H) ~~An Edison center~~ The director shall use application fees 3409
received under this section only for the costs of administering 3410

sections 122.15 to 122.154 of the Revised Code. 3411

Sec. 122.152. (A) After receiving notice of approval for an 3412
investment of money from the ~~industrial technology and enterprise~~ 3413
~~advisory council committee~~ third frontier commission under section 3414
122.151 of the Revised Code, an investor, within a period of time 3415
determined by the ~~committee~~ commission, may make the investment 3416
and apply to the ~~council~~ commission for a tax credit certificate. 3417
If the ~~committee~~ commission is satisfied the investor has made the 3418
investment in the proper form, it shall issue to the investor a 3419
tax credit certificate signed by the chairperson of the ~~committee~~ 3420
commission and the director ~~of development~~ indicating that the 3421
investor is allowed a tax credit equal to one of the following 3422
amounts: 3423

(1) Thirty per cent of the investment if the investment was 3424
made in an EDGE business enterprise or in an Ohio entity located 3425
in a distressed area; 3426

(2) Twenty-five per cent of the investment if the investment 3427
was made in an Ohio entity other than an EDGE business enterprise. 3428

An investor who receives approval of a proposed investment of 3429
money through a group application, after making the investment, 3430
shall apply for a tax credit certificate on an individual basis. 3431

(B) An investor who is issued a tax credit certificate under 3432
this section may claim a nonrefundable credit equal to the amount 3433
indicated on the certificate against any state tax liability. The 3434
investor shall claim the credit for the taxable year in which the 3435
certificate is issued. 3436

(1) If the credit to which a taxpayer otherwise would be 3437
entitled under this section for any taxable year is greater than 3438
the tax otherwise due under division (D) of section 5707.03 or 3439
section 5727.24 or 5727.38 of the Revised Code, the excess shall 3440

be allowed as a credit in each of the ensuing fifteen taxable 3441
years, but the amount of any excess credit allowed in an ensuing 3442
taxable year shall be deducted from the balance carried forward to 3443
the next taxable year. 3444

(2) If the credit to which a taxpayer otherwise would be 3445
entitled under this section for any taxable year is greater than 3446
the tax otherwise due under section 5747.02 or Chapter 5733. of 3447
the Revised Code, after allowing for any other credits that 3448
precede the credit allowed under this section in the order 3449
required under section 5733.98 or 5747.98 of the Revised Code, the 3450
excess shall be allowed as a credit in each of the ensuing fifteen 3451
taxable years, but the amount of any excess credit allowed in an 3452
ensuing taxable year shall be deducted from the balance carried 3453
forward to the next taxable year. 3454

(C) Any portion of a credit allowed under this section that 3455
is utilized by an investor to reduce the investor's state tax 3456
liability shall not be utilized by any other person. 3457

(D) To claim a tax credit allowed under this section, an 3458
investor shall attach to the appropriate return a copy of the 3459
certificate issued to the investor under this section. 3460

(E) Nothing in this section shall limit or disallow 3461
pass-through treatment of a pass-through entity's income, 3462
deductions, or credits, or other amounts necessary to compute a 3463
state tax liability. 3464

(F) A tax credit certificate issued to an investor under this 3465
section may not be transferred by that investor to any other 3466
person. 3467

(G)(1) The director ~~of development~~ shall develop the form of 3468
the tax credit certificate and the ~~industrial technology and~~ 3469
~~enterprise advisory council committee~~ commission shall use that 3470
form when issuing a tax credit certificate under this section. 3471

(2) The director ~~of development~~ shall report to the tax 3472
commissioner any information requested by the commissioner 3473
concerning tax credit certificates issued under this section. 3474

(H) An investment made by an investor or group of investors 3475
who enter into a contractual agreement with an Ohio entity to 3476
invest money in the Ohio entity is an acceptable investment if all 3477
of the following conditions are met: 3478

(1) The investment is made pursuant to a subscription 3479
agreement providing that the investor or group of investors is 3480
entitled to receive a refund of funds if the investment is not 3481
approved by the ~~industrial technology and enterprise advisory~~ 3482
~~council committee~~ commission. 3483

(2) The investment is placed in escrow until the investment 3484
is approved by the ~~industrial technology and enterprise advisory~~ 3485
~~council committee~~ commission. 3486

(3) The investor or group of investors shows proof of the 3487
withdrawal of the funds by the Ohio entity after the investment is 3488
approved by the ~~industrial technology and enterprise advisory~~ 3489
~~council committee~~ commission. 3490

Sec. 122.153. If the ~~industrial technology and enterprise~~ 3491
~~advisory council committee~~ third frontier commission receives 3492
information alleging that an investor that was issued a tax credit 3493
certificate presented false information to ~~an Edison center~~ the 3494
director or the ~~committee~~ commission in connection with obtaining 3495
the certificate, it shall send written notice to the investor that 3496
if the allegation is found to be true the investor may be 3497
penalized as provided in this section. After giving the investor 3498
an opportunity to be heard on the allegation, the ~~committee~~ 3499
commission shall determine if the investor presented false 3500
information in connection with obtaining a tax credit certificate. 3501

If the ~~committee~~ commission determines the investor submitted 3502
false information, it may revoke any remaining tax credit 3503
available to the investor. The ~~committee~~ commission shall send 3504
written notice of the revocation to the investor and the tax 3505
commissioner. The tax commissioner may make an assessment against 3506
the investor to recapture any amount of tax credit that the 3507
investor already has claimed. The time limitations on assessments 3508
under the laws of the particular tax against which the investor 3509
claimed the credit do not apply to an assessment under this 3510
section. 3511

Sec. 122.154. (A) A business may apply to ~~an Edison center~~ 3512
the director for a determination as to whether the business is an 3513
Ohio entity eligible to receive investments of money under section 3514
122.151 of the Revised Code that qualify the investor for a tax 3515
credit under section 122.152 of the Revised Code. The business 3516
shall include with the application a fee of one hundred fifty 3517
dollars and a business plan. The ~~Edison center~~ director shall 3518
prescribe any other information the business must submit with the 3519
application and the form of the application. The ~~center~~ director, 3520
within ~~three~~ four weeks after receiving the application, shall 3521
review it, determine whether the business is an Ohio entity 3522
eligible to receive investments of money that qualify for the tax 3523
credit, and send written notice to the ~~industrial technology and~~ 3524
~~enterprise advisory council~~ third frontier commission and the 3525
business of ~~its~~ the director's initial determination. If the 3526
~~center~~ director determines that the business is not an Ohio entity 3527
eligible to receive investments of money that qualify for the tax 3528
credit, ~~it~~ the director shall include in the notice the reasons 3529
for the determination. 3530

Within four weeks after the ~~council~~ commission receives a 3531
notice of recommendation from ~~an Edison center~~ the director, the 3532
~~industrial technology and enterprise advisory council~~ committee 3533

~~established under section 122.152 of the Revised Code~~ commission 3534
shall review the recommendation and issue a final determination of 3535
whether the business is an Ohio entity eligible to receive 3536
investments of money under section 122.151 of the Revised Code 3537
that qualify an investor for a tax credit under section 122.152 of 3538
the Revised Code. The ~~committee~~ commission may require the 3539
business to submit additional information to support the 3540
application. ~~The vote of at least two members of the committee is~~ 3541
~~necessary for the issuance of a final determination.~~ On making the 3542
final determination, the ~~committee~~ commission shall send written 3543
notice of approval or disapproval to the business, and the 3544
director ~~of development, and the Edison center.~~ If the ~~committee~~ 3545
commission determines that the business is not an Ohio entity 3546
eligible to receive investments of money that qualify for the tax 3547
credit, it shall include in the notice the reasons for the 3548
determination. 3549

(B) The department of development shall maintain a list of 3550
the businesses that have been determined to be Ohio entities 3551
eligible to receive investments of money that qualify for the tax 3552
credit. The department shall furnish copies of the list to the 3553
public upon request. 3554

(C) The department ~~of development~~ may prescribe a schedule 3555
under which businesses periodically must submit information to 3556
enable the ~~center~~ department to maintain the accuracy of the list. 3557
At the times required in the schedule, each business on the list 3558
shall submit any information the ~~center~~ department requires to 3559
determine if the business continues to be an Ohio entity eligible 3560
to receive investments of money that qualify for the tax credit. 3561

(D) ~~An Edison center~~ The director shall use fees received 3562
under this section only for the costs of administering sections 3563
122.15 to 122.154 of the Revised Code. 3564

(E) The ~~Edison centers~~ director and the ~~industrial technology~~ 3565

~~and enterprise advisory council and its committee~~ commission do 3566
not assume any responsibility for the accuracy or truthfulness of 3567
information furnished by an Ohio entity or its agents. 3568

An investor in an Ohio entity is solely responsible for due 3569
diligence in verifying information submitted by an Ohio entity. ~~An~~ 3570
~~Edison center~~ The department is not liable for any action 3571
resulting from its provision of such information to investors in 3572
accordance with sections 122.15 to 122.154 of the Revised Code. 3573

Sec. 122.17. (A) As used in this section: 3574

(1) "Income tax revenue" means the total amount withheld 3575
under section 5747.06 of the Revised Code by the taxpayer during 3576
the taxable year, or during the calendar year that includes the 3577
tax period, from the compensation of each employee employed in the 3578
project to the extent the employee's withholdings are not used to 3579
determine the credit under section 122.171 of the Revised Code. 3580
"Income tax revenue" excludes amounts withheld before the day the 3581
taxpayer becomes eligible for the credit. 3582

(2) "Baseline income tax revenue" means income tax revenue 3583
except that the applicable withholding period is the twelve months 3584
immediately preceding the date the tax credit authority approves 3585
the taxpayer's application multiplied by the sum of one plus an 3586
annual pay increase factor to be determined by the tax credit 3587
authority. If the taxpayer becomes eligible for the credit after 3588
the first day of the taxpayer's taxable year or after the first 3589
day of the calendar year that includes the tax period, the 3590
taxpayer's baseline income tax revenue for the first such taxable 3591
or calendar year of credit eligibility shall be reduced in 3592
proportion to the number of days during the taxable or calendar 3593
year for which the taxpayer was not eligible for the credit. For 3594
subsequent taxable or calendar years, "baseline income tax 3595
revenue" equals the unreduced baseline income tax revenue for the 3596

preceding taxable or calendar year multiplied by the sum of one 3597
plus the pay increase factor. 3598

(3) "Excess income tax revenue" means income tax revenue 3599
minus baseline income tax revenue. 3600

(B) The tax credit authority may make grants under this 3601
section to foster job creation in this state. Such a grant shall 3602
take the form of a refundable credit allowed against the tax 3603
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, or 5747.02 3604
or levied under Chapter 5751. of the Revised Code. The credit 3605
shall be claimed for the taxable years or tax periods specified in 3606
the taxpayer's agreement with the tax credit authority under 3607
division (D) of this section. With respect to taxes imposed under 3608
section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the 3609
Revised Code, the credit shall be claimed in the order required 3610
under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised 3611
Code. The amount of the credit available for a taxable year or for 3612
a calendar year that includes a tax period equals the excess 3613
income tax revenue for that year multiplied by the percentage 3614
specified in the agreement with the tax credit authority. Any 3615
credit granted under this section against the tax imposed by 3616
section 5733.06 or 5747.02 of the Revised Code, to the extent not 3617
fully utilized against such tax for taxable years ending prior to 3618
2008, shall automatically be converted without any action taken by 3619
the tax credit authority to a credit against the tax levied under 3620
Chapter 5751. of the Revised Code for tax periods beginning on or 3621
after July 1, 2008, provided that the person to whom the credit 3622
was granted is subject to such tax. The converted credit shall 3623
apply to those calendar years in which the remaining taxable years 3624
specified in the agreement end. 3625

(C) A taxpayer or potential taxpayer who proposes a project 3626
to create new jobs in this state may apply to the tax credit 3627
authority to enter into an agreement for a tax credit under this 3628

section. The director of development services shall prescribe the 3629
form of the application. After receipt of an application, the 3630
authority may enter into an agreement with the taxpayer for a 3631
credit under this section if it determines all of the following: 3632

(1) The taxpayer's project will increase payroll and income 3633
tax revenue; 3634

(2) The taxpayer's project is economically sound and will 3635
benefit the people of this state by increasing opportunities for 3636
employment and strengthening the economy of this state; 3637

(3) Receiving the tax credit is a major factor in the 3638
taxpayer's decision to go forward with the project. 3639

(D) An agreement under this section shall include all of the 3640
following: 3641

(1) A detailed description of the project that is the subject 3642
of the agreement; 3643

(2) The term of the tax credit, which shall not exceed 3644
fifteen years, and the first taxable year, or first calendar year 3645
that includes a tax period, for which the credit may be claimed; 3646

(3) A requirement that the taxpayer shall maintain operations 3647
at the project location for at least the greater of seven years or 3648
the term of the credit plus three years; 3649

(4) The percentage, as determined by the tax credit 3650
authority, of excess income tax revenue that will be allowed as 3651
the amount of the credit for each taxable year or for each 3652
calendar year that includes a tax period; 3653

(5) The pay increase factor to be applied to the taxpayer's 3654
baseline income tax revenue; 3655

(6) A requirement that the taxpayer annually shall report to 3656
the director of development services employment, tax withholding, 3657
investment, and other information the director needs to perform 3658

the director's duties under this section; 3659

(7) A requirement that the director of development services 3660
annually review the information reported under division (D)(6) of 3661
this section and verify compliance with the agreement; if the 3662
taxpayer is in compliance, a requirement that the director issue a 3663
certificate to the taxpayer stating that the information has been 3664
verified and identifying the amount of the credit that may be 3665
claimed for the taxable or calendar year; 3666

(8) A provision providing that the taxpayer may not relocate 3667
a substantial number of employment positions from elsewhere in 3668
this state to the project location unless the director of 3669
development services determines that the legislative authority of 3670
the county, township, or municipal corporation from which the 3671
employment positions would be relocated has been notified by the 3672
taxpayer of the relocation. 3673

For purposes of this section, the movement of an employment 3674
position from one political subdivision to another political 3675
subdivision shall be considered a relocation of an employment 3676
position unless the employment position in the first political 3677
subdivision is replaced. 3678

(E) If a taxpayer fails to meet or comply with any condition 3679
or requirement set forth in a tax credit agreement, the tax credit 3680
authority may amend the agreement to reduce the percentage or term 3681
of the tax credit. The reduction of the percentage or term may 3682
take effect in the current taxable or calendar year. 3683

(F) Projects that consist solely of point-of-final-purchase 3684
retail facilities are not eligible for a tax credit under this 3685
section. If a project consists of both point-of-final-purchase 3686
retail facilities and nonretail facilities, only the portion of 3687
the project consisting of the nonretail facilities is eligible for 3688
a tax credit and only the excess income tax revenue from the 3689

nonretail facilities shall be considered when computing the amount 3690
of the tax credit. If a warehouse facility is part of a 3691
point-of-final-purchase retail facility and supplies only that 3692
facility, the warehouse facility is not eligible for a tax credit. 3693
Catalog distribution centers are not considered 3694
point-of-final-purchase retail facilities for the purposes of this 3695
division, and are eligible for tax credits under this section. 3696

(G) Financial statements and other information submitted to 3697
the department of development services or the tax credit authority 3698
by an applicant or recipient of a tax credit under this section, 3699
and any information taken for any purpose from such statements or 3700
information, are not public records subject to section 149.43 of 3701
the Revised Code. However, the chairperson of the authority may 3702
make use of the statements and other information for purposes of 3703
issuing public reports or in connection with court proceedings 3704
concerning tax credit agreements under this section. Upon the 3705
request of the tax commissioner or, if the applicant or recipient 3706
is an insurance company, upon the request of the superintendent of 3707
insurance, the chairperson of the authority shall provide to the 3708
commissioner or superintendent any statement or information 3709
submitted by an applicant or recipient of a tax credit in 3710
connection with the credit. The commissioner or superintendent 3711
shall preserve the confidentiality of the statement or 3712
information. 3713

(H) A taxpayer claiming a credit under this section shall 3714
submit to the tax commissioner or, if the taxpayer is an insurance 3715
company, to the superintendent of insurance, a copy of the 3716
director of ~~development's~~ development services' certificate of 3717
verification under division (D)(7) of this section with the 3718
taxpayer's tax report or return for the taxable year or for the 3719
calendar year that includes the tax period. Failure to submit a 3720
copy of the certificate with the report or return does not 3721

invalidate a claim for a credit if the taxpayer submits a copy of 3722
the certificate to the commissioner or superintendent within sixty 3723
days after the commissioner or superintendent requests it. 3724

(I) The director of development services, after consultation 3725
with the tax commissioner and the superintendent of insurance and 3726
in accordance with Chapter 119. of the Revised Code, shall adopt 3727
rules necessary to implement this section. The rules may provide 3728
for recipients of tax credits under this section to be charged 3729
fees to cover administrative costs of the tax credit program. The 3730
fees collected shall be credited to the tax incentive programs 3731
operating fund created in section 122.174 of the Revised Code. At 3732
the time the director gives public notice under division (A) of 3733
section 119.03 of the Revised Code of the adoption of the rules, 3734
the director shall submit copies of the proposed rules to the 3735
chairpersons of the standing committees on economic development in 3736
the senate and the house of representatives. 3737

(J) For the purposes of this section, a taxpayer may include 3738
a partnership, a corporation that has made an election under 3739
subchapter S of chapter one of subtitle A of the Internal Revenue 3740
Code, or any other business entity through which income flows as a 3741
distributive share to its owners. A partnership, S-corporation, or 3742
other such business entity may elect to pass the credit received 3743
under this section through to the persons to whom the income or 3744
profit of the partnership, S-corporation, or other entity is 3745
distributed. The election shall be made on the annual report 3746
required under division (D)(6) of this section. The election 3747
applies to and is irrevocable for the credit for which the report 3748
is submitted. If the election is made, the credit shall be 3749
apportioned among those persons in the same proportions as those 3750
in which the income or profit is distributed. 3751

(K) If the director of development services determines that a 3752
taxpayer who has received a credit under this section is not 3753

complying with the requirement under division (D)(3) of this 3754
section, the director shall notify the tax credit authority of the 3755
noncompliance. After receiving such a notice, and after giving the 3756
taxpayer an opportunity to explain the noncompliance, the tax 3757
credit authority may require the taxpayer to refund to this state 3758
a portion of the credit in accordance with the following: 3759

(1) If the taxpayer maintained operations at the project 3760
location for a period less than or equal to the term of the 3761
credit, an amount not exceeding one hundred per cent of the sum of 3762
any credits allowed and received under this section; 3763

(2) If the taxpayer maintained operations at the project 3764
location for a period longer than the term of the credit, but less 3765
than the greater of seven years or the term of the credit plus 3766
three years, an amount not exceeding seventy-five per cent of the 3767
sum of any credits allowed and received under this section. 3768

In determining the portion of the tax credit to be refunded 3769
to this state, the tax credit authority shall consider the effect 3770
of market conditions on the taxpayer's project and whether the 3771
taxpayer continues to maintain other operations in this state. 3772
After making the determination, the authority shall certify the 3773
amount to be refunded to the tax commissioner or superintendent of 3774
insurance, as appropriate. If the amount is certified to the 3775
commissioner, the commissioner shall make an assessment for that 3776
amount against the taxpayer under Chapter 5726., 5733., 5747., or 3777
5751. of the Revised Code. If the amount is certified to the 3778
superintendent, the superintendent shall make an assessment for 3779
that amount against the taxpayer under Chapter 5725. or 5729. of 3780
the Revised Code. The time limitations on assessments under those 3781
chapters do not apply to an assessment under this division, but 3782
the commissioner or superintendent, as appropriate, shall make the 3783
assessment within one year after the date the authority certifies 3784
to the commissioner or superintendent the amount to be refunded. 3785

(L) On or before the first day of August each year, the 3786
director of development services shall submit a report to the 3787
governor, the president of the senate, and the speaker of the 3788
house of representatives on the tax credit program under this 3789
section. The report shall include information on the number of 3790
agreements that were entered into under this section during the 3791
preceding calendar year, a description of the project that is the 3792
subject of each such agreement, and an update on the status of 3793
projects under agreements entered into before the preceding 3794
calendar year. 3795

(M) There is hereby created the tax credit authority, which 3796
consists of the director of development services and four other 3797
members appointed as follows: the governor, the president of the 3798
senate, and the speaker of the house of representatives each shall 3799
appoint one member who shall be a specialist in economic 3800
development; the governor also shall appoint a member who is a 3801
specialist in taxation. Of the initial appointees, the members 3802
appointed by the governor shall serve a term of two years; the 3803
members appointed by the president of the senate and the speaker 3804
of the house of representatives shall serve a term of four years. 3805
Thereafter, terms of office shall be for four years. Initial 3806
appointments to the authority shall be made within thirty days 3807
after January 13, 1993. Each member shall serve on the authority 3808
until the end of the term for which the member was appointed. 3809
Vacancies shall be filled in the same manner provided for original 3810
appointments. Any member appointed to fill a vacancy occurring 3811
prior to the expiration of the term for which the member's 3812
predecessor was appointed shall hold office for the remainder of 3813
that term. Members may be reappointed to the authority. Members of 3814
the authority shall receive their necessary and actual expenses 3815
while engaged in the business of the authority. The director of 3816
development services shall serve as chairperson of the authority, 3817
and the members annually shall elect a vice-chairperson from among 3818

themselves. Three members of the authority constitute a quorum to 3819
transact and vote on the business of the authority. The majority 3820
vote of the membership of the authority is necessary to approve 3821
any such business, including the election of the vice-chairperson. 3822

The director of development services may appoint a 3823
professional employee of the department of development services to 3824
serve as the director's substitute at a meeting of the authority. 3825
The director shall make the appointment in writing. In the absence 3826
of the director from a meeting of the authority, the appointed 3827
substitute shall serve as chairperson. In the absence of both the 3828
director and the director's substitute from a meeting, the 3829
vice-chairperson shall serve as chairperson. 3830

(N) For purposes of the credits granted by this section 3831
against the taxes imposed under sections 5725.18 and 5729.03 of 3832
the Revised Code, "taxable year" means the period covered by the 3833
taxpayer's annual statement to the superintendent of insurance. 3834

Sec. 122.171. (A) As used in this section: 3835

(1) "Capital investment project" means a plan of investment 3836
at a project site for the acquisition, construction, renovation, 3837
or repair of buildings, machinery, or equipment, or for 3838
capitalized costs of basic research and new product development 3839
determined in accordance with generally accepted accounting 3840
principles, but does not include any of the following: 3841

(a) Payments made for the acquisition of personal property 3842
through operating leases; 3843

(b) Project costs paid before January 1, 2002; 3844

(c) Payments made to a related member as defined in section 3845
5733.042 of the Revised Code or to a consolidated elected taxpayer 3846
or a combined taxpayer as defined in section 5751.01 of the 3847
Revised Code. 3848

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

(a) The taxpayer employs at least five hundred full-time equivalent employees or has an annual payroll of at least thirty-five million dollars at the time the tax credit authority grants the tax credit under this section;

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

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

(ii) If the taxpayer is engaged at the project site primarily in significant corporate administrative functions, as defined by the director of development services by rule, at least twenty million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

(iii) If the taxpayer is applying to enter into an agreement for a tax credit authorized under division (B)(3) of this section, at least five million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted.

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

(3) "Full-time equivalent employees" means the quotient

obtained by dividing the total number of hours for which employees 3880
were compensated for employment in the project by two thousand 3881
eighty. "Full-time equivalent employees" shall exclude hours that 3882
are counted for a credit under section 122.17 of the Revised Code. 3883

(4) "Income tax revenue" means the total amount withheld 3884
under section 5747.06 of the Revised Code by the taxpayer during 3885
the taxable year, or during the calendar year that includes the 3886
tax period, from the compensation of all employees employed in the 3887
project whose hours of compensation are included in calculating 3888
the number of full-time equivalent employees. 3889

(5) "Manufacturer" has the same meaning as in section 3890
5739.011 of the Revised Code. 3891

(6) "Project site" means an integrated complex of facilities 3892
in this state, as specified by the tax credit authority under this 3893
section, within a fifteen-mile radius where a taxpayer is 3894
primarily operating as an eligible business. 3895

(7) "Related member" has the same meaning as in section 3896
5733.042 of the Revised Code as that section existed on the 3897
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 3898
general assembly, September 29, 1997. 3899

(8) "Taxable year" includes, in the case of a domestic or 3900
foreign insurance company, the calendar year ending on the 3901
thirty-first day of December preceding the day the superintendent 3902
of insurance is required to certify to the treasurer of state 3903
under section 5725.20 or 5729.05 of the Revised Code the amount of 3904
taxes due from insurance companies. 3905

(B) The tax credit authority created under section 122.17 of 3906
the Revised Code may grant tax credits under this section for the 3907
purpose of fostering job retention in this state. Upon application 3908
by an eligible business and upon consideration of the 3909
recommendation of the director of budget and management, tax 3910

commissioner, the superintendent of insurance in the case of an 3911
insurance company, and director of development services under 3912
division (C) of this section, the tax credit authority may grant 3913
the following credits against the tax imposed by section 5725.18, 3914
5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 of the Revised 3915
Code: 3916

(1) A nonrefundable credit to an eligible business; 3917

(2) A refundable credit to an eligible business meeting the 3918
following conditions, provided that the director of budget and 3919
management, tax commissioner, superintendent of insurance in the 3920
case of an insurance company, and director of development services 3921
have recommended the granting of the credit to the tax credit 3922
authority before July 1, 2011: 3923

(a) The business retains at least one thousand full-time 3924
equivalent employees at the project site. 3925

(b) The business makes or causes to be made payments for a 3926
capital investment project of at least twenty-five million dollars 3927
in the aggregate at the project site during a period of three 3928
consecutive calendar years, including the calendar year that 3929
includes a day of the business' taxable year or tax period with 3930
respect to which the credit is granted. 3931

(c) In 2010, the business received a written offer of 3932
financial incentives from another state of the United States that 3933
the director determines to be sufficient inducement for the 3934
business to relocate the business' operations from this state to 3935
that state. 3936

(3) A refundable credit to an eligible business with a total 3937
annual payroll of at least twenty million dollars, provided that 3938
the tax credit authority grants the tax credit on or after July 1, 3939
2011, and before January 1, 2014. 3940

The credits authorized in divisions (B)(1), (2), and (3) of 3941

this section may be granted for a period up to fifteen taxable 3942
years or, in the case of the tax levied by section 5751.02 of the 3943
Revised Code, for a period of up to fifteen calendar years. The 3944
credit amount for a taxable year or a calendar year that includes 3945
the tax period for which a credit may be claimed equals the income 3946
tax revenue for that year multiplied by the percentage specified 3947
in the agreement with the tax credit authority. The percentage may 3948
not exceed seventy-five per cent. The credit shall be claimed in 3949
the order required under section 5725.98, 5726.98, 5729.98, 3950
5733.98, 5747.98, or 5751.98 of the Revised Code. In determining 3951
the percentage and term of the credit, the tax credit authority 3952
shall consider both the number of full-time equivalent employees 3953
and the value of the capital investment project. The credit amount 3954
may not be based on the income tax revenue for a calendar year 3955
before the calendar year in which the tax credit authority 3956
specifies the tax credit is to begin, and the credit shall be 3957
claimed only for the taxable years or tax periods specified in the 3958
eligible business' agreement with the tax credit authority. In no 3959
event shall the credit be claimed for a taxable year or tax period 3960
terminating before the date specified in the agreement. Any credit 3961
granted under this section against the tax imposed by section 3962
5733.06 or 5747.02 of the Revised Code, to the extent not fully 3963
utilized against such tax for taxable years ending prior to 2008, 3964
shall automatically be converted without any action taken by the 3965
tax credit authority to a credit against the tax levied under 3966
Chapter 5751. of the Revised Code for tax periods beginning on or 3967
after July 1, 2008, provided that the person to whom the credit 3968
was granted is subject to such tax. The converted credit shall 3969
apply to those calendar years in which the remaining taxable years 3970
specified in the agreement end. 3971

If a nonrefundable credit allowed under division (B)(1) of 3972
this section for a taxable year or tax period exceeds the 3973
taxpayer's tax liability for that year or period, the excess may 3974

be carried forward for the three succeeding taxable or calendar 3975
years, but the amount of any excess credit allowed in any taxable 3976
year or tax period shall be deducted from the balance carried 3977
forward to the succeeding year or period. 3978

(C) A taxpayer that proposes a capital investment project to 3979
retain jobs in this state may apply to the tax credit authority to 3980
enter into an agreement for a tax credit under this section. The 3981
director of development services shall prescribe the form of the 3982
application. After receipt of an application, the authority shall 3983
forward copies of the application to the director of budget and 3984
management, the tax commissioner, the superintendent of insurance 3985
in the case of an insurance company, and the director of 3986
development services, each of whom shall review the application to 3987
determine the economic impact the proposed project would have on 3988
the state and the affected political subdivisions and shall submit 3989
a summary of their determinations and recommendations to the 3990
authority. 3991

(D) Upon review and consideration of the determinations and 3992
recommendations described in division (C) of this section, the tax 3993
credit authority may enter into an agreement with the taxpayer for 3994
a credit under this section if the authority determines all of the 3995
following: 3996

(1) The taxpayer's capital investment project will result in 3997
the retention of employment in this state. 3998

(2) The taxpayer is economically sound and has the ability to 3999
complete the proposed capital investment project. 4000

(3) The taxpayer intends to and has the ability to maintain 4001
operations at the project site for at least the greater of (a) the 4002
term of the credit plus three years, or (b) seven years. 4003

(4) Receiving the credit is a major factor in the taxpayer's 4004
decision to begin, continue with, or complete the project. 4005

(5) If the taxpayer is applying to enter into an agreement 4006
for a tax credit authorized under division (B)(3) of this section, 4007
the taxpayer's capital investment project will be located in the 4008
political subdivision in which the taxpayer maintains its 4009
principal place of business. 4010

(E) An agreement under this section shall include all of the 4011
following: 4012

(1) A detailed description of the project that is the subject 4013
of the agreement, including the amount of the investment, the 4014
period over which the investment has been or is being made, the 4015
number of full-time equivalent employees at the project site, and 4016
the anticipated income tax revenue to be generated. 4017

(2) The term of the credit, the percentage of the tax credit, 4018
the maximum annual value of tax credits that may be allowed each 4019
year, and the first year for which the credit may be claimed. 4020

(3) A requirement that the taxpayer maintain operations at 4021
the project site for at least the greater of (a) the term of the 4022
credit plus three years, or (b) seven years. 4023

(4)(a) In the case of a credit granted under division (B)(1) 4024
of this section, a requirement that the taxpayer retain at least 4025
five hundred full-time equivalent employees at the project site 4026
and within this state for the entire term of the credit, or a 4027
requirement that the taxpayer maintain an annual payroll of at 4028
least thirty-five million dollars for the entire term of the 4029
credit; 4030

(b) In the case of a credit granted under division (B)(2) of 4031
this section, a requirement that the taxpayer retain at least one 4032
thousand full-time equivalent employees at the project site and 4033
within this state for the entire term of the credit; 4034

(c) In the case of a credit granted under division (B)(3) of 4035
this section, either of the following: 4036

(i) A requirement that the taxpayer retain at least five hundred full-time equivalent employees at the project site and within this state for the entire term of the credit and a requirement that the taxpayer maintain an annual payroll of at least twenty million dollars for the entire term of the credit;

(ii) A requirement that the taxpayer maintain an annual payroll of at least thirty-five million dollars for the entire term of the credit.

(5) A requirement that the taxpayer annually report to the director of development services employment, tax withholding, capital investment, and other information the director needs to perform the director's duties under this section.

(6) A requirement that the director of development services annually review the annual reports of the taxpayer to verify the information reported under division (E)(5) of this section and compliance with the agreement. Upon verification, the director shall issue a certificate to the taxpayer stating that the information has been verified and identifying the amount of the credit for the taxable year or calendar year that includes the tax period. In determining the number of full-time equivalent employees, no position shall be counted that is filled by an employee who is included in the calculation of a tax credit under section 122.17 of the Revised Code.

(7) A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project site unless the director of development services determines that the taxpayer notified the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated.

For purposes of this section, the movement of an employment position from one political subdivision to another political

subdivision shall be considered a relocation of an employment 4068
position unless the movement is confined to the project site. The 4069
transfer of an employment position from one political subdivision 4070
to another political subdivision shall not be considered a 4071
relocation of an employment position if the employment position in 4072
the first political subdivision is replaced by another employment 4073
position. 4074

(8) A waiver by the taxpayer of any limitations periods 4075
relating to assessments or adjustments resulting from the 4076
taxpayer's failure to comply with the agreement. 4077

(F) If a taxpayer fails to meet or comply with any condition 4078
or requirement set forth in a tax credit agreement, the tax credit 4079
authority may amend the agreement to reduce the percentage or term 4080
of the credit. The reduction of the percentage or term may take 4081
effect in the current taxable or calendar year. 4082

(G) Financial statements and other information submitted to 4083
the department of development services or the tax credit authority 4084
by an applicant for or recipient of a tax credit under this 4085
section, and any information taken for any purpose from such 4086
statements or information, are not public records subject to 4087
section 149.43 of the Revised Code. However, the chairperson of 4088
the authority may make use of the statements and other information 4089
for purposes of issuing public reports or in connection with court 4090
proceedings concerning tax credit agreements under this section. 4091
Upon the request of the tax commissioner, or the superintendent of 4092
insurance in the case of an insurance company, the chairperson of 4093
the authority shall provide to the commissioner or superintendent 4094
any statement or other information submitted by an applicant for 4095
or recipient of a tax credit in connection with the credit. The 4096
commissioner or superintendent shall preserve the confidentiality 4097
of the statement or other information. 4098

(H) A taxpayer claiming a tax credit under this section shall 4099

submit to the tax commissioner or, in the case of an insurance 4100
company, to the superintendent of insurance, a copy of the 4101
director of ~~development's~~ development services' certificate of 4102
verification under division (E)(6) of this section with the 4103
taxpayer's tax report or return for the taxable year or for the 4104
calendar year that includes the tax period. Failure to submit a 4105
copy of the certificate with the report or return does not 4106
invalidate a claim for a credit if the taxpayer submits a copy of 4107
the certificate to the commissioner or superintendent within sixty 4108
days after the commissioner or superintendent requests it. 4109

(I) For the purposes of this section, a taxpayer may include 4110
a partnership, a corporation that has made an election under 4111
subchapter S of chapter one of subtitle A of the Internal Revenue 4112
Code, or any other business entity through which income flows as a 4113
distributive share to its owners. A partnership, S-corporation, or 4114
other such business entity may elect to pass the credit received 4115
under this section through to the persons to whom the income or 4116
profit of the partnership, S-corporation, or other entity is 4117
distributed. The election shall be made on the annual report 4118
required under division (E)(5) of this section. The election 4119
applies to and is irrevocable for the credit for which the report 4120
is submitted. If the election is made, the credit shall be 4121
apportioned among those persons in the same proportions as those 4122
in which the income or profit is distributed. 4123

(J) If the director of development services determines that a 4124
taxpayer that received a tax credit under this section is not 4125
complying with the requirement under division (E)(3) of this 4126
section, the director shall notify the tax credit authority of the 4127
noncompliance. After receiving such a notice, and after giving the 4128
taxpayer an opportunity to explain the noncompliance, the 4129
authority may terminate the agreement and require the taxpayer to 4130
refund to the state all or a portion of the credit claimed in 4131

previous years, as follows: 4132

(1) If the taxpayer maintained operations at the project site 4133
for less than or equal to the term of the credit, an amount not to 4134
exceed one hundred per cent of the sum of any tax credits allowed 4135
and received under this section. 4136

(2) If the taxpayer maintained operations at the project site 4137
longer than the term of the credit, but less than the greater of 4138
(a) the term of the credit plus three years, or (b) seven years, 4139
the amount required to be refunded shall not exceed seventy-five 4140
per cent of the sum of any tax credits allowed and received under 4141
this section. 4142

In determining the portion of the credit to be refunded to 4143
this state, the authority shall consider the effect of market 4144
conditions on the taxpayer's project and whether the taxpayer 4145
continues to maintain other operations in this state. After making 4146
the determination, the authority shall certify the amount to be 4147
refunded to the tax commissioner or the superintendent of 4148
insurance. If the taxpayer is not an insurance company, the 4149
commissioner shall make an assessment for that amount against the 4150
taxpayer under Chapter 5726., 5733., 5747., or 5751. of the 4151
Revised Code. If the taxpayer is an insurance company, the 4152
superintendent of insurance shall make an assessment under section 4153
5725.222 or 5729.102 of the Revised Code. The time limitations on 4154
assessments under those chapters and sections do not apply to an 4155
assessment under this division, but the commissioner or 4156
superintendent shall make the assessment within one year after the 4157
date the authority certifies to the commissioner or superintendent 4158
the amount to be refunded. 4159

(K) The director of development services, after consultation 4160
with the tax commissioner and the superintendent of insurance and 4161
in accordance with Chapter 119. of the Revised Code, shall adopt 4162
rules necessary to implement this section. The rules may provide 4163

for recipients of tax credits under this section to be charged 4164
fees to cover administrative costs of the tax credit program. The 4165
fees collected shall be credited to the tax incentive programs 4166
operating fund created in section 122.174 of the Revised Code. At 4167
the time the director gives public notice under division (A) of 4168
section 119.03 of the Revised Code of the adoption of the rules, 4169
the director shall submit copies of the proposed rules to the 4170
chairpersons of the standing committees on economic development in 4171
the senate and the house of representatives. 4172

(L) On or before the first day of August of each year, the 4173
director of development services shall submit a report to the 4174
governor, the president of the senate, and the speaker of the 4175
house of representatives on the tax credit program under this 4176
section. The report shall include information on the number of 4177
agreements that were entered into under this section during the 4178
preceding calendar year, a description of the project that is the 4179
subject of each such agreement, and an update on the status of 4180
projects under agreements entered into before the preceding 4181
calendar year. 4182

(M)(1) The aggregate amount of tax credits issued under 4183
division (B)(1) of this section during any calendar year for 4184
capital investment projects reviewed and approved by the tax 4185
credit authority may not exceed the following amounts: 4186

(a) For 2010, thirteen million dollars; 4187

(b) For 2011 through 2023, the amount of the limit for the 4188
preceding calendar year plus thirteen million dollars; 4189

(c) For 2024 and each year thereafter, one hundred 4190
ninety-five million dollars. 4191

(2) The aggregate amount of tax credits authorized under 4192
divisions (B)(2) and (3) of this section and allowed to be claimed 4193
by taxpayers in any calendar year for capital improvement projects 4194

reviewed and approved by the tax credit authority in 2011, 2012, 4195
and 2013 combined shall not exceed twenty-five million dollars. An 4196
amount equal to the aggregate amount of credits first authorized 4197
in calendar year 2011, 2012, and 2013 may be claimed over the 4198
ensuing period up to fifteen years, subject to the terms of 4199
individual tax credit agreements. 4200

The limitations in division (M) of this section do not apply 4201
to credits for capital investment projects approved by the tax 4202
credit authority before July 1, 2009. 4203

Sec. 122.28. As used in sections 122.28 and 122.30 to 122.36 4204
of the Revised Code: 4205

(A) "New technology" means the development through science or 4206
research of methods, processes, and procedures, including but not 4207
limited to those involving the processing and utilization of coal, 4208
for practical application in industrial or agribusiness 4209
situations. 4210

(B) "Industrial research" means study and investigation in 4211
giving new shapes, new qualities or new combinations to matter or 4212
material products by the application of labor thereto or the 4213
rehabilitation of an existing matter or material product. 4214

(C) "Enterprise" means a business with its principal place of 4215
business in this state or which proposes to be engaged in this 4216
state in research and development or in the provision of products 4217
or services involving a significant amount of new technology. 4218

(D) "Educational institutions" means nonprofit public and 4219
private colleges and universities, incorporated or unincorporated, 4220
in the state. 4221

(E) "Small business" means an enterprise with less than four 4222
hundred employees, including corporations, partnerships, 4223
unincorporated entities, proprietorships, and joint enterprises. 4224

(F) "Applied research" means the application of basic 4225
research for the development of new technology. 4226

Sec. 122.30. The ~~industrial technology and enterprise~~ 4227
~~advisory council~~ third frontier commission established in section 4228
184.01 of the Revised Code and the director of development are 4229
vested with the powers and duties provided in sections 122.28 and 4230
122.30 to 122.36 of the Revised Code, to promote the welfare of 4231
the people of the state through the interaction of the business 4232
and industrial community and educational institutions in the 4233
development of new technology and enterprise. 4234

(A) It is necessary for the state to establish the ~~industrial~~ 4235
~~technology and enterprise advisory council~~ and the programs 4236
created pursuant to sections 122.28 and 122.30 to 122.36 of the 4237
Revised Code to accomplish the following purposes which are 4238
determined to be essential: 4239

(1) Improve the existing industrial and agricultural base of 4240
the state; 4241

(2) Improve the economy of the state by providing employment, 4242
increasing productivity, and slowing the rate of inflation; 4243

(3) Develop markets worldwide for the products of the state's 4244
natural resources and agricultural and manufacturing industries; 4245

(4) Maintain a high standard of living for the people of the 4246
state. 4247

(B) The ~~industrial technology and enterprise advisory council~~ 4248
commission shall do ~~all~~ both of the following: 4249

(1) Make recommendations to the director of development as to 4250
applications for assistance pursuant to sections 122.28 and 122.30 4251
to 122.36 of the Revised Code. The ~~council~~ commission may revise 4252
its recommendations to reflect any changes in the proposed 4253
assistance made by the director. 4254

(2) Advise the director in the administration of sections	4255
122.28 <u>and 122.30</u> to 122.36 of the Revised Code+	4256
(3) Adopt bylaws to govern the conduct of the council's	4257
business.	4258
(C) The director of development shall do all of the	4259
following:	4260
(1) Receive applications for assistance under sections 122.28	4261
<u>and 122.30</u> to 122.36 of the Revised Code and, after processing,	4262
forward them to the council <u>commission</u> together with necessary	4263
supporting information;	4264
(2) Receive the recommendations of the council <u>commission</u> and	4265
make a final determination whether to approve the application for	4266
assistance;	4267
(3) Transmit determinations to approve assistance exceeding	4268
forty thousand dollars to the controlling board, together with any	4269
information the controlling board requires, for the board's review	4270
and decision as to whether to approve the assistance;	4271
(4) Gather and disseminate information and conduct hearings,	4272
conferences, seminars, investigations, and special studies on	4273
problems and programs concerning industrial research and new	4274
technology and their commercial applications in the state;	4275
(5) Establish an annual program to recognize the	4276
accomplishments and contributions of individuals and organizations	4277
in the development of industrial research and new technology in	4278
the state;	4279
(6) Stimulate both public and industrial awareness and	4280
interest in industrial research and development of new technology	4281
primarily in the areas of industrial processes, implementation,	4282
energy, agribusiness, medical technology, avionics, and food	4283
processing;	4284

- (7) Develop and implement comprehensive and coordinated policies, programs, and procedures promoting industrial research and new technology; 4285
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- (8) Propose appropriate legislation or executive actions to stimulate the development of industrial research and new technology by enterprises and individuals; 4288
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- (9) Encourage and facilitate contracts between industry, agriculture, educational institutions, federal agencies, and state agencies, with special emphasis on industrial research and new technology by small businesses and agribusiness; 4291
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- (10) Participate with any state agency in developing specific programs and goals to assist in the development of industrial research and new technology and monitor performance; 4295
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- (11) Assist enterprises in obtaining alternative forms of governmental or commercial financing for industrial research and new technology; 4298
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- (12) Assist enterprises or individuals in the implementation of new programs and policies and the expansion of existing programs to provide an atmosphere conducive to increased cooperation among and participation by individuals, enterprises, and educational institutions engaged in industrial research and the development of new technology; 4301
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- (13) Advertise, prepare, print, and distribute books, maps, pamphlets, and other information which in the judgment of the director will further its purposes; 4307
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- (14) Include in the director's annual report to the governor and the general assembly a report on the activities for the preceding calendar year under sections 122.28 and 122.30 to 122.36 of the Revised Code; 4310
4311
4312
4313
- (15) Approve the expenditure of money appropriated by the 4314

general assembly for the purpose of sections 122.28 and 122.30 to 4315
122.36 of the Revised Code; 4316

(16) Identify and implement federal research and development 4317
programs which would link Ohio's industrial base, research 4318
facilities, and natural resources; 4319

(17) Employ and fix the compensation of technical and 4320
professional personnel, who shall be in the unclassified civil 4321
service, and employ other personnel, who shall be in the 4322
classified civil service, as necessary to carry out the provisions 4323
of sections 122.28 and 122.30 to 122.36 of the Revised Code. 4324

Sec. 122.31. All expenses and obligations incurred by the 4325
director of development and the ~~industrial technology and~~ 4326
~~enterprise advisory council~~ third frontier commission in carrying 4327
out their powers and in exercising their duties under sections 4328
122.28 and 122.30 to 122.36 of the Revised Code, are payable from 4329
revenues or other receipts or income from grants, gifts, 4330
contributions, compensation, reimbursement, and funds established 4331
in accordance with those sections or general revenue funds 4332
appropriated by the general assembly for operating expenses of the 4333
director or ~~council~~ commission. 4334

Sec. 122.32. The director of development, on behalf of the 4335
programs authorized pursuant to sections 122.28 and 122.30 to 4336
122.36 of the Revised Code, may receive and accept grants, gifts, 4337
and contributions of money, property, labor, and other things of 4338
value to be held, used, and applied only for the purpose for which 4339
the grants, gifts, and contributions are made, from individuals, 4340
private and public corporations, from the United States or any 4341
agency of the United States, and from any political subdivision of 4342
the state. The director may agree to repay any contribution of 4343
money or to return any property contributed or its value at times, 4344

in amounts, and on terms and conditions excluding the payment of 4345
interest as the director determines at the time the contribution 4346
is made. The director may evidence the obligation by written 4347
contracts, subject to section 122.31 of the Revised Code, provided 4348
that the director shall not thereby incur indebtedness of or 4349
impose liability upon the state or any political subdivision. 4350

Sec. 122.33. The director of development shall administer the 4351
following programs: 4352

(A) The industrial technology and enterprise development 4353
grant program, to provide capital to acquire, construct, enlarge, 4354
improve, or equip and to sell, lease, exchange, and otherwise 4355
dispose of property, structures, equipment, and facilities within 4356
the state. 4357

Such funding may be made to enterprises that propose to 4358
develop new products or technologies when the director finds all 4359
of the following factors to be present: 4360

(1) The undertaking will benefit the people of the state by 4361
creating or preserving jobs and employment opportunities or 4362
improving the economic welfare of the people of the state, and 4363
promoting the development of new technology. 4364

(2) There is reasonable assurance that the potential 4365
royalties to be derived from the sale of the product or process 4366
described in the proposal will be sufficient to repay the funding 4367
pursuant to sections 122.28 and 122.30 to 122.36 of the Revised 4368
Code and that, in making the agreement, as it relates to patents, 4369
copyrights, and other ownership rights, there is reasonable 4370
assurance that the resulting new technology will be utilized to 4371
the maximum extent possible in facilities located in Ohio. 4372

(3) The technology and research to be undertaken will allow 4373
enterprises to compete more effectively in the marketplace. Grants 4374

of capital may be in such form and conditioned upon such terms as 4375
the ~~board~~ director deems appropriate. 4376

(B) The industrial technology and enterprise resources 4377
program to provide for the collection, dissemination, and exchange 4378
of information regarding equipment, facilities, and business 4379
planning consultation resources available in business, industry, 4380
and educational institutions and to establish methods by which 4381
small businesses may use available facilities and resources. The 4382
methods may include, but need not be limited to, leases 4383
reimbursing the educational institutions for their actual costs 4384
incurred in maintaining the facilities and agreements assigning 4385
royalties from development of successful products or processes 4386
through the use of the facilities and resources. The director 4387
shall operate this program in conjunction with the board of 4388
regents. 4389

(C) The Thomas Alva Edison grant program to provide grants to 4390
foster research, development, or technology transfer efforts 4391
involving enterprises and educational institutions that will lead 4392
to the creation of jobs. 4393

(1) Grants may be made to a nonprofit organization or a 4394
public or private educational institution, department, college, 4395
institute, faculty member, or other administrative subdivision or 4396
related entity of an educational institution when the director 4397
finds that the undertaking will benefit the people of the state by 4398
supporting research in advanced technology areas likely to improve 4399
the economic welfare of the people of the state through promoting 4400
the development of new commercial technology. 4401

(2) Grants may be made in a form and conditioned upon terms 4402
as the director considers appropriate. 4403

(3) Grants made under this program shall in all instances be 4404
in conjunction with a contribution to the project by a cooperating 4405

enterprise which maintains or proposes to maintain a relevant 4406
research, development, or manufacturing facility in the state, by 4407
a nonprofit organization, or by an educational institution or 4408
related entity; however, funding provided by an educational 4409
institution or related entity shall not be from general revenue 4410
funds appropriated by the Ohio general assembly. No grant made 4411
under this program shall exceed the contribution made by the 4412
cooperating enterprise, nonprofit organization, or educational 4413
institution or related entity. The director may consider 4414
cooperating contributions in the form of state of the art new 4415
equipment or in other forms provided the director determines that 4416
the contribution is essential to the successful implementation of 4417
the project. The director may adopt rules or guidelines for the 4418
valuation of contributions of equipment or other property. 4419

(4) The director may determine fields of research from which 4420
grant applications will be accepted under this program. 4421

Sec. 122.34. The exercise of the powers granted by sections 4422
122.28 and 122.30 to 122.36 of the Revised Code will be in all 4423
respects for the benefit of the people of the state, for the 4424
improvement of commerce and prosperity, improvement of employment 4425
conditions, and will constitute the performance of essential 4426
governmental functions. 4427

Sec. 122.35. All moneys received under sections 122.28 and 4428
122.30 to 122.36 of the Revised Code are trust funds to be held 4429
and applied solely as provided in those sections and section 4430
166.03 of the Revised Code. All moneys, except when deposited with 4431
the treasurer of the state, shall be kept and secured in 4432
depositories as selected by the director of development in the 4433
manner provided in sections 135.01 to 135.21 of the Revised Code, 4434
insofar as those sections are applicable. All moneys held by the 4435
director in trust to carry out the purposes of sections 122.28 and 4436

122.30 to 122.36 of the Revised Code shall be used as provided in 4437
sections 122.28 and 122.30 to 122.36 of the Revised Code and at no 4438
time be part of other public funds. 4439

Sec. 122.36. Any materials or data submitted to, made 4440
available to, or received by the director of development, the 4441
~~industrial technology and enterprise advisory council~~ third 4442
frontier commission, or the controlling board, to the extent that 4443
the material or data consist of trade secrets, as defined in 4444
section 1333.61 of the Revised Code, or commercial or financial 4445
information, regarding projects are not public records for the 4446
purposes of section 149.43 of the Revised Code. 4447

Sec. 122.85. (A) As used in this section and in sections 4448
5726.55, 5733.59 ~~and~~, 5747.66, and 5751.54 of the Revised Code: 4449

(1) "Tax credit-eligible production" means a motion picture 4450
production certified by the director of development services under 4451
division (B) of this section as qualifying the motion picture 4452
company for a tax credit under section 5726.55, 5733.59 ~~or~~, 4453
5747.66, or 5751.54 of the Revised Code. 4454

(2) "Certificate owner" means a motion picture company to 4455
which a tax credit certificate is issued. 4456

(3) "Motion picture company" means an individual, 4457
corporation, partnership, limited liability company, or other form 4458
of business association producing a motion picture. 4459

(4) "Eligible production expenditures" means expenditures 4460
made after June 30, 2009, for goods or services purchased and 4461
consumed in this state by a motion picture company directly for 4462
the production of a tax credit-eligible production. 4463

"Eligible production expenditures" includes, but is not 4464
limited to, expenditures for resident and nonresident cast and 4465
crew wages, accommodations, costs of set construction and 4466

operations, editing and related services, photography, sound 4467
synchronization, lighting, wardrobe, makeup and accessories, film 4468
processing, transfer, sound mixing, special and visual effects, 4469
music, location fees, and the purchase or rental of facilities and 4470
equipment. 4471

(5) "Motion picture" means entertainment content created in 4472
whole or in part within this state for distribution or exhibition 4473
to the general public, including, but not limited to, 4474
feature-length films; documentaries; long-form, specials, 4475
miniseries, series, and interstitial television programming; 4476
interactive web sites; sound recordings; videos; music videos; 4477
interactive television; interactive games; ~~videogames~~ video games; 4478
commercials; any format of digital media; and any trailer, pilot, 4479
video teaser, or demo created primarily to stimulate the sale, 4480
marketing, promotion, or exploitation of future investment in 4481
either a product or a motion picture by any means and media in any 4482
digital media format, film, or videotape, provided the motion 4483
picture qualifies as a motion picture. "Motion picture" does not 4484
include any television program created primarily as news, weather, 4485
or financial market reports, a production featuring current events 4486
or sporting events, an awards show or other gala event, a 4487
production whose sole purpose is fundraising, a long-form 4488
production that primarily markets a product or service or in-house 4489
corporate advertising or other similar productions, a production 4490
for purposes of political advocacy, or any production for which 4491
records are required to be maintained under 18 U.S.C. 2257 with 4492
respect to sexually explicit content. 4493

(B) For the purpose of encouraging and developing a strong 4494
film industry in this state, the director of development services 4495
may certify a motion picture produced by a motion picture company 4496
as a tax credit-eligible production. In the case of a television 4497
series, the director may certify the production of each episode of 4498

the series as a separate tax credit-eligible production. A motion picture company shall apply for certification of a motion picture as a tax credit-eligible production on a form and in the manner prescribed by the director. Each application shall include the following information:

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

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

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

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

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

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

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

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

(9) A synopsis of the script;

(10) The shooting script;

(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;

(12) Documentation of financial ability to undertake and complete the motion picture;

(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;

(14) Any other information considered necessary by the

director. 4528

Within ninety days after certification of a motion picture as 4529
a tax credit-eligible production, and any time thereafter upon the 4530
~~director's~~ director of development services' request, the motion 4531
picture company shall present to the director ~~of development~~ 4532
sufficient evidence of reviewable progress. If the motion picture 4533
company fails to present sufficient evidence, the director ~~of~~ 4534
~~development~~ may rescind the certification. Upon rescission, the 4535
director shall notify the applicant that the certification has 4536
been rescinded. Nothing in this section prohibits an applicant 4537
whose tax credit-eligible production certification has been 4538
rescinded from submitting a subsequent application for 4539
certification. 4540

(C)(1) A motion picture company whose motion picture has been 4541
certified as a tax credit-eligible production may apply to the 4542
director of development services on or after July 1, 2009, for a 4543
refundable credit against the tax imposed by section 5726.02, 4544
5733.06 ~~or,~~ 5747.02, or 5751.02 of the Revised Code. The director 4545
in consultation with the tax commissioner shall prescribe the form 4546
and manner of the application and the information or documentation 4547
required to be submitted with the application. 4548

The credit is determined as follows: 4549

(a) If the total budgeted eligible production expenditures 4550
stated in the application submitted under division (B) of this 4551
section or the actual eligible production expenditures as finally 4552
determined under division (D) of this section, whichever is least, 4553
is less than or equal to three hundred thousand dollars, no credit 4554
is allowed; 4555

(b) If the total budgeted eligible production expenditures 4556
stated in the application submitted under division (B) of this 4557
section or the actual eligible production expenditures as finally 4558

determined under division (D) of this section, whichever is least, 4559
is greater than three hundred thousand dollars, the credit equals 4560
the sum of the following, subject to the limitation in division 4561
(C)(4) of this section: 4562

(i) Twenty-five per cent of the least of such budgeted or 4563
actual eligible expenditure amounts excluding budgeted or actual 4564
eligible expenditures for resident cast and crew wages; 4565

(ii) Thirty-five per cent of budgeted or actual eligible 4566
expenditures for resident cast and crew wages. 4567

(2) Except as provided in division (C)(4) of this section, if 4568
the director of development services approves a motion picture 4569
company's application for a credit, the director shall issue a tax 4570
credit certificate to the company. The director in consultation 4571
with the tax commissioner shall prescribe the form and manner of 4572
issuing certificates. The director shall assign a unique 4573
identifying number to each tax credit certificate and shall record 4574
the certificate in a register devised and maintained by the 4575
director for that purpose. The certificate shall state the amount 4576
of the eligible production expenditures on which the credit is 4577
based and the amount of the credit. Upon the issuance of a 4578
certificate, the director shall certify to the tax commissioner 4579
the name of the applicant, the amount of eligible production 4580
expenditures shown on the certificate, and any other information 4581
required by the rules adopted to administer this section. 4582

(3) The amount of eligible production expenditures for which 4583
a tax credit may be claimed is subject to inspection and 4584
examination by the tax commissioner or employees of the 4585
commissioner under section 5703.19 of the Revised Code and any 4586
other applicable law. Once the eligible production expenditures 4587
are finally determined under section 5703.19 of the Revised Code 4588
and division (D) of this section, the credit amount is not subject 4589
to adjustment unless the director determines an error was 4590

committed in the computation of the credit amount. 4591

(4) No tax credit certificate may be issued before the 4592
completion of the tax credit-eligible production. For the fiscal 4593
biennium beginning July 1, 2009, and ending June 30, 2011, not 4594
more than thirty million dollars of tax credit may be allowed, of 4595
which not more than ten million dollars of tax credit may be 4596
allowed in the first year of the biennium. In succeeding fiscal 4597
biennia, not more than twenty million dollars of tax credit may be 4598
allowed per fiscal biennium, and not more than ten million dollars 4599
may be allowed in the first year of the biennium. At any time, not 4600
more than five million dollars of tax credit may be allowed per 4601
tax credit-eligible production. 4602

(D) A motion picture company whose motion picture has been 4603
certified as a tax credit-eligible production shall engage, at the 4604
company's expense, an independent certified public accountant to 4605
examine the company's production expenditures to identify the 4606
expenditures that qualify as eligible production expenditures. The 4607
certified public accountant shall issue a report to the company 4608
and to the director of development services certifying the 4609
company's eligible production expenditures and any other 4610
information required by the director. Upon receiving and examining 4611
the report, the director may disallow any expenditure the director 4612
determines is not an eligible production expenditure. If the 4613
director disallows an expenditure, the director shall issue a 4614
written notice to the motion picture production company stating 4615
that the expenditure is disallowed and the reason for the 4616
disallowance. Upon examination of the report and disallowance of 4617
any expenditures, the director shall determine finally the lesser 4618
of the total budgeted eligible production expenditures stated in 4619
the application submitted under division (B) of this section or 4620
the actual eligible production expenditures for the purpose of 4621
computing the amount of the credit. 4622

(E) No credit shall be allowed under section 5726.55, 5733.59 4623
~~or~~, 5747.66, ~~or~~ 5751.54 of the Revised Code unless the director 4624
has reviewed the report and made the determination prescribed by 4625
division (D) of this section. 4626

(F) This state reserves the right to refuse the use of this 4627
state's name in the credits of any tax credit-eligible motion 4628
picture production. 4629

(G)(1) The director of development services in consultation 4630
with the tax commissioner shall adopt rules for the administration 4631
of this section, including rules setting forth and governing the 4632
criteria for determining whether a motion picture production is a 4633
tax credit-eligible production; activities that constitute the 4634
production of a motion picture; reporting sufficient evidence of 4635
reviewable progress; expenditures that qualify as eligible 4636
production expenditures; a competitive process for approving 4637
credits; and consideration of geographic distribution of credits. 4638
The rules shall be adopted under Chapter 119. of the Revised Code. 4639

(2) The director may require a reasonable application fee to 4640
cover administrative costs of the tax credit program. The fees 4641
collected shall be credited to the motion picture tax credit 4642
program operating fund, which is hereby created in the state 4643
treasury. The motion picture tax credit program operating fund 4644
shall consist of all grants, gifts, fees, and contributions made 4645
to the director ~~of development~~ for marketing and promotion of the 4646
motion picture industry within this state. The director ~~of~~ 4647
~~development~~ shall use money in the fund to pay expenses related to 4648
the administration of the Ohio film office and the credit 4649
authorized by this section and sections 5726.55., 5733.59 ~~and~~, 4650
5747.66, ~~and~~ 5751.54 of the Revised Code. 4651

(H) A certificate owner may not apply the same tax credit 4652
certificate against more than one of the taxes against which the 4653
credit authorized by this section may be claimed. 4654

Sec. 123.01. (A) The department of administrative services, 4655
in addition to those powers enumerated in Chapters 124. and 125. 4656
of the Revised Code and provided elsewhere by law, shall exercise 4657
the following powers: 4658

~~(1) To prepare, or contract to be prepared, by licensed 4659
engineers or architects, surveys, general and detailed plans, 4660
specifications, bills of materials, and estimates of cost for any 4661
projects, improvements, or public buildings to be constructed by 4662
state agencies that may be authorized by legislative 4663
appropriations or any other funds made available therefor, 4664
provided that the construction of the projects, improvements, or 4665
public buildings is a statutory duty of the department. This 4666
section does not require the independent employment of an 4667
architect or engineer as provided by section 153.01 of the Revised 4668
Code in the cases to which that section applies nor affect or 4669
alter the existing powers of the director of transportation. 4670~~

~~(2) To have general supervision over the construction of any 4671
projects, improvements, or public buildings constructed for a 4672
state agency and over the inspection of materials previous to 4673
their incorporation into those projects, improvements, or 4674
buildings; 4675~~

~~(3) To make contracts for and supervise the construction of 4676
any projects and improvements or the construction and repair of 4677
buildings under the control of a state agency, except contracts 4678
for the repair of buildings under the management and control of 4679
the departments of public safety, job and family services, mental 4680
health, developmental disabilities, rehabilitation and correction, 4681
and youth services, the bureau of workers' compensation, the 4682
rehabilitation services commission, and boards of trustees of 4683
educational and benevolent institutions and except contracts for 4684
the construction of projects that do not require the issuance of a 4685~~

~~building permit or the issuance of a certificate of occupancy and 4686
that are necessary to remediate conditions at a hazardous waste 4687
facility, solid waste facility, or other location at which the 4688
director of environmental protection has reason to believe there 4689
is a substantial threat to public health or safety or the 4690
environment. These contracts shall be made and entered into by the 4691
directors of public safety, job and family services, mental 4692
health, developmental disabilities, rehabilitation and correction, 4693
and youth services, the administrator of workers' compensation, 4694
the rehabilitation services commission, the boards of trustees of 4695
such institutions, and the director of environmental protection, 4696
respectively. All such contracts may be in whole or in part on 4697
unit price basis of maximum estimated cost, with payment computed 4698
and made upon actual quantities or units. 4699~~

~~(4) To prepare and suggest comprehensive plans for the 4700
development of grounds and buildings under the control of a state 4701
agency; 4702~~

~~(5)(2) To acquire, by purchase, gift, devise, lease, or 4703
grant, all real estate required by a state agency, in the exercise 4704
of which power the department may exercise the power of eminent 4705
domain, in the manner provided by sections 163.01 to 163.22 of the 4706
Revised Code; 4707~~

~~(6) To make and provide all plans, specifications, and models 4708
for the construction and perfection of all systems of sewerage, 4709
drainage, and plumbing for the state in connection with buildings 4710
and grounds under the control of a state agency; 4711~~

~~(7)(3) To erect, supervise, and maintain all public monuments 4712
and memorials erected by the state, except where the supervision 4713
and maintenance is otherwise provided by law; 4714~~

~~(8)(4) To procure, by lease, storage accommodations for a 4715
state agency; 4716~~

~~(9)~~(5) To lease or grant easements or licenses for 4717
unproductive and unused lands or other property under the control 4718
of a state agency. Such leases, easements, or licenses ~~shall~~ may 4719
be granted to any person or entity, shall be for a period not to 4720
exceed fifteen years, and shall be executed for the state by the 4721
director of administrative services ~~and the governor and shall be~~ 4722
~~approved as to form by the attorney general, provided that leases,~~ 4723
~~easements, or licenses may be granted to any county, township,~~ 4724
~~municipal corporation, port authority, water or sewer district,~~ 4725
~~school district, library district, health district, park district,~~ 4726
~~soil and water conservation district, conservancy district, or~~ 4727
~~other political subdivision or taxing district, or any agency of~~ 4728
~~the United States government, for the exclusive use of that~~ 4729
~~agency, political subdivision, or taxing district, without any~~ 4730
~~right of sublease or assignment, for a period not to exceed~~ 4731
~~fifteen years, and~~ or the director's designee, provided that the 4732
director or the director's designee shall grant leases, easements, 4733
or licenses of university land for periods not to exceed 4734
twenty-five years for purposes approved by the respective 4735
university's board of trustees wherein the uses are compatible 4736
with the uses and needs of the university and may grant leases of 4737
university land for periods not to exceed forty years for purposes 4738
approved by the respective university's board of trustees pursuant 4739
to section ~~123.77~~ 123.17 of the Revised Code. 4740

~~(10)~~(6) To lease space for the use of a state agency; 4741

~~(11)~~(7) To have general supervision and care of the 4742
storerooms, offices, and buildings leased for the use of a state 4743
agency; 4744

~~(12)~~(8) To exercise general custodial care of all real 4745
property of the state, including the sale and conveyance of real 4746
estate not needed by the state. Conveyances of real estate shall 4747
be approved by the controlling board in accordance with section 4748

127.27 of the Revised Code. 4749

~~(13)(9)~~ To assign and group together state offices in any 4750
city in the state and to establish, in cooperation with the state 4751
agencies involved, rules governing space requirements for office 4752
or storage use; 4753

~~(14)(10)(a)~~ To lease, pursuant to a lease-purchase agreement, 4754
property of any person or political subdivision located in this 4755
state for a period not to exceed forty years, ~~pursuant to a~~ 4756
~~contract for the purpose of~~ providing for the construction thereof 4757
~~under a lease-purchase plan,~~ of buildings, structures, and other 4758
improvements for any public purpose, ~~and, in conjunction~~ 4759
~~therewith, to grant leases, easements, or licenses for lands under~~ 4760
~~the control of a state agency for a period not to exceed forty~~ 4761
~~years~~ or private use for the benefit of the state. The 4762
lease-purchase ~~plan~~ agreement shall provide that at the end of the 4763
lease period, the buildings, structures, and related improvements, 4764
together with the land on which they are situated, ~~shall~~ become 4765
the property of the state without cost. 4766

~~(a) Whenever any building, structure, or other improvement is~~ 4767
~~to be so leased by a state agency, the department shall retain~~ 4768
~~either basic plans, specifications, bills of materials, and~~ 4769
~~estimates of cost with sufficient detail to afford bidders all~~ 4770
~~needed information or, alternatively, all of the following plans,~~ 4771
~~details, bills of materials, and specifications:~~ 4772

~~(i) Full and accurate plans suitable for the use of mechanics~~ 4773
~~and other builders in the improvement;~~ 4774

~~(ii) Details to scale and full sized, so drawn and~~ 4775
~~represented as to be easily understood;~~ 4776

~~(iii) Accurate bills showing the exact quantity of different~~ 4777
~~kinds of material necessary to the construction;~~ 4778

~~(iv) Definite and complete specifications of the work to be~~ 4779

~~performed, together with such directions as will enable a 4780
competent mechanic or other builder to carry them out and afford 4781
bidders all needed information; 4782~~

~~(v) A full and accurate estimate of each item of expense and 4783
of the aggregate cost thereof. 4784~~

~~(b) The department shall give public notice, in such 4785
newspaper, in such form, and with such phraseology as the director 4786
of administrative services prescribes, published once each week 4787
for four consecutive weeks, of the time when and place where bids 4788
will be received for entering into an agreement to lease to a 4789
state agency a building, structure, or other improvement. The last 4790
publication shall be at least eight days preceding the day for 4791
opening the bids. The bids shall contain the terms upon which the 4792
builder would propose to lease the building, structure, or other 4793
improvement to the state agency. The form of the bid approved by 4794
the department shall be used, and a bid is invalid and shall not 4795
be considered unless that form is used without change, alteration, 4796
or addition. Before submitting bids pursuant to this section, any 4797
builder shall comply with Chapter 153. of the Revised Code. 4798~~

~~(c) On the day and at the place named for receiving bids for 4799
entering into lease agreements with a state agency, the director 4800
of administrative services shall open the bids and shall publicly 4801
proceed immediately to tabulate the bids upon duplicate sheets. No 4802
lease agreement shall be entered into until the bureau of workers' 4803
compensation has certified that the person to be awarded the lease 4804
agreement has complied with Chapter 4123. of the Revised Code, 4805
until, if the builder submitting the lowest and best bid is a 4806
foreign corporation, the secretary of state has certified that the 4807
corporation is authorized to do business in this state, until, if 4808
the builder submitting the lowest and best bid is a person 4809
nonresident of this state, the person has filed with the secretary 4810
of state a power of attorney designating the secretary of state as 4811~~

~~its agent for the purpose of accepting service of summons in any
action brought under Chapter 4123. of the Revised Code, and until
the agreement is submitted to the attorney general and the
attorney general's approval is certified thereon. Within thirty
days after the day on which the bids are received, the department
shall investigate the bids received and shall determine that the
bureau and the secretary of state have made the certifications
required by this section of the builder who has submitted the
lowest and best bid. Within ten days of the completion of the
investigation of the bids, the department shall award the lease
agreement to the builder who has submitted the lowest and best bid
and who has been certified by the bureau and secretary of state as
required by this section. If bidding for the lease agreement has
been conducted upon the basis of basic plans, specifications,
bills of materials, and estimates of costs, upon the award to the
builder the department, or the builder with the approval of the
department, shall appoint an architect or engineer licensed in
this state to prepare such further detailed plans, specifications,
and bills of materials as are required to construct the building,
structure, or improvement. The department shall adopt such rules
as are necessary to give effect to this section. The department
may reject any bid. Where there is reason to believe there is
collusion or combination among bidders, the bids of those
concerned therein shall be rejected.~~

(15)(b) To lease, pursuant to a lease-leaseback agreement,
real property of the state to any person or a political
subdivision located in this state for a period not to exceed forty
years. If the department enters into such an agreement, the
agreement shall require the following:

(i) That the person or subdivision, for any public purpose or
private use for the benefit of the state, construct buildings or
structures, or make alterations, renovations, repairs, expansions,

or other improvements, on the property as it exists on the date 4844
the agreement is entered into; 4845

(ii) That the person or subdivision lease to the state, 4846
during the agreement period, space the department deems necessary 4847
in any building, structure, or other similar improvement on the 4848
property; 4849

(iii) That at the end of the lease period, the buildings, 4850
structures, and related improvements, become property of the state 4851
without cost. 4852

(c)(i) Any person or political subdivision entering into a 4853
lease-purchase or lease-leaseback agreement under division 4854
(A)(10)(a) or (b) of this section shall provide plans satisfactory 4855
to the department that detail the nature and cost, including 4856
financing costs, of the improvements described under division 4857
(A)(10)(a) or (b)(i) of this section, as applicable. 4858

(ii) In conjunction with entering into a lease-purchase or 4859
lease-leaseback agreement, the state may grant leases, easements, 4860
or licenses for lands under the control of a state agency for a 4861
period not to exceed forty years. 4862

(11) To acquire by purchase, gift, devise, or grant and to 4863
transfer, lease, or otherwise dispose of all real property 4864
required to assist in the development of a conversion facility as 4865
defined in section 5709.30 of the Revised Code as that section 4866
existed before its repeal by Amended Substitute House Bill 95 of 4867
the 125th general assembly; 4868

~~(16)~~(12) To lease for a period not to exceed forty years, 4869
notwithstanding any other division of this section, the 4870
state-owned property located at 408-450 East Town Street, 4871
Columbus, Ohio, formerly the state school for the deaf, to a 4872
developer in accordance with this section. "Developer," as used in 4873
this section, has the same meaning as in section 123.77 of the 4874

Revised Code. 4875

Such a lease shall be for the purpose of development of the 4876
land for use by senior citizens by constructing, altering, 4877
renovating, repairing, expanding, and improving the site as it 4878
existed on June 25, 1982. A developer desiring to lease the land 4879
shall prepare for submission to the department a plan for 4880
development. Plans shall include provisions for roads, sewers, 4881
water lines, waste disposal, water supply, and similar matters to 4882
meet the requirements of state and local laws. The plans shall 4883
also include provision for protection of the property by insurance 4884
or otherwise, and plans for financing the development, and shall 4885
set forth details of the developer's financial responsibility. 4886

The department may employ, as employees or consultants, 4887
persons needed to assist in reviewing the development plans. Those 4888
persons may include attorneys, financial experts, engineers, and 4889
other necessary experts. The department shall review the 4890
development plans and may enter into a lease if it finds all of 4891
the following: 4892

(a) The best interests of the state will be promoted by 4893
entering into a lease with the developer; 4894

(b) The development plans are satisfactory; 4895

(c) The developer has established the developer's financial 4896
responsibility and satisfactory plans for financing the 4897
development. 4898

The lease shall contain a provision that construction or 4899
renovation of the buildings, roads, structures, and other 4900
necessary facilities shall begin within one year after the date of 4901
the lease and shall proceed according to a schedule agreed to 4902
between the department and the developer or the lease will be 4903
terminated. The lease shall contain such conditions and 4904
stipulations as the director considers necessary to preserve the 4905

best interest of the state. Moneys received by the state pursuant 4906
to this lease shall be paid into the general revenue fund. The 4907
lease shall provide that at the end of the lease period the 4908
buildings, structures, and related improvements shall become the 4909
property of the state without cost. 4910

~~(17)~~(13) To manage the use of space owned and controlled by 4911
the department, including space in property under the jurisdiction 4912
of the Ohio building authority, by doing all of the following: 4913

(a) Biennially implementing, by state agency location, a 4914
census of agency employees assigned space; 4915

(b) Periodically in the discretion of the director of 4916
administrative services: 4917

(i) Requiring each state agency to categorize the use of 4918
space allotted to the agency between office space, common areas, 4919
storage space, and other uses, and to report its findings to the 4920
department; 4921

(ii) Creating and updating a master space utilization plan 4922
for all space allotted to state agencies. The plan shall 4923
incorporate space utilization metrics. 4924

(iii) Conducting a cost-benefit analysis to determine the 4925
effectiveness of state-owned buildings; 4926

(iv) Assessing the alternatives associated with consolidating 4927
the commercial leases for buildings located in Columbus. 4928

(c) Commissioning a comprehensive space utilization and 4929
capacity study in order to determine the feasibility of 4930
consolidating existing commercially leased space used by state 4931
agencies into a new state-owned facility. 4932

(14) To adopt rules to ensure that energy efficiency and 4933
conservation is considered in the purchase of products and 4934
equipment, except motor vehicles, by any state agency, department, 4935

division, bureau, office, unit, board, commission, authority, 4936
quasi-governmental entity, or institution. The department may 4937
require minimum energy efficiency standards for purchased products 4938
and equipment based on federal testing and labeling if available 4939
or on standards developed by the department. When possible, the 4940
rules shall apply to the competitive selection of energy consuming 4941
systems, components, and equipment under Chapter 125. of the 4942
Revised Code. 4943

(15) To ensure energy efficient and energy conserving 4944
purchasing practices by doing all of the following: 4945

(a) Identifying available energy efficiency and conservation 4946
opportunities; 4947

(b) Providing for interchange of information among purchasing 4948
agencies; 4949

(c) Identifying laws, policies, rules, and procedures that 4950
should be modified; 4951

(d) Monitoring experience with and the cost-effectiveness of 4952
this state's purchase and use of motor vehicles and of major 4953
energy-consuming systems, components, equipment, and products 4954
having a significant impact on energy consumption by the 4955
government; 4956

(e) Providing technical assistance and training to state 4957
employees involved in the purchasing process; 4958

(f) Working with the department of development to make 4959
recommendations regarding planning and implementation of 4960
purchasing policies and procedures that are supportive of energy 4961
efficiency and conservation. 4962

(16) To require all state agencies, departments, divisions, 4963
bureaus, offices, units, commissions, boards, authorities, 4964
quasi-governmental entities, institutions, and state institutions 4965

of higher education to implement procedures to ensure that all of 4966
the passenger automobiles they acquire in each fiscal year, except 4967
for those passenger automobiles acquired for use in law 4968
enforcement or emergency rescue work, achieve a fleet average fuel 4969
economy of not less than the fleet average fuel economy for that 4970
fiscal year as the department shall prescribe by rule. The 4971
department shall adopt the rule prior to the beginning of the 4972
fiscal year, in accordance with the average fuel economy standards 4973
established by federal law for passenger automobiles manufactured 4974
during the model year that begins during the fiscal year. 4975

Each state agency, department, division, bureau, office, 4976
unit, commission, board, authority, quasi-governmental entity, 4977
institution, and state institution of higher education shall 4978
determine its fleet average fuel economy by dividing the total 4979
number of passenger vehicles acquired during the fiscal year, 4980
except for those passenger vehicles acquired for use in law 4981
enforcement or emergency rescue work, by a sum of terms, each of 4982
which is a fraction created by dividing the number of passenger 4983
vehicles of a given make, model, and year, except for passenger 4984
vehicles acquired for use in law enforcement or emergency rescue 4985
work, acquired during the fiscal year by the fuel economy measured 4986
by the administrator of the United States environmental protection 4987
agency, for the given make, model, and year of vehicle, that 4988
constitutes an average fuel economy for combined city and highway 4989
driving. 4990

As used in division (A)(16) of this section, "acquired" means 4991
leased for a period of sixty continuous days or more, or 4992
purchased. 4993

(B) This section and section 125.02 of the Revised Code shall 4994
not interfere with any of the following: 4995

(1) The power of the adjutant general to purchase military 4996
supplies, or with the custody of the adjutant general of property 4997

leased, purchased, or constructed by the state and used for 4998
military purposes, or with the functions of the adjutant general 4999
as director of state armories; 5000

(2) The power of the director of transportation in acquiring 5001
rights-of-way for the state highway system, or the leasing of 5002
lands for division or resident district offices, or the leasing of 5003
lands or buildings required in the maintenance operations of the 5004
department of transportation, or the purchase of real property for 5005
garage sites or division or resident district offices, or in 5006
preparing plans and specifications for and constructing such 5007
buildings as the director may require in the administration of the 5008
department; 5009

(3) The power of the director of public safety and the 5010
registrar of motor vehicles to purchase or lease real property and 5011
buildings to be used solely as locations to which a deputy 5012
registrar is assigned pursuant to division (B) of section 4507.011 5013
of the Revised Code and from which the deputy registrar is to 5014
conduct the deputy registrar's business, the power of the director 5015
of public safety to purchase or lease real property and buildings 5016
to be used as locations for division or district offices as 5017
required in the maintenance of operations of the department of 5018
public safety, and the power of the superintendent of the state 5019
highway patrol in the purchase or leasing of real property and 5020
buildings needed by the patrol, to negotiate the sale of real 5021
property owned by the patrol, to rent or lease real property owned 5022
or leased by the patrol, and to make or cause to be made repairs 5023
to all property owned or under the control of the patrol; 5024

(4) The power of the division of liquor control in the 5025
leasing or purchasing of retail outlets and warehouse facilities 5026
for the use of the division; 5027

(5) The power of the director of development to enter into 5028
leases of real property, buildings, and office space to be used 5029

solely as locations for the state's foreign offices to carry out 5030
the purposes of section 122.05 of the Revised Code; 5031

(6) The power of the director of environmental protection to 5032
enter into environmental covenants, to grant and accept easements, 5033
or to sell property pursuant to division (G) of section 3745.01 of 5034
the Revised Code. 5035

(C) Purchases for, and the custody and repair of, buildings 5036
under the management and control of the capitol square review and 5037
advisory board, the rehabilitation services commission, the bureau 5038
of workers' compensation, or the departments of public safety, job 5039
and family services, mental health, developmental disabilities, 5040
and rehabilitation and correction; buildings of educational and 5041
benevolent institutions under the management and control of boards 5042
of trustees; and purchases or leases for, and the custody and 5043
repair of, office space used for the purposes of the joint 5044
legislative ethics committee are not subject to the control and 5045
jurisdiction of the department of administrative services. 5046

If the joint legislative ethics committee so requests, the 5047
committee and the director of administrative services may enter 5048
into a contract under which the department of administrative 5049
services agrees to perform any services requested by the committee 5050
that the department is authorized under this section to perform. 5051

(D) Any instrument by which real property is acquired 5052
pursuant to this section shall identify the agency of the state 5053
that has the use and benefit of the real property as specified in 5054
section 5301.012 of the Revised Code. 5055

Sec. ~~123.04~~ 123.02. The director of administrative services 5056
shall be appointed superintendent of public works and shall have 5057
the care and control of the public works of the state and shall 5058
protect, maintain, and keep them in repair. 5059

Subject to the approval of the governor, the director may 5060
purchase on behalf of the state such real or personal property, 5061
rights, or privileges as are necessary, in the director's 5062
judgment, to acquire in the maintenance of the public works or 5063
their improvement. 5064

Any instrument by which the state or an agency of the state 5065
acquires real property pursuant to this section shall identify the 5066
agency of the state that has the use and benefit of the real 5067
property as specified in section 5301.012 of the Revised Code. 5068

Sec. ~~123.07~~ 123.03. The director of administrative services 5069
may maintain an action in the name of the state for violations of 5070
any law relating to the public works for an injury to property 5071
pertaining to the public works, or for any other cause which is 5072
necessary in the performance of ~~his~~ the director's duties. 5073

Sec. ~~123.09~~ 123.04. The director of administrative services 5074
shall have supervision of the public works of the state and shall 5075
make such rules and regulations for the ~~improvement,~~ maintenance, 5076
and operation of the public works as are necessary. 5077

Sec. ~~123.10~~ 123.05. (A) The director of administrative 5078
services shall regulate the rate of tolls to be collected on the 5079
public works of the state, and shall fix all rentals and collect 5080
all tolls, rents, fines, commissions, fees, and other revenues 5081
arising from any source in the public works, including the sale, 5082
~~construction,~~ purchase, or rental of property, except that the 5083
director shall not collect a commission or fee from a real estate 5084
broker or the private owner when real property is leased or rented 5085
to the state. 5086

~~(B) There is hereby created in the state treasury the state 5087
architect's fund which shall consist of money received by the 5088
department of administrative services under division (A) of this 5089~~

~~section, fees paid under section 123.17 of the Revised Code, 5090
transfers of money to the fund authorized by the general assembly, 5091
and such amount of the investment earnings of the administrative 5092
building fund created in division (F) of section 154.24 of the 5093
Revised Code as the director of budget and management determines 5094
to be appropriate and in excess of the amounts required to meet 5095
estimated federal arbitrage rebate requirements. Money in the fund 5096
shall be used by the department of administrative services for the 5097
following purposes: 5098~~

~~(1) To pay personnel and other administrative expenses of the 5099
department; 5100~~

~~(2) To pay the cost of conducting evaluations of public 5101
works; 5102~~

~~(3) To pay the cost of building design specifications; 5103~~

~~(4) To pay the cost of providing project management services; 5104~~

~~(5) To pay the cost of operating the local administration 5105
competency certification program prescribed by section 123.17 of 5106
the Revised Code; 5107~~

~~(6) Any other purposes that the director of administrative 5108
services determines to be necessary for the department to execute 5109
its duties under this chapter. 5110~~

Sec. ~~123.024~~ 123.06. (A) The department of administrative 5111
services shall assign and make available, at state expense, 5112
suitable office space in state-owned facilities to accommodate the 5113
office operations of the state headquarters of both of the 5114
following: 5115

(1) All veterans organizations in this state that either are 5116
incorporated and issued a charter by the congress of the United 5117
States or are recognized by the United States department of 5118
veterans affairs; 5119

(2) The auxiliary organizations of veterans organizations 5120
described in division (A)(1) of this section. 5121

(B) The department may situate office space for each 5122
auxiliary organization of a veterans organization with or near the 5123
office space of that veterans organization. 5124

Sec. ~~123.11~~ 123.07. Each state agency and any county, 5125
township, or municipal corporation owning, leasing, or controlling 5126
the operation of parking spaces for use by its employees may 5127
provide preferential parking for those vehicles used in carpools, 5128
vanpools, and buspools. The department of administrative services 5129
shall coordinate the efforts of the state agencies in providing 5130
preferential parking for such vehicles. 5131

Sec. ~~123.13~~ 123.08. The director of administrative services 5132
shall appoint such ~~foreman forepersons, patrolmen patrol officers,~~ 5133
lock tenders, inspectors, engineers, and all other employees as 5134
are necessary for the ~~improvement,~~ maintenance, and operation of 5135
the public works. They shall be assigned to duty under the 5136
supervision of the director, under rules and regulations 5137
prescribed by ~~him~~ the director. Any such employee, when deemed 5138
necessary by the director, shall give proper bond to the state, 5139
conditioned for the faithful performance of ~~his~~ the employee's 5140
duties. Such bonds may, in the discretion of the director, be 5141
individual, schedule, or blanket bonds. 5142

Sec. ~~123.14~~ 123.09. All claims against the state for the 5143
~~improvement,~~ repair, maintenance, and operation of the public 5144
works of Ohio, including salary and expenses of all employees 5145
engaged in such work, shall be paid upon the order of the director 5146
of administrative services. 5147

Sec. ~~123.15~~ 123.10. (A) As used in this section and section 5148

~~123.21~~ 123.11 of the Revised Code, "public exigency" means an 5149
injury or obstruction that occurs in any public works of the state 5150
maintained by the director of administrative services and that 5151
materially impairs its immediate use or places in jeopardy 5152
property adjacent to it; an immediate danger of such an injury or 5153
obstruction; or an injury or obstruction, or an immediate danger 5154
of an injury or obstruction, that occurs ~~during the process of~~ 5155
~~construction of~~ in any public works of the state maintained by the 5156
director of administrative services and that materially impairs 5157
its immediate use or places in jeopardy property adjacent to it. 5158

(B) ~~The~~ When a declaration of public exigency is issued 5159
pursuant to division (C) of this section, the director of 5160
administrative services may request the Ohio facilities 5161
construction commission to enter into contracts with proper 5162
persons for the performance of labor, the furnishing of materials, 5163
or the construction of any structures and buildings necessary to 5164
the maintenance, control, and management of the public works of 5165
the state or any part of those public works. ~~Except as provided in~~ 5166
~~division (C) of this section for public exigencies, the director~~ 5167
~~shall advertise, award, and administer those~~ Any contracts in 5168
~~accordance with the requirements~~ awarded for the work performed 5169
pursuant to the declaration of a public exigency may be awarded 5170
without competitive bidding or selection as set forth in Chapter 5171
153. of the Revised Code. 5172

(C) The director of administrative services may issue a 5173
declaration of a public exigency on the director's own initiative 5174
or upon the request of the director of any state agency. The 5175
director's declaration shall identify the specific injury, 5176
obstruction, or danger that is the subject of the declaration and 5177
shall set forth a dollar limitation for the repair, removal, or 5178
prevention of that exigency under the declaration. 5179

Before any project to repair, remove, or prevent a public 5180

exigency under the director's declaration may begin, the director 5181
shall send notice of the project, in writing, to the director of 5182
budget and management and to the members of the controlling board. 5183
That notice shall detail the project to be undertaken to address 5184
the public exigency and shall include a copy of the director's 5185
declaration that establishes the monetary limitations on that 5186
project. 5187

Sec. ~~123.21~~ 123.11. When a public exigency, as defined in 5188
division (A) of section ~~123.15~~ 123.10 of the Revised Code, exists, 5189
the director of administrative services may take possession of 5190
lands and use them, or materials and other property necessary for 5191
the maintenance, protection, or repair of the public works, in 5192
accordance with sections 163.01 to 163.22 of the Revised Code. 5193

Sec. ~~123.46~~ 123.12. No land lease or sale of state lands 5194
shall be made by the director of administrative services except 5195
upon the written approval of the governor and the attorney 5196
general. 5197

Sec. ~~123.47~~ 123.13. Except as otherwise provided by law, the 5198
director of administrative services shall have the custody and 5199
control of the books, records, papers, surveys, maps, plats, and 5200
documents that pertain to any of the public works of this state. 5201

Sec. ~~123.48~~ 123.14. The director of administrative services 5202
shall make an annual report to the governor containing a statement 5203
of the expenses of the public works under ~~his~~ the director's 5204
supervision during the preceding year, setting forth an account of 5205
moneys expended on each of the public works during the year, and 5206
such other information and records as ~~he~~ the director deems 5207
proper. Such report shall contain a statement of the moneys 5208
received from all sources and an estimate of the appropriations 5209

necessary to maintain the public works and keep them in repair. 5210
The report shall also contain a list of all persons regularly 5211
employed, together with the salary, compensation, or allowance 5212
paid each. 5213

~~He~~ The director shall further from time to time when ~~he~~ the 5214
director deems it necessary, or when called upon by the governor, 5215
to do so, make such other reports as are proper, touching on the 5216
general condition and welfare of the public works and the 5217
drainage, leaseholds, and water powers incident thereto. 5218

Sec. ~~123.49~~ 123.15. The department of administrative services 5219
may adopt, amend, and rescind rules pertaining to lands under the 5220
supervision of the department in accordance with Chapter 119. of 5221
the Revised Code. 5222

Sec. 123.152. (A) As used in this section, "EDGE business 5223
enterprise" means a sole proprietorship, association, partnership, 5224
corporation, limited liability corporation, or joint venture 5225
certified as a participant in the encouraging diversity, growth, 5226
and equity program by the director of administrative services 5227
under this section of the Revised Code. 5228

(B) The director of administrative services shall establish a 5229
business assistance program known as the encouraging diversity, 5230
growth, and equity program and shall adopt rules in accordance 5231
with Chapter 119. of the Revised Code to administer the program 5232
that do all of the following: 5233

(1) Establish procedures by which a sole proprietorship, 5234
association, partnership, corporation, limited liability 5235
corporation, or joint venture may apply for certification as an 5236
EDGE business enterprise; 5237

(2) Except as provided in division (B)(14) of this section, 5238
establish agency procurement goals for contracting with EDGE 5239

business enterprises in the award of contracts under Chapters 5240
123., 125., and 153. of the Revised Code based on the availability 5241
of eligible program participants by region or geographic area, as 5242
determined by the director, and by standard industrial code or 5243
equivalent code classification. 5244

(a) Goals established under division (B)(2) of this section 5245
shall be based on a percentage level of participation and a 5246
percentage of contractor availability. 5247

(b) Goals established under division (B)(2) of this section 5248
shall be applied at the contract level, relative to an overall 5249
dollar goal for each state agency, in accordance with the 5250
following certification categories: construction, architecture, 5251
and engineering; professional services; goods and services; and 5252
information technology services. 5253

(3) Establish a system of certifying EDGE business 5254
enterprises based on a requirement that the business owner or 5255
owners show both social and economic disadvantage based on the 5256
following, as determined to be sufficient by the director: 5257

(a) Relative wealth of the business seeking certification as 5258
well as the personal wealth of the owner or owners of the 5259
business; 5260

(b) Social disadvantage based on any of the following: 5261

(i) A rebuttable presumption when the business owner or 5262
owners demonstrate membership in a racial minority group or show 5263
personal disadvantage due to color, ethnic origin, gender, 5264
physical disability, long-term residence in an environment 5265
isolated from the mainstream of American society, location in an 5266
area of high unemployment; 5267

(ii) Some other demonstration of personal disadvantage not 5268
common to other small businesses; 5269

(iii) By business location in a qualified census tract.	5270
(c) Economic disadvantage based on economic and business size thresholds and eligibility criteria designed to stimulate economic development through contract awards to businesses located in qualified census tracts.	5271 5272 5273 5274
(4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise certification;	5275 5276 5277
(5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director;	5278 5279 5280 5281
(6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services;	5282 5283 5284 5285
(7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section;	5286 5287 5288
(8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;	5289 5290
(9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;	5291 5292 5293
(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;	5294 5295 5296
(11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise;	5297 5298 5299

(12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises;

(13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective agencies;

(14) Establish guidelines for state universities as defined in section 3345.011 of the Revised Code and the Ohio ~~school~~ facilities construction commission created in section ~~3318.30~~ 123.20 of the Revised Code for awarding contracts pursuant to Chapters 153., 3318., and 3345. of the Revised Code to allow the universities and commission to establish agency procurement goals for contracting with EDGE business enterprises.

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

Sec. ~~123.77~~ 123.17. The department of administrative services may lease land belonging to or under the control or jurisdiction of a state university, not required nor to be required for use of the university, to a developer in accordance with this section. "Developer," as used in this section, means a person, partnership, association, corporation, or community improvement corporation established pursuant to Chapter 1724. of the Revised Code who or which submits a development plan to the department as provided in this section and requests the department to enter into a lease.

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Such a lease of university land shall be for the purpose of
development of the land by establishing, constructing, altering,
repairing, expanding, and improving industrial, distribution,
commercial, or research facilities. A developer desiring to lease
land of the university for such development shall prepare and
submit to the department of administrative services and to the
board of trustees of the university a plan for such development.
Plans shall include provisions for roads, streets, sewers, water
lines, waste disposal, water supply, and similar matters to meet
the requirements of state and local laws. The plans shall also
include provision for protection of the property by insurance or
otherwise and plans for financing the development, and shall set
forth details of the developer's financial responsibility.

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The department of administrative services may employ as
employees or consultants, persons needed to assist it in reviewing
the development plans. Such persons may include attorneys,
financial experts, engineers, and other necessary experts. The
department of administrative services shall review the development
plans and may enter into a lease if it finds that:

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(A) The best interests of the university will be promoted by
entering into a lease with the developer.

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(B) The development plans are satisfactory.

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(C) The developer has established ~~his~~ the developer's
financial responsibility and satisfactory plans for financing the
development.

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(D) The university board of trustees approves the lease.

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A lease may be entered into pursuant to this section for an
annual rent agreed to between the department and the developer for
a maximum term of forty years and may be renewed for a like or
lesser term. The lease shall contain a provision that construction

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of buildings, structures, roads, and other necessary facilities 5362
shall begin within one year after the date of the lease and shall 5363
proceed according to a schedule agreed to between the department 5364
and the developer or the lease will be terminated. Moneys received 5365
by the state pursuant to such leases shall be paid into the state 5366
treasury as an addition to the appropriation made to the 5367
university which has control or jurisdiction of the land or to 5368
which the land belongs. 5369

Sec. ~~123.08~~ 123.18. The director of administrative services 5370
may administer oaths to persons required by law to file affidavits 5371
or statements in the department of administrative services and to 5372
witnesses who are examined in matters pertaining to the 5373
administration of the public works. 5374

Sec. 123.20. (A) There is hereby created the Ohio facilities 5375
construction commission. The commission shall administer the 5376
design and construction of improvements to public facilities of 5377
the state in accordance with this chapter and other provisions of 5378
the Revised Code. 5379

The commission is a body corporate and politic, an agency of 5380
state government and an instrumentality of the state, performing 5381
essential governmental functions of this state. The carrying out 5382
of the purposes and the exercise by the commission of its powers 5383
are essential public functions and public purposes of the state. 5384
The commission may, in its own name, sue and be sued, enter into 5385
contracts, and perform all the powers and duties given to it by 5386
the Revised Code, but it does not have and shall not exercise the 5387
power of eminent domain. In its discretion and as it determines 5388
appropriate, the commission may delegate to any of its members, 5389
executive director, or other employees any of the commission's 5390
powers and duties to carry out its functions. 5391

(B) The commission shall consist of three members: the 5392
director of the office of budget and management and the director 5393
of administrative services, or their designees, and a member whom 5394
the governor shall appoint. 5395

Members of the commission shall serve without compensation. 5396

Within sixty days after the effective date of this section, 5397
the commission shall meet and organize by electing voting members 5398
as the chairperson and vice-chairperson of the commission, who 5399
shall hold their offices until the next organizational meeting of 5400
the commission. Organizational meetings of the commission shall be 5401
held at the first meeting of each calendar year. At each 5402
organizational meeting, the commission shall elect from among its 5403
voting members a chairperson and vice-chairperson, who shall serve 5404
until the next annual organizational meeting. The commission shall 5405
adopt rules pursuant to section 111.15 of the Revised Code for the 5406
conduct of its internal business and shall keep a journal of its 5407
proceedings. Including the organizational meeting, the commission 5408
shall meet at least once each calendar year. 5409

Two members of the commission constitute a quorum, and the 5410
affirmative vote of two members is necessary for approval of any 5411
action taken by the commission. A vacancy in the membership of the 5412
commission does not impair a quorum from exercising all the rights 5413
and performing all the duties of the commission. Meetings of the 5414
commission may be held anywhere in the state and shall be held in 5415
compliance with section 121.22 of the Revised Code. 5416

(C) Within sixty days after the effective date of this 5417
section, the governor shall appoint a member to the commission. 5418
The initial appointment shall be for a term ending three years 5419
after the effective date of this section, with subsequent terms 5420
ending three years after they begin, on the same day of the same 5421
month as the initial term. 5422

A vacancy for the member appointed by the governor shall be 5423
filled in the same manner as provided for the original 5424
appointment. The appointed member shall hold office for the 5425
remainder of the term for which the vacancy existed. After the 5426
expiration of the term, the appointed member shall continue in 5427
office for a period of sixty days or until the appointed member's 5428
successor takes office, whichever period is shorter. 5429

(D) The commission shall file an annual report of its 5430
activities and finances with the governor, speaker of the house of 5431
representatives, president of the senate, and chairpersons of the 5432
house and senate finance committees. 5433

(E) The commission shall be exempt from the requirements of 5434
sections 101.82 to 101.87 of the Revised Code. 5435

Sec. 123.201. There is hereby created in the state treasury 5436
the Ohio facilities construction commission fund, consisting of 5437
transfers of moneys authorized by the general assembly and 5438
revenues received by the Ohio facilities construction commission 5439
under section 123.21 of the Revised Code. Investment earnings on 5440
moneys in the fund shall be credited to the fund. Moneys in the 5441
fund may be used by the commission, in performing its duties under 5442
this chapter, to pay personnel and other administrative expenses, 5443
to pay the cost of preparing building design specifications, to 5444
pay the cost of providing project management services, and for 5445
other purposes determined by the commission to be necessary to 5446
fulfill its duties under this chapter. 5447

Sec. 123.21. (A) The Ohio facilities construction commission 5448
may perform any act and ensure the performance of any function 5449
necessary or appropriate to carry out the purposes of, and 5450
exercise the powers granted under this chapter or any other 5451
provision of the Revised Code, including any of the following: 5452

(1) Prepare, or contract to be prepared, by licensed 5453
engineers or architects, surveys, general and detailed plans, 5454
specifications, bills of materials, and estimates of cost for any 5455
projects, improvements, or public buildings to be constructed by 5456
state agencies that may be authorized by legislative 5457
appropriations or any other funds made available therefor, 5458
provided that the construction of the projects, improvements, or 5459
public buildings is a statutory duty of the commission. This 5460
section does not require the independent employment of an 5461
architect or engineer as provided by section 153.01 of the Revised 5462
Code in the cases to which section 153.01 of the Revised Code 5463
applies. This section does not affect or alter the existing powers 5464
of the director of transportation. 5465

(2) Have general supervision over the construction of any 5466
projects, improvements, or public buildings constructed for a 5467
state agency and over the inspection of materials prior to their 5468
incorporation into those projects, improvements, or buildings. 5469

(3) Make contracts for and supervise the design and 5470
construction of any projects and improvements or the construction 5471
and repair of buildings under the control of a state agency. All 5472
such contracts may be based in whole or in part on the unit price 5473
or maximum estimated cost, with payment computed and made upon 5474
actual quantities or units. 5475

(4) Enter into a lease-purchase agreement pursuant to section 5476
123.25 of the Revised Code on behalf of a state agency, college, 5477
university, or instrumentality, or college preparatory boarding 5478
school. 5479

(5) Adopt, amend, and rescind rules pertaining to the 5480
administration of the construction of the public works of the 5481
state as required by law, in accordance with Chapter 119. of the 5482
Revised Code. 5483

(6) Contract with, retain the services of, or designate, and 5484
fix the compensation of, such agents, accountants, consultants, 5485
advisers, and other independent contractors as may be necessary or 5486
desirable to carry out the programs authorized under this chapter, 5487
or authorize the executive director to perform such powers and 5488
duties. 5489

(7) Receive and accept any gifts, grants, donations, and 5490
pledges, and receipts therefrom, to be used for the programs 5491
authorized under this chapter. 5492

(8) Make and enter into all contracts, commitments, and 5493
agreements, and execute all instruments, necessary or incidental 5494
to the performance of its duties and the execution of its rights 5495
and powers under this chapter, or authorize the executive director 5496
to perform such powers and duties. 5497

(9) Debar a contractor as provided in section 153.02 of the 5498
Revised Code. 5499

(B) The commission shall appoint and fix the compensation of 5500
an executive director who shall serve at the pleasure of the 5501
commission. The executive director shall exercise all powers that 5502
the commission possesses, supervise the operations of the 5503
commission, and perform such other duties as delegated by the 5504
commission. The executive director also shall employ and fix the 5505
compensation of such employees as will facilitate the activities 5506
and purposes of the commission, who shall serve at the pleasure of 5507
the executive director. 5508

(C) The attorney general shall serve as the legal 5509
representative for the commission and may appoint other counsel as 5510
necessary for that purpose in accordance with section 109.07 of 5511
the Revised Code. 5512

Sec. ~~123.011~~ 123.22. (A) As used in this section: 5513

- (1) "Construct" includes reconstruct, improve, renovate, 5514
enlarge, or otherwise alter. 5515
- (2) "Energy consumption analysis" means the evaluation of all 5516
energy consuming systems, components, and equipment by demand and 5517
type of energy, including the internal energy load imposed on a 5518
facility by its occupants and the external energy load imposed by 5519
climatic conditions. 5520
- (3) "Energy performance index" means a number describing the 5521
energy requirements of a facility per square foot of floor space 5522
or per cubic foot of occupied volume as appropriate under defined 5523
internal and external ambient conditions over an entire seasonal 5524
cycle. 5525
- (4) "Facility" means a building or other structure, or part 5526
of a building or other structure, that includes provision for a 5527
heating, refrigeration, ventilation, cooling, lighting, hot water, 5528
or other major energy consuming system, component, or equipment. 5529
- (5) "Life-cycle cost analysis" means a general approach to 5530
economic evaluation that takes into account all dollar costs 5531
related to owning, operating, maintaining, and ultimately 5532
disposing of a project over the appropriate study period. 5533
- (6) "Political subdivision" means a county, township, 5534
municipal corporation, board of education of any school district, 5535
or any other body corporate and politic that is responsible for 5536
government activities in a geographic area smaller than that of 5537
the state. 5538
- (7) "State funded" means funded in whole or in part through 5539
appropriation by the general assembly or through the use of any 5540
guarantee provided by this state. 5541
- (8) "State institution of higher education" has the same 5542
meaning as in section 3345.011 of the Revised Code. 5543

(B) ~~There is hereby created within the department of administrative services the office of energy services. The office shall be under the supervision of a manager, who shall be appointed by the director of administrative services. The director shall assign to the office such number of employees and furnish such equipment and supplies as are necessary for the performance of the office's duties.~~

The office Ohio facilities construction commission shall develop energy efficiency and conservation programs ~~in each of the following areas:~~

- ~~(1) New for new construction design and review;~~
- ~~(2) Existing and for existing building audit and retrofit;~~
- ~~(3) Energy efficient procurement;~~
- ~~(4) Alternative fuel vehicles.~~

The office commission may accept and administer grants from public and private sources for carrying out any of its duties under this section.

(C) No state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution, ~~including those agencies otherwise excluded from the jurisdiction of the department under division (A)(3) of section 123.01 of the Revised Code,~~ shall lease, construct, or cause to be leased or constructed, within the limits prescribed in this section, a state-funded facility, without a proper life-cycle cost analysis or, in the case of a lease, an energy consumption analysis, as computed or prepared by a qualified architect or engineer in accordance with the rules required by division (D) of this section.

Construction shall proceed only upon the disclosure to the office, for the facility chosen, of the life-cycle costs as

determined in this section and the capitalization of the initial 5574
construction costs of the building. The results of life-cycle cost 5575
analysis shall be a primary consideration in the selection of a 5576
building design. That analysis shall be required only for 5577
construction of buildings with an area of five thousand square 5578
feet or greater. An energy consumption analysis for the term of a 5579
proposed lease shall be required only for the leasing of an area 5580
of twenty thousand square feet or greater within a given building 5581
boundary. That analysis shall be a primary consideration in the 5582
selection of a facility to be leased. 5583

Nothing in this section shall deprive or limit any state 5584
agency that has review authority over design, construction, or 5585
leasing plans from requiring a life-cycle cost analysis or energy 5586
consumption analysis. 5587

(D) For the purposes of assisting the ~~department~~ commission 5588
in its responsibility for state-funded facilities pursuant to 5589
section ~~123.01~~ 123.21 of the Revised Code and of cost-effectively 5590
reducing the energy consumption of those and any other 5591
state-funded facilities, thereby promoting fiscal, economic, and 5592
environmental benefits to this state, the ~~office~~ commission shall 5593
promulgate rules specifying cost-effective, energy efficiency and 5594
conservation standards that may govern the lease, design, 5595
construction, operation, and maintenance of all state-funded 5596
facilities, except facilities of state institutions of higher 5597
education or facilities operated by a political subdivision. The 5598
office of energy efficiency in the department of development shall 5599
cooperate in providing information and technical expertise to the 5600
office of energy services to ensure promulgation of rules of 5601
maximum effectiveness. The standards prescribed by rules 5602
promulgated under this division may draw from or incorporate, by 5603
reference or otherwise and in whole or in part, standards already 5604
developed or implemented by any competent, public or private 5605

standards organization or program. The rules also may include any 5606
of the following: 5607

(1) Specifications for a life-cycle cost analysis that shall 5608
determine, for the economic life of such state-funded facility, 5609
the reasonably expected costs of facility ownership, operation, 5610
and maintenance including labor and materials. Life-cycle cost may 5611
be expressed as an annual cost for each year of the facility's 5612
use. 5613

A life-cycle cost analysis additionally may include an energy 5614
consumption analysis that conforms to division (D)(2) of this 5615
section. 5616

(2) Specifications for an energy consumption analysis of the 5617
facility's heating, refrigeration, ventilation, cooling, lighting, 5618
hot water, and other major energy consuming systems, components, 5619
and equipment. 5620

A life-cycle cost analysis and energy consumption analysis 5621
shall be based on the best currently available methods of 5622
analysis, such as those of the national institute of standards and 5623
technology, the United States department of energy or other 5624
federal agencies, professional societies, and directions developed 5625
by the department. 5626

(3) Specifications for energy performance indices, to be used 5627
to audit and evaluate competing design proposals submitted to the 5628
state. 5629

(4) A requirement that, not later than two years after April 5630
6, 2007, each state-funded facility, except a facility of a state 5631
institution of higher education or a facility operated by a 5632
political subdivision, is managed by at least one building 5633
operator certified under the building operator certification 5634
program or any equivalent program or standards as shall be 5635
prescribed in the rules and considered reasonably equivalent. 5636

(5) An application process by which a manager of a specified state-funded facility, except a facility of a state institution of higher education or a facility operated by a political subdivision, may apply for a waiver of compliance with any provision of the rules required by divisions (D)(1) to (4) of this section.

~~(E) The office of energy services shall promulgate rules to ensure that energy efficiency and conservation will be considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi governmental entity, or institution. Minimum energy efficiency standards for purchased products and equipment may be required, based on federal testing and labeling where available or on standards developed by the office. The rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code where possible.~~

~~The office also shall ensure energy efficient and energy conserving purchasing practices by doing all of the following:~~

~~(1) Cooperatively with the office of energy efficiency, identifying available energy efficiency and conservation opportunities;~~

~~(2) Providing for interchange of information among purchasing agencies;~~

~~(3) Identifying laws, policies, rules, and procedures that need modification;~~

~~(4) Monitoring experience with and the cost effectiveness of this state's purchase and use of motor vehicles and of major energy consuming systems, components, equipment, and products having a significant impact on energy consumption by government;~~

~~(5) Cooperatively with the office of energy efficiency,~~

~~providing technical assistance and training to state employees 5668
involved in the purchasing process. 5669~~

~~The department of development shall make recommendations to 5670
the office regarding planning and implementation of purchasing 5671
policies and procedures supportive of energy efficiency and 5672
conservation. 5673~~

~~(F)(1) The office of energy services shall require all state 5674
agencies, departments, divisions, bureaus, offices, units, 5675
commissions, boards, authorities, quasi-governmental entities, 5676
institutions, and state institutions of higher education to 5677
implement procedures ensuring that all their passenger automobiles 5678
acquired in each fiscal year, except for those passenger 5679
automobiles acquired for use in law enforcement or emergency 5680
rescue work, achieve a fleet average fuel economy of not less than 5681
the fleet average fuel economy for that fiscal year as shall be 5682
prescribed by the office by rule. The office shall promulgate the 5683
rule prior to the beginning of the fiscal year in accordance with 5684
the average fuel economy standards established pursuant to federal 5685
law for passenger automobiles manufactured during the model year 5686
that begins during the fiscal year. 5687~~

~~(2) Each state agency, department, division, bureau, office, 5688
unit, commission, board, authority, quasi-governmental entity, 5689
institution, and state institution of higher education shall 5690
determine its fleet average fuel economy by dividing: 5691~~

~~(a) The total number of passenger vehicles acquired during 5692
the fiscal year, except for those passenger vehicles acquired for 5693
use in law enforcement or emergency rescue work, by 5694~~

~~(b) A sum of terms, each of which is a fraction created by 5695
dividing: 5696~~

~~(i) The number of passenger vehicles of a given make, model, 5697
and year, except for passenger vehicles acquired for use in law 5698~~

~~enforcement or emergency rescue work, acquired during the fiscal year, by~~ 5699
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~~(ii) The fuel economy measured by the administrator of the United States environmental protection agency, for the given make, model, and year of vehicle, that constitutes an average fuel economy for combined city and highway driving.~~ 5701
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~~As used in division (F)(2) of this section, "acquired" means leased for a period of sixty continuous days or more, or purchased.~~ 5705
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~~(G)(E)~~ Each state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, institution, and state institution of higher education shall comply with any applicable provision of this section or of a rule promulgated pursuant to division (D) ~~or (F)~~ of this section. 5708
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Sec. 123.23. (A) As used in this section, "public exigency" means an injury or obstruction that occurs in any public works of the state that materially impairs its immediate use or places in jeopardy property adjacent to it; an immediate danger of such an injury or obstruction; or an injury or obstruction, or an immediate danger of an injury or obstruction, that occurs during the process of construction of any public works and that materially impairs its immediate use or places in jeopardy property adjacent to it. 5713
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(B) When a declaration of a public exigency is issued pursuant to division (C) of this section, the executive director of the Ohio facilities construction commission may enter into contracts with proper persons for the performance of labor, the furnishing of materials, or the construction of any structures and buildings necessary to the maintenance, control, and management of the public works of the state or any part of those public works. Any contracts awarded for the work performed pursuant to the 5722
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declaration of a public exigency may be awarded without 5730
competitive bidding or selection as otherwise required by Chapter 5731
153. of the Revised Code. 5732

(C) The executive director of the commission may issue a 5733
declaration of a public exigency on the executive director's own 5734
initiative, or upon the request of the director of any state 5735
agency, university, or instrumentality. The executive director's 5736
declaration shall identify the specific injury, obstruction, or 5737
danger that is the subject of the declaration and shall set forth 5738
a dollar limitation for the repair, removal, or prevention of that 5739
exigency under the declaration. 5740

Before any project to repair, remove, or prevent a public 5741
exigency under the executive director's declaration may begin, the 5742
executive director shall send notice of the project, in writing, 5743
to the director of budget and management and to the members of the 5744
controlling board. The notice shall detail the project to be 5745
undertaken to address the public exigency and shall include a copy 5746
of the director's declaration that establishes the monetary 5747
limitations on that project. 5748

Sec. ~~123.17~~ 123.24. (A) As used in this section, "institution" 5749
of higher education" means a state university or college, as 5750
defined in section 3345.12 of the Revised Code, or a state 5751
community college. 5752

(B) ~~Not later than December 30, 2005, the state architect~~ The 5753
Ohio facilities construction commission shall establish a local 5754
administration competency certification program to certify 5755
institutions of higher education to administer capital facilities 5756
projects pursuant to section 3345.51 of the Revised Code without 5757
the supervision, control, or approval of the ~~department of~~ 5758
~~administrative services~~ commission. The program shall offer 5759
instruction in the administration of capital facilities projects 5760

for employees of institutions of higher education who are 5761
responsible for such administration and who are selected by their 5762
employing institutions to participate in the program. 5763

(C) The program shall provide instruction about the 5764
provisions of Chapters 9., 123., and 153. of the Revised Code and 5765
any rules or policies adopted by the ~~department~~ commission 5766
regarding the planning, design, and construction of capital 5767
facilities, including all of the following: 5768

(1) The planning, design, and construction process; 5769

(2) Contract requirements; 5770

(3) Construction management; 5771

(4) Project management. 5772

(D) The ~~state architect~~ commission shall award local 5773
administration competency certification to any institution of 5774
higher education if all of the following apply: 5775

(1) The institution applied for certification on a form and 5776
in a manner prescribed by the ~~state architect~~ commission. 5777

(2) The ~~state architect~~ commission determines that a 5778
sufficient number of the institution's employees, representing a 5779
sufficient number of employee classifications, responsible for the 5780
administration of capital facilities projects have successfully 5781
completed the certification program to ensure that any capital 5782
facilities project undertaken by the institution will be 5783
administered successfully and in accordance with all provisions of 5784
the Revised Code, and the board of trustees of the institution 5785
provides written assurance to the ~~state architect~~ commission that 5786
the institution will select new employees to participate in the 5787
certification program as necessary to compensate for employee 5788
turnover. 5789

(3) The ~~state architect~~ commission determines that the 5790

employees of the institution enrolled in the program demonstrate 5791
successful completion of the competency certification training and 5792
a satisfactory level of knowledge of and competency in the 5793
requirements for administering capital facilities projects. 5794

(4) The institution pays the fee prescribed by division (F) 5795
of this section. 5796

(5) The board of trustees of the institution provides written 5797
assurance to the ~~state architect~~ commission that the institution 5798
will conduct biennial audits of the institution's administration 5799
of capital facilities projects in accordance with division (C) of 5800
section 3345.51 of the Revised Code. 5801

(6) The board of trustees of the institution agrees in 5802
writing to indemnify and hold harmless the state and the 5803
~~department~~ commission for any claim of injury, loss, or damage 5804
that results from the institution's administration of a capital 5805
facilities project. 5806

(E) Local administration competency certification granted 5807
under this section shall remain in effect for as long as the ~~state~~ 5808
~~architect~~ commission determines that both of the following apply: 5809

(1) The institution of higher education maintains a 5810
sufficient number of employees responsible for the administration 5811
of capital facilities projects who have successfully completed the 5812
certification program and have demonstrated a satisfactory level 5813
of knowledge of and competency in the requirements for 5814
administering capital facilities projects; 5815

(2) The institution is performing the biennial audits 5816
prescribed in division (C) of section 3345.51 of the Revised Code. 5817

If the ~~state architect~~ commission determines that an 5818
institution of higher education has failed to comply with the 5819
conditions of division (E)(1) or (2) of this section, the ~~state~~ 5820
~~architect~~ commission shall revoke the institution's certification 5821

and shall notify the board of trustees of the institution in 5822
writing of the revocation. 5823

(F) The ~~state architect~~ commission shall establish, subject 5824
to the approval of the director of budget and management, the 5825
amount of the fee required to be paid by any institution of higher 5826
education that seeks certification under this section. The amount 5827
of the fees shall be set to cover the costs to implement this 5828
section, including the costs for materials and the competency 5829
certification training sessions. Any fees received under this 5830
section shall be paid into the state treasury to the credit of the 5831
~~state architect's~~ commission's fund established under section 5832
~~123.10~~ 123.201 of the Revised Code. 5833

(G) Nothing in this section shall prohibit an institution 5834
that administers a capital facilities project under section 5835
3345.51 of the Revised Code from requesting guidance or other 5836
services from the ~~department of administrative services~~ 5837
commission. 5838

Sec. 123.25. The Ohio facilities construction commission may 5839
enter into a lease-purchase agreement providing for the 5840
construction, renovation, or addition and eventual acquisition of 5841
a building or improvements to a building for any state agency. The 5842
agreement shall provide for a lease for a series of two-year 5843
renewable lease terms totaling not more than thirty years. The 5844
agreement shall provide that at the end of the series of lease 5845
terms under the agreement, the title to the leased property shall 5846
be vested in the state if all obligations of the state under the 5847
agreement have been satisfied. Payments under the agreement may be 5848
deemed to be, and paid as, current operating expenses. 5849

The commission may lease for a period not to exceed thirty 5850
years real estate owned by the state to any person or political 5851
subdivision of the state approved by the commission, provided that 5852

the lease requires the lessee under a lease-purchase or 5853
lease-leaseback agreement to construct buildings, structures, and 5854
other improvements for any public purpose or private use for the 5855
benefit of government, or to alter, renovate, repair, expand, and 5856
improve the property as the property exists on the date of the 5857
lease, and, in conjunction therewith, to grant leases, easements, 5858
or licenses for lands under the control of a state agency for a 5859
period not to exceed forty years. The lease-leaseback or 5860
lease-purchase plan shall provide that at the end of the lease 5861
period, the buildings, structures, and related improvements, 5862
together with the land on which they are situated, shall become 5863
the property of the state without cost. In addition, the lease 5864
shall contain provisions requiring the lessee to lease to the 5865
state such space in any building or structure on the property that 5866
the commission considers necessary. 5867

Sec. 123.26. (A) The executive director of the Ohio 5868
facilities construction commission shall regulate the rate of 5869
tolls to be collected on the construction or improvement of the 5870
public works of the state, and shall fix all rentals and collect 5871
all tolls, rents, fines, commissions, fees, and other revenues 5872
arising from any source in the construction or improvement of the 5873
public works of the state. 5874

(B) Deposits made to the commission's fund in the state 5875
treasury under section 123.201 of the Revised Code shall consist 5876
of money received by the commission under division (A) of this 5877
section, fees paid under section 123.24 of the Revised Code, 5878
transfers of money to the fund authorized by the general assembly, 5879
and such amount of the investment earnings of the administrative 5880
building fund created in division (F) of section 154.24 of the 5881
Revised Code as the director of budget and management determines 5882
to be appropriate and in excess of the amounts required to meet 5883
estimated federal arbitrage rebate requirements. Money in the fund 5884

<u>shall be used by the commission for the following purposes:</u>	5885
<u>(1) To pay personnel and other administrative expenses of the commission;</u>	5886
<u>(2) To pay the cost of conducting evaluations of public works;</u>	5887
<u>(3) To pay the cost of building design specifications;</u>	5888
<u>(4) To pay the cost of providing project management services;</u>	5889
<u>(5) To pay the cost of operating the local administration competency certification program prescribed by section 123.24 of the Revised Code; and</u>	5892
<u>(6) Any other purposes that the executive director of the commission determines to be necessary for the commission to execute its duties under this chapter.</u>	5893
Sec. 123.101 123.27. (A) As used in this section:	5894
"Capital facilities project" means the construction, reconstruction, improvement, enlargement, alteration, or repair of a building by a public entity.	5895
"Public entity" includes a state agency and a state institution of higher education.	5896
"State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.	5897
(B) Commencing not later than July 1, 2012, and upon completion of a capital facilities project that is funded wholly or in part using state funds, each public entity shall submit a report about the project to the <u>executive</u> director of administrative services <u>the Ohio facilities construction commission</u> . The report shall be submitted in Ohio administrative knowledge system capital improvement format or in a manner determined by the <u>executive</u> director and not later than thirty	5898
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days after the project is complete. The report shall provide the 5914
total original contract bid, total cost of change orders, total 5915
actual cost of the project, total costs incurred for mediation and 5916
litigation services, and any other data requested by the executive 5917
director. The first report submitted pursuant to this division 5918
shall include information about any capital facilities project 5919
completed on or after July 1, 2011. Any capital facilities project 5920
that is funded wholly or in part through appropriations made to 5921
the Ohio school facilities commission, the Ohio public works 5922
commission, or the Ohio cultural facilities commission, or for 5923
which a joint use agreement has been entered into with any public 5924
entity, is exempt from the reporting requirement prescribed under 5925
this division. 5926

(C) Commencing not later than July 1, 2012, and annually 5927
thereafter, the attorney general shall report to the executive 5928
director of the Ohio facilities construction commission on any 5929
mediation and litigation costs associated with capital facilities 5930
projects for which a judgment has been rendered. The report shall 5931
be submitted in a manner prescribed by the executive director and 5932
shall contain any information requested by the executive director 5933
related to capital facilities project mediation and litigation 5934
costs. 5935

(D) As soon as practicable after such information is made 5936
available, the executive director of ~~administrative services~~ the 5937
Ohio facilities construction commission shall incorporate the 5938
information reported pursuant to divisions (B) and (C) of this 5939
section into the Ohio administrative knowledge system. 5940

Sec. 123.51. The state may enter into a sale and leaseback 5941
agreement under which the state agrees to convey a state-owned 5942
building to a purchaser who is obligated, immediately upon 5943
closing, to lease the building back to the state. The sale and 5944

leaseback agreement shall obligate the lessor to make improvements 5945
to the building, including renovations, energy conservation 5946
measures, and other measures that are necessary to improve the 5947
functionality and reduce the operating costs of the building. 5948

The authority granted by this section is not subject to the 5949
limitations imposed by section 123.01 of the Revised Code. 5950

Sec. 124.04. In addition to those powers enumerated in 5951
Chapters 123. and 125. of the Revised Code and as provided 5952
elsewhere by law, the powers, duties, and functions of the 5953
department of administrative services not specifically vested in 5954
and assigned to, or to be performed by, the state personnel board 5955
of review are hereby vested in and assigned to, and shall be 5956
performed by, the director of administrative services. These 5957
powers, duties, and functions shall include, but shall not be 5958
limited to, the following powers, duties, and functions: 5959

(A) To prepare, conduct, and grade all competitive 5960
examinations for positions in the classified ~~state~~ service of the 5961
state; 5962

(B) To prepare, conduct, and grade all noncompetitive 5963
examinations for positions in the classified ~~state~~ service of the 5964
state; 5965

(C) To prepare eligible lists containing the names of persons 5966
qualified for appointment to positions in the classified ~~state~~ 5967
service of the state; 5968

(D) To prepare or amend, in accordance with section 124.14 of 5969
the Revised Code, specifications descriptive of duties, 5970
responsibilities, requirements, and desirable qualifications of 5971
the various classifications of positions in the ~~state~~ service of 5972
the state; 5973

(E) To allocate and reallocate, upon the motion of the 5974

director or upon request of an appointing authority and in 5975
accordance with section 124.14 of the Revised Code, any position, 5976
office, or employment in the ~~state~~ service of the state to the 5977
appropriate classification on the basis of the duties, 5978
responsibilities, requirements, and qualifications of that 5979
position, office, or employment; 5980

(F) To develop and conduct personnel recruitment services and 5981
assist appointing authorities in recruiting qualified applicants 5982
for positions in the ~~state~~ service of the state; 5983

(G) To conduct research on specifications, classifications, 5984
and salaries of positions in the ~~state~~ service of the state; 5985

(H) To develop and conduct personnel training programs, 5986
including supervisory training programs and best practices plans, 5987
and to develop merit hiring processes, in cooperation with 5988
appointing authorities for positions in the service of the state; 5989

(I) To include periodically in communications sent to state 5990
employees both of the following: 5991

(1) Information developed under section 2108.34 of the 5992
Revised Code promoting the donation of anatomical gifts under 5993
Chapter 2108. of the Revised Code; 5994

(2) Information about the liver or kidney donor and bone 5995
marrow donor leave granted under section 124.139 of the Revised 5996
Code. 5997

(J) To enter into agreements with universities and colleges 5998
for in-service training of officers and employees in the civil 5999
service ~~and to assist appointing authorities in recruiting~~ 6000
~~qualified applicants~~; 6001

(K) To appoint examiners, inspectors, clerks, and other 6002
assistants necessary in the exercise of the powers and performance 6003
of the duties and functions which the director is by law 6004

authorized and required to exercise and perform, and to prescribe 6005
the duties of all of those employees; 6006

(L) To maintain a journal, which shall be open to public 6007
inspection, in which the director shall keep a record of the 6008
director's final decision pertaining to the classification or 6009
reclassification of positions in the classified civil service of 6010
the state and assignment or reassignment of employees in the 6011
classified civil service of the state to specific position 6012
classifications; 6013

(M) To delegate any of the powers, functions, or duties 6014
granted or assigned to the director under this chapter to any 6015
other state agency of this state as the director considers 6016
necessary; 6017

(N) To delegate any of the powers, functions, or duties 6018
granted or assigned to the director under this chapter to any 6019
political subdivision with the concurrence of the legislative 6020
authority of the political subdivision. 6021

(O) To administer a state equal employment opportunity 6022
program. 6023

Sec. 124.06. No person shall be appointed, removed, 6024
transferred, laid off, suspended, reinstated, promoted, or reduced 6025
as an officer or employee in the civil service, in any manner or 6026
by any means other than those prescribed in this chapter, and the 6027
rules of the director of administrative services for positions in 6028
the service of the state or the municipal or civil service 6029
township civil service commission within their respective 6030
jurisdictions. 6031

Sec. 124.11. The civil service of the state and the several 6032
counties, cities, civil service townships, city health districts, 6033
general health districts, and city school districts of the state 6034

shall be divided into the unclassified service and the classified service. 6035
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(A) The unclassified service shall comprise the following 6037
positions, which shall not be included in the classified service, 6038
and which shall be exempt from all examinations required by this 6039
chapter: 6040

(1) All officers elected by popular vote or persons appointed 6041
to fill vacancies in those offices; 6042

(2) All election officers as defined in section 3501.01 of 6043
the Revised Code; 6044

(3)(a) The members of all boards and commissions, and heads 6045
of principal departments, boards, and commissions appointed by the 6046
governor or by and with the governor's consent; 6047

(b) The heads of all departments appointed by a board of 6048
county commissioners; 6049

(c) The members of all boards and commissions and all heads 6050
of departments appointed by the mayor, or, if there is no mayor, 6051
such other similar chief appointing authority of any city or city 6052
school district; 6053

Except as otherwise provided in division (A)(17) or (C) of 6054
this section, this chapter does not exempt the chiefs of police 6055
departments and chiefs of fire departments of cities or civil 6056
service townships from the competitive classified service. 6057

(4) The members of county or district licensing boards or 6058
commissions and boards of revision, and not more than five deputy 6059
county auditors; 6060

(5) All officers and employees elected or appointed by either 6061
or both branches of the general assembly, and employees of the 6062
city legislative authority engaged in legislative duties; 6063

(6) All commissioned, warrant, and noncommissioned officers 6064

and enlisted persons in the Ohio organized militia, including 6065
military appointees in the adjutant general's department; 6066

(7)(a) All presidents, business managers, administrative 6067
officers, superintendents, assistant superintendents, principals, 6068
deans, assistant deans, instructors, teachers, and such employees 6069
as are engaged in educational or research duties connected with 6070
the public school system, colleges, and universities, as 6071
determined by the governing body of the public school system, 6072
colleges, and universities; 6073

(b) The library staff of any library in the state supported 6074
wholly or in part at public expense. 6075

(8) Four clerical and administrative support employees for 6076
each of the elective state officers, four clerical and 6077
administrative support employees for each board of county 6078
commissioners and one such employee for each county commissioner, 6079
and four clerical and administrative support employees for other 6080
elective officers and each of the principal appointive executive 6081
officers, boards, or commissions, except for civil service 6082
commissions, that are authorized to appoint such clerical and 6083
administrative support employees; 6084

(9) The deputies and assistants of state agencies authorized 6085
to act for and on behalf of the agency, or holding a fiduciary or 6086
administrative relation to that agency and those persons employed 6087
by and directly responsible to elected county officials or a 6088
county administrator and holding a fiduciary or administrative 6089
relationship to such elected county officials or county 6090
administrator, and the employees of such county officials whose 6091
fitness would be impracticable to determine by competitive 6092
examination, provided that division (A)(9) of this section shall 6093
not affect those persons in county employment in the classified 6094
service as of September 19, 1961. Nothing in division (A)(9) of 6095
this section applies to any position in a county department of job 6096

and family services created pursuant to Chapter 329. of the Revised Code.

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

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

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

(13) Any physician or dentist who is a full-time employee of the department of mental health, the department of developmental disabilities, or an institution under the jurisdiction of either department; and physicians who are in residency programs at the institutions;

(14) Up to twenty positions at each institution under the jurisdiction of the department of mental health or the department of developmental disabilities that the department director determines to be primarily administrative or managerial; and up to fifteen positions in any division of either department, excluding administrative assistants to the director and division chiefs, which are within the immediate staff of a division chief and which the director determines to be primarily and distinctively administrative and managerial;

(15) Noncitizens of the United States employed by the state, or its counties or cities, as physicians or nurses who are duly licensed to practice their respective professions under the laws of this state, or medical assistants, in mental or chronic disease hospitals, or institutions;

(16) Employees of the governor's office;

(17) Fire chiefs and chiefs of police in civil service townships appointed by boards of township trustees under section 505.38 or 505.49 of the Revised Code;

(18) Executive directors, deputy directors, and program directors employed by boards of alcohol, drug addiction, and mental health services under Chapter 340. of the Revised Code, and secretaries of the executive directors, deputy directors, and program directors;

(19) Superintendents, and management employees as defined in section 5126.20 of the Revised Code, of county boards of developmental disabilities;

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

(21) The executive director of the state medical board, who is appointed pursuant to division (B) of section 4731.05 of the

Revised Code; 6159

(22) County directors of job and family services as provided 6160
in section 329.02 of the Revised Code and administrators appointed 6161
under section 329.021 of the Revised Code; 6162

(23) A director of economic development who is hired pursuant 6163
to division (A) of section 307.07 of the Revised Code; 6164

(24) Chiefs of construction and compliance, of operations and 6165
maintenance, of worker protection, and of licensing and 6166
certification in the division of ~~labor~~ industrial compliance in 6167
the department of commerce; 6168

(25) The executive director of a county transit system 6169
appointed under division (A) of section 306.04 of the Revised 6170
Code; 6171

(26) Up to five positions at each of the administrative 6172
departments listed in section 121.02 of the Revised Code and at 6173
the department of taxation, department of the adjutant general, 6174
department of education, Ohio board of regents, bureau of workers' 6175
compensation, industrial commission, state lottery commission, and 6176
public utilities commission of Ohio that the head of that 6177
administrative department or of that other state agency determines 6178
to be involved in policy development and implementation. The head 6179
of the administrative department or other state agency shall set 6180
the compensation for employees in these positions at a rate that 6181
is not less than the minimum compensation specified in pay range 6182
41 but not more than the maximum compensation specified in pay 6183
range 44 of salary schedule E-2 in section 124.152 of the Revised 6184
Code. The authority to establish positions in the unclassified 6185
service under division (A)(26) of this section is in addition to 6186
and does not limit any other authority that an administrative 6187
department or state agency has under the Revised Code to establish 6188
positions, appoint employees, or set compensation. 6189

(27) Employees of the department of agriculture employed under section 901.09 of the Revised Code;	6190 6191
(28) For cities, counties, civil service townships, city health districts, general health districts, and city school districts, the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals;	6192 6193 6194 6195 6196
(29) Employees who receive intermittent or temporary appointments under division (B) of section 124.30 of the Revised Code;	6197 6198 6199
(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation;	6200 6201 6202
(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications;	6203 6204
(32) Employees placed in the unclassified service by another section of the Revised Code.	6205 6206
(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.	6207 6208 6209 6210 6211 6212 6213 6214 6215 6216 6217 6218
(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health	6219 6220

districts, general health districts, and city school districts of 6221
the state, and, upon the creation by the board of trustees of a 6222
civil service township of a township civil service commission, all 6223
positions in a civil service township police or fire department 6224
having ten or more full-time paid employees, for which it is 6225
practicable to determine the merit and fitness of applicants by 6226
competitive examinations. Appointments shall be made to, or 6227
employment shall be given in, all positions in the competitive 6228
class that are not filled by promotion, reinstatement, transfer, 6229
or reduction, as provided in this chapter, and the rules of the 6230
director of administrative services, by appointment from those 6231
certified to the appointing officer in accordance with this 6232
chapter. 6233

(2) The unskilled labor class shall include ordinary 6234
unskilled laborers. Vacancies in the labor class for positions in 6235
service of the state shall be filled by appointment from lists of 6236
applicants registered by the director or the director's designee. 6237
Vacancies in the labor class for all other positions shall be 6238
filled by appointment from lists of applicants registered by a 6239
commission. The director or the commission, as applicable, by 6240
rule, shall require an applicant for registration in the labor 6241
class to furnish evidence or take tests as the director or 6242
commission considers proper with respect to age, residence, 6243
physical condition, ability to labor, honesty, sobriety, industry, 6244
capacity, and experience in the work or employment for which 6245
application is made. Laborers who fulfill the requirements shall 6246
be placed on the eligible list for the kind of labor or employment 6247
sought, and preference shall be given in employment in accordance 6248
with the rating received from that evidence or in those tests. 6249
Upon the request of an appointing officer, stating the kind of 6250
labor needed, the pay and probable length of employment, and the 6251
number to be employed, the director or commission, as applicable, 6252
shall certify from the highest on the list double the number to be 6253

employed; from this number, the appointing officer shall appoint 6254
the number actually needed for the particular work. If more than 6255
one applicant receives the same rating, priority in time of 6256
application shall determine the order in which their names shall 6257
be certified for appointment. 6258

(C) A municipal or civil service township civil service 6259
commission may place volunteer firefighters who are paid on a 6260
fee-for-service basis in either the classified or the unclassified 6261
civil service. 6262

(D)(1) This division does not apply to persons in the 6263
unclassified service who have the right to resume positions in the 6264
classified service under sections 4121.121, 5119.071, 5120.38, 6265
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 6266
Code. 6267

~~An appointing authority whose employees are paid directly by 6268
warrant of the director of budget and management may appoint a 6269
person who holds a certified position in the classified service 6270
within the appointing authority's agency to a position in the 6271
unclassified service within that agency. (2) A person appointed 6272
pursuant to this division who holds a position in the classified 6273
service and who is appointed to a position in the unclassified 6274
service shall retain the right to resume the position and status 6275
held by the person in the classified service immediately prior to 6276
the person's appointment to the position in the unclassified 6277
service, regardless of the number of positions the person held in 6278
the unclassified service. An employee's right to resume a position 6279
in the classified service may only be exercised when an appointing 6280
authority demotes the employee to a pay range lower than the 6281
employee's current pay range or revokes the employee's appointment 6282
to the unclassified service- and: 6283~~

(a) That person held a certified position prior to July 1, 6284
2007, in the classified service within the appointing authority's 6285

agency; or 6286

(b) That person held a permanent position on or after July 1, 2007, in the classified service within the appointing authority's agency. 6287
6288
6289

(3) An employee forfeits the right to resume a position in the classified service when ~~the~~: 6290
6291

(a) The employee is removed from the position in the 6292
unclassified service due to incompetence, inefficiency, 6293
dishonesty, drunkenness, immoral conduct, insubordination, 6294
discourteous treatment of the public, neglect of duty, violation 6295
of this chapter or the rules of the director of administrative 6296
services, any other failure of good behavior, any other acts of 6297
misfeasance, malfeasance, or nonfeasance in office, or conviction 6298
of a felony. ~~An employee also forfeits the right to resume a~~ 6299
~~position in the classified service upon; or~~ 6300

(b) Upon transfer to a different agency. 6301

(4) Reinstatement to a position in the classified service 6302
shall be to a position substantially equal to that position in the 6303
classified service held previously, as certified by the director 6304
of administrative services. If the position the person previously 6305
held in the classified service has been placed in the unclassified 6306
service or is otherwise unavailable, the person shall be appointed 6307
to a position in the classified service within the appointing 6308
authority's agency that the director of administrative services 6309
certifies is comparable in compensation to the position the person 6310
previously held in the classified service. Service in the position 6311
in the unclassified service shall be counted as service in the 6312
position in the classified service held by the person immediately 6313
prior to the person's appointment to the position in the 6314
unclassified service. When a person is reinstated to a position in 6315
the classified service as provided in this division, the person is 6316

entitled to all rights, status, and benefits accruing to the 6317
position in the classified service during the person's time of 6318
service in the position in the unclassified service. 6319

Sec. 124.12. (A) Within ninety days after an appointing 6320
authority appoints an employee to an unclassified position in the 6321
service of the state, the appointing authority shall notify the 6322
department of administrative services of that appointment. 6323

(B) On the date an appointing authority appoints an employee 6324
to an unclassified position in the state service, the appointing 6325
authority shall provide the employee with written information 6326
describing the nature of employment in the unclassified civil 6327
service. Within thirty days after the date an appointing authority 6328
appoints an employee to an unclassified position in the state 6329
service, the appointing authority shall provide the employee with 6330
written information describing the duties of that position. 6331
Failure of the appointing authority to provide the written 6332
information described in this division to the employee does not 6333
confer any additional rights upon the employee in any appellate 6334
body with jurisdiction over an appeal of the employee. 6335

(C) The department shall develop and provide each appointing 6336
authority in the ~~state~~ service of the state with a general written 6337
description of the nature of employment in the unclassified civil 6338
service that shall be provided to employees under division (B) of 6339
this section. 6340

Sec. 124.14. (A)(1) The director of administrative services 6341
shall establish, and may modify or rescind, by rule, a job 6342
classification plan for all positions, offices, and employments 6343
the salaries of which are paid in whole or in part by the state. 6344
The director shall group jobs within a classification so that the 6345
positions are similar enough in duties and responsibilities to be 6346

described by the same title, to have the same pay assigned with 6347
equity, and to have the same qualifications for selection applied. 6348
The director shall, by rule, assign a classification title to each 6349
classification within the classification plan. However, the 6350
director shall consider in establishing classifications, including 6351
classifications with parenthetical titles, and assigning pay 6352
ranges such factors as duties performed only on one shift, special 6353
skills in short supply in the labor market, recruitment problems, 6354
separation rates, comparative salary rates, the amount of training 6355
required, and other conditions affecting employment. The director 6356
shall describe the duties and responsibilities of the class, 6357
establish the qualifications for being employed in each position 6358
in the class, and file with the secretary of state a copy of 6359
specifications for all of the classifications. The director shall 6360
file new, additional, or revised specifications with the secretary 6361
of state before they are used. 6362

The director shall, by rule, assign each classification, 6363
either on a statewide basis or in particular counties or state 6364
institutions, to a pay range established under section 124.15 or 6365
section 124.152 of the Revised Code. The director may assign a 6366
classification to a pay range on a temporary basis for a period of 6367
six months. The director may establish, by rule adopted under 6368
Chapter 119. of the Revised Code, experimental classification 6369
plans for some or all employees paid directly by warrant of the 6370
director of budget and management. The rule shall include 6371
specifications for each classification within the plan and shall 6372
specifically address compensation ranges, and methods for 6373
advancing within the ranges, for the classifications, which may be 6374
assigned to pay ranges other than the pay ranges established under 6375
section 124.15 or 124.152 of the Revised Code. 6376

(2) The director of administrative services may reassign to a 6377
proper classification those positions that have been assigned to 6378

an improper classification. If the compensation of an employee in 6379
such a reassigned position exceeds the maximum rate of pay for the 6380
employee's new classification, the employee shall be placed in pay 6381
step X and shall not receive an increase in compensation until the 6382
maximum rate of pay for that classification exceeds the employee's 6383
compensation. 6384

(3) The director may reassign an exempt employee, as defined 6385
in section 124.152 of the Revised Code, to a bargaining unit 6386
classification if the director determines that the bargaining unit 6387
classification is the proper classification for that employee. 6388
Notwithstanding Chapter 4117. of the Revised Code or instruments 6389
and contracts negotiated under it, these placements are at the 6390
director's discretion. 6391

(4) The director shall, by rule, assign related 6392
classifications, which form a career progression, to a 6393
classification series. The director shall, by rule, assign each 6394
classification in the classification plan a five-digit number, the 6395
first four digits of which shall denote the classification series 6396
to which the classification is assigned. When a career progression 6397
encompasses more than ten classifications, the director shall, by 6398
rule, identify the additional classifications belonging to a 6399
classification series. The additional classifications shall be 6400
part of the classification series, notwithstanding the fact that 6401
the first four digits of the number assigned to the additional 6402
classifications do not correspond to the first four digits of the 6403
numbers assigned to other classifications in the classification 6404
series. 6405

~~(5) The director may establish, modify, or rescind a 6406
classification plan for county agencies that elect not to use the 6407
services and facilities of a county personnel department. The 6408
director shall establish any such classification plan by means of 6409
rules adopted under Chapter 119. of the Revised Code. The rules 6410~~

~~shall include a methodology for the establishment of titles unique to county agencies, the use of state classification titles and classification specifications for common positions, the criteria for a county to meet in establishing its own classification plan, and the establishment of what constitutes a classification series for county agencies. The director may assess a county agency that chooses to use the classification plan a usage fee the director determines. All usage fees the department of administrative services receives shall be paid into the state treasury to the credit of the human resources fund created in section 124.07 of the Revised Code.~~

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

(1) Elected officials;

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

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

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

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

(C) The director may employ a consulting agency to aid and

assist the director in carrying out this section. 6442

(D)(1) When the director proposes to modify a classification 6443
or the assignment of classes to appropriate pay ranges, the 6444
director shall send written notice of the proposed rule to the 6445
appointing authorities of the affected employees thirty days 6446
before a hearing on the proposed rule. The appointing authorities 6447
shall notify the affected employees regarding the proposed rule. 6448
The director also shall send those appointing authorities notice 6449
of any final rule that is adopted within ten days after adoption. 6450

(2) When the director proposes to reclassify any employee so 6451
that the employee is adversely affected, the director shall give 6452
to the employee affected and to the employee's appointing 6453
authority a written notice setting forth the proposed new 6454
classification, pay range, and salary. Upon the request of any 6455
classified employee in the service of the state who is not serving 6456
in a probationary period, the director shall perform a job audit 6457
to review the classification of the employee's position to 6458
determine whether the position is properly classified. The 6459
director shall give to the employee affected and to the employee's 6460
appointing authority a written notice of the director's 6461
determination whether or not to reclassify the position or to 6462
reassign the employee to another classification. An employee or 6463
appointing authority desiring a hearing shall file a written 6464
request for the hearing with the state personnel board of review 6465
within thirty days after receiving the notice. The board shall set 6466
the matter for a hearing and notify the employee and appointing 6467
authority of the time and place of the hearing. The employee, the 6468
appointing authority, or any authorized representative of the 6469
employee who wishes to submit facts for the consideration of the 6470
board shall be afforded reasonable opportunity to do so. After the 6471
hearing, the board shall consider anew the reclassification and 6472
may order the reclassification of the employee and require the 6473

director to assign the employee to such appropriate classification 6474
as the facts and evidence warrant. As provided in division (A)(1) 6475
of section 124.03 of the Revised Code, the board may determine the 6476
most appropriate classification for the position of any employee 6477
coming before the board, with or without a job audit. The board 6478
shall disallow any reclassification or reassignment classification 6479
of any employee when it finds that changes have been made in the 6480
duties and responsibilities of any particular employee for 6481
political, religious, or other unjust reasons. 6482

(E)(1) Employees of each county department of job and family 6483
services shall be paid a salary or wage established by the board 6484
of county commissioners. The provisions of section 124.18 of the 6485
Revised Code concerning the standard work week apply to employees 6486
of county departments of job and family services. A board of 6487
county commissioners may do either of the following: 6488

(a) Notwithstanding any other section of the Revised Code, 6489
supplement the sick leave, vacation leave, personal leave, and 6490
other benefits of any employee of the county department of job and 6491
family services of that county, if the employee is eligible for 6492
the supplement under a written policy providing for the 6493
supplement; 6494

(b) Notwithstanding any other section of the Revised Code, 6495
establish alternative schedules of sick leave, vacation leave, 6496
personal leave, or other benefits for employees not inconsistent 6497
with the provisions of a collective bargaining agreement covering 6498
the affected employees. 6499

(2) Division (E)(1) of this section does not apply to 6500
employees for whom the state employment relations board 6501
establishes appropriate bargaining units pursuant to section 6502
4117.06 of the Revised Code, except in either of the following 6503
situations: 6504

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

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

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

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

(G)(1) Each board of county commissioners may, by a resolution adopted by a majority of its members, establish a county personnel department to exercise the powers, duties, and functions specified in division (G) of this section. As used in division (G) of this section, "county personnel department" means a county personnel department established by a board of county commissioners under division (G)(1) of this section.

(2)(a) Each board of county commissioners, by a resolution

adopted by a majority of its members, may designate the county 6536
personnel department of the county to exercise the powers, duties, 6537
and functions specified in sections 124.01 to 124.64 and Chapter 6538
325. of the Revised Code with regard to employees in the service 6539
of the county, except for the powers and duties of the state 6540
personnel board of review, which powers and duties shall not be 6541
construed as having been modified or diminished in any manner by 6542
division (G)(2) of this section, with respect to the employees for 6543
whom the board of county commissioners is the appointing authority 6544
or co-appointing authority. 6545

(b) Nothing in division (G)(2) of this section shall be 6546
construed to limit the right of any employee who possesses the 6547
right of appeal to the state personnel board of review to continue 6548
to possess that right of appeal. 6549

(c) Any board of county commissioners that has established a 6550
county personnel department may contract with the department of 6551
administrative services, in accordance with division (H) of this 6552
section, another political subdivision, or an appropriate public 6553
or private entity to provide competitive testing services or other 6554
appropriate services. 6555

(3) After the county personnel department of a county has 6556
been established as described in division (G)(2) of this section, 6557
any elected official, board, agency, or other appointing authority 6558
of that county, upon written notification to the county personnel 6559
department, may elect to use the services and facilities of the 6560
county personnel department. Upon receipt of the notification by 6561
the county personnel department, the county personnel department 6562
shall exercise the powers, duties, and functions as described in 6563
division (G)(2) of this section with respect to the employees of 6564
that elected official, board, agency, or other appointing 6565
authority. 6566

(4) Each board of county commissioners, by a resolution 6567

adopted by a majority of its members, may disband the county 6568
personnel department. 6569

(5) Any elected official, board, agency, or appointing 6570
authority of a county may end its involvement with a county 6571
personnel department upon actual receipt by the department of a 6572
certified copy of the notification that contains the decision to 6573
no longer participate. 6574

~~(6) The director of administrative services may, by rule 6575
adopted in accordance with Chapter 119. of the Revised Code,
prescribe criteria and procedures for the following:~~ 6576
6577

~~(a) A requirement that each county personnel department, in 6578
carrying out its duties, shall adhere to merit system principles 6579
with regard to employees of county departments of job and family 6580
services, child support enforcement agencies, and public child 6581
welfare agencies so that there is no threatened loss of federal 6582
funding for these agencies, and a requirement that the county be 6583
is financially liable to the state for any loss of federal funds 6584
due to the action or inaction of the county personnel department. 6585
The costs associated with audits conducted to monitor compliance 6586
with division (G)(6)(a) of this section shall be reimbursed to the 6587
department of administrative services as determined by the 6588
director. All money the department receives for these audits shall 6589
be paid into the state treasury to the credit of the human 6590
resources fund created in section 124.07 of the Revised Code. 6591~~

~~(b) Authorization for the director of administrative services 6592
to conduct periodic audits and reviews of county personnel 6593
departments to guarantee the uniform application of the powers, 6594
duties, and functions exercised pursuant to division (G)(2)(a) of 6595
this section. The costs of the audits and reviews shall be 6596
reimbursed to the department of administrative services as 6597
determined by the director by the county for which the services 6598
are performed. All money the department receives shall be paid 6599~~

~~into the state treasury to the credit of the human resources fund 6600
created in section 124.07 of the Revised Code. 6601~~

(H) County agencies may contract with the department of 6602
administrative services for any human resources services, 6603
including, but not limited to, establishment and modification of 6604
job classification plans, competitive testing services, and 6605
periodic audits and reviews to guarantee the county's uniform 6606
application of the powers, duties, and functions specified in 6607
sections 124.01 to 124.64 and Chapter 325. of the Revised Code 6608
with regard to employees in the service of the county. Nothing in 6609
this division modifies the powers and duties of the state 6610
personnel board of review with respect to employees in the service 6611
of the county. Nothing in this division limits the right of any 6612
employee who possesses the right of appeal to the state personnel 6613
board of review to continue to possess that right of appeal. 6614

(I) The director of administrative services shall establish 6615
the rate and method of compensation for all employees who are paid 6616
directly by warrant of the director of budget and management and 6617
who are serving in positions that the director of administrative 6618
services has determined impracticable to include in the state job 6619
classification plan. This division does not apply to elected 6620
officials, legislative employees, employees of the legislative 6621
service commission, employees who are in the unclassified civil 6622
service and exempt from collective bargaining coverage in the 6623
office of the secretary of state, auditor of state, treasurer of 6624
state, and attorney general, employees of the courts, employees of 6625
the bureau of workers' compensation whose compensation the 6626
administrator of workers' compensation establishes under division 6627
(B) of section 4121.121 of the Revised Code, or employees of an 6628
appointing authority authorized by law to fix the compensation of 6629
those employees. 6630

~~(I)~~(J) The director of administrative services shall set the 6631

rate of compensation for all intermittent, seasonal, temporary, 6632
emergency, and casual employees in the service of the state who 6633
are not considered public employees under section 4117.01 of the 6634
Revised Code. Those employees are not entitled to receive employee 6635
benefits. This rate of compensation shall be equitable in terms of 6636
the rate of employees serving in the same or similar 6637
classifications. This division does not apply to elected 6638
officials, legislative employees, employees of the legislative 6639
service commission, employees who are in the unclassified civil 6640
service and exempt from collective bargaining coverage in the 6641
office of the secretary of state, auditor of state, treasurer of 6642
state, and attorney general, employees of the courts, employees of 6643
the bureau of workers' compensation whose compensation the 6644
administrator establishes under division (B) of section 4121.121 6645
of the Revised Code, or employees of an appointing authority 6646
authorized by law to fix the compensation of those employees. 6647

Sec. 124.231. (A) As used in this section, "legally blind 6648
person" means any person who qualifies as being blind under any 6649
Ohio or federal statute, or any rule adopted thereunder. As used 6650
in this section, "legally deaf person" means any person who 6651
qualifies as being deaf under any Ohio or federal statute, or any 6652
rule adopted thereunder. 6653

(B) When an examination is to be administered under sections 6654
124.01 to ~~124.64~~ 124.31 of the Revised Code, the director of 6655
administrative services or the director's designee shall whenever 6656
practicable arrange for special examinations to be administered to 6657
legally blind or legally deaf persons applying for positions in 6658
the classified service of the state to ensure that the abilities 6659
of such applicants are properly assessed and that such applicants 6660
are not subject to discrimination because they are legally blind 6661
or legally deaf persons. 6662

Sec. 124.241. As used in this section, "professional 6663
employee" has the same meaning as in section 5126.20 of the 6664
Revised Code and "registered service employee" means a service 6665
employee, as defined in section 5126.20 of the Revised Code, who 6666
is registered under section 5126.25 of the Revised Code. 6667

County boards of developmental disabilities may hire 6668
professional employees and registered service employees in the 6669
classified service on the basis of the candidates' qualifications 6670
rather than on the basis of the results of ~~an a civil service~~ 6671
~~examination administered by the director of administrative~~ 6672
~~services pursuant to section 124.23 of the Revised Code.~~ 6673

Sec. 124.25. The director of administrative services shall 6674
require persons applying for an examination for original 6675
appointment in the service of the state to file with the director 6676
or the director's designee, within reasonable time prior to the 6677
examination, a formal application, in which the applicant shall 6678
state the applicant's name, address, and such other information as 6679
may reasonably be required concerning the applicant's education 6680
and experience. No inquiry shall be made as to religious or 6681
political affiliations or as to racial or ethnic origin of the 6682
applicant, except as necessary to gather equal employment 6683
opportunity or other statistics that, when compiled, will not 6684
identify any specific individual. 6685

Blank forms for applications shall be furnished by the 6686
director or the director's designee without charge to any person 6687
requesting the same. The director or the director's designee may 6688
require in connection with such application such certificate of 6689
persons having knowledge of the applicant as the good of the 6690
service demands. The director or the director's designee may 6691
refuse to appoint or examine an applicant, or, after an 6692
examination, refuse to certify the applicant as eligible, who is 6693

found to lack any of the established preliminary requirements for 6694
the examination, who is addicted to the habitual use of 6695
intoxicating liquors or drugs to excess, who has a pattern of poor 6696
work habits and performance with previous employers, who has been 6697
convicted of a felony, who has been guilty of infamous or 6698
notoriously disgraceful conduct, who has been dismissed from 6699
either branch of the civil service for delinquency or misconduct, 6700
or who has made false statements of any material fact, or 6701
practiced, or attempted to practice, any deception or fraud in the 6702
application or examination, in establishing eligibility, or 6703
securing an appointment. 6704

Sec. 124.26. From the returns of ~~the~~ examinations for 6705
positions in the service of the state, the director of 6706
administrative services or the director's designee shall prepare 6707
an eligible list of the persons whose general average standing 6708
upon examinations for the class or position is not less than the 6709
minimum fixed by the rules of the director, and who are otherwise 6710
eligible. Those persons shall take rank upon the eligible list as 6711
candidates in the order of their relative excellence as determined 6712
by the examination without reference to priority of the time of 6713
examination. If two or more applicants receive the same mark in an 6714
open competitive examination, priority in the time of filing the 6715
application with the director or the director's designee shall 6716
determine the order in which their names shall be placed on the 6717
eligible list, except that applicants eligible for veteran's 6718
preference under section 124.23 of the Revised Code shall receive 6719
priority in rank on the eligible list over nonveterans on the list 6720
with a rating equal to that of the veteran. Ties among veterans 6721
shall be decided by priority of filing the application. 6722

— An eligible list expires upon the filling or closing of the 6723
position. An expired eligible list may be used to fill a position 6724
of the same classification within the same appointing authority 6725

for which the list was created. But, in no event shall an expired 6726
list be used more than one year past its expiration date. 6727

Sec. 124.27. (A) Appointments to all positions in the 6728
classified civil service of the state, that are not filled by 6729
promotion, transfer, or reduction, as provided in sections 124.01 6730
to 124.64 of the Revised Code and the rules of the director 6731
prescribed under those sections, shall be made only from those 6732
persons whose names take rank order on an eligible list, and no 6733
employment, except as provided in those sections, shall be 6734
otherwise given in the classified civil service of this state ~~or~~ 6735
~~any political subdivision of the state~~. The appointing authority 6736
shall appoint in the following manner: each time a selection is 6737
made, it shall be from one of the names that ranks in the top 6738
twenty-five per cent of the eligible list. But, in the event that 6739
ten or fewer names are on the eligible list, the appointing 6740
authority may select any of the listed candidates, or if the top 6741
twenty-five per cent of the eligible list is ten or fewer names, 6742
the appointing authority may select from one of the names that 6743
rank in the top ten of the eligible list. Each person who 6744
qualifies for the veteran's preference under section 124.23 of the 6745
Revised Code, who is a resident of this state, and whose name is 6746
on the eligible list for a position is entitled to preference in 6747
original appointment to any such competitive position in the 6748
classified civil service of the state ~~and its civil divisions~~ over 6749
all other persons who are eligible for those appointments and who 6750
are standing on the relevant eligible list with a rating equal to 6751
that of the person qualifying for the veteran's preference. 6752

(B) All original and promotional appointments in the civil 6753
service of the state, including appointments made pursuant to 6754
section 124.30 of the Revised Code, but not intermittent 6755
appointments, shall be for a probationary period, not less than 6756
sixty days nor more than one year, to be fixed by the rules of the 6757

director, except as provided in section 124.231 of the Revised 6758
Code, and except for original appointments to a police department 6759
as a police officer or to a fire department as a firefighter which 6760
shall be for a probationary period of one year. No appointment or 6761
promotion is final until the appointee has satisfactorily served 6762
the probationary period. If the service of the probationary 6763
employee is unsatisfactory, the employee may be removed or reduced 6764
at any time during the probationary period. If the appointing 6765
authority decides to remove a probationary employee in the service 6766
of the state, the appointing authority shall communicate the 6767
removal to the director. A probationary employee duly removed or 6768
reduced in position for unsatisfactory service does not have the 6769
right to appeal the removal or reduction under section 124.34 of 6770
the Revised Code. 6771

Sec. 124.30. (A) ~~Positions~~ Classified positions in the 6772
~~classified civil~~ service of the state may be filled without 6773
competition as follows: 6774

(1) Whenever there are urgent reasons for filling a vacancy 6775
in any position in the classified civil service of the state and 6776
the director of administrative services is unable to certify to 6777
the appointing authority, upon its request, a list of persons 6778
eligible for appointment to the position after a competitive 6779
examination, the appointing authority may fill the position by 6780
noncompetitive examination. 6781

A temporary appointment may be made without regard to the 6782
rules of sections 124.01 to 124.64 of the Revised Code. Except as 6783
otherwise provided in this division, the temporary appointment may 6784
not continue longer than one hundred twenty days, and in no case 6785
shall successive temporary appointments be made. A temporary 6786
appointment longer than one hundred twenty days may be made if 6787
necessary by reason of sickness, disability, or other approved 6788

leave of absence of regular officers or employees, in which case 6789
it may continue during the period of sickness, disability, or 6790
other approved leave of absence, subject to the rules of the 6791
director. 6792

(2) In case of a vacancy in a position in the classified 6793
civil service of the state where peculiar and exceptional 6794
qualifications of a scientific, managerial, professional, or 6795
educational character are required, and upon satisfactory evidence 6796
that for specified reasons competition in this special case is 6797
impracticable and that the position can best be filled by a 6798
selection of some designated person of high and recognized 6799
attainments in those qualities, the director may suspend the 6800
provisions of sections 124.01 to 124.64 of the Revised Code that 6801
require competition in this special case, but no suspension shall 6802
be general in its application. All such cases of suspension shall 6803
be reported in the annual report of the director with the reasons 6804
for each suspension. The director shall suspend the provisions 6805
when the director of job and family services provides the 6806
certification under section 5101.051 of the Revised Code that a 6807
position with the department of job and family services can best 6808
be filled if the provisions are suspended. 6809

(3) The acceptance or refusal by an eligible person of a 6810
temporary appointment shall not affect the person's standing on 6811
the eligible list for permanent appointment, nor shall the period 6812
of temporary service be counted as a part of the probationary 6813
service in case of subsequent appointment to a permanent position. 6814

(B) Persons who receive temporary or intermittent 6815
appointments are in the unclassified civil service and serve at 6816
the pleasure of their appointing authority. 6817

Sec. 124.31. Vacancies in positions in the classified civil 6818
service of the state shall be filled insofar as practicable by 6819

promotions. The director of administrative services shall provide 6820
in the director's rules for keeping a record of efficiency for 6821
each employee in the classified civil service of the state, and 6822
for making promotions in the classified civil service of the state 6823
on the basis of merit and by conduct and capacity in office. 6824

Sec. 125.082. (A) When purchasing equipment, materials, or 6825
supplies, the general assembly; the offices of all elected state 6826
officers; all departments, boards, offices, commissions, agencies, 6827
institutions, including, without limitation, state-supported 6828
institutions of higher education, and other instrumentalities of 6829
this state; the supreme court; all courts of appeals; and all 6830
courts of common pleas, may purchase recycled products in 6831
accordance with the guidelines adopted under division (B) of this 6832
section if the products are available and meet the performance 6833
specifications of the procuring entities. Purchases of recycled 6834
products shall comply with any rules adopted under division (C) of 6835
this section. 6836

(B) The director of administrative services shall adopt rules 6837
in accordance with Chapter 119. of the Revised Code establishing 6838
guidelines for the procurement of recycled products pursuant to 6839
division (A) of this section. To the extent practicable, the 6840
guidelines shall do all of the following: 6841

(1) Be consistent with and substantially equivalent to any 6842
relevant regulations adopted by the administrator of the United 6843
States environmental protection agency pursuant to the "Resource 6844
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6845
6921, as amended; 6846

(2) Establish the minimum percentage of recycled materials 6847
the various products shall contain in order to be considered 6848
"recycled" for the purposes of division (A) of this section; 6849

(3) So far as practicable and economically feasible, 6850

incorporate specifications for recycled-content materials to 6851
promote the use and purchase of recycled products by state 6852
agencies. 6853

(C) The director may adopt rules in accordance with Chapter 6854
119. of the Revised Code establishing a maximum percentage by 6855
which the cost of recycled products purchased under division (A) 6856
of this section may exceed the cost of comparable products made of 6857
virgin materials. 6858

(D) The department of administrative services and the 6859
~~department of natural resources~~ environmental protection agency 6860
annually shall prepare and submit to the governor, president of 6861
the senate, and speaker of the house of representatives a report 6862
that describes, so far as practicable, the value and types of 6863
recycled products that are purchased with moneys disbursed from 6864
the state treasury by the general assembly; the offices of all 6865
elected state officers; and all departments, boards, offices, 6866
commissions, agencies, and institutions of this state. 6867

Sec. 125.14. (A) The director of administrative services 6868
shall allocate any proceeds from the transfer, sale, or lease of 6869
excess and surplus supplies in the following manner: 6870

(1) Except as otherwise provided in division (A)(2) of this 6871
section, the proceeds of such a transfer, sale, or lease shall be 6872
paid into the state treasury to the credit of the investment 6873
recovery fund, which is hereby created. 6874

(2) Except as otherwise provided in division (A)(2) of this 6875
section, when supplies originally were purchased with funds from 6876
nongeneral revenue fund sources, the director shall determine what 6877
fund or account originally was used to purchase the supplies, and 6878
the credit for the proceeds from any transfer, sale, or lease of 6879
those supplies shall be transferred to that fund or account. If 6880
the director cannot determine which fund or account originally was 6881

used to purchase the supplies, if the fund or account is no longer 6882
active, or if the proceeds from the transfer, sale, or lease of a 6883
unit of supplies are less than one hundred dollars or any larger 6884
amount the director may establish with the approval of the 6885
director of budget and management, then the proceeds from the 6886
transfer, sale, or lease of such supplies shall be paid into the 6887
state treasury to the credit of the investment recovery fund. 6888

(B) The investment recovery fund shall be used to pay for the 6889
operating expenses of the state surplus property program. Any 6890
amounts in excess of these operating expenses shall periodically 6891
be transferred to the general revenue fund of the state. If 6892
proceeds paid into the investment recovery fund are insufficient 6893
to pay for the program's operating expenses, a service fee may be 6894
charged to state agencies to eliminate the deficit. 6895

(C) Proceeds from the sale of recyclable goods and materials 6896
shall be paid into the state treasury to the credit of the 6897
recycled materials fund, which is hereby created, except that the 6898
director of ~~natural resources~~ environmental protection, upon 6899
request, may grant an exemption from this requirement. The ~~chief~~ 6900
~~of the division of recycling and litter prevention in the~~ 6901
~~department of natural resources~~ director shall administer the fund 6902
for the benefit of recycling programs in state agencies. 6903

Sec. 126.14. The release of any money appropriated for the 6904
purchase of real estate shall be approved by the controlling 6905
board. The release of money appropriated for all other capital 6906
projects is also subject to the approval of the controlling board, 6907
except that the director of budget and management may approve the 6908
release of money appropriated for specific projects in accordance 6909
with the requirements of this section and except that the director 6910
of budget and management may approve the release of unencumbered 6911
capital balances, for a project to repair, remove, or prevent a 6912

public exigency declared to exist by the director of 6913
administrative services under section ~~123.15~~ 123.10 of the Revised 6914
Code, or by the executive director of the Ohio facilities 6915
construction commission under section 123.23 of the Revised Code, 6916
in the amount designated in that declaration. 6917

Within sixty days after the effective date of any act 6918
appropriating money for capital projects, the director shall 6919
determine which appropriations are for general projects and which 6920
are for specific projects. Specific projects may include specific 6921
higher education projects that are to be funded from general 6922
purpose appropriations from the higher education improvement fund 6923
created in section 154.21 of the Revised Code. Upon determining 6924
which projects are general and which are specific, the director 6925
shall submit to the controlling board a list that includes a brief 6926
description of and the estimated expenditures for each specific 6927
project. The release of money for any specific higher education 6928
projects that are to be funded from general purpose appropriations 6929
from the higher education improvement fund but that are not 6930
included on the list, and the release of money for any specific 6931
higher education projects included on the list that will exceed 6932
the estimated expenditures by more than ten per cent, are subject 6933
to the approval of the controlling board. The director may create 6934
new appropriation line items and make transfers of appropriations 6935
to them for specific higher education projects included on the 6936
list that are to be funded from general purpose appropriations for 6937
basic renovations that are made from the higher education 6938
improvement fund. 6939

Sec. 127.27. The controlling board shall approve all 6940
conveyances of land not needed by the state in accordance with 6941
section 123.01 of the Revised Code. 6942

Sec. 131.02. (A) Except as otherwise provided in section 6943

4123.37, section 5703.061, and division (K) of section 4123.511 of 6944
the Revised Code, whenever any amount is payable to the state, the 6945
officer, employee, or agent responsible for administering the law 6946
under which the amount is payable shall immediately proceed to 6947
collect the amount or cause the amount to be collected and shall 6948
pay the amount into the state treasury or into the appropriate 6949
custodial fund in the manner set forth pursuant to section 113.08 6950
of the Revised Code. Except as otherwise provided in this 6951
division, if the amount is not paid within forty-five days after 6952
payment is due, the officer, employee, or agent shall certify the 6953
amount due to the attorney general, in the form and manner 6954
prescribed by the attorney general, and notify the director of 6955
budget and management thereof. In the case of an amount payable by 6956
a student enrolled in a state institution of higher education, the 6957
amount shall be certified within the later of forty-five days 6958
after the amount is due or the tenth day after the beginning of 6959
the next academic semester, quarter, or other session following 6960
the session for which the payment is payable. The attorney general 6961
may assess the collection cost to the amount certified in such 6962
manner and amount as prescribed by the attorney general. If an 6963
amount payable to a political subdivision is past due, the 6964
political subdivision may, with the approval of the attorney 6965
general, certify the amount to the attorney general pursuant to 6966
this section. 6967

For the purposes of this section, the attorney general and 6968
the officer, employee, or agent responsible for administering the 6969
law under which the amount is payable shall agree on the time a 6970
payment is due, and that agreed upon time shall be one of the 6971
following times: 6972

(1) If a law, including an administrative rule, of this state 6973
prescribes the time a payment is required to be made or reported, 6974
when the payment is required by that law to be paid or reported. 6975

(2) If the payment is for services rendered, when the rendering of the services is completed.	6976 6977
(3) If the payment is reimbursement for a loss, when the loss is incurred.	6978 6979
(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.	6980 6981 6982
(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.	6983 6984 6985
(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.	6986 6987
(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.	6988 6989 6990
(8) Upon proof of claim being filed in a bankruptcy case.	6991
(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the state agency to which the payment is owed.	6992 6993 6994 6995 6996
(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.	6997 6998 6999
(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:	7000 7001 7002
(a) The assessment or case number;	7003
(b) The tax pursuant to which the assessment is made;	7004

(c) The reason for the liability, including, if applicable, 7005
that a penalty or interest is due; 7006

(d) An explanation of how and when interest will be added to 7007
the amount assessed; 7008

(e) That the attorney general and tax commissioner, acting 7009
together, have the authority, but are not required, to compromise 7010
the claim and accept payment over a reasonable time, if such 7011
actions are in the best interest of the state. 7012

(C) The attorney general shall collect the claim or secure a 7013
judgment and issue an execution for its collection. 7014

(D) Each claim shall bear interest, from the day on which the 7015
claim became due, at the rate per annum required by section 7016
5703.47 of the Revised Code. 7017

(E) The attorney general and the chief officer of the agency 7018
reporting a claim, acting together, may do any of the following if 7019
such action is in the best interests of the state: 7020

(1) Compromise the claim; 7021

(2) Extend for a reasonable period the time for payment of 7022
the claim by agreeing to accept monthly or other periodic 7023
payments. The agreement may require security for payment of the 7024
claim. 7025

(3) Add fees to recover the cost of processing checks or 7026
other draft instruments returned for insufficient funds and the 7027
cost of providing electronic payment options. 7028

(F)(1) Except as provided in division (F)(2) of this section, 7029
if the attorney general finds, after investigation, that any claim 7030
due and owing to the state is uncollectible, the attorney general, 7031
with the consent of the chief officer of the agency reporting the 7032
claim, may do the following: 7033

(a) Sell, convey, or otherwise transfer the claim to one or 7034

more private entities for collection; 7035

(b) Cancel the claim or cause it to be canceled. 7036

(2) The attorney general shall cancel or cause to be canceled 7037
an unsatisfied claim on the date that is forty years after the 7038
date the claim is certified. 7039

(3) No initial action shall be commenced to collect any tax 7040
payable to the state that is administered by the tax commissioner, 7041
whether or not such tax is subject to division (B) of this 7042
section, or any penalty, interest, or additional charge on such 7043
tax, after the expiration of the period ending on the later of the 7044
dates specified in divisions (F)(3)(a) and (b) of this section, 7045
provided that such period shall be extended by the period of any 7046
stay to such collection or by any other period to which the 7047
parties mutually agree. If the initial action in aid of execution 7048
is commenced before the later of the dates specified in divisions 7049
(F)(3)(a) and (b) of this section, any and all subsequent actions 7050
may be pursued in aid of execution of judgment for as long as the 7051
debt exists. 7052

(a) Seven years after the assessment of the tax, penalty, 7053
interest, or additional charge is issued. 7054

(b) Four years after the assessment of the tax, penalty, 7055
interest, or additional charge becomes final. For the purposes of 7056
division (F)(3)(b) of this section, the assessment becomes final 7057
at the latest of the following: upon expiration of the period to 7058
petition for reassessment, or if applicable, to appeal a final 7059
determination of the commissioner or decision of the board of tax 7060
appeals or a court, or, if applicable, upon decision of the United 7061
States supreme court. 7062

For the purposes of division (F)(3) of this section, an 7063
initial action to collect a tax debt is commenced at the time when 7064
any action, including any action in aid of execution on a 7065

judgment, commences after a certified copy of the tax 7066
commissioner's entry making an assessment final has been filed in 7067
the office of the clerk of court of common pleas in the county in 7068
which the taxpayer resides or has its principal place of business 7069
in this state, or in the office of the clerk of court of common 7070
pleas of Franklin county, as provided in section 5739.13, 5741.14, 7071
5747.13, or 5751.09 of the Revised Code or in any other applicable 7072
law requiring such a filing. If an assessment has not been issued 7073
and there is no time limitation on the issuance of an assessment 7074
under applicable law, an action to collect a tax debt commences 7075
when the action is filed in the courts of this state to collect 7076
the liability. 7077

(4) If information contained in a claim that is sold, 7078
conveyed, or transferred to a private entity pursuant to this 7079
section is confidential pursuant to federal law or a section of 7080
the Revised Code that implements a federal law governing 7081
confidentiality, such information remains subject to that law 7082
during and following the sale, conveyance, or transfer. 7083

Sec. 131.44. (A) As used in this section: 7084

(1) "Surplus revenue" means the excess, if any, of the total 7085
fund balance over the required year-end balance. 7086

(2) "Total fund balance" means the sum of the unencumbered 7087
balance in the general revenue fund on the last day of the 7088
preceding fiscal year plus the balance in the budget stabilization 7089
fund. 7090

(3) "Required year-end balance" means the sum of the 7091
following: 7092

(a) Five per cent of the general revenue fund revenues for 7093
the preceding fiscal year; 7094

(b) "Ending fund balance," which means one-half of one per 7095

cent of general revenue fund revenues for the preceding fiscal 7096
year; 7097

(c) "Carryover balance," which means, with respect to a 7098
fiscal biennium, the excess, if any, of the estimated general 7099
revenue fund appropriation and transfer requirement for the second 7100
fiscal year of the biennium over the estimated general revenue 7101
fund revenue for that fiscal year; 7102

(d) "Capital appropriation reserve," which means the amount, 7103
if any, of general revenue fund capital appropriations made for 7104
the current biennium that the director of budget and management 7105
has determined will be encumbered or disbursed; 7106

(e) "Income tax reduction impact reserve," which means an 7107
amount equal to the reduction projected by the director of budget 7108
and management in income tax revenue in the current fiscal year 7109
attributable to the previous reduction in the income tax rate made 7110
by the tax commissioner pursuant to division (B) of section 7111
5747.02 of the Revised Code. 7112

(4) "Estimated general revenue fund appropriation and 7113
transfer requirement" means the most recent adjusted 7114
appropriations made by the general assembly from the general 7115
revenue fund and includes both of the following: 7116

(a) Appropriations made and transfers of appropriations from 7117
the first fiscal year to the second fiscal year of the biennium in 7118
provisions of acts of the general assembly signed by the governor 7119
but not yet effective; 7120

(b) Transfers of ~~appropriation~~ appropriations from the first 7121
fiscal year to the second fiscal year of the biennium approved by 7122
the controlling board. 7123

(5) "Estimated general revenue fund revenue" means the most 7124
recent such estimate available to the director of budget and 7125
management. 7126

(B)(1) Not later than the thirty-first day of July each year, 7127
the director of budget and management shall determine the surplus 7128
revenue that existed on the preceding thirtieth day of June and 7129
transfer from the general revenue fund, to the extent of the 7130
unobligated, unencumbered balance on the preceding thirtieth day 7131
of June in excess of one-half of one per cent of the general 7132
revenue fund revenues in the preceding fiscal year, the following: 7133

(a) First, to the budget stabilization fund, any amount 7134
necessary for the balance of the budget stabilization fund to 7135
equal five per cent of the general revenue fund revenues of the 7136
preceding fiscal year; 7137

(b) Then, to the income tax reduction fund, which is hereby 7138
created in the state treasury, an amount equal to the surplus 7139
revenue. 7140

(2) Not later than the thirty-first day of July each year, 7141
the director shall determine the percentage that the balance in 7142
the income tax reduction fund is of the amount of revenue that the 7143
director estimates will be received from the tax levied under 7144
section 5747.02 of the Revised Code in the current fiscal year 7145
without regard to any reduction under division (B) of that 7146
section. If that percentage exceeds thirty-five one hundredths of 7147
one per cent, the director shall certify the percentage to the tax 7148
commissioner not later than the thirty-first day of July. 7149

(C) The director of budget and management shall transfer 7150
money in the income tax reduction fund to the general revenue 7151
fund, the local government fund, and the public library fund as 7152
necessary to offset revenue reductions resulting from the 7153
reductions in taxes required under division (B)(1) of section 7154
5747.02 of the Revised Code in the respective amounts and 7155
percentages prescribed by division (A) of section 5747.03 and 7156
~~divisions (A) and (B) of~~ section 131.51 of the Revised Code as if 7157
the amount transferred had been collected as taxes under Chapter 7158

5747. of the Revised Code. If no reductions in taxes are made 7159
under ~~that~~ division (B)(1) of section 5747.02 of the Revised Code 7160
that affect revenue received in the current fiscal year, the 7161
director shall not transfer money from the income tax reduction 7162
fund to the general revenue fund, the local government fund, and 7163
the public library fund. 7164

Sec. 131.46. (A) There is hereby created in the state 7165
treasury the shale resource income tax relief fund. Money 7166
collected from the severance tax imposed by divisions (A)(10) and 7167
(11) of section 5749.02 of the Revised Code shall be credited to 7168
the fund to the extent authorized by division (B) of that section. 7169

(B) Not later than the fifth day of October each year, the 7170
director of budget and management shall determine the percentage 7171
that the balance in the fund is of the amount of revenue that the 7172
director estimates will be received from the tax levied under 7173
section 5747.02 of the Revised Code in the current fiscal year 7174
without regard to any reduction under division (B) of that 7175
section. If that percentage exceeds thirty-five one hundredths of 7176
one per cent, the director shall certify the percentage to the tax 7177
commissioner not later than the tenth day of October. 7178

(C) The director of budget and management shall transfer 7179
money in the shale resource income tax relief fund to the general 7180
revenue fund, the local government fund, and the public library 7181
fund as necessary to offset revenue reductions resulting from the 7182
reductions in taxes required under division (B)(2) of section 7183
5747.02 of the Revised Code in the respective amounts and 7184
percentages prescribed by division (A) of section 5747.03 and 7185
section 131.51 of the Revised Code as if the amount transferred 7186
had been collected as taxes under Chapter 5747. of the Revised 7187
Code. If no reductions in taxes are made under division (B)(2) of 7188
section 5747.02 of the Revised Code, the director shall not 7189

transfer money from the shale resource income tax relief fund to 7190
the general revenue fund, the local government fund, and the 7191
public library fund. 7192

Sec. 140.01. As used in this chapter: 7193

(A) "Hospital agency" means any public hospital agency or any 7194
nonprofit hospital agency. 7195

(B) "Public hospital agency" means any county, board of 7196
county hospital trustees established pursuant to section 339.02 of 7197
the Revised Code, county hospital commission established pursuant 7198
to section 339.14 of the Revised Code, municipal corporation, new 7199
community authority organized under Chapter 349. of the Revised 7200
Code, joint township hospital district, state or municipal 7201
university or college operating or authorized to operate a 7202
hospital facility, or the state. 7203

(C) "Nonprofit hospital agency" means a corporation or 7204
association not for profit, no part of the net earnings of which 7205
inures or may lawfully inure to the benefit of any private 7206
shareholder or individual, that has authority to own or operate a 7207
hospital facility or provides or is to provide services to one or 7208
more other hospital agencies. 7209

(D) "Governing body" means, in the case of a county, the 7210
board of county commissioners or other legislative body; in the 7211
case of a board of county hospital trustees, the board; in the 7212
case of a county hospital commission, the commission; in the case 7213
of a municipal corporation, the council or other legislative 7214
authority; in the case of a new community authority, its board of 7215
trustees; in the case of a joint township hospital district, the 7216
joint township district hospital board; in the case of a state or 7217
municipal university or college, its board of trustees or board of 7218
directors; in the case of a nonprofit hospital agency, the board 7219
of trustees or other body having general management of the agency; 7220

and, in the case of the state, the director of development or the 7221
Ohio higher educational facility commission. 7222

(E) "Hospital facilities" means buildings, structures and 7223
other improvements, additions thereto and extensions thereof, 7224
furnishings, equipment, and real estate and interests in real 7225
estate, used or to be used for or in connection with one or more 7226
hospitals, emergency, intensive, intermediate, extended, 7227
long-term, or self-care facilities, diagnostic and treatment and 7228
out-patient facilities, facilities related to programs for home 7229
health services, clinics, laboratories, public health centers, 7230
research facilities, and rehabilitation facilities, for or 7231
pertaining to diagnosis, treatment, care, or rehabilitation of 7232
sick, ill, injured, infirm, impaired, disabled, or handicapped 7233
persons, or the prevention, detection, and control of disease, and 7234
also includes education, training, and food service facilities for 7235
health professions personnel, housing facilities for such 7236
personnel and their families, and parking and service facilities 7237
in connection with any of the foregoing; and includes any one, 7238
part of, or any combination of the foregoing; and further includes 7239
site improvements, utilities, machinery, facilities, furnishings, 7240
and any separate or connected buildings, structures, improvements, 7241
sites, utilities, facilities, or equipment to be used in, or in 7242
connection with the operation or maintenance of, or supplementing 7243
or otherwise related to the services or facilities to be provided 7244
by, any one or more of such hospital facilities. 7245

(F) "Costs of hospital facilities" means the costs of 7246
acquiring hospital facilities or interests in hospital facilities, 7247
including membership interests in nonprofit hospital agencies, 7248
costs of constructing hospital facilities, costs of improving one 7249
or more hospital facilities, including reconstructing, 7250
rehabilitating, remodeling, renovating, and enlarging, costs of 7251
equipping and furnishing such facilities, and all financing costs 7252

pertaining thereto, including, without limitation thereto, costs 7253
of engineering, architectural, and other professional services, 7254
designs, plans, specifications and surveys, and estimates of cost, 7255
costs of tests and inspections, the costs of any indemnity or 7256
surety bonds and premiums on insurance, all related direct or 7257
allocable administrative expenses pertaining thereto, fees and 7258
expenses of trustees, depositories, and paying agents for the 7259
obligations, cost of issuance of the obligations and financing 7260
charges and fees and expenses of financial advisors, attorneys, 7261
accountants, consultants and rating services in connection 7262
therewith, capitalized interest on the obligations, amounts 7263
necessary to establish reserves as required by the bond 7264
proceedings, the reimbursement of all moneys advanced or applied 7265
by the hospital agency or others or borrowed from others for the 7266
payment of any item or items of costs of such facilities, and all 7267
other expenses necessary or incident to planning or determining 7268
feasibility or practicability with respect to such facilities, and 7269
such other expenses as may be necessary or incident to the 7270
acquisition, construction, reconstruction, rehabilitation, 7271
remodeling, renovation, enlargement, improvement, equipment, and 7272
furnishing of such facilities, the financing thereof, and the 7273
placing of the same in use and operation, including any one, part 7274
of, or combination of such classes of costs and expenses, and 7275
means the costs of refinancing obligations issued by, or 7276
reimbursement of money advanced by, nonprofit hospital agencies or 7277
others the proceeds of which were used for the payment of costs of 7278
hospital facilities, if the governing body of the public hospital 7279
agency determines that the refinancing or reimbursement advances 7280
the purposes of this chapter, whether or not the refinancing or 7281
reimbursement is in conjunction with the acquisition or 7282
construction of additional hospital facilities. 7283

(G) "Hospital receipts" means all moneys received by or on 7284
behalf of a hospital agency from or in connection with the 7285

ownership, operation, acquisition, construction, improvement, 7286
equipping, or financing of any hospital facilities, including, 7287
without limitation thereto, any rentals and other moneys received 7288
from the lease, sale, or other disposition of hospital facilities, 7289
and any gifts, grants, interest subsidies, or other moneys 7290
received under any federal program for assistance in financing the 7291
costs of hospital facilities, and any other gifts, grants, and 7292
donations, and receipts therefrom, available for financing the 7293
costs of hospital facilities. 7294

(H) "Obligations" means bonds, notes, or other evidences of 7295
indebtedness or obligation, including interest coupons pertaining 7296
thereto, issued or issuable by a public hospital agency to pay 7297
costs of hospital facilities. 7298

(I) "Bond service charges" means principal, interest, and 7299
call premium, if any, required to be paid on obligations. 7300

(J) "Bond proceedings" means one or more ordinances, 7301
resolutions, trust agreements, indentures, and other agreements or 7302
documents, and amendments and supplements to the foregoing, or any 7303
combination thereof, authorizing or providing for the terms, 7304
including any variable interest rates, and conditions applicable 7305
to, or providing for the security of, obligations and the 7306
provisions contained in such obligations. 7307

(K) "Nursing home" has the same meaning as in division (A)(1) 7308
of section 5701.13 of the Revised Code. 7309

(L) "Residential care facility" has the same meaning as in 7310
division (A)(2) of section 5701.13 of the Revised Code. 7311

(M) ~~"Adult care facility" has the same meaning as in division~~ 7312
~~(A)(3) of section 5701.13 of the Revised Code.~~ 7313

~~(N)~~ "Independent living facility" means any self-care 7314
facility or other housing facility designed or used as a residence 7315
for elderly persons. An "independent living facility" does not 7316

include a residential facility, or that part of a residential 7317
facility, that is any of the following: 7318

(1) A hospital required to be certified by section 3727.02 of 7319
the Revised Code; 7320

(2) A nursing home or residential care facility; 7321

(3) ~~An adult care facility;~~ 7322

~~(4) A facility operated by a hospice care program licensed 7323
under section 3712.04 of the Revised Code and used for the 7324
program's hospice patients; 7325~~

(4) A residential facility licensed by the department of 7326
mental health under section 5119.22 of the Revised Code that 7327
provides accommodations, supervision, and personal care services 7328
for three to sixteen unrelated adults; 7329

(5) A residential facility ~~for the mentally ill~~ licensed by 7330
the department of mental health under section 5119.22 of the 7331
Revised Code that is not a residential facility described in 7332
division (M)(4) of this section; 7333

(6) A facility licensed to provide methadone treatment under 7334
section 3793.11 of the Revised Code; 7335

(7) A facility certified as an alcohol and drug addiction 7336
program under section 3793.06 of the Revised Code; 7337

(8) A residential facility licensed under section 5123.19 of 7338
the Revised Code or a facility providing services under a contract 7339
with the department of developmental disabilities under section 7340
5123.18 of the Revised Code; 7341

(9) A residential facility used as part of a hospital to 7342
provide housing for staff of the hospital or students pursuing a 7343
course of study at the hospital. 7344

Sec. 140.03. (A) Two or more hospital agencies may enter into 7345

agreements for the acquisition, construction, reconstruction, 7346
rehabilitation, remodeling, renovating, enlarging, equipping, and 7347
furnishing of hospital facilities, or the management, operation, 7348
occupancy, use, maintenance, and repair of hospital facilities, or 7349
for participation in programs, projects, activities, and services 7350
useful to, connected with, supplementing, or otherwise related to 7351
the services provided by, or the operation of, hospital facilities 7352
operated by one or more participating hospital agencies, including 7353
any combination of such purposes, all in such manner as to promote 7354
the public purpose stated in section 140.02 of the Revised Code. A 7355
city health district; general health district; board of alcohol, 7356
drug addiction, and mental health services; county board of 7357
developmental disabilities; the department of mental health; the 7358
department of developmental disabilities; or any public body 7359
engaged in the education or training of health professions 7360
personnel may join in any such agreement for purposes related to 7361
its authority under laws applicable to it, and as such a 7362
participant shall be considered a public hospital agency or 7363
hospital agency for the purposes of this section. 7364

(B) An agreement entered into under authority of this section 7365
shall, where appropriate, provide for: 7366

(1) The manner in which the title to the hospital facilities, 7367
including the sites and interest in real estate pertaining 7368
thereto, is to be held, transferred, or disposed of; 7369

(2) Unless provided for by lease pursuant to section 140.05 7370
of the Revised Code, the method by which such hospital facilities 7371
are to be acquired, constructed, or otherwise improved and by 7372
which they shall be managed, occupied, maintained, and repaired, 7373
including the designation of one of the hospital agencies to have 7374
charge of the details of acquisition, construction, or improvement 7375
pursuant to the contracting procedures prescribed under the law 7376
applicable to one of the participating public hospital agencies; 7377

(3) The management or administration of any such programs, 7378
projects, activities, or services, which may include management or 7379
administration by one of said hospital agencies or a board or 7380
agency thereof; 7381

(4) Annual, or more frequent, reports to the participating 7382
hospital agencies as to the revenues and receipts pertaining to 7383
the subject of the agreement, the expenditures thereof, the status 7384
and application of other funds contributed under such agreement, 7385
and such other matters as may be specified by or pursuant to such 7386
agreement; 7387

(5) The manner of apportionment or sharing of costs of 7388
hospital facilities, any other applicable costs of management, 7389
operation, maintenance, and repair of hospital facilities, and 7390
costs for the programs, projects, activities, and services forming 7391
the subject of the agreement, which apportionment or sharing may 7392
be prescribed in fixed amounts, or determined by ratios, formulas, 7393
or otherwise, and paid as service charges, rentals, or in such 7394
other manner as provided in the agreement, and may include amounts 7395
sufficient to meet the bond service charges and other payments and 7396
deposits required under the bond proceedings for obligations 7397
issued to pay costs of hospital facilities. A hospital agency may 7398
commit itself to make such payments at least for so long as any 7399
such obligations are outstanding. In the apportionment, different 7400
classes of costs or expenses may be apportioned to one or more, 7401
all or less than all, of the participating hospital agencies as 7402
determined under such agreement. 7403

(C) An agreement entered into under authority of this section 7404
may provide for: 7405

(1) An orderly process for making determinations or advising 7406
as to planning, execution, implementation, and operation, which 7407
may include designating one of the hospital agencies, or a board 7408
thereof, for any of such purposes, provisions for a committee, 7409

board, or commission, and for representation thereon, or as may otherwise be provided; 7410
7411

(2) Securing necessary personnel, including participation of personnel from the respective hospital agencies; 7412
7413

(3) Standards or conditions for the admission or participation of patients and physicians; 7414
7415

(4) Conditions for admittance of other hospital agencies to participation under the agreement; 7416
7417

(5) Fixing or establishing the method of determining charges to be made for particular services; 7418
7419

(6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from, the agreement, and the term of the agreement, or an indefinite term; 7420
7421
7422

(7) Designation of the applicants for or recipients of any federal, state, or other aid, assistance, or loans available by reason of any activities conducted under the agreement; 7423
7424
7425

(8) Designation of one or more of the participating hospital agencies to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement; 7426
7427
7428
7429

(9) Any incidental use of the hospital facilities, or services thereof, by participating public hospital agencies for any of their lawful purposes, which incidental use does not impair the character of the facilities as hospital facilities for any purpose of this chapter; 7430
7431
7432
7433
7434

(10) Such other matters as the parties thereto may agree upon for the purposes of division (A) of this section. 7435
7436

(D) For the purpose of paying or contributing its share under an agreement made under this section, a public hospital agency may: 7437
7438
7439

(1) Expend any moneys from its general fund, and from any 7440
other funds not otherwise restricted by law, but including funds 7441
for permanent improvements of hospital facilities of such public 7442
hospital agency where the contribution is to be made toward the 7443
costs of hospital facilities under the agreement, and including 7444
funds derived from levies for, or receipts available for, 7445
operating expenses of hospital facilities or services of such 7446
public hospital agency where the contribution or payment is to be 7447
made toward operating expenses of the hospital facilities or 7448
services under the agreement or for the services provided thereby; 7449

(2) Issue obligations under Chapter 133. or section 140.06, 7450
339.14, 339.15, 513.12, or 3345.12 of the Revised Code, or Section 7451
3 of Article XVIII, Ohio Constitution, if applicable to such 7452
public hospital agency, to pay costs of hospital facilities, or 7453
issue obligations under any other provision of law authorizing 7454
such public hospital agency to issue obligations for any costs of 7455
hospital facilities; 7456

(3) Levy taxes under Chapter 5705. or section 513.13 or 7457
3709.29 of the Revised Code, if applicable to such public hospital 7458
agency, provided that the purpose of such levy may include the 7459
provision of funds for either or both permanent improvements and 7460
current expenses if required for the contribution or payment of 7461
such hospital agency under such agreement, and each such public 7462
hospital agency may issue notes in anticipation of any such levy, 7463
pursuant to the procedures provided in section 5705.191 of the 7464
Revised Code if the levy is solely for current expenses, and in 7465
section 5705.193 of the Revised Code if the levy is all or in part 7466
for permanent improvements; 7467

(4) Contribute real and personal property or interest therein 7468
without necessity for competitive bidding or public auction on 7469
disposition of such property. 7470

(E) Any funds provided by public hospital agencies that are 7471

parties to an agreement entered into under this section shall be 7472
transferred to and placed in a separate fund or funds of such 7473
participating public hospital agency as is designated under the 7474
agreement. The funds shall be applied for the purposes provided in 7475
such agreement and are subject to audit. Pursuant to any 7476
determinations to be made under such agreement, the funds shall be 7477
deposited, invested, and disbursed under the provisions of law 7478
applicable to the public hospital agency in whose custody the 7479
funds are held. This division is subject to the provisions of any 7480
applicable bond proceedings under section 133.08, 140.06, 339.15, 7481
or 3345.12 of the Revised Code or Section 3 of Article XVIII, Ohio 7482
Constitution. The records and reports of such public hospital 7483
agency under Chapter 117. of the Revised Code and sections 3702.51 7484
to 3702.62 of the Revised Code, with respect to the funds shall be 7485
sufficient without necessity for reports thereon by the other 7486
public hospital agencies participating under such agreement. 7487

(F)(1) Prior to its entry into any such agreement, the public 7488
hospital agency must determine, and set forth in a resolution or 7489
ordinance, that the contribution to be made by it under such 7490
agreement will be fair consideration for value and benefit to be 7491
derived by it under such agreement and that the agreement will 7492
promote the public purpose stated in section 140.02 of the Revised 7493
Code. 7494

(2) If the agreement is with a board of county commissioners, 7495
board of county hospital trustees, or county hospital commission 7496
and is an initial agreement for the acquisition or operation of a 7497
county hospital operated by a board of county hospital trustees 7498
under section 339.06 of the Revised Code, the governing body of 7499
the public hospital agency shall submit the agreement, accompanied 7500
by the resolution or ordinance, to the board of county 7501
commissioners for review pursuant to section 339.091 of the 7502
Revised Code. The agreement may be entered into only if the board 7503

of county commissioners adopts a resolution under that section. 7504
The requirements of division (F)(2) of this section do not apply 7505
to the agreement if one or more hospitals classified as general 7506
hospitals by the ~~public director of health council~~ under section 7507
3701.07 of the Revised Code are operating in the same county as 7508
the county hospital. 7509

Sec. 140.05. (A)(1) A public hospital agency may lease any 7510
hospital facility to one or more hospital agencies for use as a 7511
hospital facility, or to one or more city or general health 7512
districts; boards of alcohol, drug addiction, and mental health 7513
services; county boards of developmental disabilities; the 7514
department of mental health; or the department of developmental 7515
disabilities, for uses which they are authorized to make thereof 7516
under the laws applicable to them, or any combination of them, and 7517
they may lease such facilities to or from a hospital agency for 7518
such uses, upon such terms and conditions as are agreed upon by 7519
the parties. Such lease may be for a term of fifty years or less 7520
and may provide for an option of the lessee to renew for a term of 7521
fifty years or less, as therein set forth. Prior to entering into 7522
such lease, the governing body of any public hospital agency 7523
granting such lease must determine, and set forth in a resolution 7524
or ordinance, that such lease will promote the public purpose 7525
stated in section 140.02 of the Revised Code and that the lessor 7526
public hospital agency will be duly benefited thereby. 7527

(2) If the lease is with a board of county commissioners, 7528
board of county hospital trustees, or county hospital commission 7529
and is an agreement for the initial lease of a county hospital 7530
operated by a board of county hospital trustees under section 7531
339.06 of the Revised Code, the governing body of the public 7532
hospital agency shall submit the agreement, accompanied by the 7533
resolution or ordinance, to the board of county commissioners for 7534
review pursuant to section 339.091 of the Revised Code. The 7535

agreement may be entered into only if the board of county 7536
commissioners adopts a resolution under that section. The 7537
requirements of division (A)(2) of this section do not apply to 7538
the lease if one or more hospitals classified as general hospitals 7539
by the ~~public director of health council~~ under section 3701.07 of 7540
the Revised Code are operating in the same county as the county 7541
hospital. 7542

(B) Any lease entered into pursuant to this section shall 7543
provide that in the event that the lessee fails faithfully and 7544
efficiently to administer, maintain, and operate such leased 7545
facilities as hospital facilities, or fails to provide the 7546
services thereof without regard to race, creed, color, or national 7547
origin, or fails to require that any hospital agency using such 7548
facilities or the services thereof shall not discriminate by 7549
reason of race, creed, color, or national origin, after an 7550
opportunity to be heard upon written charges, said lease may be 7551
terminated at the time, in the manner and with consequences 7552
therein provided. If any such lease does not contain terms to the 7553
effect provided in this division, it shall nevertheless be deemed 7554
to contain such terms which shall be implemented as determined by 7555
the governing body of the lessor. 7556

(C) Such lease may provide for rentals commencing at any time 7557
agreed upon, or advance rental, and continuing for such period 7558
therein provided, notwithstanding and without diminution, rebate, 7559
or setoff by reason of time of availability of the hospital 7560
facility for use, delays in construction, failure of completion, 7561
damage or destruction of the hospital facilities, or for any other 7562
reason. 7563

(D) Such lease may provide for the sale or transfer of title 7564
of the leased facilities pursuant to an option to purchase, 7565
lease-purchase, or installment purchase upon terms therein 7566
provided or to be determined as therein provided, which may 7567

include provision for the continued use thereof as a hospital 7568
facility for some reasonable period, taking into account efficient 7569
useful life and other factors, as is provided therein. 7570

(E) Such lease may be entered as part of or in connection 7571
with an agreement pursuant to section 140.03 of the Revised Code. 7572
Any hospital facilities which are the subject of an agreement 7573
entered into under section 140.03 of the Revised Code may be 7574
leased pursuant to this section. 7575

(F) If land acquired by a public hospital agency for a 7576
hospital facility is adjacent to an existing hospital facility 7577
owned by another hospital agency, the public hospital agency may, 7578
in connection with such acquisition or the leasing of such land 7579
and hospital facilities thereon to one or more hospital agencies, 7580
enter into an agreement with the hospital agency which owns such 7581
adjacent hospital facility for the use of common walls in the 7582
construction, operation, or maintenance of hospital facilities of 7583
the public hospital agency. For the purpose of construction, 7584
operation, or maintenance of hospital facilities, a public 7585
hospital agency may acquire by purchase, gift, lease, lease with 7586
option to purchase, lease-purchase, or installment purchase, 7587
easement deed, or other agreement, real estate and interests in 7588
real estate, including rights to use space over, under or upon 7589
real property owned by others, and support, access, common wall, 7590
and other rights in connection therewith. Any public hospital 7591
agency or other political subdivision or any public agency, board, 7592
commission, institution, body, or instrumentality may grant such 7593
real estate, interests, or rights to any hospital agency upon such 7594
terms as are agreed upon without necessity for competitive bidding 7595
or public auction. 7596

Sec. 140.08. (A) Except as otherwise provided in divisions 7597
(B)(1) and (2) of this section, all hospital facilities purchased, 7598

acquired, constructed, or owned by a public hospital agency, or 7599
financed in whole or in part by obligations issued by a public 7600
hospital agency, and used, or to be used when completed, as 7601
hospital facilities, and the income therefrom, are exempt from all 7602
taxation within this state, including ad valorem and excise taxes, 7603
notwithstanding any other provisions of law, and hospital agencies 7604
are exempt from taxes levied under Chapters 5739. and 5741. of the 7605
Revised Code. The obligations issued hereafter under section 7606
133.08, 140.06, or 339.15 of the Revised Code or Section 3 of 7607
Article XVIII, Ohio Constitution, to pay costs of hospital 7608
facilities or to refund such obligations, and the transfer 7609
thereof, and the interest and other income from such obligations, 7610
including any profit made on the sale thereof, is free from 7611
taxation within the state. 7612

(B)(1) Division (A) of this section does not exempt 7613
independent living facilities from taxes levied on property or 7614
taxes levied under Chapters 5739. and 5741. of the Revised Code. 7615
If an independent living facility or part of such facility becomes 7616
~~an adult care facility, nursing home, or residential care facility~~ 7617
on or after January 10, 1991, a nursing home, residential care 7618
facility, or residential facility described in division (M)(4) of 7619
section 140.01 of the Revised Code, that part of the independent 7620
living facility that is ~~an adult care facility, a nursing home, or~~ 7621
~~residential care facility, or residential facility described in~~ 7622
division (M)(4) of section 140.01 of the Revised Code is exempt 7623
from taxation subject to division (B)(2) of this section on and 7624
after the date it becomes ~~an adult care facility, a nursing home,~~ 7625
~~or residential care facility, or residential facility described in~~ 7626
division (M)(4) of section 140.01 of the Revised Code. 7627

(2) Division (A) of this section exempts nursing homes, 7628
residential care facilities, and ~~adult care~~ residential facilities 7629
described in division (M)(4) of section 140.01 of the Revised Code 7630

from taxes levied on property and taxes levied under Chapters 7631
5739. and 5741. of the Revised Code only until all obligations 7632
issued to finance such homes or facilities, or all refunding or 7633
series of refundings of those obligations, are redeemed or 7634
otherwise retired. 7635

Sec. 145.01. As used in this chapter: 7636

(A) "Public employee" means: 7637

(1) Any person holding an office, not elective, under the 7638
state or any county, township, municipal corporation, park 7639
district, conservancy district, sanitary district, health 7640
district, metropolitan housing authority, state retirement board, 7641
Ohio historical society, public library, county law library, union 7642
cemetery, joint hospital, institutional commissary, state 7643
university, or board, bureau, commission, council, committee, 7644
authority, or administrative body as the same are, or have been, 7645
created by action of the general assembly or by the legislative 7646
authority of any of the units of local government named in 7647
division (A)(1) of this section, or employed and paid in whole or 7648
in part by the state or any of the authorities named in division 7649
(A)(1) of this section in any capacity not covered by section 7650
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 7651

(2) A person who is a member of the public employees 7652
retirement system and who continues to perform the same or similar 7653
duties under the direction of a contractor who has contracted to 7654
take over what before the date of the contract was a publicly 7655
operated function. The governmental unit with which the contract 7656
has been made shall be deemed the employer for the purposes of 7657
administering this chapter. 7658

(3) Any person who is an employee of a public employer, 7659
notwithstanding that the person's compensation for that employment 7660
is derived from funds of a person or entity other than the 7661

employer. Credit for such service shall be included as total 7662
service credit, provided that the employee makes the payments 7663
required by this chapter, and the employer makes the payments 7664
required by sections 145.48 and 145.51 of the Revised Code. 7665

(4) A person who elects in accordance with section 145.015 of 7666
the Revised Code to remain a contributing member of the public 7667
employees retirement system. 7668

(5) A person who is an employee of the legal rights service 7669
on September 30, 2012, and continues to be employed by the 7670
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 7671
153 of the 129th general assembly. The nonprofit entity is the 7672
employer for the purpose of this chapter. 7673

In all cases of doubt, the public employees retirement board 7674
shall determine whether any person is a public employee, and its 7675
decision is final. 7676

(B) "Member" means any public employee, other than a public 7677
employee excluded or exempted from membership in the retirement 7678
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 7679
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 7680
retirant who becomes a member under division (C) of section 145.38 7681
of the Revised Code. "Member" also includes a disability benefit 7682
recipient. 7683

(C) "Head of the department" means the elective or appointive 7684
head of the several executive, judicial, and administrative 7685
departments, institutions, boards, and commissions of the state 7686
and local government as the same are created and defined by the 7687
laws of this state or, in case of a charter government, by that 7688
charter. 7689

(D) "Employer" or "public employer" means the state or any 7690
county, township, municipal corporation, park district, 7691
conservancy district, sanitary district, health district, 7692

metropolitan housing authority, state retirement board, Ohio 7693
historical society, public library, county law library, union 7694
cemetery, joint hospital, institutional commissary, state medical 7695
university, state university, or board, bureau, commission, 7696
council, committee, authority, or administrative body as the same 7697
are, or have been, created by action of the general assembly or by 7698
the legislative authority of any of the units of local government 7699
named in this division not covered by section 742.01, 3307.01, 7700
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 7701
means the employer of any public employee. 7702

(E) "Prior service" means all service as a public employee 7703
rendered before January 1, 1935, and all service as an employee of 7704
any employer who comes within the state teachers retirement system 7705
or of the school employees retirement system or of any other 7706
retirement system established under the laws of this state 7707
rendered prior to January 1, 1935, provided that if the employee 7708
claiming the service was employed in any capacity covered by that 7709
other system after that other system was established, credit for 7710
the service may be allowed by the public employees retirement 7711
system only when the employee has made payment, to be computed on 7712
the salary earned from the date of appointment to the date 7713
membership was established in the public employees retirement 7714
system, at the rate in effect at the time of payment, and the 7715
employer has made payment of the corresponding full liability as 7716
provided by section 145.44 of the Revised Code. "Prior service" 7717
also means all service credited for active duty with the armed 7718
forces of the United States as provided in section 145.30 of the 7719
Revised Code. 7720

If an employee who has been granted prior service credit by 7721
the public employees retirement system for service rendered prior 7722
to January 1, 1935, as an employee of a board of education 7723
establishes, before retirement, one year or more of contributing 7724

service in the state teachers retirement system or school 7725
employees retirement system, then the prior service ceases to be 7726
the liability of this system. 7727

If the board determines that a position of any member in any 7728
calendar year prior to January 1, 1935, was a part-time position, 7729
the board shall determine what fractional part of a year's credit 7730
shall be allowed by the following formula: 7731

(1) When the member has been either elected or appointed to 7732
an office the term of which was two or more years and for which an 7733
annual salary is established, the fractional part of the year's 7734
credit shall be computed as follows: 7735

First, when the member's annual salary is one thousand 7736
dollars or less, the service credit for each such calendar year 7737
shall be forty per cent of a year. 7738

Second, for each full one hundred dollars of annual salary 7739
above one thousand dollars, the member's service credit for each 7740
such calendar year shall be increased by two and one-half per 7741
cent. 7742

(2) When the member is paid on a per diem basis, the service 7743
credit for any single year of the service shall be determined by 7744
using the number of days of service for which the compensation was 7745
received in any such year as a numerator and using two hundred 7746
fifty days as a denominator. 7747

(3) When the member is paid on an hourly basis, the service 7748
credit for any single year of the service shall be determined by 7749
using the number of hours of service for which the compensation 7750
was received in any such year as a numerator and using two 7751
thousand hours as a denominator. 7752

(F) "Contributor" means any person who has an account in the 7753
employees' savings fund created by section 145.23 of the Revised 7754
Code. When used in the sections listed in division (B) of section 7755

145.82 of the Revised Code, "contributor" includes any person 7756
participating in a PERS defined contribution plan. 7757

(G) "Beneficiary" or "beneficiaries" means the estate or a 7758
person or persons who, as the result of the death of a member, 7759
contributor, or retirant, qualify for or are receiving some right 7760
or benefit under this chapter. 7761

(H)(1) "Total service credit," except as provided in section 7762
145.37 of the Revised Code, means all service credited to a member 7763
of the retirement system since last becoming a member, including 7764
restored service credit as provided by section 145.31 of the 7765
Revised Code; credit purchased under sections 145.293 and 145.299 7766
of the Revised Code; all the member's prior service credit; all 7767
the member's military service credit computed as provided in this 7768
chapter; all service credit established pursuant to section 7769
145.297 of the Revised Code; and any other service credited under 7770
this chapter. In addition, "total service credit" includes any 7771
period, not in excess of three years, during which a member was 7772
out of service and receiving benefits under Chapters 4121. and 7773
4123. of the Revised Code. For the exclusive purpose of satisfying 7774
the service credit requirement and of determining eligibility for 7775
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 7776
and 145.361 of the Revised Code, "five or more years of total 7777
service credit" means sixty or more calendar months of 7778
contributing service in this system. 7779

(2) "One and one-half years of contributing service credit," 7780
as used in division (B) of section 145.45 of the Revised Code, 7781
also means eighteen or more calendar months of employment by a 7782
municipal corporation that formerly operated its own retirement 7783
plan for its employees or a part of its employees, provided that 7784
all employees of that municipal retirement plan who have eighteen 7785
or more months of such employment, upon establishing membership in 7786
the public employees retirement system, shall make a payment of 7787

the contributions they would have paid had they been members of 7788
this system for the eighteen months of employment preceding the 7789
date membership was established. When that payment has been made 7790
by all such employee members, a corresponding payment shall be 7791
paid into the employers' accumulation fund by that municipal 7792
corporation as the employer of the employees. 7793

(3) Where a member also is a member of the state teachers 7794
retirement system or the school employees retirement system, or 7795
both, except in cases of retirement on a combined basis pursuant 7796
to section 145.37 of the Revised Code or as provided in section 7797
145.383 of the Revised Code, service credit for any period shall 7798
be credited on the basis of the ratio that contributions to the 7799
public employees retirement system bear to total contributions in 7800
all state retirement systems. 7801

(4) Not more than one year of credit may be given for any 7802
period of twelve months. 7803

(5) "Ohio service credit" means credit for service that was 7804
rendered to the state or any of its political subdivisions or any 7805
employer. 7806

(I) "Regular interest" means interest at any rates for the 7807
respective funds and accounts as the public employees retirement 7808
board may determine from time to time. 7809

(J) "Accumulated contributions" means the sum of all amounts 7810
credited to a contributor's individual account in the employees' 7811
savings fund together with any interest credited to the 7812
contributor's account under section 145.471 or 145.472 of the 7813
Revised Code. 7814

(K)(1) "Final average salary" means the quotient obtained by 7815
dividing by three the sum of the three full calendar years of 7816
contributing service in which the member's earnable salary was 7817
highest, except that if the member has a partial year of 7818

contributing service in the year the member's employment 7819
terminates and the member's earnable salary for the partial year 7820
is higher than for any comparable period in the three years, the 7821
member's earnable salary for the partial year shall be substituted 7822
for the member's earnable salary for the comparable period during 7823
the three years in which the member's earnable salary was lowest. 7824

(2) If a member has less than three years of contributing 7825
service, the member's final average salary shall be the member's 7826
total earnable salary divided by the total number of years, 7827
including any fraction of a year, of the member's contributing 7828
service. 7829

(3) For the purpose of calculating benefits payable to a 7830
member qualifying for service credit under division (Z) of this 7831
section, "final average salary" means the total earnable salary on 7832
which contributions were made divided by the total number of years 7833
during which contributions were made, including any fraction of a 7834
year. If contributions were made for less than twelve months, 7835
"final average salary" means the member's total earnable salary. 7836

(L) "Annuity" means payments for life derived from 7837
contributions made by a contributor and paid from the annuity and 7838
pension reserve fund as provided in this chapter. All annuities 7839
shall be paid in twelve equal monthly installments. 7840

(M) "Annuity reserve" means the present value, computed upon 7841
the basis of the mortality and other tables adopted by the board, 7842
of all payments to be made on account of any annuity, or benefit 7843
in lieu of any annuity, granted to a retirant as provided in this 7844
chapter. 7845

(N)(1) "Disability retirement" means retirement as provided 7846
in section 145.36 of the Revised Code. 7847

(2) "Disability allowance" means an allowance paid on account 7848
of disability under section 145.361 of the Revised Code. 7849

(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.

(4) "Disability benefit recipient" means a member who is receiving a disability benefit.

(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of the Revised Code.

(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.

(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.

(R)(1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 145.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. "Earnable salary" includes the following:

(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;

(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;

(c) Allowances paid by the employer for full maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;

(d) Fees and commissions paid under section 507.09 of the Revised Code;

(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;

(f) Amounts included pursuant to divisions (K)(3) and (Y) of this section.

(2) "Earnable salary" does not include any of the following:

(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;

(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;

(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer

to the contributor in lieu of providing the incidental benefits; 7911

(d) Reimbursement for job-related expenses authorized by the 7912
employer, including moving and travel expenses and expenses 7913
related to professional development; 7914

(e) Payments for accrued but unused sick leave, personal 7915
leave, or vacation that are made at any time other than in the 7916
year in which the sick leave, personal leave, or vacation was 7917
accrued; 7918

(f) Payments made to or on behalf of a contributor that are 7919
in excess of the annual compensation that may be taken into 7920
account by the retirement system under division (a)(17) of section 7921
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 7922
U.S.C.A. 401(a)(17), as amended; 7923

(g) Payments made under division (B), (C), or (E) of section 7924
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 7925
No. 3 of the 119th general assembly, Section 3 of Amended 7926
Substitute Senate Bill No. 164 of the 124th general assembly, or 7927
Amended Substitute House Bill No. 405 of the 124th general 7928
assembly; 7929

(h) Anything of value received by the contributor that is 7930
based on or attributable to retirement or an agreement to retire, 7931
except that payments made on or before January 1, 1989, that are 7932
based on or attributable to an agreement to retire shall be 7933
included in earnable salary if both of the following apply: 7934

(i) The payments are made in accordance with contract 7935
provisions that were in effect prior to January 1, 1986; 7936

(ii) The employer pays the retirement system an amount 7937
specified by the retirement board equal to the additional 7938
liability resulting from the payments. 7939

(3) The retirement board shall determine by rule whether any 7940

compensation not enumerated in division (R) of this section is 7941
earnable salary, and its decision shall be final. 7942

(S) "Pension reserve" means the present value, computed upon 7943
the basis of the mortality and other tables adopted by the board, 7944
of all payments to be made on account of any retirement allowance 7945
or benefit in lieu of any retirement allowance, granted to a 7946
member or beneficiary under this chapter. 7947

(T)(1) "Contributing service" means all service credited to a 7948
member of the system since January 1, 1935, for which 7949
contributions are made as required by sections 145.47, 145.48, and 7950
145.483 of the Revised Code. In any year subsequent to 1934, 7951
credit for any service shall be allowed by the following formula: 7952

(a) For each month for which the member's earnable salary is 7953
two hundred fifty dollars or more, allow one month's credit. 7954

(b) For each month for which the member's earnable salary is 7955
less than two hundred fifty dollars, allow a fraction of a month's 7956
credit. The numerator of this fraction shall be the earnable 7957
salary during the month, and the denominator shall be two hundred 7958
fifty dollars, except that if the member's annual earnable salary 7959
is less than six hundred dollars, the member's credit shall not be 7960
reduced below twenty per cent of a year for a calendar year of 7961
employment during which the member worked each month. Division 7962
(T)(1)(b) of this section shall not reduce any credit earned 7963
before January 1, 1985. 7964

(2) Notwithstanding division (T)(1) of this section, an 7965
elected official who prior to January 1, 1980, was granted a full 7966
year of credit for each year of service as an elected official 7967
shall be considered to have earned a full year of credit for each 7968
year of service regardless of whether the service was full-time or 7969
part-time. The public employees retirement board has no authority 7970
to reduce the credit. 7971

(U) "State retirement board" means the public employees 7972
retirement board, the school employees retirement board, or the 7973
state teachers retirement board. 7974

(V) "Retirant" means any former member who retires and is 7975
receiving a monthly allowance as provided in sections 145.32, 7976
145.33, 145.331, 145.34, and 145.46 of the Revised Code. 7977

(W) "Employer contribution" means the amount paid by an 7978
employer as determined under section 145.48 of the Revised Code. 7979

(X) "Public service terminates" means the last day for which 7980
a public employee is compensated for services performed for an 7981
employer or the date of the employee's death, whichever occurs 7982
first. 7983

(Y) When a member has been elected or appointed to an office, 7984
the term of which is two or more years, for which an annual salary 7985
is established, and in the event that the salary of the office is 7986
increased and the member is denied the additional salary by reason 7987
of any constitutional provision prohibiting an increase in salary 7988
during a term of office, the member may elect to have the amount 7989
of the member's contributions calculated upon the basis of the 7990
increased salary for the office. At the member's request, the 7991
board shall compute the total additional amount the member would 7992
have contributed, or the amount by which each of the member's 7993
contributions would have increased, had the member received the 7994
increased salary for the office the member holds. If the member 7995
elects to have the amount by which the member's contribution would 7996
have increased withheld from the member's salary, the member shall 7997
notify the employer, and the employer shall make the withholding 7998
and transmit it to the retirement system. A member who has not 7999
elected to have that amount withheld may elect at any time to make 8000
a payment to the retirement system equal to the additional amount 8001
the member's contribution would have increased, plus interest on 8002
that contribution, compounded annually at a rate established by 8003

the board and computed from the date on which the last 8004
contribution would have been withheld from the member's salary to 8005
the date of payment. A member may make a payment for part of the 8006
period for which the increased contribution was not withheld, in 8007
which case the interest shall be computed from the date the last 8008
contribution would have been withheld for the period for which the 8009
payment is made. Upon the payment of the increased contributions 8010
as provided in this division, the increased annual salary as 8011
provided by law for the office for the period for which the member 8012
paid increased contributions thereon shall be used in determining 8013
the member's earnable salary for the purpose of computing the 8014
member's final average salary. 8015

(Z) "Five years of service credit," for the exclusive purpose 8016
of satisfying the service credit requirements and of determining 8017
eligibility for benefits under section 145.33 of the Revised Code, 8018
means employment covered under this chapter or under a former 8019
retirement plan operated, recognized, or endorsed by the employer 8020
prior to coverage under this chapter or under a combination of the 8021
coverage. 8022

(AA) "Deputy sheriff" means any person who is commissioned 8023
and employed as a full-time peace officer by the sheriff of any 8024
county, and has been so employed since on or before December 31, 8025
1965; any person who is or has been commissioned and employed as a 8026
peace officer by the sheriff of any county since January 1, 1966, 8027
and who has received a certificate attesting to the person's 8028
satisfactory completion of the peace officer training school as 8029
required by section 109.77 of the Revised Code; or any person 8030
deputized by the sheriff of any county and employed pursuant to 8031
section 2301.12 of the Revised Code as a criminal bailiff or court 8032
constable who has received a certificate attesting to the person's 8033
satisfactory completion of the peace officer training school as 8034
required by section 109.77 of the Revised Code. 8035

(BB) "Township constable or police officer in a township police department or district" means any person who is commissioned and employed as a full-time peace officer pursuant to Chapter 505. or 509. of the Revised Code, who has received a certificate attesting to the person's satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code.

(CC) "Drug agent" means any person who is either of the following:

(1) Employed full time as a narcotics agent by a county narcotics agency created pursuant to section 307.15 of the Revised Code and has received a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code;

(2) Employed full time as an undercover drug agent as defined in section 109.79 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(DD) "Department of public safety enforcement agent" means a full-time employee of the department of public safety who is designated under section 5502.14 of the Revised Code as an enforcement agent and who is in compliance with section 109.77 of the Revised Code.

(EE) "Natural resources law enforcement staff officer" means a full-time employee of the department of natural resources who is designated a natural resources law enforcement staff officer under section 1501.013 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(FF) "Park officer" means a full-time employee of the department of natural resources who is designated a park officer under section 1541.10 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(GG) "Forest officer" means a full-time employee of the department of natural resources who is designated a forest officer under section 1503.29 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(HH) "Preserve officer" means a full-time employee of the department of natural resources who is designated a preserve officer under section 1517.10 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(II) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife officer under section 1531.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(JJ) "State watercraft officer" means a full-time employee of the department of natural resources who is designated a state watercraft officer under section 1547.521 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(KK) "Park district police officer" means a full-time employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(LL) "Conservancy district officer" means a full-time employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(MM) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed full time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund.

(NN) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to

section 5907.02 of the Revised Code and is in compliance with 8098
section 109.77 of the Revised Code. 8099

(OO) "Special police officer for a mental health institution" 8100
means any person who is designated as such pursuant to section 8101
5119.14 of the Revised Code and is in compliance with section 8102
109.77 of the Revised Code. 8103

(PP) "Special police officer for an institution for the 8104
mentally retarded and developmentally disabled" means any person 8105
who is designated as such pursuant to section 5123.13 of the 8106
Revised Code and is in compliance with section 109.77 of the 8107
Revised Code. 8108

(QQ) "State university law enforcement officer" means any 8109
person who is employed full time as a state university law 8110
enforcement officer pursuant to section 3345.04 of the Revised 8111
Code and who is in compliance with section 109.77 of the Revised 8112
Code. 8113

(RR) "House sergeant at arms" means any person appointed by 8114
the speaker of the house of representatives under division (B)(1) 8115
of section 101.311 of the Revised Code who has arrest authority 8116
under division (E)(1) of that section. 8117

(SS) "Assistant house sergeant at arms" means any person 8118
appointed by the house sergeant at arms under division (C)(1) of 8119
section 101.311 of the Revised Code. 8120

(TT) "Regional transit authority police officer" means a 8121
person who is employed full time as a regional transit authority 8122
police officer under division (Y) of section 306.35 of the Revised 8123
Code and is in compliance with section 109.77 of the Revised Code. 8124

(UU) "State highway patrol police officer" means a special 8125
police officer employed full time and designated by the 8126
superintendent of the state highway patrol pursuant to section 8127
5503.09 of the Revised Code or a person serving full time as a 8128

special police officer pursuant to that section on a permanent 8129
basis on October 21, 1997, who is in compliance with section 8130
109.77 of the Revised Code. 8131

(VV) "Municipal public safety director" means a person who 8132
serves full time as the public safety director of a municipal 8133
corporation with the duty of directing the activities of the 8134
municipal corporation's police department and fire department. 8135

(WW) Notwithstanding section 2901.01 of the Revised Code, 8136
"PERS law enforcement officer" means a sheriff or any of the 8137
following whose primary duties are to preserve the peace, protect 8138
life and property, and enforce the laws of this state: a deputy 8139
sheriff, township constable or police officer in a township police 8140
department or district, drug agent, department of public safety 8141
enforcement agent, natural resources law enforcement staff 8142
officer, park officer, forest officer, preserve officer, wildlife 8143
officer, state watercraft officer, park district police officer, 8144
conservancy district officer, veterans' home police officer, 8145
special police officer for a mental health institution, special 8146
police officer for an institution for the mentally retarded and 8147
developmentally disabled, state university law enforcement 8148
officer, municipal police officer, house sergeant at arms, 8149
assistant house sergeant at arms, regional transit authority 8150
police officer, or state highway patrol police officer. PERS law 8151
enforcement officer also includes a person serving as a municipal 8152
public safety director at any time during the period from 8153
September 29, 2005, to March 24, 2009, if the duties of that 8154
service were to preserve the peace, protect life and property, and 8155
enforce the laws of this state. 8156

(XX) "Hamilton county municipal court bailiff" means a person 8157
appointed by the clerk of courts of the Hamilton county municipal 8158
court under division (A)(3) of section 1901.32 of the Revised Code 8159
who is employed full time as a bailiff or deputy bailiff, who has 8160

received a certificate attesting to the person's satisfactory 8161
completion of the peace officer basic training described in 8162
division (D)(1) of section 109.77 of the Revised Code. 8163

(YY) "PERS public safety officer" means a Hamilton county 8164
municipal court bailiff, or any of the following whose primary 8165
duties are other than to preserve the peace, protect life and 8166
property, and enforce the laws of this state: a deputy sheriff, 8167
township constable or police officer in a township police 8168
department or district, drug agent, department of public safety 8169
enforcement agent, natural resources law enforcement staff 8170
officer, park officer, forest officer, preserve officer, wildlife 8171
officer, state watercraft officer, park district police officer, 8172
conservancy district officer, veterans' home police officer, 8173
special police officer for a mental health institution, special 8174
police officer for an institution for the mentally retarded and 8175
developmentally disabled, state university law enforcement 8176
officer, municipal police officer, house sergeant at arms, 8177
assistant house sergeant at arms, regional transit authority 8178
police officer, or state highway patrol police officer. "PERS 8179
public safety officer" also includes a person serving as a 8180
municipal public safety director at any time during the period 8181
from September 29, 2005, to March 24, 2009, if the duties of that 8182
service were other than to preserve the peace, protect life and 8183
property, and enforce the laws of this state. 8184

(ZZ) "Fiduciary" means a person who does any of the 8185
following: 8186

(1) Exercises any discretionary authority or control with 8187
respect to the management of the system or with respect to the 8188
management or disposition of its assets; 8189

(2) Renders investment advice for a fee, direct or indirect, 8190
with respect to money or property of the system; 8191

(3) Has any discretionary authority or responsibility in the administration of the system.	8192 8193
(AAA) "Actuary" means an individual who satisfies all of the following requirements:	8194 8195
(1) Is a member of the American academy of actuaries;	8196
(2) Is an associate or fellow of the society of actuaries;	8197
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	8198 8199
(BBB) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.	8200 8201
(CCC) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.	8202 8203
Sec. 145.012. (A) "Public employee," as defined in division (A) of section 145.01 of the Revised Code, does not include any person:	8204 8205 8206
(1) Who is employed by a private, temporary-help service and performs services under the direction of a public employer or is employed on a contractual basis as an independent contractor under a personal service contract with a public employer;	8207 8208 8209 8210
(2) Who is an emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood, or other similar emergency;	8211 8212 8213
(3) Who is employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;	8214 8215 8216
(4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J) of section 124.15 of the Revised Code;	8217 8218 8219 8220

- (5) Who is employed as an election worker and paid less than five hundred dollars per calendar year for that service; 8221
8222
- (6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following: 8223
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- (a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system; 8228
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- (b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer; 8231
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- (c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system. 8235
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8237
- (7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate; 8238
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- (8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code; 8244
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- (9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code; 8246
8247
- (10) Who is a member of the unemployment compensation advisory council; 8248
8249
- (11) Who is an employee, officer, or governor-appointed 8250

member of the board of directors of the nonprofit corporation 8251
formed under section 187.01 of the Revised Code; 8252

(12) Who is employed by the nonprofit entity established to 8253
provide advocacy services and a client assistance program for 8254
people with disabilities under Section 319.20 of Am. Sub. H.B. 153 8255
of the 129th general assembly and whose employment begins on or 8256
after October 1, 2012. 8257

(B) No inmate of a correctional institution operated by the 8258
department of rehabilitation and correction, no patient in a 8259
hospital for the mentally ill or criminally insane operated by the 8260
department of mental health, no resident in an institution for the 8261
mentally retarded operated by the department of developmental 8262
disabilities, no resident admitted as a patient of a veterans' 8263
home operated under Chapter 5907. of the Revised Code, and no 8264
resident of a county home shall be considered as a public employee 8265
for the purpose of establishing membership or calculating service 8266
credit or benefits under this chapter. Nothing in this division 8267
shall be construed to affect any service credit attained by any 8268
person who was a public employee before becoming an inmate, 8269
patient, or resident at any institution listed in this division, 8270
or the payment of any benefit for which such a person or such a 8271
person's beneficiaries otherwise would be eligible. 8272

Sec. 145.114. (A) As used in this section and in section 8273
145.116 of the Revised Code: 8274

(1) "Agent" means a dealer, as defined in section 1707.01 of 8275
the Revised Code, who is licensed under sections 1707.01 to 8276
1707.45 of the Revised Code or under comparable laws of another 8277
state or of the United States. 8278

(2) "Minority business enterprise" has the same meaning as in 8279
section 122.71 of the Revised Code. 8280

(3) "Ohio-qualified agent" means an agent designated as such 8281
by the public employees retirement board. 8282

(4) "Ohio-qualified investment manager" means an investment 8283
manager designated as such by the public employees retirement 8284
board. 8285

(5) "Principal place of business" means an office in which 8286
the agent regularly provides securities or investment advisory 8287
services and solicits, meets with, or otherwise communicates with 8288
clients. 8289

(B) The public employees retirement board shall, for the 8290
purposes of this section, designate an agent as an Ohio-qualified 8291
agent if the agent meets all of the following requirements: 8292

(1) The agent is subject to taxation under Chapter 5725., 8293
5726., 5733., or 5747. of the Revised Code; 8294

(2) The agent is authorized to conduct business in this 8295
state; 8296

(3) The agent maintains a principal place of business in this 8297
state and employs at least five residents of this state. 8298

(C) The public employees retirement board shall adopt and 8299
implement a written policy to establish criteria and procedures 8300
used to select agents to execute securities transactions on behalf 8301
of the retirement system. The policy shall address each of the 8302
following: 8303

(1) Commissions charged by the agent, both in the aggregate 8304
and on a per share basis; 8305

(2) The execution speed and trade settlement capabilities of 8306
the agent; 8307

(3) The responsiveness, reliability, and integrity of the 8308
agent; 8309

(4) The nature and value of research provided by the agent; 8310

(5) Any special capabilities of the agent. 8311

(D)(1) The board shall, at least annually, establish a policy 8312
with the goal to increase utilization by the board of 8313
Ohio-qualified agents for the execution of domestic equity and 8314
fixed income trades on behalf of the retirement system, when an 8315
Ohio-qualified agent offers quality, services, and safety 8316
comparable to other agents otherwise available to the board and 8317
meets the criteria established under division (C) of this section. 8318

(2) The board shall review, at least annually, the 8319
performance of the agents that execute securities transactions on 8320
behalf of the board. 8321

(3) The board shall determine whether an agent is an 8322
Ohio-qualified agent, meets the criteria established by the board 8323
pursuant to division (C) of this section, and offers quality, 8324
services, and safety comparable to other agents otherwise 8325
available to the board. The board's determination shall be final. 8326

(E) The board shall, at least annually, submit to the Ohio 8327
retirement study council a report containing the following 8328
information: 8329

(1) The name of each agent designated as an Ohio-qualified 8330
agent under this section; 8331

(2) The name of each agent that executes securities 8332
transactions on behalf of the board; 8333

(3) The amount of equity and fixed-income trades that are 8334
executed by Ohio-qualified agents, expressed as a percentage of 8335
all equity and fixed-income trades that are executed by agents on 8336
behalf of the board; 8337

(4) The compensation paid to Ohio-qualified agents, expressed 8338
as a percentage of total compensation paid to all agents that 8339
execute securities transactions on behalf of the board; 8340

(5) The amount of equity and fixed-income trades that are 8341
executed by agents that are minority business enterprises, 8342
expressed as a percentage of all equity and fixed-income trades 8343
that are executed by agents on behalf of the board; 8344

(6) Any other information requested by the Ohio retirement 8345
study council regarding the board's use of agents. 8346

Sec. 145.116. (A) The public employees retirement board 8347
shall, for the purposes of this section, designate an investment 8348
manager as an Ohio-qualified investment manager if the investment 8349
manager meets all of the following requirements: 8350

(1) The investment manager is subject to taxation under 8351
Chapter 5725., 5726., 5733., or 5747. of the Revised Code; 8352

(2) The investment manager meets one of the following 8353
requirements: 8354

(a) Has its corporate headquarters or principal place of 8355
business in this state; 8356

(b) Employs at least five hundred individuals in this state; 8357

(c) Has a principal place of business in this state and 8358
employs at least 20 residents of this state. 8359

(B)(1) The board shall, at least annually, establish a policy 8360
with the goal to increase utilization by the board of 8361
Ohio-qualified investment managers, when an Ohio-qualified 8362
investment manager offers quality, services, and safety comparable 8363
to other investment managers otherwise available to the board. The 8364
policy shall also provide for the following: 8365

(a) A process whereby the board can develop a list of 8366
Ohio-qualified investment managers and their investment products; 8367

(b) A process whereby the board can give public notice to 8368
Ohio-qualified investment managers of the board's search for an 8369

investment manager that includes the board's search criteria. 8370

(2) The board shall determine whether an investment manager 8371
is an Ohio-qualified investment manager and whether the investment 8372
manager offers quality, services, and safety comparable to other 8373
investment managers otherwise available to the board. The board's 8374
determination shall be final. 8375

(C) The board shall, at least annually, submit to the Ohio 8376
retirement study council a report containing the following 8377
information: 8378

(1) The name of each investment manager designated as an 8379
Ohio-qualified investment manager under this section; 8380

(2) The name of each investment manager with which the board 8381
contracts; 8382

(3) The amount of assets managed by Ohio-qualified investment 8383
managers, expressed as a percentage of the total assets held by 8384
the retirement system and as a percentage of assets managed by 8385
investment managers with which the board has contracted; 8386

(4) The compensation paid to Ohio-qualified investment 8387
managers, expressed as a percentage of total compensation paid to 8388
all investment managers with which the board has contracted; 8389

(5) Any other information requested by the Ohio retirement 8390
study council regarding the board's use of investment managers. 8391

Sec. 149.01. Each elective state officer, the adjutant 8392
general, the adult parole authority, the department of 8393
agriculture, the director of administrative services, the public 8394
utilities commission, the superintendent of insurance, the 8395
superintendent of financial institutions, the superintendent of 8396
purchases and printing, ~~the state commissioner of soldiers'~~ 8397
~~claims,~~ the fire marshal, the industrial commission, the 8398
administrator of workers' compensation, the state department of 8399

transportation, the department of health, the state medical board, 8400
the state dental board, the board of embalmers and funeral 8401
directors, the Ohio commission for the blind, the accountancy 8402
board of Ohio, the state council of uniform state laws, the board 8403
of commissioners of the sinking fund, the department of taxation, 8404
the board of tax appeals, the division of liquor control, the 8405
director of state armories, the trustees of the Ohio state 8406
university, and every private or quasi-public institution, 8407
association, board, or corporation receiving state money for its 8408
use and purpose shall make annually, at the end of each fiscal 8409
year, in quadruplicate, a report of the transactions and 8410
proceedings of that office or department for that fiscal year, 8411
excepting receipts and disbursements unless otherwise specifically 8412
required by law. The report shall contain a summary of the 8413
official acts of the officer, board, council, commission, 8414
institution, association, or corporation and any suggestions and 8415
recommendations that are proper. On the first day of August of 8416
each year, one of the reports shall be filed with the governor, 8417
one with the secretary of state, and one with the state library, 8418
and one shall be kept on file in the office of the officer, board, 8419
council, commission, institution, association, or corporation. 8420

Sec. 149.311. (A) As used in this section: 8421

(1) "Historic building" means a building, including its 8422
structural components, that is located in this state and that is 8423
either individually listed on the national register of historic 8424
places under 16 U.S.C. 470a, located in a registered historic 8425
district, and certified by the state historic preservation officer 8426
as being of historic significance to the district, or is 8427
individually listed as a an historic landmark designated by a 8428
local government certified under 16 U.S.C. 470a(c). 8429

(2) "Qualified rehabilitation expenditures" means 8430

expenditures paid or incurred during the rehabilitation period, 8431
and before and after that period as determined under 26 U.S.C. 47, 8432
by an owner of a an historic building to rehabilitate the 8433
building. "Qualified rehabilitation expenditures" includes 8434
architectural or engineering fees paid or incurred in connection 8435
with the rehabilitation, and expenses incurred in the preparation 8436
of nomination forms for listing on the national register of 8437
historic places. "Qualified rehabilitation expenditures" does not 8438
include any of the following: 8439

(a) The cost of acquiring, expanding, or enlarging a an 8440
historic building; 8441

(b) Expenditures attributable to work done to facilities 8442
related to the building, such as parking lots, sidewalks, and 8443
landscaping; 8444

(c) New building construction costs. 8445

(3) "Owner" of a an historic building means a person holding 8446
the fee simple interest in the building. "Owner" does not include 8447
the state or a state agency, or any political subdivision as 8448
defined in section 9.23 of the Revised Code. 8449

(4) "Certificate owner" means the owner of a an historic 8450
building to which a rehabilitation tax credit certificate was 8451
issued under this section. 8452

(5) "Registered historic district" means a an historic 8453
district listed in the national register of historic places under 8454
16 U.S.C. 470a, a an historic district designated by a local 8455
government certified under 16 U.S.C. 470a(c), or a local historic 8456
district certified under 36 C.F.R. 67.8 and 67.9. 8457

(6) "Rehabilitation" means the process of repairing or 8458
altering a an historic building or buildings, making possible an 8459
efficient use while preserving those portions and features of the 8460
building and its site and environment that are significant to its 8461

historic, architectural, and cultural values. 8462

(7) "Rehabilitation period" means one of the following: 8463

(a) If the rehabilitation initially was not planned to be 8464
completed in stages, a period chosen by the owner not to exceed 8465
twenty-four months during which rehabilitation occurs; 8466

(b) If the rehabilitation initially was planned to be 8467
completed in stages, a period chosen by the owner not to exceed 8468
sixty months during which rehabilitation occurs. Each stage shall 8469
be reviewed as a phase of a rehabilitation as determined under 26 8470
C.F.R. 1.48-12 or a successor to that section. 8471

(8) "State historic preservation officer" or "officer" means 8472
the state historic preservation officer appointed by the governor 8473
under 16 U.S.C. 470a. 8474

(B) The owner of a an historic building may apply to the 8475
director of development services for a rehabilitation tax credit 8476
certificate for qualified rehabilitation expenditures paid or 8477
incurred after April 4, 2007, for rehabilitation of a an historic 8478
building. The form and manner of filing such applications shall be 8479
prescribed by rule of the director ~~of development~~. Each 8480
application shall state the amount of qualified rehabilitation 8481
expenditures the applicant estimates will be paid or incurred. The 8482
director may require applicants to furnish documentation of such 8483
estimates. 8484

The director, after consultation with the tax commissioner 8485
and in accordance with Chapter 119. of the Revised Code, shall 8486
adopt rules that establish all of the following: 8487

(1) Forms and procedures by which applicants may apply for 8488
rehabilitation tax credit certificates; 8489

(2) Criteria for reviewing, evaluating, and approving 8490
applications for certificates within the limitations under 8491

division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;

(3) Eligibility requirements for obtaining a certificate under this section;

(4) The form of rehabilitation tax credit certificates;

(5) Reporting requirements and monitoring procedures;

(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.

(7) Any other rules necessary to implement and administer this section.

(C) The director of development services shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:

(1) That the building that is the subject of the application is a an historic building and the applicant is the owner of the building;

(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;

(3) That receiving a rehabilitation tax credit certificate under this section is a major factor in:

(a) The applicant's decision to rehabilitate the historic

building; or 8522

(b) To increase the level of investment in such 8523
rehabilitation. 8524

An applicant shall demonstrate to the satisfaction of the 8525
state historic preservation officer and director of development 8526
services that the rehabilitation will satisfy the standards 8527
described in division (C)(2) of this section before the applicant 8528
begins the physical rehabilitation of the historic building. 8529

(D)(1) If the director of development services determines 8530
that an application meets the criteria in divisions (C)(1), (2), 8531
and (3) of this section, the director shall conduct a cost-benefit 8532
analysis for the historic building that is the subject of the 8533
application to determine whether rehabilitation of the historic 8534
building will result in a net revenue gain in state and local 8535
taxes once the building is used. The director shall consider the 8536
results of the cost-benefit analysis in determining whether to 8537
approve the application. The director shall also consider the 8538
potential economic impact and the regional distributive balance of 8539
the credits throughout the state. The director may approve an 8540
application only after completion of the cost-benefit analysis. 8541

(2) A rehabilitation tax credit certificate shall not be 8542
issued for an amount greater than the estimated amount furnished 8543
by the applicant on the application for such certificate and 8544
approved by the director. The director shall not approve more than 8545
a total of sixty million dollars of rehabilitation tax credits per 8546
fiscal year but the director may reallocate unused tax credits 8547
from a prior fiscal year for new applicants and such reallocated 8548
credits shall not apply toward the dollar limit of this division. 8549

(3) For rehabilitations with a rehabilitation period not 8550
exceeding twenty-four months as provided in division (A)(7)(a) of 8551
this section, a rehabilitation tax credit certificate shall not be 8552

issued before the rehabilitation of the historic building is 8553
completed. 8554

(4) For rehabilitations with a rehabilitation period not 8555
exceeding sixty months as provided in division (A)(7)(b) of this 8556
section, a rehabilitation tax credit certificate shall not be 8557
issued before a stage of rehabilitation is completed. After all 8558
stages of rehabilitation are completed, if the director cannot 8559
determine that the criteria in division (C) of this section are 8560
satisfied for all stages of rehabilitations, the director shall 8561
certify this finding to the tax commissioner, and any 8562
rehabilitation tax credits received by the applicant shall be 8563
repaid by the applicant and may be collected by assessment as 8564
unpaid tax by the commissioner. 8565

(5) The director of development services shall require the 8566
applicant to provide a third-party cost certification by a 8567
certified public accountant of the actual costs attributed to the 8568
rehabilitation of the historic building when qualified 8569
rehabilitation expenditures exceed two hundred thousand dollars. 8570

If an applicant whose application is approved for receipt of 8571
a rehabilitation tax credit certificate fails to provide to the 8572
director ~~of development~~ sufficient evidence of reviewable 8573
progress, including a viable financial plan, copies of final 8574
construction drawings, and evidence that the applicant has 8575
obtained all historic approvals within twelve months after the 8576
date the applicant received notification of approval, and if the 8577
applicant fails to provide evidence to the director ~~of development~~ 8578
that the applicant has secured and closed on financing for the 8579
rehabilitation within eighteen months after receiving notification 8580
of approval, the director may rescind the approval of the 8581
application. The director shall notify the applicant if the 8582
approval has been rescinded. Credits that would have been 8583
available to an applicant whose approval was rescinded shall be 8584

available for other qualified applicants. Nothing in this division 8585
prohibits an applicant whose approval has been rescinded from 8586
submitting a new application for a rehabilitation tax credit 8587
certificate. 8588

(E) Issuance of a certificate represents a finding by the 8589
director of development services of the matters described in 8590
divisions (C)(1), (2), and (3) of this section only; issuance of a 8591
certificate does not represent a verification or certification by 8592
the director of the amount of qualified rehabilitation 8593
expenditures for which a tax credit may be claimed under section 8594
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 8595
Revised Code. The amount of qualified rehabilitation expenditures 8596
for which a tax credit may be claimed is subject to inspection and 8597
examination by the tax commissioner or employees of the 8598
commissioner under section 5703.19 of the Revised Code and any 8599
other applicable law. Upon the issuance of a certificate, the 8600
director shall certify to the tax commissioner, in the form and 8601
manner requested by the tax commissioner, the name of the 8602
applicant, the amount of qualified rehabilitation expenditures 8603
shown on the certificate, and any other information required by 8604
the rules adopted under this section. 8605

(F)(1) On or before the first day of April each year, the 8606
director of development services and tax commissioner jointly 8607
shall submit to the president of the senate and the speaker of the 8608
house of representatives a report on the tax credit program 8609
established under this section and sections 5725.151, 5725.34, 8610
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 8611
report shall present an overview of the program and shall include 8612
information on the number of rehabilitation tax credit 8613
certificates issued under this section during the preceding fiscal 8614
year, an update on the status of each historic building for which 8615
an application was approved under this section, the dollar amount 8616

of the tax credits granted under sections 5725.151, 5725.34, 8617
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 8618
any other information the director and commissioner consider 8619
relevant to the topics addressed in the report. 8620

(2) On or before December 1, 2015, the director of 8621
development services and tax commissioner jointly shall submit to 8622
the president of the senate and the speaker of the house of 8623
representatives a comprehensive report that includes the 8624
information required by division (F)(1) of this section and a 8625
detailed analysis of the effectiveness of issuing tax credits for 8626
rehabilitating historic buildings. The report shall be prepared 8627
with the assistance of an economic research organization jointly 8628
chosen by the director and commissioner. 8629

(G) There is hereby created in the state treasury the 8630
historic rehabilitation tax credit operating fund. The director of 8631
development services is authorized to charge reasonable 8632
application and other fees in connection with the administration 8633
of tax credits authorized by this section and sections 5725.151, 8634
5725.34, 5726.52, 5729.17, 5733.44, and 5747.76 of the Revised 8635
Code. Any such fees collected shall be credited to the fund and 8636
used to pay reasonable costs incurred by the department of 8637
development services in administering this section and sections 8638
5725.151, 5725.34, 5726.52, 5729.17, 5733.44, and 5747.76 of the 8639
Revised Code. 8640

The Ohio historic preservation office is authorized to charge 8641
reasonable fees in connection with its review and approval of 8642
applications under this section. Any such fees collected shall be 8643
credited to the fund and used to pay administrative costs incurred 8644
by the Ohio historic preservation office pursuant to this section. 8645

Sec. 150.01. (A) As used in this chapter: 8646

(1) "Authority" means the Ohio venture capital authority 8647

created under section 150.02 of the Revised Code. 8648

(2) "Issuer" means a port authority organized and existing 8649
under applicable provisions of Chapter 4582. of the Revised Code 8650
that, pursuant to an agreement entered into under division (E) of 8651
section 150.02 of the Revised Code, issues or issued obligations 8652
to fund one or more loans to the program fund. 8653

(3) "Lender" means any person that lends money to the program 8654
fund as provided in this chapter and includes any issuer and any 8655
trustee. 8656

(4) "Loss" means a loss incurred with respect to a lender's 8657
loan to the program fund. Such a loss is incurred only if and to 8658
the extent a program administrator fails to satisfy its 8659
obligations to the lender to make timely payments of principal or 8660
interest as provided in the loan agreement between the lender and 8661
the program administrator. "Loss" does not include either of the 8662
following: 8663

(a) Any loss incurred by the program fund, including a loss 8664
attributable to any investment made by a program administrator; 8665

(b) Any loss of the capital required to be provided by a 8666
program administrator, or income accruing to that capital, under 8667
the agreement entered into under division (B) of section 150.05 of 8668
the Revised Code. 8669

(5) "Ohio-based business enterprise" means a person that is 8670
engaged in business, that employs at least one individual on a 8671
full-time or part-time basis at a place of business in this state, 8672
including a person engaged in business if that person is a 8673
self-employed individual, and that is in the seed or early stage 8674
of business development requiring initial or early stage funding 8675
or is an established business enterprise developing new methods or 8676
technologies. 8677

(6) "Ohio-based venture capital fund" means a venture capital 8678

fund having its principal office in this state, where the majority 8679
of the fund's staff are employed and where at least one investment 8680
professional is employed who has at least five years of experience 8681
in venture capital investment. 8682

(7) "Program fund" means the fund created under section 8683
150.03 of the Revised Code. 8684

(8) "Research and development purposes" has the same meaning 8685
as used in Section 2p of Article VIII, Ohio Constitution, and 8686
includes the development of sites and facilities in this state for 8687
and in support of those research and development purposes. 8688

(9) "Trustee" means a trust company or a bank with corporate 8689
trust powers, in either case having a place of business in this 8690
state, being a taxpayer under Chapter 5707., 5725., 5726., 5727., 8691
5729., 5733., or 5747 of the Revised Code at the time it may claim 8692
and receive a tax credit under division (E) of section 150.07 of 8693
the Revised Code, and acting in its capacity as a trustee pursuant 8694
to a trust agreement under which an issuer issues obligations to 8695
fund loans to the program fund. 8696

(B) The general assembly declares that its purpose in 8697
enacting Chapter 150. of the Revised Code is to increase the 8698
amount of private investment capital available in this state for 8699
Ohio-based business enterprises in the seed or early stages of 8700
business development and requiring initial or early stage funding, 8701
as well as established Ohio-based business enterprises developing 8702
new methods or technologies, including the promotion of research 8703
and development purposes, thereby increasing employment, creating 8704
additional wealth, and otherwise benefiting the economic welfare 8705
of the people of this state. Accordingly, it is the intention of 8706
the general assembly that the program fund make investments in 8707
support of Ohio-based business enterprises in accordance with the 8708
investment policy authorized and required under section 150.03 of 8709
the Revised Code, and that the Ohio venture capital authority 8710

focus its investment policy principally on venture capital funds 8711
investing in such Ohio-based business enterprises. The general 8712
assembly finds and determines that this chapter and the investment 8713
policy, and actions taken under and consistent therewith, will 8714
promote and implement the public purposes of Section 2p of Article 8715
VIII, Ohio Constitution. 8716

Sec. 150.03. Within ninety days after April 9, 2003, the 8717
authority shall establish, and subsequently may modify as it 8718
considers necessary, a written investment policy governing the 8719
investment of money from the program fund, which is hereby 8720
created. The program fund shall consist of the proceeds of loans 8721
acquired by a program administrator. The authority is subject to 8722
Chapter 119. of the Revised Code with respect to the establishment 8723
or modification of the policy. The policy shall meet all the 8724
following requirements: 8725

(A) It is consistent with the purpose of the program stated 8726
in section 150.01 of the Revised Code. 8727

(B) Subject to divisions (C), (D), and (E) of this section, 8728
it permits the investment of money from the program fund in 8729
private, for-profit venture capital funds, including funds of 8730
funds, that invest in enterprises in the seed or early stage of 8731
business development or established business enterprises 8732
developing new methods or technologies, and that demonstrate 8733
potential to generate high levels of successful investment 8734
performance. 8735

(C) It specifies that a program administrator or fund manager 8736
employed by the program administrator shall invest not less than 8737
seventy-five per cent of program fund money under its investment 8738
authority in Ohio-based venture capital funds. 8739

(D) It specifies both of the following: 8740

(1) That not less than an amount equal to fifty per cent of 8741
program fund money invested in any venture capital fund be 8742
invested by the venture capital fund in Ohio-based business 8743
enterprises; 8744

(2) That, commencing with the first program fund commitment 8745
to each venture capital fund, the aggregate amount funded into 8746
Ohio-based business enterprises by all venture capital funds to 8747
which the program fund has committed be not less than the 8748
aggregate amount of all program fund money funded into those 8749
venture capital funds. 8750

(E) It specifies that a program administrator or fund manager 8751
employed by the program administrator shall not invest money from 8752
the program fund in a venture capital fund to the extent that the 8753
total amount of program fund money invested in the venture capital 8754
fund, when combined with any program fund money invested in a 8755
venture capital fund under the same management as, and formed 8756
within two years before or after the formation of, that venture 8757
capital fund, exceeds the lesser of the following: 8758

(1) Ten million dollars; 8759

(2)(a) In the case of an Ohio-based venture capital fund, 8760
fifty per cent of the total amount of capital committed to the 8761
fund from all sources, after accounting for capital committed from 8762
the program fund; 8763

(b) In the case of any other venture capital fund, twenty per 8764
cent of the total amount of capital committed to the fund from all 8765
sources, after accounting for capital committed from the program 8766
fund. 8767

(F) It specifies that a program administrator or fund manager 8768
employed by the program administrator shall not commit capital 8769
from the program fund to a venture capital fund until the venture 8770
capital fund receives commitment of at least the same amount from 8771

other investors in the fund. 8772

(G) It specifies the general conditions a private, for-profit 8773
investment fund must meet to be selected as a program 8774
administrator under section 150.05 of the Revised Code, including, 8775
as a significant selection standard, direct experience managing 8776
external or nonproprietary capital in private equity fund of funds 8777
formats. 8778

(H) It specifies the criteria the authority must consider 8779
when making a determination under division (B)(1) of section 8780
150.04 of the Revised Code. 8781

(I) It includes investment standards and general limitations 8782
on allowable investments that the authority considers reasonable 8783
and necessary to achieve the purposes of this chapter as stated in 8784
division (B) of section 150.01 of the Revised Code, minimize the 8785
need for the authority to grant tax credits under section 150.07 8786
of the Revised Code, ensure compliance of the program 8787
administrators with all applicable laws of this state and the 8788
United States, and ensure the safety and soundness of investments 8789
of money from the program fund. 8790

(J) It prohibits the investment of money from the program 8791
fund directly in persons other than venture capital funds, except 8792
for temporary investment in investment grade debt securities or 8793
temporary deposit in interest-bearing accounts or funds pending 8794
permanent investment in venture capital funds. 8795

Sec. 150.05. (A) The authority shall select, as program 8796
administrators, not more than two private, for-profit investment 8797
funds to acquire loans for the program fund and to invest money in 8798
the program fund as prescribed in the investment policy 8799
established or modified by the authority in accordance with 8800
sections 150.03 and 150.04 of the Revised Code. The authority 8801
shall give equal consideration, in selecting these program 8802

administrators, to minority owned and controlled investment funds, 8803
to funds owned and controlled by women, to ventures involving 8804
minority owned and controlled funds, and to ventures involving 8805
funds owned and controlled by women that otherwise meet the 8806
policies and criteria established by the authority. To be eligible 8807
for selection, an investment fund must be incorporated or 8808
organized under Chapter 1701., 1705., 1775., 1776., 1782., or 8809
1783. of the Revised Code, ~~must have an established business~~ 8810
~~presence in this state,~~ and must be capitalized in accordance with 8811
any state and federal laws applicable to the issuance or sale of 8812
securities. 8813

The authority shall select program administrators only after 8814
soliciting and evaluating requests for proposals as prescribed in 8815
this section. The authority shall publish a notice of a request 8816
for proposals in newspapers of general circulation in this state 8817
once each week for two consecutive weeks before a date specified 8818
by the authority as the date on which it will begin accepting 8819
proposals. The notices shall contain a general description of the 8820
subject of the proposed agreement and the location where the 8821
request for proposals may be obtained. The request for proposals 8822
shall include all the following: 8823

(1) Instructions and information to respondents concerning 8824
the submission of proposals, including the name and address of the 8825
office where proposals are to be submitted; 8826

(2) Instructions regarding the manner in which respondents 8827
may communicate with the authority, including the names, titles, 8828
and telephone numbers of the individuals to whom such 8829
communications shall be directed; 8830

(3) Description of the performance criteria that will be used 8831
to evaluate whether a respondent selected by the authority is 8832
satisfying the authority's investment policy; 8833

(4) Description of the factors and criteria to be considered 8834
in evaluating respondents' proposals, which shall include the past 8835
performance of the respondent in successfully administering 8836
similar programs and achieving positive investment returns, the 8837
relative importance of each factor or criterion, and description 8838
of the authority's evaluation procedure; 8839

(5) Description of any documents that may be incorporated by 8840
reference into the request for proposals, provided that the 8841
request specifies where such documents may be obtained and such 8842
documents are readily available to all interested parties. 8843

After the date specified for receiving proposals, the 8844
authority shall evaluate submitted proposals. The authority may 8845
discuss a respondent's proposal with that respondent to clarify or 8846
revise a proposal or the terms of the agreement. 8847

The authority shall choose for review proposals from at least 8848
three respondents the authority considers qualified to operate the 8849
program in the best interests of the investment policy adopted by 8850
the authority. If three or fewer proposals are submitted, the 8851
authority shall review each proposal. The authority may cancel a 8852
request for proposals at any time before entering into an 8853
agreement with a respondent. The authority shall provide 8854
respondents fair and equal opportunity for such discussions. The 8855
authority may terminate discussions with any respondent upon 8856
written notice to the respondent. 8857

(B) After reviewing the chosen proposals, the authority may 8858
select not more than two such respondents and enter into a written 8859
agreement with each of the selected respondents, provided that at 8860
no time shall there be agreements with more than two persons. 8861

The agreement shall do all of the following: 8862

(1) Specify that borrowing and investing by the program 8863
administrator will be budgeted to guarantee that no tax credits 8864

will be granted during the first four years of the Ohio venture 8865
capital program, and will be structured to ensure that payments of 8866
principal, interest, or interest equivalent due in any fiscal 8867
year, when added to such payments due from any other program 8868
administrator, does not exceed ~~twenty~~ twenty-six million five 8869
hundred thousand dollars; 8870

(2) Require investment by the program administrator or the 8871
fund manager employed by the program administrator to be in 8872
compliance with the investment policy established or modified in 8873
accordance with sections 150.03 and 150.04 of the Revised Code 8874
that is in effect at the time the investment is made, and prohibit 8875
the program administrator or fund manager from engaging in any 8876
investment activities other than activities to carry out that 8877
policy; 8878

(3) Require periodic financial reporting by the program 8879
administrator to the authority, which reporting shall include an 8880
annual audit by an independent auditor and such other financial 8881
reporting as is specified in the agreement or otherwise required 8882
by the authority for the purpose of ensuring that the program 8883
administrator is carrying out the investment policy; 8884

(4) Specify any like standards or general limitations in 8885
addition to or in furtherance of investment standards or 8886
limitations that apply pursuant to division (H) of section 150.03 8887
of the Revised Code; 8888

(5) Require the program administrator to apply program fund 8889
revenue first to the payment of principal borrowed by the program 8890
administrator for investment under the program, then to interest 8891
related to that principal, and then to amounts necessary to cover 8892
the program administrator's pro rata share required under division 8893
(B)(9) of this section; and require the program administrator to 8894
pay the authority not less than ninety per cent of the amount by 8895
which program fund revenue attributable to investments under the 8896

program administrator's investment authority exceeds amounts so 8897
applied; 8898

(6) Specify the procedures by which the program administrator 8899
shall certify immediately to the authority the necessity for the 8900
authority to issue tax credit certificates pursuant to contracts 8901
entered into under section 150.07 of the Revised Code; 8902

(7) Specify any general limitations regarding the employment 8903
of a fund manager by the program administrator, in addition to an 8904
express limitation that the fund manager be a person with 8905
demonstrated, substantial, successful experience in the design and 8906
management of seed and venture capital investment programs and in 8907
capital formation. The fund manager may be, but need not be, an 8908
equity owner or affiliate of the program administrator. 8909

(8) Specify the terms and conditions under which the 8910
authority or the program administrator may terminate the 8911
agreement, including in the circumstance that the program 8912
administrator or fund manager violates the investment policy; 8913

(9) Require the program administrator or fund manager 8914
employed by the program administrator to provide capital in the 8915
form of a loan equal to one per cent of the amount of outstanding 8916
loans by lenders to the program fund. The loan from the program 8917
administrator or fund manager shall be on the same terms and 8918
conditions as loans from other lenders, except that the loan from 8919
the program administrator or fund manager shall not be secured by 8920
the Ohio venture capital fund or tax credits available to other 8921
lenders under division (B) of section 150.04 of the Revised Code. 8922
Such capital shall be placed at the same risk as the proceeds from 8923
such loans. The program administrator shall receive a pro rata 8924
share of the net income, including net loss, from the investment 8925
of money from the program fund, but is not entitled to the 8926
security against losses provided under section 150.04 of the 8927
Revised Code. 8928

(10) Specify that the program administrator and the fund manager employed by the program administrator must have a significant presence in this state, and define how a significant presence in this state shall be determined.

Sec. 150.07. (A) For the purpose stated in section 150.01 of the Revised Code, the authority may authorize a lender to claim one of the refundable tax credits allowed under section 5707.031, 5725.19, 5726.53, 5727.241, 5729.08, 5733.49, or 5747.80 of the Revised Code. The credits shall be authorized by a written contract with the lender. The contract shall specify the terms under which the lender may claim the credit, including the amount of loss, if any, the lender must incur before the lender may claim the credit; specify that the credit shall not exceed the amount of the loss; and specify that the lender may claim the credit only for a loss certified by a program administrator to the authority under the procedures prescribed under division (B)(6) of section 150.05 of the Revised Code. The program administrator shall provide to the authority an estimate of the amount of tax credits, if any, that are likely, in the administrator's reasonable judgment, to be claimed by a lender during the current and next succeeding state fiscal years. The estimate shall be provided at the same time each year that the administrator is required to report the annual audit to the authority under section 150.05 of the Revised Code.

(B) Tax credits may be authorized at any time after the authority establishes the investment policy under section 150.03 of the Revised Code, but a tax credit so authorized may not be claimed before July 1, 2007, or after June 30, 2026, except, with respect to loans made from the proceeds of obligations issued under section 4582.71 of the Revised Code, a tax credit may not be claimed before July 1, 2012, or after June 30, 2036.

(C)(1) Upon receiving certification of a lender's loss from a program administrator pursuant to the procedures in the investment policy, the authority shall issue a tax credit certificate to the lender, except as otherwise provided in division (D) of this section.

(2) If the lender is a pass-through entity, as defined in section 5733.04 of the Revised Code, then each equity investor in the lender pass-through entity shall be entitled to claim one of the tax credits allowed under division (A) of this section for that equity investor's taxable year in which or with which ends the taxable year of the lender pass-through entity in an amount based on the equity investor's distributive or proportionate share of the credit amount set forth in the certificate issued by the authority. If all equity investors of the lender pass-through entity are not eligible to claim a credit against the same tax set forth in division (A) of this section, then each equity investor may elect to claim a credit against the tax to which the equity investor is subject to in an amount based on the equity investor's distributive or proportionate share of the credit amount set forth in the certificate issued by the authority.

(3) The certificate shall state the amount of the credit and the calendar year under section 5707.031, 5725.19, 5727.241, or 5729.08, the tax year under section 5726.53 or 5733.49, or the taxable year under section 5747.80 of the Revised Code for which the credit may be claimed. The authority, in conjunction with the tax commissioner, shall develop a system for issuing tax credit certificates for the purpose of verifying that any credit claimed is a credit issued under this section and is properly taken in the year specified in the certificate and in compliance with division (B) of this section.

(D) The authority shall not, in any fiscal year, issue tax credit certificates under this section in a total amount exceeding

~~twenty~~ twenty-six million five hundred thousand dollars. The 8992
authority shall not issue tax credit certificates under this 8993
section in a total amount exceeding three hundred eighty million 8994
dollars. 8995

(E) Notwithstanding any other section of this chapter or any 8996
provision of Chapter 5707., 5725., 5726., 5727., 5729., 5733., or 8997
5747. of the Revised Code, if provided by the terms of an 8998
agreement entered into by the issuer and the authority under 8999
division (E) of section 150.02 of the Revised Code, and subject to 9000
the limitations of divisions (B) and (D) of this section, a 9001
trustee shall have the right, for the benefit of the issuer, to 9002
receive and claim the credits authorized under division (A) of 9003
this section solely for the purpose provided for in section 150.04 9004
of the Revised Code, and the trustee shall be entitled to file a 9005
tax return, an amended tax return, or an estimated tax return at 9006
such times as are permitted or required under the applicable 9007
provisions of Chapter 5707., 5725., 5726., 5727., 5729., 5733., or 9008
5747. of the Revised Code for the purpose of claiming credits 9009
issued to the trustee. The trustee shall receive the proceeds of 9010
such a tax credit for the benefit of the issuer, and shall apply 9011
the proceeds solely to satisfy a loss or restore a reserve as 9012
provided in section 150.04 of the Revised Code. Nothing in this 9013
section shall require a trustee to file a tax return under any 9014
chapter for any purpose other than claiming such credits if the 9015
trustee is not otherwise required to make such a filing. 9016

The general assembly may from time to time modify or repeal 9017
any of the taxes against which the credits authorized under 9018
division (A) of this section may be claimed, and may authorize 9019
those credits to be claimed for the purposes provided for in 9020
section 150.04 of the Revised Code with respect to any other tax 9021
imposed by this state; provided, that if any obligations issued 9022
under section 4582.71 of the Revised Code are then outstanding and 9023

such modification or repeal would have the effect of impairing any 9024
covenant made in or pursuant to an agreement under division (E) of 9025
section 150.02 of the Revised Code regarding the maintenance or 9026
restoration of reserves established and maintained with a trustee 9027
consistent with division (B)(2) of section 150.04 of the Revised 9028
Code and such agreement, the state shall provide other security to 9029
the extent necessary to avoid or offset the impairment of such 9030
covenant. 9031

Sec. 150.10. (A) On the first day of January of the second 9032
year after the date of entering into an agreement under section 9033
150.05 of the Revised Code and of each ensuing year, the authority 9034
shall file with the clerk of the house of representatives, the 9035
clerk of the senate, and the chairpersons of the house and senate 9036
standing committees predominantly concerned with economic 9037
development a written report on the Ohio venture capital program. 9038
The report shall include all the following: 9039

(1) A description of the details of the investment policy 9040
established or modified in accordance with sections 150.03 and 9041
150.04 of the Revised Code; 9042

(2) The authority's assessment of the program's achievement 9043
of its purpose stated in section 150.01 of the Revised Code; 9044

(3) The value of tax credit certificates issued by the 9045
authority under section 150.07 of the Revised Code in each fiscal 9046
year ending on or before the preceding thirtieth day of June; 9047

(4) The amount of tax credits claimed pursuant to section 9048
5707.031, 5725.19, 5726.53, 5727.241, 5729.08, 5733.49, or 5747.80 9049
of the Revised Code, as to the respective taxes involved; 9050

(5) The financial status of the Ohio venture capital fund; 9051

(6) The names of venture capital funds in which money from 9052
the program fund has been invested and the locations of their 9053

principal offices, and the names of the enterprises in which each 9054
of those venture capital funds has invested such money and the 9055
locations of those enterprises' principal offices; 9056

(7) Any recommendations for modifying the program to better 9057
achieve the purpose stated in section 150.01 of the Revised Code. 9058

(B) During each year that a report is issued under division 9059
(A) of this section, the chairperson of the authority, or another 9060
member of the authority designated by the chairperson as the 9061
authority's representative, shall be required to appear in person 9062
before the standing committees of the house and senate 9063
predominantly concerned with economic development to give 9064
testimony concerning the status of the Ohio venture capital 9065
program. 9066

Sec. 152.18. Whenever the Ohio building authority constructs, 9067
reconstructs, rehabilitates, remodels, renovates, enlarges, 9068
improves, alters, maintains, equips, furnishes, repairs, paints, 9069
or decorates capital facilities pursuant to section 152.19, 9070
152.21, or 152.31 of the Revised Code or buildings, facilities, 9071
and other properties for use and occupancy of persons pursuant to 9072
section 152.04 of the Revised Code, the authority shall make the 9073
necessary plans and specifications, and shall advertise for bids 9074
for all work to be placed under contract once a week for two 9075
consecutive weeks in a newspaper of general circulation in the 9076
county within which the work is to be done, and shall award the 9077
contract to the lowest responsive and responsible bidder in 9078
accordance with section 9.312 of the Revised Code. When the 9079
authority determines, subject to approval by the controlling 9080
board, that a real and present emergency exists or if the cost of 9081
such a contract does not exceed fifty thousand dollars, such a 9082
contract may be awarded without advertising and receipt of bids. A 9083
bid guaranty pursuant to sections 153.54 to 153.571 of the Revised 9084

Code shall be required for any contract under this section. 9085

In all other cases of capital facilities financed by the 9086
authority, the construction, reconstruction, ~~rehabilitation,~~ 9087
~~remodeling, renovation,~~ enlargement, improvement, alteration, 9088
~~maintenance, equipping, furnishing,~~ repair, painting, or 9089
decoration of capital facilities by or for the state or any 9090
governmental entity shall be the responsibility of the ~~department~~ 9091
~~of administrative services~~ Ohio facilities construction commission 9092
or, with the consent of the ~~department of administrative services~~ 9093
Ohio facilities construction commission, shall be the 9094
responsibility of the state agency using the capital facility, or 9095
the governmental entity with which a state agency is participating 9096
pursuant to section 152.33 of the Revised Code, and shall be 9097
undertaken by the ~~department~~ commission in compliance with Chapter 9098
153. of the Revised Code, or by such state agency or governmental 9099
entity in accordance with otherwise applicable law. The 9100
rehabilitation, remodeling, renovation, maintenance, equipping, or 9101
furnishing of capital facilities by or for the state or any 9102
governmental entity shall be the responsibility of the department 9103
of administrative services or, with the consent of the department, 9104
the state agency or other governmental entity that is using the 9105
capital facility. 9106

Sec. 152.24. (A) Except as otherwise provided with respect to 9107
leasing of capital facilities in sections 152.241, 152.242, 9108
152.31, and 152.33 of the Revised Code, the department of 9109
administrative services or, with the consent of the department of 9110
administrative services, the state agency using an office facility 9111
and related storage and parking facilities, or participating in 9112
such facilities pursuant to section 152.33 of the Revised Code, 9113
shall lease any office facility and related storage and parking 9114
facility acquired, purchased, constructed, reconstructed, 9115
rehabilitated, remodeled, renovated, enlarged, improved, altered, 9116

operated, maintained, equipped, furnished, repaired, painted, 9117
decorated, or financed by the Ohio building authority for housing 9118
any state agencies. An agreement between the authority and the 9119
department of administrative services or such using or 9120
participating agency may provide for the transfer of the property 9121
to the state after bonds and notes issued by the authority for the 9122
purpose of the acquisition, purchase, construction, 9123
reconstruction, rehabilitation, remodeling, renovation, 9124
enlargement, improvement, alteration, equipping, furnishing, 9125
repair, painting, decorating, or financing of such building or 9126
facility have been repaid. A lease between the authority and the 9127
department of administrative services or a using or participating 9128
agency shall be for a period not exceeding the then current 9129
two-year period for which appropriations have been made by the 9130
general assembly to the department of administrative services and 9131
the state agencies which will occupy or participate in the office 9132
facility and related storage and parking facility being leased, 9133
and such lease may contain such other terms as the department of 9134
administrative services, or a using or participating agency, and 9135
the authority agree notwithstanding any other provision of law, 9136
including provision that rental payments in amounts at least 9137
sufficient to pay bond service charges payable during the current 9138
two-year lease term shall be an absolute and unconditional 9139
obligation of the department of administrative services, or the 9140
using or participating agency, independent of all other duties 9141
under the lease without setoff or deduction or any other similar 9142
rights or defenses. Such an agreement may provide for renewal of a 9143
lease at the end of each term for another term, not exceeding two 9144
years, provided that no renewal shall be effective until the 9145
effective date of an appropriation enacted by the general assembly 9146
from which the department of administrative services, or the using 9147
or participating agency, may lawfully pay rentals under such 9148
lease. For purposes of this section, the term "lease" may include, 9149

without limitation, any agreement between the department of 9150
administrative services, or the using or participating agency, and 9151
the authority with respect to any costs of capital facilities to 9152
be incurred prior to land acquisition. 9153

(B) If the director of administrative services or the 9154
director of a state agency using or participating in an office 9155
facility and related storage and parking facility certifies that 9156
space in such facility acquired, purchased, constructed, 9157
reconstructed, rehabilitated, remodeled, renovated, enlarged, 9158
improved, altered, operated, maintained, equipped, furnished, 9159
repaired, painted, decorated, or financed by the authority has 9160
become unnecessary for state use, the authority may lease any 9161
excess space in such facility and related storage and parking 9162
facility to any governmental entity. 9163

(C) If space in any office facility leased by the authority 9164
to the department of administrative services is not immediately 9165
necessary for state use, the department of administrative services 9166
may exercise its authority under division (A)~~(9)~~(5) of section 9167
123.01 of the Revised Code with respect to such space. 9168

(D) Capital facilities acquired, purchased, constructed, 9169
reconstructed, rehabilitated, remodeled, renovated, enlarged, 9170
improved, altered, operated, maintained, equipped, furnished, 9171
repaired, painted, decorated, or financed by the Ohio building 9172
authority, other than any office facility and related storage and 9173
parking facility required to be leased pursuant to division (A) of 9174
this section, shall be leased to the department of administrative 9175
services, the state agency using the capital facilities, or the 9176
state agency participating in the capital facilities pursuant to 9177
section 152.33 of the Revised Code. The department of 9178
administrative services or the using or participating state agency 9179
may sublease such capital facilities to other state agencies or 9180
other governmental entities. Such parties, including other state 9181

agencies or state-supported or state-assisted institutions of 9182
higher education, may make other agreements for the use, 9183
construction, or operation of such capital facilities in any 9184
manner permitted by the lease or agreement with the authority and 9185
for the charging, collection, and deposit of such revenues and 9186
receipts of the using or participating state agency constituting 9187
available receipts, all upon such terms and conditions as the 9188
parties may agree upon and pursuant to this chapter 9189
notwithstanding other provisions of law affecting the leasing, 9190
acquisition, operation, or disposition of capital facilities by 9191
such parties. Any such lease between the authority and the 9192
department of administrative services or a using or participating 9193
state agency shall be for a period not to exceed the then current 9194
two-year period for which appropriations have been made by the 9195
general assembly to the department of administrative services or 9196
such using or participating state agency. The lease between the 9197
authority and the department of administrative services or the 9198
using or participating state agency may provide for renewal of the 9199
lease at the end of each term for another term, not exceeding two 9200
years, but no renewal shall be effective until the effective date 9201
of an appropriation enacted by the general assembly from which the 9202
department of administrative services or the using or 9203
participating state agency may lawfully pay rentals under such 9204
lease. Any such leases, subleases, or agreements may set forth the 9205
responsibilities of the authority, state agencies, 9206
state-supported, or state-assisted institutions of higher 9207
education, or other governmental entities as to the financing, 9208
assessment, planning, acquisition, purchase, construction, 9209
reconstruction, rehabilitation, remodeling, renovation, 9210
enlargement, improvement, alteration, subleasing, management, 9211
operation, maintenance, equipping, furnishing, repair, painting, 9212
decorating, and insuring of such capital facilities and other 9213
terms and conditions applicable thereto, and any other provisions 9214

mutually agreed upon for the purposes of this chapter. Promptly 9215
upon execution thereof, a signed or conformed copy of each such 9216
lease or sublease or agreement, and any supplement thereto, 9217
between the authority and a governmental entity shall be filed by 9218
the authority with the department of administrative services and 9219
the director of budget and management, and, promptly upon 9220
execution thereof, a signed or conformed copy of each such 9221
sublease or agreement between two governmental entities, not 9222
including the authority, shall be filed with the authority and the 9223
director of budget and management. For purposes of this section, 9224
the term "lease" may include, without limitation, any agreement 9225
between the department of administrative services or the state 9226
agency using or participating in such capital facilities and the 9227
authority with respect to any costs of capital facilities to be 9228
incurred prior to land acquisition. 9229

(E) The transfer of tangible personal property by lease under 9230
authority of this chapter is not a sale as used in Chapter 5739. 9231
of the Revised Code. Any agreement of a governmental entity to 9232
make rental, use, or other payments or payment of purchase price, 9233
in installments or otherwise, or repayments to or on account of 9234
the authority and the obligations issued by the authority, shall 9235
not be deemed to constitute indebtedness, bonded or otherwise, or 9236
bonds, notes, or other evidence of indebtedness of such 9237
governmental entity for the purpose of Chapter 133. of the Revised 9238
Code or any other purpose; such leases and agreements requiring 9239
payments beyond the current fiscal year are continuing contracts 9240
for the purposes of sections 5705.41 and 5705.44 of the Revised 9241
Code. 9242

(F) Any agreement between the department of administrative 9243
services or the state agency using or participating in such 9244
capital facilities and the authority that includes provision for 9245
the use of space by such using or participating state agency or 9246

the department of administrative services, even if executed prior 9247
to land acquisition or completion of construction, improvements, 9248
or financing, shall be a lease for purposes of this chapter and 9249
for all other purposes. No such lease need be recorded or 9250
recordable for purposes of determining its validity or legal 9251
sufficiency. 9252

Sec. 153.01. (A) Whenever any building or structure for the 9253
use of the state or any institution supported in whole or in part 9254
by the state or in or upon the public works of the state that is 9255
administered by the ~~director of administrative services~~ Ohio 9256
facilities construction commission or by any other state officer 9257
or state agency authorized by law to administer a project, 9258
including an educational institution listed in section 3345.50 of 9259
the Revised Code, is to be erected or constructed, whenever 9260
additions, alterations, or structural or other improvements are to 9261
be made, or whenever heating, cooling, or ventilating plants or 9262
other equipment is to be installed or material supplied therefor, 9263
the estimated cost of which amounts to two hundred thousand 9264
dollars or more, or the amount determined pursuant to section 9265
153.53 of the Revised Code or more, each officer, board, or other 9266
authority upon which devolves the duty of constructing, erecting, 9267
altering, or installing the same, referred to in sections 153.01 9268
to 153.60 of the Revised Code as the public authority, shall cause 9269
to be made, by an architect or engineer whose contract of 9270
employment shall be prepared and approved by the attorney general, 9271
the following: 9272

(1) Full and accurate plans, suitable for the use of 9273
mechanics and other builders in the construction, improvement, 9274
addition, alteration, or installation; 9275

(2) Details to scale and full-sized, so drawn and represented 9276
as to be easily understood; 9277

(3) Definite and complete specifications of the work to be performed, together with directions that will enable a competent mechanic or other builder to carry them out and afford bidders all needful information;

(4) A full and accurate estimate of each item of expense and the aggregate cost of those items of expense;

(5) A life-cycle cost analysis;

(6) Further data as may be required by the ~~department of administrative services~~ Ohio facilities construction commission.

(B) Division (A) of this section shall not be required with respect to a construction management contract entered into with a construction manager at risk as described in section 9.334 of the Revised Code or a design-build contract entered into with a design-build firm as described in section 153.693 of the Revised Code.

Sec. 153.011. (A) Except as provided in division (D) of this section, whenever any building or structure, including highway improvements, in whole or in part supported by state capital funds, including moneys from the education facilities trust fund, is to be erected or constructed, or whenever additions, alterations, or structural or other improvements are to be made, if any steel products are to be purchased for or provided in the construction, repair, or improvement project, only steel products as defined in division (F) of this section shall be purchased for or provided in the project.

(B)(1) No person shall purchase or provide steel products in violation of division (A) of this section.

(2) Notwithstanding division (B) of section 153.99 of the Revised Code, no person who purchases steel products in violation of division (A) of this section shall be held liable in a civil

action commenced under division (C) of this section, or pay a 9308
civil penalty under division (B) of section 153.99 of the Revised 9309
Code, if that person can demonstrate the person's compliance with 9310
division (E) of this section. 9311

(C) Whenever the executive director of ~~administrative~~ 9312
~~services~~ the Ohio facilities construction commission has 9313
reasonable cause to believe that any person has purchased or 9314
provided steel products in violation of division (A) of this 9315
section, the executive director shall conduct an investigation to 9316
determine whether the person has purchased or provided or is 9317
purchasing or providing steel products in violation of division 9318
(A) of this section. Upon conducting the investigation, if the 9319
executive director finds that the person has purchased or provided 9320
or is purchasing or providing steel products in violation of 9321
division (A) of this section, the executive director shall request 9322
the attorney general to commence a civil action under this section 9323
against the person for violating division (A) of this section. The 9324
remedy provided in this section is concurrent with any other 9325
remedy provided in this chapter, and the existence or exercise of 9326
one remedy does not prevent the exercise of any other. Upon 9327
collection of the civil penalty under division (B) of section 9328
153.99 of the Revised Code, pursuant to an action authorized under 9329
this section, the attorney general shall pay the money collected 9330
to the treasurer of the board of education of the city, local, or 9331
exempted village school district and joint vocational school 9332
district, if one exists, in which the construction, repair, or 9333
improvement project for which the steel products used in violation 9334
of division (A) of this section is located. The treasurer shall 9335
deposit the civil penalty in equal amounts into the school 9336
district's general fund and the joint vocational school district's 9337
general fund. If a joint vocational school district does not exist 9338
where the violation occurred, then the entire sum of the civil 9339
penalty shall be deposited into the school district's general 9340

fund. 9341

(D) Pursuant to section 5525.21 of the Revised Code, the 9342
director of transportation may authorize the purchase or provision 9343
or both of a minimal amount of foreign steel products for use in 9344
contracts for public bridge projects. 9345

The executive director of ~~administrative services~~ the Ohio 9346
facilities construction commission may waive the requirements of 9347
division (A) of this section if the executive director determines 9348
that either division (A) or (B) of section 5525.21 of the Revised 9349
Code is true in connection with a public bridge project. The 9350
executive director shall issue this determination in writing. 9351

(E) The following notice shall be included in boldface type 9352
and capital letters in all bid notifications and specifications 9353
between all parties to any contract authorized under Chapter 153. 9354
of the Revised Code or subject to this section and section 153.99 9355
of the Revised Code: "Domestic steel use requirements as specified 9356
in section 153.011 of the Revised Code apply to this project. 9357
Copies of section 153.011 of the Revised Code can be obtained from 9358
~~any of the offices~~ office of the ~~department of administrative~~ 9359
~~services~~ Ohio facilities construction commission." 9360

(F) As used in this section: 9361

(1) "Steel products" means products rolled, formed, shaped, 9362
drawn, extruded, forged, cast, fabricated or otherwise similarly 9363
processed, or processed by a combination of two or more of such 9364
operations, and used for load-bearing structural purposes, from 9365
steel made in the United States by the open hearth, basic oxygen, 9366
electric furnace, bessemer or other steel making process. 9367

(2) "United States" means the United States of America and 9368
includes all territory, continental or insular, subject to the 9369
jurisdiction of the United States. 9370

Sec. 153.013. If a project for the construction, alteration, 9371
or other improvement of a building or structure is administered by 9372
the executive director of ~~administrative services~~ the Ohio 9373
facilities construction commission or by another state agency 9374
authorized to administer a project under this chapter, if the 9375
project is located in a municipal corporation with a population of 9376
at least four hundred thousand that is in a county with a 9377
population of at least one million two hundred thousand, and if a 9378
political subdivision contributes at least one hundred thousand 9379
dollars to the project, then a contractor for the project shall 9380
comply with regulations or ordinances of the political subdivision 9381
that are in effect before July 1, 2009, and that specifically 9382
relate to the employment of residents and local businesses of the 9383
political subdivision in the performance of the work of the 9384
project, and such ordinances or regulations shall be included by 9385
reference unambiguously in the contract between the administering 9386
state agency and the contractor for the project. 9387

Sec. 153.02. (A) The executive director of ~~administrative~~ 9388
~~services, on the director's own initiative or upon request of the~~ 9389
Ohio ~~school~~ facilities construction commission, may debar a 9390
contractor from contract awards for public improvements as 9391
referred to in section 153.01 of the Revised Code or for projects 9392
as defined in section 3318.01 of the Revised Code, upon proof that 9393
the contractor has done any of the following: 9394

(1) Defaulted on a contract requiring the execution of a 9395
takeover agreement as set forth in division (B) of section 153.17 9396
of the Revised Code; 9397

(2) Knowingly failed during the course of a contract to 9398
maintain the coverage required by the bureau of workers' 9399
compensation; 9400

(3) Knowingly failed during the course of a contract to maintain the contractor's drug-free workplace program as required by the contract;

(4) Knowingly failed during the course of a contract to maintain insurance required by the contract or otherwise by law, resulting in a substantial loss to the owner, as owner is referred to in section 153.01 of the Revised Code, or to the commission and school district board, as provided in division (F) of section 3318.08 of the Revised Code;

(5) Misrepresented the firm's qualifications in the selection process set forth in sections 153.65 to 153.71 or section 3318.10 of the Revised Code;

(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the contractor's business integrity;

(7) Been convicted of a criminal offense under state or federal antitrust laws;

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;

(9) Been debarred from bidding on or participating in a contract with any state or federal agency.

(B) When the executive director reasonably believes that grounds for debarment exist, the executive director shall send the contractor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the

contractor does not respond with a request for a hearing in the 9432
manner specified in Chapter 119. of the Revised Code, the 9433
executive director shall issue the debarment decision without a 9434
hearing and shall notify the contractor of the decision by 9435
certified mail, return receipt requested. 9436

(C) The executive director shall determine the length of the 9437
debarment period and may rescind the debarment at any time upon 9438
notification to the contractor. During the period of debarment, 9439
the contractor is not eligible to bid for or participate in any 9440
contract for a public improvement as referred to in section 153.01 9441
of the Revised Code or for a project as defined in section 3318.01 9442
of the Revised Code. After the debarment period expires, the 9443
contractor shall be eligible to bid for and participate in such 9444
contracts. 9445

(D) The executive director, ~~through the office of the state~~ 9446
~~architect~~, shall maintain a list of all contractors currently 9447
debarred under this section. Any governmental entity awarding a 9448
contract for construction of a public improvement or project may 9449
use a contractor's presence on the debarment list to determine 9450
whether a contractor is responsible or best under section 9.312 or 9451
any other section of the Revised Code in the award of a contract. 9452

Sec. 153.04. The plans, details, bills of material, 9453
specifications of work, estimates of cost in detail and in the 9454
aggregate, life-cycle cost analysis, form of bid, bid guaranty, 9455
and other data that may be required shall be prepared on such 9456
material and in such manner and form as are prescribed by the 9457
~~department of administrative services~~ Ohio facilities construction 9458
commission. The life-cycle costs shall be a primary consideration 9459
in the selection of a design. The same shall be deposited and 9460
safely kept in the office of the owner as defined in section 9461
153.01 of the Revised Code as the property of the state. 9462

Sec. 153.06. After the proceedings required by sections 9463
153.01 and 153.04 of the Revised Code have been complied with, the 9464
owner referred to in section 153.01 of the Revised Code shall give 9465
public notice of the time and place when and where bids will be 9466
received for performing the labor and furnishing the materials of 9467
such construction, improvement, alteration, addition, or 9468
installation, and a contract awarded, except for materials 9469
manufactured by the state or labor supplied by a county department 9470
of job and family services that may enter into the same. The form 9471
of bid approved by the ~~department of administrative services~~ Ohio 9472
facilities construction commission shall be used, and a bid shall 9473
be invalid and not considered unless such form is used without 9474
change, alteration, or addition. Bidders may be permitted to bid 9475
upon all the branches of work and materials to be furnished and 9476
supplied, or upon any thereof, or alternately upon all or any 9477
thereof. 9478

Sec. 153.07. The notice provided for in section 153.06 of the 9479
Revised Code shall be published once each week for three 9480
consecutive weeks in a newspaper of general circulation, or as 9481
provided in section 7.16 of the Revised Code, in the county where 9482
the activity for which bids are submitted is to occur and in such 9483
other newspapers as ordered by the ~~department of administrative~~ 9484
~~services~~ Ohio facilities construction commission, the last 9485
publication to be at least eight days preceding the day for 9486
opening the bids, and in such form and with such phraseology as 9487
the ~~department~~ commission orders. Copies of the plans, details, 9488
estimates of cost, and specifications shall be open to public 9489
inspection at all business hours between the day of the first 9490
publication and the day for opening the bids, at the office of the 9491
~~department~~ commission where the bids are received, and such other 9492
place as may be designated in such notice. 9493

Sec. 153.08. On the day and at the place named in the notice 9494
provided for in section 153.06 of the Revised Code, the owner 9495
referred to in section 153.01 of the Revised Code shall open the 9496
bids and shall publicly, with the assistance of the architect or 9497
engineer, immediately proceed to tabulate the bids upon duplicate 9498
sheets. The public bid opening may be broadcast by electronic 9499
means pursuant to rules established by the ~~director of~~ 9500
~~administrative services~~ Ohio facilities construction commission. A 9501
bid shall be invalid and not considered unless a bid guaranty 9502
meeting the requirements of section 153.54 of the Revised Code and 9503
in the form approved by the ~~department of administrative services~~ 9504
commission is filed with such bid. For a bid that is not filed 9505
electronically, the bid and bid guaranty shall be filed in one 9506
sealed envelope. If the bid and bid guaranty are filed 9507
electronically, they must be received electronically before the 9508
deadline published pursuant to section 153.06 of the Revised Code. 9509
For all bids filed electronically, the original, unaltered bid 9510
guaranty shall be made available to the public authority after the 9511
public bid opening. After investigation, which shall be completed 9512
within thirty days, the contract shall be awarded by such owner to 9513
the lowest responsive and responsible bidder in accordance with 9514
section 9.312 of the Revised Code. 9515

No contract shall be entered into until the industrial 9516
commission has certified that the person so awarded the contract 9517
has complied with sections 4123.01 to 4123.94 of the Revised Code, 9518
until, if the bidder so awarded the contract is a foreign 9519
corporation, the secretary of state has certified that such 9520
corporation is authorized to do business in this state, until, if 9521
the bidder so awarded the contract is a person nonresident of this 9522
state, such person has filed with the secretary of state a power 9523
of attorney designating the secretary of state as its agent for 9524
the purpose of accepting service of summons in any action brought 9525

under section 153.05 of the Revised Code or under sections 4123.01 9526
to 4123.94 of the Revised Code, and until the contract and bond, 9527
if any, are submitted to the attorney general and the attorney 9528
general's approval certified thereon. 9529

No contract shall be entered into unless the bidder possesses 9530
a valid certificate of compliance with affirmative action programs 9531
issued pursuant to section 9.47 of the Revised Code and dated no 9532
earlier than one hundred eighty days prior to the date fixed for 9533
the opening of bids for a particular project. 9534

Sec. 153.09. If in the opinion of the owner referred to in 9535
section 153.01 of the Revised Code, the award of a contract to the 9536
lowest responsive and responsible bidder is not in the best 9537
interests of the state, the owner may accept another bid so opened 9538
or reject all bids, and advertise for other bids. Such 9539
advertisement shall be for such time, in such form, and in such 9540
newspaper as the ~~department~~ Ohio facilities construction 9541
commission directs. All contracts shall provide that such owner 9542
may make any change in work or materials on the conditions and in 9543
the manner provided in sections 153.10 and 153.11 of the Revised 9544
Code. 9545

Sec. 153.11. Whenever the change referred to in section 9546
153.10 of the Revised Code is approved by the owner as defined in 9547
section 153.01 of the Revised Code, accepted in writing by the 9548
contractor, and filed, the same shall be considered as being a 9549
part of the original contract, and the bond theretofore executed 9550
shall be ~~held~~ increased or decreased accordingly to include and 9551
cover the ~~same~~ change in the contract. 9552

Sec. 153.12. (A) With respect to award of any contract for 9553
the construction, reconstruction, improvement, enlargement, 9554
alteration, repair, painting, or decoration of a public 9555

improvement made by the state, or any county, township, municipal 9556
corporation, school district, or other political subdivision, or 9557
any public board, commission, authority, instrumentality, or 9558
special purpose district of or in the state or a political 9559
subdivision or that is authorized by state law, the award, and 9560
execution of the contract, shall be made within sixty days after 9561
the date on which the bids are opened. The failure to award and 9562
execute the contract within sixty days invalidates the entire bid 9563
proceedings and all bids submitted, unless the time for awarding 9564
and executing the contract is extended by mutual consent of the 9565
owner or its representatives and the bidder whose bid the owner 9566
accepts and with respect to whom the owner subsequently awards and 9567
executes a contract. The public owners referred to in this section 9568
shall include, in the plans and specifications for the project for 9569
which bids are solicited, the estimate of cost. The bid for which 9570
the award is to be made shall be opened at the time and place 9571
named in the advertisement for bids, unless extended by the owner 9572
or its representative or unless, within seventy-two hours prior to 9573
the published time for the opening of bids, excluding Saturdays, 9574
Sundays, and legal holidays, any modification of the plans or 9575
specifications and estimates of cost for the project for which 9576
bids are solicited is issued and mailed or otherwise furnished to 9577
persons who have obtained plans or specifications for the project, 9578
for which the time for opening of bids shall be extended one week, 9579
with no further advertising of bids required. The contractor, upon 9580
request, is entitled to a notice to proceed with the work by the 9581
owner or its representative upon execution of the contract. No 9582
contract to which this section applies shall be entered into if 9583
the price of the contract, or, if the project involves multiple 9584
contracts where the total price of all contracts for the project, 9585
is in excess of ten per cent above the entire estimate thereof, 9586
nor shall the entire cost of the construction, reconstruction, 9587
repair, painting, decorating, improvement, alteration, addition, 9588

or installation, including changes and estimates of expenses for 9589
architects or engineers, exceed in the aggregate the amount 9590
authorized by law. 9591

The unit or lump sum price stated in the contract shall be 9592
used in determining the amount to be paid and shall constitute 9593
full and final compensation for all the work. 9594

Partial payment to the contractor for work performed under 9595
the lump sum price shall be based on a schedule prepared by the 9596
contractor and approved by the architect or engineer who shall 9597
apportion the lump sum price to the major components entering into 9598
or forming a part of the work under the lump sum price. 9599

Partial payments to the contractor for labor performed under 9600
either a unit or lump sum price contract shall be made at the rate 9601
of ninety-two per cent of the estimates prepared by the contractor 9602
and approved by the architect or engineer. All labor performed 9603
after the job is fifty per cent completed shall be paid for at the 9604
rate of one hundred per cent of the estimates submitted by the 9605
contractor and approved by the architect or engineer. 9606

The amounts and time of payments of any public improvements 9607
contract made by the state or any county, township, municipal 9608
corporation, school district, or other political subdivision, or 9609
any public board, commission, authority, instrumentality, or 9610
special purpose district of or in the state or a political 9611
subdivision or that is authorized by state law, except as provided 9612
in section 5525.19 of the Revised Code, shall be governed by this 9613
section and sections 153.13 and 153.14 of the Revised Code. If the 9614
time for awarding the contract is extended by mutual consent, or 9615
if the owner or its representative fails to issue a timely notice 9616
to proceed as required by this section, the owner or its 9617
representative shall issue a change order authorizing delay costs 9618
to the contractor, which does not invalidate the contract. The 9619
amount of such a change order to the owner shall be determined in 9620

accordance with the provisions of the contract for change orders 9621
or force accounts or, if no such provision is set forth in the 9622
contract, the cost to the owner shall be the contractor's actual 9623
costs including wages, labor costs other than wages, wage taxes, 9624
materials, equipment costs and rentals, insurance, and 9625
subcontracts attributable to the delay, plus a reasonable sum for 9626
overhead. In the event of a dispute between the owner and the 9627
contractor concerning such change order, procedures shall be 9628
commenced under the applicable terms of the contract, or, if the 9629
contract contains no provision for resolving the dispute, it shall 9630
be resolved pursuant to the procedures for arbitration in Chapter 9631
2711. of the Revised Code, except as provided in division (B) of 9632
this section. Nothing in this division shall be construed as a 9633
limitation upon the authority of the director of transportation 9634
granted in Chapter 5525. of the Revised Code. 9635

(B) If a dispute arises between the state and a contractor 9636
concerning the terms of a public improvement contract let by the 9637
state or concerning a breach of the contract, and after 9638
administrative remedies provided for in such contract and any 9639
alternative dispute resolution procedures provided in accordance 9640
with guidelines established by the executive director of 9641
~~administrative services~~ the Ohio facilities construction 9642
commission are exhausted, the contractor may bring an action to 9643
the court of claims in accordance with Chapter 2743. of the 9644
Revised Code. The state or the contractor may request the chief 9645
justice of the supreme court to appoint a referee or panel of 9646
referees in accordance with division (C)(3) of section 2743.03 of 9647
the Revised Code. As used in this division, "dispute" means a 9648
disagreement between the state and the contractor concerning a 9649
public improvement contract let by the state. 9650

Sec. 153.14. For the construction of those projects, 9651
improvements, and public buildings over which the ~~director of~~ 9652

~~administrative services~~ Ohio facilities construction commission 9653
has general supervision pursuant to section ~~123.01~~ 123.21 of the 9654
Revised Code, the estimates referred to in section 153.13 of the 9655
Revised Code shall be filed with the executive director by the 9656
owner referred to in section 153.01 or 153.12 of the Revised Code. 9657
Upon completion of a project referred to in section 153.13 of the 9658
Revised Code or any divisible part thereof, the maintenance and 9659
repair of such project or divisible part shall be assumed by the 9660
owner referred to in section 153.01 or 153.12 of the Revised Code. 9661

In addition to all other payments on account of work 9662
performed, there shall be allowed by the owner referred to in 9663
section 153.01 or 153.12 of the Revised Code and paid to the 9664
contractor a sum at the rate of ninety-two per cent of the invoice 9665
costs, not to exceed the bid price in a unit price contract, of 9666
material delivered on the site of the work, or a railroad station, 9667
siding, or other point in the vicinity of the work, or other 9668
approved storage site, provided such materials have been inspected 9669
and found to meet the specifications. The balance of such invoiced 9670
value shall be paid when such material is incorporated into and 9671
becomes a part of such building, construction, addition, 9672
improvement, alteration, or installation. When an estimate is 9673
allowed on account of material delivered on the site of the work 9674
or in the vicinity thereof or under the possession and control of 9675
the contractor but not yet incorporated therein, such material 9676
shall become the property of the owner under the contract, but if 9677
such material is stolen, destroyed, or damaged by casualty before 9678
being used, the contractor shall be required to replace it at ~~his~~ 9679
the contractor's own expense. 9680

When the rate of work and amounts involved are so large that 9681
it is considered advisable by the owner or contractor, estimates 9682
and payments shall be made twice each month. 9683

Payment on approved estimates filed with the owner or its 9684

representative shall be made within thirty days. Upon the failure 9685
of the owner or its representative to make such payments within 9686
thirty days, or upon an unauthorized withholding of retainage, 9687
there shall be allowed to the contractor, in addition to any other 9688
remedies allowed by law, interest on such moneys not paid within 9689
thirty days. Interest on the unauthorized withholding of retainage 9690
shall be in addition to any interest earned in the escrow account 9691
set forth in section 153.13 of the Revised Code. The rate of such 9692
interest shall be the average of the prime rate established at the 9693
commercial banks in the city of over one hundred thousand 9694
population that is nearest the construction project. Nothing in 9695
this section shall be construed as a limitation upon the authority 9696
of the director of transportation granted in Chapter 5525. of the 9697
Revised Code. 9698

Sec. 153.16. (A) The executive director of administrative 9699
services the Ohio facilities construction commission shall 9700
establish policy and procedure guidelines for contract documents 9701
in conjunction with the administration of public works contracts 9702
that the state or any institution supported in whole or in part by 9703
the state enters into for any project subject to sections 153.01 9704
to 153.11 of the Revised Code. 9705

(B) Notwithstanding any contract provision to the contrary, 9706
any claim submitted under a public works contract that the state 9707
or any institution supported in whole or in part by the state 9708
enters into for any project subject to sections 153.01 to 153.11 9709
of the Revised Code shall be resolved within one hundred twenty 9710
days. After the end of this one hundred twenty-day period, the 9711
contractor shall be deemed to have exhausted all administrative 9712
remedies for purposes of division (B) of section 153.12 of the 9713
Revised Code. 9714

Sec. 153.17. (A) When in the opinion of the owner referred to 9715

in section 153.01 of the Revised Code, the work under any contract 9716
made under any law of the state is neglected by the contractor or 9717
such work is not prosecuted with the diligence and force specified 9718
or intended in the contract, such owner may make requisition upon 9719
the contractor for such additional specific force or materials to 9720
be brought into the work under such contract or to remove improper 9721
materials from the grounds as in their judgment the contract and 9722
its faithful fulfillment requires. 9723

Not less than five days' notice in writing of such action 9724
shall be served upon the contractor or the contractor's agent in 9725
charge of the work. If the contractor fails to comply with such 9726
requisition within fifteen days, such owner with the written 9727
consent of the ~~department of administrative services~~ Ohio 9728
facilities construction commission, may employ upon the work the 9729
additional force, or supply the special materials or such part of 9730
either as is considered proper, and may remove improper materials 9731
from the grounds. 9732

(B) When the original contractor has defaulted on a contract 9733
and the surety has declined to take over the project, the owner 9734
may contract with one or more takeover contractors to complete 9735
work that was not finished because of the default of the original 9736
contractor. The owner may enter into a contract with a takeover 9737
contractor without competitive bidding or controlling board 9738
approval. Upon execution of a takeover contract, the owner shall 9739
notify the director of budget and management. 9740

When the owner has taken over a project after a default has 9741
occurred, any moneys that the owner receives from the surety as a 9742
settlement for completion of the project shall be deposited in the 9743
original fund from which the capital appropriation for the project 9744
was made. The executive director, without controlling board 9745
approval, may authorize specified additional uses for the moneys 9746
related to completion of the project and may increase the 9747

appropriation authority in the appropriation line item used to 9748
fund the project by an amount equal to the moneys received from 9749
the surety. 9750

Sec. 153.502. (A) Each construction manager at risk and 9751
design-build firm shall establish criteria by which it will 9752
prequalify prospective bidders on subcontracts awarded for work to 9753
be performed under the construction management or design-build 9754
contract. The criteria established by a construction manager at 9755
risk or design-build firm shall be subject to the approval of the 9756
public authority involved in the project and shall be consistent 9757
with the rules adopted by the ~~department of administrative~~ 9758
~~services~~ Ohio facilities construction commission pursuant to 9759
section 153.503 of the Revised Code. 9760

(B) For each subcontract to be awarded, the construction 9761
manager at risk or design-build firm shall identify at least three 9762
prospective bidders that are prequalified to bid on that 9763
subcontract, except that the construction manager at risk or 9764
design-build firm shall identify fewer than three if the 9765
construction manager at risk or design-build firm establishes to 9766
the satisfaction of the public authority that fewer than three 9767
prequalified bidders are available. The public authority shall 9768
verify that each prospective bidder meets the prequalification 9769
criteria and may eliminate any bidder it determines is not 9770
qualified. 9771

(C) Once the prospective bidders are prequalified and found 9772
acceptable by the public authority, the construction manager at 9773
risk or design-build firm shall solicit proposals from each of 9774
those bidders. The solicitation and selection of a subcontractor 9775
shall be conducted under an open book pricing method. As used in 9776
this division, "open book pricing method" has the same meaning as 9777
in section 9.33 of the Revised Code, in the case of a construction 9778

manager at risk, and the same meaning as in section 153.65 of the Revised Code, in the case of a design-build firm. 9779
9780

(D) A construction manager at risk or design-build firm shall not be required to award a subcontract to a low bidder. 9781
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Sec. 153.503. ~~The department of administrative services Ohio~~ Ohio facilities construction commission, pursuant to Chapter 119. of the Revised Code ~~and not later than June 30, 2012~~, shall adopt rules to do all of the following: 9783
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9786

(A) Prescribe the procedures and criteria for determining the best value selection of a construction manager at risk or design-build firm; 9787
9788
9789

(B) ~~In consultation with the state architect's office, set~~ Set forth standards to be followed by construction managers at risk and design-build firms when establishing prequalification criteria pursuant to section 153.502 of the Revised Code; 9790
9791
9792
9793

(C) Prescribe the form for the contract documents to be used by a construction manager at risk, design-build firm, or general contractor when entering into a subcontract; 9794
9795
9796

(D) Prescribe the form for the contract documents to be used by a public authority when entering into a contract with a construction manager at risk or design-build firm. 9797
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Sec. 153.53. (A) As used in this section, "rate of inflation" has the same meaning as in section 107.032 of the Revised Code. 9800
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(B) Five years after ~~the effective date of this section~~ September 29, 2011, and every five years thereafter, the executive director of administrative services the Ohio facilities construction commission shall evaluate the monetary threshold specified in section 153.01 of the Revised Code and adopt rules 9803
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adjusting that amount based on the average rate of inflation 9808
during each of the previous five years immediately preceding such 9809
adjustment. 9810

Sec. 167.04. (A) The regional council of governments shall 9811
adopt by-laws, by a majority vote of its members, designating the 9812
officers of the council and the method of their selection, 9813
creating a governing board that may act for the council as 9814
provided in the by-laws, and providing for the conduct of its 9815
business. 9816

(B) The by-laws of the regional council of governments shall 9817
provide for the appointment of a fiscal officer, who may hold any 9818
other office or employment with the council, and who shall 9819
receive, deposit, invest, and disburse the funds of the council in 9820
the manner authorized by the by-laws or action by the council. 9821

(C) The by-laws of a regional council of governments the 9822
members of which include, under sections 167.01 and 167.02 of the 9823
Revised Code, at least eight counties may include a provision 9824
authorizing member attendance and voting at council meetings 9825
either in person or by proxy. 9826

(D)(1) Within ten business days after forming a regional 9827
council of governments, the officers of the council shall notify 9828
the auditor of state of the regional council's formation and shall 9829
provide on a form prescribed by the auditor of state the 9830
information regarding the regional council that the auditor of 9831
state considers necessary. 9832

(2) As used in this division, "business day" means a day of 9833
the week, excluding Saturday, Sunday, or a legal holiday as 9834
defined in section 1.14 of the Revised Code. 9835

Sec. 173.14. As used in sections 173.14 to 173.27 of the 9836
Revised Code: 9837

(A)(1) Except as otherwise provided in division (A)(2) of 9838
this section, "long-term care facility" includes any residential 9839
facility that provides personal care services for more than 9840
twenty-four hours for two or more unrelated adults, including all 9841
of the following: 9842

(a) A "nursing home," "residential care facility," or "home 9843
for the aging" as defined in section 3721.01 of the Revised Code; 9844

(b) A facility authorized to provide extended care services 9845
under Title XVIII of the "Social Security Act," 49 Stat. 620 9846
(1935), 42 U.S.C. 301, as amended, including a long-term acute 9847
care hospital that provides medical and rehabilitative care to 9848
patients who require an average length of stay greater than 9849
twenty-five days and is classified by the centers for medicare and 9850
medicaid services as a long-term care hospital pursuant to 42 9851
C.F.R. 412.23(e); 9852

(c) A county home or district home operated pursuant to 9853
Chapter 5155. of the Revised Code; 9854

(d) ~~An "adult care~~ A residential facility ~~as defined in~~ 9855
licensed under section ~~5119.70~~ 5119.22 ~~of the Revised Code that~~ 9856
provides accommodations, supervision, and personal care services 9857
for three to sixteen unrelated adults; 9858

(e) A facility approved by the veterans administration under 9859
section 104(a) of the "Veterans Health Care Amendments of 1983," 9860
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 9861
the placement and care of veterans; 9862

(f) An adult foster home certified under section 5119.692 of 9863
the Revised Code. 9864

(2) "Long-term care facility" does not include a ~~"residential~~ 9865
~~facility" as defined in section 5119.22 of the Revised Code or a~~ 9866
~~"residential facility" as defined in~~ licensed under section 9867
5123.19 of the Revised Code. 9868

(B) "Resident" means a resident of a long-term care facility 9869
and, where appropriate, includes a prospective, previous, or 9870
deceased resident of a long-term care facility. 9871

(C) "Community-based long-term care services" means health 9872
and social services provided to persons in their own homes or in 9873
community care settings, and includes any of the following: 9874

(1) Case management; 9875

(2) Home health care; 9876

(3) Homemaker services; 9877

(4) Chore services; 9878

(5) Respite care; 9879

(6) Adult day care; 9880

(7) Home-delivered meals; 9881

(8) Personal care; 9882

(9) Physical, occupational, and speech therapy; 9883

(10) Transportation; 9884

(11) Any other health and social services provided to persons 9885
that allow them to retain their independence in their own homes or 9886
in community care settings. 9887

(D) "Recipient" means a recipient of community-based 9888
long-term care services and, where appropriate, includes a 9889
prospective, previous, or deceased recipient of community-based 9890
long-term care services. 9891

(E) "Sponsor" means an adult relative, friend, or guardian 9892
who has an interest in or responsibility for the welfare of a 9893
resident or a recipient. 9894

(F) "Personal care services" has the same meaning as in 9895
section 3721.01 of the Revised Code. 9896

(G) "Regional long-term care ombudsperson program" means an 9897
entity, either public or private and nonprofit, designated as a 9898
regional long-term care ombudsperson program by the state 9899
long-term care ombudsperson. 9900

(H) "Representative of the office of the state long-term care 9901
ombudsperson program" means the state long-term care ombudsperson 9902
or a member of the ombudsperson's staff, or a person certified as 9903
a representative of the office under section 173.21 of the Revised 9904
Code. 9905

(I) "Area agency on aging" means an area agency on aging 9906
established under the "Older Americans Act of 1965," 79 Stat. 219, 9907
42 U.S.C.A. 3001, as amended. 9908

Sec. 173.21. (A) The office of the state long-term care 9909
ombudsperson program, through the state long-term care 9910
ombudsperson and the regional long-term care ombudsperson 9911
programs, shall require each representative of the office to 9912
complete a training and certification program in accordance with 9913
this section and to meet the continuing education requirements 9914
established under this section. 9915

(B) The department of aging shall adopt rules under Chapter 9916
119. of the Revised Code specifying the content of training 9917
programs for representatives of the office of the state long-term 9918
care ombudsperson program. Training for representatives other than 9919
those who are volunteers providing services through regional 9920
long-term care ombudsperson programs shall include instruction 9921
regarding federal, state, and local laws, rules, and policies on 9922
long-term care facilities and community-based long-term care 9923
services; investigative techniques; and other topics considered 9924
relevant by the department and shall consist of the following: 9925

(1) A minimum of forty clock hours of basic instruction, 9926
which shall be completed before the trainee is permitted to handle 9927

complaints without the supervision of a representative of the 9928
office certified under this section; 9929

(2) An additional sixty clock hours of instruction, which 9930
shall be completed within the first fifteen months of employment; 9931

(3) An internship of twenty clock hours, which shall be 9932
completed within the first twenty-four months of employment, 9933
including instruction in, and observation of, basic nursing care 9934
and long-term care provider operations and procedures. The 9935
internship shall be performed at a site that has been approved as 9936
an internship site by the state long-term care ombudsperson. 9937

(4) One of the following, which shall be completed within the 9938
first twenty-four months of employment: 9939

(a) Observation of a survey conducted by the director of 9940
health to certify a facility to receive funds under sections 9941
5111.20 to 5111.32 of the Revised Code; 9942

(b) Observation of an inspection conducted by the director of 9943
mental health to license ~~an adult care~~ a residential facility 9944
under section ~~5119.73~~ 5119.22 of the Revised Code that provides 9945
accommodations, supervision, and personal care services for three 9946
to sixteen unrelated adults. 9947

(5) Any other training considered appropriate by the 9948
department. 9949

(C) Persons who for a period of at least six months prior to 9950
June 11, 1990, served as ombudsmen through the long-term care 9951
ombudsperson program established by the department of aging under 9952
division (M) of section 173.01 of the Revised Code shall not be 9953
required to complete a training program. These persons and persons 9954
who complete a training program shall take an examination 9955
administered by the department of aging. On attainment of a 9956
passing score, the person shall be certified by the department as 9957
a representative of the office. The department shall issue the 9958

person an identification card, which the representative shall show 9959
at the request of any person with whom the representative deals 9960
while performing the representative's duties and which shall be 9961
surrendered at the time the representative separates from the 9962
office. 9963

(D) The state ombudsperson and each regional program shall 9964
conduct training programs for volunteers on their respective 9965
staffs in accordance with the rules of the department of aging 9966
adopted under division (B) of this section. Training programs may 9967
be conducted that train volunteers to complete some, but not all, 9968
of the duties of a representative of the office. Each regional 9969
office shall bear the cost of training its representatives who are 9970
volunteers. On completion of a training program, the 9971
representative shall take an examination administered by the 9972
department of aging. On attainment of a passing score, a volunteer 9973
shall be certified by the department as a representative 9974
authorized to perform services specified in the certification. The 9975
department shall issue an identification card, which the 9976
representative shall show at the request of any person with whom 9977
the representative deals while performing the representative's 9978
duties and which shall be surrendered at the time the 9979
representative separates from the office. Except as a supervised 9980
part of a training program, no volunteer shall perform any duty 9981
unless he is certified as a representative having received 9982
appropriate training for that duty. 9983

(E) The state ombudsperson shall provide technical assistance 9984
to regional programs conducting training programs for volunteers 9985
and shall monitor the training programs. 9986

(F) Prior to scheduling an observation of a certification 9987
survey or licensing inspection for purposes of division (B)(4) of 9988
this section, the state ombudsperson shall obtain permission to 9989
have the survey or inspection observed from both the director of 9990

health and the long-term care facility at which the survey or 9991
inspection is to take place. 9992

(G) The department of aging shall establish continuing 9993
education requirements for representatives of the office. 9994

Sec. 173.23. (A) Representatives of the office of the state 9995
long-term care ombudsperson program are immune from civil or 9996
criminal liability for any action taken in the good faith 9997
performance of their official duties under sections 173.14 to 9998
173.26 of the Revised Code. ~~The department of aging shall ensure 9999
that adequate legal counsel is available to the office of the 10000
state long-term care ombudsperson program for advice and 10001
consultation and that legal representation is provided to any 10002
representative of the office against whom any legal action is 10003
brought in connection with the representative's official duties 10004
under sections 173.14 to 173.26 of the Revised Code.~~ 10005

(B) A person acting in good faith is immune from civil or 10006
criminal liability incident to any of the following: providing 10007
information to the office, participating in registration of a 10008
complaint with the office, participating in investigation of a 10009
complaint by the office, or participating in an administrative or 10010
judicial proceeding resulting from a complaint. 10011

(C) No person shall knowingly register a false complaint with 10012
the office, or knowingly swear or affirm the truth of a false 10013
complaint previously registered, when the statement is made with 10014
purpose to incriminate another. 10015

(D) The attorney general shall provide legal counsel to the 10016
office of the state long-term care ombudsperson program and to the 10017
regional long-term care ombudsperson programs. The attorney 10018
general shall represent any representative of the office and any 10019
representative of a regional program against whom any legal action 10020
is brought in connection with the representative's official duties 10021

under sections 173.14 to 173.26 of the Revised Code. 10022

Sec. 173.26. (A) Each of the following facilities shall 10023
annually pay to the department of aging six dollars for each bed 10024
maintained by the facility for use by a resident during any part 10025
of the previous year: 10026

(1) Nursing homes, residential care facilities, and homes for 10027
the aging as defined in section 3721.01 of the Revised Code; 10028

(2) Facilities authorized to provide extended care services 10029
under Title XVIII of the "Social Security Act," 49 Stat. 620 10030
(1935), 42 U.S.C. 301, as amended, including a long-term acute 10031
care hospital that provides medical and rehabilitative care to 10032
patients who require an average length of stay greater than 10033
twenty-five days and is classified by the centers for medicare and 10034
medicaid services as a long-term care hospital pursuant to 42 10035
C.F.R. 412.23(e); 10036

(3) County homes and district homes operated pursuant to 10037
Chapter 5155. of the Revised Code; 10038

(4) ~~Adult care~~ Residential facilities ~~as defined in~~ licensed 10039
under section 5119.70 5119.22 of the Revised Code that provide 10040
accommodations, supervision, and personal care services for three 10041
to sixteen unrelated adults; 10042

(5) Facilities approved by the Veterans Administration under 10043
Section 104(a) of the "Veterans Health Care Amendments of 1983," 10044
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 10045
the placement and care of veterans. 10046

The department shall, by rule adopted in accordance with 10047
Chapter 119. of the Revised Code, establish deadlines for payments 10048
required by this section. A facility that fails, within ninety 10049
days after the established deadline, to pay a payment required by 10050
this section shall be assessed at two times the original invoiced 10051

payment. 10052

(B) All money collected under this section shall be deposited 10053
in the state treasury to the credit of the office of the state 10054
long-term care ombudsperson program fund, which is hereby created. 10055
Money credited to the fund shall be used solely to pay the costs 10056
of operating the regional long-term care ombudsperson programs. 10057

(C) The state long-term care ombudsperson and the regional 10058
programs may solicit and receive contributions to support the 10059
operation of the office or a regional program, except that no 10060
contribution shall be solicited or accepted that would interfere 10061
with the independence or objectivity of the office or program. 10062

Sec. 173.27. (A) As used in this section: 10063

(1) "Applicant" means a person who is under final 10064
consideration for employment with the office of the state 10065
long-term care ombudsperson program in a full-time, part-time, or 10066
temporary position that involves providing ombudsperson services 10067
to residents and recipients. "Applicant" includes, ~~but is not~~ 10068
~~limited to,~~ a person who is under final consideration for 10069
employment as the state long-term care ombudsperson or the head of 10070
a regional long-term care ombudsperson program. "Applicant" does 10071
not include a person ~~who provides~~ seeking to provide ombudsperson 10072
services to residents and recipients as a volunteer without 10073
receiving or expecting to receive any form of remuneration other 10074
than reimbursement for actual expenses. 10075

(2) "Criminal records check" has the same meaning as in 10076
section 109.572 of the Revised Code. 10077

(3) "Disqualifying offense" means any of the following: 10078

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 10079
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 10080
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 10081

<u>2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04,</u>	10082
<u>2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22,</u>	10083
<u>2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322,</u>	10084
<u>2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23,</u>	10085
<u>2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02,</u>	10086
<u>2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32,</u>	10087
<u>2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45,</u>	10088
<u>2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02,</u>	10089
<u>2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23,</u>	10090
<u>2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 2921.24,</u>	10091
<u>2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122,</u>	10092
<u>2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42,</u>	10093
<u>2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09,</u>	10094
<u>2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36,</u>	10095
<u>2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;</u>	10096
<u>(b) Felonious sexual penetration in violation of former</u>	10097
<u>section 2907.12 of the Revised Code;</u>	10098
<u>(c) A violation of section 2905.04 of the Revised Code as it</u>	10099
<u>existed prior to July 1, 1996;</u>	10100
<u>(d) A violation of section 2923.01, 2923.02, or 2923.03 of</u>	10101
<u>the Revised Code when the underlying offense that is the object of</u>	10102
<u>the conspiracy, attempt, or complicity is one of the offenses</u>	10103
<u>listed in divisions (A)(3)(a) to (c) of this section;</u>	10104
<u>(e) A violation of an existing or former municipal ordinance</u>	10105
<u>or law of this state, any other state, or the United States that</u>	10106
<u>is substantially equivalent to any of the offenses listed in</u>	10107
<u>divisions (A)(3)(a) to (d) of this section.</u>	10108
<u>(4) "Employee" means a person employed by the office of the</u>	10109
<u>state long-term care ombudsperson program in a full-time,</u>	10110
<u>part-time, or temporary position that involves providing</u>	10111
<u>ombudsperson services to residents and recipients. "Employee"</u>	10112

includes the person employed as the state long-term care 10113
ombudsperson and a person employed as the head of a regional 10114
long-term care ombudsperson program. "Employee" does not include a 10115
person who provides ombudsperson services to residents and 10116
recipients as a volunteer without receiving or expecting to 10117
receive any form of remuneration other than reimbursement for 10118
actual expenses. 10119

(5) "Responsible entity" means the following: 10120

(a) In the case of an applicant who is under final 10121
consideration for employment as the state long-term care 10122
ombudsperson or the person employed as the state long-term care 10123
ombudsperson, the director of aging; 10124

(b) In the case of any other applicant or employee, the state 10125
long-term care ombudsperson or the ombudsperson's designee. 10126

(B) The office of the state long-term care ombudsperson 10127
program may not employ an applicant or continue to employ an 10128
employee in a position that involves providing ombudsperson 10129
services to residents and recipients if any of the following 10130
apply: 10131

(1) A review of the databases listed in division (D) of this 10132
section reveals any of the following: 10133

(a) That the applicant or employee is included in one or more 10134
of the databases listed in divisions (D)(1) to (5) of this 10135
section; 10136

(b) That there is in the state nurse aide registry 10137
established under section 3721.32 of the Revised Code a statement 10138
detailing findings by the director of health that the applicant or 10139
employee neglected or abused a long-term care facility or 10140
residential care facility resident or misappropriated property of 10141
such a resident; 10142

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the office from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing ombudsperson services to residents and recipients.

(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) The responsible entity shall inform each applicant of both of the following at the time of the applicant's initial application for employment in a position that involves providing ombudsperson services to residents and recipients:

(1) That a review of the databases listed in division (D) of this section will be conducted to determine whether the office of the state long-term care ombudsperson program is prohibited by division (B)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint

impressions as part of the criminal records check. 10174

(D) As a condition of any applicant's being employed by the 10175
office of the state long-term care ombudsperson program in a 10176
position that involves providing ombudsperson services to 10177
residents and recipients, the responsible entity shall conduct a 10178
database review of the applicant in accordance with rules adopted 10179
under this section. If rules adopted under this section so 10180
require, the responsible entity shall conduct a database review of 10181
an employee in accordance with the rules as a condition of the 10182
office's continuing to employ the employee in a position that 10183
involves providing ombudsperson services to residents and 10184
recipients. A database review shall determine whether the 10185
applicant or employee is included in any of the following: 10186

(1) The excluded parties list system maintained by the United 10187
States general services administration pursuant to subpart 9.4 of 10188
the federal acquisition regulation; 10189

(2) The list of excluded individuals and entities maintained 10190
by the office of inspector general in the United States department 10191
of health and human services pursuant to section 1128 of the 10192
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 10193
amended, and section 1156 of the "Social Security Act," 96 Stat. 10194
388 (1982), 42 U.S.C. 1320c-5, as amended; 10195

(3) The registry of MR/DD employees established under section 10196
5123.52 of the Revised Code; 10197

(4) The internet-based sex offender and child-victim offender 10198
database established under division (A)(11) of section 2950.13 of 10199
the Revised Code; 10200

(5) The internet-based database of inmates established under 10201
section 5120.66 of the Revised Code; 10202

(6) The state nurse aide registry established under section 10203
3721.32 of the Revised Code; 10204

(7) Any other database, if any, specified in rules adopted 10205
under this section. 10206

~~(E)(1) The state long term care ombudsperson or the~~ 10207
~~ombudsperson's designee~~ As a condition of any applicant's being 10208
employed by the office of the state long-term care ombudsperson 10209
program in a position that involves providing ombudsperson 10210
services to residents and recipients, the responsible entity shall 10211
request that the superintendent of the bureau of criminal 10212
identification and investigation conduct a criminal records check 10213
~~with respect to each~~ of the applicant. If rules adopted under this 10214
section so require, the responsible entity shall request that the 10215
superintendent conduct a criminal records check of an employee at 10216
times specified in the rules as a condition of the office's 10217
continuing to employ the employee in a position that involves 10218
providing ombudsperson services to residents and recipients. 10219
~~However, if the applicant is under final consideration for~~ 10220
~~employment as the state long term care ombudsperson, the director~~ 10221
~~of aging shall request that the superintendent conduct the~~ 10222
~~criminal records check~~ the responsible entity is not required to 10223
request the criminal records check of the applicant or employee if 10224
the office is prohibited by division (B)(1) of this section from 10225
employing the applicant or continuing to employ the employee in a 10226
position that involves providing ombudsperson services to 10227
residents and recipients. If an applicant or employee for whom a 10228
criminal records check request is required ~~under~~ by this ~~division~~ 10229
section does not present proof of having been a resident of this 10230
state for the five-year period immediately prior to the date the 10231
criminal records check is requested or provide evidence that 10232
within that five-year period the superintendent has requested 10233
information about the applicant or employee from the federal 10234
bureau of investigation in a criminal records check, the 10235
~~ombudsperson, designee, or director~~ responsible entity shall 10236
request that the superintendent obtain information from the 10237

federal bureau of investigation as part of the criminal records 10238
check ~~of the applicant~~. Even if an applicant or employee for whom 10239
a criminal records check request is required ~~under~~ by this 10240
~~division~~ section presents proof of having been a resident of this 10241
state for the five-year period, the ~~ombudsperson, designee, or~~ 10242
~~director~~ responsible entity may request that the superintendent 10243
include information from the federal bureau of investigation in 10244
the criminal records check. 10245

(2) ~~A person required by division (B)(1) of this section to~~ 10246
~~request a criminal records check~~ The responsible entity shall do 10247
~~both~~ all of the following: 10248

(a) Provide to each applicant and employee for whom a 10249
criminal records check request is required ~~under that division~~ by 10250
this section a copy of the form prescribed pursuant to division 10251
(C)(1) of section 109.572 of the Revised Code and a standard 10252
~~fingerprint~~ impression sheet prescribed pursuant to division 10253
(C)(2) of that section, ~~and obtain;~~ 10254

(b) Obtain the completed form and standard impression sheet 10255
from the applicant or employee; 10256

~~(b)(c)~~ Forward the completed form and standard impression 10257
sheet to the superintendent ~~of the bureau of criminal~~ 10258
~~identification and investigation.~~ 10259

(3) ~~An applicant provided the form and fingerprint impression~~ 10260
~~sheet under division (B)(2)(a) of this section who fails to~~ 10261
~~complete the form or provide fingerprint impressions shall not be~~ 10262
~~employed in any position for which a criminal records check is~~ 10263
~~required by this section.~~ 10264

~~(C)(1) Except as provided in rules adopted by the director of~~ 10265
~~aging in accordance with division (F) of this section and subject~~ 10266
~~to division (C)(2) of this section, the office of the state~~ 10267
~~long term care ombudsperson may not employ a person in a position~~ 10268

~~that involves providing ombudsperson services to residents and recipients if the person has been convicted of or pleaded guilty to any of the following:~~

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

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

~~(2)(a) The office of the state long-term care ombudsperson program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible entity requests under this section. The office may charge an applicant a fee not exceeding the amount the office pays to the bureau under this section if the responsible entity notifies the applicant at the time of initial application for employment of the amount of the fee.~~

~~(F)(1) The office of the state long-term care ombudsperson program may employ conditionally an applicant for whom a criminal records check request is required under division (B) of by this section prior to obtaining the results of a the criminal records check regarding the individual, provided that the state long term care ombudsperson, ombudsperson's designee, or director of aging shall request a if the office is not prohibited by division (B)(1)~~

of this section from employing the applicant in a position that 10301
involves providing ombudsperson services to residents and 10302
recipients and the responsible entity requests the 10303
criminal records check ~~regarding the individual~~ in accordance with division 10304
~~(B)(1)(E)~~ of this section not later than five business days after 10305
the ~~individual~~ applicant begins conditional employment. 10306

~~(b)(2)~~ The office of the state long-term care ombudsperson 10307
program shall terminate the employment of an ~~individual~~ applicant 10308
employed conditionally under division ~~(C)(2)(a)(F)(1)~~ of this 10309
section if the results of the criminal records check ~~request under~~ 10310
~~division (B) of this section~~, other than the results of any 10311
request for information from the federal bureau of investigation, 10312
are not obtained within the period ending sixty days after the 10313
date the request for the criminal records check is made. 10314
Regardless of when the results of the criminal records check are 10315
obtained, if the results indicate that the ~~individual~~ applicant 10316
has been convicted of ~~or~~ pleaded guilty to ~~any of the offenses~~ 10317
~~listed or described in division (C)(1) of this section~~, or been 10318
found eligible for intervention in lieu of conviction for a 10319
disqualifying offense, the office shall terminate the ~~individual's~~ 10320
applicant's employment unless circumstances specified in rules 10321
adopted under this section that permit the office to employ the 10322
applicant exist and the office chooses to employ the ~~individual~~ 10323
~~pursuant to division (F) of this section~~ applicant. Termination of 10324
employment under this division shall be considered just cause for 10325
discharge for purposes of division (D)(2) of section 4141.29 of 10326
the Revised Code if the ~~individual~~ applicant makes any attempt to 10327
deceive the office about the ~~individual's~~ applicant's criminal 10328
record. 10329

~~(D)(1)~~ The office of the state long term care ombudsperson 10330
program shall pay to the bureau of criminal identification and 10331
investigation the fee prescribed pursuant to ~~division (C)(3) of~~ 10332

~~section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section.~~ 10333
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~~(2) The office of the state long term care ombudsperson program may charge an applicant a fee not exceeding the amount the office pays under division (D)(1) of this section. The office may collect a fee only if the office notifies the applicant at the time of initial application for employment of the amount of the fee.~~ 10336
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~~(E)(G)~~ The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 10342
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(1) The ~~individual~~ applicant or employee who is the subject of the criminal records check or the ~~individual's~~ applicant's or employee's representative; 10347
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(2) The ~~state long term care ombudsperson, ombudsperson's designee, director of aging,~~ responsible entity or the ~~ombudsperson, designee, or director's~~ responsible entity's representative; 10350
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(3) If the state long-term care ombudsperson designates the head or other employee of a regional long-term care ombudsperson program to request a criminal records check under this section, a representative of the office of the state long-term care ombudsperson program who is responsible for monitoring the regional program's compliance with this section; 10354
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(4) A court, hearing officer, or other necessary individual involved in a case dealing with a any of the following: 10360
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(a) A denial of employment of the applicant or dealing with employment employee; 10362
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(b) Employment or unemployment benefits of the applicant or 10364
employee; 10365

(c) A civil or criminal action regarding the medicaid program 10366
or a program the department of aging administers. 10367

~~(F) The director of aging shall adopt rules in accordance 10368
with Chapter 119. of the Revised Code to implement this section. 10369
The rules shall specify circumstances under which the office of 10370
the state long term care ombudsperson program may employ a person 10371
who has been convicted of or pleaded guilty to an offense listed 10372
or described in division (C)(1) of this section but meets personal 10373
character standards set by the director. 10374~~

~~(G) The office of the state long term care ombudsperson 10375
program shall inform each person, at the time of initial 10376
application for a position that involves providing ombudsperson 10377
services to residents and recipients, that the person is required 10378
to provide a set of fingerprint impressions and that a criminal 10379
records check is required to be conducted if the person comes 10380
under final consideration for employment. 10381~~

(H) In a tort or other civil action for damages that is 10382
brought as the result of an injury, death, or loss to person or 10383
property caused by an ~~individual~~ applicant or employee who the 10384
office of the state long-term care ombudsperson program employs in 10385
a position that involves providing ombudsperson services to 10386
residents and recipients, all of the following shall apply: 10387

(1) If the office employed the ~~individual~~ applicant or 10388
employee in good faith and reasonable reliance on the report of a 10389
criminal records check requested under this section, the office 10390
shall not be found negligent solely because of its reliance on the 10391
report, even if the information in the report is determined later 10392
to have been incomplete or inaccurate. 10393

(2) If the office employed the ~~individual~~ applicant in good 10394

faith on a conditional basis pursuant to division ~~(C)(2)(F)~~ of 10395
this section, the office shall not be found negligent solely 10396
because it employed the ~~individual~~ applicant prior to receiving 10397
the report of a criminal records check requested under this 10398
section. 10399

(3) If the office in good faith employed the ~~individual~~ 10400
applicant or employee according to the personal character 10401
standards established in rules adopted under ~~division (F)~~ of this 10402
section, the office shall not be found negligent solely because 10403
the ~~individual prior to being employed had~~ applicant or employee 10404
has been convicted of ~~or~~, pleaded guilty to ~~an offense listed or~~ 10405
described in division (C)(1) of this section, or been found 10406
eligible for intervention in lieu of conviction for a 10407
disqualifying offense. 10408

(I) The director of aging shall adopt rules in accordance 10409
with Chapter 119. of the Revised Code to implement this section. 10410

(1) The rules may do the following: 10411

(a) Require employees to undergo database reviews and 10412
criminal records checks under this section; 10413

(b) If the rules require employees to undergo database 10414
reviews and criminal records checks under this section, exempt one 10415
or more classes of employees from the requirements; 10416

(c) For the purpose of division (D)(7) of this section, 10417
specify other databases that are to be checked as part of a 10418
database review conducted under this section. 10419

(2) The rules shall specify all of the following: 10420

(a) The procedures for conducting database reviews under this 10421
section; 10422

(b) If the rules require employees to undergo database 10423
reviews and criminal records checks under this section, the times 10424

at which the database reviews and criminal records checks are to 10425
be conducted; 10426

(c) If the rules specify other databases to be checked as 10427
part of the database reviews, the circumstances under which the 10428
office of the state long-term care ombudsperson program is 10429
prohibited from employing an applicant or continuing to employ an 10430
employee who is found by a database review to be included in one 10431
or more of those databases; 10432

(d) Circumstances under which the office of the state 10433
long-term care ombudsperson program may employ an applicant or 10434
employee who is found by a criminal records check required by this 10435
section to have been convicted of, pleaded guilty to, or been 10436
found eligible for intervention in lieu of conviction for a 10437
disqualifying offense but meets personal character standards. 10438

Sec. 173.391. (A) The department of aging or its designee 10439
shall do all of the following in accordance with Chapter 119. of 10440
the Revised Code: 10441

(1) Certify a person or government entity to provide 10442
community-based long-term care services under a program the 10443
department administers if the person or government entity 10444
satisfies the requirements for certification established by rules 10445
adopted under division (B) of this section and pays the fee, if 10446
any, established by rules adopted under division (G) of this 10447
section; 10448

(2) When required to do so by rules adopted under division 10449
(B) of this section, take one or more of the following 10450
disciplinary actions against a person or government entity 10451
certified under division (A)(1) of this section: 10452

(a) Issue a written warning; 10453

(b) Require the submission of a plan of correction or 10454

evidence of compliance with requirements identified by the	10455
department;	10456
(c) Suspend referrals;	10457
(d) Remove clients;	10458
(e) Impose a fiscal sanction such as a civil monetary penalty	10459
or an order that unearned funds be repaid;	10460
(f) Suspend the certification;	10461
(g) Revoke the certification;	10462
(h) Impose another sanction.	10463
(3) Except as provided in division (E) of this section, hold	10464
hearings when there is a dispute between the department or its	10465
designee and a person or government entity concerning actions the	10466
department or its designee takes regarding a decision not to	10467
certify the person or government entity under division (A)(1) of	10468
this section or a disciplinary action under division <u>divisions</u>	10469
(A)(2)(e) to (h) of this section.	10470
(B) The director of aging shall adopt rules in accordance	10471
with Chapter 119. of the Revised Code establishing certification	10472
requirements and standards for determining which type of	10473
disciplinary action to take under division (A)(2) of this section	10474
in individual situations. The rules shall establish procedures for	10475
all of the following:	10476
(1) Ensuring that community-based long-term care agencies	10477
comply with section 173.394 of the Revised Code;	10478
(2) Evaluating the services provided by the agencies to	10479
ensure that the services are provided in a quality manner	10480
advantageous to the individual receiving the services;	10481
(3) Determining when to take disciplinary action under	10482
division (A)(2) of this section and which disciplinary action to	10483
take;	10484

(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.	10485 10486
(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section:	10487 10488 10489 10490
(1) The community-based long-term care agency's experience and financial responsibility;	10491 10492
(2) The agency's ability to comply with standards for the community-based long-term care services that the agency provides under a program the department administers;	10493 10494 10495
(3) The agency's ability to meet the needs of the individuals served;	10496 10497
(4) Any other factor the director considers relevant.	10498
(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.	10499 10500 10501 10502 10503 10504 10505
(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)(3) of this section if any of the following conditions apply:	10506 10507 10508
(1) Rules adopted by the director of aging pursuant to this chapter require the community-based long-term care agency to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:	10509 10510 10511 10512 10513 10514

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The agency's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a community-based long-term care agency: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the agency has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The agency or a principal owner or manager of the agency who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) The agency or a principal owner or manager of the agency who provides direct care has entered a guilty plea for, ~~or~~ been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed in ~~division (C)(1)(a) divisions (A)(3)(a) to (d)~~ of section 173.394 of the Revised Code, but only if none of the personal character standards established by the ~~department~~ director in rules adopted under ~~division (F) of that~~ section 173.394 ~~of the Revised Code~~ apply.

(d) The United States department of health and human services has taken adverse action against the agency and that action impacts the agency's participation in the medicaid program.

(e) The agency has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the agency is certified to provide services.

(f) The agency has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(g) The agency denied or failed to provide the department or its designee access to the agency's facilities during the agency's normal business hours for purposes of conducting an audit or structural compliance review.

(h) The agency has ceased doing business.

(i) The agency has voluntarily relinquished its certification for any reason.

(3) The agency's provider agreement with the department of job and family services has been suspended under division (C) of section 5111.031 of the Revised Code.

(4) The agency's provider agreement with the department of job and family services is denied or revoked because the agency or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5111.031 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department may send a notice to the agency describing a decision not to certify the agency under division (A)(1) of this section or the disciplinary action the department proposes to take under division (A)(2)(e) to (h) of this section. The notice shall be sent to the agency's address that is on record with the department

and may be sent by regular mail. 10577

(G) The director of aging may adopt rules in accordance with 10578
Chapter 119. of the Revised Code establishing a fee to be charged 10579
by the department of aging or its designee for certification 10580
issued under this section. 10581

All fees collected by the department or its designee under 10582
this section shall be deposited in the state treasury to the 10583
credit of the provider certification fund, which is hereby 10584
created. Money credited to the fund shall be used to pay for 10585
community-based long-term care services, administrative costs 10586
associated with community-based long-term care agency 10587
certification under this section, and administrative costs related 10588
to the publication of the Ohio long-term care consumer guide. 10589

Sec. 173.394. (A) As used in this section: 10590

(1) "Applicant" means a person who is under final 10591
consideration for employment with a community-based long-term care 10592
agency in a full-time, part-time, or temporary position that 10593
involves providing direct care to an individual or is referred to 10594
a community-based long-term care agency by an employment service 10595
for such a position. "Applicant" does not include a person who 10596
provides direct care to an individual as a volunteer without 10597
receiving or expecting to receive any form of remuneration other 10598
than reimbursement for actual expenses. 10599

(2) "Criminal records check" has the same meaning as in 10600
section 109.572 of the Revised Code. 10601

(3) "Disqualifying offense" means any of the following: 10602

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 10603
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 10604
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 10605
2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 10606

2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 10607
2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 10608
2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 10609
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 10610
2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 10611
2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 10612
2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 10613
2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 10614
2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 2921.24, 10615
2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 10616
2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 10617
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 10618
2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 10619
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 10620

(b) Felonious sexual penetration in violation of former 10621
section 2907.12 of the Revised Code; 10622

(c) A violation of section 2905.04 of the Revised Code as it 10623
existed prior to July 1, 1996; 10624

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 10625
the Revised Code when the underlying offense that is the object of 10626
the conspiracy, attempt, or complicity is one of the offenses 10627
listed in divisions (A)(3)(a) to (c) of this section; 10628

(e) A violation of an existing or former municipal ordinance 10629
or law of this state, any other state, or the United States that 10630
is substantially equivalent to any of the offenses listed in 10631
divisions (A)(3)(a) to (d) of this section. 10632

(4) "Employee" means a person employed by a community-based 10633
long-term care agency in a full-time, part-time, or temporary 10634
position that involves providing direct care to an individual and 10635
a person who works in such a position due to being referred to a 10636
community-based long-term care agency by an employment service. 10637

"Employee" does not include a person who provides direct care to an individual as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 10638
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(B) No community-based long-term care agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply: 10642
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(1) A review of the databases listed in division (D) of this section reveals any of the following: 10646
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(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section; 10648
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(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident; 10651
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(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing direct care to an individual. 10657
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(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's 10663
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fingerprint impressions on the standard impression sheet. 10669

(3) Except as provided in rules adopted under this section, 10670
the applicant or employee is found by a criminal records check 10671
required by this section to have been convicted of, pleaded guilty 10672
to, or been found eligible for intervention in lieu of conviction 10673
for a disqualifying offense. 10674

(C) Except as provided by division (F) of this section, the 10675
chief administrator of a community-based long-term care agency 10676
shall inform each applicant of both of the following at the time 10677
of the applicant's initial application for employment or referral 10678
to the agency by an employment service for a position that 10679
involves providing direct care to an individual: 10680

(1) That a review of the databases listed in division (D) of 10681
this section will be conducted to determine whether the agency is 10682
prohibited by division (B)(1) of this section from employing the 10683
applicant in the position; 10684

(2) That, unless the database review reveals that the 10685
applicant may not be employed in the position, a criminal records 10686
check of the applicant will be conducted and the applicant is 10687
required to provide a set of the applicant's fingerprint 10688
impressions as part of the criminal records check. 10689

(D) As a condition of employing any applicant in a position 10690
that involves providing direct care to an individual, the chief 10691
administrator of a community-based long-term care agency shall 10692
conduct a database review of the applicant in accordance with 10693
rules adopted under this section. If rules adopted under this 10694
section so require, the chief administrator of a community-based 10695
long-term care agency shall conduct a database review of an 10696
employee in accordance with the rules as a condition of continuing 10697
to employ the employee in a position that involves providing 10698
direct care to an individual. However, a chief administrator is 10699

not required to conduct a database review of an applicant or 10700
employee if division (F) of this section applies. A database 10701
review shall determine whether the applicant or employee is 10702
included in any of the following: 10703

(1) The excluded parties list system maintained by the United 10704
States general services administration pursuant to subpart 9.4 of 10705
the federal acquisition regulation; 10706

(2) The list of excluded individuals and entities maintained 10707
by the office of inspector general in the United States department 10708
of health and human services pursuant to section 1128 of the 10709
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 10710
amended, and section 1156 of the "Social Security Act," 96 Stat. 10711
388 (1982), 42 U.S.C. 1320c-5, as amended; 10712

(3) The registry of MR/DD employees established under section 10713
5123.52 of the Revised Code; 10714

(4) The internet-based sex offender and child-victim offender 10715
database established under division (A)(11) of section 2950.13 of 10716
the Revised Code; 10717

(5) The internet-based database of inmates established under 10718
section 5120.66 of the Revised Code; 10719

(6) The state nurse aide registry established under section 10720
3721.32 of the Revised Code; 10721

(7) Any other database, if any, specified in rules adopted 10722
under this section. 10723

(E)(1) ~~Except as provided in division (I) of this section~~ As 10724
a condition of employing any applicant in a position that involves 10725
providing direct care to an individual, the chief administrator of 10726
a community-based long-term care agency shall request that the 10727
superintendent of the bureau of criminal identification and 10728
investigation conduct a criminal records check ~~with respect to~~ 10729

each of the applicant. If rules adopted under this section so 10730
require, the chief administrator of a community-based long-term 10731
care agency shall request that the superintendent conduct a 10732
criminal records check of an employee at times specified in the 10733
rules as a condition of continuing to employ the employee in a 10734
position that involves providing direct care to an individual. 10735
However, the chief administrator is not required to request the 10736
criminal records check of the applicant or employee if division 10737
(F) of this section applies or the agency is prohibited by 10738
division (B)(1) of this section from employing the applicant or 10739
continuing to employ the employee in a position that involves 10740
providing direct care to an individual. If an applicant or 10741
employee for whom a criminal records check request is required 10742
under by this ~~division~~ section does not present proof of having 10743
been a resident of this state for the five-year period immediately 10744
prior to the date the criminal records check is requested or 10745
provide evidence that within that five-year period the 10746
superintendent has requested information about the applicant or 10747
employee from the federal bureau of investigation in a criminal 10748
records check, the chief administrator shall request that the 10749
superintendent obtain information from the federal bureau of 10750
investigation as part of the criminal records check ~~of the~~ 10751
~~applicant~~. Even if an applicant or employee for whom a criminal 10752
records check request is required ~~under by this division section~~ 10753
presents proof of having been a resident of this state for the 10754
five-year period, the chief administrator may request that the 10755
superintendent include information from the federal bureau of 10756
investigation in the criminal records check. 10757

~~(2) A person required by division (B)(1) of this section to~~ 10758
~~request a criminal records check~~ The chief administrator shall do 10759
~~both~~ all of the following: 10760

(a) Provide to each applicant and employee for whom a 10761

criminal records check request is required ~~under that division by~~ 10762
~~this section~~ a copy of the form prescribed pursuant to division 10763
(C)(1) of section 109.572 of the Revised Code and a standard 10764
~~fingerprint~~ impression sheet prescribed pursuant to division 10765
(C)(2) of that section, ~~and obtain;~~ 10766

(b) Obtain the completed form and standard impression sheet 10767
from the applicant or employee; 10768

~~(b)(c)~~ Forward the completed form and standard impression 10769
sheet to the superintendent ~~of the bureau of criminal~~ 10770
~~identification and investigation.~~ 10771

(3) ~~An applicant provided the form and fingerprint impression~~ 10772
~~sheet under division (B)(2)(a) of this section who fails to~~ 10773
~~complete the form or provide fingerprint impressions shall not be~~ 10774
~~employed in any position for which a criminal records check is~~ 10775
~~required by this section.~~ 10776

~~(C)(1) Except as provided in rules adopted by the department~~ 10777
~~of aging in accordance with division (F) of this section and~~ 10778
~~subject to division (C)(2) of this section, no community based~~ 10779
~~long term care agency shall employ a person in a position that~~ 10780
~~involves providing direct care to an individual if the person has~~ 10781
~~been convicted of or pleaded guilty to any of the following:~~ 10782

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 10783
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 10784
~~2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,~~ 10785
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,~~ 10786
~~2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,~~ 10787
~~2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,~~ 10788
~~2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,~~ 10789
~~2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,~~ 10790
~~2925.22, 2925.23, or 3716.11 of the Revised Code.~~ 10791

~~(b) A violation of an existing or former law of this state,~~ 10792

~~any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (C)(1)(a) of
this section.~~

(2)(a) A community-based long-term care agency shall pay to
the bureau of criminal identification and investigation the fee
prescribed pursuant to division (C)(3) of section 109.572 of the
Revised Code for each criminal records check the agency requests
under this section. An agency may charge an applicant a fee not
exceeding the amount the agency pays to the bureau under this
section if both of the following apply:

(a) The agency notifies the applicant at the time of initial
application for employment of the amount of the fee and that,
unless the fee is paid, the applicant will not be considered for
employment.

(b) The medicaid program established under Chapter 5111. of
the Revised Code does not reimburse the agency for the fee it pays
to the bureau under this section.

(F) Divisions (C) to (E) of this section do not apply with
regard to an applicant or employee if the applicant or employee is
referred to a community-based long-term agency by an employment
service that supplies full-time, part-time, or temporary staff for
positions that involve providing direct care to an individual and
both of the following apply:

(1) The chief administrator of the agency receives from the
employment service confirmation that a review of the databases
listed in division (D) of this section was conducted of the
applicant or employee.

(2) The chief administrator of the agency receives from the
employment service, applicant, or employee a report of the results
of a criminal records check of the applicant or employee that has
been conducted by the superintendent within the one-year period

immediately preceding the following: 10824

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the agency; 10825
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(b) In the case of an employee, the date by which the agency would otherwise have to request a criminal records check of the employee under division (E) of this section. 10827
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(G)(1) A community-based long-term care agency may employ conditionally an applicant for whom a criminal records check request is required ~~under division (B) of~~ by this section prior to obtaining the results of a the criminal records check ~~regarding the individual, provided that if the agency is not prohibited by~~ division (B)(1) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies: 10830
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(a) The chief administrator of the agency ~~shall request a~~ requests the criminal records check ~~regarding the individual~~ in accordance with division ~~(B)(1)~~(E) of this section not later than five business days after the ~~individual~~ applicant begins conditional employment. 10838
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(b) The applicant is referred to the agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following: 10843
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(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant; 10849
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(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu 10852
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of conviction for a disqualifying offense; 10855

(iii) That the employment service has not received the 10856
results of the criminal records check as of the date set forth on 10857
the letter; 10858

(iv) That the employment service promptly will send a copy of 10859
the results of the criminal records check to the chief 10860
administrator of the agency when the employment service receives 10861
the results. In the circumstances described in division (I)(2) of 10862
this section, a community based long term care agency may employ 10863
conditionally an applicant who has been referred to the agency by 10864
an employment service that supplies full time, part time, or 10865
temporary staff for positions involving the direct care of 10866
individuals and for whom, pursuant to that division, a criminal 10867
records check is not required under division (B) of this section. 10868

(b)(2) If a community-based long-term care agency employs an 10869
applicant conditionally pursuant to division (G)(1)(b) of this 10870
section, the employment service, on its receipt of the results of 10871
the criminal records check, promptly shall send a copy of the 10872
results to the chief administrator of the agency. 10873

(3) A community-based long-term care agency that employs an 10874
individual applicant conditionally under authority of pursuant to 10875
division (C)(2)(a)(G)(1)(a) or (b) of this section shall terminate 10876
the individual's applicant's employment if the results of the 10877
criminal records check request under division (B) of this section 10878
or described in division (I)(2) of this section, other than the 10879
results of any request for information from the federal bureau of 10880
investigation, are not obtained within the period ending sixty 10881
days after the date the request for the criminal records check is 10882
made. Regardless of when the results of the criminal records check 10883
are obtained, if the results indicate that the individual 10884
applicant has been convicted of ~~or~~, pleaded guilty to any of the 10885
offenses listed or described in division (C)(1) of this section, 10886

or been found eligible for intervention in lieu of conviction for 10887
a disqualifying offense, the agency shall terminate the 10888
~~individual's~~ applicant's employment unless circumstances specified 10889
in rules adopted under this section that permit the agency to 10890
employ the applicant exist and the agency chooses to employ the 10891
~~individual pursuant to division (F) of this section~~ applicant. 10892
Termination of employment under this division shall be considered 10893
just cause for discharge for purposes of division (D)(2) of 10894
section 4141.29 of the Revised Code if the ~~individual~~ applicant 10895
makes any attempt to deceive the agency about the ~~individual's~~ 10896
applicant's criminal record. 10897

~~(D)(1) Each community based long term care agency shall pay~~ 10898
~~to the bureau of criminal identification and investigation the fee~~ 10899
~~prescribed pursuant to division (C)(3) of section 109.572 of the~~ 10900
~~Revised Code for each criminal records check conducted pursuant to~~ 10901
~~a request made under division (B) of this section.~~ 10902

~~(2) A community based long term care agency may charge an~~ 10903
~~applicant a fee not exceeding the amount the agency pays under~~ 10904
~~division (D)(1) of this section. An agency may collect a fee only~~ 10905
~~if both of the following apply:~~ 10906

~~(a) The agency notifies the person at the time of initial~~ 10907
~~application for employment of the amount of the fee and that,~~ 10908
~~unless the fee is paid, the person will not be considered for~~ 10909
~~employment;~~ 10910

~~(b) The medicaid program established under Chapter 5111. of~~ 10911
~~the Revised Code does not reimburse the agency the fee it pays~~ 10912
~~under division (D)(1) of this section.~~ 10913

~~(E)(H)~~ (H) The report of any criminal records check conducted 10914
pursuant to a request made under this section is not a public 10915
record for the purposes of section 149.43 of the Revised Code and 10916
shall not be made available to any person other than the 10917

following: 10918

(1) The ~~individual~~ applicant or employee who is the subject 10919
of the criminal records check or the ~~individual's~~ applicant's or 10920
employee's representative; 10921

(2) The chief administrator of the community-based long-term 10922
care agency requesting the criminal records check or the 10923
administrator's representative; 10924

(3) The administrator of any other facility, agency, or 10925
program that provides direct care to individuals that is owned or 10926
operated by the same entity that owns or operates the 10927
community-based long-term care agency that requested the criminal 10928
records check; 10929

(4) The employment service that requested the criminal 10930
records check; 10931

(5) The director of aging or a person authorized by the 10932
director to monitor a community-based long-term care agency's 10933
compliance with this section; 10934

~~(5)~~(6) A court, hearing officer, or other necessary 10935
individual involved in a case dealing with a any of the following: 10936

(a) A denial of employment of the applicant or ~~dealing with~~ 10937
~~employment~~ employee; 10938

(b) Employment or unemployment benefits of the applicant or 10939
employee; 10940

~~(6)~~ ~~Any person to whom the report is provided pursuant to,~~ 10941
~~and in accordance with, division (I)(1) or (2) of this section~~ (c) 10942
A civil or criminal action regarding the medicaid program or a 10943
program the department of aging administers. 10944

~~(F)~~ ~~The department of aging shall adopt rules in accordance~~ 10945
~~with Chapter 119. of the Revised Code to implement this section.~~ 10946
~~The rules shall specify circumstances under which a~~ 10947

~~community based long term care agency may employ a person who has
been convicted of or pleaded guilty to an offense listed or
described in division (C)(1) of this section but meets personal
character standards set by the department.~~

~~(G) The chief administrator of a community based long term
care agency shall inform each person, at the time of initial
application for a position that involves providing direct care to
an individual, that the person is required to provide a set of
fingerprint impressions and that a criminal records check is
required to be conducted if the person comes under final
consideration for employment.~~

~~(H)(I) In a tort or other civil action for damages that is
brought as the result of an injury, death, or loss to person or
property caused by an individual applicant or employee who a
community-based long-term care agency employs in a position that
involves providing direct care to individuals, all of the
following shall apply:~~

~~(1) If the agency employed the individual applicant or
employee in good faith and reasonable reliance on the report of a
criminal records check requested under this section, the agency
shall not be found negligent solely because of its reliance on the
report, even if the information in the report is determined later
to have been incomplete or inaccurate.~~

~~(2) If the agency employed the individual applicant in good
faith on a conditional basis pursuant to division ~~(C)(2)(G)~~ of
this section, the agency shall not be found negligent solely
because it employed the individual applicant prior to receiving
the report of a criminal records check requested under this
section.~~

~~(3) If the agency in good faith employed the individual
applicant or employee according to the personal character~~

standards established in rules adopted under ~~division (F) of this~~ 10979
section, the agency shall not be found negligent solely because 10980
the ~~individual prior to being employed had~~ applicant or employee 10981
has been convicted of or, pleaded guilty to an offense listed or 10982
described in division (C)(1) of this section, or been found 10983
eligible for intervention in lieu of conviction for a 10984
disqualifying offense. 10985

~~(I)(1) The chief administrator of a community based long term~~ 10986
~~care agency is not required to request that the superintendent of~~ 10987
~~the bureau of criminal identification and investigation conduct a~~ 10988
~~criminal records check of an applicant if the applicant has been~~ 10989
~~referred to the agency by an employment service that supplies~~ 10990
~~full time, part time, or temporary staff for positions involving~~ 10991
~~the direct care of individuals and both of the following apply:~~ 10992

~~(a) The chief administrator receives from the employment~~ 10993
~~service or the applicant a report of the results of a criminal~~ 10994
~~records check regarding the applicant that has been conducted by~~ 10995
~~the superintendent within the one year period immediately~~ 10996
~~preceding the applicant's referral;~~ 10997

~~(b) The report of the criminal records check demonstrates~~ 10998
~~that the person has not been convicted of or pleaded guilty to an~~ 10999
~~offense listed or described in division (C)(1) of this section, or~~ 11000
~~the report demonstrates that the person has been convicted of or~~ 11001
~~pleaded guilty to one or more of those offenses, but the~~ 11002
~~community based long term care agency chooses to employ the~~ 11003
~~individual pursuant to division (F) of this section.~~ 11004

~~(2) The chief administrator of a community based long term~~ 11005
~~care agency is not required to request that the superintendent of~~ 11006
~~the bureau of criminal identification and investigation conduct a~~ 11007
~~criminal records check of an applicant and may employ the~~ 11008
~~applicant conditionally as described in this division, if the~~ 11009
~~applicant has been referred to the agency by an employment service~~ 11010

~~that supplies full time, part time, or temporary staff for 11011
positions involving the direct care of individuals and if the 11012
chief administrator receives from the employment service or the 11013
applicant a letter from the employment service that is on the 11014
letterhead of the employment service, dated, and signed by a 11015
supervisor or another designated official of the employment 11016
service and that states that the employment service has requested 11017
the superintendent to conduct a criminal records check regarding 11018
the applicant, that the requested criminal records check will 11019
include a determination of whether the applicant has been 11020
convicted of or pleaded guilty to any offense listed or described 11021
in division (C)(1) of this section, that, as of the date set forth 11022
on the letter, the employment service had not received the results 11023
of the criminal records check, and that, when the employment 11024
service receives the results of the criminal records check, it 11025
promptly will send a copy of the results to the community based 11026
long term care agency. If a community based long term care agency 11027
employs an applicant conditionally in accordance with this 11028
division, the employment service, upon its receipt of the results 11029
of the criminal records check, promptly shall send a copy of the 11030
results to the community based long term care agency, and division 11031
(C)(2)(b) of this section applies regarding the conditional 11032
employment. 11033~~

(J) The director of aging shall adopt rules in accordance 11034
with Chapter 119. of the Revised Code to implement this section. 11035

(1) The rules may do the following: 11036

(a) Require employees to undergo database reviews and 11037
criminal records checks under this section; 11038

(b) If the rules require employees to undergo database 11039
reviews and criminal records checks under this section, exempt one 11040
or more classes of employees from the requirements; 11041

(c) For the purpose of division (D)(7) of this section, 11042
specify other databases that are to be checked as part of a 11043
database review conducted under this section. 11044

(2) The rules shall specify all of the following: 11045

(a) The procedures for conducting database reviews under this 11046
section; 11047

(b) If the rules require employees to undergo database 11048
reviews and criminal records checks under this section, the times 11049
at which the database reviews and criminal records checks are to 11050
be conducted; 11051

(c) If the rules specify other databases to be checked as 11052
part of the database reviews, the circumstances under which a 11053
community-based long-term care agency is prohibited from employing 11054
an applicant or continuing to employ an employee who is found by a 11055
database review to be included in one or more of those databases; 11056

(d) Circumstances under which a community-based long-term 11057
care agency may employ an applicant or employee who is found by a 11058
criminal records check required by this section to have been 11059
convicted of, pleaded guilty to, or been found eligible for 11060
intervention in lieu of conviction for a disqualifying offense but 11061
meets personal character standards. 11062

Sec. 173.40. (A) As used in sections 173.40 to 173.402 of the 11063
Revised Code: 11064

"Medicaid waiver component" has the same meaning as in 11065
section 5111.85 of the Revised Code. 11066

"PASSPORT program" means the program created under this 11067
section. 11068

"PASSPORT waiver" means the federal medicaid waiver granted 11069
by the United States secretary of health and human services that 11070
authorizes the medicaid-funded component of the PASSPORT program. 11071

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code. 11072
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(B) There is hereby created the preadmission screening system providing options and resources today program, or PASSPORT. The PASSPORT program shall provide home and community-based services as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements. Subject to division (C) of this section, the program shall have a medicaid-funded component and a state-funded component. 11075
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(C)(1) Unless the medicaid-funded component of the PASSPORT program is terminated under division (C)(2) of this section, all of the following apply: 11083
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(a) The department of aging shall administer the medicaid-funded component through a contract entered into with the department of job and family services under section 5111.91 of the Revised Code. 11086
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(b) The medicaid-funded component shall be operated as a separate medicaid waiver component. 11090
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(c) For an individual to be eligible for the medicaid-funded component, the individual must be a medicaid recipient and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (C)(1)(d) of this section. 11092
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(d) The director of job and family services shall adopt rules under section 5111.85 of the Revised Code and the director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the medicaid-funded component. 11097
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(2) If the unified long-term services and support medicaid waiver component is created, the departments of aging and job and 11101
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family services shall work together to determine whether the 11103
medicaid-funded component of the PASSPORT program should continue 11104
to operate as a separate medicaid waiver component or be 11105
terminated. If the departments determine that the medicaid-funded 11106
component of the PASSPORT program should be terminated, the 11107
medicaid-funded component shall cease to exist on a date the 11108
departments shall specify. 11109

(D)(1) The department of aging shall administer the 11110
state-funded component of the PASSPORT program. The state-funded 11111
component shall not be administered as part of the medicaid 11112
program. 11113

(2) For an individual to be eligible for the state-funded 11114
component, the individual must meet one of the following 11115
requirements and meet the additional eligibility requirements 11116
applicable to the individual established in rules adopted under 11117
division (D)(4) of this section: 11118

(a) The individual must have been enrolled in the 11119
state-funded component on September 1, 1991, (as the state-funded 11120
component was authorized by uncodified law in effect at that time) 11121
and have had one or more applications for enrollment in the 11122
medicaid-funded component (or, if the medicaid-funded component is 11123
terminated under division (C)(2) of this section, the unified 11124
long-term services and support medicaid waiver component) denied. 11125

(b) The individual must have had the individual's enrollment 11126
in the medicaid-funded component (or, if the medicaid-funded 11127
component is terminated under division (C)(2) of this section, the 11128
unified long-term services and support medicaid waiver component) 11129
terminated and the individual must still need the home and 11130
community-based services provided under the PASSPORT program to 11131
protect the individual's health and safety. 11132

(c) The individual must have an application for the 11133

medicaid-funded component (or, if the medicaid-funded component is terminated under division (C)(2) of this section, the unified long-term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C)(2) of this section, the unified long-term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid-funded component (or, if the medicaid-funded component is terminated under division (C)(2) of this section, the unified long-term services and support medicaid waiver component).

(3) An individual who is eligible for the state-funded component because the individual meets the requirement of division (D)(2)(c) of this section may participate in the component on that basis for not more than ~~three months~~ ninety days.

(4) The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state-funded component. The additional eligibility requirements established in the rules may vary for the different groups of individuals specified in divisions (D)(2)(a), (b), and (c) of this section.

Sec. 173.42. (A) As used in sections 173.42 to 173.434 of the Revised Code:

(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.

(2) "Department of aging-administered medicaid waiver component" means each of the following:

(a) The medicaid-funded component of the PASSPORT program created under section 173.40 of the Revised Code;	11164 11165
(b) The choices program created under section 173.403 of the Revised Code;	11166 11167
(c) The medicaid-funded component of the assisted living program created under section 5111.89 of the Revised Code;	11168 11169
(d) Any other medicaid waiver component, as defined in section 5111.85 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of job and family services under section 5111.91 of the Revised Code.	11170 11171 11172 11173 11174
(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following:	11175 11176 11177
(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component;	11178 11179
(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5111.02 of the Revised Code:	11180 11181 11182 11183
(i) Home health services;	11184
(ii) Private duty nursing services;	11185
(iii) Durable medical equipment;	11186
(iv) Services of a clinical nurse specialist;	11187
(v) Services of a certified nurse practitioner.	11188
(c) Services available to a participant of the PACE program.	11189
(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation	11190 11191 11192

program established pursuant to this section. 11193

(5) "Medicaid" means the medical assistance program 11194
established under Chapter 5111. of the Revised Code. 11195

(6) "Nursing facility" has the same meaning as in section 11196
5111.20 of the Revised Code. 11197

(7) "PACE program" means the component of the medicaid 11198
program the department of aging administers pursuant to section 11199
173.50 of the Revised Code. 11200

(8) "PASSPORT administrative agency" means an entity under 11201
contract with the department of aging to provide administrative 11202
services regarding the PASSPORT program. 11203

(9) "Program administrator" means an area agency on aging or 11204
other entity under contract with the department of aging to 11205
administer the long-term care consultation program in a geographic 11206
region specified in the contract. 11207

(10) "Representative" means a person acting on behalf of an 11208
individual specified in division (G) of this section. A 11209
representative may be a family member, attorney, hospital social 11210
worker, or any other person chosen to act on behalf of the 11211
individual. 11212

(B) The department of aging shall develop a long-term care 11213
consultation program whereby individuals or their representatives 11214
are provided with long-term care consultations and receive through 11215
these professional consultations information about options 11216
available to meet long-term care needs and information about 11217
factors to consider in making long-term care decisions. The 11218
long-term care consultations provided under the program may be 11219
provided at any appropriate time, as permitted or required under 11220
this section and the rules adopted under it, including either 11221
prior to or after the individual who is the subject of a 11222
consultation has been admitted to a nursing facility or granted 11223

assistance in receiving home and community-based services covered 11224
by medicaid components the department of aging administers. 11225

(C) The long-term care consultation program shall be 11226
administered by the department of aging, except that the 11227
department may have the program administered on a regional basis 11228
by one or more program administrators. The department and each 11229
program administrator shall administer the program in such a 11230
manner that all of the following are included: 11231

(1) Coordination and collaboration with respect to all 11232
available funding sources for long-term care services; 11233

(2) Assessments of individuals regarding their long-term care 11234
service needs; 11235

(3) Assessments of individuals regarding their on-going 11236
eligibility for long-term care services; 11237

(4) Procedures for assisting individuals in obtaining access 11238
to, and coordination of, health and supportive services, including 11239
department of aging-administered medicaid waiver components; 11240

(5) Priorities for using available resources efficiently and 11241
effectively. 11242

(D) The program's long-term care consultations shall be 11243
provided by individuals certified by the department under section 11244
173.422 of the Revised Code. 11245

(E) The information provided through a long-term care 11246
consultation shall be appropriate to the individual's needs and 11247
situation and shall address all of the following: 11248

(1) The availability of any long-term care options open to 11249
the individual; 11250

(2) Sources and methods of both public and private payment 11251
for long-term care services; 11252

(3) Factors to consider when choosing among the available 11253

programs, services, and benefits; 11254

(4) Opportunities and methods for maximizing independence and 11255
self-reliance, including support services provided by the 11256
individual's family, friends, and community. 11257

(F) An individual's long-term care consultation may include 11258
an assessment of the individual's functional capabilities. The 11259
consultation may incorporate portions of the determinations 11260
required under sections 5111.202, 5119.061, and 5123.021 of the 11261
Revised Code and may be provided concurrently with the assessment 11262
required under section 5111.204 of the Revised Code. 11263

(G)(1) Unless an exemption specified in division (I) of this 11264
section is applicable, each of the following shall be provided 11265
with a long-term care consultation: 11266

(a) An individual who applies or indicates an intention to 11267
apply for admission to a nursing facility, regardless of the 11268
source of payment to be used for the individual's care in a 11269
nursing facility; 11270

(b) An individual who requests a long-term care consultation; 11271

(c) An individual identified by the department or a program 11272
administrator as being likely to benefit from a long-term care 11273
consultation. 11274

(2) In addition to the individuals specified in division 11275
(G)(1) of this section, a long-term care consultation may be 11276
provided to a nursing facility resident regardless of the source 11277
of payment being used for the resident's care in the nursing 11278
facility. 11279

(H)(1) Except as provided in division (H)(2) or (3) of this 11280
section, a long-term care consultation provided pursuant to 11281
division (G) of this section shall be provided as follows: 11282

(a) If the individual for whom the consultation is being 11283

provided has applied for medicaid and the consultation is being 11284
provided concurrently with the assessment required under section 11285
5111.204 of the Revised Code, the consultation shall be completed 11286
in accordance with the applicable time frames specified in that 11287
section for providing a level of care determination based on the 11288
assessment. 11289

(b) In all other cases, the consultation shall be provided 11290
not later than five calendar days after the department or program 11291
administrator receives notice of the reason for which the 11292
consultation is to be provided pursuant to division (G) of this 11293
section. 11294

(2) An individual or the individual's representative may 11295
request that a long-term care consultation be provided on a date 11296
that is later than the date required under division (H)(1)(a) or 11297
(b) of this section. 11298

(3) If a long-term care consultation cannot be completed 11299
within the number of days required by division (H)(1) or (2) of 11300
this section, the department or program administrator may do any 11301
of the following: 11302

(a) In the case of an individual specified in division (G)(1) 11303
of this section, exempt the individual from the consultation 11304
pursuant to rules that may be adopted under division (L) of this 11305
section; 11306

(b) In the case of an applicant for admission to a nursing 11307
facility, provide the consultation after the individual is 11308
admitted to the nursing facility; 11309

(c) In the case of a resident of a nursing facility, provide 11310
the consultation as soon as practicable. 11311

(I) An individual is not required to be provided a long-term 11312
care consultation under division (G)(1) of this section if any of 11313
the following apply: 11314

(1) The department or program administrator has attempted to provide the consultation, but the individual or the individual's representative refuses to cooperate;

(2) The individual is to receive care in a nursing facility under a contract for continuing care as defined in section 173.13 of the Revised Code;

(3) The individual has a contractual right to admission to a nursing facility operated as part of a system of continuing care in conjunction with one or more facilities that provide a less intensive level of services, including a residential care facility licensed under Chapter 3721. of the Revised Code, an adult care a residential facility licensed under sections 5119.70 to 5119.88 section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, or an independent living arrangement;

(4) The individual is to receive continual care in a home for the aged exempt from taxation under section 5701.13 of the Revised Code;

(5) The individual is seeking admission to a facility that is not a nursing facility with a provider agreement under section 5111.22, 5111.671, or 5111.672 of the Revised Code;

(6) The individual is exempted from the long-term care consultation requirement by the department or the program administrator pursuant to rules that may be adopted under division (L) of this section.

(J) As part of the long-term care consultation program, the department or program administrator shall assist an individual or individual's representative in accessing all sources of care and services that are appropriate for the individual and for which the individual is eligible, including all available home and community-based services covered by medicaid components the

department of aging administers. The assistance shall include 11346
providing for the conduct of assessments or other evaluations and 11347
the development of individualized plans of care or services under 11348
section 173.424 of the Revised Code. 11349

(K) No nursing facility for which an operator has a provider 11350
agreement under section 5111.22, 5111.671, or 5111.672 of the 11351
Revised Code shall admit any individual as a resident, unless the 11352
nursing facility has received evidence that a long-term care 11353
consultation has been completed for the individual or division (I) 11354
of this section is applicable to the individual. 11355

(L) The director of aging may adopt any rules the director 11356
considers necessary for the implementation and administration of 11357
this section. The rules shall be adopted in accordance with 11358
Chapter 119. of the Revised Code and may specify any or all of the 11359
following: 11360

(1) Procedures for providing long-term care consultations 11361
pursuant to this section; 11362

(2) Information to be provided through long-term care 11363
consultations regarding long-term care services that are 11364
available; 11365

(3) Criteria and procedures to be used to identify and 11366
recommend appropriate service options for an individual receiving 11367
a long-term care consultation; 11368

(4) Criteria for exempting individuals from the long-term 11369
care consultation requirement; 11370

(5) Circumstances under which it may be appropriate to 11371
provide an individual's long-term care consultation after the 11372
individual's admission to a nursing facility rather than before 11373
admission; 11374

(6) Criteria for identifying nursing facility residents who 11375

would benefit from the provision of a long-term care consultation; 11376

(7) A description of the types of information from a nursing 11377
facility that is needed under the long-term care consultation 11378
program to assist a resident with relocation from the facility; 11379

(8) Standards to prevent conflicts of interest relative to 11380
the referrals made by a person who performs a long-term care 11381
consultation, including standards that prohibit the person from 11382
being employed by a provider of long-term care services; 11383

(9) Procedures for providing notice and an opportunity for a 11384
hearing under division (N) of this section. 11385

(M) To assist the department and each program administrator 11386
with identifying individuals who are likely to benefit from a 11387
long-term care consultation, the department and program 11388
administrator may ask to be given access to nursing facility 11389
resident assessment data collected through the use of the resident 11390
assessment instrument specified in rules adopted under section 11391
5111.02 of the Revised Code for purposes of the medicaid program. 11392
Except when prohibited by state or federal law, the department of 11393
health, department of job and family services, or nursing facility 11394
holding the data shall grant access to the data on receipt of the 11395
request from the department of aging or program administrator. 11396

(N)(1) The director of aging, after providing notice and an 11397
opportunity for a hearing, may fine a nursing facility an amount 11398
determined by rules the director shall adopt in accordance with 11399
Chapter 119. of the Revised Code for any of the following reasons: 11400

(a) The nursing facility admits an individual, without 11401
evidence that a long-term care consultation has been provided, as 11402
required by this section; 11403

(b) The nursing facility denies a person attempting to 11404
provide a long-term care consultation access to the facility or a 11405
resident of the facility; 11406

(c) The nursing facility denies the department of aging or program administrator access to the facility or a resident of the facility, as the department or administrator considers necessary to administer the program.

(2) In accordance with section 5111.62 of the Revised Code, all fines collected under division (N)(1) of this section shall be deposited into the state treasury to the credit of the residents protection fund.

Sec. 173.45. As used in this section and in sections 173.46 to 173.49 of the Revised Code:

(A) "~~Adult care Residential~~ facility" ~~has the same meaning as in~~ means a residential facility licensed under section 5119.70 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(B) "Community-based long-term care services" has the same meaning as in section 173.14 of the Revised Code.

(C) "Long-term care facility" means a nursing home or residential care facility.

(D) "Nursing home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code.

(E) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

Sec. 173.46. (A) The department of aging shall develop and publish a guide to long-term care facilities for use by individuals considering long-term care facility admission and their families, friends, and advisors. The guide, which shall be titled the Ohio long-term care consumer guide, may be published in printed form or in electronic form for distribution over the

internet. The guide may be developed as a continuation or 11436
modification of the guide published by the department prior to 11437
September 29, 2005, under rules adopted under section 173.02 of 11438
the Revised Code. 11439

(B) The Ohio long-term care consumer guide shall include 11440
information on each long-term care facility in this state. For 11441
each facility, the guide shall include the following information, 11442
as applicable to the facility: 11443

(1) Information regarding the facility's compliance with 11444
state statutes and rules and federal statutes and regulations; 11445

(2) Information generated by the centers for medicare and 11446
medicaid services of the United States department of health and 11447
human services from the quality measures developed as part of its 11448
nursing home quality initiative; 11449

(3) Results of the customer satisfaction surveys conducted 11450
under section 173.47 of the Revised Code; 11451

(4) Any other information the department specifies in rules 11452
adopted under section 173.49 of the Revised Code. 11453

(C) The Ohio long-term care consumer guide may include 11454
information on ~~adult care~~ residential facilities and providers of 11455
community-based long-term care services. The department may adopt 11456
rules under section 173.49 of the Revised Code to specify the 11457
information to be included in the guide pursuant to this division. 11458

Sec. 184.02. (A) In addition to the powers and duties under 11459
sections 121.22, 122.15 to 122.154, 122.28, 122.30 to 122.36, 11460
184.10 to 184.20, and 184.37 of the Revised Code, the third 11461
frontier commission may perform any act to ensure the performance 11462
of any function necessary or appropriate to carry out the purposes 11463
of, and exercise the powers granted under, sections 184.01 and 11464
184.02 of the Revised Code. In addition, the commission may do any 11465

of the following: 11466

(1) Adopt, amend, and rescind rules under section 111.15 of 11467
the Revised Code for the administration of any aspect of its 11468
operations; 11469

(2) Adopt bylaws governing its operations, including bylaws 11470
that establish procedures and set policies as may be necessary to 11471
assist with the furtherance of its purposes; 11472

(3) Appoint and set the compensation of employees needed to 11473
carry out its duties; 11474

(4) Contract with, retain the services of, or designate, and 11475
fix the compensation of, such financial consultants, accountants, 11476
other consultants and advisors, and other independent contractors 11477
as may be necessary or desirable to carry out its duties; 11478

(5) Solicit input and comments from the third frontier 11479
advisory board, and specialized industry, professional, and other 11480
relevant interest groups concerning its purposes; 11481

(6) Facilitate alignment of the state's science and 11482
technology programs and activities; 11483

(7) Make grants and loans to individuals, public agencies, 11484
private companies or organizations, or joint ventures for any of 11485
the broad range of activities related to its purposes. 11486

(B) In addition to the powers and duties under sections 11487
184.10 to 184.20 and 184.37 of the Revised Code, the commission 11488
shall do all of the following: 11489

(1) Establish a competitive process for the award of grants 11490
and loans that is designed to fund the most meritorious proposals 11491
and, when appropriate, provide for peer review of proposals; 11492

(2) Within ninety days after the end of each fiscal year, 11493
submit to the governor and the general assembly a report of the 11494

activities of the commission during the preceding fiscal year; 11495

(3) With specific application to the biomedical research and 11496
technology transfer trust fund, periodically make strategic 11497
assessments of the types of state investments in biomedical 11498
research and biotechnology in the state that would likely create 11499
jobs and business opportunities in the state and produce the most 11500
beneficial long-term improvements to the public health of Ohioans, 11501
including, but not limited to, biomedical research and 11502
biotechnology initiatives that address tobacco-related illnesses 11503
as may be outlined in any master agreement. The commission shall 11504
award grants and loans from the fund pursuant to a process 11505
established under division (B)(1) of this section. 11506

Sec. 191.01. As used in this chapter: 11507

(A) "Business associate," "covered entity," "health plan," 11508
"individually identifiable health information," and "protected 11509
health information" have the same meanings as in 45 C.F.R. 11510
160.103. 11511

(B) "Executive director of the office of health 11512
transformation" or "executive director" means the executive 11513
director of the office of health transformation or the chief 11514
administrative officer of a successor governmental entity 11515
responsible for health system oversight in this state. 11516

(C) "Government program providing public benefits" means any 11517
program administered by a state agency that has been identified, 11518
pursuant to section 191.02 of the Revised Code, by the executive 11519
director of the office of health transformation in consultation 11520
with the individuals specified in that section. 11521

(D) "Office of health transformation" means the office of 11522
health transformation created by executive order 2011-02K. 11523

(E) "Operating protocol" means a protocol adopted by the 11524

executive director of the office of health transformation or the 11525
executive director's designee under division (D) of section 191.06 11526
of the Revised Code. 11527

(F) "Participating agency" means a state agency that 11528
participates in a health transformation initiative as specified in 11529
the one or more operating protocols adopted for the initiative 11530
under division (D) of section 191.06 of the Revised Code. 11531

(G) "Personally identifiable information" means information 11532
that meets both of the following criteria: 11533

(1) It identifies an individual or there is a reasonable 11534
basis to believe that it may be used to identify an individual; 11535

(2) It relates to an individual's eligibility for, 11536
application for, or receipt of public benefits from a government 11537
program providing public benefits. 11538

(H) "State agency" means each of the following: 11539

(1) The department of aging; 11540

(2) The department of alcohol and drug addiction services; 11541

(3) The department of development; 11542

(4) The department of developmental disabilities; 11543

(5) The department of education; 11544

(6) The department of health; 11545

(7) The department of insurance; 11546

(8) The department of job and family services; 11547

(9) The department of mental health; 11548

(10) The department of rehabilitation and correction; 11549

(11) The department of taxation; 11550

(12) The department of veterans services; 11551

<u>(13) The department of youth services.</u>	11552
<u>(I) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.</u>	11553
<u>Sec. 191.02. The executive director of the office of health transformation, in consultation with all of the following individuals, shall identify each government program administered by a state agency that is to be considered a government program providing public benefits for purposes of section 191.04 of the Revised Code:</u>	11554
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<u>(A) The director of aging;</u>	11560
<u>(B) The director of alcohol and drug addiction services;</u>	11561
<u>(C) The director of development;</u>	11562
<u>(D) The director of developmental disabilities;</u>	11563
<u>(E) The director of health;</u>	11564
<u>(F) The director job and family services;</u>	11565
<u>(G) The director of mental health;</u>	11566
<u>(H) The director of rehabilitation and correction;</u>	11567
<u>(I) The director of veterans services;</u>	11568
<u>(J) The director of youth services;</u>	11569
<u>(K) The administrator of the rehabilitation services commission;</u>	11570
	11571
<u>(L) The administrator of workers' compensation;</u>	11572
<u>(M) The superintendent of insurance;</u>	11573
<u>(N) The superintendent of public instruction;</u>	11574
<u>(O) The tax commissioner.</u>	11575
<u>Sec. 191.04. (A) In accordance with federal laws governing the confidentiality of individually identifiable health</u>	11576
	11577

information, including the "Health Insurance Portability and 11578
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 11579
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 11580
by the United States department of health and human services to 11581
implement the act, a state agency may exchange protected health 11582
information with another state agency relating to eligibility for 11583
or enrollment in a health plan or relating to participation in a 11584
government program providing public benefits if the exchange of 11585
information is necessary for either or both of the following: 11586

(1) Operating a health plan; 11587

(2) Coordinating, or improving the administration or 11588
management of, the health care-related functions of at least one 11589
government program providing public benefits. 11590

(B) For fiscal year 2013 only, a state agency also may 11591
exchange personally identifiable information with another state 11592
agency for purposes related to and in support of a health 11593
transformation initiative identified by the executive director of 11594
the office of health transformation pursuant to division (C) of 11595
section 191.06 of the Revised Code. 11596

(C) With respect to a state agency that uses or discloses 11597
personally identifiable information, all of the following 11598
conditions apply: 11599

(1) The state agency shall use or disclose the information 11600
only as permitted or required by state and federal law. In 11601
addition, if the information is obtained during fiscal year 2013 11602
from an exchange of personally identifiable information permitted 11603
under division (B) of this section, the agency shall also use or 11604
disclose the information in accordance with all operating 11605
protocols that apply to the use or disclosure. 11606

(2) If the state agency is a state agency other than the 11607

department of job and family services and it uses or discloses 11608
protected health information relating to a medicaid recipient, the 11609
agency shall comply with all state and federal laws that apply to 11610
the department of job and family services when that department, as 11611
the state's single state agency to supervise the medicaid program 11612
as specified in section 5111.01 of the Revised Code, uses or 11613
discloses protected health information. 11614

(3) A state agency shall implement administrative, physical, 11615
and technical safeguards for the purpose of protecting the 11616
confidentiality, integrity, and availability of personally 11617
identifiable information the creation, receipt, maintenance, or 11618
transmittal of which is affected or governed by an operating 11619
protocol. 11620

(4) If a state agency discovers an unauthorized use or 11621
disclosure of unsecured protected health information or unsecured 11622
individually identifiable health information, the state agency 11623
shall, not later than seventy-two hours after the discovery, do 11624
all of the following: 11625

(a) Identify the individuals who are the subject of the 11626
protected health information or individually identifiable health 11627
information; 11628

(b) Report the discovery and the names of all individuals 11629
identified pursuant to division (C)(4)(a) of this section to all 11630
other state agencies and the executive director of the office of 11631
health transformation or the executive director's designee; 11632

(c) Mitigate, to the extent reasonably possible, any 11633
potential adverse effects of the unauthorized use of disclosure. 11634

(5) A state agency shall make available to the executive 11635
director of the office of health transformation or the executive 11636
director's designee, and to any other state or federal 11637
governmental entity required by law to have access on that 11638

entity's request, all internal practices, records, and 11639
documentation relating to personally identifiable information it 11640
receives, uses, or discloses that is affected or governed by an 11641
operating protocol. 11642

(6) On termination or expiration of an operating protocol and 11643
if feasible, a state agency shall return or destroy all personally 11644
identifiable information received directly from or received on 11645
behalf of another state agency. If the personally identifiable 11646
information is not returned or destroyed, the state agency 11647
maintaining the information shall extend the protections set forth 11648
in this section for as long as it is maintained. 11649

(7) If a state agency enters into a subcontract or, when 11650
required by 45 C.F.R. 164.502(e)(2), a business associate 11651
agreement, the subcontract or business associate agreement shall 11652
require the subcontractor or business associate to comply with the 11653
terms of this section as if the subcontractor or business 11654
associate were a state agency. 11655

Sec. 191.06. (A) The provisions of this section shall apply 11656
only for fiscal year 2013. 11657

(B) The executive director of the office of health 11658
transformation or the executive director's designee may facilitate 11659
the coordination of operations and exchange of information between 11660
state agencies. The purpose of the executive director's authority 11661
under this section is to support agency collaboration for health 11662
transformation purposes, including modernization of the medicaid 11663
program, streamlining of health and human services programs in 11664
this state, and improving the quality, continuity, and efficiency 11665
of health care and health care support systems in this state. 11666

(C) In furtherance of the authority of the executive director 11667
of the office of health transformation under division (B) of this 11668
section, the executive director or the executive director's 11669

designee shall identify each health transformation initiative in this state that involves the participation of two or more state agencies and that permits or requires an interagency agreement to be entered into for purposes of specifying each participating agency's role in coordinating, operating, or funding the initiative, or facilitating the exchange of data or other information for the initiative. The executive director shall publish a list of the identified health transformation initiatives on the internet web site maintained by the office of health transformation. 11670
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(D) For each health transformation initiative that is identified under division (C) of this section, the executive director or the executive director's designee shall, in consultation with each participating agency, adopt one or more operating protocols. Notwithstanding any law enacted by the general assembly or rule adopted by a state agency, the provisions in a protocol shall supersede any provisions in an interagency agreement, including an interagency agreement entered into under section 5101.10 or 5111.91 of the Revised Code, that differ from the provisions of the protocol. 11680
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(E)(1) An operating protocol adopted under division (D) of this section shall include both of the following: 11690
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(a) All terms necessary to meet the requirements of "other arrangements" between a covered entity and a business associate that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 11692
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(b) If known, the date on which the protocol will terminate or expire. 11695
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(2) In addition, a protocol may specify the extent to which each participating agency is responsible and accountable for completing the tasks necessary for successful completion of the initiative, including tasks relating to the following components 11697
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11700

of the initiative: 11701

(a) Workflow; 11702

(b) Funding; 11703

(c) Exchange of data or other information that is 11704
confidential pursuant to state or federal law. 11705

(F) An operating protocol adopted under division (D) of this 11706
section shall have the same force and effect as an interagency 11707
agreement or data sharing agreement, and each participating agency 11708
shall comply with it. 11709

(G) The director of job and family services shall determine 11710
whether a waiver of federal medicaid requirements or a medicaid 11711
state plan amendment is necessary to fulfill the requirements of 11712
this section. If the director determines a waiver or medicaid 11713
state plan amendment is necessary, the director shall apply to the 11714
United States secretary of health and human services for the 11715
waiver or amendment. 11716

~~Sec. 305.171. The following applies until the department of~~ 11717
~~administrative services implements for counties the health care~~ 11718
~~plans under section 9.901 of the Revised Code. If those plans do~~ 11719
~~not include or address any benefits listed in division (A) of this~~ 11720
~~section, the following provisions continue in effect for those~~ 11721
~~benefits.~~ 11722

(A) The board of county commissioners of any county may 11723
contract for, purchase, or otherwise procure and pay all or any 11724
part of the cost of any of the following insurance, coverage, or 11725
benefits issued by an insurance company or administered by a board 11726
of county commissioners or a contractor, for county officers and 11727
employees and their immediate dependents from the funds or budgets 11728
from which the county officers or employees are compensated for 11729
services: 11730

(1) Group insurance policies that may provide any of the	11731
following:	11732
(a) Benefits including, but not limited to, hospitalization,	11733
surgical care, major medical care, disability, dental care, eye	11734
care, medical care, hearing aids, or prescription drugs;	11735
(b) Sickness and accident insurance;	11736
(c) Group legal services;	11737
(d) Group life insurance.	11738
(2) Any other qualified benefit available under section 125	11739
of the "Internal Revenue Code of 1986," 26 U.S.C. 125;	11740
(3) A health and wellness benefit program through which the	11741
county provides a benefit or incentive to county officers,	11742
employees, and their immediate dependents to maintain a healthy	11743
lifestyle, including, but not limited to, programs to encourage	11744
healthy eating and nutrition, exercise and physical activity,	11745
weight control or the elimination of obesity, and cessation of	11746
smoking or alcohol use.	11747
(4) Any combination of any of the foregoing types of	11748
insurance, coverage, or benefits.	11749
(B) The board of county commissioners also may negotiate and	11750
contract for any plan or plans of health care services with health	11751
insuring corporations holding a certificate of authority under	11752
Chapter 1751. of the Revised Code, provided that each county	11753
officer or employee shall be permitted to do both of the	11754
following:	11755
(1) Exercise an option between a plan offered by an insurance	11756
company and a plan or plans offered by health insuring	11757
corporations under this division, on the condition that the county	11758
officer or employee shall pay any amount by which the cost of the	11759
plan chosen by the county officer or employee pursuant to this	11760

division exceeds the cost of the plan offered under division (A) 11761
of this section; 11762

(2) Change from one of the plans to another at a time each 11763
year as determined by the board. 11764

(C) Section 307.86 of the Revised Code does not apply to the 11765
purchase of benefits for county officers or employees under 11766
divisions (A) and (B) of this section when those benefits are 11767
provided through a jointly administered health and welfare trust 11768
fund in which the county or contracting authority and a collective 11769
bargaining representative of the county employees or contracting 11770
authority agree to participate. 11771

(D) The board of trustees of a jointly administered trust 11772
fund that receives contributions pursuant to collective bargaining 11773
agreements entered into between the board of county commissioners 11774
of any county and a collective bargaining representative of the 11775
employees of the county may provide for self-insurance of all risk 11776
in the provision of fringe benefits, and may provide through the 11777
self-insurance method specific fringe benefits as authorized by 11778
the rules of the board of trustees of the jointly administered 11779
trust fund. The fringe benefits may include, but are not limited 11780
to, hospitalization, surgical care, major medical care, 11781
disability, dental care, vision care, medical care, hearing aids, 11782
prescription drugs, group life insurance, sickness and accident 11783
insurance, group legal services, or a combination of any of the 11784
foregoing types of insurance or coverage, for county employees and 11785
their dependents. 11786

(E) The board of county commissioners may provide the 11787
benefits described in divisions (A) to (D) of this section through 11788
an individual self-insurance program or a joint self-insurance 11789
program as provided in section 9.833 of the Revised Code. 11790

(F) When a board of county commissioners offers benefits 11791

authorized under this section to a county officer or employee, the 11792
board may offer the benefits through a cafeteria plan meeting the 11793
requirements of section 125 of the "Internal Revenue Code of 11794
1986," 100 Stat. 2085, 26 U.S.C.A. 125, as amended, and, as part 11795
of that plan, may offer the county officer or employee the option 11796
of receiving a cash payment in any form permissible under such 11797
cafeteria plans. A cash payment made to a county officer or 11798
employee under this division shall not exceed twenty-five per cent 11799
of the cost of premiums or payments that otherwise would be paid 11800
by the board for benefits for the county officer or employee under 11801
a policy or plan. 11802

(G) The board of county commissioners may establish a policy 11803
authorizing any county appointing authority to make a cash payment 11804
to any county officer or employee in lieu of providing a benefit 11805
authorized under this section if the county officer or employee 11806
elects to take the cash payment instead of the offered benefit. A 11807
cash payment made to a county officer or employee under this 11808
division shall not exceed twenty-five per cent of the cost of 11809
premiums or payments that otherwise would be paid by the board for 11810
benefits for the county officer or employee under an offered 11811
policy or plan. 11812

(H) No cash payment in lieu of a health benefit shall be made 11813
to a county officer or employee under division (F) or (G) of this 11814
section unless the county officer or employee signs a statement 11815
affirming that the county officer or employee is covered under 11816
another health insurance or health care policy, contract, or plan, 11817
and setting forth the name of the employer, if any, that sponsors 11818
the coverage, the name of the carrier that provides the coverage, 11819
and the identifying number of the policy, contract, or plan. 11820

(I) The legislative authority of a county-operated municipal 11821
court, after consultation with the judges, or the clerk and deputy 11822
clerks, of the municipal court, shall negotiate and contract for, 11823

purchase, or otherwise procure, and pay the costs, premiums, or 11824
charges for, group health care coverage for the judges, and group 11825
health care coverage for the clerk and deputy clerks, in 11826
accordance with section 1901.111 or 1901.312 of the Revised Code. 11827

(J) As used in this section: 11828

(1) "County officer or employee" includes, but is not limited 11829
to, a member or employee of the county board of elections. 11830

(2) "County-operated municipal court" and "legislative 11831
authority" have the same meanings as in section 1901.03 of the 11832
Revised Code. 11833

(3) "Health care coverage" has the same meaning as in section 11834
1901.111 of the Revised Code. 11835

Sec. 306.04. (A) Except as otherwise provided in division (B) 11836
of this section, employees of a county transit board or a board of 11837
county commissioners operating a transit system are employees of 11838
the county. If the system is operated by the board of county 11839
commissioners, the board shall appoint an executive director, who 11840
shall be in the unclassified service. 11841

(B) Any county transit board that established its own civil 11842
service organization and procedure prior to ~~the effective date of~~ 11843
~~this amendment~~ October 25, 1995, shall continue to operate under 11844
that organization. Appointments and promotions in that system 11845
shall be made, as far as practicable, by competitive examination. 11846

A board that established its own civil service organization 11847
prior to ~~the effective date of this amendment~~ October 25, 1995, 11848
shall establish by rule the seniority provisions relating to 11849
street railway and motor bus employees in effect at the time of 11850
the acquisition of the transit system by the county. The vacation, 11851
holiday, and sick leave privileges shall not be regulated by other 11852
provisions of law relating to public employees of the state or 11853

county, except that the transit board, its officers and employees, 11854
shall be subject to the public employees retirement system of the 11855
state and the transit board shall assume any pension obligations 11856
which have been assumed by any publicly owned transit system which 11857
the county may acquire. 11858

(C) A county transit board or board of county commissioners 11859
operating a transit system may: 11860

(1) Acquire in its name by gift, grant, purchase, or 11861
condemnation and hold and operate real estate and interests 11862
therein and personal property suitable for its purposes; 11863

(2) In its name purchase, acquire, construct, enlarge, 11864
improve, equip, repair, maintain, sell, exchange, lease as lessee 11865
or lessor, receive a right of use of, and manage, control, and 11866
operate, in or out of the county, a county transit system 11867
consisting of all real estate and interests therein, personal 11868
property, and a combination thereof, for or related to the 11869
movement of persons including but not limited to street railway, 11870
tramline, subways, rapid transits, monorails, and passenger bus 11871
systems but excluding therefrom trucks, the movement of property 11872
by truck, and facilities designed for use in the movement of 11873
property by truck for hire; 11874

(3) Issue, with the approval of the county commissioners when 11875
the issuance is made by the transit board, revenue bonds of the 11876
county as provided in division (B) of section 306.09 of the 11877
Revised Code, to secure funds to accomplish its purposes. The 11878
principal of and interest on such bonds, together with all other 11879
payments required to be made by the trust agreement or indenture 11880
securing such bonds, shall be paid solely from revenues or other 11881
income accruing to the board from facilities of the county transit 11882
system designated in said agreement or indenture. 11883

(4) Enter into contracts in the exercise of the rights, 11884

powers, and duties conferred upon it, and execute all instruments 11885
necessary in the conduct of its business; 11886

(5) Fix, alter, and charge rates and other charges for the 11887
use of its real estate and interests therein, personal property, 11888
and combinations thereof; 11889

(6) Employ such financial consultants, accountants, 11890
appraisers, consulting engineers, architects, construction 11891
experts, attorneys-at-law, managers and other supervisory 11892
personnel, and other officers, employees, and agents as it 11893
determines necessary to conduct its business, and fix their 11894
compensation and duties; 11895

(7) Pledge, hypothecate, or otherwise encumber its revenues 11896
and other income as security for its obligations and enter into 11897
trust agreements or indentures for the benefit of revenue 11898
bondholders; 11899

(8) Borrow money or accept or contract to accept advances, 11900
loans, gifts, grants, devises, or bequests from and enter into 11901
contracts or agreements with any federal, state, or other 11902
governmental or private source and hold and apply advances, loans, 11903
gifts, grants, devises, or bequests according to the terms thereof 11904
including provisions which are required by such federal, state, or 11905
other governmental or private source to protect the interest of 11906
employees affected by such advances, loans, gifts, grants, 11907
devises, or bequests. Such advances, loans, gifts, grants, or 11908
devises may be subject to any reasonable reservation and any gift, 11909
grant, or devise or real estate may be in fee simple or any lesser 11910
estate. Any advances or loans received from any federal, state, or 11911
other governmental or private source may be repaid in accordance 11912
with the terms of such advance or loan. 11913

(9) Conduct investigations and surveys into the needs of the 11914
public within or without the county for transportation services to 11915

provide for the movement of persons within, into, or from the area 11916
serviced or to be serviced by the county transit system; 11917

(10) Enter into lawful arrangements with the appropriate 11918
federal or state department or agency, county, township, municipal 11919
corporation, or other political subdivision or public agency for 11920
the planning and installation of any public facilities which are 11921
determined necessary in the conduct of its business; 11922

(11) Purchase fire, extended coverage, and liability 11923
insurance for the real estate and interests therein, personal 11924
property and any combination thereof, used by or in connection 11925
with the county transit system and insurance covering the board 11926
and the county transit system and its officers and employees for 11927
liability for damage or injury to persons or property; 11928

(12) Procure and pay all or any part of the cost of group 11929
hospitalization, surgical, major medical, or sickness and accident 11930
insurance, or a combination thereof, for the officers and 11931
employees of the county transit system and their immediate 11932
dependents, issued by an insurance company, duly authorized to do 11933
business in this state; 11934

(13) Sell, lease, release, or otherwise dispose of real 11935
estate or interests therein or personal property owned by it and 11936
grant such easements across its real estate and interests therein 11937
as will not interfere with its use by the county transit system; 11938

(14) Establish rules for the use and operation of the county 11939
transit system including the real estate or interests therein, 11940
personal property or a combination of the foregoing used by or in 11941
connection with such system; 11942

(15) Exercise the power of eminent domain to appropriate any 11943
real estate or interests therein, personal property, franchises, 11944
or any combination thereof, within or without the county, 11945
necessary or proper in the exercise of its powers provided in 11946

sections 306.01 to 306.13 of the Revised Code, as provided in 11947
sections 163.01 to 163.22 of the Revised Code, and subject to 11948
divisions (15)(a), (b), and (c) of this section, provided that a 11949
county transit board or a board of county commissioners operating 11950
a transit system shall not proceed to so appropriate real property 11951
outside its territorial boundaries, until it has served at the 11952
office of the county commissioners of the county in which it is 11953
proposed to appropriate real property, a notice describing the 11954
real property to be taken and the purpose for which it is proposed 11955
to be taken, and such county commissioners have entered on their 11956
journal within thirty days after such service a resolution 11957
approving such appropriation; 11958

(a) Nothing contained in this division authorizes a county 11959
transit board or a board of county commissioners to appropriate 11960
any land, rights, rights-of-way, franchises, or easements 11961
belonging to the state or to a municipal corporation without the 11962
consent of the state or of the municipal corporation, and no 11963
county transit board or board of county commissioners shall 11964
exercise the right of eminent domain to acquire any certificate of 11965
public convenience and necessity, or any part thereof, issued to a 11966
for-hire motor transportation company carrier by the public 11967
utilities commission of Ohio or by the ~~interstate commerce~~ 11968
~~commission~~ federal motor carrier safety administration of the 11969
United States, or to take or disturb other real estate or 11970
interests therein, personal property, or any combination thereof 11971
belonging to any municipal corporation without the consent of the 11972
legislative authority of such municipal corporation, or take or 11973
disturb real estate or interests therein, personal property, or 11974
any combination thereof belonging to any other political 11975
subdivision, public corporation, public utility, or common 11976
carrier, which is necessary and convenient in the operation of 11977
such political subdivision, public corporation, public utility, or 11978
common carrier unless provision is made for the restoration, 11979

relocation, or duplication of that taken or upon the election of 11980
such political subdivision, public corporation, public utility, or 11981
common carrier for the payment of compensation, if any, at the 11982
sole cost of the county transit system. 11983

(b) If any restoration or duplication proposed to be made 11984
under this division involves a relocation, the new location shall 11985
have at least comparable utilitarian value and effectiveness, and 11986
such relocation shall not impair the ability of the public utility 11987
or common carrier to compete in its original area of operation. 11988

(c) If such restoration or duplication proposed to be made 11989
under this division involves a relocation, the county transit 11990
board or board of county commissioners shall acquire no interest 11991
or right in or to the appropriated property or facility until the 11992
relocated property or facility is available for use and until 11993
marketable title thereto has been transferred to the political 11994
subdivision, public corporation, public utility, or common 11995
carrier. Nothing in this division shall require any board of 11996
county commissioners or county transit board operating a county 11997
transit system to so restore, relocate, or duplicate, if all of 11998
the real estate and interests therein, personal property, and any 11999
combination of the foregoing which is owned by a public utility or 12000
common carrier and used by it or in connection with the movement 12001
of persons, is acquired by exercise of the power of eminent 12002
domain. 12003

(16) When real property is acquired that is located outside 12004
the county and is removed from the tax duplicate, the county 12005
transit board or board of county commissioners operating a transit 12006
system shall pay annually to the county treasurer of the county in 12007
which that property is located, commencing with the first tax year 12008
in which that property is removed from the tax duplicate, an 12009
amount of money in lieu of taxes equal to the smaller of the 12010
following: 12011

(a) The last annual installment of taxes due from the 12012
acquired property before removal from the tax duplicate; 12013

(b) An amount equal to the difference between the combined 12014
revenue from real estate taxes of all the taxing districts in 12015
which the property is located in the tax year immediately prior to 12016
the removal of the acquired property from the tax duplicate, and 12017
either: 12018

(i) The total revenue which would be produced by the tax rate 12019
of each such taxing district in the tax year immediately prior to 12020
the removal of the acquired property from the tax duplicate, 12021
applied to the real estate tax duplicate of each of such taxing 12022
districts in each tax year subsequent to the year of removal; or 12023

(ii) The combined revenue from real estate taxes of all such 12024
taxing districts in each tax year subsequent to the year of 12025
removal, whichever is the greater. 12026

The county transit board or board of county commissioners may 12027
be exempted from such payment by agreement of the affected taxing 12028
district or districts in the county in which the property is 12029
located. 12030

The county auditor of the county in which that property is 12031
located shall apportion each such annual payment to each taxing 12032
district as if the annual payment had been levied and collected as 12033
a tax. 12034

Those annual payments shall never again be made after they 12035
have ceased. 12036

(17) Sue or be sued, plead or be impleaded, and be held 12037
liable in any court of proper jurisdiction for damages received by 12038
reason of negligence, in the same manner and to the same extent as 12039
if the county transit system were privately operated, provided, 12040
that no funds of a county other than those of the county transit 12041
board or, if the transit system is operated by the board of county 12042

commissioners, other than those in the account for the county 12043
transit system created under division (C) of section 306.01 of the 12044
Revised Code, shall be available for the satisfaction of judgments 12045
rendered against that system; 12046

(18) Annually prepare and make available for public 12047
inspection a report in condensed form showing the financial 12048
results of the operation of the county transit system. For systems 12049
operated by a county transit board, copies of this report shall be 12050
furnished to the county commissioners as well as a monthly summary 12051
statement of revenues and expenses for the preceding month 12052
sufficient to show the exact financial condition of the county 12053
transit system as of the last day of the preceding month. 12054

(19) With the approval of the county commissioners when the 12055
action is taken by the transit board, and without competitive 12056
bidding, sell, lease, or grant the right of use of all or a 12057
portion of the county transit system to any other political 12058
subdivision, taxing district, or other public body or agency 12059
having the power to operate a transit system; 12060

(20) Enter into and supervise franchise agreements for the 12061
operation of a county transit system; 12062

(21) Accept the assignment of and then supervise an existing 12063
franchise agreement for the operation of a county transit system. 12064

Sec. 306.36. (A) The board of trustees of a regional transit 12065
authority may exercise the power of eminent domain to appropriate 12066
any land, rights, rights-of-way, franchise, power lines, 12067
easements, or other property, within or without the territorial 12068
boundaries of the regional transit authority, necessary or proper 12069
for the construction or efficient operation of any transit 12070
facility or access thereto under its jurisdiction pursuant to the 12071
procedure provided in sections 163.01 to 163.22, inclusive, of the 12072
Revised Code, and subject to division (B) of this section, 12073

provided that a regional transit authority shall not proceed to so appropriate real property outside its territorial boundaries, until it has served at the office of the county commissioners of the county in which it is proposed to appropriate real property, a notice describing the real property to be taken and the purpose for which it is proposed to be taken, and such county commissioners have entered on their journal within thirty days after such service a resolution approving such appropriation.

(B) Nothing contained in sections 306.30 to 306.53, inclusive, of the Revised Code authorizes a regional transit authority to appropriate any land, rights, rights-of-way, franchises, or easements belonging to the state or a municipal corporation without the consent of the state or municipal corporation, and no regional transit authority shall exercise the right of eminent domain to acquire any certificate of public convenience and necessity, or any part thereof, issued to a for-hire motor transportation company carrier by the public utilities commission of Ohio or by the ~~interstate commerce commission of the United States~~ federal motor carrier safety administration, or to take or disturb other property or facilities belonging to any political subdivision, public corporation, public utility, or common carrier, which property or facility is necessary and convenient in the operation of such political subdivision, public corporation, public utility, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facility, or upon the election of such political subdivision, public corporation, public utility, or common carrier, for the payment of compensation, if any, at the sole cost of the regional transit authority, provided:

(1) If any restoration or duplication of any property or facility proposed to be made under this division involves a relocation of such property or facility the new facility and

location thereof shall be of at least comparable utilitarian value 12106
and effectiveness and such relocation shall not impair the ability 12107
of the public utility or common carrier to compete in its original 12108
area of operation. 12109

(2) If any restoration or duplication of any property or 12110
facility proposed to be made under this division involves a 12111
relocation of such property or facility, the regional transit 12112
authority shall acquire no interest or right in or to the 12113
appropriated property or facility until the relocated property or 12114
facility is available for use and until marketable title thereto 12115
has been transferred to the public utility or common carrier. 12116

(C) When real property is acquired which is located outside 12117
the territorial boundaries of the regional transit authority and 12118
which is removed from the tax duplicate, the regional transit 12119
authority shall pay annually to the county treasurer of the county 12120
in which such property is located, commencing with the first tax 12121
year in which such property is removed from the tax duplicate, an 12122
amount of money in lieu of taxes equal to the smaller of the 12123
following: 12124

(1) The last annual installment of taxes due from the 12125
acquired property before removal from the tax duplicate; 12126

(2) An amount equal to the difference between the combined 12127
revenue from real estate taxes of all the taxing districts in 12128
which such property is located in the tax year immediately prior 12129
to the removal of such acquired property from the tax duplicate, 12130
and either: 12131

(a) The total revenue which would be produced by the tax rate 12132
of each such taxing district in the tax year immediately prior to 12133
the removal of such acquired property from the tax duplicate, 12134
applied to the real estate tax duplicate of each of such taxing 12135
districts in each tax year subsequent to the year of removal; or 12136

(b) The combined revenue from real estate taxes of all such taxing districts in each tax year subsequent to the year of removal, whichever is the greater.

The county auditor of each county in which such property is located shall apportion each such annual payment to each taxing district as if such annual payment has been levied and collected as a tax.

Such annual payments shall never again be made after they have ceased.

The regional transit authority may be exempted from such payment by agreement of the affected taxing district or districts in the county in which such property is located.

Sec. 307.05. As used in this section, "emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

A board of county commissioners may operate an ambulance service organization or emergency medical service organization, or, in counties with a population of forty thousand or less, may operate a nonemergency patient transport service organization, or may enter into a contract with one or more counties, townships, municipal corporations, nonprofit corporations, joint emergency medical services districts, fire and ambulance districts, or private ambulance owners, regardless of whether such counties, townships, municipal corporations, nonprofit corporations, joint emergency medical services districts, fire and ambulance districts, or private ambulance owners are located within or without the state, in order to furnish or obtain the services of ambulance service organizations, to furnish or obtain additional services from ambulance service organizations in times of emergency, to furnish or obtain the services of emergency medical service organizations, or, in counties with a population of forty

thousand or less, to furnish or obtain services of nonemergency 12168
patient transport service organizations, or may enter into a 12169
contract with any such entity to furnish or obtain the interchange 12170
of services from ambulance or emergency medical service 12171
organizations, or, within counties with a population of forty 12172
thousand or less, to furnish or obtain the interchange of services 12173
from nonemergency patient transport service organizations, within 12174
the territories of the contracting subdivisions. Except in the 12175
case of a contract with a joint emergency medical services 12176
district to obtain the services of emergency medical service 12177
organizations, such contracts shall not be entered into with a 12178
public agency or nonprofit corporation that receives more than 12179
half of its operating funds from governmental entities with the 12180
intention of directly competing with the operation of other 12181
ambulance service organizations, nonemergency patient transport 12182
service organizations, or emergency medical service organizations 12183
in the county unless the public agency or nonprofit corporation is 12184
awarded the contract after submitting the lowest and best bid to 12185
the board of county commissioners. Any county wishing to commence 12186
operation of a nonemergency patient transport service organization 12187
or wishing to enter into a contract for the first time to furnish 12188
or obtain services from a nonemergency patient transport service 12189
organization on or after March 1, 1993, including a county in 12190
which a private provider has been providing the service, shall 12191
demonstrate the need for public funding for the service to, and 12192
obtain approval from, the state board of emergency medical and 12193
transportation services or its immediate successor board prior to 12194
operating or funding the organization. 12195

When such an organization is operated by the board, the 12196
organization may be administered by the board, by the county 12197
sheriff, or by another county officer or employee designated by 12198
the board. All rules, including the determining of reasonable 12199
rates, necessary for the establishment, operation, and maintenance 12200

of such an organization shall be adopted by the board. 12201

A contract for services of an ambulance service, nonemergency 12202
patient transport service, or emergency medical service 12203
organization shall include the terms, conditions, and stipulations 12204
as agreed to by the parties to the contract. It may provide for a 12205
fixed annual charge to be paid at the times agreed upon and 12206
stipulated in the contract, or for compensation based upon a 12207
stipulated price for each run, call, or emergency or the number of 12208
persons or pieces of apparatus employed, or the elapsed time of 12209
service required in such run, call, or emergency, or any 12210
combination thereof. 12211

Sec. 307.051. As used in this section, "emergency medical 12212
service organization" has the same meaning as in section 4766.01 12213
of the Revised Code. 12214

A board of county commissioners, by adoption of an 12215
appropriate resolution, may choose to have the ~~Ohio~~ state board of 12216
emergency medical and transportation ~~board~~ services license any 12217
emergency medical service organization it operates. If a board 12218
adopts such a resolution, Chapter 4766. of the Revised Code, 12219
except for sections 4766.06 and 4766.99 of the Revised Code, 12220
applies to the county emergency medical service organization. All 12221
rules adopted under the applicable sections of that chapter also 12222
apply to the organization. A board, by adoption of an appropriate 12223
resolution, may remove its emergency medical service organization 12224
from the jurisdiction of the ~~Ohio~~ state board of emergency medical 12225
and transportation ~~board~~ services. 12226

Sec. 307.055. (A) Subject to the terms and conditions of the 12227
joint resolution creating it, each joint emergency medical 12228
services district may furnish ambulance services and emergency 12229
medical services by one of the following methods: 12230

(1) By operating an emergency medical service organization as defined in section 4765.01 of the Revised Code; 12231
12232

(2) By contracting for the operation of one or more facilities pursuant to division (C) or (D) of this section; 12233
12234

(3) By providing necessary services and equipment to the district either directly or under a contract entered into pursuant to division (B) of this section; 12235
12236
12237

(4) By providing service through any combination of methods described in divisions (A)(1) to (3) of this section. 12238
12239

(B) In order to obtain ambulance service, to obtain additional ambulance service in times of emergency, or to obtain emergency medical services, a joint emergency medical services district may enter into a contract, for a period not to exceed three years, with one or more counties, townships, municipal corporations, joint fire districts, other governmental units that provide ambulance service or emergency medical services, nonprofit corporations, or private ambulance owners, regardless of whether the entities contracted with are located within or outside this state, upon such terms as are agreed to, to furnish or receive ambulance services or the interchange of ambulance services or emergency medical services within the several territories of the contracting subdivisions, if the contract is first authorized by all boards of trustees and legislative authorities in the territories to be served. 12240
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Such a contract may provide for a fixed annual charge to be paid at the times agreed upon and stipulated in the contract; or for compensation based on a stipulated price for each run, call, or emergency or based on the elapsed time of service required for each run, call, or emergency, or based on any combination of these. 12255
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Expenditures of a district for ambulance service or emergency 12261

medical service, whether pursuant to contract or otherwise, are 12262
lawful expenditures, regardless of whether the district or the 12263
party with which it contracts charges an additional fee to users 12264
of the service. 12265

(C) The board of trustees may enter into a contract with any 12266
person, municipal corporation, township, or other political 12267
subdivision, and any political subdivision may contract with the 12268
board, for the operation and maintenance of emergency medical 12269
services facilities regardless of whether the facilities used are 12270
owned or leased by the district, by another political subdivision, 12271
or by the contractor. 12272

(D) The district may purchase, lease, and maintain all 12273
materials, buildings, land, and equipment, including vehicles, the 12274
board considers necessary for the district. 12275

When the board finds, by resolution, that the district has 12276
personal property that is not needed for public use, or is 12277
obsolete or unfit for the use for which it was acquired, the board 12278
may dispose of the property in the same manner as provided in 12279
section 307.12 of the Revised Code. 12280

(E) Except in the case of a contract with a board of county 12281
commissioners for the provision of services of an emergency 12282
medical service organization, any contract entered into by a joint 12283
emergency medical services district shall conform to the same 12284
bidding requirements that apply to county contracts under sections 12285
307.86 to 307.92 of the Revised Code. 12286

(F) A county participating in a joint district may contribute 12287
any of its rights or interests in real or personal property, 12288
including money, and may contribute services to the district. Any 12289
such contributions shall be made by a written agreement between 12290
the contributing county and the district, specifying the 12291
contribution as well as the rights of the participating counties 12292

in the contributed property. Written agreements shall also be 12293
prepared specifying the rights of participating counties in 12294
property acquired by the district other than by contribution of a 12295
participating county. Written agreements required by this division 12296
may be amended only by written agreement of all parties to the 12297
original agreement. 12298

(G) A district's board of trustees, by adoption of an 12299
appropriate resolution, may choose to have the ~~Ohio~~ state board of 12300
emergency medical and transportation board services license any 12301
emergency medical service organization the district operates. If a 12302
board adopts such a resolution, Chapter 4766. of the Revised Code, 12303
except for sections 4766.06 and 4766.99 of the Revised Code, 12304
applies to the district emergency medical service organization. 12305
All rules adopted under the applicable sections of that chapter 12306
also apply to the organization. A board, by adoption of an 12307
appropriate resolution, may remove the district emergency medical 12308
service organization from the jurisdiction of the ~~Ohio~~ state board 12309
of emergency medical and transportation board services. 12310

Sec. 307.093. A board of county commissioners may enter into 12311
a sale and leaseback agreement under which the board agrees to 12312
convey a county-owned building to a purchaser who is obligated, 12313
immediately upon closing, to lease the building back to the 12314
county. The sale and leaseback agreement shall obligate the lessor 12315
to make improvements to the building, including renovations, 12316
energy conservation measures, and other measures that are 12317
necessary to improve the functionality and reduce the operating 12318
costs of the building. 12319

The authority granted by this section is not subject to the 12320
limitations imposed by sections 307.02 and 307.09 of the Revised 12321
Code. 12322

Sec. 309.09. (A) The prosecuting attorney shall be the legal 12323
adviser of the board of county commissioners, board of elections, 12324
all other county officers and boards, and all tax-supported public 12325
libraries, and any of them may require written opinions or 12326
instructions from the prosecuting attorney in matters connected 12327
with their official duties. The prosecuting attorney shall 12328
prosecute and defend all suits and actions that any such officer, 12329
board, or tax-supported public library directs or to which it is a 12330
party, and no county officer may employ any other counsel or 12331
attorney at the expense of the county, except as provided in 12332
section 305.14 of the Revised Code. The prosecuting attorney shall 12333
also defend all civil actions in the court of common pleas brought 12334
pursuant to division (B)(1) of section 2743.48 of the Revised 12335
Code. 12336

(B)(1) The prosecuting attorney shall be the legal adviser 12337
for all township officers, boards, and commissions, unless, 12338
subject to division (B)(2) of this section, the township has 12339
adopted a limited home rule government pursuant to Chapter 504. of 12340
the Revised Code and has not entered into a contract to have the 12341
prosecuting attorney serve as the township law director, in which 12342
case, subject to division (B)(2) of this section, the township law 12343
director, whether serving full-time or part-time, shall be the 12344
legal adviser for all township officers, boards, and commissions. 12345
When the board of township trustees finds it advisable or 12346
necessary to have additional legal counsel, it may employ an 12347
attorney other than the township law director or the prosecuting 12348
attorney of the county, either for a particular matter or on an 12349
annual basis, to represent the township and its officers, boards, 12350
and commissions in their official capacities and to advise them on 12351
legal matters. No such legal counsel may be employed, except on 12352
the order of the board of township trustees, duly entered upon its 12353
journal, in which the compensation to be paid for the legal 12354

services shall be fixed. The compensation shall be paid from the township fund.

Nothing in this division confers any of the powers or duties of a prosecuting attorney under section 309.08 of the Revised Code upon a township law director.

(2)(a) If any township in the county served by the prosecuting attorney has adopted any resolution regarding the operation of adult entertainment establishments pursuant to the authority that is granted under section 503.52 of the Revised Code or if a resolution of that nature has been adopted under section 503.53 of the Revised Code in a township in the county served by the prosecuting attorney, all of the following apply:

(i) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E)(1)(c) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township in the trial and argument in any court or tribunal of any challenge to the validity of the resolution. If the challenge to the validity of the resolution is before a federal court, the prosecuting attorney may request the attorney general to assist the prosecuting attorney in prosecuting and defending the challenge and, upon the prosecuting attorney's making of such a request, the attorney general shall assist the prosecuting attorney in performing that service if the resolution was drafted in accordance with legal guidance provided by the attorney general as described in division (B)(2) of section 503.52 of the Revised Code. The attorney general shall provide this assistance without charge to the township for which the service is performed. If a township adopts a resolution without the legal guidance of the attorney general, the attorney general is not required to provide assistance as described in this division to a prosecuting attorney.

(ii) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E)(1)(a) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township a civil action to enjoin the violation of the resolution in question.

(iii) Upon the request of a township in the county that has adopted, or in which has been adopted, a resolution of that nature that is made pursuant to division (E)(1)(b) of section 503.52 of the Revised Code, the prosecuting attorney shall prosecute and defend on behalf of the township a civil action under Chapter 3767. of the Revised Code to abate as a nuisance the place in the unincorporated area of the township at which the resolution is being or has been violated. Proceeds from the sale of personal property or contents seized pursuant to the action shall be applied and deposited in accordance with division (E)(1)(b) of section 503.52 of the Revised Code.

(b) The provisions of division (B)(2)(a) of this section apply regarding all townships, including townships that have adopted a limited home rule government pursuant to Chapter 504. of the Revised Code, and regardless of whether a township that has so adopted a limited home rule government has entered into a contract with the prosecuting attorney as described in division (B) of section 504.15 of the Revised Code or has appointed a law director as described in division (A) of that section.

The prosecuting attorney shall prosecute and defend in the actions and proceedings described in division (B)(2)(a) of this section without charge to the township for which the services are performed.

(C) Whenever the board of county commissioners employs an attorney other than the prosecuting attorney of the county, without the authorization of the court of common pleas as provided

in section 305.14 of the Revised Code, either for a particular 12419
matter or on an annual basis, to represent the board in its 12420
official capacity and to advise it on legal matters, the board 12421
shall enter upon its journal an order of the board in which the 12422
compensation to be paid for the legal services shall be fixed. The 12423
compensation shall be paid from the county general fund. The total 12424
compensation paid, in any year, by the board for legal services 12425
under this division shall not exceed the total annual compensation 12426
of the prosecuting attorney for that county. 12427

(D) The prosecuting attorney and the board of county 12428
commissioners jointly may contract with a board of park 12429
commissioners under section 1545.07 of the Revised Code for the 12430
prosecuting attorney to provide legal services to the park 12431
district the board of park commissioners operates. 12432

(E) The prosecuting attorney may be, in the prosecuting 12433
attorney's discretion and with the approval of the board of county 12434
commissioners, the legal adviser of a joint fire district created 12435
under section 505.371 of the Revised Code at no cost to the 12436
district or may be the legal adviser to the district under a 12437
contract that the prosecuting attorney and the district enter 12438
into, and that the board of county ~~commissioner~~ commissioners 12439
approves, to authorize the prosecuting attorney to provide legal 12440
services to the district. 12441

(F) The prosecuting attorney may be, in the prosecuting 12442
attorney's discretion and with the approval of the board of county 12443
commissioners, the legal adviser of a joint ambulance district 12444
created under section 505.71 of the Revised Code at no cost to the 12445
district or may be the legal adviser to the district under a 12446
contract that the prosecuting attorney and the district enter 12447
into, and that the board of county commissioners approves, to 12448
authorize the prosecuting attorney to provide legal services to 12449
the district. 12450

(G) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a joint emergency medical services district created under section 307.052 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(H) The prosecuting attorney may be, in the prosecuting attorney's discretion and with the approval of the board of county commissioners, the legal adviser of a fire and ambulance district created under section 505.375 of the Revised Code at no cost to the district or may be the legal adviser to the district under a contract that the prosecuting attorney and the district enter into, and that the board of county commissioners approves, to authorize the prosecuting attorney to provide legal services to the district.

(I) All money received pursuant to a contract entered into under division (D), (E), (F), (G), or (H) of this section shall be deposited into the prosecuting attorney's legal services fund, which shall be established in the county treasury of each county in which such a contract exists. Moneys in that fund may be appropriated only to the prosecuting attorney for the purpose of providing legal services to a park district, joint fire district, joint ambulance district, joint emergency medical services district, or a fire and ambulance district, as applicable, under a contract entered into under the applicable division.

Sec. 313.121. (A) As used in this section, "parent" means either parent, except that if one parent has been designated the residential parent and legal custodian of the child, "parent"

means the designated residential parent and legal custodian, and 12482
if a person other than a parent is the child's legal guardian, 12483
"parent" means the legal guardian. 12484

(B) If a child under two years of age dies suddenly when in 12485
apparent good health, the death shall be reported immediately to 12486
the coroner of the county in which the death occurred, as required 12487
by section 313.12 of the Revised Code. Except as provided in 12488
division (C) of this section, the coroner or deputy coroner shall 12489
perform an autopsy on the child. The autopsy shall be performed in 12490
accordance with ~~public health council~~ rules adopted by the 12491
director of health under section 313.122 of the Revised Code. The 12492
coroner or deputy coroner may perform research procedures and 12493
tests when performing the autopsy. 12494

(C) A coroner or deputy coroner is not required to perform an 12495
autopsy if the coroner of the county in which the death occurred 12496
or a court with jurisdiction over the deceased body determines 12497
under section 313.131 of the Revised Code that an autopsy is 12498
contrary to the religious beliefs of the child. If the coroner or 12499
the court makes such a determination, the coroner shall notify the 12500
health district or department of health with jurisdiction in the 12501
area in which the child's parent resides. For purposes of this 12502
division, the religious beliefs of the parents of a child shall be 12503
considered to be the religious beliefs of the child. 12504

(D) If the child's parent makes a written or verbal request 12505
for the preliminary results of the autopsy after the results are 12506
available, the coroner, or a person designated by ~~him~~ the coroner, 12507
shall give the parent an oral statement of the preliminary 12508
results. 12509

The coroner, within a reasonable time after the final results 12510
of the autopsy are reported, shall send written notice of the 12511
results to the state department of health, the health district or 12512
department with jurisdiction in the area in which the child's 12513

parent resides, and, upon the request of a parent of the child, to 12514
the child's attending physician. Upon the written request of a 12515
parent of the child and the payment of the transcript fee required 12516
by section 313.10 of the Revised Code, the coroner shall send 12517
written notice of the final results to that parent. The notice 12518
sent to the state department of health shall include all of the 12519
information specified ~~by rule of the public health council in~~ in 12520
rules adopted under section 313.122 of the Revised Code. 12521

(E) On the occurrence of any of the following, the health 12522
district or department with jurisdiction in the area in which the 12523
child's parent resides shall offer the parent any counseling or 12524
other supportive services it has available: 12525

(1) When it learns through any source that an autopsy is 12526
being performed on a child under two years of age who died 12527
suddenly when in apparent good health; 12528

(2) When it receives notice that the final result of an 12529
autopsy performed pursuant to this section concluded that the 12530
child died of sudden infant death syndrome; 12531

(3) When it is notified by the coroner that, pursuant to 12532
division (C) of this section, an autopsy was not performed. 12533

(F) When a health district or department receives notice that 12534
the final result of an autopsy performed pursuant to this section 12535
concluded that the child died of sudden infant death syndrome or 12536
that, pursuant to division (C) of this section, an autopsy was not 12537
performed but sudden infant death syndrome may have been the cause 12538
of death, it shall offer the child's parent information about 12539
sudden infant death syndrome. The state department of health shall 12540
ensure that current information on sudden infant death syndrome is 12541
available for distribution by health districts and departments. 12542

Sec. 313.122. The ~~public~~ director of health council, after 12543

reviewing and considering any recommendations made by the Ohio 12544
state coroners association, shall adopt rules in accordance with 12545
Chapter 119. of the Revised Code establishing a protocol governing 12546
the performance of autopsies under section 313.121 of the Revised 12547
Code. The rules shall specify the information derived from an 12548
autopsy that a coroner is required to report to the state 12549
department of health. The ~~public health council~~ director shall not 12550
amend the rules adopted under this section unless it notifies the 12551
Ohio state coroners association of the proposed changes and 12552
consults with the association. 12553

Sec. 313.16. In counties where no coroner's laboratory has 12554
been established or where the coroner's laboratory does not have 12555
the equipment or personnel to follow the protocol established ~~by~~ 12556
~~rule of~~ in rules adopted by the ~~public~~ director of health council 12557
~~adopted~~ under section 313.122 of the Revised Code, the coroner may 12558
request a coroner of a county in which such a laboratory is 12559
established or that has a laboratory able to follow the ~~public~~ 12560
~~health council's~~ director's protocol to perform necessary 12561
laboratory examinations, the cost of which shall be no greater 12562
than the actual value of the services of technicians and the 12563
materials used in performing such examination. Money derived from 12564
the fees paid for these examinations shall be kept in a special 12565
fund, for the use of the coroner's laboratory, from which fund 12566
replacements can be made. Such funds shall be used to purchase 12567
necessary supplies and equipment for the laboratory and to pay any 12568
associated costs incurred in the administration of this section at 12569
the coroner's discretion. 12570

Sec. 317.24. (A) As used in this section: 12571

(1) "Authorized party" means any of the following: 12572

(a) The person who is the subject of the record of discharge; 12573

(b) A county veterans service officer, ~~or an~~ who is certified 12574
by the department of veterans services; 12575

(c) An attorney-in-fact, agent, or other representative of 12576
the person who is the subject of the record of discharge, if 12577
authorized to inspect or copy the record of discharge by that 12578
person in a power of attorney or other document; 12579

~~(e)~~(d) A person authorized, for good cause shown, by a court 12580
of record to inspect or copy the record of discharge; 12581

~~(d)~~(e) If the person who is the subject of the record of 12582
discharge is deceased, the executor or administrator, or an heir, 12583
legatee, or devisee, of the person's estate or a funeral director 12584
who is to perform the funeral for the deceased person. 12585

(2) "Separation code" or "separation program number" means 12586
the coded number or numbers used to specify the reasons for a 12587
person's separation from active duty, as contained in one of the 12588
following: 12589

(a) Regarding a separation code, as contained in line 23 or 12590
26 of a veteran's discharge paper, United States department of 12591
defense form DD-214; 12592

(b) Regarding a separation program number, as contained in 12593
line 9(c) or line 11(c) of a veteran's discharge paper, under 12594
prior versions of United States department of defense form DD-214. 12595

(3) "Service-related document" means any United States 12596
department of defense form DD-215 or DD-220, or any National Guard 12597
Bureau form NGB-22 or NGB-22A. 12598

(B)(1) Upon request of any discharged member of the armed 12599
forces of the United States and presentation of the member's 12600
discharge, the county recorder shall record the discharge in a 12601
book to be furnished by the board of county commissioners for that 12602
purpose. There shall be no fee for the recording. The record of 12603

discharge, or a certified copy of the record, shall be received in 12604
evidence in all cases where the original discharge would be 12605
received. 12606

(2)(a) A discharge recorded under division (B)(1) or (D) of 12607
this section is not a public record under section 149.43 of the 12608
Revised Code for a period of seventy-five years after the date of 12609
the recording. During that period, the county recorder's office 12610
shall make the record of discharge available only to an authorized 12611
party or to a person other than an authorized party as provided by 12612
division (B)(2)(b) of this section. Except as provided in section 12613
317.27 of the Revised Code, the authorized party shall pay the 12614
reasonable costs of copying the record of discharge. 12615

(b) A person other than an authorized party may request to 12616
view or receive a copy of a discharge record recorded under 12617
division (B)(1) or (D) of this section. Upon such a person's 12618
request, the county recorder's office shall provide a copy of the 12619
discharged record to the person that shall be redacted to contain 12620
only the name, rank, date of birth, date of discharge, and type of 12621
discharge of the person who is the subject of the discharge 12622
record. Except as provided in section 317.27 of the Revised Code, 12623
a person other than an authorized party shall pay the reasonable 12624
costs of copying the record of discharge. 12625

(3) A county veterans service officer, who is an authorized 12626
party, may request to receive, from a county recorder's office, a 12627
record of discharge if the veterans service officer has a need for 12628
access to the record of discharge for the purpose of supporting a 12629
veteran's claim for benefits, and the county recorder's office 12630
shall make the record available to the county veterans service 12631
officer. 12632

(C) Upon application by a person whose discharge has been 12633
recorded pursuant to this section, the county recorder shall, 12634
without fee, expunge the person's record of discharge, expunge the 12635

person's separation program number or separation code from the 12636
person's record of discharge and from any of the person's other 12637
service-related documents that have been recorded, or expunge the 12638
person's social security number from the person's record of 12639
discharge and from any of the person's other service-related 12640
documents that have been recorded. The application shall be in the 12641
following form: 12642

"APPLICATION FOR EXPUNGEMENT 12643
OF DISCHARGE RECORD OR OTHER INFORMATION 12644

I, (Name of Applicant), the undersigned, 12645
hereby request the County Recorder of the County of 12646
(Name of County), state of Ohio, to expunge my (Insert 12647
Record of Discharge, Separation Program Number or Separation Code 12648
from my Record of Discharge and other service-related documents, 12649
or Social Security Number from my Record of Discharge and other 12650
service-related documents). 12651

Dated this day of, 12652

.....
(Signature of Applicant)

Sworn to and subscribed before me by (Name of 12653
Applicant) on, 12654

.....
Notary Public 12655

My commission expires," 12656

(D) Upon the request of any person who served during World 12657
War I or World War II as a member of any armed force of the 12658
government of Poland or Czechoslovakia and participated while so 12659
serving in armed conflict with an enemy of the United States and 12660
who has been a citizen of the United States for at least ten 12661
years, and the presentation of the person's discharge, the county 12662
recorder shall record the person's discharge in a book to be 12663
furnished by the board of county commissioners for that purpose. 12664

No fee shall be charged for the recording. The record, or a certified copy of it, shall be received in evidence in all cases where the original would be received.

Sec. 319.09. The county auditor, if authorized by a resolution of the board of county commissioners, may serve as the fiscal officer of any department, office, or agency of the county.

Sec. 319.59. (A)(1) Each county sealer of weights and measures shall appoint, by writing under ~~his~~ the county sealer's hand and seal, one or more inspectors, who shall compare weights and measures ~~wherever~~ wherever they are used or maintained for use within ~~his~~ the county sealer's county, or which are brought to the office of the county sealer for that purpose, with the copies of the standards in the possession of the county sealer. ~~Such inspectors~~ A county sealer may share the services of an inspector or inspectors appointed under this division with another county sealer, provided that the inspector remains a part-time employee of each county by whom the inspector is employed. If the inspector becomes a full-time employee of one county, the inspector's employment with the other county shall be terminated.

(2) In lieu of appointing or sharing inspectors under division (A)(1) of this section, the county sealer may enter into a contract with a private person to employ the person to perform the same services that an inspector appointed under this section would perform. Each person employed under this division shall meet the training and continuing education requirements established for weights and measures inspector personnel by the director of agriculture under Chapter 1327. of the Revised Code and under rules promulgated thereunder.

(B) Inspectors appointed under division (A)(1) of this section shall receive a salary fixed by the county sealer and

private persons employed under division (A)(2) of this section 12695
shall receive the compensation specified in the contract, to be 12696
paid by the county, which shall be instead of all fees or charges 12697
otherwise allowed by law. Such inspectors and private persons 12698
shall also be employed by the county sealer to assist in the 12699
prosecution of all violations of law relating to weights and 12700
measures. 12701

Sec. 321.49. A county treasurer who receives the fee required 12702
under division (K) of section 1509.06 of the Revised Code shall 12703
create in the county treasury an oil and gas escrow fund. The 12704
treasurer shall deposit any money received by the treasurer under 12705
that division into the fund. The treasurer shall notify the county 12706
auditor whenever the treasurer deposits money into the fund. 12707

Within ten days after receiving such a notice from the 12708
treasurer, the auditor shall schedule a hearing of the county 12709
budget commission and notify applicable taxing authorities as 12710
provided in section 5705.27 of the Revised Code. 12711

Sec. 329.01. In each county, except as provided in section 12712
329.40 of the Revised Code, there shall be a county department of 12713
job and family services which, when so established, shall be 12714
governed by this chapter. The department shall consist of a county 12715
director of job and family services appointed by the board of 12716
county commissioners, and such assistants and other employees as 12717
are necessary for the efficient performance of the functions of 12718
the county department. Before entering upon the discharge of the 12719
director's official duties, the director shall give a bond, 12720
conditioned for the faithful performance of those official duties, 12721
in such sum as fixed by the board. The director may require any 12722
assistant or employee under the director's jurisdiction to give a 12723
bond in such sum as determined by the board. All bonds given under 12724
this section shall be with a surety or bonding company authorized 12725

to do business in this state, conditioned for the faithful 12726
performance of the duties of such director, assistant, or 12727
employee. The expense or premium for any bond required by this 12728
section shall be paid from the appropriation for administrative 12729
expenses of the department. Such bond shall be deposited with the 12730
county treasurer and kept in the treasurer's office. 12731

As used in the Revised Code: 12732

(A) "County department of job and family services" means the 12733
county department of job and family services established under 12734
this section, including an entity designated a county department 12735
of job and family services under section 307.981 of the Revised 12736
Code, or ~~the~~ a joint county department of job and family services 12737
established under section 329.40 of the Revised Code. 12738

(B) "County director of job and family services" means the 12739
county director of job and family services appointed under this 12740
section or under section 329.41 of the Revised Code. 12741

Sec. 329.40. (A)(1) The boards of county commissioners of ~~the~~ 12742
any two or more counties of ~~Hoeking, Ross, and Vinton~~, by entering 12743
into a written agreement, may form a joint county department of 12744
job and family services to perform the duties, provide the 12745
services, and operate the programs required under this chapter. 12746
~~The formation of this joint county department of job and family~~ 12747
~~services is a pilot project.~~ The agreement shall be ratified by 12748
resolution of the board of county commissioners of each county 12749
that entered into the agreement. Each board of county 12750
commissioners that enters into ~~the~~ an agreement shall give notice 12751
of the agreement to the Ohio department of job and family services 12752
at least ninety days before the agreement's effective date. The 12753
agreement shall take effect not earlier than the first day of the 12754
calendar quarter following the ninety-day notice period. The 12755
director of job and family services shall adopt, as an internal 12756

management rule under section 111.15 of the Revised Code, the form 12757
in which the notice shall be given. 12758

(2) The boards of county commissioners of the counties 12759
forming ~~the~~ a joint county department shall constitute, 12760
collectively, the board of directors of the joint county 12761
department of job and family services. On the effective date of 12762
the agreement, the board of directors shall take control of and 12763
manage the joint county department subject to this chapter and all 12764
other sections of the Revised Code that govern the authority and 12765
responsibilities of a single board of county commissioners in the 12766
operation of a single county department of job and family 12767
services. 12768

(B)(1) ~~The~~ An agreement to establish ~~the~~ a joint county 12769
department shall specify all of the following: 12770

(a) The obligations of each board of county commissioners in 12771
operating the joint county department, including requiring each 12772
board to provide state, federal, and county funds to the operation 12773
of the joint county department and the schedule for provision of 12774
those funds; 12775

(b) How and which facilities, equipment, and personnel will 12776
be shared; 12777

(c) Procedures for the division of resources and obligations 12778
~~should a county~~ if one or more counties withdraw from the joint 12779
county department, or ~~should~~ the department ~~cease~~ ceases to exist; 12780

(d) Any contributions of participating counties establishing 12781
the joint county department and the rights of those counties in 12782
lands or personal property, or rights or interests therein, 12783
contributed to or otherwise acquired by the joint county 12784
department. 12785

(2) ~~The~~ An agreement to establish ~~the~~ a joint county 12786

department may set forth any or all of the following: 12787

(a) Quality, timeliness, and other standards to be met by 12788
each county; 12789

(b) Which family service programs and functions are to be 12790
included in the joint county department; 12791

(c) Procedures for the operation of the board of directors, 12792
including procedures governing the frequency of meetings and the 12793
number of members of the board required to constitute a quorum to 12794
take action; 12795

(d) Any other procedures or standards necessary for the joint 12796
county department to perform its duties and operate efficiently. 12797

(C) ~~The~~ An agreement may be amended by a majority vote of the 12798
board of directors of the joint county department, but no 12799
amendment shall divest a participating county of any right or 12800
interest in lands or personal property without its consent. 12801

(D) Costs incurred in operating ~~the~~ a joint county department 12802
shall be paid from a joint general fund created by the board of 12803
directors, except as may be otherwise provided in the agreement. 12804

Sec. 329.41. (A) The board of directors of ~~the~~ a joint county 12805
department of job and family services formed under section 329.40 12806
of the Revised Code shall appoint and fix the compensation of a 12807
the director of the department. The director shall serve at the 12808
pleasure of the board of directors. Under the direction and 12809
control of the board, the director shall have full charge of the 12810
department as set forth in section 329.02 of the Revised Code for 12811
the director of a single county department of job and family 12812
services. 12813

(B) The board of directors may appoint up to three 12814
administrators to oversee services provided by the joint county 12815
department. Administrators shall be in the unclassified service. 12816

(C) Employees of ~~the~~ a joint county department of job and family services shall be appointed by the director of the joint county department and, except as provided in this section, shall be in the classified service. The employees of ~~the~~ a joint county department shall be considered county employees for the purposes of Chapter 124. of the Revised Code and other provisions of state law applicable to county employees. Instead of or in addition to appointing these employees, ~~the~~ a board of directors may agree to use the employees of one or more of the counties that formed ~~the~~ a joint county department in the service of the joint county department and to share in their compensation in any manner that may be agreed upon.

(D) Notwithstanding any other section of the Revised Code, if an employee's separation from county service occurs in connection with a county joining or withdrawing from ~~the~~ a joint county department of job and family services, the board of county commissioners that initially appointed the employee shall have no obligation to pay any compensation with respect to unused vacation or sick leave accrued to the credit of the employee if the employee accepts employment with the joint county department or a withdrawing county. At the effective time of separation from county service, the joint county department or the withdrawing county, as the case may be, shall assume such unused vacation and sick leave accrued to the employee's credit.

Sec. 329.42. The county auditor of the county with the largest population that formed ~~the~~ a joint county department of job and family services under section 329.40 of the Revised Code shall serve as the fiscal officer of the joint county department, and the county treasurer of that county shall serve as the treasurer of the joint county department, unless the counties that formed the joint county department agree to appoint the county auditor and county treasurer of another county that formed the

department. In either case, these county officers shall perform 12849
any applicable duties for the joint county department as each 12850
typically performs for the county of which the individual is an 12851
officer. The board of directors of the joint county department may 12852
pay to that county any amount agreed upon by the board of 12853
directors and the board of county commissioners of that county to 12854
reimburse the county for the costs that are properly allocable to 12855
the service of its officers as fiscal officer and treasurer of the 12856
joint county department. 12857

Sec. 329.43. (A) The prosecuting attorney of the county with 12858
the largest population that formed ~~the~~ a joint county department 12859
of job and family services under section 329.40 of the Revised 12860
Code shall serve as the legal advisor of the board of directors of 12861
the joint county department, unless the counties that formed the 12862
joint county department agree to appoint the prosecuting attorney 12863
of another county that formed the joint county department as legal 12864
advisor of the board. The board of directors may pay to the county 12865
of the prosecuting attorney who is the legal advisor of the board 12866
any amount agreed upon by the board of directors and the board of 12867
county commissioners of that county to reimburse that county for 12868
the costs that are properly allocable to the service of its 12869
prosecuting attorney as the legal advisor of the board of 12870
directors. 12871

(B) The prosecuting attorney shall provide such services to 12872
the board of directors as are required or authorized to be 12873
provided to other county boards under Chapter 309. of the Revised 12874
Code. 12875

(C)(1) If the board of directors of ~~the~~ a joint county 12876
department wishes to employ other legal counsel on an annual basis 12877
to serve as the board's legal advisor in place of the prosecuting 12878
attorney, the board may do so with the agreement of the 12879

prosecuting attorney. If the prosecuting attorney does not agree, 12880
the board of directors may apply to the court of common pleas of 12881
the county with the largest population that formed the joint 12882
county department for authority to employ other legal counsel on 12883
an annual basis. 12884

(2) If the board of directors of ~~the~~ a joint county 12885
department wishes to employ other legal counsel to represent or 12886
advise the board on a particular matter in place of the 12887
prosecuting attorney, the board may do so with the agreement of 12888
the prosecuting attorney. If the prosecuting attorney does not 12889
agree, the board of directors may apply to the court of common 12890
pleas of the county with the largest population that formed the 12891
joint county department for authority to employ other legal 12892
counsel for that particular matter. 12893

(3) The prosecuting attorney who is the legal advisor of the 12894
board of directors shall be given notice of an application filed 12895
under division (C)(1) or (2) of this section and shall be afforded 12896
an opportunity to be heard. After the hearing, the court may 12897
authorize the board of directors to employ other legal counsel on 12898
an annual basis or for a particular matter only if it finds that 12899
the prosecuting attorney refuses or is unable to provide the legal 12900
services that the board requires. If the board of directors 12901
employs other legal counsel on an annual basis or for a particular 12902
matter, the board may not require the prosecuting attorney to 12903
provide legal advice, opinions, or other legal services during the 12904
period or to the extent that the board employs the other legal 12905
counsel. 12906

Sec. 329.44. (A) ~~A~~ The board of directors of ~~the~~ a joint 12907
county department of job and family services formed under section 12908
329.40 of the Revised Code may acquire, by purchase or lease, real 12909
property, equipment, and systems to improve, maintain, or operate 12910

family service programs within the territory served by the joint 12911
county department. A board of county commissioners may acquire, 12912
within its county, real property or any estate, interest, or right 12913
therein, by appropriation or any other method, for use by the 12914
joint county department in connection with its provision of 12915
services. Appropriation proceedings shall be conducted in 12916
accordance with Chapter 163. of the Revised Code. 12917

(B) A board of county commissioners that formed ~~the a~~ joint 12918
county department may contribute lands or rights or interests 12919
therein, money, other personal property or rights or interests 12920
therein, or services to the joint county department. The board of 12921
county commissioners may issue bonds or bond anticipation notes of 12922
the county to pay the cost of acquiring real property and of 12923
constructing, modifying, or upgrading a facility to house 12924
employees of the joint county department. The board of directors 12925
of ~~the a~~ joint county department may reimburse the county for the 12926
use of such a facility if it is required to do so under the 12927
agreement entered into under section 329.40 of the Revised Code. 12928

Sec. 329.45. (A)(1) A board of county commissioners that has 12929
entered into an agreement under section 329.40 of the Revised Code 12930
establishing a joint county department of job and family services 12931
may ~~pass~~ adopt a resolution requesting to withdraw from the 12932
agreement ~~establishing the joint county department of job and~~ 12933
~~family services formed under section 329.40 of the Revised Code.~~ 12934
Upon adopting such a resolution, the board of county commissioners 12935
shall deliver a copy of the resolution to the board of directors 12936
of the joint county department. Upon receiving the resolution, the 12937
board of directors shall deliver written notice of the requested 12938
withdrawal to the boards of county commissioners of the other 12939
county or counties that formed the joint county department. ~~Within~~ 12940
Not later than thirty days after receiving the notice, each of 12941

those boards of county commissioners shall adopt a resolution 12942
either accepting the withdrawal or objecting to the withdrawal, 12943
and shall deliver a copy of the resolution to the board of 12944
directors. 12945

(2) If any of the boards of county commissioners that formed 12946
~~the a~~ joint county department adopts a resolution objecting to the 12947
requested withdrawal, the board of directors shall deliver written 12948
notice of the objection to each other board of county 12949
commissioners of the counties that formed the joint county 12950
department, including the board of county commissioners of the 12951
county proposing withdrawal, ~~and shall schedule. Not later than~~ 12952
~~thirty days after sending the notice, the board of directors shall~~ 12953
~~hold a meeting of the board of directors to be held within thirty~~ 12954
~~days~~ to discuss the objection. After the meeting, the board of 12955
directors shall determine whether the county requesting withdrawal 12956
desires to proceed with the withdrawal and, if the county does, 12957
the board of directors shall accept the withdrawal. Not later than 12958
thirty days after the determination was made, the board of 12959
directors shall deliver written notice of the withdrawal to the 12960
boards of county commissioners that formed the joint county 12961
department and to the board of county commissioners that requested 12962
withdrawal, and shall commence the withdrawal process under this 12963
section. 12964

(3) If all of the boards of county commissioners that formed 12965
~~the a~~ joint county department, except for the board of county 12966
commissioners requesting the withdrawal, each adopt a resolution 12967
accepting the withdrawal, the board of directors shall declare the 12968
withdrawal to be accepted. Not later than thirty days after the 12969
declaration, the board of directors shall deliver written notice 12970
of the withdrawal to all of the boards of county commissioners 12971
that formed the joint county department, including the board of 12972
county commissioners of the county requesting withdrawal, and 12973

shall commence the withdrawal process under this section. 12974

(4) The board of directors shall give notice to the Ohio 12975
department of job and family services of the withdrawal of a 12976
county under this section at least ninety days before the 12977
withdrawal becomes final. The director of job and family services 12978
shall adopt, as an internal management rule under section 111.15 12979
of the Revised Code, the form in which the notice shall be given. 12980

(5) If a county requesting to withdraw decides to remain as a 12981
party to the agreement establishing ~~the~~ a joint county department, 12982
the board of county commissioners of that county shall rescind its 12983
original resolution requesting withdrawal and shall deliver a copy 12984
of the rescission to the board of directors of the joint county 12985
department ~~within~~ not later than thirty days after adopting the 12986
rescission. 12987

(B) If a county withdraws from ~~the~~ an agreement under this 12988
section, the board of directors shall ascertain, apportion, and 12989
order a division of the funds on hand, credits, and real and 12990
personal property of the joint county department, either in money 12991
or in kind, on an equitable basis between the joint county 12992
department and the withdrawing county according to the agreement 12993
entered into under section 329.40 of the Revised Code and 12994
consistent with any prior contributions of the withdrawing county 12995
to the joint county department. Any debt incurred individually 12996
shall remain the responsibility of that county, unless otherwise 12997
specified in the agreement establishing the joint county 12998
department. 12999

(C) A withdrawal becomes final not earlier than the first day 13000
of the calendar quarter following the ninety-day notice period 13001
required by division (A)(4) of this section. On and after that 13002
day, the withdrawing county ceases to be a part of the joint 13003
county department, and its members of the board of directors shall 13004
cease to be members of that board. 13005

(D) If the withdrawal of one or more counties would leave only one county participating in ~~the~~ a joint county department, the board of directors shall ascertain, apportion, and order a final division of the funds on hand, credits, and real and personal property of the joint county department. On and after the day on which the latest withdrawal of a county becomes final, the joint county department is dissolved. When ~~the~~ a joint county department is dissolved and any indebtedness remains unpaid, the boards of county commissioners that formed the joint county department shall pay the indebtedness of the joint county department in the amounts established by the agreement at the time the indebtedness was incurred.

Sec. 329.46. (A) A board of county commissioners that formed ~~the~~ a joint county department of job and family services under section 329.40 of the Revised Code, by adopting a resolution, may propose the removal of another county that formed the joint county department. The board of county commissioners shall send a copy of such a resolution to the board of directors of the joint county department. ~~Within~~ Not later than ten days after receiving the copy of the resolution, the board of directors shall send a copy of the resolution to each board of county commissioners that formed the joint county department, except the board of county commissioners proposing removal. ~~Within~~ Not later than thirty days after sending a copy of the resolution, the board of directors shall hold a hearing at which any county commissioner whose county formed the joint county department may present arguments for or against the removal. At the hearing, approval or disapproval of the removal shall be determined by a two-thirds vote of the county commissioners of the counties that formed the joint county department, with the exception of the county commissioners of the county proposed for removal.

(B) The board of directors of ~~the~~ a joint county department

of job and family services, by adopting a resolution by a majority 13038
vote of the members of the board, may propose removal of a county 13039
that formed the joint county department. ~~Within~~ Not later than ten 13040
days after adopting such a resolution, the board of directors 13041
shall send a copy of the resolution to the board of county 13042
commissioners of each county that formed the joint county 13043
department, including the board of county commissioners of the 13044
county proposed for removal. ~~Within~~ Not later than thirty days 13045
after sending the copy of the resolution, the board of directors 13046
shall hold a hearing at which any member of the board may present 13047
arguments for or against the removal. At this hearing, approval or 13048
disapproval of the resolution proposing removal shall be 13049
determined by a two-thirds vote of the members of the board of 13050
directors, with the exception of the board members who represent 13051
the county proposed for removal. 13052

(C) If removal of a county is approved under this section, 13053
the board of directors shall give written notice of the approval 13054
to the Ohio department of job and family services at least ninety 13055
days before the removal takes effect. The director of job and 13056
family services shall adopt, as an internal management rule under 13057
section 111.15 of the Revised Code, the form in which the notice 13058
shall be given. 13059

(D) Removal of a county under this section shall take effect 13060
not earlier than the first day of the calendar quarter following 13061
the ninety-day notice period required by division (C) of this 13062
section. 13063

(E) If, at any time, the county proposed for removal under 13064
division (A) or (B) of this section notifies the board of 13065
directors, by a majority vote of that county's board of county 13066
commissioners, that it chooses to withdraw from the joint county 13067
department, the withdrawal procedure established under section 13068
329.45 of the Revised Code shall be put immediately into motion. 13069

Sec. 330.04. If, for the purpose of Chapter 6301. of the Revised Code, a county is the type of local area defined in division (A)(2) of section 6301.01 of the Revised Code, the board of county commissioners serving the county shall adopt a resolution establishing or designating a workforce development agency to provide workforce development activities for the county. The board shall adopt the resolution not later than July 1, 2000.

The board may establish or designate any of the following as the workforce development agency:

(A) The county department of job and family services;

(B) A separate agency under the direct control of the board and administered by an official appointed by the board;

(C) An entity serving the county on ~~the effective date of this section~~ March 14, 2000, in a capacity similar to the capacity in which a workforce development agency is to serve the county on and after ~~the effective date of this section~~ March 14, 2000;

(D) An entity located in or outside the county that provides workforce development activities in the county on ~~the effective date of this section~~ March 14, 2000;

(E) Any private or government entity designated under section 307.981 of the Revised Code;

(F) ~~The~~ A joint county department of job and family services established under section 329.40 of the Revised Code.

Sec. 339.091. Before the board of county commissioners, board of county hospital trustees, or county hospital commission may enter into an initial agreement for the acquisition, operation, or lease under section 140.03, 140.05, 339.09, or 339.14 of the Revised Code of a county hospital operated by a board of county hospital trustees under section 339.06 of the Revised Code, the

board of county commissioners shall review the agreement. If it 13099
finds that the agreement will meet the needs of the residents of 13100
the county for hospital service, the board of county commissioners 13101
may adopt a resolution authorizing the board of county 13102
commissioners, board of county hospital trustees, or county 13103
hospital commission to enter into the agreement. On adoption of 13104
the resolution, the board of county commissioners, board of county 13105
hospital trustees, or county hospital commission may enter into 13106
the agreement. 13107

The requirements of this section do not apply to an agreement 13108
if one or more hospitals classified as general hospitals by the 13109
~~public director of health council~~ under section 3701.07 of the 13110
Revised Code are operating in the same county as the county 13111
hospital. 13112

Sec. 340.03. (A) Subject to rules issued by the director of 13113
mental health after consultation with relevant constituencies as 13114
required by division (L) of section 5119.06 of the Revised Code, 13115
with regard to mental health services, the board of alcohol, drug 13116
addiction, and mental health services shall: 13117

(1) Serve as the community mental health planning agency for 13118
the county or counties under its jurisdiction, and in so doing it 13119
shall: 13120

(a) Evaluate the need for facilities and community mental 13121
health services; 13122

(b) In cooperation with other local and regional planning and 13123
funding bodies and with relevant ethnic organizations, assess the 13124
community mental health needs, set priorities, and develop plans 13125
for the operation of facilities and community mental health 13126
services; 13127

(c) In accordance with guidelines issued by the director of 13128

mental health after consultation with board representatives, 13129
annually develop and submit to the department of mental health a 13130
community mental health plan listing community mental health 13131
needs, including the needs of all residents of the district now 13132
residing in state mental institutions and severely mentally 13133
disabled adults, children, and adolescents; all children subject 13134
to a determination made pursuant to section 121.38 of the Revised 13135
Code; and all the facilities and community mental health services 13136
that are or will be in operation or provided during the period for 13137
which the plan will be in operation in the service district to 13138
meet such needs. 13139

The plan shall include, but not be limited to, a statement of 13140
which of the services listed in section 340.09 of the Revised Code 13141
the board intends to make available. The board must include crisis 13142
intervention services for individuals in an emergency situation in 13143
the plan and explain how the board intends to make such services 13144
available. The plan must also include a statement of the inpatient 13145
and community-based services the board proposes that the 13146
department operate, an assessment of the number and types of 13147
residential facilities needed, such other information as the 13148
department requests, and a budget for moneys the board expects to 13149
receive. The department shall approve or disapprove the plan, in 13150
whole or in part, according to the criteria developed pursuant to 13151
section 5119.61 of the Revised Code. The department's statement of 13152
approval or disapproval shall specify the inpatient and the 13153
community-based services that the department will operate for the 13154
board. Eligibility for state and federal funding shall be 13155
contingent upon an approved plan or relevant part of a plan. 13156

If a board determines that it is necessary to amend a plan or 13157
an allocation request that has been approved under division 13158
(A)(1)(c) of this section, the board shall submit a proposed 13159
amendment to the director. The director may approve or disapprove 13160

all or part of the amendment. The director shall inform the board 13161
of the reasons for disapproval of all or part of an amendment and 13162
of the criteria that must be met before the amendment may be 13163
approved. The director shall provide the board an opportunity to 13164
present its case on behalf of the amendment. The director shall 13165
give the board a reasonable time in which to meet the criteria, 13166
and shall offer the board technical assistance to help it meet the 13167
criteria. 13168

The board shall implement the plan approved by the 13169
department. 13170

(d) Promote, arrange, and implement working agreements with 13171
social agencies, both public and private, and with judicial 13172
agencies. 13173

(2) Investigate, or request another agency to investigate, 13174
any complaint alleging abuse or neglect of any person receiving 13175
services from a community mental health agency as defined in 13176
section 5122.01 of the Revised Code, or ~~from~~ alleging abuse or 13177
neglect of a person with mental illness or severe mental 13178
disability residing in a residential facility licensed under 13179
section 5119.22 of the Revised Code. If the investigation 13180
substantiates the charge of abuse or neglect, the board shall take 13181
whatever action it determines is necessary to correct the 13182
situation, including notification of the appropriate authorities. 13183
Upon request, the board shall provide information about such 13184
investigations to the department. 13185

(3) For the purpose of section 5119.611 of the Revised Code, 13186
cooperate with the director of mental health in visiting and 13187
evaluating whether the services of a community mental health 13188
agency satisfy the certification standards established by rules 13189
adopted under that section; 13190

(4) In accordance with criteria established under division 13191

(E) of section 5119.61 of the Revised Code, review and evaluate 13192
the quality, effectiveness, and efficiency of services provided 13193
through its community mental health plan and submit its findings 13194
and recommendations to the department of mental health; 13195

(5) In accordance with section 5119.22 of the Revised Code, 13196
review applications for residential facility licenses and 13197
recommend to the department of mental health approval or 13198
disapproval of applications; 13199

(6) Audit, in accordance with rules adopted by the auditor of 13200
state pursuant to section 117.20 of the Revised Code, at least 13201
annually all programs and services provided under contract with 13202
the board. In so doing, the board may contract for or employ the 13203
services of private auditors. A copy of the fiscal audit report 13204
shall be provided to the director of mental health, the auditor of 13205
state, and the county auditor of each county in the board's 13206
district. 13207

(7) Recruit and promote local financial support for mental 13208
health programs from private and public sources; 13209

(8)(a) Enter into contracts with public and private 13210
facilities for the operation of facility services included in the 13211
board's community mental health plan and enter into contracts with 13212
public and private community mental health agencies for the 13213
provision of community mental health services that are listed in 13214
section 340.09 of the Revised Code and included in the board's 13215
community mental health plan. The board may not contract with a 13216
community mental health agency to provide community mental health 13217
services included in the board's community mental health plan 13218
unless the services are certified by the director of mental health 13219
under section 5119.611 of the Revised Code. Section 307.86 of the 13220
Revised Code does not apply to contracts entered into under this 13221
division. In contracting with a community mental health agency, a 13222
board shall consider the cost effectiveness of services provided 13223

by that agency and the quality and continuity of care, and may 13224
review cost elements, including salary costs, of the services to 13225
be provided. A utilization review process shall be established as 13226
part of the contract for services entered into between a board and 13227
a community mental health agency. The board may establish this 13228
process in a way that is most effective and efficient in meeting 13229
local needs. Until July 1, 2012, a contract with a community 13230
mental health agency or facility, as defined in section 5111.023 13231
of the Revised Code, to provide services listed in division (B) of 13232
that section shall provide for the agency or facility to be paid 13233
in accordance with the contract entered into between the 13234
departments of job and family services and mental health under 13235
section 5111.91 of the Revised Code and any rules adopted under 13236
division (A) of section 5119.61 of the Revised Code. 13237

If either the board or a facility or community mental health 13238
agency with which the board contracts under division (A)(8)(a) of 13239
this section proposes not to renew the contract or proposes 13240
substantial changes in contract terms, the other party shall be 13241
given written notice at least one hundred twenty days before the 13242
expiration date of the contract. During the first sixty days of 13243
this one hundred twenty-day period, both parties shall attempt to 13244
resolve any dispute through good faith collaboration and 13245
negotiation in order to continue to provide services to persons in 13246
need. If the dispute has not been resolved sixty days before the 13247
expiration date of the contract, either party may ~~request that~~ 13248
notify the department of mental health of the unresolved dispute. 13249
The director may require both parties to submit the dispute to a 13250
third party with the cost to be shared by the board and the 13251
facility or community mental health agency. The third party shall 13252
issue to the board and, the facility or agency, and the department 13253
recommendations on how the dispute may be resolved twenty days 13254
prior to the expiration date of the contract, unless both parties 13255
agree to a time extension. The director shall adopt rules 13256

establishing the procedures of this dispute resolution process. 13257

(b) With the prior approval of the director of mental health, 13258
a board may operate a facility or provide a community mental 13259
health service as follows, if there is no other qualified private 13260
or public facility or community mental health agency that is 13261
immediately available and willing to operate such a facility or 13262
provide the service: 13263

(i) In an emergency situation, any board may operate a 13264
facility or provide a community mental health service in order to 13265
provide essential services for the duration of the emergency; 13266

(ii) In a service district with a population of at least one 13267
hundred thousand but less than five hundred thousand, a board may 13268
operate a facility or provide a community mental health service 13269
for no longer than one year; 13270

(iii) In a service district with a population of less than 13271
one hundred thousand, a board may operate a facility or provide a 13272
community mental health service for no longer than one year, 13273
except that such a board may operate a facility or provide a 13274
community mental health service for more than one year with the 13275
prior approval of the director and the prior approval of the board 13276
of county commissioners, or of a majority of the boards of county 13277
commissioners if the district is a joint-county district. 13278

The director shall not give a board approval to operate a 13279
facility or provide a community mental health service under 13280
division (A)(8)(b)(ii) or (iii) of this section unless the 13281
director determines that it is not feasible to have the department 13282
operate the facility or provide the service. 13283

The director shall not give a board approval to operate a 13284
facility or provide a community mental health service under 13285
division (A)(8)(b)(iii) of this section unless the director 13286
determines that the board will provide greater administrative 13287

efficiency and more or better services than would be available if 13288
the board contracted with a private or public facility or 13289
community mental health agency. 13290

The director shall not give a board approval to operate a 13291
facility previously operated by a person or other government 13292
entity unless the board has established to the director's 13293
satisfaction that the person or other government entity cannot 13294
effectively operate the facility or that the person or other 13295
government entity has requested the board to take over operation 13296
of the facility. The director shall not give a board approval to 13297
provide a community mental health service previously provided by a 13298
community mental health agency unless the board has established to 13299
the director's satisfaction that the agency cannot effectively 13300
provide the service or that the agency has requested the board 13301
take over providing the service. 13302

The director shall review and evaluate a board's operation of 13303
a facility and provision of community mental health service under 13304
division (A)(8)(b) of this section. 13305

Nothing in division (A)(8)(b) of this section authorizes a 13306
board to administer or direct the daily operation of any facility 13307
or community mental health agency, but a facility or agency may 13308
contract with a board to receive administrative services or staff 13309
direction from the board under the direction of the governing body 13310
of the facility or agency. 13311

(9) Approve fee schedules and related charges or adopt a unit 13312
cost schedule or other methods of payment for contract services 13313
provided by community mental health agencies in accordance with 13314
guidelines issued by the department as necessary to comply with 13315
state and federal laws pertaining to financial assistance; 13316

(10) Submit to the director and the county commissioners of 13317
the county or counties served by the board, and make available to 13318

the public, an annual report of the programs under the 13319
jurisdiction of the board, including a fiscal accounting; 13320

(11) Establish, to the extent resources are available, a 13321
community support system, which provides for treatment, support, 13322
and rehabilitation services and opportunities. The essential 13323
elements of the system include, but are not limited to, the 13324
following components in accordance with section 5119.06 of the 13325
Revised Code: 13326

(a) To locate persons in need of mental health services to 13327
inform them of available services and benefits mechanisms; 13328

(b) Assistance for clients to obtain services necessary to 13329
meet basic human needs for food, clothing, shelter, medical care, 13330
personal safety, and income; 13331

(c) Mental health care, including, but not limited to, 13332
outpatient, partial hospitalization, and, where appropriate, 13333
inpatient care; 13334

(d) Emergency services and crisis intervention; 13335

(e) Assistance for clients to obtain vocational services and 13336
opportunities for jobs; 13337

(f) The provision of services designed to develop social, 13338
community, and personal living skills; 13339

(g) Access to a wide range of housing and the provision of 13340
residential treatment and support; 13341

(h) Support, assistance, consultation, and education for 13342
families, friends, consumers of mental health services, and 13343
others; 13344

(i) Recognition and encouragement of families, friends, 13345
neighborhood networks, especially networks that include racial and 13346
ethnic minorities, churches, community organizations, and 13347
meaningful employment as natural supports for consumers of mental 13348

health services; 13349

(j) Grievance procedures and protection of the rights of 13350
consumers of mental health services; 13351

(k) Case management, which includes continual individualized 13352
assistance and advocacy to ensure that needed services are offered 13353
and procured. 13354

(12) Designate the treatment program, agency, or facility for 13355
each person involuntarily committed to the board pursuant to 13356
Chapter 5122. of the Revised Code and authorize payment for such 13357
treatment. The board shall provide the least restrictive and most 13358
appropriate alternative that is available for any person 13359
involuntarily committed to it and shall assure that the services 13360
listed in section 340.09 of the Revised Code are available to 13361
severely mentally disabled persons residing within its service 13362
district. The board shall establish the procedure for authorizing 13363
payment for services, which may include prior authorization in 13364
appropriate circumstances. The board may provide for services 13365
directly to a severely mentally disabled person when life or 13366
safety is endangered and when no community mental health agency is 13367
available to provide the service. 13368

(13) Establish a method for evaluating referrals for 13369
involuntary commitment and affidavits filed pursuant to section 13370
5122.11 of the Revised Code in order to assist the probate 13371
division of the court of common pleas in determining whether there 13372
is probable cause that a respondent is subject to involuntary 13373
hospitalization and what alternative treatment is available and 13374
appropriate, if any; 13375

(14) Ensure that apartments or rooms built, subsidized, 13376
renovated, rented, owned, or leased by the board or a community 13377
mental health agency have been approved as meeting minimum fire 13378
safety standards and that persons residing in the rooms or 13379

apartments are receiving appropriate and necessary services, 13380
including culturally relevant services, from a community mental 13381
health agency. This division does not apply to residential 13382
facilities licensed pursuant to section 5119.22 of the Revised 13383
Code. 13384

(15) Establish a mechanism for involvement of consumer 13385
recommendation and advice on matters pertaining to mental health 13386
services in the alcohol, drug addiction, and mental health service 13387
district. 13388

~~(16) Perform the duties under section 5119.88 of the Revised 13389
Code required by rules adopted under section 5119.61 of the 13390
Revised Code regarding referrals by the board or mental health 13391
agencies under contract with the board of individuals with mental 13392
illness or severe mental disability to adult care facilities and 13393
effective arrangements for ongoing mental health services for the 13394
individuals. The board is accountable in the manner specified in 13395
the rules for ensuring that the ongoing mental health services are 13396
effectively arranged for the individuals. 13397~~

(B) The board shall establish such rules, operating 13398
procedures, standards, and bylaws, and perform such other duties 13399
as may be necessary or proper to carry out the purposes of this 13400
chapter. 13401

(C) A board of alcohol, drug addiction, and mental health 13402
services may receive by gift, grant, devise, or bequest any 13403
moneys, lands, or property for the benefit of the purposes for 13404
which the board is established, and may hold and apply it 13405
according to the terms of the gift, grant, or bequest. All money 13406
received, including accrued interest, by gift, grant, or bequest 13407
shall be deposited in the treasury of the county, the treasurer of 13408
which is custodian of the alcohol, drug addiction, and mental 13409
health services funds to the credit of the board and shall be 13410
available for use by the board for purposes stated by the donor or 13411

grantor. 13412

(D) No board member or employee of a board of alcohol, drug 13413
addiction, and mental health services shall be liable for injury 13414
or damages caused by any action or inaction taken within the scope 13415
of the board member's official duties or the employee's 13416
employment, whether or not such action or inaction is expressly 13417
authorized by this section, section 340.033, or any other section 13418
of the Revised Code, unless such action or inaction constitutes 13419
willful or wanton misconduct. Chapter 2744. of the Revised Code 13420
applies to any action or inaction by a board member or employee of 13421
a board taken within the scope of the board member's official 13422
duties or employee's employment. For the purposes of this 13423
division, the conduct of a board member or employee shall not be 13424
considered willful or wanton misconduct if the board member or 13425
employee acted in good faith and in a manner that the board member 13426
or employee reasonably believed was in or was not opposed to the 13427
best interests of the board and, with respect to any criminal 13428
action or proceeding, had no reasonable cause to believe the 13429
conduct was unlawful. 13430

(E) The meetings held by any committee established by a board 13431
of alcohol, drug addiction, and mental health services shall be 13432
considered to be meetings of a public body subject to section 13433
121.22 of the Revised Code. 13434

Sec. 340.091. Each board of alcohol, drug addiction, and 13435
mental health services shall contract with a community mental 13436
health agency under division (A)(7)(a) of section 340.03 of the 13437
Revised Code for the agency to do all of the following in 13438
accordance with rules adopted under section 5119.61 of the Revised 13439
Code for an individual referred to the agency under division 13440
~~(C)~~(D)(2) of section 5119.69 of the Revised Code: 13441

(A) Assess the individual ~~to determine whether to recommend~~ 13442

~~that a residential state supplement administrative agency~~ 13443
~~designated under section 5119.69 of the Revised Code determine~~ 13444
and, if the agency determines that the environment in which the 13445
individual will be living while receiving residential state 13446
supplement payments is appropriate for the individual's needs ~~and,~~ 13447
~~if it determines the environment is appropriate,~~ issue the a 13448
recommendation to the referring residential state supplement 13449
administrative agency that the referring agency should conclude 13450
that the living environment is appropriate when it makes its 13451
determination regarding the appropriateness of the environment; 13452

(B) Provide ongoing monitoring to ensure that services 13453
provided under section 340.09 of the Revised Code are available to 13454
the individual; 13455

(C) Provide discharge planning to ensure the individual's 13456
earliest possible transition to a less restrictive environment. 13457

Sec. 505.37. (A) The board of township trustees may establish 13458
all necessary rules to guard against the occurrence of fires and 13459
to protect the property and lives of the citizens against damage 13460
and accidents, and may, with the approval of the specifications by 13461
the prosecuting attorney or, if the township has adopted limited 13462
home rule government under Chapter 504. of the Revised Code, with 13463
the approval of the specifications by the township's law director, 13464
purchase, lease, lease with an option to purchase, or otherwise 13465
provide any fire apparatus, mechanical resuscitators, or other 13466
equipment, appliances, materials, fire hydrants, and water supply 13467
for fire-fighting purposes that seems advisable to the board. The 13468
board shall provide for the care and maintenance of fire 13469
equipment, and, for these purposes, may purchase, lease, lease 13470
with an option to purchase, or construct and maintain necessary 13471
buildings, and it may establish and maintain lines of fire-alarm 13472
communications within the limits of the township. The board may 13473

employ one or more persons to maintain and operate fire-fighting 13474
equipment, or it may enter into an agreement with a volunteer fire 13475
company for the use and operation of fire-fighting equipment. The 13476
board may compensate the members of a volunteer fire company on 13477
any basis and in any amount that it considers equitable. 13478
13479

When the estimated cost to purchase fire apparatus, 13480
mechanical resuscitators, other equipment, appliances, materials, 13481
fire hydrants, buildings, or fire-alarm communications equipment 13482
or services exceeds fifty thousand dollars, the contract shall be 13483
let by competitive bidding. When competitive bidding is required, 13484
the board shall advertise once a week for not less than two 13485
consecutive weeks in a newspaper of general circulation within the 13486
township. The board may also cause notice to be inserted in trade 13487
papers or other publications designated by it or to be distributed 13488
by electronic means, including posting the notice on the board's 13489
internet web site. If the board posts the notice on its web site, 13490
it may eliminate the second notice otherwise required to be 13491
published in a newspaper of general circulation within the 13492
township, provided that the first notice published in such 13493
newspaper meets all of the following requirements: 13494

(1) It is published at least two weeks before the opening of 13495
bids. 13496

(2) It includes a statement that the notice is posted on the 13497
board's internet web site. 13498

(3) It includes the internet address of the board's internet 13499
web site. 13500

(4) It includes instructions describing how the notice may be 13501
accessed on the board's internet web site. 13502

The advertisement shall include the time, date, and place 13503
where the clerk of the township, or the clerk's designee, will 13504

read bids publicly. The time, date, and place of bid openings may 13505
be extended to a later date by the board of township trustees, 13506
provided that written or oral notice of the change shall be given 13507
to all persons who have received or requested specifications not 13508
later than ninety-six hours prior to the original time and date 13509
fixed for the opening. The board may reject all the bids or accept 13510
the lowest and best bid, provided that the successful bidder meets 13511
the requirements of section 153.54 of the Revised Code when the 13512
contract is for the construction, demolition, alteration, repair, 13513
or reconstruction of an improvement. 13514

(B) The boards of township trustees of any two or more 13515
townships, or the legislative authorities of any two or more 13516
political subdivisions, or any combination of these, may, through 13517
joint action, unite in the joint purchase, lease, lease with an 13518
option to purchase, maintenance, use, and operation of 13519
fire-fighting equipment, or for any other purpose designated in 13520
sections 505.37 to 505.42 of the Revised Code, and may prorate the 13521
expense of the joint action on any terms that are mutually agreed 13522
upon. 13523

(C) The board of township trustees of any township may, by 13524
resolution, whenever it is expedient and necessary to guard 13525
against the occurrence of fires or to protect the property and 13526
lives of the citizens against damages resulting from their 13527
occurrence, create a fire district of any portions of the township 13528
that it considers necessary. The board may purchase, lease, lease 13529
with an option to purchase, or otherwise provide any fire 13530
apparatus, appliances, materials, fire hydrants, and water supply 13531
for fire-fighting purposes, or may contract for the fire 13532
protection for the fire district as provided in section 9.60 of 13533
the Revised Code. The fire district so created shall be given a 13534
separate name by which it shall be known. 13535

Additional unincorporated territory of the township may be 13536

added to a fire district upon the board's adoption of a resolution 13537
authorizing the addition. A municipal corporation that is within 13538
or adjoining the township may be added to a fire district upon the 13539
board's adoption of a resolution authorizing the addition and the 13540
municipal legislative authority's adoption of a resolution or 13541
ordinance requesting the addition of the municipal corporation to 13542
the fire district. 13543

If the township fire district imposes a tax, additional 13544
unincorporated territory of the township or a municipal 13545
corporation that is within or adjoining the township shall become 13546
part of the fire district only after all of the following have 13547
occurred: 13548

(1) Adoption by the board of township trustees of a 13549
resolution approving the expansion of the territorial limits of 13550
the district and, if the resolution proposes to add a municipal 13551
corporation, adoption by the municipal legislative authority of a 13552
resolution or ordinance requesting the addition of the municipal 13553
corporation to the district; 13554

(2) Adoption by the board of township trustees of a 13555
resolution recommending the extension of the tax to the additional 13556
territory; 13557

(3) Approval of the tax by the electors of the territory 13558
proposed for addition to the district. 13559

Each resolution of the board adopted under division (C)(2) of 13560
this section shall state the name of the fire district, a 13561
description of the territory to be added, and the rate and 13562
termination date of the tax, which shall be the rate and 13563
termination date of the tax currently in effect in the fire 13564
district. 13565

The board of trustees shall certify each resolution adopted 13566
under division (C)(2) of this section to the board of elections in 13567

accordance with section 5705.19 of the Revised Code. The election 13568
required under division (C)(3) of this section shall be held, 13569
canvassed, and certified in the manner provided for the submission 13570
of tax levies under section 5705.25 of the Revised Code, except 13571
that the question appearing on the ballot shall read: 13572

"Shall the territory within 13573
(description of the proposed territory to be added) be added to 13574
..... (name) fire district, and a property tax 13575
at a rate of taxation not exceeding (here insert tax rate) 13576
be in effect for (here insert the number of years the 13577
tax is to be in effect or "a continuing period of time," as 13578
applicable)?" 13579

If the question is approved by at least a majority of the 13580
electors voting on it, the joinder shall be effective as of the 13581
first day of July of the year following approval, and on that 13582
date, the township fire district tax shall be extended to the 13583
taxable property within the territory that has been added. If the 13584
territory that has been added is a municipal corporation and if it 13585
had adopted a tax levy for fire purposes, the levy is terminated 13586
on the effective date of the joinder. 13587

Any municipal corporation may withdraw from a township fire 13588
district created under division (C) of this section by the 13589
adoption by the municipal legislative authority of a resolution or 13590
ordinance ordering withdrawal. On the first day of July of the 13591
year following the adoption of the resolution or ordinance of 13592
withdrawal, the municipal corporation withdrawing ceases to be a 13593
part of the district, and the power of the fire district to levy a 13594
tax upon taxable property in the withdrawing municipal corporation 13595
terminates, except that the fire district shall continue to levy 13596
and collect taxes for the payment of indebtedness within the 13597
territory of the fire district as it was composed at the time the 13598
indebtedness was incurred. 13599

Upon the withdrawal of any municipal corporation from a township fire district created under division (C) of this section, the county auditor shall ascertain, apportion, and order a division of the funds on hand, moneys and taxes in the process of collection except for taxes levied for the payment of indebtedness, credits, and real and personal property, either in money or in kind, on the basis of the valuation of the respective tax duplicates of the withdrawing municipal corporation and the remaining territory of the fire district.

A board of township trustees may remove unincorporated territory of the township from the fire district upon the adoption of a resolution authorizing the removal. On the first day of July of the year following the adoption of the resolution, the unincorporated township territory described in the resolution ceases to be a part of the district, and the power of the fire district to levy a tax upon taxable property in that territory terminates, except that the fire district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the fire district as it was composed at the time the indebtedness was incurred.

(D) The board of township trustees of any township, the board of fire district trustees of a fire district created under section 505.371 of the Revised Code, or the legislative authority of any municipal corporation may purchase, lease, or lease with an option to purchase the necessary fire-fighting equipment, buildings, and sites for the township, fire district, or municipal corporation and issue securities for that purpose with maximum maturities as provided in section 133.20 of the Revised Code. The board of township trustees, board of fire district trustees, or legislative authority may also construct any buildings necessary to house fire-fighting equipment and issue securities for that purpose with maximum maturities as provided in section 133.20 of the Revised

Code. 13632

The board of township trustees, board of fire district 13633
trustees, or legislative authority may issue the securities of the 13634
township, fire district, or municipal corporation, signed by the 13635
board or designated officer of the municipal corporation and 13636
attested by the signature of the township fiscal officer, fire 13637
district clerk, or municipal clerk, covering any deferred payments 13638
and payable at the times provided, which securities shall bear 13639
interest not to exceed the rate determined as provided in section 13640
9.95 of the Revised Code, and shall not be subject to Chapter 133. 13641
of the Revised Code. The legislation authorizing the issuance of 13642
the securities shall provide for levying and collecting annually 13643
by taxation, amounts sufficient to pay the interest on and 13644
principal of the securities. The securities shall be offered for 13645
sale on the open market or given to the vendor or contractor if no 13646
sale is made. 13647

Section 505.40 of the Revised Code does not apply to any 13648
securities issued, or any lease with an option to purchase entered 13649
into, in accordance with this division. 13650

(E) A board of township trustees of any township or a board 13651
of fire district trustees of a fire district created under section 13652
505.371 of the Revised Code may purchase a policy or policies of 13653
liability insurance for the officers, employees, and appointees of 13654
the fire department, fire district, or joint fire district 13655
governed by the board that includes personal injury liability 13656
coverage as to the civil liability of those officers, employees, 13657
and appointees for false arrest, detention, or imprisonment, 13658
malicious prosecution, libel, slander, defamation or other 13659
violation of the right of privacy, wrongful entry or eviction, or 13660
other invasion of the right of private occupancy, arising out of 13661
the performance of their duties. 13662

When a board of township trustees cannot, by deed of gift or 13663

by purchase and upon terms it considers reasonable, procure land 13664
for a township fire station that is needed in order to respond in 13665
reasonable time to a fire or medical emergency, the board may 13666
appropriate land for that purpose under sections 163.01 to 163.22 13667
of the Revised Code. If it is necessary to acquire additional 13668
adjacent land for enlarging or improving the fire station, the 13669
board may purchase, appropriate, or accept a deed of gift for the 13670
land for these purposes. 13671

(F) As used in this division, "emergency medical service 13672
organization" has the same meaning as in section 4766.01 of the 13673
Revised Code. 13674

A board of township trustees, by adoption of an appropriate 13675
resolution, may choose to have the ~~Ohio~~ state board of emergency 13676
medical and transportation ~~board~~ services license any emergency 13677
medical service organization it operates. If the board adopts such 13678
a resolution, Chapter 4766. of the Revised Code, except for 13679
sections 4766.06 and 4766.99 of the Revised Code, applies to the 13680
organization. All rules adopted under the applicable sections of 13681
that chapter also apply to the organization. A board of township 13682
trustees, by adoption of an appropriate resolution, may remove its 13683
emergency medical service organization from the jurisdiction of 13684
the ~~Ohio~~ state board of emergency medical and transportation ~~board~~ 13685
services. 13686

Sec. 505.375. (A)(1)(a) The boards of township trustees of 13687
one or more townships and the legislative authorities of one or 13688
more municipal corporations, or the legislative authorities of two 13689
or more municipal corporations, or the boards of township trustees 13690
of two or more townships, may negotiate an agreement to form a 13691
fire and ambulance district for the delivery of both fire and 13692
ambulance services. The agreement shall be ratified by the 13693
adoption of a joint resolution by a majority of the members of 13694

each board of township trustees involved and a majority of the 13695
members of the legislative authority of each municipal corporation 13696
involved. The joint resolution shall specify a date on which the 13697
fire and ambulance district shall come into being. 13698

(b) If a joint fire district created under section 505.371 of 13699
the Revised Code or a joint ambulance district created under 13700
section 505.71 of the Revised Code is dissolved to facilitate the 13701
creation of a fire and ambulance district under division (A)(1)(a) 13702
of this section, the townships and municipal corporations forming 13703
the fire and ambulance district may transfer to the fire and 13704
ambulance district any of the funds on hand, moneys and taxes in 13705
the process of collection, credits, and real and personal property 13706
apportioned to them under division (D) of section 505.371 of the 13707
Revised Code or section 505.71 of the Revised Code, as applicable, 13708
for use by the fire and ambulance district in accordance with this 13709
section. 13710

(2)(a) The board of trustees of a joint ambulance district 13711
created under section 505.71 of the Revised Code and the board of 13712
fire district trustees of a joint fire district created under 13713
section 505.371 of the Revised Code may negotiate to combine their 13714
two joint districts into a single fire and ambulance district for 13715
the delivery of both fire and ambulance services, if the 13716
geographic area covered by the combining joint districts is 13717
exactly the same. Both boards shall adopt a joint resolution 13718
ratifying the agreement and setting a date on which the fire and 13719
ambulance district shall come into being. 13720

(b) On that date, the joint fire district and the joint 13721
ambulance district shall cease to exist, and the power of each to 13722
levy a tax upon taxable property shall terminate, except that any 13723
levy of a tax for the payment of indebtedness within the territory 13724
of the joint fire or joint ambulance district as it was composed 13725

at the time the indebtedness was incurred shall continue to be 13726
collected by the successor fire and ambulance district if the 13727
indebtedness remains unpaid. All funds and other property of the 13728
joint districts shall become the property of the fire and 13729
ambulance district, unless otherwise provided in the negotiated 13730
agreement. The agreement shall provide for the settlement of all 13731
debts and obligations of the joint districts. 13732

(B)(1) The governing body of a fire and ambulance district 13733
created under division (A)(1) or (2) of this section shall be a 13734
board of trustees of at least three but no more than nine members, 13735
appointed as provided in the agreement creating the district. 13736
Members of the board may be compensated at a rate not to exceed 13737
thirty dollars per meeting for not more than fifteen meetings per 13738
year, and may be reimbursed for all necessary expenses incurred, 13739
as provided in the agreement creating the district. 13740

(2) The board shall employ a clerk and other employees as it 13741
considers best, including a fire chief or fire prevention 13742
officers, and shall fix their compensation. Neither this section 13743
nor any other section of the Revised Code requires, or shall be 13744
construed to require, that the fire chief of a fire and ambulance 13745
district be a resident of the district. 13746

Before entering upon the duties of office, the clerk shall 13747
execute a bond, in the amount and with surety to be approved by 13748
the board, payable to the state, conditioned for the faithful 13749
performance of all of the clerk's official duties. The clerk shall 13750
deposit the bond with the presiding officer of the board, who 13751
shall file a copy of it, certified by the presiding officer, with 13752
the county auditor of the county containing the most territory in 13753
the district. 13754

The board also shall provide for the appointment of a fiscal 13755
officer for the district and may enter into agreements with 13756
volunteer fire companies for the use and operation of 13757

fire-fighting equipment. Volunteer firefighters acting under such 13758
an agreement are subject to the requirements for volunteer 13759
firefighters set forth in division (A) of section 505.38 of the 13760
Revised Code. 13761

(3) Employees of the district shall not be removed from 13762
office except as provided by sections 733.35 to 733.39 of the 13763
Revised Code, except that, to initiate removal proceedings, the 13764
board shall designate a private citizen or, if the employee is 13765
employed as a firefighter, the board may designate the fire chief, 13766
to investigate, conduct the proceedings, and prepare the necessary 13767
charges in conformity with those sections, and except that the 13768
board shall perform the functions and duties specified for the 13769
municipal legislative authority under those sections. The board 13770
may pay reasonable compensation to any private citizen hired for 13771
services rendered in the matter. 13772

(4) No person shall be appointed as a permanent full-time 13773
paid member of the district whose duties include fire fighting, or 13774
be appointed as a volunteer firefighter, unless that person has 13775
received a certificate issued under former section 3303.07 or 13776
section 4765.55 of the Revised Code evidencing satisfactory 13777
completion of a firefighter training program. The board may send 13778
its officers and firefighters to schools of instruction designed 13779
to promote the efficiency of firefighters and, if authorized in 13780
advance, may pay their necessary expenses from the funds used for 13781
the maintenance and operation of the district. 13782

The board may choose, by adoption of an appropriate 13783
resolution, to have the ~~Ohio~~ state board of emergency medical and 13784
~~transportation board~~ services license any emergency medical 13785
service organization it operates. If the board adopts such a 13786
resolution, Chapter 4766. of the Revised Code, except for sections 13787
4766.06 and 4766.99 of the Revised Code, applies to the 13788
organization. All rules adopted under the applicable sections of 13789

that chapter also apply to the organization. The board may remove, 13790
by resolution, its emergency medical service organization from the 13791
jurisdiction of the ~~Ohio~~ state board of emergency medical and 13792
transportation ~~board~~ services. 13793

(C) The board of trustees of a fire and ambulance district 13794
created under division (A)(1) or (2) of this section may exercise 13795
the following powers: 13796

(1) Purchase or otherwise provide any fire apparatus, 13797
mechanical resuscitators, or other fire or ambulance equipment, 13798
appliances, or materials; fire hydrants; and water supply for 13799
firefighting purposes that seems advisable to the board; 13800

(2) Provide for the care and maintenance of equipment and, 13801
for that purpose, purchase, lease, lease with an option to 13802
purchase, or construct and maintain necessary buildings; 13803

(3) Establish and maintain lines of fire-alarm communications 13804
within the limits of the district; 13805

(4) Appropriate land for a fire station or medical emergency 13806
unit needed in order to respond in reasonable time to a fire or 13807
medical emergency, in accordance with Chapter 163. of the Revised 13808
Code; 13809

(5) Purchase, appropriate, or accept a deed or gift of land 13810
to enlarge or improve a fire station or medical emergency unit; 13811

(6) Purchase, lease, lease with an option to purchase, 13812
maintain, and use all materials, equipment, vehicles, buildings, 13813
and land necessary to perform its duties; 13814

(7) Contract for a period not to exceed three years with one 13815
or more townships, municipal corporations, counties, joint fire 13816
districts, joint ambulance districts, governmental agencies, 13817
nonprofit corporations, or private ambulance owners located either 13818
within or outside the state, to furnish or receive ambulance 13819

services or emergency medical services within the several 13820
territories of the contracting parties, if the contract is first 13821
authorized by all boards of trustees and legislative authorities 13822
concerned; 13823

(8) Establish reasonable charges for the use of ambulance or 13824
emergency medical services under the same conditions under which a 13825
board of fire district trustees may establish those charges under 13826
section 505.371 of the Revised Code; 13827

(9) Establish all necessary rules to guard against the 13828
occurrence of fires and to protect property and lives against 13829
damage and accidents; 13830

(10) Adopt a standard code pertaining to fire, fire hazards, 13831
and fire prevention prepared and promulgated by the state or by a 13832
public or private organization that publishes a model or standard 13833
code; 13834

(11) Provide for charges for false alarms at commercial 13835
establishments in the same manner as joint fire districts are 13836
authorized to do under section 505.391 of the Revised Code; 13837

(12) Issue bonds and other evidences of indebtedness, subject 13838
to Chapter 133. of the Revised Code, but only after approval by a 13839
vote of the electors of the district as provided by section 133.18 13840
of the Revised Code; 13841

(13) To provide the services and equipment it considers 13842
necessary, levy a sufficient tax, subject to Chapter 5705. of the 13843
Revised Code, on all the taxable property in the district. 13844

(D) Any municipal corporation or township may join an 13845
existing fire and ambulance district, whether created under 13846
division (A)(1) or (2) of this section, by its legislative 13847
authority's adoption of a resolution requesting the membership and 13848
upon approval of the board of trustees of the district. Any 13849
municipal corporation or township may withdraw from a district, 13850

whether created under division (A)(1) or (2) of this section, by 13851
its legislative authority's adoption of a resolution ordering 13852
withdrawal. Upon its withdrawal, the municipal corporation or 13853
township ceases to be a part of the district, and the district's 13854
power to levy a tax on taxable property in the withdrawing 13855
township or municipal corporation terminates, except that the 13856
district shall continue to levy and collect taxes for the payment 13857
of indebtedness within the territory of the district as it was 13858
composed at the time the indebtedness was incurred. 13859

Upon the withdrawal of any township or municipal corporation 13860
from a district, the county auditor of the county containing the 13861
most territory in the district shall ascertain, apportion, and 13862
order a division of the funds on hand, including funds in the 13863
ambulance and emergency medical services fund, moneys and taxes in 13864
the process of collection, except for taxes levied for the payment 13865
of indebtedness, credits, and real and personal property on the 13866
basis of the valuation of the respective tax duplicates of the 13867
withdrawing municipal corporation or township and the remaining 13868
territory of the district. 13869

(E) As used in this section: 13870

(1) "Governmental agency" includes all departments, boards, 13871
offices, commissions, agencies, colleges, universities, 13872
institutions, and other instrumentalities of this or another 13873
state. 13874

(2) "Emergency medical service organization" has the same 13875
meaning as in section 4766.01 of the Revised Code. 13876

Sec. 505.44. As used in this section: 13877

(A) "Emergency medical service organization" has the same 13878
meaning as in section 4765.01 of the Revised Code. 13879

(B) "State agency" means all departments, boards, offices, 13880

commissions, agencies, colleges, universities, institutions, and 13881
other instrumentalities of this or another state. 13882

In order to obtain the services of ambulance service 13883
organizations, to obtain additional services from ambulance 13884
service organizations in times of emergency, to obtain the 13885
services of emergency medical service organizations, or, if the 13886
township is located in a county with a population of forty 13887
thousand or less, to obtain the services of nonemergency patient 13888
transport service organizations, a township may enter into a 13889
contract with one or more state agencies, townships, municipal 13890
corporations, counties, nonprofit corporations, joint emergency 13891
medical services districts, fire and ambulance districts, or 13892
private ambulance owners, regardless of whether such state 13893
agencies, townships, municipal corporations, counties, nonprofit 13894
corporations, joint emergency medical services districts, fire and 13895
ambulance districts, or private ambulance owners are located 13896
within or outside the state, upon such terms as are agreed to by 13897
them, to furnish or receive services from ambulance or emergency 13898
medical service organizations or, if the township is located in a 13899
county with a population of forty thousand or less, to furnish or 13900
receive services from nonemergency patient transport service 13901
organizations, or may enter into a contract for the interchange of 13902
services from ambulance or emergency medical service organizations 13903
or, if the township is located in a county with a population of 13904
forty thousand or less, the interchange of services from 13905
nonemergency patient transport service organizations, within the 13906
several territories of the contracting parties, if the contract is 13907
first authorized by the respective boards of township trustees, 13908
the other legislative bodies, or the officer or body authorized to 13909
contract on behalf of the state agency. Such contracts shall not 13910
be entered into with a state agency or nonprofit corporation that 13911
receives more than half of its operating funds from governmental 13912
entities with the intention of directly competing with the 13913

operation of other ambulance, emergency medical, or nonemergency 13914
patient transport service organizations in the township unless the 13915
state agency or nonprofit corporation is awarded the contract 13916
after submitting the lowest and best bid to the board of township 13917
trustees. 13918

The contract may provide for compensation upon such terms as 13919
the parties may agree. 13920

Any township wishing to commence providing or wishing to 13921
enter into a contract for the first time to furnish or obtain 13922
services from nonemergency patient transport service organizations 13923
on or after March 1, 1993, including a township in which a private 13924
provider has been providing the service, shall demonstrate the 13925
need for public funding for the service to, and obtain approval 13926
from, the state board of emergency medical and transportation 13927
services or its immediate successor board prior to the 13928
establishment of a township-operated or township-funded service. 13929

Sec. 505.72. (A) The board of trustees of a joint ambulance 13930
district shall provide for the employment of such employees as it 13931
considers best, and shall fix their compensation. Such employees 13932
shall continue in office until removed as provided by sections 13933
733.35 to 733.39 of the Revised Code. To initiate removal 13934
proceedings, and for such purpose, the board shall designate a 13935
private citizen to investigate the conduct and prepare the 13936
necessary charges in conformity with sections 733.35 to 733.39 of 13937
the Revised Code. The board may pay reasonable compensation to 13938
such person for the person's services. 13939

In case of the removal of an employee of the district, an 13940
appeal may be had from the decision of the board to the court of 13941
common pleas of the county in which such district, or part of it, 13942
is situated, to determine the sufficiency of the cause of removal. 13943
Such appeal from the findings of the board shall be taken within 13944

ten days. 13945

(B) As used in this division, "emergency medical service 13946
organization" has the same meaning as in section 4765.01 of the 13947
Revised Code. 13948

(1) In order to obtain the services of ambulance service 13949
organizations, to obtain additional services from ambulance 13950
service organizations in times of emergency, or to obtain the 13951
services of emergency medical service organizations, a district 13952
may enter into a contract, for a period not to exceed three years, 13953
with one or more townships, municipal corporations, joint fire 13954
districts, nonprofit corporations, any other governmental unit 13955
that provides ambulance services or emergency medical services, or 13956
with private ambulance owners, regardless of whether such 13957
townships, municipal corporations, joint fire districts, nonprofit 13958
corporations, governmental unit, or private ambulance owners are 13959
located within or without this state, upon such terms as are 13960
agreed to, to furnish or receive services from ambulance or 13961
emergency medical service organizations or the interchange of 13962
services from ambulance or emergency medical service organizations 13963
within the several territories of the contracting subdivisions, if 13964
such contract is first authorized by all boards of trustees and 13965
legislative authorities concerned. 13966

The contract may provide for a fixed annual charge to be paid 13967
at the times agreed upon and stipulated in the contract, or for 13968
compensation based upon a stipulated price for each run, call, or 13969
emergency, or the elapsed time of service required in such run, 13970
call, or emergency, or any combination thereof. 13971

(2) Expenditures of a district for the services of ambulance 13972
service organizations or emergency medical service organizations, 13973
whether pursuant to contract or otherwise, are lawful 13974
expenditures, regardless of whether the district or the party with 13975
which it contracts charges additional fees to users of the 13976

services. 13977

(3) A district's board of trustees, by adoption of an 13978
appropriate resolution, may choose to have the ~~Ohio~~ state board of 13979
emergency medical and transportation board services license any 13980
emergency medical service organization the district operates. If a 13981
board adopts such a resolution, Chapter 4766. of the Revised Code, 13982
except for sections 4766.06 and 4766.99 of the Revised Code, 13983
applies to the district emergency medical service organization. 13984
All rules adopted under the applicable sections of that chapter 13985
also apply to the organization. A board, by adoption of an 13986
appropriate resolution, may remove the district emergency medical 13987
service organization from the jurisdiction of the ~~Ohio~~ state board 13988
of emergency medical and transportation board services. 13989

(C) Ambulance services or emergency medical services rendered 13990
for a joint ambulance district under this section and section 13991
505.71 of the Revised Code shall be deemed services of the 13992
district. These sections do not authorize suits against a district 13993
or any township or municipal corporation providing or receiving, 13994
or contracting to provide or receive, such services under these 13995
sections for damages for injury or loss to persons or property or 13996
for wrongful death caused by persons providing such services. 13997

Sec. 715.013. (A) Except as otherwise expressly authorized by 13998
the Revised Code, no municipal corporation shall levy a tax that 13999
is the same as or similar to a tax levied under Chapter 322., 14000
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 14001
5707., 5725., 5726., 5727., 5728., 5729., 5731., 5735., 5737., 14002
5739., 5741., 5743., or 5749. of the Revised Code. 14003

(B) This section does not prohibit a municipal corporation 14004
from levying a tax on any of the following: 14005

(1) Amounts received for admission to any place; 14006

(2) The income of an electric company or combined company, as defined in section 5727.01 of the Revised Code; 14007
14008

(3) On and after January 1, 2004, the income of a telephone company, as defined in section 5727.01 of the Revised Code. 14009
14010

Sec. 723.52. Before letting or making any contract for the construction, reconstruction, widening, resurfacing, or repair of a street or other public way, the director of public service in a city, or the legislative authority in a village, shall make an estimate of the cost of such work using the force account project assessment form developed by the auditor of state under section 117.16 of the Revised Code. In municipal corporations having an engineer, or an officer having a different title but the duties and functions of an engineer, the estimate shall be made by the engineer or other officer. Where the total estimated cost of any such work is ~~thirty~~ fifty thousand dollars or less, the proper officers may proceed by force account. 14011
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Where the total estimated cost of any such work exceeds ~~thirty~~ fifty thousand dollars, the proper officers of the municipal corporation shall be required to invite and receive competitive bids for furnishing all the labor, materials, and equipment and doing the work, after newspaper advertisement as provided by law. The officers shall consider and may reject such bids. If the bids are rejected, the officers may order the work done by force account or direct labor. When such bids are received, considered, and rejected, and the work done by force account or direct labor, such work shall be performed in compliance with the plans and specifications upon which the bids were based. It shall be unlawful to divide a street or connecting streets into separate sections for the purpose of defeating this section and section 723.53 of the Revised Code. 14023
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"Street," as used in such sections, includes portions of 14037

connecting streets on which the same or similar construction, 14038
reconstruction, widening, resurfacing, or repair is planned or 14039
projected. 14040

Sec. 723.53. Where the proper officers of any municipal 14041
corporation construct, reconstruct, widen, resurface, or repair a 14042
street or other public way by force account or direct labor, and 14043
the estimated cost of the work as defined in section 723.52 of the 14044
Revised Code exceeds ~~thirty~~ fifty thousand dollars, such municipal 14045
authorities shall cause to be kept by the engineer of the 14046
municipal corporation, or other officer or employee of the 14047
municipal corporation in charge of such work, a complete and 14048
accurate account, in detail, of the cost of doing the work. The 14049
account shall include labor, materials, freight, fuel, hauling, 14050
overhead expense, workers' compensation premiums, and all other 14051
items of cost and expense, including a reasonable allowance for 14052
the use of all tools and equipment used on or in connection with 14053
such work and for the depreciation on the tools and equipment. The 14054
engineer or other officer or employee shall keep such account, and 14055
within ninety days after the completion of any such work shall 14056
prepare a detailed and itemized statement of such cost and file 14057
the statement with the officer or board vested with authority to 14058
direct the doing of the work in question. Such officer or board 14059
shall thereupon examine the statement, correct it if necessary, 14060
and file it in the office of the officer or board. Such statement 14061
shall be kept on file for not less than two years and shall be 14062
open to public inspection. 14063

This section and section 723.52 of the Revised Code do not 14064
apply to any municipal corporations having a charter form of 14065
government. 14066

Sec. 731.141. In those villages that have established the 14067
position of village administrator, as provided by section 735.271 14068

of the Revised Code, the village administrator shall make 14069
contracts, purchase supplies and materials, and provide labor for 14070
any work under the administrator's supervision involving not more 14071
than ~~twenty-five~~ fifty thousand dollars. When an expenditure, 14072
other than the compensation of persons employed by the village, 14073
exceeds ~~twenty-five~~ fifty thousand dollars, the expenditure shall 14074
first be authorized and directed by ordinance of the legislative 14075
authority of the village. When so authorized and directed, except 14076
where the contract is for equipment, services, materials, or 14077
supplies to be purchased under division (D) of section 713.23 or 14078
section 125.04 or 5513.01 of the Revised Code, available from a 14079
qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 14080
of the Revised Code, or required to be purchased from a qualified 14081
nonprofit agency under sections 125.60 to 125.6012 of the Revised 14082
Code, the village administrator shall make a written contract with 14083
the lowest and best bidder after advertisement for not less than 14084
two nor more than four consecutive weeks in a newspaper of general 14085
circulation within the village or as provided in section 7.16 of 14086
the Revised Code. The bids shall be opened and shall be publicly 14087
read by the village administrator or a person designated by the 14088
village administrator at the time, date, and place as specified in 14089
the advertisement to bidders or specifications. The time, date, 14090
and place of bid openings may be extended to a later date by the 14091
village administrator, provided that written or oral notice of the 14092
change shall be given to all persons who have received or 14093
requested specifications no later than ninety-six hours prior to 14094
the original time and date fixed for the opening. All contracts 14095
shall be executed in the name of the village and signed on its 14096
behalf by the village administrator and the clerk. 14097

The legislative authority of a village may provide, by 14098
ordinance, for central purchasing for all offices, departments, 14099
divisions, boards, and commissions of the village, under the 14100
direction of the village administrator, who shall make contracts, 14101

purchase supplies or materials, and provide labor for any work of 14102
the village in the manner provided by this section. 14103

Sec. 735.05. The director of public service may make any 14104
contract, purchase supplies or material, or provide labor for any 14105
work under the supervision of the department of public service 14106
involving not more than ~~twenty-five~~ fifty thousand dollars. When 14107
an expenditure within the department, other than the compensation 14108
of persons employed in the department, exceeds ~~twenty-five~~ fifty 14109
thousand dollars, the expenditure shall first be authorized and 14110
directed by ordinance of the city legislative authority. When so 14111
authorized and directed, except where the contract is for 14112
equipment, services, materials, or supplies to be purchased under 14113
division (D) of section 713.23 or section 125.04 or 5513.01 of the 14114
Revised Code or available from a qualified nonprofit agency 14115
pursuant to sections 4115.31 to 4115.35 of the Revised Code, the 14116
director shall make a written contract with the lowest and best 14117
bidder after advertisement for not less than two nor more than 14118
four consecutive weeks in a newspaper of general circulation 14119
within the city or as provided in section 7.16 of the Revised 14120
Code. 14121

Sec. 737.03. The director of public safety shall manage and 14122
make all contracts with reference to police stations, fire houses, 14123
reform schools, infirmaries, hospitals other than municipal 14124
hospitals operated pursuant to Chapter 749. of the Revised Code, 14125
workhouses, farms, pesthouses, and all other charitable and 14126
reformatory institutions. In the control and supervision of those 14127
institutions, the director shall be governed by the provisions of 14128
Title VII of the Revised Code relating to those institutions. 14129

The director may make all contracts and expenditures of money 14130
for acquiring lands for the erection or repairing of station 14131
houses, police stations, fire department buildings, fire cisterns, 14132

and plugs, that are required, for the purchase of engines, 14133
apparatus, and all other supplies necessary for the police and 14134
fire departments, and for other undertakings and departments under 14135
the director's supervision, but no obligation involving an 14136
expenditure of more than ~~twenty-five~~ fifty thousand dollars shall 14137
be created unless first authorized and directed by ordinance. In 14138
making, altering, or modifying those contracts, the director shall 14139
be governed by sections 735.05 to 735.09 of the Revised Code, 14140
except that all bids shall be filed with and opened by the 14141
director. The director shall make no sale or disposition of any 14142
property belonging to the city without first being authorized by 14143
resolution or ordinance of the city legislative authority. 14144

Sec. 742.114. (A) As used in this section and in section 14145
742.116 of the Revised Code: 14146

(1) "Agent" means a dealer, as defined in section 1707.01 of 14147
the Revised Code, who is licensed under sections 1707.01 to 14148
1707.45 of the Revised Code or under comparable laws of another 14149
state or of the United States. 14150

(2) "Minority business enterprise" has the same meaning as in 14151
section 122.71 of the Revised Code. 14152

(3) "Ohio-qualified agent" means an agent designated as such 14153
by the board of trustees of the fund. 14154

(4) "Ohio-qualified investment manager" means an investment 14155
manager designated as such by the board of trustees of the fund. 14156

(5) "Principal place of business" means an office in which 14157
the agent regularly provides securities or investment advisory 14158
services and solicits, meets with, or otherwise communicates with 14159
clients. 14160

(B) The board of trustees of the fund shall, for the purposes 14161
of this section, designate an agent as an Ohio-qualified agent if 14162

the agent meets all of the following requirements:	14163
(1) The agent is subject to taxation under Chapter 5725.,	14164
<u>5726.</u> , 5733., or 5747. of the Revised Code;	14165
(2) The agent is authorized to conduct business in this	14166
state;	14167
(3) The agent maintains a principal place of business in this	14168
state and employs at least five residents of this state.	14169
(C) The board shall adopt and implement a written policy to	14170
establish criteria and procedures used to select agents to execute	14171
securities transactions on behalf of the retirement system. The	14172
policy shall address each of the following:	14173
(1) Commissions charged by the agent, both in the aggregate	14174
and on a per share basis;	14175
(2) The execution speed and trade settlement capabilities of	14176
the agent;	14177
(3) The responsiveness, reliability, and integrity of the	14178
agent;	14179
(4) The nature and value of research provided by the agent;	14180
(5) Any special capabilities of the agent.	14181
(D)(1) The board shall, at least annually, establish a policy	14182
with the goal to increase utilization by the board of	14183
Ohio-qualified agents for the execution of domestic equity and	14184
fixed-income trades on behalf of the retirement system, when an	14185
Ohio-qualified agent offers quality, services, and safety	14186
comparable to other agents otherwise available to the board and	14187
meets the criteria established under division (C) of this section.	14188
(2) The board shall review, at least annually, the	14189
performance of the agents that execute securities transactions on	14190
behalf of the board.	14191

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:

(1) The name of each agent designated as an Ohio-qualified agent under this section;

(2) The name of each agent that executes securities transactions on behalf of the board;

(3) The amount of equity and fixed-income trades that are executed by Ohio-qualified agents, expressed as a percentage of all equity and fixed-income trades that are executed by agents on behalf of the board;

(4) The compensation paid to Ohio-qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;

(5) The amount of equity and fixed-income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed-income trades that are executed by agents on behalf of the board;

(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.

Sec. 742.116. (A) The board of trustees of the pension fund shall, for the purposes of this section, designate an investment manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements:

(1) The investment manager is subject to taxation under

Chapter 5725., <u>5726.</u> , 5733., or 5747. of the Revised Code;	14222
(2) The investment manager meets one of the following requirements:	14223
(a) Has its corporate headquarters or principal place of business in this state;	14224
(b) Employs at least five hundred individuals in this state;	14225
(c) Has a principal place of business in this state and employs at least 20 residents of this state.	14226
(B)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified investment managers, when an Ohio-qualified investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The policy shall also provide for the following:	14227
(a) A process whereby the board can develop a list of Ohio-qualified investment managers and their investment products;	14228
(b) A process whereby the board can give public notice to Ohio-qualified investment managers of the board's search for an investment manager that includes the board's search criteria.	14229
(2) The board shall determine whether an investment manager is an Ohio-qualified investment manager and whether the investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The board's determination shall be final.	14230
(C) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:	14231
(1) The name of each investment manager designated as an Ohio-qualified investment manager under this section;	14232
(2) The name of each investment manager with which the board	14233
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contracts;	14252
(3) The amount of assets managed by Ohio-qualified investment managers, expressed as a percentage of the total assets held by the retirement system and as a percentage of assets managed by investment managers with which the board has contracted;	14253 14254 14255 14256
(4) The compensation paid to Ohio-qualified investment managers, expressed as a percentage of total compensation paid to all investment managers with which the board has contracted;	14257 14258 14259
(5) Any other information requested by the Ohio retirement study council regarding the board's use of investment managers.	14260 14261
Sec. 749.26. The board of hospital trustees, before entering into any contract for the erection of a hospital building, or for the rebuilding or repair of a hospital building, the cost of which exceeds ten <u>fifty</u> thousand dollars, shall have plans, specifications, detailed drawings, and forms of bids prepared, and when adopted by the board it shall have them printed for distribution among the bidders.	14262 14263 14264 14265 14266 14267 14268
Sec. 749.28. The board of hospital trustees shall not enter into a contract for work or supplies where the estimated cost exceeds ten <u>fifty</u> thousand dollars, without first giving thirty days' notice in one newspaper of general circulation in the municipal corporation that sealed proposals will be received for doing the work or furnishing the materials and supplies.	14269 14270 14271 14272 14273 14274
Sec. 749.31. Except where the contract is for equipment, services, materials, or supplies available from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code, the board of hospital trustees shall enter into a contract for work or supplies where the estimated cost exceeds ten <u>fifty</u> thousand dollars with the lowest and best bidder. Where the	14275 14276 14277 14278 14279 14280

contract is for other than the construction, demolition, 14281
alteration, repair, or reconstruction of an improvement, the board 14282
shall enter into the contract when the bidder gives bond to the 14283
board, with such security as the board approves, that ~~he~~ the 14284
bidder will perform the work and furnish materials or supplies in 14285
accordance with the contract. On the failure of such bidder within 14286
a reasonable time, to be fixed by the board, to enter into bond 14287
with such security, a contract may be made with the next lowest 14288
and best bidder, and so on until a contract is effected by a 14289
contractor giving such bond. The board may reject any bid. 14290

Sec. 753.15. (A) Except as provided in division (B) of this 14291
section, in a city, a workhouse erected for the joint use of the 14292
city and the county in which such city is located shall be managed 14293
and controlled by a joint board composed of the board of county 14294
commissioners and the board of control of the city, and in a 14295
village by the board of county commissioners and the board of 14296
trustees of public affairs. Such joint board shall have all the 14297
powers and duties in the management, control, and maintenance of 14298
such workhouse as are conferred upon the director of public safety 14299
in cities, and in addition thereto it may construct sewers for 14300
such workhouse and pay therefor from funds raised by taxation for 14301
the maintenance of such institution. 14302

The joint board may lease or purchase suitable property and 14303
buildings for a workhouse, or real estate for the purpose of 14304
erecting and maintaining a workhouse thereon, but it shall not 14305
expend more than ~~ten~~ fifty thousand dollars for any such purpose 14306
unless such amount is approved by a majority of the voters of the 14307
county, exclusive of the municipal corporation, voting at a 14308
general election. 14309

(B) In lieu of forming a joint board to manage and control a 14310
workhouse erected for the joint use of the city and the county in 14311

which the city is located, the board of county commissioners and 14312
the legislative authority of the city may enter into a contract 14313
for the private operation and management of the workhouse as 14314
provided in section 9.06 of the Revised Code, but only if the 14315
workhouse is used solely for misdemeanor inmates. In order to 14316
enter into a contract under section 9.06 of the Revised Code, both 14317
the board and the legislative authority shall approve and be 14318
parties to the contract. 14319

Sec. 755.29. The board of park trustees, before entering into 14320
any contract for the performance of any work, the cost of which 14321
exceeds ~~twenty-five~~ fifty thousand dollars, shall cause plans and 14322
specifications and forms of bids to be prepared, and when adopted 14323
by the board, shall have them printed for distribution among 14324
bidders. 14325

Sec. 755.30. The board of park trustees shall not enter into 14326
any contract for work or supplies, where the estimated cost 14327
thereof exceeds ~~ten~~ fifty thousand dollars, without first giving 14328
thirty days' notice in one newspaper of general circulation in the 14329
municipal corporation that sealed proposals may be received for 14330
doing the work or furnishing such materials and supplies. 14331

Sec. 901.54. ~~(A)~~ There is hereby created the office of 14332
farmland preservation within the department of agriculture. The 14333
office shall do all of the following: 14334

~~(1)~~(A) Prepare guidelines and criteria for use in the 14335
development of comprehensive local land use plans that encourage 14336
the efficient use of public infrastructure and the preservation of 14337
farmland; 14338

~~(2)~~(B) Establish a farmland preservation program to 14339
coordinate and assist local farmland preservation initiatives; 14340

(3) Administer the pilot farmland preservation fund	14341
established in division (B) of this section;	14342
(4)(C) Educate existing agencies and organizations on the	14343
importance of farmland preservation and on the significance of	14344
agriculture and agribusiness to this state's economy;	14345
(5)(D) Serve as a liaison with other farmland preservation	14346
entities operating on a state, regional, or national level;	14347
(6)(E) Prepare an inventory of farmland within this state to	14348
monitor the development of lands within this state having prime	14349
soils or unique microclimates.	14350
(B) There is hereby created in the state treasury the pilot	14351
farmland preservation fund consisting of moneys received by the	14352
office of farmland preservation for the purposes of the fund. The	14353
fund shall be administered by the office of farmland preservation.	14354
Moneys in the fund shall be used to leverage or match other	14355
farmland preservation funds provided from federal, local, or	14356
private sources.	14357
Sec. 955.16. (A) Dogs that have been seized by the county dog	14359
warden and impounded shall be kept, housed, and fed for three days	14360
for the purpose of redemption, as provided by section 955.18 of	14361
the Revised Code, unless any of the following applies:	14362
(1) Immediate humane destruction of the dog is necessary	14363
because of obvious disease or injury. If the diseased or injured	14364
dog is registered, as determined from the current year's	14365
registration list maintained by the warden and the county auditor	14366
of the county where the dog is registered, the necessity of	14367
destroying the dog shall be certified by a licensed veterinarian	14368
or a registered veterinary technician. If the dog is not	14369
registered, the decision to destroy it shall be made by the	14370
warden.	14371

(2) The dog is currently registered on the registration list 14372
maintained by the warden and the auditor of the county where the 14373
dog is registered and the attempts to notify the owner, keeper, or 14374
harborer under section 955.12 of the Revised Code have failed, in 14375
which case the dog shall be kept, housed, and fed for fourteen 14376
days for the purpose of redemption. 14377

(3) The warden has contacted the owner, keeper, or harborer 14378
under section 955.12 of the Revised Code, and the owner, keeper, 14379
or harborer has requested that the dog remain in the pound or 14380
animal shelter until the owner, harborer, or keeper redeems the 14381
dog. The time for such redemption shall be not more than 14382
forty-eight hours following the end of the appropriate redemption 14383
period. 14384

At any time after such periods of redemption, any dog not 14385
redeemed shall be donated to any nonprofit special agency that is 14386
engaged in the training of any type of assistance dogs and that 14387
requests that the dog be donated to it. Any dog not redeemed that 14388
is not requested by such an agency may be sold, except that no dog 14389
sold to a person other than a nonprofit teaching or research 14390
institution or organization of the type described in division (B) 14391
of this section shall be discharged from the pound or animal 14392
shelter until the animal has been registered and furnished with a 14393
valid registration tag. 14394

(B) Any dog that is not redeemed within the applicable period 14395
as specified in this section or section 955.12 of the Revised Code 14396
from the time notice is mailed to its owner, keeper, or harborer 14397
or is posted at the pound or animal shelter, as required by 14398
section 955.12 of the Revised Code, and that is not required to be 14399
donated to a nonprofit special agency engaged in the training of 14400
any type of assistance dogs may, upon payment to the dog warden or 14401
poundkeeper of the sum of three dollars, be sold to any nonprofit 14402
Ohio institution or organization that is certified by the Ohio 14403

~~public director of health council~~ as being engaged in teaching or 14404
research concerning the prevention and treatment of diseases of 14405
human beings or animals. Any dog that is donated to a nonprofit 14406
special agency engaged in the training of any type of assistance 14407
dogs in accordance with division (A) of this section and any dog 14408
that is sold to any nonprofit teaching or research institution or 14409
organization shall be discharged from the pound or animal shelter 14410
without registration and may be kept by the agency or by the 14411
institution or organization without registration so long as the 14412
dog is being trained, or is being used for teaching and research 14413
purposes. 14414

Any institution or organization certified by the ~~Ohio public~~ 14415
~~health council~~ director that obtains dogs for teaching and 14416
research purposes pursuant to this section shall, at all 14417
reasonable times, make the dogs available for inspection by agents 14418
of the Ohio humane society, appointed pursuant to section 1717.04 14419
of the Revised Code, and agents of county humane societies, 14420
appointed pursuant to section 1717.06 of the Revised Code, in 14421
order that the agents may prevent the perpetration of any act of 14422
cruelty, as defined in section 1717.01 of the Revised Code, to the 14423
dogs. 14424

(C) Any dog that the dog warden or poundkeeper is unable to 14425
dispose of, in the manner provided by this section and section 14426
955.18 of the Revised Code, may be humanely destroyed, except that 14427
no dog shall be destroyed until twenty-four hours after it has 14428
been offered to a nonprofit teaching or research institution or 14429
organization, as provided in this section, that has made a request 14430
for dogs to the dog warden or poundkeeper. 14431

(D) An owner of a dog that is wearing a valid registration 14432
tag who presents the dog to the dog warden or poundkeeper may 14433
specify in writing that the dog shall not be offered to a 14434
nonprofit teaching or research institution or organization, as 14435

provided in this section. 14436

(E) A record of all dogs impounded, the disposition of the 14437
same, the owner's name and address, if known, and a statement of 14438
costs assessed against the dogs shall be kept by the poundkeeper, 14439
and the poundkeeper shall furnish a transcript thereof to the 14440
county treasurer quarterly. 14441

A record of all dogs received and the source that supplied 14442
them shall be kept, for a period of three years from the date of 14443
acquiring the dogs, by all institutions or organizations engaged 14444
in teaching or research concerning the prevention and treatment of 14445
diseases of human beings or animals. 14446

(F) No person shall destroy any dog by the use of a high 14447
altitude decompression chamber or by any method other than a 14448
method that immediately and painlessly renders the dog initially 14449
unconscious and subsequently dead. 14450

Sec. 955.26. Whenever, in the judgment of the director of 14451
health, any city or general health district board of health, or 14452
persons performing the duties of a board of health, rabies is 14453
prevalent, the director of health, the board, or those persons 14454
shall declare a quarantine of all dogs in the health district or 14455
in a part of it. During the quarantine, the owner, keeper, or 14456
harborer of any dog shall keep it confined on the premises of the 14457
owner, keeper, or harborer, or in a suitable pound or kennel, at 14458
the expense of the owner, keeper, or harborer, except that a dog 14459
may be permitted to leave the premises of its owner, keeper, or 14460
harborer if it is under leash or under the control of a 14461
responsible person. The quarantine order shall be considered an 14462
emergency and need not be published. 14463

When the quarantine has been declared, the director of 14464
health, the board, or those persons may require vaccination for 14465
rabies of all dogs within the health district or part of it. Proof 14466

of rabies vaccination within a satisfactory period shall be 14467
demonstrated to the county auditor before any registration is 14468
issued under section 955.01 of the Revised Code for any dog that 14469
is required to be vaccinated. 14470

The ~~public health council~~ director shall determine 14471
appropriate methods of rabies vaccination and satisfactory periods 14472
for purposes of quarantines under this section. 14473

When a quarantine of dogs has been declared in any health 14474
district or part of a health district, the county dog warden and 14475
all other persons having the authority of police officers shall 14476
assist the health authorities in enforcing the quarantine order. 14477
When rabies vaccination has been declared compulsory in any health 14478
district or part of a health district, the dog warden shall assist 14479
the health authorities in enforcing the vaccination order. 14480

Notwithstanding the provisions of this section, a city or 14481
general health district board of health may make orders pursuant 14482
to sections 3709.20 and 3709.21 of the Revised Code requiring the 14483
vaccination of dogs. 14484

Sec. 991.02. (A) There is hereby created the Ohio expositions 14485
commission, which shall consist of the following ~~thirteen~~ fourteen 14486
members: nine members appointed by the governor with the advice 14487
and consent of the senate; the director of development, the 14488
director of natural resources, and the director of agriculture, or 14489
their designated representatives, who shall be ex officio members 14490
with voting rights of ~~such~~ the commission; and the ~~chairman~~ 14491
chairperson of the standing committee in the house of 14492
representatives to which matters dealing with agriculture are 14493
generally referred and the ~~chairman~~ chairperson of the standing 14494
committee in the senate to which matters dealing with agriculture 14495
are generally referred, who shall be nonvoting members. If the 14496
senate is not in session, recess appointments shall be made by the 14497

governor. 14498

(B) Of the nine members of the commission appointed by the 14499
governor, not more than five shall be from one political party, at 14500
least three members shall receive the major portion of their 14501
income from farming, and at least one member shall, at the time of 14502
~~his~~ appointment, be a member of the board of directors of an 14503
agricultural society ~~which~~ that was organized in compliance with 14504
section 1711.01 or 1711.02 of the Revised Code. Terms of office 14505
shall be for six years, commencing on the second day of December 14506
and ending on the first day of December. Each member shall hold 14507
office from the date of ~~his~~ appointment until the end of the term 14508
for which ~~he~~ the member was appointed. Any member appointed to 14509
fill a vacancy occurring prior to the expiration of the term for 14510
which ~~his~~ the member's predecessor was appointed shall hold office 14511
for the remainder of ~~such~~ that term. Any member shall continue in 14512
office subsequent to the expiration date of ~~his~~ the member's term 14513
until ~~his~~ the member's successor takes office, or until a period 14514
of sixty days has elapsed, whichever occurs first. 14515

The term of each nonvoting, legislative member of the 14516
commission shall be for two years or until the end of the member's 14517
legislative term, whichever occurs first. 14518

(C) The commission shall annually, during the month of 14519
December, select from among its members a ~~chairman~~ chairperson, a 14520
~~vice-chairman~~ vice-chairperson, who in the absence of the ~~chairman~~ 14521
chairperson shall carry out ~~his~~ the chairperson's duties, and a 14522
secretary, who may be a member or employee of the commission, to 14523
record the minutes of its meetings and to carry out such other 14524
duties as may be assigned by the commission, its ~~chairman~~ 14525
chairperson, or ~~vice-chairman~~ its vice-chairperson. 14526

(D) The director of agriculture, the director of natural 14527
resources, and the director of development, or their designated 14528
representatives, and the two legislators appointed to the 14529

commission, as members of the commission shall serve without 14530
compensation. 14531

(E) Each of the members of the commission appointed by the 14532
governor shall be paid the rate established pursuant to division 14533
(J) of section 124.15 of the Revised Code. All members of the 14534
commission are entitled to their actual and necessary expenses 14535
incurred in the performance of their duties as such members, 14536
payable from the appropriations for the commission. 14537

(F) The commission shall hold at least one regular meeting in 14538
each quarter of each calendar year, and shall keep a record of its 14539
proceedings, which shall be open to the public for inspection. 14540
Special meetings may be called by the ~~chairman~~ chairperson and 14541
shall be called by ~~him~~ the chairperson upon receipt of a written 14542
request therefor signed by two or more members of the commission. 14543
Written notice of the time and place of each meeting shall be sent 14544
to each member of the commission. Six of the voting members of the 14545
commission shall constitute a quorum. 14546

(G) The commission shall employ and prescribe the powers and 14547
duties of a general manager who shall serve in the unclassified 14548
civil service at a salary fixed pursuant to section 124.14 of the 14549
Revised Code. The general manager may employ such assistant 14550
managers as ~~he~~ the general manager and the commission may approve. 14551
At no time shall such assistant managers exceed four in number, 14552
one of whom shall be appointed in the classified civil service. 14553
The general manager may, subject to the approval of the 14554
commission, employ a fiscal officer and such other officers, 14555
employees, and consultants with such powers and duties as are 14556
necessary to carry out ~~sections 991.01 to 991.07 of the Revised~~ 14557
~~Code~~ this chapter. With the approval of the commission and in 14558
order to implement this chapter, the general manager may employ 14559
and fix the compensation of seasonal employees; these employees 14560
shall be in the unclassified civil service, and the overtime pay 14561

requirements of section 124.18 of the Revised Code do not apply to 14562
them. The general manager shall be considered the appointing 14563
authority of the commission for purposes of Chapter 124. of the 14564
Revised Code. 14565

(H) The governor may remove any appointed voting member of 14566
the commission at any time for inefficiency, neglect of duty, or 14567
malfeasance in office. 14568

Sec. 1121.23. Whenever the approval of the superintendent of 14569
financial institutions is required under Chapters 1101. to 1127. 14570
of the Revised Code, or under an order or supervisory action 14571
issued or taken under those chapters, for a person to serve as an 14572
organizer, incorporator, director, executive officer, or 14573
controlling shareholder of a bank, or to otherwise have a 14574
substantial interest in or participate in the management of a 14575
bank, the superintendent shall request the superintendent of the 14576
bureau of criminal identification and investigation, or a vendor 14577
approved by the bureau, to conduct a criminal records check based 14578
on the person's fingerprints in accordance with ~~division (A)(14)~~ 14579
~~of~~ section 109.572 of the Revised Code. The superintendent of 14580
financial institutions shall request that criminal record 14581
information from the federal bureau of investigation be obtained 14582
as part of the criminal records check. Any fee required under 14583
division (C)(3) of section 109.572 of the Revised Code shall be 14584
paid by the person who is the subject of the request. 14585

Sec. 1155.03. Whenever the approval of the superintendent of 14586
financial institutions is required under Chapters 1151. to 1157. 14587
of the Revised Code, or under an order or supervisory action 14588
issued or taken under those chapters, for a person to serve as an 14589
organizer, incorporator, director, executive officer, or 14590
controlling person of a savings and loan association, or to 14591
otherwise have a substantial interest in or participate in the 14592

management of a savings and loan association, the superintendent 14593
shall request the superintendent of the bureau of criminal 14594
identification and investigation, or a vendor approved by the 14595
bureau, to conduct a criminal records check based on the person's 14596
fingerprints in accordance with ~~division (A)(14)~~ of section 14597
109.572 of the Revised Code. The superintendent of financial 14598
institutions shall request that criminal record information from 14599
the federal bureau of investigation be obtained as part of the 14600
criminal records check. Any fee required under division (C)(3) of 14601
section 109.572 of the Revised Code shall be paid by the person 14602
who is the subject of the request. 14603

Sec. 1163.05. Whenever the approval of the superintendent of 14604
financial institutions is required under Chapters 1161. to 1165. 14605
of the Revised Code, or under an order or supervisory action 14606
issued or taken under those chapters, for a person to serve as an 14607
organizer, incorporator, director, executive officer, or 14608
controlling person of a savings bank, or to otherwise have a 14609
substantial interest in or participate in the management of a 14610
savings bank, the superintendent shall request the superintendent 14611
of the bureau of criminal identification and investigation, or a 14612
vendor approved by the bureau, to conduct a criminal records check 14613
based on the person's fingerprints in accordance with ~~division~~ 14614
~~(A)(14)~~ of section 109.572 of the Revised Code. The superintendent 14615
of financial institutions shall request that criminal record 14616
information from the federal bureau of investigation be obtained 14617
as part of the criminal records check. Any fee required under 14618
division (C)(3) of section 109.572 of the Revised Code shall be 14619
paid by the person who is the subject of the request. 14620

Sec. 1315.141. Whenever the approval of the superintendent of 14621
financial institutions is required under sections 1315.01 to 14622

1315.18 of the Revised Code, or under an order or supervisory 14623
action issued or taken under those sections, for a person to serve 14624
as an organizer, incorporator, director, executive officer, or 14625
controlling person of a licensee, or to otherwise have a 14626
substantial interest in or participate in the management of a 14627
licensee, the superintendent shall request the superintendent of 14628
the bureau of criminal identification and investigation, or a 14629
vendor approved by the bureau, to conduct a criminal records check 14630
based on the person's fingerprints in accordance with ~~division~~ 14631
~~(A)(14)~~ of section 109.572 of the Revised Code. The superintendent 14632
of financial institutions shall request that criminal record 14633
information from the federal bureau of investigation be obtained 14634
as part of the criminal records check. Any fee required under 14635
division (C)(3) of section 109.572 of the Revised Code shall be 14636
paid by the person who is the subject of the request. 14637

Sec. 1321.37. (A) Application for an original or renewal 14638
license to make short-term loans shall be in writing, under oath, 14639
and in the form prescribed by the superintendent of financial 14640
institutions, and shall contain the name and address of the 14641
applicant, the location where the business of making loans is to 14642
be conducted, and any further information as the superintendent 14643
requires. At the time of making an application for an original 14644
license, the applicant shall pay to the superintendent a 14645
nonrefundable investigation fee of two hundred dollars. No 14646
investigation fee or any portion thereof shall be refunded after 14647
an original license has been issued. The application for an 14648
original or renewal license shall be accompanied by an original or 14649
renewal license fee, for each business location of one thousand 14650
dollars, except that applications for original licenses issued on 14651
or after the first day of July for any year shall be accompanied 14652
by an original license fee of five hundred dollars, and except 14653

that an application for an original or renewal license, for a 14654
nonprofit corporation that is incorporated under Chapter 1702. of 14655
the Revised Code, shall be accompanied by an original or renewal 14656
license fee, for each business location, that is one-half of the 14657
fee otherwise required. All fees paid to the superintendent 14658
pursuant to this division shall be deposited into the state 14659
treasury to the credit of the consumer finance fund. 14660

(B) Upon the filing of an application for an original license 14661
and, with respect to an application filed for a renewal license, 14662
on a schedule determined by the superintendent by rule adopted 14663
pursuant to section 1321.43 of the Revised Code, and the payment 14664
of fees in accordance with division (A) of this section, the 14665
superintendent shall investigate the facts concerning the 14666
applicant and the requirements provided by this division. The 14667
superintendent shall request the superintendent of the bureau of 14668
criminal identification and investigation, or a vendor approved by 14669
the bureau, to conduct a criminal records check based on the 14670
applicant's fingerprints in accordance with ~~division (A)(12)~~ of 14671
section 109.572 of the Revised Code. Notwithstanding division (K) 14672
of section 121.08 of the Revised Code, the superintendent of 14673
financial institutions shall request that criminal record 14674
information from the federal bureau of investigation be obtained 14675
as part of the criminal records check. The superintendent of 14676
financial institutions shall conduct a civil records check. The 14677
superintendent shall approve an application and issue an original 14678
or renewal license to the applicant if the superintendent finds 14679
all of the following: 14680

(1) The financial responsibility, experience, reputation, and 14681
general fitness of the applicant are such as to warrant the belief 14682
that the business of making loans will be operated lawfully, 14683
honestly, and fairly under sections 1321.35 to 1321.48 of the 14684
Revised Code and within the purposes of those sections; that the 14685

applicant has fully complied with those sections and any rule or order adopted or issued pursuant to section 1321.43 of the Revised Code; and that the applicant is qualified to engage in the business of making loans under sections 1321.35 to 1321.48 of the Revised Code.

(2) The applicant is financially sound and has a net worth of not less than one hundred thousand dollars, or in the case of a nonprofit corporation that is incorporated under Chapter 1702. of the Revised Code, a net worth of not less than fifty thousand dollars. The applicant's net worth shall be computed according to generally accepted accounting principles.

(3) The applicant has never had revoked a license to make loans under sections 1321.35 to 1321.48 of the Revised Code, under former sections 1315.35 to 1315.44 of the Revised Code, or to do business under sections 1315.21 to 1315.30 of the Revised Code.

(4) Neither the applicant nor any senior officer, or partner of the applicant, has pleaded guilty to or been convicted of any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities or any violation of an existing or former law of this state, any other state, or the United States that substantially is equivalent to a criminal offense described in that division. However, if the applicant or any of those other persons has pleaded guilty to or been convicted of any such offense other than theft, the superintendent shall not consider the offense if the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's or other person's activities and employment record since the conviction show that the applicant or other person is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant or other person will commit such an offense

again. 14718

(5) Neither the applicant nor any senior officer, or partner 14719
of the applicant, has been subject to any adverse judgment for 14720
conversion, embezzlement, misappropriation of funds, fraud, 14721
misfeasance or malfeasance, or breach of fiduciary duty, or if the 14722
applicant or any of those other persons has been subject to such a 14723
judgment, the applicant has proven to the superintendent, by a 14724
preponderance of the evidence, that the applicant's or other 14725
person's activities and employment record since the judgment show 14726
that the applicant or other person is honest, truthful, and of 14727
good reputation, and there is no basis in fact for believing that 14728
the applicant or other person will be subject to such a judgment 14729
again. 14730

(C) If the superintendent finds that the applicant does not 14731
meet the requirements of division (B) of this section, or the 14732
superintendent finds that the applicant knowingly or repeatedly 14733
contracts with or employs persons to directly engage in lending 14734
activities who have been convicted of a felony crime listed in 14735
division (B)(5) of this section, the superintendent shall issue an 14736
order denying the application for an original or renewal license 14737
and giving the applicant an opportunity for a hearing on the 14738
denial in accordance with Chapter 119. of the Revised Code. The 14739
superintendent shall notify the applicant of the denial, the 14740
grounds for the denial, and the applicant's opportunity for a 14741
hearing. If the application is denied, the superintendent shall 14742
return the annual license fee but shall retain the investigation 14743
fee. 14744

(D) No person licensed under sections 1321.35 to 1321.48 of 14745
the Revised Code shall conduct business in this state unless the 14746
licensee has obtained and maintains in effect at all times a 14747
corporate surety bond issued by a bonding company or insurance 14748
company authorized to do business in this state. The bond shall be 14749

in favor of the superintendent and in the penal sum of at least 14750
one hundred thousand dollars, or in the case of a nonprofit 14751
corporation that is incorporated under Chapter 1702. of the 14752
Revised Code, in the amount of fifty thousand dollars. The term of 14753
the bond shall coincide with the term of the license. The licensee 14754
shall file a copy of the bond with the superintendent. The bond 14755
shall be for the exclusive benefit of any borrower injured by a 14756
violation by a licensee or any employee of a licensee, of any 14757
provision of sections 1321.35 to 1321.48 of the Revised Code. 14758

Sec. 1321.53. (A)(1) An application for a certificate of 14759
registration under sections 1321.51 to 1321.60 of the Revised Code 14760
shall contain an undertaking by the applicant to abide by those 14761
sections. The application shall be in writing, under oath, and in 14762
the form prescribed by the division of financial institutions, and 14763
shall contain any information that the division may require. 14764
Applicants that are foreign corporations shall obtain and maintain 14765
a license pursuant to Chapter 1703. of the Revised Code before a 14766
certificate is issued or renewed. 14767

(2) Upon the filing of the application and the payment by the 14768
applicant of a nonrefundable two_hundred_dollar investigation fee, 14769
a nonrefundable three_hundred_dollar annual registration fee, and 14770
any additional fee required by the nationwide mortgage licensing 14771
system and registry, the division shall investigate the relevant 14772
facts. If the application involves investigation outside this 14773
state, the applicant may be required by the division to advance 14774
sufficient funds to pay any of the actual expenses of such 14775
investigation, when it appears that these expenses will exceed two 14776
hundred dollars. An itemized statement of any of these expenses 14777
which the applicant is required to pay shall be furnished to the 14778
applicant by the division. No certificate shall be issued unless 14779
all the required fees have been submitted to the division. 14780

(3) All applicants making loans secured by an interest in real estate shall designate an employee or owner of the applicant as the applicant's primary point of contact. While acting as the primary point of contact, the employee or owner shall not be employed by any other registrant or mortgage broker.

(4) The investigation undertaken upon application shall include both a civil and criminal records check of the applicant including any individual whose identity is required to be disclosed in the application. Where the applicant is a business entity the superintendent shall have the authority to require a civil and criminal background check of those persons that in the determination of the superintendent have the authority to direct and control the operations of the applicant.

(5)(a) Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of financial institutions shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:

(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number, in accordance with ~~division (A)(12)~~ of section 109.572 of the Revised Code;

(ii) Authorize the nationwide mortgage licensing system and registry to request a criminal history background check as set forth in division (C) of section 1321.531 of the Revised Code.

(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the nationwide mortgage licensing system and registry shall be paid by the applicant.

(6) If an application for a certificate of registration does not contain all of the information required under division (A) of this section, and if such information is not submitted to the division or to the nationwide mortgage licensing system and registry within ninety days after the superintendent or the nationwide mortgage licensing system and registry requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.

(7) If the division finds that the financial responsibility, experience, character, and general fitness of the applicant command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of sections 1321.51 to 1321.60 of the Revised Code and the rules adopted thereunder, and that the applicant has the requisite bond or applicable net worth and assets required by division (B) of this section, the division shall thereupon issue a certificate of registration to the applicant. The superintendent shall not use a credit score as the sole basis for a registration denial.

(a)(i) Certificates of registration issued on or after July 1, 2010, shall annually expire on the thirty-first day of December, unless renewed by the filing of a renewal application and payment of a three_hundred_dollar nonrefundable annual registration fee, any assessment as determined by the superintendent pursuant to division (A)(7)(a)(ii) of this section, and any additional fee required by the nationwide mortgage licensing system and registry, on or before the last day of December of each year. No other fee or assessment shall be required of a registrant by the state or any political subdivision of this state.

(ii) If the renewal fees billed by the superintendent

pursuant to division (A)(7)(a)(i) of this section are less than 14844
the estimated expenditures of the consumer finance section of the 14845
division of financial institutions, as determined by the 14846
superintendent, for the following fiscal year, the superintendent 14847
may assess each registrant at a rate sufficient to equal in the 14848
aggregate the difference between the renewal fees billed and the 14849
estimated expenditures. Each registrant shall pay the assessed 14850
amount to the superintendent prior to the last day of June. In no 14851
case shall the assessment exceed ten cents per each one hundred 14852
dollars of interest (excluding charge-off recoveries), points, 14853
loan origination charges, and credit line charges collected by 14854
that registrant during the previous calendar year. If such an 14855
assessment is imposed, it shall not be less than two hundred fifty 14856
dollars per registrant and shall not exceed thirty thousand 14857
dollars less the total renewal fees paid pursuant to division 14858
(A)(7)(a)(i) of this section by each registrant. 14859

(b) Registrants shall timely file renewal applications on 14860
forms prescribed by the division and provide any further 14861
information that the division may require. If a renewal 14862
application does not contain all of the information required under 14863
this section, and if that information is not submitted to the 14864
division or to the nationwide mortgage licensing system and 14865
registry within ninety days after the superintendent or the 14866
nationwide mortgage licensing system and registry requests the 14867
information in writing, including by electronic transmission or 14868
facsimile, the superintendent may consider the application 14869
withdrawn. 14870

(c) Renewal shall not be granted if the applicant's 14871
certificate of registration is subject to an order of suspension, 14872
revocation, or an unpaid and past due fine imposed by the 14873
superintendent. 14874

(d) If the division finds the applicant does not meet the 14875

conditions set forth in this section, it shall issue a notice of 14876
intent to deny the application, and forthwith notify the applicant 14877
of the denial, the grounds for the denial, and the applicant's 14878
reasonable opportunity to be heard on the action in accordance 14879
with Chapter 119. of the Revised Code. 14880

(8) If there is a change of five per cent or more in the 14881
ownership of a registrant, the division may make any investigation 14882
necessary to determine whether any fact or condition exists that, 14883
if it had existed at the time of the original application for a 14884
certificate of registration, the fact or condition would have 14885
warranted the division to deny the application under division 14886
(A)(7) of this section. If such a fact or condition is found, the 14887
division may, in accordance with Chapter 119. of the Revised Code, 14888
revoke the registrant's certificate. 14889

(B) Each registrant that engages in lending under sections 14890
1321.51 to 1321.60 of the Revised Code shall, if not otherwise 14891
required to be bonded pursuant to section 1321.533 of the Revised 14892
Code, maintain both of the following: 14893

(1) A net worth of at least fifty thousand dollars; 14894

(2) For each certificate of registration, assets of at least 14895
fifty thousand dollars either in use or readily available for use 14896
in the conduct of the business. 14897

(C) Not more than one place of business shall be maintained 14898
under the same certificate, but the division may issue additional 14899
certificates to the same registrant upon compliance with sections 14900
1321.51 to 1321.60 of the Revised Code, governing the issuance of 14901
a single certificate. No change in the place of business of a 14902
registrant to a location outside the original municipal 14903
corporation shall be permitted under the same certificate without 14904
the approval of a new application, the payment of the registration 14905
fee and, if required by the superintendent, the payment of an 14906

investigation fee of two hundred dollars. When a registrant wishes 14907
to change its place of business within the same municipal 14908
corporation, it shall give written notice of the change in advance 14909
to the division, which shall provide a certificate for the new 14910
address without cost. If a registrant changes its name, prior to 14911
making loans under the new name it shall give written notice of 14912
the change to the division, which shall provide a certificate in 14913
the new name without cost. Sections 1321.51 to 1321.60 of the 14914
Revised Code do not limit the loans of any registrant to residents 14915
of the community in which the registrant's place of business is 14916
situated. Each certificate shall be kept conspicuously posted in 14917
the place of business of the registrant and is not transferable or 14918
assignable. 14919

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 14920
apply to any of the following: 14921

(1) Entities chartered and lawfully doing business under the 14922
authority of any law of this state, another state, or the United 14923
States as a bank, savings bank, trust company, savings and loan 14924
association, or credit union, or a subsidiary of any such entity, 14925
which subsidiary is regulated by a federal banking agency and is 14926
owned and controlled by such a depository institution; 14927

(2) Life, property, or casualty insurance companies licensed 14928
to do business in this state; 14929

(3) Any person that is a lender making a loan pursuant to 14930
sections 1321.01 to 1321.19 of the Revised Code or a business loan 14931
as described in division (B)(6) of section 1343.01 of the Revised 14932
Code; 14933

(4) Any political subdivision, or any governmental or other 14934
public entity, corporation, instrumentality, or agency, in or of 14935
the United States or any state of the United States, or any entity 14936
described in division (B)(3) of section 1343.01 of the Revised 14937

Code;	14938
(5) A college or university, or controlled entity of a college or university, as those terms are defined in section 1713.05 of the Revised Code;	14939 14940 14941
(6) A credit union service organization, provided the organization utilizes services provided by registered mortgage loan originators or the organization complies with section 1321.522 of the Revised Code and holds a valid letter of exemption issued by the superintendent.	14942 14943 14944 14945 14946
(E) No person engaged in the business of selling tangible goods or services related to tangible goods may receive or retain a certificate under sections 1321.51 to 1321.60 of the Revised Code for such place of business.	14947 14948 14949 14950
Sec. 1321.531. (A) An application for a mortgage loan originator license shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and all other required fees, including any fees required by the nationwide mortgage licensing system and registry.	14951 14952 14953 14954 14955 14956 14957
(B) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage loan originator licensees or other persons subject to or involved in their licensure.	14958 14959 14960 14961 14962 14963
(C) In connection with applying for a mortgage loan originator license, the applicant shall furnish to the nationwide mortgage licensing system and registry the following information concerning the applicant's identity:	14964 14965 14966 14967

(1) The applicant's fingerprints for submission to the federal bureau of investigation, and any other governmental agency or entity authorized to receive such information, for purposes of a state, national, and international criminal history background check;

(2) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, along with authorization for the superintendent and the nationwide mortgage licensing system and registry to obtain the following:

(a) An independent credit report from a consumer reporting agency;

(b) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.

(D) In order to effectuate the purposes of divisions (C)(1) and (C)(2)(b) of this section, the superintendent may use the conference of state bank supervisors, or a wholly owned subsidiary, as a channeling agent for requesting information from and distributing information to the United States department of justice or any other governmental agency. The superintendent may also use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to any source related to matters subject to divisions (C)(2)(a) and (b) of this section.

(E) Upon the filing of the application, payment of the application fee, and payment of any additional fee, including any fee required by the nationwide mortgage licensing system and registry, the superintendent shall investigate the applicant as set forth in division (E) of this section.

(1)(a) Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal history records check and, as part of that records check, request that

criminal record information from the federal bureau of 14999
investigation be obtained. To fulfill this requirement, the 15000
superintendent shall do either of the following: 15001

(i) Request the superintendent of the bureau of criminal 15002
identification and investigation, or a vendor approved by the 15003
bureau, to conduct a criminal records check based on the 15004
applicant's fingerprints or, if the fingerprints are unreadable, 15005
based on the applicant's social security number in accordance with 15006
~~division (A)(12) of~~ section 109.572 of the Revised Code; 15007

(ii) Authorize the nationwide mortgage licensing system and 15008
registry to request a criminal history background check as set 15009
forth in division (C) of this section. 15010

(b) Any fee required under division (C)(3) of section 109.572 15011
of the Revised Code or by the nationwide mortgage licensing system 15012
and registry shall be paid by the applicant. 15013

(2) The superintendent of financial institutions shall 15014
conduct a civil records check. 15015

(3) If, in order to issue a license to an applicant, 15016
additional investigation by the superintendent outside this state 15017
is necessary, the superintendent may require the applicant to 15018
advance sufficient funds to pay the actual expenses of the 15019
investigation, if it appears that these expenses will exceed one 15020
hundred dollars. The superintendent shall provide the applicant 15021
with an itemized statement of the actual expenses that the 15022
applicant is required to pay. 15023

(F) If an application for a mortgage loan originator license 15024
does not contain all of the information required under this 15025
section, and if that information is not submitted to the 15026
superintendent or to the nationwide mortgage licensing system and 15027
registry within ninety days after the superintendent or the 15028
nationwide mortgage licensing system and registry requests the 15029

information in writing, including by electronic transmission or 15030
facsimile, the superintendent may consider the application 15031
withdrawn. 15032

Sec. 1322.03. (A) An application for a certificate of 15033
registration as a mortgage broker shall be in writing, under oath, 15034
and in the form prescribed by the superintendent of financial 15035
institutions. The application shall be accompanied by a 15036
nonrefundable application fee of five hundred dollars for each 15037
location of an office to be maintained by the applicant in 15038
accordance with division (A) of section 1322.02 of the Revised 15039
Code and any additional fee required by the nationwide mortgage 15040
licensing system and registry. The application shall provide all 15041
of the following: 15042

(1) The location or locations where the business is to be 15043
transacted and whether any location is a residence. If any 15044
location where the business is to be transacted is a residence, 15045
the superintendent may require that the application be accompanied 15046
by a copy of a zoning permit authorizing the use of the residence 15047
for commercial purposes, or by a written opinion or other document 15048
issued by the county or political subdivision where the residence 15049
is located certifying that the use of the residence to transact 15050
business as a mortgage broker is not prohibited by the county or 15051
political subdivision. 15052

(2)(a) In the case of a sole proprietor, the name and address 15053
of the sole proprietor; 15054

(b) In the case of a partnership, the name and address of 15055
each partner; 15056

(c) In the case of a corporation, the name and address of 15057
each shareholder owning five per cent or more of the corporation; 15058

(d) In the case of any other entity, the name and address of 15059

any person that owns five per cent or more of the entity that will 15060
transact business as a mortgage broker. 15061

(3) Each applicant shall designate an employee or owner of 15062
the applicant as the applicant's operations manager. While acting 15063
as the operations manager, the employee or owner shall be licensed 15064
as a loan originator under sections 1322.01 to 1322.12 of the 15065
Revised Code and shall not be employed by any other mortgage 15066
broker. 15067

(4) Evidence that the person designated on the application 15068
pursuant to division (A)(3) of this section possesses at least 15069
three years of experience in the residential mortgage and lending 15070
field, which experience may include employment with or as a 15071
mortgage broker or with a depository institution, mortgage lending 15072
institution, or other lending institution, or possesses at least 15073
three years of other experience related specifically to the 15074
business of residential mortgage loans that the superintendent 15075
determines meets the requirements of division (A)(4) of this 15076
section; 15077

(5) Evidence that the person designated on the application 15078
pursuant to division (A)(3) of this section has successfully 15079
completed the pre-licensing instruction requirements set forth in 15080
section 1322.031 of the Revised Code; 15081

(6) Evidence of compliance with the surety bond requirements 15082
of section 1322.05 of the Revised Code and with sections 1322.01 15083
to 1322.12 of the Revised Code; 15084

(7) In the case of a foreign business entity, evidence that 15085
it maintains a license or registration pursuant to Chapter 1703., 15086
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to 15087
transact business in this state; 15088

(8) Evidence that the applicant's operations manager has 15089
successfully completed the written test required under division 15090

(A) of section 1322.051 of the Revised Code; 15091

(9) Any further information that the superintendent requires. 15092

(B) Upon the filing of the application and payment of the 15093
nonrefundable application fee and any fee required by the 15094
nationwide mortgage licensing system and registry, the 15095
superintendent of financial institutions shall investigate the 15096
applicant, and any individual whose identity is required to be 15097
disclosed in the application, as set forth in division (B) of this 15098
section. 15099

(1)(a) Notwithstanding division (K) of section 121.08 of the 15100
Revised Code, the superintendent shall obtain a criminal history 15101
records check and, as part of that records check, request that 15102
criminal record information from the federal bureau of 15103
investigation be obtained. To fulfill this requirement, the 15104
superintendent shall do either of the following: 15105

(i) Request the superintendent of the bureau of criminal 15106
identification and investigation, or a vendor approved by the 15107
bureau, to conduct a criminal records check based on the 15108
applicant's fingerprints or, if the fingerprints are unreadable, 15109
based on the applicant's social security number, in accordance 15110
with ~~division (A)(12)~~ of section 109.572 of the Revised Code; 15111

(ii) Authorize the nationwide mortgage licensing system and 15112
registry to request a criminal history background check. 15113

(b) Any fee required under division (C)(3) of section 109.572 15114
of the Revised Code or by the nationwide mortgage licensing system 15115
and registry shall be paid by the applicant. 15116

(2) The superintendent shall conduct a civil records check. 15117

(3) If, in order to issue a certificate of registration to an 15118
applicant, additional investigation by the superintendent outside 15119
this state is necessary, the superintendent may require the 15120

applicant to advance sufficient funds to pay the actual expenses 15121
of the investigation, if it appears that these expenses will 15122
exceed five hundred dollars. The superintendent shall provide the 15123
applicant with an itemized statement of the actual expenses that 15124
the applicant is required to pay. 15125

(C) The superintendent shall pay all funds advanced and 15126
application and renewal fees and penalties the superintendent 15127
receives pursuant to this section and section 1322.04 of the 15128
Revised Code to the treasurer of state to the credit of the 15129
consumer finance fund created in section 1321.21 of the Revised 15130
Code. 15131

(D) If an application for a mortgage broker certificate of 15132
registration does not contain all of the information required 15133
under division (A) of this section, and if that information is not 15134
submitted to the superintendent or to the nationwide mortgage 15135
licensing system and registry within ninety days after the 15136
superintendent or the nationwide mortgage licensing system and 15137
registry requests the information in writing, including by 15138
electronic transmission or facsimile, the superintendent may 15139
consider the application withdrawn. 15140

(E) A mortgage broker certificate of registration and the 15141
authority granted under that certificate is not transferable or 15142
assignable and cannot be franchised by contract or any other 15143
means. 15144

(F) The registration requirements of this chapter apply to 15145
any person acting as a mortgage broker, and no person is exempt 15146
from the requirements of this chapter on the basis of prior work 15147
or employment as a mortgage broker. 15148

(G) The superintendent may establish relationships or enter 15149
into contracts with the nationwide mortgage licensing system and 15150
registry, or any entities designated by it, to collect and 15151

maintain records and process transaction fees or other fees 15152
related to mortgage broker certificates of registration or the 15153
persons associated with a mortgage broker. 15154

Sec. 1322.031. (A) An application for a license as a loan 15155
originator shall be in writing, under oath, and in the form 15156
prescribed by the superintendent of financial institutions. The 15157
application shall be accompanied by a nonrefundable application 15158
fee of one hundred fifty dollars and any additional fee required 15159
by the nationwide mortgage licensing system and registry. 15160

(B)(1) The application shall provide evidence, acceptable to 15161
the superintendent, that the applicant has successfully completed 15162
at least twenty-four hours of pre-licensing instruction consisting 15163
of all of the following: 15164

(a) Twenty hours of instruction in a course or program of 15165
study reviewed and approved by the nationwide mortgage licensing 15166
system and registry; 15167

(b) Four hours of instruction in a course or program of study 15168
reviewed and approved by the superintendent concerning state 15169
lending laws and the Ohio consumer sales practices act, Chapter 15170
1345. of the Revised Code, as it applies to registrants and 15171
licensees. 15172

(2) Notwithstanding division (B)(1) of this section, until 15173
the nationwide mortgage licensing system and registry implements a 15174
review and approval program, the application shall provide 15175
evidence, as determined by the superintendent, that the applicant 15176
has successfully completed at least twenty-four hours of 15177
instruction in a course or program of study approved by the 15178
superintendent that consists of at least all of the following: 15179

(a) Four hours of instruction concerning state and federal 15180
mortgage lending laws, which shall include no less than two hours 15181

on this chapter;	15182
(b) Four hours of instruction concerning the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees;	15183 15184 15185
(c) Four hours of instruction concerning the loan application process;	15186 15187
(d) Two hours of instruction concerning the underwriting process;	15188 15189
(e) Two hours of instruction concerning the secondary market for mortgage loans;	15190 15191
(f) Four hours of instruction concerning the loan closing process;	15192 15193
(g) Two hours of instruction covering basic mortgage financing concepts and terms;	15194 15195
(h) Two hours of instruction concerning the ethical responsibilities of a registrant and a licensee, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	15196 15197 15198 15199 15200
(3) For purposes of division (B)(1)(a) of this section, the review and approval of a course or program of study includes the review and approval of the provider of the course or program of study.	15201 15202 15203 15204
(4) If an applicant held a valid loan originator license issued by this state at any time during the immediately preceding five-year period, the applicant shall not be required to complete any additional pre-licensing instruction. For this purpose, any time during which the individual is a registered loan originator shall not be taken into account.	15205 15206 15207 15208 15209 15210
(5) A person having successfully completed the pre-licensing	15211

education requirement reviewed and approved by the nationwide 15212
mortgage licensing system and registry for any state within the 15213
previous five years shall be granted credit toward completion of 15214
the pre-licensing education requirement of this state. 15215

(C) In addition to the information required under division 15216
(B) of this section, the application shall provide both of the 15217
following: 15218

(1) Evidence that the applicant passed a written test that 15219
meets the requirements described in division (B) of section 15220
1322.051 of the Revised Code; 15221

(2) Any further information that the superintendent requires. 15222

(D) Upon the filing of the application and payment of the 15223
application fee and any fee required by the nationwide mortgage 15224
licensing system and registry, the superintendent of financial 15225
institutions shall investigate the applicant as set forth in 15226
division (D) of this section. 15227

(1)(a) Notwithstanding division (K) of section 121.08 of the 15228
Revised Code, the superintendent shall obtain a criminal history 15229
records check and, as part of the records check, request that 15230
criminal record information from the federal bureau of 15231
investigation be obtained. To fulfill this requirement, the 15232
superintendent shall do either of the following: 15233

(i) Request the superintendent of the bureau of criminal 15234
identification and investigation, or a vendor approved by the 15235
bureau, to conduct a criminal records check based on the 15236
applicant's fingerprints or, if the fingerprints are unreadable, 15237
based on the applicant's social security number, in accordance 15238
with ~~division (A)(12) of~~ section 109.572 of the Revised Code; 15239

(ii) Authorize the nationwide mortgage licensing system and 15240
registry to request a criminal history background check. 15241

(b) Any fee required under division (C)(3) of section 109.572 15242
of the Revised Code or by the nationwide mortgage licensing system 15243
and registry shall be paid by the applicant. 15244

(2) The superintendent shall conduct a civil records check. 15245

(3) If, in order to issue a license to an applicant, 15246
additional investigation by the superintendent outside this state 15247
is necessary, the superintendent may require the applicant to 15248
advance sufficient funds to pay the actual expenses of the 15249
investigation, if it appears that these expenses will exceed one 15250
hundred fifty dollars. The superintendent shall provide the 15251
applicant with an itemized statement of the actual expenses that 15252
the applicant is required to pay. 15253

(E)(1) In connection with applying for a loan originator 15254
license, the applicant shall furnish to the nationwide mortgage 15255
licensing system and registry the following information concerning 15256
the applicant's identity: 15257

(a) The applicant's fingerprints for submission to the 15258
federal bureau of investigation, and any other governmental agency 15259
or entity authorized to receive such information, for purposes of 15260
a state, national, and international criminal history background 15261
check; 15262

(b) Personal history and experience in a form prescribed by 15263
the nationwide mortgage licensing system and registry, along with 15264
authorization for the superintendent and the nationwide mortgage 15265
licensing system and registry to obtain the following: 15266

(i) An independent credit report from a consumer reporting 15267
agency; 15268

(ii) Information related to any administrative, civil, or 15269
criminal findings by any governmental jurisdiction. 15270

(2) In order to effectuate the purposes of divisions 15271

(E)(1)(a) and (E)(1)(b)(ii) of this section, the superintendent 15272
may use the conference of state bank supervisors, or a wholly 15273
owned subsidiary, as a channeling agent for requesting information 15274
from and distributing information to the United States department 15275
of justice or any other governmental agency. The superintendent 15276
may also use the nationwide mortgage licensing system and registry 15277
as a channeling agent for requesting information from and 15278
distributing information to any source related to matters subject 15279
to those divisions of this section. 15280

(F) The superintendent shall pay all funds advanced and 15281
application and renewal fees and penalties the superintendent 15282
receives pursuant to this section and section 1322.041 of the 15283
Revised Code to the treasurer of state to the credit of the 15284
consumer finance fund created in section 1321.21 of the Revised 15285
Code. 15286

(G) If an application for a loan originator license does not 15287
contain all of the information required under this section, and if 15288
that information is not submitted to the superintendent or to the 15289
nationwide mortgage licensing system and registry within ninety 15290
days after the superintendent or the nationwide mortgage licensing 15291
system and registry requests the information in writing, including 15292
by electronic transmission or facsimile, the superintendent may 15293
consider the application withdrawn. 15294

(H)(1) The business of a loan originator shall principally be 15295
transacted at an office of the mortgage broker with whom the 15296
licensee is employed or associated, which office is registered in 15297
accordance with division (A) of section 1322.02 of the Revised 15298
Code. Each original loan originator license shall be deposited 15299
with and maintained by the mortgage broker at the mortgage 15300
broker's main office. A copy of the license shall be maintained 15301
and displayed at the office where the loan originator principally 15302
transacts business. 15303

(2) If a loan originator's employment or association is 15304
terminated for any reason, the mortgage broker shall return the 15305
original loan originator license to the superintendent within five 15306
business days after the termination. The licensee may request the 15307
transfer of the license to another mortgage broker by submitting a 15308
transfer application, along with a fifteen dollar fee and any fee 15309
required by the national mortgage licensing system and registry, 15310
to the superintendent or may request the superintendent in writing 15311
to hold the license in escrow. Any licensee whose license is held 15312
in escrow shall cease activity as a loan originator. A licensee 15313
whose license is held in escrow shall be required to apply for 15314
renewal annually and to comply with the annual continuing 15315
education requirement. 15316

(3) A mortgage broker may employ or be associated with a loan 15317
originator on a temporary basis pending the transfer of the loan 15318
originator's license to the mortgage broker, if the mortgage 15319
broker receives written confirmation from the superintendent that 15320
the loan originator is licensed under sections 1322.01 to 1322.12 15321
of the Revised Code. 15322

(4) Notwithstanding divisions (H)(1) to (3) of this section, 15323
if a licensee is employed by or associated with a person or entity 15324
listed in division (G)(2) of section 1322.01 of the Revised Code, 15325
all of the following apply: 15326

(a) The licensee shall maintain and display the original loan 15327
originator license at the office where the licensee principally 15328
transacts business; 15329

(b) If the loan originator's employment or association is 15330
terminated, the loan originator shall return the original loan 15331
originator license to the superintendent within five business days 15332
after termination. The licensee may request the transfer of the 15333
license to a mortgage broker or another person or entity listed in 15334
division (G)(2) of section 1322.01 of the Revised Code by 15335

submitting a transfer application, along with a fifteen-dollar fee 15336
and any fee required by the national mortgage licensing system and 15337
registry, to the superintendent or may request the superintendent 15338
in writing to hold the license in escrow. A licensee whose license 15339
is held in escrow shall cease activity as a loan originator. A 15340
licensee whose license is held in escrow shall be required to 15341
apply for renewal annually and to comply with the annual 15342
continuing education requirement. 15343

(c) The licensee may seek to be employed or associated with a 15344
mortgage broker or person or entity listed in division (G)(2) of 15345
section 1322.01 of the Revised Code if the mortgage broker or 15346
person or entity receives written confirmation from the 15347
superintendent that the loan originator is licensed under sections 15348
1322.01 to 1322.12 of the Revised Code. 15349

(I) The superintendent may establish relationships or enter 15350
into contracts with the nationwide mortgage licensing system and 15351
registry, or any entities designated by it, to collect and 15352
maintain records and process transaction fees or other fees 15353
related to loan originator licenses or the persons associated with 15354
a licensee. 15355

(J) A loan originator license, or the authority granted under 15356
that license, is not assignable and cannot be franchised by 15357
contract or any other means. 15358

Sec. 1345.05. (A) The attorney general shall: 15359

(1) Adopt, amend, and repeal procedural rules; 15360

(2) Adopt as a rule a description of the organization of the 15361
attorney general's office, stating the general courses and methods 15362
of operation of the section of the office of the attorney general, 15363
which is to administer Chapter 1345. of the Revised Code and 15364
methods whereby the public may obtain information or make 15365

submissions or requests, including a description of all forms and 15366
instructions used by that office; 15367

(3) Make available for public inspection all rules and all 15368
other written statements of policy or interpretations adopted or 15369
used by the attorney general in the discharge of the attorney 15370
general's functions, together with all judgments, including 15371
supporting opinions, by courts of this state that determine the 15372
rights of the parties and concerning which appellate remedies have 15373
been exhausted, or lost by the expiration of the time for appeal, 15374
determining that specific acts or practices violate section 15375
1345.02, 1345.03, or 1345.031 of the Revised Code; 15376

(4) Inform consumers and suppliers on a continuing basis of 15377
acts or practices that violate Chapter 1345. of the Revised Code 15378
by, among other things, publishing an informational document 15379
describing acts and practices in connection with residential 15380
mortgages that are unfair, deceptive, or unconscionable, and by 15381
making that information available on the attorney general's 15382
official web site; 15383

(5) Cooperate with state and local officials, officials of 15384
other states, and officials of the federal government in the 15385
administration of comparable statutes; 15386

(6) Report annually on or before the ~~first~~ thirty-first day 15387
of January to the governor and the general assembly on the 15388
operations of the attorney general in respect to Chapter 1345. of 15389
the Revised Code, and on the acts or practices occurring in this 15390
state that violate such chapter. The report shall include a 15391
statement of investigatory and enforcement procedures and 15392
policies, of the number of investigations and enforcement 15393
proceedings instituted and of their disposition, and of other 15394
activities of the state and of other persons to promote the 15395
purposes of Chapter 1345. of the Revised Code. 15396

(7) In carrying out official duties, the attorney general shall not disclose publicly the identity of suppliers investigated or the facts developed in investigations unless these matters have become a matter of public record in enforcement proceedings, in public hearings conducted pursuant to division (B)(1) of this section, or the suppliers investigated have consented in writing to public disclosure.

(B) The attorney general may:

(1) Conduct research, make inquiries, hold public hearings, and publish studies relating to consumer transactions;

(2) Adopt, amend, and repeal substantive rules defining with reasonable specificity acts or practices that violate sections 1345.02, 1345.03, and 1345.031 of the Revised Code. In adopting, amending, or repealing substantive rules defining acts or practices that violate section 1345.02 of the Revised Code, due consideration and great weight shall be given to federal trade commission orders, trade regulation rules and guides, and the federal courts' interpretations of subsection 45(a)(1) of the "Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A. 41, as amended.

In adopting, amending, or repealing such rules concerning a consumer transaction in connection with a residential mortgage, the attorney general shall consult with the superintendent of financial institutions and shall give due consideration to state and federal statutes, regulations, administrative agency interpretations, and case law.

(C) In the conduct of public hearings authorized by this section, the attorney general may administer oaths, subpoena witnesses, adduce evidence, and require the production of relevant material. Upon failure of a person without lawful excuse to obey a subpoena or to produce relevant matter, the attorney general may

apply to a court of common pleas for an order compelling 15428
compliance. 15429

(D) The attorney general may request that an individual who 15430
refuses to testify or to produce relevant material on the ground 15431
that the testimony or matter may incriminate the individual be 15432
ordered by the court to provide the testimony or matter. With the 15433
exception of a prosecution for perjury and an action for damages 15434
under section 1345.07 or 1345.09 of the Revised Code, an 15435
individual who complies with a court order to provide testimony or 15436
matter, after asserting a privilege against self incrimination to 15437
which the individual is entitled by law, shall not be subjected to 15438
a criminal proceeding on the basis of the testimony or matter 15439
discovered through that testimony or matter. 15440

(E) Any person may petition the attorney general requesting 15441
the adoption, amendment, or repeal of a rule. The attorney general 15442
shall prescribe by rule the form for such petitions and the 15443
procedure for their submission, consideration, and disposition. 15444
Within sixty days of submission of a petition, the attorney 15445
general shall either deny the petition in writing, stating the 15446
reasons for the denial, or initiate rule-making proceedings. There 15447
is no right to appeal from such denial of a petition. 15448

(F) All rules shall be adopted subject to Chapter 119. of the 15449
Revised Code. 15450

(G) The informational document published in accordance with 15451
division (A)(4) of this section shall be made available for 15452
distribution to consumers who are applying for a mortgage loan. An 15453
acknowledgement of receipt shall be retained by the lender, 15454
mortgage broker, and loan officer, as applicable, subject to 15455
review by the attorney general and the department of commerce. 15456

Sec. 1501.04. There is hereby created in the department of 15457
natural resources a recreation and resources commission composed 15458

of the chairperson of the wildlife council created under section 15459
1531.03 of the Revised Code, the chairperson of the parks and 15460
recreation council created under section 1541.40 of the Revised 15461
Code, the chairperson of the waterways safety council created 15462
under section 1547.73 of the Revised Code, the chairperson of the 15463
technical advisory council on oil and gas created under section 15464
1509.38 of the Revised Code, the chairperson of the forestry 15465
advisory council created under section 1503.40 of the Revised 15466
Code, the chairperson of the Ohio soil and water conservation 15467
commission created under section 1515.02 of the Revised Code, the 15468
chairperson of the Ohio natural areas council created under 15469
section 1517.03 of the Revised Code, the chairperson of the Ohio 15470
water advisory council created under section 1521.031 of the 15471
Revised Code, ~~the chairperson of the recycling and litter~~ 15472
~~prevention advisory council created under section 1502.04 of the~~ 15473
~~Revised Code,~~ the chairperson of the Ohio geology advisory council 15474
created under section 1505.11 of the Revised Code, and five 15475
members appointed by the governor with the advice and consent of 15476
the senate, not more than three of whom shall belong to the same 15477
political party. The director of natural resources shall be an ex 15478
officio member of the commission, with a voice in its 15479
deliberations, but without the power to vote. 15480

Terms of office of members of the commission appointed by the 15481
governor shall be for five years, commencing on the second day of 15482
February and ending on the first day of February. Each member 15483
shall hold office from the date of appointment until the end of 15484
the term for which the member was appointed. 15485

In the event of the death, removal, resignation, or 15486
incapacity of a member of the commission, the governor, with the 15487
advice and consent of the senate, shall appoint a successor who 15488
shall hold office for the remainder of the term for which the 15489
member's predecessor was appointed. Any member shall continue in 15490

office subsequent to the expiration date of the member's term 15491
until the member's successor takes office, or until a period of 15492
sixty days has elapsed, whichever occurs first. 15493

The governor may remove any appointed member of the 15494
commission for misfeasance, nonfeasance, or malfeasance in office. 15495

The commission shall exercise no administrative function, but 15496
may do any of the following: 15497

(A) Advise with and recommend to the director as to plans and 15498
programs for the management, development, utilization, and 15499
conservation of the natural resources of the state; 15500

(B) Advise with and recommend to the director as to methods 15501
of coordinating the work of the divisions of the department; 15502

(C) Consider and make recommendations upon any matter that 15503
the director may submit to it; 15504

(D) Submit to the governor biennially recommendations for 15505
amendments to the conservation laws of the state. 15506

Each member of the commission, before entering upon the 15507
discharge of the member's duties, shall take and subscribe to an 15508
oath of office, which oath, in writing, shall be filed in the 15509
office of the secretary of state. 15510

The members of the commission shall serve without 15511
compensation, but shall be entitled to receive their actual and 15512
necessary expenses incurred in the performance of their official 15513
duties. 15514

The commission, by a majority vote of all its members, shall 15515
adopt and amend bylaws. 15516

To be eligible for appointment, a person shall be a citizen 15517
of the United States and an elector of the state and shall possess 15518
a knowledge of and have an interest in the natural resources of 15519
this state. 15520

The commission shall hold at least four regular quarterly meetings each year. Special meetings shall be held at such times as the bylaws of the commission provide. Notices of all meetings shall be given in such manner as the bylaws provide. The commission shall choose annually from among its members a chairperson to preside over its meetings and a secretary to keep a record of its proceedings. A majority of the members of the commission constitutes a quorum. No advice shall be given or recommendation made without a majority of the members of the commission concurring in it.

Sec. 1503.012. There is hereby created in the state treasury the forestry mineral royalties fund. The fund shall consist of money deposited into it under section 1509.73 of the Revised Code. Any investment proceeds earned on money in the fund shall be credited to the fund.

Money in the fund shall be used by the division of forestry to acquire land and to pay capital costs, including equipment and repairs and renovations of facilities, that are owned by the state and administered by the division. Expenditures from the fund for those purposes shall be approved by the director of natural resources.

The director of natural resources also may request the director of budget and management to transfer money from the forestry mineral royalties fund to the parks mineral royalties fund created in section 1541.26 of the Revised Code. The director of budget and management shall transfer the money pursuant to the request if the director consents to the request. Money that is transferred to the parks mineral royalties fund shall be used for the purposes specified in section 1541.26 of the Revised Code.

Sec. 1503.43. (A) As used in this section:

(1) "Wilderness area" means a contiguous area of relatively undeveloped state-owned land administered by the division of forestry and consisting of not less than five thousand acres or of sufficient size as to make practicable its preservation and use in an unimpaired condition that either has retained its natural character and influence or has been substantially restored to a near natural appearance and that meets both of the following qualifications:

(a) The area is one in which humankind's past influences are largely unnoticed;

(b) The area has outstanding opportunities for solitude or for a primitive and unconfined type of recreation.

(2) "Utility facility" includes, without limitation, towers, poles, pipes, sewers, tubing, conduits, conductors, cables, valves, lines, wires, manholes, and appurtenances thereto owned by a utility facility operator.

(3) "Utility facility operator" means a person or public authority that supplies any of the following materials or services by means of a utility facility:

(a) Flammable, toxic, or corrosive gas;

(b) Crude oil, petroleum products, or hazardous liquids;

(c) Coal;

(d) Electricity;

(e) Electronic, telephonic, or telegraphic communications;

(f) Television signals;

(g) Sewage disposal or drainage;

(h) Potable water;

(i) Steam or hot water.

(B) That portion of contiguous state lands located in Scioto

and Adams counties and within the Shawnee state forest and bounded 15580
by forest road seventeen and sunshine ridge to the north, by upper 15581
Twin Creek road to the east and northeast, by United States route 15582
fifty-two to the south, and by lower Twin Creek road to the west 15583
and southwest is hereby designated the Shawnee wilderness area. 15584
Except as otherwise specifically provided by this section or by 15585
rule adopted under this chapter, the provisions of this chapter 15586
apply to the Shawnee wilderness area, and that area shall continue 15587
to be a part of the Shawnee state forest. 15588

(C) The Shawnee wilderness area shall be managed to preserve 15589
natural conditions and ensure the continuance of natural 15590
processes. The chief of the division of forestry, with the 15591
approval of the director of natural resources, shall administer 15592
the Shawnee wilderness area in accordance with a management plan, 15593
which the chief shall develop and adopt within one year after 15594
September 14, 1988. Sixty days prior to adopting a plan, the chief 15595
shall solicit public review and comment on a draft plan. At least 15596
once every ten years, the chief shall conduct a review of the 15597
plan, with public input, and revise the plan as appropriate. The 15598
chief shall make the plan available for review by any person upon 15599
request. 15600

(D) Notwithstanding any other authority granted to the chief 15601
under this chapter, the chief shall include within the management 15602
plan adopted under division (C) of this section prohibitions of 15603
the following activities within the Shawnee wilderness area except 15604
for the areas exempted in division (E) of this section: 15605

(1) Picking, removal, cutting, or alteration in any manner of 15606
any vegetation unless the person first has obtained written 15607
consent from the chief for that activity and the action is 15608
necessary for appropriate public access, the preservation or 15609
restoration of a plant or wildlife species, or the documentation 15610
of scientific values; 15611

(2) Granting of any easement or license, or sale or lease of any of the land, for any purpose. Division (D)(2) of this section does not apply to any private easement or license in existence on September 14, 1988.	15612 15613 15614 15615
(3) Exploration for or extraction of any coal, oil, gas, or minerals;	15616 15617
(4) Operation, construction, or installation of a utility facility above or below the surface of the land;	15618 15619
(5) Operation of a commercial enterprise;	15620
(6) Except as provided in division (D)(7) of this section, construction of a road upon any of the land or use of the land as a road;	15621 15622 15623
(7) Except as is necessary to meet emergency requirements for administration of the area:	15624 15625
(a) Landing of an aircraft;	15626
(b) Operation of a motor vehicle, motor boat, other form of mechanical transport, or motorized equipment;	15627 15628
(c) Construction of any building or other structure;	15629
(d) Use of the land as a temporary road.	15630
(E)(1) The following areas, which now are necessary for the administration of the Shawnee state forest and the state forest system, are not subject to the prohibitions of division (D) of this section:	15631 15632 15633 15634
(a) The Buena Vista manager's residence;	15635
(b) The Buena Vista walnut seed orchard;	15636
(c) The Twin Creek fire tower.	15637
(2) <u>The following areas, which now are necessary for the administration of the Shawnee state forest and the state forest system, are not subject to the prohibition established in division</u>	15638 15639 15640

(D)(7)(b) of this section for the purpose of trail maintenance: 15641

(a) The hiking trail west of upper Twin Creek road known as 15642
the wilderness loop; 15643

(b) Buckhorn ridge bridle trail; 15644

(c) Cabbage patch bridle trail. 15645

(3) At any time that the chief makes a determination that it 15646
is no longer necessary for the administration of the Shawnee state 15647
forest or the state forest system for an area excluded in division 15648
(E)(1) or (2) of this section to be excluded, the area shall 15649
become subject to the prohibitions ~~of~~ established in division (D) 15650
of this section or the prohibition established in division 15651
(D)(7)(b) of this section, as applicable. 15652

(F) The chief, in developing a management plan under division 15653
(C) of this section, may not prohibit any hunting, fishing, or 15654
trapping that is done in conformity with Chapters 1531. and 1533. 15655
of the Revised Code or any rules adopted under those chapters. 15656

Sec. 1506.42. The state, acting through the director of 15657
natural resources, subject to section 1506.46 of the Revised Code, 15658
may enter into agreements with counties, townships, municipal 15659
corporations, park boards, and conservancy districts, other 15660
political subdivisions, or any state departments or divisions for 15661
the purpose of constructing and maintaining projects to control 15662
erosion along the Ohio shoreline of Lake Erie and in any rivers 15663
and bays that are connected with Lake Erie and any other 15664
watercourses that flow into Lake Erie. Such projects also may be 15665
constructed on any Lake Erie island that is situated within the 15666
boundaries of the state. 15667

The cost of such shore erosion projects that are for the 15668
benefit of public littoral property shall be prorated on the basis 15669
of two-thirds of the total cost to the state through 15670

appropriations made to the department of natural resources and 15671
one-third of the cost to the counties, townships, municipal 15672
corporations, park boards, conservancy districts, or other 15673
political subdivisions. 15674

If a shore erosion emergency is declared by the governor, the 15675
state, acting through the director, may spend whatever state funds 15676
are available to alleviate shore erosion, without participation by 15677
any political subdivision, regardless of whether the project will 15678
benefit public or private littoral property. 15679

A board of county commissioners, acting for the county over 15680
which it has jurisdiction, may enter into and carry out agreements 15681
with the director for the construction and maintenance of projects 15682
to control shore erosion. In providing the funds for the county's 15683
proportionate share of the cost of constructing and maintaining 15684
the projects referred to in this section, the board shall be 15685
governed by and may issue and refund bonds in accordance with 15686
Chapter 133. of the Revised Code. 15687

A municipal corporation or a township, acting through the 15688
legislative authority or the board of township trustees, may enter 15689
into and carry out agreements with the director for the purpose of 15690
constructing and maintaining projects to control shore erosion. In 15691
providing the funds for the municipal corporation's or township's 15692
proportionate share of the cost of constructing and maintaining 15693
the projects referred to in this section, a municipal corporation 15694
or township may issue and refund bonds in accordance with Chapter 15695
133. of the Revised Code. The contract shall be executed on behalf 15696
of the municipal corporation or township by the mayor, city 15697
manager, or other chief executive officer who has the authority to 15698
act for the municipal corporation or township. 15699

Conservancy districts may enter into and carry out agreements 15700
with the director, in accordance with the intent of this section, 15701
under the powers conferred upon conservancy districts under 15702

Chapter 6101. of the Revised Code. 15703

Park boards may enter into and carry out agreements with the 15704
director, in accordance with the intent of this section, and issue 15705
bonds for that purpose under the powers conferred upon park 15706
districts under Chapter 1545. of the Revised Code. 15707

The director shall approve and supervise all projects that 15708
are to be constructed in accordance with this section. The 15709
director shall not proceed with the construction of any project 15710
until all funds that are to be paid by the county, township, 15711
municipal corporation, park board, or conservancy district, in 15712
accordance with the terms of the agreement entered into between 15713
the director and the county, township, municipal corporation, park 15714
board, or conservancy district, are in the director's possession 15715
and deposited in the shore erosion fund, which is hereby created 15716
in the state treasury. If the director finds it to be in the best 15717
interests of the state to construct projects as set forth in this 15718
section by the state itself, without the financial contribution of 15719
counties, townships, municipal corporations, park boards, or 15720
conservancy districts, the director may construct the projects. 15721

In deciding whether to assist a county or municipal 15722
corporation in constructing and maintaining a project under this 15723
section, the state, acting through the director, shall consider, 15724
among other factors, whether the county or municipal corporation 15725
has adopted or is in the process of adopting a Lake Erie coastal 15726
erosion area resolution or ordinance under division (D) of section 15727
1506.07 of the Revised Code. 15728

All projects constructed by the state in conformity with 15729
sections 1506.38 to 1506.46 of the Revised Code shall be 15730
constructed subject to sections 153.01 to 153.20 of the Revised 15731
Code, except that the ~~state architect and engineer~~ Ohio facilities 15732
construction commission is not required to prepare the plans and 15733
specifications for those projects. 15734

Sec. 1509.01. As used in this chapter:	15735
(A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.	15736 15737 15738 15739
(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.	15740 15741 15742 15743 15744
(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.	15745 15746
(D) "Condensate" means liquid hydrocarbons that were originally in the gaseous phase in the reservoir.	15747 15748
(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.	15749 15750 15751 15752 15753
(F) "Field" means the general area underlaid by one or more pools.	15754 15755
(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.	15756 15757 15758
(H) "Waste" includes all of the following:	15759
(1) Physical waste, as that term generally is understood in the oil and gas industry;	15760 15761
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	15762 15763

(3) Inefficient storing of oil or gas;	15764
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	15765 15766 15767 15768 15769 15770
(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.	15771 15772
(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.	15773 15774 15775 15776 15777
(J) "Tract" means a single, individually taxed parcel of land appearing on the tax list.	15778 15779
(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules adopted and orders issued under this chapter. "Owner" does not include a person who obtains a lease of the mineral rights for oil and gas on a parcel of land if the person does not attempt to produce or produce oil or gas from a well or obtain a permit under this chapter for a well or if the entire interest of a well is transferred to the person in accordance with division (B) of section 1509.31 of the Revised Code.	15780 15781 15782 15783 15784 15785 15786 15787 15788 15789 15790 15791 15792
(L) "Royalty interest" means the fee holder's share in the production from a well.	15793 15794

(M) "Discovery well" means the first well capable of producing oil or gas in commercial quantities from a pool.

(N) "Prepared clay" means a clay that is plastic and is thoroughly saturated with fresh water to a weight and consistency great enough to settle through saltwater in the well in which it is to be used, except as otherwise approved by the chief of the division of oil and gas resources management.

(O) "Rock sediment" means the combined cutting and residue from drilling sedimentary rocks and formation.

(P) "Excavations and workings," "mine," and "pillar" have the same meanings as in section 1561.01 of the Revised Code.

(Q) "Coal bearing township" means a township designated as such by the chief of the division of mineral resources management under section 1561.06 of the Revised Code.

(R) "Gas storage reservoir" means a continuous area of a subterranean porous sand or rock stratum or strata into which gas is or may be injected for the purpose of storing it therein and removing it therefrom and includes a gas storage reservoir as defined in section 1571.01 of the Revised Code.

(S) "Safe Drinking Water Act" means the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and regulations adopted under those acts.

(T) "Person" includes any political subdivision, department, agency, or instrumentality of this state; the United States and any department, agency, or instrumentality thereof; and any legal entity defined as a person under section 1.59 of the Revised Code.

(U) "Brine" means all saline geological formation water 15825
resulting from, obtained from, or produced in connection with 15826
exploration, drilling, well stimulation, production of oil or gas, 15827
or plugging of a well. 15828

(V) "Waters of the state" means all streams, lakes, ponds, 15829
marshes, watercourses, waterways, springs, irrigation systems, 15830
drainage systems, and other bodies of water, surface or 15831
underground, natural or artificial, that are situated wholly or 15832
partially within this state or within its jurisdiction, except 15833
those private waters that do not combine or effect a junction with 15834
natural surface or underground waters. 15835

(W) "Exempt Mississippian well" means a well that meets all 15836
of the following criteria: 15837

(1) Was drilled and completed before January 1, 1980; 15838

(2) Is located in an unglaciated part of the state; 15839

(3) Was completed in a reservoir no deeper than the 15840
Mississippian Big Injun sandstone in areas underlain by 15841
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 15842
sandstone in areas directly underlain by Permian stratigraphy; 15843

(4) Is used primarily to provide oil or gas for domestic use. 15844

(X) "Exempt domestic well" means a well that meets all of the 15845
following criteria: 15846

(1) Is owned by the owner of the surface estate of the tract 15847
on which the well is located; 15848

(2) Is used primarily to provide gas for the owner's domestic 15849
use; 15850

(3) Is located more than two hundred feet horizontal distance 15851
from any inhabited private dwelling house other than an inhabited 15852
private dwelling house located on the tract on which the well is 15853
located; 15854

(4) Is located more than two hundred feet horizontal distance 15855
from any public building that may be used as a place of resort, 15856
assembly, education, entertainment, lodging, trade, manufacture, 15857
repair, storage, traffic, or occupancy by the public. 15858

(Y) "Urbanized area" means an area where a well or production 15859
facilities of a well are located within a municipal corporation or 15860
within a township that has an unincorporated population of more 15861
than five thousand in the most recent federal decennial census 15862
prior to the issuance of the permit for the well or production 15863
facilities. 15864

(Z) "Well stimulation" or "stimulation of a well" means the 15865
process of enhancing well productivity, including hydraulic 15866
fracturing operations. 15867

(AA) "Production operation" means all operations and 15868
activities and all related equipment, facilities, and other 15869
structures that may be used in or associated with the exploration 15870
and production of oil, gas, or other mineral resources that are 15871
regulated under this chapter, including operations and activities 15872
associated with site preparation, site construction, access road 15873
construction, well drilling, well completion, well stimulation, 15874
well site activities, reclamation, and plugging. "Production 15875
operation" also includes all of the following: 15876

(1) The piping, equipment, and facilities used for the 15877
production and preparation of hydrocarbon gas or liquids for 15878
transportation or delivery; 15879

(2) The processes of extraction and recovery, lifting, 15880
stabilization, treatment, separation, production processing, 15881
storage, waste disposal, and measurement of hydrocarbon gas and 15882
liquids, including related equipment and facilities; 15883

(3) The processes and related equipment and facilities 15884
associated with production compression, gas lift, gas injection, 15885

fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities.

(BB) "Annular overpressurization" means the accumulation of fluids within an annulus with sufficient pressure to allow migration of annular fluids into underground sources of drinking water.

(CC) "Idle and orphaned well" means a well for which a bond has been forfeited or an abandoned well for which no money is available to plug the well in accordance with this chapter and rules adopted under it.

(DD) "Temporarily inactive well" means a well that has been granted temporary inactive status under section 1509.062 of the Revised Code.

(EE) "Material and substantial violation" means any of the following:

(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;

(2) Failure to obtain or maintain insurance coverage that is required under this chapter;

(3) Failure to obtain or maintain a surety bond that is required under this chapter;

(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;

(5) Failure to restore a disturbed land surface as required

by section 1509.072 of the Revised Code; 15916

(6) Failure to reimburse the oil and gas well fund pursuant 15917
to a final order issued under section 1509.071 of the Revised 15918
Code; 15919

(7) Failure to comply with a final nonappealable order of the 15920
chief issued under section 1509.04 of the Revised Code; 15921

(8) Failure to remit a fee that is required by this chapter 15922
or a rule adopted under this chapter. 15923

(FF) "Severer" has the same meaning as in section 5749.01 of 15924
the Revised Code. 15925

(GG) "Horizontal well" means a well that is drilled for the 15926
production of oil or natural gas in which the wellbore reaches a 15927
horizontal or near horizontal position and the well is stimulated. 15928

(HH) "Payout date" means the first date on which the gross 15929
receipts generated by a horizontal well equal or exceed production 15930
costs incurred by the owner on that well. 15931

(II) "Production costs" means the sum of the costs incurred 15932
by an owner to construct and operate a horizontal well including, 15933
but not limited to, construction materials for the well, such as 15934
cement and casing, lease or royalty payments to a landowner or 15935
landowners, and labor costs of any person paid compensation who is 15936
under the supervision or control of the well owner for work done 15937
on or at the well. "Production costs" does not include amounts 15938
paid to a partnership interest or similar business arrangement, 15939
applicable taxes imposed on the well owner, and any other cost not 15940
considered production costs by the director of the department of 15941
natural resources. 15942

(JJ) "First day of production" means the earlier of the date 15943
on which a horizontal well begins to sever or the date on which 15944
the owner of such well begins to sell in this state natural 15945

resources severed by the well. 15946

(KK) "Well pad" means the area that may be cleared and 15947

prepared for the drilling of one or more wells. 15948

Sec. 1509.06. (A) An application for a permit to drill a new 15949
well, drill an existing well deeper, reopen a well, convert a well 15950
to any use other than its original purpose, or plug back a well to 15951
a different source of supply, including associated production 15952
operations, shall be filed with the chief of the division of oil 15953
and gas resources management upon such form as the chief 15954
prescribes and shall contain each of the following that is 15955
applicable: 15956

(1) The name and address of the owner and, if a corporation, 15957
the name and address of the statutory agent; 15958

(2) The signature of the owner or the owner's authorized 15959
agent. When an authorized agent signs an application, it shall be 15960
accompanied by a certified copy of the appointment as such agent. 15961

(3) The names and addresses of all persons holding the 15962
royalty interest in the tract upon which the well is located or is 15963
to be drilled or within a proposed drilling unit; 15964

(4) The location of the tract or drilling unit on which the 15965
well is located or is to be drilled identified by section or lot 15966
number, city, village, township, and county; 15967

(5) Designation of the well by name and number; 15968

(6) The geological formation to be tested or used and the 15969
proposed total depth of the well; 15970

(7) The type of drilling equipment to be used; 15971

(8) If the well is for the injection of a liquid, identity of 15972
the geological formation to be used as the injection zone and the 15973
composition of the liquid to be injected; 15974

(9) For an application for a permit to drill a new well 15975
within an urbanized area, a sworn statement that the applicant has 15976
provided notice by regular mail of the application to the owner of 15977
each parcel of real property that is located within five hundred 15978
feet of the surface location of the well and to the executive 15979
authority of the municipal corporation or the board of township 15980
trustees of the township, as applicable, in which the well is to 15981
be located. In addition, the notice shall contain a statement that 15982
informs an owner of real property who is required to receive the 15983
notice under division (A)(9) of this section that within five days 15984
of receipt of the notice, the owner is required to provide notice 15985
under section 1509.60 of the Revised Code to each residence in an 15986
occupied dwelling that is located on the owner's parcel of real 15987
property. The notice shall contain a statement that an application 15988
has been filed with the division of oil and gas resources 15989
management, identify the name of the applicant and the proposed 15990
well location, include the name and address of the division, and 15991
contain a statement that comments regarding the application may be 15992
sent to the division. The notice may be provided by hand delivery 15993
or regular mail. The identity of the owners of parcels of real 15994
property shall be determined using the tax records of the 15995
municipal corporation or county in which a parcel of real property 15996
is located as of the date of the notice. 15997

(10) A plan for restoration of the land surface disturbed by 15998
drilling operations. The plan shall provide for compliance with 15999
the restoration requirements of division (A) of section 1509.072 16000
of the Revised Code and any rules adopted by the chief pertaining 16001
to that restoration. 16002

(11) A description by name or number of the county, township, 16003
and municipal corporation roads, streets, and highways that the 16004
applicant anticipates will be used for access to and egress from 16005
the well site; 16006

(12) Such other relevant information as the chief prescribes 16007
by rule. 16008

Each application shall be accompanied by a map, on a scale 16009
not smaller than four hundred feet to the inch, prepared by an 16010
Ohio registered surveyor, showing the location of the well and 16011
containing such other data as may be prescribed by the chief. If 16012
the well is or is to be located within the excavations and 16013
workings of a mine, the map also shall include the location of the 16014
mine, the name of the mine, and the name of the person operating 16015
the mine. 16016

(B) The chief shall cause a copy of the weekly circular 16017
prepared by the division to be provided to the county engineer of 16018
each county that contains active or proposed drilling activity. 16019
The weekly circular shall contain, in the manner prescribed by the 16020
chief, the names of all applicants for permits, the location of 16021
each well or proposed well, the information required by division 16022
(A)(11) of this section, and any additional information the chief 16023
prescribes. In addition, the chief promptly shall transfer an 16024
electronic copy or facsimile, or if those methods are not 16025
available to a municipal corporation or township, a copy via 16026
regular mail, of a drilling permit application to the clerk of the 16027
legislative authority of the municipal corporation or to the clerk 16028
of the township in which the well or proposed well is or is to be 16029
located if the legislative authority of the municipal corporation 16030
or the board of township trustees has asked to receive copies of 16031
such applications and the appropriate clerk has provided the chief 16032
an accurate, current electronic mailing address or facsimile 16033
number, as applicable. 16034

(C)(1) Except as provided in division (C)(2) of this section, 16035
the chief shall not issue a permit for at least ten days after the 16036
date of filing of the application for the permit unless, upon 16037
reasonable cause shown, the chief waives that period or a request 16038

for expedited review is filed under this section. However, the 16039
chief shall issue a permit within twenty-one days of the filing of 16040
the application unless the chief denies the application by order. 16041

(2) If the location of a well or proposed well will be or is 16042
within an urbanized area, the chief shall not issue a permit for 16043
at least eighteen days after the date of filing of the application 16044
for the permit unless, upon reasonable cause shown, the chief 16045
waives that period or the chief at the chief's discretion grants a 16046
request for an expedited review. However, the chief shall issue a 16047
permit for a well or proposed well within an urbanized area within 16048
thirty days of the filing of the application unless the chief 16049
denies the application by order. 16050

(D) An applicant may file a request with the chief for 16051
expedited review of a permit application if the well is not or is 16052
not to be located in a gas storage reservoir or reservoir 16053
protective area, as "reservoir protective area" is defined in 16054
section 1571.01 of the Revised Code. If the well is or is to be 16055
located in a coal bearing township, the application shall be 16056
accompanied by the affidavit of the landowner prescribed in 16057
section 1509.08 of the Revised Code. 16058

In addition to a complete application for a permit that meets 16059
the requirements of this section and the permit fee prescribed by 16060
this section, a request for expedited review shall be accompanied 16061
by a separate nonrefundable filing fee of two hundred fifty 16062
dollars. Upon the filing of a request for expedited review, the 16063
chief shall cause the county engineer of the county in which the 16064
well is or is to be located to be notified of the filing of the 16065
permit application and the request for expedited review by 16066
telephone or other means that in the judgment of the chief will 16067
provide timely notice of the application and request. The chief 16068
shall issue a permit within seven days of the filing of the 16069
request unless the chief denies the application by order. 16070

Notwithstanding the provisions of this section governing expedited review of permit applications, the chief may refuse to accept requests for expedited review if, in the chief's judgment, the acceptance of the requests would prevent the issuance, within twenty-one days of their filing, of permits for which applications are pending.

(E) A well shall be drilled and operated in accordance with the plans, sworn statements, and other information submitted in the approved application.

(F) The chief shall issue an order denying a permit if the chief finds that there is a substantial risk that the operation will result in violations of this chapter or rules adopted under it that will present an imminent danger to public health or safety or damage to the environment, provided that where the chief finds that terms or conditions to the permit can reasonably be expected to prevent such violations, the chief shall issue the permit subject to those terms or conditions, including, if applicable, terms and conditions regarding subjects identified in rules adopted under section 1509.03 of the Revised Code. The issuance of a permit shall not be considered an order of the chief.

(G) Each application for a permit required by section 1509.05 of the Revised Code, except an application to plug back an existing well that is required by that section and an application for a well drilled or reopened for purposes of section 1509.22 of the Revised Code, also shall be accompanied by a nonrefundable fee as follows:

(1) Five hundred dollars for a permit to conduct activities in a township with a population of fewer than ten thousand;

(2) Seven hundred fifty dollars for a permit to conduct activities in a township with a population of ten thousand or more, but fewer than fifteen thousand;

(3) One thousand dollars for a permit to conduct activities 16102
in either of the following: 16103

(a) A township with a population of fifteen thousand or more; 16104

(b) A municipal corporation regardless of population. 16105

(4) If the application is for a permit that requires 16106
mandatory pooling, an additional five thousand dollars. 16107

For purposes of calculating fee amounts, populations shall be 16108
determined using the most recent federal decennial census. 16109

Each application for the revision or reissuance of a permit 16110
shall be accompanied by a nonrefundable fee of two hundred fifty 16111
dollars. 16112

(H) Prior to the issuance of a permit to drill a proposed 16113
well that is to be located in an urbanized area, the division 16114
shall conduct a site review to identify and evaluate any 16115
site-specific terms and conditions that may be attached to the 16116
permit. At the site review, a representative of the division shall 16117
consider fencing, screening, and landscaping requirements, if any, 16118
for similar structures in the community in which the well is 16119
proposed to be located. The terms and conditions that are attached 16120
to the permit shall include the establishment of fencing, 16121
screening, and landscaping requirements for the surface facilities 16122
of the proposed well, including a tank battery of the well. 16123

(I) A permit shall be issued by the chief in accordance with 16124
this chapter. A permit issued under this section for a well that 16125
is or is to be located in an urbanized area shall be valid for 16126
twelve months, and all other permits issued under this section 16127
shall be valid for twenty-four months. 16128

(J) A permittee or a permittee's authorized representative 16129
shall notify an inspector from the division at least twenty-four 16130
hours, or another time period agreed to by the chief's authorized 16131

representative, prior to the commencement of drilling, reopening, 16132
converting, well stimulation, or plugback operations. 16133

(K) A permittee for a horizontal well shall pay a fee of 16134
twenty-five thousand dollars to the county treasurer of the county 16135
in which the horizontal well will be located, and notify the 16136
treasurer of the parcel number of such well, before the permittee 16137
begins construction of the well pad on which the well will be 16138
situated. The permittee shall pay an additional fee of twenty-five 16139
thousand dollars to the county treasurer for each subsequent well 16140
drilled on the same well pad, which shall be paid prior to the 16141
commencement of drilling the well. The permittee shall notify the 16142
treasurer of the parcel number of the subsequent well at the time 16143
of paying the additional fee for the well. The county treasurer 16144
shall deposit the money in accordance with section 321.49 of the 16145
Revised Code. 16146

Sec. 1509.071. (A) When the chief of the division of oil and 16147
gas resources management finds that an owner has failed to comply 16148
with a final nonappealable order issued or compliance agreement 16149
entered into under section 1509.04, the restoration requirements 16150
of section 1509.072, plugging requirements of section 1509.12, or 16151
permit provisions of section 1509.13 of the Revised Code, or rules 16152
and orders relating thereto, the chief shall make a finding of 16153
that fact and declare any surety bond filed to ensure compliance 16154
with those sections and rules forfeited in the amount set by rule 16155
of the chief. The chief thereupon shall certify the total 16156
forfeiture to the attorney general, who shall proceed to collect 16157
the amount of the forfeiture. In addition, the chief may require 16158
an owner, operator, producer, or other person who forfeited a 16159
surety bond to post a new surety bond in the amount of fifteen 16160
thousand dollars for a single well, thirty thousand dollars for 16161
two wells, or fifty thousand dollars for three or more wells. 16162

In lieu of total forfeiture, the surety or owner, at the surety's or owner's option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

The chief annually shall spend not less than fourteen per cent of the revenue credited to the fund during the previous fiscal year for the following purposes:

(1) In accordance with division (D) of this section, to plug idle and orphaned wells or to restore the land surface properly as required in section 1509.072 of the Revised Code;

(2) In accordance with division (E) of this section, to correct conditions that the chief reasonably has determined are causing imminent health or safety risks at an idle and orphaned well or a well for which the owner cannot be contacted in order to initiate a corrective action within a reasonable period of time as determined by the chief.

Expenditures from the fund shall be made only for lawful purposes. In addition, expenditures from the fund shall not be made to purchase real property or to remove a dwelling in order to access a well.

(C)(1) Upon determining that the owner of a well has failed to properly plug and abandon it or to properly restore the land surface at the well site in compliance with the applicable requirements of this chapter and applicable rules adopted and orders issued under it or that a well is an abandoned well for which no funds are available to plug the well in accordance with this chapter, the chief shall do all of the following:

(a) Determine from the records in the office of the county recorder of the county in which the well is located the identity of the owner of the land on which the well is located, the identity of the owner of the oil or gas lease under which the well was drilled or the identity of each person owning an interest in the lease, and the identities of the persons having legal title to, or a lien upon, any of the equipment appurtenant to the well;

(b) Mail notice to the owner of the land on which the well is located informing the landowner that the well is to be plugged. If the owner of the oil or gas lease under which the well was drilled is different from the owner of the well or if any persons other than the owner of the well own interests in the lease, the chief also shall mail notice that the well is to be plugged to the owner of the lease or to each person owning an interest in the lease, as appropriate.

(c) Mail notice to each person having legal title to, or a lien upon, any equipment appurtenant to the well, informing the person that the well is to be plugged and offering the person the opportunity to plug the well and restore the land surface at the well site at the person's own expense in order to avoid forfeiture of the equipment to this state.

(2) If none of the persons described in division (C)(1)(c) of this section plugs the well within sixty days after the mailing of the notice required by that division, all equipment appurtenant to the well is hereby declared to be forfeited to this state without compensation and without the necessity for any action by the state for use to defray the cost of plugging and abandoning the well and restoring the land surface at the well site.

(D) Expenditures from the fund for the purpose of division (B)(1) of this section shall be made in accordance with either of the following:

(1) The expenditures may be made pursuant to contracts 16225
entered into by the chief with persons who agree to furnish all of 16226
the materials, equipment, work, and labor as specified and 16227
provided in such a contract for activities associated with the 16228
restoration or plugging of a well as determined by the chief. The 16229
activities may include excavation to uncover a well, geophysical 16230
methods to locate a buried well when clear evidence of leakage 16231
from the well exists, cleanout of wellbores to remove material 16232
from a failed plugging of a well, plugging operations, 16233
installation of vault and vent systems, including associated 16234
engineering certifications and permits, restoration of property, 16235
and repair of damage to property that is caused by such 16236
activities. Expenditures shall not be used for salaries, 16237
maintenance, equipment, or other administrative purposes, except 16238
for costs directly attributed to the plugging of an idle and 16239
orphaned well. Agents or employees of persons contracting with the 16240
chief for a restoration or plugging project may enter upon any 16241
land, public or private, on which the well is located for the 16242
purpose of performing the work. Prior to such entry, the chief 16243
shall give to the following persons written notice of the 16244
existence of a contract for a project to restore or plug a well, 16245
the names of the persons with whom the contract is made, and the 16246
date that the project will commence: the owner of the well, the 16247
owner of the land upon which the well is located, the owner or 16248
agents of adjoining land, and, if the well is located in the same 16249
township as or in a township adjacent to the excavations and 16250
workings of a mine and the owner or lessee of that mine has 16251
provided written notice identifying those townships to the chief 16252
at any time during the immediately preceding three years, the 16253
owner or lessee of the mine. 16254

(2)(a) The owner of the land on which a well is located who 16255
has received notice under division (C)(1)(b) of this section may 16256
plug the well and be reimbursed by the division of oil and gas 16257

resources management for the reasonable cost of plugging the well. 16258
In order to plug the well, the landowner shall submit an 16259
application to the chief on a form prescribed by the chief and 16260
approved by the technical advisory council on oil and gas created 16261
in section 1509.38 of the Revised Code. The application, at a 16262
minimum, shall require the landowner to provide the same 16263
information as is required to be included in the application for a 16264
permit to plug and abandon under section 1509.13 of the Revised 16265
Code. The application shall be accompanied by a copy of a proposed 16266
contract to plug the well prepared by a contractor regularly 16267
engaged in the business of plugging oil and gas wells. The 16268
proposed contract shall require the contractor to furnish all of 16269
the materials, equipment, work, and labor necessary to plug the 16270
well properly and shall specify the price for doing the work, 16271
including a credit for the equipment appurtenant to the well that 16272
was forfeited to the state through the operation of division 16273
(C)(2) of this section. Expenditures under division (D)(2)(a) of 16274
this section shall be consistent with the expenditures for 16275
activities described in division (D)(1) of this section. The 16276
application also shall be accompanied by the permit fee required 16277
by section 1509.13 of the Revised Code unless the chief, in the 16278
chief's discretion, waives payment of the permit fee. The 16279
application constitutes an application for a permit to plug and 16280
abandon the well for the purposes of section 1509.13 of the 16281
Revised Code. 16282

(b) Within thirty days after receiving an application and 16283
accompanying proposed contract under division (D)(2)(a) of this 16284
section, the chief shall determine whether the plugging would 16285
comply with the applicable requirements of this chapter and 16286
applicable rules adopted and orders issued under it and whether 16287
the cost of the plugging under the proposed contract is 16288
reasonable. If the chief determines that the proposed plugging 16289
would comply with those requirements and that the proposed cost of 16290

the plugging is reasonable, the chief shall notify the landowner 16291
of that determination and issue to the landowner a permit to plug 16292
and abandon the well under section 1509.13 of the Revised Code. 16293
Upon approval of the application and proposed contract, the chief 16294
shall transfer ownership of the equipment appurtenant to the well 16295
to the landowner. The chief may disapprove an application 16296
submitted under division (D)(2)(a) of this section if the chief 16297
determines that the proposed plugging would not comply with the 16298
applicable requirements of this chapter and applicable rules 16299
adopted and orders issued under it, that the cost of the plugging 16300
under the proposed contract is unreasonable, or that the proposed 16301
contract is not a bona fide, arm's length contract. 16302

(c) After receiving the chief's notice of the approval of the 16303
application and permit to plug and abandon a well under division 16304
(D)(2)(b) of this section, the landowner shall enter into the 16305
proposed contract to plug the well. 16306

(d) Upon determining that the plugging has been completed in 16307
compliance with the applicable requirements of this chapter and 16308
applicable rules adopted and orders issued under it, the chief 16309
shall reimburse the landowner for the cost of the plugging as set 16310
forth in the proposed contract approved by the chief. The 16311
reimbursement shall be paid from the oil and gas well fund. If the 16312
chief determines that the plugging was not completed in accordance 16313
with the applicable requirements, the chief shall not reimburse 16314
the landowner for the cost of the plugging, and the landowner or 16315
the contractor, as applicable, promptly shall transfer back to 16316
this state title to and possession of the equipment appurtenant to 16317
the well that previously was transferred to the landowner under 16318
division (D)(2)(b) of this section. If any such equipment was 16319
removed from the well during the plugging and sold, the landowner 16320
shall pay to the chief the proceeds from the sale of the 16321
equipment, and the chief promptly shall pay the moneys so received 16322

to the treasurer of state for deposit into the oil and gas well fund. 16323
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The chief may establish an annual limit on the number of wells that may be plugged under division (D)(2) of this section or an annual limit on the expenditures to be made under that division. 16325
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As used in division (D)(2) of this section, "plug" and "plugging" include the plugging of the well and the restoration of the land surface disturbed by the plugging. 16329
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(E) Expenditures from the oil and gas well fund for the purpose of division (B)(2) of this section may be made pursuant to contracts entered into by the chief with persons who agree to furnish all of the materials, equipment, work, and labor as specified and provided in such a contract. The competitive bidding requirements of Chapter 153. of the Revised Code do not apply if the chief reasonably determines that an emergency situation exists requiring immediate action for the correction of the applicable health or safety risk ~~requires immediate action~~. A contract or purchase of materials for purposes of addressing the emergency situation is not subject to division (B) of section 127.16 of the Revised Code. The chief, designated representatives of the chief, and agents or employees of persons contracting with the chief under this division may enter upon any land, public or private, for the purpose of performing the work. 16332
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(F) Contracts entered into by the chief under this section are not subject to ~~either~~ any of the following: 16347
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(1) Chapter 4115. of the Revised Code; 16349

(2) Section 153.54 of the Revised Code, except that the contractor shall obtain and provide to the chief as a bid guaranty a surety bond or letter of credit in an amount equal to ten per cent of the amount of the contract; 16350
16351
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(3) Section 4733.17 of the Revised Code. 16354

(G) The owner of land on which a well is located who has 16355
received notice under division (C)(1)(b) of this section, in lieu 16356
of plugging the well in accordance with division (D)(2) of this 16357
section, may cause ownership of the well to be transferred to an 16358
owner who is lawfully doing business in this state and who has met 16359
the financial responsibility requirements established under 16360
section 1509.07 of the Revised Code, subject to the approval of 16361
the chief. The transfer of ownership also shall be subject to the 16362
landowner's filing the appropriate forms required under section 16363
1509.31 of the Revised Code and providing to the chief sufficient 16364
information to demonstrate the landowner's or owner's right to 16365
produce a formation or formations. That information may include a 16366
deed, a lease, or other documentation of ownership or property 16367
rights. 16368

The chief shall approve or disapprove the transfer of 16369
ownership of the well. If the chief approves the transfer, the 16370
owner is responsible for operating the well in accordance with 16371
this chapter and rules adopted under it, including, without 16372
limitation, all of the following: 16373

(1) Filing an application with the chief under section 16374
1509.06 of the Revised Code if the owner intends to drill deeper 16375
or produce a formation that is not listed in the records of the 16376
division for that well; 16377

(2) Taking title to and possession of the equipment 16378
appurtenant to the well that has been identified by the chief as 16379
having been abandoned by the former owner; 16380

(3) Complying with all applicable requirements that are 16381
necessary to drill deeper, plug the well, or plug back the well. 16382

(H) The chief shall issue an order that requires the owner of 16383
a well to pay the actual documented costs of a corrective action 16384

that is described in division (B)(2) of this section concerning 16385
the well. The chief shall transmit the money so recovered to the 16386
treasurer of state who shall deposit the money in the state 16387
treasury to the credit of the oil and gas well fund. 16388

(I) The chief may engage in cooperative projects under this 16389
section with any agency of this state, another state, or the 16390
United States; any other governmental agencies; or any state 16391
university or college as defined in section 3345.27 of the Revised 16392
Code. A contract entered into for purposes of a cooperative 16393
project is not subject to division (B) of section 127.16 of the 16394
Revised Code. 16395

Sec. 1509.36. Any person adversely affected by an order by 16396
the chief of the division of oil and gas resources management may 16397
appeal to the oil and gas commission for an order vacating or 16398
modifying the order. 16399

The person so appealing to the commission shall be known as 16400
appellant and the chief shall be known as appellee. Appellant and 16401
appellee shall be deemed to be parties to the appeal. 16402

The appeal shall be in writing and shall set forth the order 16403
complained of and the grounds upon which the appeal is based. The 16404
appeal shall be filed with the commission within thirty days after 16405
the date upon which the appellant received notice by certified 16406
mail and, for all other persons adversely affected by the order, 16407
within thirty days after the date of the order complained of. 16408
Notice of the filing of the appeal shall be filed with the chief 16409
within three days after the appeal is filed with the commission. 16410

Upon the filing of the appeal the commission promptly shall 16411
fix the time and place at which the hearing on the appeal will be 16412
held, and shall give the appellant and the chief at least ten 16413
days' written notice thereof by mail. The commission may postpone 16414
or continue any hearing upon its own motion or upon application of 16415

the appellant or of the chief. 16416

The filing of an appeal provided for in this section does not 16417
automatically suspend or stay execution of the order appealed 16418
from, but upon application by the appellant the commission may 16419
suspend or stay the execution pending determination of the appeal 16420
upon such terms as the commission considers proper. 16421

Either party to the appeal or any interested person who, 16422
pursuant to commission rules has been granted permission to 16423
appear, may submit such evidence as the commission considers 16424
admissible. 16425

For the purpose of conducting a hearing on an appeal, the 16426
commission may require the attendance of witnesses and the 16427
production of books, records, and papers, and it may, and at the 16428
request of any party it shall, issue subpoenas for witnesses or 16429
subpoenas duces tecum to compel the production of any books, 16430
records, or papers, directed to the sheriffs of the counties where 16431
the witnesses are found. The subpoenas shall be served and 16432
returned in the same manner as subpoenas in criminal cases are 16433
served and returned. The fees of sheriffs shall be the same as 16434
those allowed by the court of common pleas in criminal cases. 16435
Witnesses shall be paid the fees and mileage provided for under 16436
section 119.094 of the Revised Code. Such fees and mileage 16437
expenses incurred at the request of appellant shall be paid in 16438
advance by the appellant, and the remainder of those expenses 16439
shall be paid out of funds appropriated for the expenses of the 16440
division of oil and gas resources management. 16441

In case of disobedience or neglect of any subpoena served on 16442
any person, or the refusal of any witness to testify to any matter 16443
regarding which the witness may be lawfully interrogated, the 16444
court of common pleas of the county in which the disobedience, 16445
neglect, or refusal occurs, or any judge thereof, on application 16446
of the commission or any member thereof, shall compel obedience by 16447

attachment proceedings for contempt as in the case of disobedience 16448
of the requirements of a subpoena issued from that court or a 16449
refusal to testify therein. Witnesses at such hearings shall 16450
testify under oath, and any member of the commission may 16451
administer oaths or affirmations to persons who so testify. 16452

At the request of any party to the appeal, a ~~stenographic~~ 16453
record of the testimony and other evidence submitted shall be 16454
taken by an official court ~~shorthand~~ reporter at the expense of 16455
the party making the request ~~therefor~~ for the record. The record 16456
shall include all of the testimony and other evidence and the 16457
rulings on the admissibility thereof presented at the hearing. The 16458
commission shall pass upon the admissibility of evidence, but any 16459
party may at the time object to the admission of any evidence and 16460
except to the rulings of the commission thereon, and if the 16461
commission refuses to admit evidence the party offering same may 16462
make a proffer thereof, and such proffer shall be made a part of 16463
the record of the hearing. 16464

If upon completion of the hearing the commission finds that 16465
the order appealed from was lawful and reasonable, it shall make a 16466
written order affirming the order appealed from; if the commission 16467
finds that the order was unreasonable or unlawful, it shall make a 16468
written order vacating the order appealed from and making the 16469
order that it finds the chief should have made. Every order made 16470
by the commission shall contain a written finding by the 16471
commission of the facts upon which the order is based. 16472

Notice of the making of the order shall be given forthwith to 16473
each party to the appeal by mailing a certified copy thereof to 16474
each such party by certified mail. 16475

The order of the commission is final unless vacated by the 16476
court of common pleas of Franklin county in an appeal as provided 16477
for in section 1509.37 of the Revised Code. Sections 1509.01 to 16478
1509.37 of the Revised Code, providing for appeals relating to 16479

orders by the chief or by the commission, or relating to rules 16480
adopted by the chief, do not constitute the exclusive procedure 16481
that any person who believes the person's rights to be unlawfully 16482
affected by those sections or any official action taken thereunder 16483
must pursue in order to protect and preserve those rights, nor do 16484
those sections constitute a procedure that that person must pursue 16485
before that person may lawfully appeal to the courts to protect 16486
and preserve those rights. 16487

Sec. 1509.51. (A) On or before the first day of production, 16488
the owner of a proposed horizontal well may apply to the director 16489
of the department of natural resources, on a form prescribed by 16490
the director, to be subject to the reduced tax rate imposed under 16491
division (A)(10)(b) of section 5749.02 of the Revised Code. The 16492
director shall approve an application and issue the owner a 16493
certificate within thirty days after receiving an application if 16494
the applicant does all of the following: 16495

(1) Pays a fee in an amount prescribed by the director for 16496
each proposed horizontal well; 16497

(2) Establishes to the director's satisfaction that the 16498
proposed horizontal well will be a horizontal well; 16499

(3) Submits any other information that the director considers 16500
necessary. 16501

A certificate issued under this division shall expire one 16502
year following the date on which the certificate is issued. 16503

(B) An owner who holds a certificate issued under this 16504
division or division (A) of this section may apply to the director 16505
of natural resources on or before the twentieth day of the 16506
eleventh month after the date on which the owner was issued a 16507
certificate under division (A) of this section or on or before 16508
twenty days before a certificate issued under this division 16509

expires, as applicable, to extend the expiration date of the 16510
certificate for three months. The director shall approve an 16511
application and issue to the owner an amended certificate within 16512
thirty days after receiving an application if the applicant does 16513
all of the following: 16514

(1) Pays a fee in an amount prescribed by the director for 16515
each horizontal well; 16516

(2) Establishes to the director's satisfaction that the 16517
horizontal well continues to be a horizontal well; 16518

(3) Establishes to the director's satisfaction that the 16519
payout date for the horizontal well has not occurred during any 16520
date during the period that an owner held a certificate for the 16521
well issued under this division or division (A) of this section; 16522

(4) Submits any other information that the director considers 16523
necessary. 16524

An amended certificate issued under this division shall 16525
terminate three months following the date on which the amended 16526
certificate is issued. The director shall not issue a certificate 16527
under this section for a horizontal well that has reached the 16528
well's payout date. 16529

(C) The director shall provide a copy of any certificate 16530
issued under this section to the tax commissioner. The director 16531
may issue only one certificate under division (A) and no more than 16532
four amended certificates under division (B) of this section for 16533
the same horizontal well. An owner shall not file a false or 16534
fraudulent application. If the director determines that an owner 16535
has made a false or fraudulent application, the director shall 16536
revoke any certificate that the director has issued under this 16537
section to the owner. 16538

(D) An owner that holds an unexpired certificate issued under 16539
this section is subject to the reduced tax rate imposed under 16540

division (A)(10)(b) of section 5749.02 of the Revised Code for oil 16541
and condensate produced through use of the well for which the 16542
certificate is issued. 16543

Sec. 1533.081. (A) As used in this section: 16544

(1) "Energy" has the same meaning as in section 1551.01 of 16545
the Revised Code. 16546

(2) "Energy facility" means a facility at which energy is 16547
produced. 16548

(B) A person desiring to take a wild animal that is 16549
interfering with, or may interfere with, the operations of an 16550
energy facility shall obtain a permit to do so from the chief of 16551
the division of wildlife under this section. The chief shall adopt 16552
rules under section 1531.10 of the Revised Code that are necessary 16553
to administer this section. 16554

Sec. 1541.26. There is hereby created in the state treasury 16555
the parks mineral royalties fund. The fund shall consist of money 16556
deposited into it under section 1509.73 of the Revised Code and 16557
money transferred to it under section 1503.012 of the Revised 16558
Code. Any investment proceeds earned on money in the fund shall be 16559
credited to the fund. 16560

Money in the fund shall be used by the division of parks and 16561
recreation to acquire land and to pay capital costs, including 16562
equipment and repairs and renovations of facilities, that are 16563
owned by the state and administered by the division. Expenditures 16564
from the fund shall be approved by the director of natural 16565
resources. 16566

Sec. 1551.33. (A) The director of development shall appoint 16567
and fix the compensation of the director of the Ohio coal 16568
development office. The director shall serve at the pleasure of 16569

the director of development. 16570

(B) The director of the office shall do all of the following: 16571

(1) Biennially prepare and maintain the Ohio coal development 16572
agenda required under section 1551.34 of the Revised Code; 16573

(2) Propose and support policies for the office consistent 16574
with the Ohio coal development agenda and develop means to 16575
implement the agenda; 16576

(3) Initiate, undertake, and support projects to carry out 16577
the office's purposes and ensure that the projects are consistent 16578
with and meet the selection criteria established by the Ohio coal 16579
development agenda; 16580

(4) Actively encourage joint participation in and, when 16581
feasible, joint funding of the office's projects with governmental 16582
agencies, electric utilities, universities and colleges, other 16583
public or private interests, or any other person; 16584

(5) Establish a table of organization for and employ such 16585
employees and agents as are necessary for the administration and 16586
operation of the office. Any such employees shall be in the 16587
unclassified service and shall serve at the pleasure of the 16588
director of development. 16589

(6) Appoint specified members of and convene the technical 16590
advisory committee established under section 1551.35 of the 16591
Revised Code; 16592

(7) Review, with the assistance of the technical advisory 16593
committee, proposed coal research and development projects as 16594
defined in section 1555.01 of the Revised Code, and coal 16595
development projects, submitted to the office by public utilities 16596
for the purpose of section 4905.304 of the Revised Code. If the 16597
director and the advisory committee determine that any such 16598
facility or project has as its purpose the enhanced use of Ohio 16599

coal in an environmentally acceptable, cost effective manner, 16600
promotes energy conservation, is cost effective, and is 16601
environmentally sound, the director shall submit to the public 16602
utilities commission a report recommending that the commission 16603
allow the recovery of costs associated with the facility or 16604
project under section 4905.304 of the Revised Code and including 16605
the reasons for the recommendation. 16606

(8) Establish such policies, procedures, and guidelines as 16607
are necessary to achieve the office's purposes. 16608

(C) ~~The~~ With the approval of the director of development, the 16609
director of the office may exercise any of the powers and duties 16610
that the director of ~~the office~~ development considers appropriate 16611
or desirable to achieve the office's purposes, including, but not 16612
limited to, the powers and duties enumerated in sections 1551.11, 16613
1551.12, and 1551.15 of the Revised Code. 16614

Additionally, the director of the office may make loans to 16615
governmental agencies or persons for projects to carry out the 16616
office's purposes. Fees, charges, rates of interest, times of 16617
payment of interest and principal, and other terms, conditions, 16618
and provisions of the loans shall be such as the director of the 16619
office determines to be appropriate and in furtherance of the 16620
purposes for which the loans are made. The mortgage lien securing 16621
any moneys lent by the director of the office may be subordinate 16622
to the mortgage lien securing any moneys lent or invested by a 16623
financial institution, but shall be superior to that securing any 16624
moneys lent or expended by any other person. The moneys used in 16625
making the loans shall be disbursed upon order of the director of 16626
the office. 16627

Sec. 1555.02. It is hereby declared to be the public policy 16628
of this state through the operations of the Ohio coal development 16629
office under this chapter to contribute toward one or more of the 16630

following: to provide for the comfort, health, safety, and general 16631
welfare of all employees and other inhabitants of this state 16632
through research and development directed toward the discovery of 16633
new technologies or the demonstration or application of existing 16634
technologies to enable the conversion or use of Ohio coal as a 16635
fuel or chemical feedstock in an environmentally acceptable manner 16636
thereby enhancing the marketability and fostering the use of this 16637
state's vast reserves of coal, to assist in the financing of coal 16638
research and development and coal research and development 16639
projects or facilities for persons doing business in this state 16640
and educational and scientific institutions located in this state, 16641
to create or preserve jobs and employment opportunities or improve 16642
the economic welfare of the people of this state, or to assist and 16643
cooperate with such persons and educational and scientific 16644
institutions in conducting coal research and development. In 16645
furtherance of this public policy, the Ohio coal development 16646
office, with the advice of the technical advisory committee 16647
created in section 1551.35 of the Revised Code and the approval of 16648
the director of development, may make loans, guarantee loans, and 16649
make grants to persons doing business in this state or to 16650
educational or scientific institutions located in this state for 16651
coal research and development projects by such persons or 16652
educational or scientific institutions; may, with the advice of 16653
the technical advisory committee and the approval of the director 16654
of development, request the issuance of coal research and 16655
development general obligations under section 151.07 of the 16656
Revised Code to provide funds for making such loans, loan 16657
guarantees, and grants; and may, with the advice of the technical 16658
advisory committee and the approval of the director of 16659
development, expend moneys credited to the coal research and 16660
development fund created in section 1555.15 of the Revised Code 16661
for the purpose of making such loans, loan guarantees, and grants. 16662
Determinations by the director of the Ohio coal development office 16663

that coal research and development or a coal research and 16664
development facility is a coal research and development project 16665
under this chapter and is consistent with the purposes of Section 16666
15 of Article VIII, Ohio Constitution, and this chapter shall be 16667
conclusive as to the validity and enforceability of the coal 16668
research and development general obligations issued to finance 16669
such project and of the authorizations, trust agreements or 16670
indentures, loan agreements, loan guarantee agreements, or grant 16671
agreements, and other agreements made in connection therewith, all 16672
in accordance with their terms. 16673

Sec. 1555.03. For the purposes of this chapter, the director 16674
of the Ohio coal development office may: 16675

(A) With the advice of the technical advisory committee 16676
created in section 1551.35 of the Revised Code and the approval of 16677
the director of development, make loans, guarantee loans, and make 16678
grants to persons doing business in this state or to educational 16679
or scientific institutions located in this state for coal research 16680
and development projects by any such person or educational or 16681
scientific institution and adopt rules under Chapter 119. of the 16682
Revised Code for making such loans, guarantees, and grants. 16683

(B) In making loans, loan guarantees, and grants under 16684
division (A) of this section and section 1555.04 of the Revised 16685
Code, the director of the office shall ensure that an adequate 16686
portion of the total amount of those loans, loan guarantees, and 16687
grants, as determined by the director with the advice of the 16688
technical advisory committee, is used for conducting research on 16689
fundamental scientific problems related to the utilization of Ohio 16690
coal and shall ensure, to the maximum feasible extent, joint 16691
financial participation by the federal government or other 16692
investors or interested parties in conjunction with any such loan, 16693
loan guarantee, or grant. The director, in each grant agreement or 16694

contract under division (A) of this section, loan contract or 16695
agreement under this division or section 1555.04 of the Revised 16696
Code, and contract of guarantee under section 1555.05 of the 16697
Revised Code, shall require that the facility or project be 16698
maintained and kept in good condition and repair by the person or 16699
educational or scientific institution to whom the grant or loan 16700
was made or for whom the guarantee was made. 16701

(C) From time to time, with the advice of the technical 16702
advisory committee and the approval of the director of 16703
development, request the issuance of coal research and development 16704
general obligations under section 151.07 of the Revised Code, for 16705
any of the purposes set forth in Section 15 of Article VIII, Ohio 16706
Constitution, and subject to the limitations therein upon the 16707
aggregate total amount of obligations that may be outstanding at 16708
any time. 16709

(D) Include as a condition of any loan, loan guarantee, or 16710
grant contract or agreement with any such person or educational or 16711
scientific institution that the director of the office receive, in 16712
addition to payments of principal and interest on any such loan or 16713
service charges for any such guarantee, as appropriate, as 16714
authorized by Section 15~~7~~ of Article VIII, Ohio Constitution, a 16715
reasonable royalty or portion of the income or profits arising out 16716
of the developments, discoveries, or inventions, including patents 16717
or copyrights, that result in whole or in part from coal research 16718
and development projects conducted under any such contract or 16719
agreement, in such amounts and for such period of years as may be 16720
negotiated and provided by the contract or agreement in advance of 16721
the making of the grant, loan, or loan guarantee. Moneys received 16722
by the director of the office under this section may be credited 16723
to the coal research and development bond service fund or used to 16724
make additional loans, loan guarantees, grants, or agreements 16725
under this section. 16726

(E) Employ managers, superintendents, and other employees and 16727
retain or contract with consulting engineers, financial 16728
consultants, accounting experts, architects, and such other 16729
consultants and independent contractors as are necessary in the 16730
judgment of the director of the office to carry out this chapter, 16731
and fix the compensation thereof. 16732

(F) Receive and accept from any federal agency, subject to 16733
the approval of the governor, grants for or in aid of the 16734
construction or operation of any coal research and development 16735
project or for coal research and development, and receive and 16736
accept aid or contributions from any source of money, property, 16737
labor, or other things of value, to be held, used, and applied 16738
only for the purposes for which such grants and contributions are 16739
made. 16740

(G) Purchase fire and extended coverage and liability 16741
insurance for any coal research and development project, insurance 16742
protecting the office and its officers and employees against 16743
liability for damage to property or injury to or death of persons 16744
arising from its operations, and any other insurance the director 16745
of the office determines necessary or proper under this chapter. 16746
Any moneys received by the director from the proceeds of any such 16747
insurance with respect to a coal research and development project 16748
and any moneys received by the director from the proceeds of any 16749
settlement, judgment, foreclosure, or other insurance with respect 16750
to a coal research and development project or facility shall be 16751
credited to the coal research and development bond service fund. 16752

(H) In the exercise of the powers of the director of the 16753
office under this chapter, call to the director's assistance, 16754
temporarily, from time to time, any engineers, technical experts, 16755
financial experts, and other employees in any state department, 16756
agency, or commission, or in the Ohio state university, or other 16757
educational institutions financed wholly or partially by this 16758

state for purposes of assisting the director of the office with 16759
reviewing and evaluating applications for financial assistance 16760
under this chapter, monitoring performance of coal research and 16761
development projects receiving financial assistance under this 16762
chapter, and reviewing and evaluating the progress and findings of 16763
those projects. Such engineers, experts, and employees shall not 16764
receive any additional compensation over that which they receive 16765
from the department, agency, commission, or educational 16766
institution by which they are employed, but they shall be 16767
reimbursed for their actual and necessary expenses incurred while 16768
working under the direction of the director. 16769

(I) Do all acts necessary or proper to carry out the powers 16770
expressly granted in this chapter. 16771

Sec. 1555.04. (A) With respect to coal research and 16772
development projects financed wholly or partially from a loan or 16773
loan guarantee under this chapter, the director of the Ohio coal 16774
development office, in addition to other powers under this 16775
chapter, with the advice of the technical advisory committee 16776
created in section 1551.35 of the Revised Code and the approval of 16777
the director of development, may enter into loan agreements, 16778
accept notes and other forms of obligation to evidence such 16779
indebtedness and mortgages, liens, pledges, assignments, or other 16780
security interests to secure such indebtedness, which may be prior 16781
or subordinate to or on a parity with other indebtedness, 16782
obligations, mortgages, pledges, assignments, other security 16783
interests, or liens or encumbrances, and take such actions as the 16784
director of the office considers appropriate to protect such 16785
security and safeguard against losses, including, without 16786
limitation, foreclosure and the bidding upon and purchase of 16787
property upon foreclosure or other sale. 16788

(B) The authority granted by this section is cumulative and 16789

supplementary to all other authority granted in this chapter. The 16790
authority granted by this section does not alter or impair any 16791
similar authority granted elsewhere in this chapter with respect 16792
to other projects. 16793

Sec. 1555.05. (A) Subject to any limitations as to aggregate 16794
amounts thereof that may from time to time be prescribed by the 16795
general assembly and to other applicable provisions of this 16796
chapter, and subject to the one-hundred-million-dollar limitation 16797
provided in Section 15 of Article VIII, Ohio Constitution, the 16798
director of the Ohio coal development office, on behalf of this 16799
state, with the advice of the technical advisory committee created 16800
in section 1551.35 of the Revised Code and the approval of the 16801
director of development, may enter into contracts to guarantee the 16802
repayment or payment of the unpaid principal amount of loans made 16803
to pay the costs of coal research and development projects. 16804

(B) The contract of guarantee may make provision for the 16805
conditions of, time for, and manner of fulfillment of the 16806
guarantee commitment, subrogation of this state to the rights of 16807
the parties guaranteed and exercise of such parties' rights by the 16808
state, giving the state the option of making payment of the 16809
principal amount guaranteed in one or more installments and, if 16810
deferred, to pay interest thereon from the source specified in 16811
division (A) of this section, and any other terms or conditions 16812
customary to such guarantees and as the director of the office may 16813
approve, and may contain provisions for securing the guarantee in 16814
the manner consistent with this section, covenants on behalf of 16815
this state to issue obligations under section 1555.08 of the 16816
Revised Code to provide moneys to fulfill such guarantees and 16817
covenants, and covenants restricting the aggregate amount of 16818
guarantees that may be contracted under this section and 16819
obligations that may be issued under section 151.07 of the Revised 16820
Code, and terms pertinent to either, to better secure the parties 16821

guaranteed. 16822

(C) The director of the office may fix service charges for 16823
making a guarantee. Such charges shall be payable at such times 16824
and place and in such amounts and manner as may be prescribed by 16825
the director. Moneys received from such charges shall be credited 16826
to the coal research and development bond service fund. 16827

(D) Any guaranteed parties under this section, by any 16828
suitable form of legal proceedings and except to the extent that 16829
their rights are restricted by the guarantee documents, may 16830
protect and enforce any rights under the laws of this state or 16831
granted by such guarantee or guarantee documents. Such rights 16832
include the right to compel the performance of all duties of the 16833
office required by this section or the guarantee or guarantee 16834
documents; and in the event of default with respect to the payment 16835
of any guarantees, to apply to a court having jurisdiction of the 16836
cause to appoint a receiver to receive and administer the moneys 16837
pledged to such guarantee with full power to pay, and to provide 16838
for payment of, such guarantee, and with such powers, subject to 16839
the direction of the court, as are accorded receivers in general 16840
equity cases, excluding any power to pledge or apply additional 16841
revenues or receipts or other income or moneys of this state. Each 16842
duty of the office and its director and employees required or 16843
undertaken under this section or a guarantee made under this 16844
section is hereby established as a duty of the office and of its 16845
director and each such employee having authority to perform such 16846
duty, specifically enjoined by the law resulting from an office, 16847
trust, or station within the meaning of section 2731.01 of the 16848
Revised Code. The persons who are at the time the director of the 16849
office, or its employees, are not liable in their personal 16850
capacities on any guarantees or contracts to make guarantees by 16851
the director. 16852

Sec. 1555.06. Upon application by the director of the Ohio 16853
coal development office with the approval of the director of 16854
development, the controlling board, from appropriations available 16855
to the board, may provide funds for surveys or studies by the 16856
office of any proposed coal research and development project 16857
subject to repayment by the office from funds available to it, 16858
within the time fixed by the board. Funds to be repaid shall be 16859
charged by the office to the appropriate coal research and 16860
development project and the amount thereof shall be a cost of the 16861
project. This section does not abrogate the authority of the 16862
controlling board to otherwise provide funds for use by the office 16863
in the exercise of the powers granted to it by this chapter. 16864

Sec. 1571.14. Any person claiming to be aggrieved or 16865
adversely affected by an order of the chief of the division of oil 16866
and gas resources management made as provided in section 1571.10 16867
or 1571.16 of the Revised Code may appeal to the director of 16868
natural resources for an order vacating or modifying such order. 16869
Upon receipt of the appeal, the director shall appoint an 16870
individual who has knowledge of the laws and rules regarding the 16871
underground storage of gas and who shall act as a hearing officer 16872
in accordance with Chapter 119. of the Revised Code in hearing the 16873
appeal. 16874

The person appealing to the director shall be known as 16875
appellant and the chief shall be known as appellee. The appellant 16876
and the appellee shall be deemed parties to the appeal. 16877

The appeal shall be in writing and shall set forth the order 16878
complained of and the grounds upon which the appeal is based. The 16879
appeal shall be filed with the director within thirty days after 16880
the date upon which appellant received notice by registered mail 16881
of the making of the order complained of, as required by section 16882
1571.10 of the Revised Code. Notice of the filing of such appeal 16883

shall be delivered by appellant to the chief within three days 16884
after the appeal is filed with the director. 16885

Within seven days after receipt of the notice of appeal the 16886
chief shall prepare and certify to the director at the expense of 16887
appellant a complete transcript of the proceedings out of which 16888
the appeal arises, including a transcript of the testimony 16889
submitted to the chief. 16890

Upon the filing of the appeal the director shall fix the time 16891
and place at which the hearing on the appeal will be held, and 16892
shall give appellant and the chief at least ten days' written 16893
notice thereof by mail. The director may postpone or continue any 16894
hearing upon the director's own motion or upon application of 16895
appellant or of the chief. 16896

The filing of an appeal provided for in this section does not 16897
automatically suspend or stay execution of the order appealed 16898
from, but upon application by the appellant the director may 16899
suspend or stay such execution pending determination of the appeal 16900
upon such terms as the director deems proper. 16901

The hearing officer appointed by the director shall hear the 16902
appeal de novo, and either party to the appeal may submit such 16903
evidence as the hearing officer deems admissible. 16904

For the purpose of conducting a hearing on an appeal, the 16905
hearing officer may require the attendance of witnesses and the 16906
production of books, records, and papers, and may, and at the 16907
request of any party shall, issue subpoenas for witnesses or 16908
subpoenas duces tecum to compel the production of any books, 16909
records, or papers, directed to the sheriffs of the counties where 16910
such witnesses are found, which subpoenas shall be served and 16911
returned in the same manner as subpoenas in criminal cases are 16912
served and returned. The fees of sheriffs shall be the same as 16913
those allowed by the court of common pleas in criminal cases. 16914

Witnesses shall be paid the fees and mileage provided for under 16915
section 119.094 of the Revised Code. Such fee and mileage expenses 16916
incurred at the request of appellant shall be paid in advance by 16917
appellant, and the remainder of such expenses shall be paid out of 16918
funds appropriated for the expenses of the division of oil and gas 16919
resources management. 16920

In case of disobedience or neglect of any subpoena served on 16921
any person, or the refusal of any witness to testify to any matter 16922
regarding which the witness may be lawfully interrogated, the 16923
court of common pleas of the county in which such disobedience, 16924
neglect, or refusal occurs, or any judge thereof, on application 16925
of the director, shall compel obedience by attachment proceedings 16926
for contempt as in the case of disobedience of the requirements of 16927
a subpoena issued from such court or a refusal to testify therein. 16928
Witnesses at such hearings shall testify under oath, and the 16929
hearing officer may administer oaths or affirmations to persons 16930
who so testify. 16931

At the request of any party to the appeal, a ~~stenographic~~ 16932
record of the testimony and other evidence submitted shall be 16933
taken by an official court ~~shorthand~~ reporter at the expense of 16934
the party making the request ~~therefor~~ for the record. The record 16935
shall include all of the testimony and other evidence and the 16936
rulings on the admissibility thereof presented at the hearing. The 16937
hearing officer shall pass upon the admissibility of evidence, but 16938
any party may at the time object to the admission of any evidence 16939
and except to the ruling of the hearing officer thereon, and if 16940
the hearing officer refuses to admit evidence, the party offering 16941
same may make a proffer thereof, and such proffer shall be made a 16942
part of the record of such hearing. 16943

If upon completion of the hearing the hearing officer finds 16944
that the order appealed from was lawful and reasonable, the 16945
hearing officer shall make a written order affirming the order 16946

appealed from. If the hearing officer finds that such order was 16947
unreasonable or unlawful, the hearing officer shall make a written 16948
order vacating the order appealed from and making the order that 16949
it finds the chief should have made. Every order made by the 16950
hearing officer shall contain a written finding by the hearing 16951
officer of the facts upon which the order is based. Notice of the 16952
making of such order shall be given forthwith to each party to the 16953
appeal by mailing a certified copy thereof to each such party by 16954
registered mail. 16955

Sec. 1701.86. (A) A corporation may be dissolved voluntarily 16956
in the manner provided in this section, provided the provisions of 16957
Chapter 1704. of the Revised Code do not prevent the dissolution 16958
from being effected. 16959

(B) A resolution of dissolution for a corporation shall set 16960
forth that the corporation elects to be dissolved. The resolution 16961
also may include any of the following: 16962

(1) The date on which the certificate of dissolution is to be 16963
filed or the conditions or events that will result in the filing 16964
of the certificate; 16965

(2) Authorization for the officers or directors to abandon 16966
the proposed dissolution before the filing of the certificate of 16967
dissolution; 16968

(3) Any additional provision considered necessary with 16969
respect to the proposed dissolution and winding up. 16970

(C) If an initial stated capital is not set forth in the 16971
articles then before the corporation begins business, or if an 16972
initial stated capital is set forth in the articles then before 16973
subscriptions to shares shall have been received in the amount of 16974
that initial stated capital, the incorporators or a majority of 16975
them may adopt, by a writing signed by each of them, a resolution 16976

of dissolution.	16977
(D) The directors may adopt a resolution of dissolution in	16978
any of the following cases:	16979
(1) When the corporation has been adjudged bankrupt or has	16980
made a general assignment for the benefit of creditors;	16981
(2) By leave of the court, when a receiver has been appointed	16982
in a general creditors' suit or in any suit in which the affairs	16983
of the corporation are to be wound up;	16984
(3) When substantially all of the assets have been sold at	16985
judicial sale or otherwise;	16986
(4) When the articles have been canceled for failure to file	16987
annual franchise or excise tax returns or for failure to pay	16988
franchise or excise taxes and the corporation has not been	16989
reinstated or does not desire to be reinstated;	16990
(5) When the period of existence of the corporation specified	16991
in its articles has expired.	16992
(E) The shareholders at a meeting held for such purpose may	16993
adopt a resolution of dissolution by the affirmative vote of the	16994
holders of shares entitling them to exercise two-thirds of the	16995
voting power of the corporation on such proposal or, if the	16996
articles provide or permit, by the affirmative vote of a greater	16997
or lesser proportion, though not less than a majority, of such	16998
voting power, and by such affirmative vote of the holders of	16999
shares of any particular class as is required by the articles.	17000
Notice of the meeting of the shareholders shall be given to all	17001
the shareholders whether or not entitled to vote at it.	17002
(F) Upon the adoption of a resolution of dissolution, a	17003
certificate shall be prepared, on a form prescribed by the	17004
secretary of state, setting forth all of the following:	17005
(1) The name of the corporation;	17006

(2) A statement that a resolution of dissolution has been adopted; 17007
17008

(3) A statement of the manner of adoption of such resolution, and, in the case of its adoption by the incorporators or directors, a statement of the basis for such adoption; 17009
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17011

(4) The place in this state where its principal office is or is to be located; 17012
17013

(5) The internet address of each domain name held or maintained by or on behalf of the corporation; 17014
17015

(6) The name and address of its statutory agent; 17016

(7) The date of dissolution, if other than the filing date. The date of dissolution shall not be more than ninety days after the filing of the certificate of dissolution. 17017
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17019

(G) When the resolution of dissolution is adopted by the incorporators, the certificate shall be signed by not less than a majority of them. In all other cases, the certificate shall be signed by any authorized officer, unless the officer fails to execute and file such certificate within thirty days after the date upon which such certificate is to be filed. In that latter event, the certificate of dissolution may be signed by any three shareholders or, if there are less than three shareholders, all of the shareholders and shall set forth a statement that the persons signing the certificate are shareholders and are filing the certificate because of the failure of the officers to do so. 17020
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(H) Except as otherwise provided in division (I) of this section, a certificate of dissolution, filed with the secretary of state, shall be accompanied by all of the following: 17031
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17033

~~(1) An affidavit of one or more of the persons executing the certificate of dissolution or of an officer of the corporation containing a statement of the counties, if any, in this state in~~ 17034
17035
17036

~~which the corporation has personal property or a statement that~~ 17037
~~the corporation is of a type required to pay personal property~~ 17038
~~taxes to state authorities only;~~ 17039

~~(2)~~ A certificate or other evidence from the department of 17040
taxation showing that the payment of all franchise, sales, use, 17041
and highway use taxes accruing up to the date of corporation has 17042
paid all taxes imposed under the laws of this state that are or 17043
will be due from the corporation on the date of the dissolution or 17044
showing that such payment has been adequately guaranteed, or an 17045
affidavit of one or more of the persons executing the certificate 17046
of dissolution or of an officer of the corporation containing a 17047
statement that the corporation is not required to pay or the 17048
department of taxation has not assessed any tax for which such a 17049
certificate or other evidence is not provided; 17050

~~(3)~~ A certificate or other evidence showing the payment of 17051
all personal property and commercial activity taxes accruing up to 17052
the date of dissolution or showing that such payment has been 17053
adequately guaranteed, or an affidavit of one or more of the 17054
persons executing the certificate of dissolution or of an officer 17055
of the corporation containing a statement that the corporation is 17056
not required to pay or the department of taxation has not assessed 17057
any tax for which such a certificate or other evidence is not 17058
provided; 17059

~~(4)~~(2) A receipt, certificate, or other evidence from the 17060
director of job and family services showing that all contributions 17061
due from the corporation as an employer have been paid, or that 17062
such payment has been adequately guaranteed, or that the 17063
corporation is not subject to such contributions; 17064

~~(5)~~(3) A receipt, certificate, or other evidence from the 17065
bureau of workers' compensation showing that all premiums due from 17066
the corporation as an employer have been paid, or that such 17067
payment has been adequately guaranteed, or that the corporation is 17068

not subject to such premium payments. 17069

(I) In lieu of the receipt, certificate, or other evidence 17070
described in division (H)(2), (3), (4), or (5) of this section, an 17071
affidavit of one or more persons executing the certificate of 17072
dissolution or of an officer of the corporation containing a 17073
statement of the date upon which the particular department, 17074
agency, or authority was advised in writing of the scheduled 17075
effective date of the dissolution and was advised in writing of 17076
the acknowledgment by the corporation of the applicability of the 17077
provisions of section 1701.95 of the Revised Code. 17078

(J) Upon the filing of a certificate of dissolution and such 17079
accompanying documents or on a later date specified in the 17080
certificate that is not more than ninety days after the filing, 17081
the corporation shall be dissolved. 17082

Sec. 1702.47. (A) A corporation may be dissolved voluntarily 17083
in the manner provided in this section. 17084

(B) A resolution of dissolution for a corporation shall set 17085
forth: 17086

(1) That the corporation elects to be dissolved; 17087

(2) Any additional provision deemed necessary with respect to 17088
the proposed dissolution and winding up. 17089

(C) The directors may adopt a resolution of dissolution in 17090
the following cases: 17091

(1) When the corporation has been adjudged bankrupt or has 17092
made a general assignment for the benefit of creditors; 17093

(2) By leave of the court, when a receiver has been appointed 17094
in a general creditors' suit or in any suit in which the affairs 17095
of the corporation are to be wound up; 17096

(3) When substantially all of the assets have been sold at 17097

judicial sale or otherwise; 17098

(4) When the period of existence of the corporation specified 17099
in its articles has expired. 17100

(D)(1) The voting members at a meeting held for that purpose 17101
may adopt a resolution of dissolution by the affirmative vote of a 17102
majority of the voting members present in person or, if permitted, 17103
by mail, by proxy, or by the use of authorized communications 17104
equipment, if a quorum is present or, if the articles or the 17105
regulations provide or permit, by the affirmative vote of a 17106
greater or lesser proportion or number of the voting members, and 17107
by the affirmative vote of the voting members or the affirmative 17108
vote of the voting members of any particular class that is 17109
required by the articles or the regulations. Notice of the meeting 17110
of the members shall be sent to all the members who would be 17111
entitled to vote at the meeting by mail, overnight delivery 17112
service, or any authorized communications equipment. 17113

(2) For purposes of division (D)(1) of this section, 17114
participation by a voting member at a meeting through the use of 17115
any of the means of communication described in that division 17116
constitutes presence in person of that voting member at the 17117
meeting for purposes of determining a quorum. 17118

(E) Upon the adoption of a resolution of dissolution, a 17119
certificate shall be prepared, on a form prescribed by the 17120
secretary of state, setting forth the following: 17121

(1) The name of the corporation; 17122

(2) A statement that a resolution of dissolution has been 17123
adopted; 17124

(3) A statement of the manner of adoption of that resolution, 17125
and, in the case of its adoption by the directors, a statement of 17126
the basis for the adoption; 17127

(4) The place in this state where its principal office is or is to be located;	17128 17129
(5) The names and addresses of its directors and officers;	17130
(6) The name and address of its statutory agent;	17131
(7) The date of dissolution, if other than the filing date.	17132
(F) The certificate described in division (E) of this section shall be signed by any authorized officer, unless the officer fails to execute and file the certificate within thirty days after the adoption of the resolution, or upon any date specified in the resolution as the date upon which the certificate is to be filed, or upon the expiration of any period specified in the resolution as the period within which the certificate is to be filed, whichever is latest, in which event the certificate of dissolution may be signed by any three voting members and shall set forth a statement that the persons signing the certificate are voting members and are filing the certificate because of the failure of the officers to do so.	17133 17134 17135 17136 17137 17138 17139 17140 17141 17142 17143 17144
(G) A certificate of dissolution, filed with the secretary of state, shall be accompanied by:	17145 17146
(1) An affidavit of one or more of the persons executing the certificate of dissolution or of an officer of the corporation containing a statement of the counties, if any, in this state in which the corporation has personal property subject to personal property taxes or a statement that the corporation is of a type required to pay personal property taxes to state authorities only;	17147 17148 17149 17150 17151 17152
(2) A receipt, certificate, or other evidence showing the payment of all personal property taxes accruing up to the date of such filing or, if applicable, to the later date specified in the certificate of dissolution in accordance with division (E) of this section, unless the affidavit provided for in division (G)(1) of this section states that the corporation has in this state no	17153 17154 17155 17156 17157 17158

~~personal property subject to personal property taxes;~~ 17159

~~(3)~~ A receipt, certificate, or other evidence from the 17160
director of job and family services showing that all contributions 17161
due from the corporation as an employer have been paid, that such 17162
payment has been adequately guaranteed, or that the corporation is 17163
not subject to such contributions; 17164

~~(4)(2)~~ A receipt, certificate, or other evidence showing that 17165
~~the payment of all sales, use, and highway use taxes accruing up~~ 17166
~~to the date of such filing or, if applicable, to the later date~~ 17167
~~specified in the certificate of~~ corporation has paid all taxes 17168
imposed under the laws of this state that are or will be due from 17169
the corporation on the date of the dissolution in accordance with 17170
~~division (E) of this section,~~ or that such payment has been 17171
adequately guaranteed; 17172

~~(5)(3)~~ In lieu of the receipt, certificate, or other evidence 17173
described in division (G)(1) or (2), ~~(3), or (4)~~ of this section, 17174
an affidavit of one or more of the persons executing the 17175
certificate of dissolution or of an officer of the corporation 17176
containing a statement of the date upon which the particular 17177
department, agency, or authority was advised in writing of the 17178
scheduled effective date of the dissolution and was advised in 17179
writing of the acknowledgement by the corporation of the 17180
applicability of section 1702.55 of the Revised Code. 17181

(H) Upon the filing of a certificate of dissolution and those 17182
accompanying documents or on a later date specified in the 17183
certificate that is not more than ninety days after the filing, 17184
the corporation shall be dissolved. 17185

Sec. 1707.08. (A) The transactions enumerated in section 17186
1707.06 of the Revised Code may be consummated on compliance with 17187
this section and section 1707.11 of the Revised Code. 17188

(B) A description, verified either by the oath of the individual filing it or of any individual having knowledge of the facts, shall be filed with the division of securities by the issuer, or by a majority of the incorporators of the issuer prior to election of officers if it is an incorporated issuer, or by a licensed dealer, which description shall be on forms prescribed by the division and shall set forth:

(1) The name of the issuer;

(2) A brief description of the securities;

(3) The amount of the securities to be offered after the filing of the description for sale in this state and, if all the securities are not to be offered by the person filing the description, then the respective amounts to be offered by others, so far as those amounts are known, and the names and addresses of the other offerors;

(4) A brief statement of the facts which show that the securities are the subject matter of a transaction enumerated in section 1707.06 of the Revised Code;

(5) The price at which the securities are to be offered for sale.

(C) The individual who executes the application for registration by description on behalf of the applicant shall state the individual's relationship to the applicant and certify all of the following:

(1) The individual has executed the application on behalf of the applicant.

(2) The individual is fully authorized to execute and file the application on behalf of the applicant.

(3) The individual is familiar with the applicant's application.

(4) To the best of the individual's knowledge, information, 17219
and belief, the statements made in the application are true, and 17220
the documents submitted with the application are true copies of 17221
the original documents. 17222

(D) A registration by description is effective seven business 17223
days after the division receives the description on applicable 17224
forms, together with a any filing fee ~~of fifty dollars~~ required 17225
under this division, if no proceeding is pending under section 17226
1707.13 or 1707.131 of the Revised Code. However, the division may 17227
permit an earlier effective date by rule or by issuing a 17228
certificate of acknowledgment for the registration by description. 17229

For an offering that exceeds fifty thousand dollars, a filing 17230
fee of fifty dollars shall be submitted with the registration by 17231
description. 17232

(E) In order to correct errors or omissions, a registration 17233
by description may be amended by the person that originally filed 17234
it, by the filing, in the same manner as in the case of an 17235
original registration by description, of an amended registration 17236
by description or of an amendment of the original registration by 17237
description. 17238

(F) When transactions in any securities enumerated in section 17239
1707.06 of the Revised Code have been registered and the fees 17240
prescribed by this section have been paid, the transactions may be 17241
consummated so long as the registration remains in full force. 17242

Sec. 1707.391. When any securities have been sold in reliance 17243
upon division (Q), (W), (X), or (Y) of section 1707.03 of the 17244
Revised Code, section 1707.08 of the Revised Code, or any other 17245
section of this chapter that the division of securities may 17246
specify by rule, but such reliance was improper because the 17247
required filings were not timely or properly made due to excusable 17248
neglect, upon the effective date of an application made to the 17249

division and payment of ~~the required~~ any applicable fee, if 17250
required and not already paid, ~~plus~~ and upon payment of a penalty 17251
fee equal to the greater of the ~~required~~ fee or one hundred 17252
dollars, the sale of the securities shall be deemed exempt, 17253
qualified, or registered, as though timely and properly filed. The 17254
application shall become effective upon the expiration of fourteen 17255
days after the date of the filing in question if prior thereto the 17256
division did not give notice to the applicant that the application 17257
was denied based on a finding of lack of excusable neglect. The 17258
division shall promptly adopt and promulgate rules establishing 17259
provisions defining excusable neglect and otherwise establishing 17260
reasonable standards for determining excusable neglect. 17261

The effectiveness of an application under this section does 17262
not relieve anyone who has, other than for excusable neglect, 17263
violated sections 1707.01 to 1707.45 of the Revised Code, or any 17264
previous law in force at the time of sale, from prosecution 17265
thereunder. 17266

Sec. 1733.47. Whenever the approval of the superintendent of 17267
credit unions is required under this chapter, or under an order or 17268
supervisory action issued or taken under this chapter, for a 17269
person to serve as an organizer, incorporator, director, or 17270
executive officer of a credit union, or to otherwise participate 17271
in the management of a credit union, the superintendent shall 17272
request the superintendent of the bureau of criminal 17273
identification and investigation, or a vendor approved by the 17274
bureau, to conduct a criminal records check based on the person's 17275
fingerprints in accordance with ~~division (A)(14)~~ of section 17276
109.572 of the Revised Code. The superintendent of credit unions 17277
shall request that criminal record information from the federal 17278
bureau of investigation be obtained as part of the criminal 17279
records check. Any fee required under division (C)(3) of section 17280
109.572 of the Revised Code shall be paid by the person who is the 17281

subject of the request.	17282
Sec. 1751.01. As used in this chapter:	17283
(A)(1) "Basic health care services" means the following	17284
services when medically necessary:	17285
(a) Physician's services, except when such services are	17286
supplemental under division (B) of this section;	17287
(b) Inpatient hospital services;	17288
(c) Outpatient medical services;	17289
(d) Emergency health services;	17290
(e) Urgent care services;	17291
(f) Diagnostic laboratory services and diagnostic and	17292
therapeutic radiologic services;	17293
(g) Diagnostic and treatment services, other than	17294
prescription drug services, for biologically based mental	17295
illnesses;	17296
(h) Preventive health care services, including, but not	17297
limited to, voluntary family planning services, infertility	17298
services, periodic physical examinations, prenatal obstetrical	17299
care, and well-child care;	17300
(i) Routine patient care for patients enrolled in an eligible	17301
cancer clinical trial pursuant to section 3923.80 of the Revised	17302
Code.	17303
"Basic health care services" does not include experimental	17304
procedures.	17305
Except as provided by divisions (A)(2) and (3) of this	17306
section in connection with the offering of coverage for diagnostic	17307
and treatment services for biologically based mental illnesses, a	17308
health insuring corporation shall not offer coverage for a health	17309

care service, defined as a basic health care service by this 17310
division, unless it offers coverage for all listed basic health 17311
care services. However, this requirement does not apply to the 17312
coverage of beneficiaries enrolled in medicare pursuant to a 17313
medicare contract, or to the coverage of beneficiaries enrolled in 17314
the federal employee health benefits program pursuant to 5 17315
U.S.C.A. 8905, or to the coverage of medicaid recipients, or to 17316
the coverage of beneficiaries under any federal health care 17317
program regulated by a federal regulatory body, or to the coverage 17318
of beneficiaries under any contract covering officers or employees 17319
of the state that has been entered into by the department of 17320
administrative services. 17321

(2) A health insuring corporation may offer coverage for 17322
diagnostic and treatment services for biologically based mental 17323
illnesses without offering coverage for all other basic health 17324
care services. A health insuring corporation may offer coverage 17325
for diagnostic and treatment services for biologically based 17326
mental illnesses alone or in combination with one or more 17327
supplemental health care services. However, a health insuring 17328
corporation that offers coverage for any other basic health care 17329
service shall offer coverage for diagnostic and treatment services 17330
for biologically based mental illnesses in combination with the 17331
offer of coverage for all other listed basic health care services. 17332

(3) A health insuring corporation that offers coverage for 17333
basic health care services is not required to offer coverage for 17334
diagnostic and treatment services for biologically based mental 17335
illnesses in combination with the offer of coverage for all other 17336
listed basic health care services if all of the following apply: 17337

(a) The health insuring corporation submits documentation 17338
certified by an independent member of the American academy of 17339
actuaries to the superintendent of insurance showing that incurred 17340
claims for diagnostic and treatment services for biologically 17341

based mental illnesses for a period of at least six months 17342
independently caused the health insuring corporation's costs for 17343
claims and administrative expenses for the coverage of basic 17344
health care services to increase by more than one per cent per 17345
year. 17346

(b) The health insuring corporation submits a signed letter 17347
from an independent member of the American academy of actuaries to 17348
the superintendent of insurance opining that the increase in costs 17349
described in division (A)(3)(a) of this section could reasonably 17350
justify an increase of more than one per cent in the annual 17351
premiums or rates charged by the health insuring corporation for 17352
the coverage of basic health care services. 17353

(c) The superintendent of insurance makes the following 17354
determinations from the documentation and opinion submitted 17355
pursuant to divisions (A)(3)(a) and (b) of this section: 17356

(i) Incurred claims for diagnostic and treatment services for 17357
biologically based mental illnesses for a period of at least six 17358
months independently caused the health insuring corporation's 17359
costs for claims and administrative expenses for the coverage of 17360
basic health care services to increase by more than one per cent 17361
per year. 17362

(ii) The increase in costs reasonably justifies an increase 17363
of more than one per cent in the annual premiums or rates charged 17364
by the health insuring corporation for the coverage of basic 17365
health care services. 17366

Any determination made by the superintendent under this 17367
division is subject to Chapter 119. of the Revised Code. 17368

(B)(1) "Supplemental health care services" means any health 17369
care services other than basic health care services that a health 17370
insuring corporation may offer, alone or in combination with 17371
either basic health care services or other supplemental health 17372

care services, and includes:	17373
(a) Services of facilities for intermediate or long-term care, or both;	17374 17375
(b) Dental care services;	17376
(c) Vision care and optometric services including lenses and frames;	17377 17378
(d) Podiatric care or foot care services;	17379
(e) Mental health services, excluding diagnostic and treatment services for biologically based mental illnesses;	17380 17381
(f) Short-term outpatient evaluative and crisis-intervention mental health services;	17382 17383
(g) Medical or psychological treatment and referral services for alcohol and drug abuse or addiction;	17384 17385
(h) Home health services;	17386
(i) Prescription drug services;	17387
(j) Nursing services;	17388
(k) Services of a dietitian licensed under Chapter 4759. of the Revised Code;	17389 17390
(l) Physical therapy services;	17391
(m) Chiropractic services;	17392
(n) Any other category of services approved by the superintendent of insurance.	17393 17394
(2) If a health insuring corporation offers prescription drug services under this division, the coverage shall include prescription drug services for the treatment of biologically based mental illnesses on the same terms and conditions as other physical diseases and disorders.	17395 17396 17397 17398 17399
(C) "Specialty health care services" means one of the	17400

supplemental health care services listed in division (B) of this 17401
section, when provided by a health insuring corporation on an 17402
outpatient-only basis and not in combination with other 17403
supplemental health care services. 17404

(D) "Biologically based mental illnesses" means 17405
schizophrenia, schizoaffective disorder, major depressive 17406
disorder, bipolar disorder, paranoia and other psychotic 17407
disorders, obsessive-compulsive disorder, and panic disorder, as 17408
these terms are defined in the most recent edition of the 17409
diagnostic and statistical manual of mental disorders published by 17410
the American psychiatric association. 17411

(E) "Closed panel plan" means a health care plan that 17412
requires enrollees to use participating providers. 17413

(F) "Compensation" means remuneration for the provision of 17414
health care services, determined on other than a fee-for-service 17415
or discounted-fee-for-service basis. 17416

(G) "Contractual periodic prepayment" means the formula for 17417
determining the premium rate for all subscribers of a health 17418
insuring corporation. 17419

(H) "Corporation" means a corporation formed under Chapter 17420
1701. or 1702. of the Revised Code or the similar laws of another 17421
state. 17422

(I) "Emergency health services" means those health care 17423
services that must be available on a seven-days-per-week, 17424
twenty-four-hours-per-day basis in order to prevent jeopardy to an 17425
enrollee's health status that would occur if such services were 17426
not received as soon as possible, and includes, where appropriate, 17427
provisions for transportation and indemnity payments or service 17428
agreements for out-of-area coverage. 17429

(J) "Enrollee" means any natural person who is entitled to 17430
receive health care benefits provided by a health insuring 17431

corporation. 17432

(K) "Evidence of coverage" means any certificate, agreement, 17433
policy, or contract issued to a subscriber that sets out the 17434
coverage and other rights to which such person is entitled under a 17435
health care plan. 17436

(L) "Health care facility" means any facility, except a 17437
health care practitioner's office, that provides preventive, 17438
diagnostic, therapeutic, acute convalescent, rehabilitation, 17439
mental health, mental retardation, intermediate care, or skilled 17440
nursing services. 17441

(M) "Health care services" means basic, supplemental, and 17442
specialty health care services. 17443

(N) "Health delivery network" means any group of providers or 17444
health care facilities, or both, or any representative thereof, 17445
that have entered into an agreement to offer health care services 17446
in a panel rather than on an individual basis. 17447

(O) "Health insuring corporation" means a corporation, as 17448
defined in division (H) of this section, that, pursuant to a 17449
policy, contract, certificate, or agreement, pays for, reimburses, 17450
or provides, delivers, arranges for, or otherwise makes available, 17451
basic health care services, supplemental health care services, or 17452
specialty health care services, or a combination of basic health 17453
care services and either supplemental health care services or 17454
specialty health care services, through either an open panel plan 17455
or a closed panel plan. 17456

"Health insuring corporation" does not include a limited 17457
liability company formed pursuant to Chapter 1705. of the Revised 17458
Code, an insurer licensed under Title XXXIX of the Revised Code if 17459
that insurer offers only open panel plans under which all 17460
providers and health care facilities participating receive their 17461
compensation directly from the insurer, a corporation formed by or 17462

on behalf of a political subdivision or a department, office, or 17463
institution of the state, or a public entity formed by or on 17464
behalf of a board of county commissioners, a county board of 17465
developmental disabilities, an alcohol and drug addiction services 17466
board, a board of alcohol, drug addiction, and mental health 17467
services, or a community mental health board, as those terms are 17468
used in Chapters 340. and 5126. of the Revised Code. Except as 17469
provided by division (D) of section 1751.02 of the Revised Code, 17470
or as otherwise provided by law, no board, commission, agency, or 17471
other entity under the control of a political subdivision may 17472
accept insurance risk in providing for health care services. 17473
However, nothing in this division shall be construed as 17474
prohibiting such entities from purchasing the services of a health 17475
insuring corporation or a third-party administrator licensed under 17476
Chapter 3959. of the Revised Code. 17477

(P) "Intermediary organization" means a health delivery 17478
network or other entity that contracts with licensed health 17479
insuring corporations or self-insured employers, or both, to 17480
provide health care services, and that enters into contractual 17481
arrangements with other entities for the provision of health care 17482
services for the purpose of fulfilling the terms of its contracts 17483
with the health insuring corporations and self-insured employers. 17484

(Q) "Intermediate care" means residential care above the 17485
level of room and board for patients who require personal 17486
assistance and health-related services, but who do not require 17487
skilled nursing care. 17488

(R) "Medicaid" has the same meaning as in section 5111.01 of 17489
the Revised Code. 17490

(S) "Medical record" means the personal information that 17491
relates to an individual's physical or mental condition, medical 17492
history, or medical treatment. 17493

(T) "Medicare" means the program established under Title 17494
XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 17495
1395, as amended. 17496

(U)(1) "Open panel plan" means a health care plan that 17497
provides incentives for enrollees to use participating providers 17498
and that also allows enrollees to use providers that are not 17499
participating providers. 17500

(2) No health insuring corporation may offer an open panel 17501
plan, unless the health insuring corporation is also licensed as 17502
an insurer under Title XXXIX of the Revised Code, the health 17503
insuring corporation, on June 4, 1997, holds a certificate of 17504
authority or license to operate under Chapter 1736. or 1740. of 17505
the Revised Code, or an insurer licensed under Title XXXIX of the 17506
Revised Code is responsible for the out-of-network risk as 17507
evidenced by both an evidence of coverage filing under section 17508
1751.11 of the Revised Code and a policy and certificate filing 17509
under section 3923.02 of the Revised Code. 17510

(V) "Osteopathic hospital" means a hospital registered under 17511
section 3701.07 of the Revised Code that advocates osteopathic 17512
principles and the practice and perpetuation of osteopathic 17513
medicine by doing any of the following: 17514

(1) Maintaining a department or service of osteopathic 17515
medicine or a committee on the utilization of osteopathic 17516
principles and methods, under the supervision of an osteopathic 17517
physician; 17518

(2) Maintaining an active medical staff, the majority of 17519
which is comprised of osteopathic physicians; 17520

(3) Maintaining a medical staff executive committee that has 17521
osteopathic physicians as a majority of its members. 17522

(W) "Panel" means a group of providers or health care 17523
facilities that have joined together to deliver health care 17524

services through a contractual arrangement with a health insuring corporation, employer group, or other payor. 17525
17526

~~(W)~~(X) "Person" has the same meaning as in section 1.59 of 17527
the Revised Code, and, unless the context otherwise requires, 17528
includes any insurance company holding a certificate of authority 17529
under Title XXXIX of the Revised Code, any subsidiary and 17530
affiliate of an insurance company, and any government agency. 17531

~~(X)~~(Y) "Premium rate" means any set fee regularly paid by a 17532
subscriber to a health insuring corporation. A "premium rate" does 17533
not include a one-time membership fee, an annual administrative 17534
fee, or a nominal access fee, paid to a managed health care system 17535
under which the recipient of health care services remains solely 17536
responsible for any charges accessed for those services by the 17537
provider or health care facility. 17538

~~(Y)~~(Z) "Primary care provider" means a provider that is 17539
designated by a health insuring corporation to supervise, 17540
coordinate, or provide initial care or continuing care to an 17541
enrollee, and that may be required by the health insuring 17542
corporation to initiate a referral for specialty care and to 17543
maintain supervision of the health care services rendered to the 17544
enrollee. 17545

~~(Z)~~(AA) "Provider" means any natural person or partnership of 17546
natural persons who are licensed, certified, accredited, or 17547
otherwise authorized in this state to furnish health care 17548
services, or any professional association organized under Chapter 17549
1785. of the Revised Code, provided that nothing in this chapter 17550
or other provisions of law shall be construed to preclude a health 17551
insuring corporation, health care practitioner, or organized 17552
health care group associated with a health insuring corporation 17553
from employing certified nurse practitioners, certified nurse 17554
anesthetists, clinical nurse specialists, certified nurse 17555
midwives, dietitians, physician assistants, dental assistants, 17556

dental hygienists, optometric technicians, or other allied health 17557
personnel who are licensed, certified, accredited, or otherwise 17558
authorized in this state to furnish health care services. 17559

~~(AA)~~(BB) "Provider sponsored organization" means a 17560
corporation, as defined in division (H) of this section, that is 17561
at least eighty per cent owned or controlled by one or more 17562
hospitals, as defined in section 3727.01 of the Revised Code, or 17563
one or more physicians licensed to practice medicine or surgery or 17564
osteopathic medicine and surgery under Chapter 4731. of the 17565
Revised Code, or any combination of such physicians and hospitals. 17566
Such control is presumed to exist if at least eighty per cent of 17567
the voting rights or governance rights of a provider sponsored 17568
organization are directly or indirectly owned, controlled, or 17569
otherwise held by any combination of the physicians and hospitals 17570
described in this division. 17571

~~(BB)~~(CC) "Solicitation document" means the written materials 17572
provided to prospective subscribers or enrollees, or both, and 17573
used for advertising and marketing to induce enrollment in the 17574
health care plans of a health insuring corporation. 17575

~~(CC)~~(DD) "Subscriber" means a person who is responsible for 17576
making payments to a health insuring corporation for participation 17577
in a health care plan, or an enrollee whose employment or other 17578
status is the basis of eligibility for enrollment in a health 17579
insuring corporation. 17580

~~(DD)~~(EE) "Urgent care services" means those health care 17581
services that are appropriately provided for an unforeseen 17582
condition of a kind that usually requires medical attention 17583
without delay but that does not pose a threat to the life, limb, 17584
or permanent health of the injured or ill person, and may include 17585
such health care services provided out of the health insuring 17586
corporation's approved service area pursuant to indemnity payments 17587
or service agreements. 17588

Sec. 1751.02. (A) Notwithstanding any law in this state to 17589
the contrary, any corporation, as defined in section 1751.01 of 17590
the Revised Code, may apply to the superintendent of insurance for 17591
a certificate of authority to establish and operate a health 17592
insuring corporation. If the corporation applying for a 17593
certificate of authority is a foreign corporation domiciled in a 17594
state without laws similar to those of this chapter, the 17595
corporation must form a domestic corporation to apply for, obtain, 17596
and maintain a certificate of authority under this chapter. 17597

(B) No person shall establish, operate, or perform the 17598
services of a health insuring corporation in this state without 17599
obtaining a certificate of authority under this chapter. 17600

(C) Except as provided by division (D) of this section, no 17601
political subdivision or department, office, or institution of 17602
this state, or corporation formed by or on behalf of any political 17603
subdivision or department, office, or institution of this state, 17604
shall establish, operate, or perform the services of a health 17605
insuring corporation. Nothing in this section shall be construed 17606
to preclude a board of county commissioners, a county board of 17607
developmental disabilities, an alcohol and drug addiction services 17608
board, a board of alcohol, drug addiction, and mental health 17609
services, or a community mental health board, or a public entity 17610
formed by or on behalf of any of these boards, from using managed 17611
care techniques in carrying out the board's or public entity's 17612
duties pursuant to the requirements of Chapters 307., 329., 340., 17613
and 5126. of the Revised Code. However, no such board or public 17614
entity may operate so as to compete in the private sector with 17615
health insuring corporations holding certificates of authority 17616
under this chapter. 17617

(D) A corporation formed by or on behalf of a publicly owned, 17618
operated, or funded hospital or health care facility may apply to 17619

the superintendent for a certificate of authority under division 17620
(A) of this section to establish and operate a health insuring 17621
corporation. 17622

(E) A health insuring corporation shall operate in this state 17623
in compliance with this chapter and Chapter 1753. of the Revised 17624
Code, ~~and with sections 3702.51 to 3702.62 of the Revised Code,~~ 17625
and shall operate in conformity with its filings with the 17626
superintendent under this chapter, including filings made pursuant 17627
to sections 1751.03, 1751.11, 1751.12, and 1751.31 of the Revised 17628
Code. 17629

(F) An insurer licensed under Title XXXIX of the Revised Code 17630
need not obtain a certificate of authority as a health insuring 17631
corporation to offer an open panel plan as long as the providers 17632
and health care facilities participating in the open panel plan 17633
receive their compensation directly from the insurer. If the 17634
providers and health care facilities participating in the open 17635
panel plan receive their compensation from any person other than 17636
the insurer, or if the insurer offers a closed panel plan, the 17637
insurer must obtain a certificate of authority as a health 17638
insuring corporation. 17639

(G) An intermediary organization need not obtain a 17640
certificate of authority as a health insuring corporation, 17641
regardless of the method of reimbursement to the intermediary 17642
organization, as long as a health insuring corporation or a 17643
self-insured employer maintains the ultimate responsibility to 17644
assure delivery of all health care services required by the 17645
contract between the health insuring corporation and the 17646
subscriber and the laws of this state or between the self-insured 17647
employer and its employees. 17648

Nothing in this section shall be construed to require any 17649
health care facility, provider, health delivery network, or 17650
intermediary organization that contracts with a health insuring 17651

corporation or self-insured employer, regardless of the method of 17652
reimbursement to the health care facility, provider, health 17653
delivery network, or intermediary organization, to obtain a 17654
certificate of authority as a health insuring corporation under 17655
this chapter, unless otherwise provided, in the case of contracts 17656
with a self-insured employer, by operation of the "Employee 17657
Retirement Income Security Act of 1974," 88 Stat. 829, 29 U.S.C.A. 17658
1001, as amended. 17659

(H) Any health delivery network doing business in this state, 17660
including any health delivery network that is functioning as an 17661
intermediary organization doing business in this state, that is 17662
not required to obtain a certificate of authority under this 17663
chapter shall certify to the superintendent annually, not later 17664
than the first day of July, and shall provide a statement signed 17665
by the highest ranking official which includes the following 17666
information: 17667

(1) The health delivery network's full name and the address 17668
of its principal place of business; 17669

(2) A statement that the health delivery network is not 17670
required to obtain a certificate of authority under this chapter 17671
to conduct its business. 17672

(I) The superintendent shall not issue a certificate of 17673
authority to a health insuring corporation that is a provider 17674
sponsored organization unless all health care plans to be offered 17675
by the health insuring corporation provide basic health care 17676
services. Substantially all of the physicians and hospitals with 17677
ownership or control of the provider sponsored organization, as 17678
defined in section 1751.01 of the Revised Code, shall also be 17679
participating providers for the provision of basic health care 17680
services for health care plans offered by the provider sponsored 17681
organization. If a health insuring corporation that is a provider 17682
sponsored organization offers health care plans that do not 17683

provide basic health care services, the health insuring 17684
corporation shall be deemed, for purposes of section 1751.35 of 17685
the Revised Code, to have failed to substantially comply with this 17686
chapter. 17687

Except as specifically provided in this division and in 17688
division (A) of section 1751.28 of the Revised Code, the 17689
provisions of this chapter shall apply to all health insuring 17690
corporations that are provider sponsored organizations in the same 17691
manner that these provisions apply to all health insuring 17692
corporations that are not provider sponsored organizations. 17693

(J) Nothing in this section shall be construed to apply to 17694
any multiple employer welfare arrangement operating pursuant to 17695
Chapter 1739. of the Revised Code. 17696

(K) Any person who violates division (B) of this section, and 17697
any health delivery network that fails to comply with division (H) 17698
of this section, is subject to the penalties set forth in section 17699
1751.45 of the Revised Code. 17700

Sec. 1751.13. (A)(1)(a) A health insuring corporation shall, 17701
either directly or indirectly, enter into contracts for the 17702
provision of health care services with a sufficient number and 17703
types of providers and healthcare facilities to ensure that all 17704
covered health care services will be accessible to enrollees from 17705
a contracted provider or health care facility. 17706

(b) A health insuring corporation shall not refuse to 17707
contract with a physician for the provision of health care 17708
services or refuse to recognize a physician as a specialist on the 17709
basis that the physician attended an educational program or a 17710
residency program approved or certified by the American 17711
osteopathic association. A health insuring corporation shall not 17712
refuse to contract with a health care facility for the provision 17713
of health care services on the basis that the health care facility 17714

is certified or accredited by the American osteopathic association 17715
or that the health care facility is an osteopathic hospital as 17716
~~defined in section 3702.51 of the Revised Code.~~ 17717

(c) Nothing in division (A)(1)(b) of this section shall be 17718
construed to require a health insuring corporation to make a 17719
benefit payment under a closed panel plan to a physician or health 17720
care facility with which the health insuring corporation does not 17721
have a contract, provided that none of the bases set forth in that 17722
division are used as a reason for failing to make a benefit 17723
payment. 17724

(2) When a health insuring corporation is unable to provide a 17725
covered health care service from a contracted provider or health 17726
care facility, the health insuring corporation must provide that 17727
health care service from a noncontracted provider or health care 17728
facility consistent with the terms of the enrollee's policy, 17729
contract, certificate, or agreement. The health insuring 17730
corporation shall either ensure that the health care service be 17731
provided at no greater cost to the enrollee than if the enrollee 17732
had obtained the health care service from a contracted provider or 17733
health care facility, or make other arrangements acceptable to the 17734
superintendent of insurance. 17735

(3) Nothing in this section shall prohibit a health insuring 17736
corporation from entering into contracts with out-of-state 17737
providers or health care facilities that are licensed, certified, 17738
accredited, or otherwise authorized in that state. 17739

(B)(1) A health insuring corporation shall, either directly 17740
or indirectly, enter into contracts with all providers and health 17741
care facilities through which health care services are provided to 17742
its enrollees. 17743

(2) A health insuring corporation, upon written request, 17744
shall assist its contracted providers in finding stop-loss or 17745

reinsurance carriers. 17746

(C) A health insuring corporation shall file an annual 17747
certificate with the superintendent certifying that all provider 17748
contracts and contracts with health care facilities through which 17749
health care services are being provided contain the following: 17750

(1) A description of the method by which the provider or 17751
health care facility will be notified of the specific health care 17752
services for which the provider or health care facility will be 17753
responsible, including any limitations or conditions on such 17754
services; 17755

(2) The specific hold harmless provision specifying 17756
protection of enrollees set forth as follows: 17757

"[Provider/Health Care Facility] agrees that in no event, 17758
including but not limited to nonpayment by the health insuring 17759
corporation, insolvency of the health insuring corporation, or 17760
breach of this agreement, shall [Provider/Health Care Facility] 17761
bill, charge, collect a deposit from, seek remuneration or 17762
reimbursement from, or have any recourse against, a subscriber, 17763
enrollee, person to whom health care services have been provided, 17764
or person acting on behalf of the covered enrollee, for health 17765
care services provided pursuant to this agreement. This does not 17766
prohibit [Provider/Health Care Facility] from collecting 17767
co-insurance, deductibles, or copayments as specifically provided 17768
in the evidence of coverage, or fees for uncovered health care 17769
services delivered on a fee-for-service basis to persons 17770
referenced above, nor from any recourse against the health 17771
insuring corporation or its successor." 17772

(3) Provisions requiring the provider or health care facility 17773
to continue to provide covered health care services to enrollees 17774
in the event of the health insuring corporation's insolvency or 17775
discontinuance of operations. The provisions shall require the 17776

provider or health care facility to continue to provide covered 17777
health care services to enrollees as needed to complete any 17778
medically necessary procedures commenced but unfinished at the 17779
time of the health insuring corporation's insolvency or 17780
discontinuance of operations. The completion of a medically 17781
necessary procedure shall include the rendering of all covered 17782
health care services that constitute medically necessary follow-up 17783
care for that procedure. If an enrollee is receiving necessary 17784
inpatient care at a hospital, the provisions may limit the 17785
required provision of covered health care services relating to 17786
that inpatient care in accordance with division (D)(3) of section 17787
1751.11 of the Revised Code, and may also limit such required 17788
provision of covered health care services to the period ending 17789
thirty days after the health insuring corporation's insolvency or 17790
discontinuance of operations. 17791

The provisions required by division (C)(3) of this section 17792
shall not require any provider or health care facility to continue 17793
to provide any covered health care service after the occurrence of 17794
any of the following: 17795

(a) The end of the thirty-day period following the entry of a 17796
liquidation order under Chapter 3903. of the Revised Code; 17797

(b) The end of the enrollee's period of coverage for a 17798
contractual prepayment or premium; 17799

(c) The enrollee obtains equivalent coverage with another 17800
health insuring corporation or insurer, or the enrollee's employer 17801
obtains such coverage for the enrollee; 17802

(d) The enrollee or the enrollee's employer terminates 17803
coverage under the contract; 17804

(e) A liquidator effects a transfer of the health insuring 17805
corporation's obligations under the contract under division (A)(8) 17806
of section 3903.21 of the Revised Code. 17807

(4) A provision clearly stating the rights and 17808
responsibilities of the health insuring corporation, and of the 17809
contracted providers and health care facilities, with respect to 17810
administrative policies and programs, including, but not limited 17811
to, payments systems, utilization review, quality assurance, 17812
assessment, and improvement programs, credentialing, 17813
confidentiality requirements, and any applicable federal or state 17814
programs; 17815

(5) A provision regarding the availability and 17816
confidentiality of those health records maintained by providers 17817
and health care facilities to monitor and evaluate the quality of 17818
care, to conduct evaluations and audits, and to determine on a 17819
concurrent or retrospective basis the necessity of and 17820
appropriateness of health care services provided to enrollees. The 17821
provision shall include terms requiring the provider or health 17822
care facility to make these health records available to 17823
appropriate state and federal authorities involved in assessing 17824
the quality of care or in investigating the grievances or 17825
complaints of enrollees, and requiring the provider or health care 17826
facility to comply with applicable state and federal laws related 17827
to the confidentiality of medical or health records. 17828

(6) A provision that states that contractual rights and 17829
responsibilities may not be assigned or delegated by the provider 17830
or health care facility without the prior written consent of the 17831
health insuring corporation; 17832

(7) A provision requiring the provider or health care 17833
facility to maintain adequate professional liability and 17834
malpractice insurance. The provision shall also require the 17835
provider or health care facility to notify the health insuring 17836
corporation not more than ten days after the provider's or health 17837
care facility's receipt of notice of any reduction or cancellation 17838
of such coverage. 17839

(8) A provision requiring the provider or health care facility to observe, protect, and promote the rights of enrollees as patients;

(9) A provision requiring the provider or health care facility to provide health care services without discrimination on the basis of a patient's participation in the health care plan, age, sex, ethnicity, religion, sexual preference, health status, or disability, and without regard to the source of payments made for health care services rendered to a patient. This requirement shall not apply to circumstances when the provider or health care facility appropriately does not render services due to limitations arising from the provider's or health care facility's lack of training, experience, or skill, or due to licensing restrictions.

(10) A provision containing the specifics of any obligation on the primary care provider to provide, or to arrange for the provision of, covered health care services twenty-four hours per day, seven days per week;

(11) A provision setting forth procedures for the resolution of disputes arising out of the contract;

(12) A provision stating that the hold harmless provision required by division (C)(2) of this section shall survive the termination of the contract with respect to services covered and provided under the contract during the time the contract was in effect, regardless of the reason for the termination, including the insolvency of the health insuring corporation;

(13) A provision requiring those terms that are used in the contract and that are defined by this chapter, be used in the contract in a manner consistent with those definitions.

This division does not apply to the coverage of beneficiaries enrolled in medicare pursuant to a medicare risk contract or medicare cost contract, or to the coverage of beneficiaries

enrolled in the federal employee health benefits program pursuant 17871
to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or 17872
to the coverage of beneficiaries under any federal health care 17873
program regulated by a federal regulatory body, or to the coverage 17874
of beneficiaries under any contract covering officers or employees 17875
of the state that has been entered into by the department of 17876
administrative services. 17877

(D)(1) No health insuring corporation contract with a 17878
provider or health care facility shall contain any of the 17879
following: 17880

(a) A provision that directly or indirectly offers an 17881
inducement to the provider or health care facility to reduce or 17882
limit medically necessary health care services to a covered 17883
enrollee; 17884

(b) A provision that penalizes a provider or health care 17885
facility that assists an enrollee to seek a reconsideration of the 17886
health insuring corporation's decision to deny or limit benefits 17887
to the enrollee; 17888

(c) A provision that limits or otherwise restricts the 17889
provider's or health care facility's ethical and legal 17890
responsibility to fully advise enrollees about their medical 17891
condition and about medically appropriate treatment options; 17892

(d) A provision that penalizes a provider or health care 17893
facility for principally advocating for medically necessary health 17894
care services; 17895

(e) A provision that penalizes a provider or health care 17896
facility for providing information or testimony to a legislative 17897
or regulatory body or agency. This shall not be construed to 17898
prohibit a health insuring corporation from penalizing a provider 17899
or health care facility that provides information or testimony 17900
that is libelous or slanderous or that discloses trade secrets 17901

which the provider or health care facility has no privilege or permission to disclose. 17902
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(f) A provision that violates Chapter 3963. of the Revised Code. 17904
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(2) Nothing in this division shall be construed to prohibit a health insuring corporation from doing either of the following: 17906
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(a) Making a determination not to reimburse or pay for a particular medical treatment or other health care service; 17908
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(b) Enforcing reasonable peer review or utilization review protocols, or determining whether a particular provider or health care facility has complied with these protocols. 17910
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(E) Any contract between a health insuring corporation and an intermediary organization shall clearly specify that the health insuring corporation must approve or disapprove the participation of any provider or health care facility with which the intermediary organization contracts. 17913
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(F) If an intermediary organization that is not a health delivery network contracting solely with self-insured employers subcontracts with a provider or health care facility, the subcontract with the provider or health care facility shall do all of the following: 17918
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(1) Contain the provisions required by divisions (C) and (G) of this section, as made applicable to an intermediary organization, without the inclusion of inducements or penalties described in division (D) of this section; 17923
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(2) Acknowledge that the health insuring corporation is a third-party beneficiary to the agreement; 17927
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(3) Acknowledge the health insuring corporation's role in approving the participation of the provider or health care facility, pursuant to division (E) of this section. 17929
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17931

(G) Any provider contract or contract with a health care facility shall clearly specify the health insuring corporation's statutory responsibility to monitor and oversee the offering of covered health care services to its enrollees.

(H)(1) A health insuring corporation shall maintain its provider contracts and its contracts with health care facilities at one or more of its places of business in this state, and shall provide copies of these contracts to facilitate regulatory review upon written notice by the superintendent of insurance.

(2) Any contract with an intermediary organization that accepts compensation shall include provisions requiring the intermediary organization to provide the superintendent with regulatory access to all books, records, financial information, and documents related to the provision of health care services to subscribers and enrollees under the contract. The contract shall require the intermediary organization to maintain such books, records, financial information, and documents at its principal place of business in this state and to preserve them for at least three years in a manner that facilitates regulatory review.

(I)(1) A health insuring corporation shall notify its affected enrollees of the termination of a contract for the provision of health care services between the health insuring corporation and a primary care physician or hospital, by mail, within thirty days after the termination of the contract.

(a) Notice shall be given to subscribers of the termination of a contract with a primary care physician if the subscriber, or a dependent covered under the subscriber's health care coverage, has received health care services from the primary care physician within the previous twelve months or if the subscriber or dependent has selected the physician as the subscriber's or dependent's primary care physician within the previous twelve months.

(b) Notice shall be given to subscribers of the termination 17964
of a contract with a hospital if the subscriber, or a dependent 17965
covered under the subscriber's health care coverage, has received 17966
health care services from that hospital within the previous twelve 17967
months. 17968

(2) The health insuring corporation shall pay, in accordance 17969
with the terms of the contract, for all covered health care 17970
services rendered to an enrollee by a primary care physician or 17971
hospital between the date of the termination of the contract and 17972
five days after the notification of the contract termination is 17973
mailed to a subscriber at the subscriber's last known address. 17974

(J) Divisions (A) and (B) of this section do not apply to any 17975
health insuring corporation that, on June 4, 1997, holds a 17976
certificate of authority or license to operate under Chapter 1740. 17977
of the Revised Code. 17978

(K) Nothing in this section shall restrict the governing body 17979
of a hospital from exercising the authority granted it pursuant to 17980
section 3701.351 of the Revised Code. 17981

Sec. 1761.26. Whenever the approval of the superintendent of 17982
credit unions is required under this chapter, or under an order or 17983
supervisory action issued or taken under this chapter, for a 17984
person to serve as an organizer, incorporator, director, or 17985
executive officer of a credit union share guaranty corporation, or 17986
to otherwise participate in the management of such a corporation, 17987
the superintendent shall request the superintendent of the bureau 17988
of criminal identification and investigation, or a vendor approved 17989
by the bureau, to conduct a criminal records check based on the 17990
person's fingerprints in accordance with ~~division (A)(14) of~~ 17991
section 109.572 of the Revised Code. The superintendent of credit 17992
unions shall request that criminal record information from the 17993
federal bureau of investigation be obtained as part of the 17994

criminal records check. Any fee required under division (C)(3) of 17995
section 109.572 of the Revised Code shall be paid by the person 17996
who is the subject of the request. 17997

Sec. 1901.18. (A) Except as otherwise provided in this 17998
division or section 1901.181 of the Revised Code, subject to the 17999
monetary jurisdiction of municipal courts as set forth in section 18000
1901.17 of the Revised Code, a municipal court has original 18001
jurisdiction within its territory in all of the following actions 18002
or proceedings and to perform all of the following functions: 18003

(1) In any civil action, of whatever nature or remedy, of 18004
which judges of county courts have jurisdiction; 18005

(2) In any action or proceeding at law for the recovery of 18006
money or personal property of which the court of common pleas has 18007
jurisdiction; 18008

(3) In any action at law based on contract, to determine, 18009
preserve, and enforce all legal and equitable rights involved in 18010
the contract, to decree an accounting, reformation, or 18011
cancellation of the contract, and to hear and determine all legal 18012
and equitable remedies necessary or proper for a complete 18013
determination of the rights of the parties to the contract; 18014

(4) In any action or proceeding for the sale of personal 18015
property under chattel mortgage, lien, encumbrance, or other 18016
charge, for the foreclosure and marshalling of liens on personal 18017
property of that nature, and for the rendering of personal 18018
judgment in the action or proceeding; 18019

(5) In any action or proceeding to enforce the collection of 18020
its own judgments or the judgments rendered by any court within 18021
the territory to which the municipal court has succeeded, and to 18022
subject the interest of a judgment debtor in personal property to 18023
satisfy judgments enforceable by the municipal court; 18024

(6) In any action or proceeding in the nature of interpleader;	18025 18026
(7) In any action of replevin;	18027
(8) In any action of forcible entry and detainer;	18028
(9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code;	18029 18030 18031 18032 18033 18034
(10) If the municipal court has a housing or environmental division, in any action over which the division is given jurisdiction by section 1901.181 of the Revised Code, provided that, except as specified in division (B) of that section, no judge of the court other than the judge of the division shall hear or determine any action over which the division has jurisdiction;	18035 18036 18037 18038 18039 18040
(11) In any action brought pursuant to division (I) of section 3733.11 <u>4781.40</u> of the Revised Code, if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court;	18041 18042 18043 18044
(12) In any civil action as described in division (B)(1) of section 3767.41 of the Revised Code that relates to a public nuisance, and, to the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in the civil action.	18045 18046 18047 18048 18049
(B) The Cleveland municipal court also shall have jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:	18050 18051 18052
(1) In all actions and proceedings for the sale of real property under lien of a judgment of the municipal court or a lien	18053 18054

for machinery, material, or fuel furnished or labor performed, 18055
irrespective of amount, and, in those actions and proceedings, the 18056
court may proceed to foreclose and marshal all liens and all 18057
vested or contingent rights, to appoint a receiver, and to render 18058
personal judgment irrespective of amount in favor of any party. 18059

(2) In all actions for the foreclosure of a mortgage on real 18060
property given to secure the payment of money or the enforcement 18061
of a specific lien for money or other encumbrance or charge on 18062
real property, when the amount claimed by the plaintiff does not 18063
exceed fifteen thousand dollars and the real property is situated 18064
within the territory, and, in those actions, the court may proceed 18065
to foreclose all liens and all vested and contingent rights and 18066
may proceed to render judgments and make findings and orders 18067
between the parties in the same manner and to the same extent as 18068
in similar actions in the court of common pleas. 18069

(3) In all actions for the recovery of real property situated 18070
within the territory to the same extent as courts of common pleas 18071
have jurisdiction; 18072

(4) In all actions for injunction to prevent or terminate 18073
violations of the ordinances and regulations of the city of 18074
Cleveland enacted or promulgated under the police power of the 18075
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 18076
Constitution, over which the court of common pleas has or may have 18077
jurisdiction, and, in those actions, the court may proceed to 18078
render judgments and make findings and orders in the same manner 18079
and to the same extent as in similar actions in the court of 18080
common pleas. 18081

Sec. 1909.11. A county court judge has jurisdiction in any 18082
action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 18083
of the Revised Code if the residential premises that are the 18084
subject of the action are located within the territorial 18085

jurisdiction of the judge's county court district. 18086

Sec. 1923.01. (A) As provided in this chapter, any judge of a 18087
county or municipal court or a court of common pleas, within the 18088
judge's proper area of jurisdiction, may inquire about persons who 18089
make unlawful and forcible entry into lands or tenements and 18090
detain them, and about persons who make a lawful and peaceable 18091
entry into lands or tenements and hold them unlawfully and by 18092
force. If, upon the inquiry, it is found that an unlawful and 18093
forcible entry has been made and the lands or tenements are 18094
detained, or that, after a lawful entry, lands or tenements are 18095
held unlawfully and by force, a judge shall cause the plaintiff in 18096
an action under this chapter to have restitution of the lands or 18097
tenements. 18098

(B) An action shall be brought under this chapter within two 18099
years after the cause of action accrues. 18100

(C) As used in this chapter: 18101

(1) "Tenant" means a person who is entitled under a rental 18102
agreement to the use or occupancy of premises, other than premises 18103
located in a manufactured home park, to the exclusion of others, 18104
except that as used in division (A)(6) of section 1923.02 and 18105
section 1923.051 of the Revised Code, "tenant" includes a 18106
manufactured home park resident. 18107

(2) "Landlord" means the owner, lessor, or sublessor of 18108
premises, or the agent or person the landlord authorizes to manage 18109
premises or to receive rent from a tenant under a rental 18110
agreement, except, if required by the facts of the action to which 18111
the term is applied, "landlord" means a park operator. 18112

(3) "Resident" has the same meaning as in section ~~3733.01~~ 18113
4781.01 of the Revised Code. 18114

(4) "Residential premises" has the same meaning as in section 18115

5321.01 of the Revised Code, except, if required by the facts of 18116
the action to which the term is applied, "residential premises" 18117
has the same meaning as in section ~~3733.01~~ 4781.01 of the Revised 18118
Code. 18119

(5) "Rental agreement" means any agreement or lease, written 18120
or oral, that establishes or modifies the terms, conditions, 18121
rules, or other provisions concerning the use or occupancy of 18122
premises by one of the parties to the agreement or lease, except 18123
that "rental agreement," as used in division (A)(13) of section 18124
1923.02 of the Revised Code and where the context requires as used 18125
in this chapter, means a rental agreement as defined in division 18126
(D) of section 5322.01 of the Revised Code. 18127

(6) "Controlled substance" has the same meaning as in section 18128
3719.01 of the Revised Code. 18129

(7) "School premises" has the same meaning as in section 18130
2925.01 of the Revised Code. 18131

(8) "Sexually oriented offense" and "child-victim oriented 18132
offense" have the same meanings as in section 2950.01 of the 18133
Revised Code. 18134

(9) "Recreational vehicle" and "mobile home" have the same 18135
meanings as in section 4501.01 of the Revised Code. 18136

(10) "Manufactured home" has the same meaning as in section 18137
3781.06 of the Revised Code. 18138

(11) "Manufactured home park" has the same meaning as in 18139
section ~~3733.01~~ 4781.01 of the Revised Code and also means any 18140
tract of land upon which one or two manufactured or mobile homes 18141
used for habitation are parked, either free of charge or for 18142
revenue purposes, pursuant to rental agreements between the owners 18143
of the manufactured or mobile homes and the owner of the tract of 18144
land. 18145

(12) "Park operator" has the same meaning as in section 18146
~~3733.01~~ 4781.01 of the Revised Code and also means a landlord of 18147
premises upon which one or two manufactured or mobile homes used 18148
for habitation are parked, either free of charge or for revenue 18149
purposes, pursuant to rental agreements between the owners of the 18150
manufactured or mobile homes and a landlord who is not licensed as 18151
a manufactured home park operator pursuant to Chapter ~~3733.~~ 4781. 18152
of the Revised Code. 18153

(13) "Personal property" means tangible personal property 18154
other than a manufactured home, mobile home, or recreational 18155
vehicle that is the subject of an action under this chapter. 18156

(14) "Preschool or child day-care center premises" has the 18157
same meaning as in section 2950.034 of the Revised Code. 18158

Sec. 1923.02. (A) Proceedings under this chapter may be had 18159
as follows: 18160

(1) Against tenants or manufactured home park residents 18161
holding over their terms; 18162

(2) Against tenants or manufactured home park residents in 18163
possession under an oral tenancy, who are in default in the 18164
payment of rent as provided in division (B) of this section; 18165

(3) In sales of real estate, on executions, orders, or other 18166
judicial process, when the judgment debtor was in possession at 18167
the time of the rendition of the judgment or decree, by virtue of 18168
which the sale was made; 18169

(4) In sales by executors, administrators, or guardians, and 18170
on partition, when any of the parties to the complaint were in 18171
possession at the commencement of the action, after the sales, so 18172
made on execution or otherwise, have been examined by the proper 18173
court and adjudged legal; 18174

(5) When the defendant is an occupier of lands or tenements, 18175

without color of title, and the complainant has the right of 18176
possession to them; 18177

(6) In any other case of the unlawful and forcible detention 18178
of lands or tenements. For purposes of this division, in addition 18179
to any other type of unlawful and forcible detention of lands or 18180
tenements, such a detention may be determined to exist when both 18181
of the following apply: 18182

(a) A tenant fails to vacate residential premises within 18183
three days after both of the following occur: 18184

(i) The tenant's landlord has actual knowledge of or has 18185
reasonable cause to believe that the tenant, any person in the 18186
tenant's household, or any person on the premises with the consent 18187
of the tenant previously has or presently is engaged in a 18188
violation of Chapter 2925. or 3719. of the Revised Code, or of a 18189
municipal ordinance that is substantially similar to any section 18190
in either of those chapters, which involves a controlled substance 18191
and which occurred in, is occurring in, or otherwise was or is 18192
connected with the premises, whether or not the tenant or other 18193
person has been charged with, has pleaded guilty to or been 18194
convicted of, or has been determined to be a delinquent child for 18195
an act that, if committed by an adult, would be a violation as 18196
described in this division. For purposes of this division, a 18197
landlord has "actual knowledge of or has reasonable cause to 18198
believe" that a tenant, any person in the tenant's household, or 18199
any person on the premises with the consent of the tenant 18200
previously has or presently is engaged in a violation as described 18201
in this division if a search warrant was issued pursuant to 18202
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 18203
affidavit presented to obtain the warrant named or described the 18204
tenant or person as the individual to be searched and particularly 18205
described the tenant's premises as the place to be searched, named 18206
or described one or more controlled substances to be searched for 18207

and seized, stated substantially the offense under Chapter 2925. 18208
or 3719. of the Revised Code or the substantially similar 18209
municipal ordinance that occurred in, is occurring in, or 18210
otherwise was or is connected with the tenant's premises, and 18211
states the factual basis for the affiant's belief that the 18212
controlled substances are located on the tenant's premises; the 18213
warrant was properly executed by a law enforcement officer and any 18214
controlled substance described in the affidavit was found by that 18215
officer during the search and seizure; and, subsequent to the 18216
search and seizure, the landlord was informed by that or another 18217
law enforcement officer of the fact that the tenant or person has 18218
or presently is engaged in a violation as described in this 18219
division and it occurred in, is occurring in, or otherwise was or 18220
is connected with the tenant's premises. 18221

(ii) The landlord gives the tenant the notice required by 18222
division (C) of section 5321.17 of the Revised Code. 18223

(b) The court determines, by a preponderance of the evidence, 18224
that the tenant, any person in the tenant's household, or any 18225
person on the premises with the consent of the tenant previously 18226
has or presently is engaged in a violation as described in 18227
division (A)(6)(a)(i) of this section. 18228

(7) In cases arising out of Chapter 5313. of the Revised 18229
Code. In those cases, the court has the authority to declare a 18230
forfeiture of the vendee's rights under a land installment 18231
contract and to grant any other claims arising out of the 18232
contract. 18233

(8) Against tenants who have breached an obligation that is 18234
imposed by section 5321.05 of the Revised Code, other than the 18235
obligation specified in division (A)(9) of that section, and that 18236
materially affects health and safety. Prior to the commencement of 18237
an action under this division, notice shall be given to the tenant 18238
and compliance secured with section 5321.11 of the Revised Code. 18239

(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement;	18240 18241
(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply.	18242 18243 18244 18245 18246 18247
(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the public health council <u>manufactured homes commission</u> , or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 3733.13 <u>4781.45</u> of the Revised Code;	18248 18249 18250 18251 18252 18253
(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or otherwise has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, or recreational vehicle that is parked in the manufactured home park, has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement with the park operator;	18254 18255 18256 18257 18258 18259 18260 18261 18262
(13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code, who have breached the terms of a rental agreement or violated section 5322.04 of the Revised Code;	18263 18264 18265 18266
(14) Against any resident or occupant who, pursuant to a rental agreement, resides in or occupies residential premises located within one thousand feet of any school premises or preschool or child day-care center premises and to whom both of	18267 18268 18269 18270

the following apply: 18271

(a) The resident's or occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code. 18272
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(b) The state registry of sex offenders and child-victim offenders indicates that the resident or occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense. 18275
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(15) Against any tenant who permits any person to occupy residential premises located within one thousand feet of any school premises or preschool or child day-care center premises if both of the following apply to the person: 18281
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(a) The person's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code. 18285
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(b) The state registry of sex offenders and child-victim offenders indicates that the person was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense. 18288
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(B) If a tenant or manufactured home park resident holding under an oral tenancy is in default in the payment of rent, the tenant or resident forfeits the right of occupancy, and the landlord may, at the landlord's option, terminate the tenancy by notifying the tenant or resident, as provided in section 1923.04 of the Revised Code, to leave the premises, for the restitution of which an action may then be brought under this chapter. 18293
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(C)(1) If a tenant or any other person with the tenant's permission resides in or occupies residential premises that are 18300
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located within one thousand feet of any school premises and is a 18302
resident or occupant of the type described in division (A)(14) of 18303
this section or a person of the type described in division (A)(15) 18304
of this section, the landlord for those residential premises, upon 18305
discovery that the tenant or other person is a resident, occupant, 18306
or person of that nature, may terminate the rental agreement or 18307
tenancy for those residential premises by notifying the tenant and 18308
all other occupants, as provided in section 1923.04 of the Revised 18309
Code, to leave the premises. 18310

(2) If a landlord is authorized to terminate a rental 18311
agreement or tenancy pursuant to division (C)(1) of this section 18312
but does not so terminate the rental agreement or tenancy, the 18313
landlord is not liable in a tort or other civil action in damages 18314
for any injury, death, or loss to person or property that 18315
allegedly result from that decision. 18316

(D) This chapter does not apply to a student tenant as 18317
defined by division (H) of section 5321.01 of the Revised Code 18318
when the college or university proceeds to terminate a rental 18319
agreement pursuant to section 5321.031 of the Revised Code. 18320

Sec. 1923.061. (A) Any defense in an action under this 18321
chapter may be asserted at trial. 18322

(B) In an action for possession of residential premises based 18323
upon nonpayment of the rent or in an action for rent when the 18324
tenant or manufactured home park resident is in possession, the 18325
tenant or resident may counterclaim for any amount ~~he~~ the tenant 18326
or resident may recover under the rental agreement or under 18327
Chapter ~~3733-~~ 4781. or 5321. of the Revised Code. In that event, 18328
the court from time to time may order the tenant or resident to 18329
pay into court all or part of the past due rent and rent becoming 18330
due during the pendency of the action. After trial and judgment, 18331
the party to whom a net judgment is owed shall be paid first from 18332

the money paid into court, and any balance shall be satisfied as 18333
any other judgment. If no rent remains due after application of 18334
this division, judgment shall be entered for the tenant or 18335
resident in the action for possession. If the tenant or resident 18336
has paid into court an amount greater than that necessary to 18337
satisfy a judgment obtained by the landlord, the balance shall be 18338
returned by the court to the tenant or resident. 18339

Sec. 1923.15. During any proceeding involving residential 18340
premises under this chapter, the court may order an appropriate 18341
governmental agency to inspect the residential premises. If the 18342
agency determines and the court finds conditions which constitute 18343
a violation of section ~~3733.10~~ 4781.38 or 5321.04 of the Revised 18344
Code, and if the premises have been vacated or are to be restored 18345
to the landlord, the court may issue an order forbidding the 18346
re-rental of the property until such conditions are corrected. If 18347
the agency determines and the court finds such conditions, and if 18348
the court finds that the tenant or manufactured home park resident 18349
may remain in possession, the court may order such conditions 18350
corrected. If such conditions have been caused by the tenant or 18351
resident, the court may award damages to the landlord equal to the 18352
reasonable cost of correcting such conditions. 18353

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 18354
entity that appoints or employs any person responsible for a 18355
child's care in out-of-home care shall request the superintendent 18356
of BCII to conduct a criminal records check with respect to any 18357
person who is under final consideration for appointment or 18358
employment as a person responsible for a child's care in 18359
out-of-home care, except that section 3319.39 of the Revised Code 18360
shall apply instead of this section if the out-of-home care entity 18361
is a public school, educational service center, or chartered 18362
nonpublic school. 18363

(2) At the times specified in this division, the 18364
administrative director of an agency, or attorney, who arranges an 18365
adoption for a prospective adoptive parent shall request the 18366
superintendent of BCII to conduct a criminal records check with 18367
respect to that prospective adoptive parent and a criminal records 18368
check with respect to all persons eighteen years of age or older 18369
who reside with the prospective adoptive parent. The 18370
administrative director or attorney shall request a criminal 18371
records check pursuant to this division at the time of the initial 18372
home study, every four years after the initial home study at the 18373
time of an update, and at the time that an adoptive home study is 18374
completed as a new home study. 18375

(3) Before a recommending agency submits a recommendation to 18376
the department of job and family services on whether the 18377
department should issue a certificate to a foster home under 18378
section 5103.03 of the Revised Code, and every four years 18379
thereafter prior to a recertification under that section, the 18380
administrative director of the agency shall request that the 18381
superintendent of BCII conduct a criminal records check with 18382
respect to the prospective foster caregiver and a criminal records 18383
check with respect to all other persons eighteen years of age or 18384
older who reside with the foster caregiver. 18385

(B)(1) If a person subject to a criminal records check under 18386
division (A)(1) of this section does not present proof that the 18387
person has been a resident of this state for the five-year period 18388
immediately prior to the date upon which the criminal records 18389
check is requested or does not provide evidence that within that 18390
five-year period the superintendent of BCII has requested 18391
information about the person from the federal bureau of 18392
investigation in a criminal records check, the appointing or 18393
hiring officer shall request that the superintendent of BCII 18394
obtain information from the federal bureau of investigation as a 18395

part of the criminal records check, including fingerprint_based 18396
checks of national crime information databases as described in 42 18397
U.S.C. 671. If a person subject to a criminal records check under 18398
division (A)(1) of this section presents proof that the person has 18399
been a resident of this state for that five-year period, the 18400
appointing or hiring officer or attorney may request that the 18401
superintendent of BCII include information from the federal bureau 18402
of investigation in the criminal records check, including 18403
fingerprint_based checks of national crime information databases 18404
as described in 42 U.S.C. 671. 18405

When the administrative director of an agency, or attorney, 18406
who arranges an adoption for a prospective parent requests, at the 18407
time of the initial home study, a criminal records check for a 18408
person pursuant to division (A)(2) of this section, the 18409
administrative director or attorney shall request that the 18410
superintendent of BCII obtain information from the federal bureau 18411
of investigation as part of the criminal records check, including 18412
fingerprint_based checks of national crime information databases 18413
as described in 42 U.S.C. 671, for the person subject to the 18414
criminal records check. In all other cases in which the 18415
administrative director of an agency, or attorney, who arranges an 18416
adoption for a prospective parent requests a criminal records 18417
check for a person pursuant to division (A)(2) of this section, 18418
the administrative director or attorney may request that the 18419
superintendent of BCII include information from the federal bureau 18420
of investigation in the criminal records check, including 18421
fingerprint_based checks of national crime information databases 18422
as described in 42 U.S.C. 671. 18423

When the administrative director of a recommending agency 18424
requests, before submitting a recommendation to the department of 18425
job and family services on whether the department should issue a 18426
certificate to a foster home under section 5103.03 of the Revised 18427

Code, a criminal records check for a person pursuant to division 18428
(A)(3) of this section, the administrative director shall request 18429
that the superintendent of BCII obtain information from the 18430
federal bureau of investigation as part of a criminal records 18431
check, including fingerprint-based checks of national crime 18432
information databases as described in 42 U.S.C. 671, for the 18433
person subject to the criminal records check. In all other cases 18434
in which the administrative director of a recommending agency 18435
requests a criminal records check for a person pursuant to 18436
division (A)(3) of this section, the administrative director may 18437
request that the superintendent of BCII include information from 18438
the federal bureau of investigation in the criminal records check, 18439
including fingerprint-based checks of national crime information 18440
databases as described in 42 U.S.C. 671. 18441

Prior to a hearing on a final decree of adoption or 18442
interlocutory order of adoption by a probate court, the 18443
administrative director of an agency, or an attorney, who arranges 18444
an adoption for a prospective parent shall provide to the clerk of 18445
the probate court either of the following: 18446

(a) Any information received pursuant to a request made under 18447
this division from the superintendent of BCII or the federal 18448
bureau of investigation as part of the criminal records check, 18449
including fingerprint-based checks of national crime information 18450
databases as described in 42 U.S.C. 671, for the person subject to 18451
the criminal records check; 18452

(b) Written notification that the person subject to a 18453
criminal records check pursuant to this division failed upon 18454
request to provide the information necessary to complete the form 18455
or failed to provide impressions of the person's fingerprints as 18456
required under division (B)(2) of this section. 18457

(2) An appointing or hiring officer, administrative director, 18458
or attorney required by division (A) of this section to request a 18459

criminal records check shall provide to each person subject to a 18460
criminal records check a copy of the form prescribed pursuant to 18461
division (C)(1) of section 109.572 of the Revised Code and a 18462
standard impression sheet to obtain fingerprint impressions 18463
prescribed pursuant to division (C)(2) of section 109.572 of the 18464
Revised Code, obtain the completed form and impression sheet from 18465
the person, and forward the completed form and impression sheet to 18466
the superintendent of BCII at the time the criminal records check 18467
is requested. 18468

Any person subject to a criminal records check who receives 18469
pursuant to this division a copy of the form prescribed pursuant 18470
to division (C)(1) of section 109.572 of the Revised Code and a 18471
copy of an impression sheet prescribed pursuant to division (C)(2) 18472
of that section and who is requested to complete the form and 18473
provide a set of fingerprint impressions shall complete the form 18474
or provide all the information necessary to complete the form and 18475
shall provide the impression sheet with the impressions of the 18476
person's fingerprints. If a person subject to a criminal records 18477
check, upon request, fails to provide the information necessary to 18478
complete the form or fails to provide impressions of the person's 18479
fingerprints, the appointing or hiring officer shall not appoint 18480
or employ the person as a person responsible for a child's care in 18481
out-of-home care, a probate court may not issue a final decree of 18482
adoption or an interlocutory order of adoption making the person 18483
an adoptive parent, and the department of job and family services 18484
shall not issue a certificate authorizing the prospective foster 18485
caregiver to operate a foster home. 18486

(C)(1) No appointing or hiring officer shall appoint or 18487
employ a person as a person responsible for a child's care in 18488
out-of-home care, the department of job and family services shall 18489
not issue a certificate under section 5103.03 of the Revised Code 18490
authorizing a prospective foster caregiver to operate a foster 18491

home, and no probate court shall issue a final decree of adoption 18492
or an interlocutory order of adoption making a person an adoptive 18493
parent if the person or, in the case of a prospective foster 18494
caregiver or prospective adoptive parent, any person eighteen 18495
years of age or older who resides with the prospective foster 18496
caregiver or prospective adoptive parent previously has been 18497
convicted of or pleaded guilty to any of the violations described 18498
in division (A)~~(8)~~(5) of section 109.572 of the Revised Code, 18499
unless the person meets rehabilitation standards established in 18500
rules adopted under division (F) of this section. 18501

(2) The appointing or hiring officer may appoint or employ a 18502
person as a person responsible for a child's care in out-of-home 18503
care conditionally until the criminal records check required by 18504
this section is completed and the officer receives the results of 18505
the criminal records check. If the results of the criminal records 18506
check indicate that, pursuant to division (C)(1) of this section, 18507
the person subject to the criminal records check does not qualify 18508
for appointment or employment, the officer shall release the 18509
person from appointment or employment. 18510

(3) Prior to certification or recertification under section 18511
5103.03 of the Revised Code, the prospective foster caregiver 18512
subject to a criminal records check under division (A)(3) of this 18513
section shall notify the recommending agency of the revocation of 18514
any foster home license, certificate, or other similar 18515
authorization in another state occurring within the five years 18516
prior to the date of application to become a foster caregiver in 18517
this state. The failure of a prospective foster caregiver to 18518
notify the recommending agency of any revocation of that type in 18519
another state that occurred within that five-year period shall be 18520
grounds for denial of the person's foster home application or the 18521
revocation of the person's foster home certification, whichever is 18522
applicable. If a person has had a revocation in another state 18523

within the five years prior to the date of the application, the 18524
department of job and family services shall not issue a foster 18525
home certificate to the prospective foster caregiver. 18526

(D) The appointing or hiring officer, administrative 18527
director, or attorney shall pay to the bureau of criminal 18528
identification and investigation the fee prescribed pursuant to 18529
division (C)(3) of section 109.572 of the Revised Code for each 18530
criminal records check conducted in accordance with that section 18531
upon a request pursuant to division (A) of this section. The 18532
officer, director, or attorney may charge the person subject to 18533
the criminal records check a fee for the costs the officer, 18534
director, or attorney incurs in obtaining the criminal records 18535
check. A fee charged under this division shall not exceed the 18536
amount of fees the officer, director, or attorney pays for the 18537
criminal records check. If a fee is charged under this division, 18538
the officer, director, or attorney shall notify the person who is 18539
the applicant at the time of the person's initial application for 18540
appointment or employment, an adoption to be arranged, or a 18541
certificate to operate a foster home of the amount of the fee and 18542
that, unless the fee is paid, the person who is the applicant will 18543
not be considered for appointment or employment or as an adoptive 18544
parent or foster caregiver. 18545

(E) The report of any criminal records check conducted by the 18546
bureau of criminal identification and investigation in accordance 18547
with section 109.572 of the Revised Code and pursuant to a request 18548
made under division (A) of this section is not a public record for 18549
the purposes of section 149.43 of the Revised Code and shall not 18550
be made available to any person other than the following: 18551

(1) The person who is the subject of the criminal records 18552
check or the person's representative; 18553

(2) The appointing or hiring officer, administrative 18554
director, or attorney requesting the criminal records check or the 18555

officer's, director's, or attorney's representative; 18556

(3) The department of job and family services, a county 18557
department of job and family services, or a public children 18558
services agency; 18559

(4) Any court, hearing officer, or other necessary individual 18560
involved in a case dealing with the denial of employment, a final 18561
decree of adoption or interlocutory order of adoption, or a foster 18562
home certificate. 18563

(F) The director of job and family services shall adopt rules 18564
in accordance with Chapter 119. of the Revised Code to implement 18565
this section. The rules shall include rehabilitation standards a 18566
person who has been convicted of or pleaded guilty to an offense 18567
listed in division (A)~~(8)~~(5) of section 109.572 of the Revised 18568
Code must meet for an appointing or hiring officer to appoint or 18569
employ the person as a person responsible for a child's care in 18570
out-of-home care, a probate court to issue a final decree of 18571
adoption or interlocutory order of adoption making the person an 18572
adoptive parent, or the department to issue a certificate 18573
authorizing the prospective foster caregiver to operate a foster 18574
home or not revoke a foster home certificate for a violation 18575
specified in section 5103.0328 of the Revised Code. 18576

(G) An appointing or hiring officer, administrative director, 18577
or attorney required by division (A) of this section to request a 18578
criminal records check shall inform each person who is the 18579
applicant, at the time of the person's initial application for 18580
appointment or employment, an adoption to be arranged, or a foster 18581
home certificate, that the person subject to the criminal records 18582
check is required to provide a set of impressions of the person's 18583
fingerprints and that a criminal records check is required to be 18584
conducted and satisfactorily completed in accordance with section 18585
109.572 of the Revised Code. 18586

(H) The department of job and family services may waive the requirement that a criminal records check based on fingerprints be conducted for an adult resident of a prospective adoptive or foster home or the home of a foster caregiver if the recommending agency documents to the department's satisfaction that the adult resident is physically unable to comply with the fingerprinting requirement and poses no danger to foster children or adoptive children who may be placed in the home. In such cases, the recommending or approving agency shall request that the bureau of criminal identification and investigation conduct a criminal records check using the person's name and social security number.

(I) As used in this section:

(1) "Children's hospital" means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (I)(1)(a) of this section.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(4) "Person subject to a criminal records check" means the following:

(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;

(b) A prospective adoptive parent;

(c) A prospective foster caregiver;

(d) A person eighteen years old or older who resides with a prospective foster caregiver or a prospective adoptive parent.

(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.

(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.

Sec. 2152.121. (A) If a complaint is filed against a child alleging that the child is a delinquent child and the case is transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised Code, the juvenile court that transferred the case shall retain jurisdiction for purposes of making disposition of the child when required under division (B) of this section.

(B) If a complaint is filed against a child alleging that the child is a delinquent child, if the case is transferred pursuant

to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of 18648
the Revised Code, and if the child subsequently is convicted of or 18649
pleads guilty to an offense in that case, the sentence to be 18650
imposed or disposition to be made of the child shall be determined 18651
as follows: 18652

(1) The court in which the child is convicted of or pleads 18653
guilty to the offense shall determine whether, had a complaint 18654
been filed in juvenile court alleging that the child was a 18655
delinquent child for committing an act that would be that offense 18656
if committed by an adult, division (A) of section 2152.12 of the 18657
Revised Code would have required mandatory transfer of the case or 18658
division (B) of that section would have allowed discretionary 18659
transfer of the case. The court shall not consider the factor 18660
specified in division (B)(3) of section 2152.12 of the Revised 18661
Code in making its determination under this division. 18662

(2) If the court in which the child is convicted of or pleads 18663
guilty to the offense determines under division (B)(1) of this 18664
section that, had a complaint been filed in juvenile court 18665
alleging that the child was a delinquent child for committing an 18666
act that would be that offense if committed by an adult, division 18667
(A) of section 2152.12 of the Revised Code would not have required 18668
mandatory transfer of the case, and division (B) of that section 18669
would not have allowed discretionary transfer of the case, the 18670
court shall transfer jurisdiction of the case back to the juvenile 18671
court that initially transferred the case, the court and all other 18672
agencies that have any record of the conviction of the child or 18673
the child's guilty plea shall expunge the conviction or guilty 18674
plea and all records of it, the conviction or guilty plea shall be 18675
considered and treated for all purposes other than as provided in 18676
this section to have never occurred, the conviction or guilty plea 18677
shall be considered and treated for all purposes other than as 18678
provided in this section to have been a delinquent child 18679

adjudication of the child, and the juvenile court shall impose one 18680
or more traditional juvenile dispositions upon the child under 18681
sections 2152.19 and 2152.20 of the Revised Code. 18682

(3) If the court in which the child is convicted of or pleads 18683
guilty to the offense determines under division (B)(1) of this 18684
section that, had a complaint been filed in juvenile court 18685
alleging that the child was a delinquent child for committing an 18686
act that would be that offense if committed by an adult, division 18687
(A) of section 2152.12 of the Revised Code would not have required 18688
mandatory transfer of the case but division (B) of that section 18689
would have allowed discretionary transfer of the case, the court 18690
shall determine the sentence it believes should be imposed upon 18691
the child under Chapter 2929. of the Revised Code, shall impose 18692
that sentence upon the child, and shall stay that sentence pending 18693
completion of the procedures specified in this division. Upon 18694
imposition and staying of the sentence, the court shall transfer 18695
jurisdiction of the case back to the juvenile court that initially 18696
transferred the case and the juvenile court shall proceed in 18697
accordance with this division. In no case may the child waive a 18698
right to a hearing of the type described in division (B)(3)(b) of 18699
this section, regarding a motion filed as described in that 18700
division by the prosecuting attorney in the case. Upon transfer of 18701
jurisdiction of the case back to the juvenile court, both of the 18702
following apply: 18703

(a) Except as otherwise provided in division (B)(3)(b) of 18704
this section, the juvenile court shall impose a serious youthful 18705
offender dispositional sentence upon the child under division 18706
(D)(1) of section 2152.13 of the Revised Code. In imposing the 18707
adult portion of that sentence, the juvenile court shall consider 18708
and give preference to the sentence imposed upon the child by the 18709
court in which the child was convicted of or pleaded guilty to the 18710
offense. Upon imposing a serious youthful offender dispositional 18711

sentence upon the child as described in this division, the 18712
juvenile court shall notify the court in which the child was 18713
convicted of or pleaded guilty to the offense, the sentence 18714
imposed upon the child by that court shall terminate, the court 18715
and all other agencies that have any record of the conviction of 18716
the child shall expunge the conviction or guilty plea and all 18717
records of it, the conviction or guilty plea shall be considered 18718
and treated for all purposes other than as provided in this 18719
section to have never occurred, and the conviction or guilty plea 18720
shall be considered and treated for all purposes other than as 18721
provided in this section to have been a delinquent child 18722
adjudication of the child. 18723

(b) Upon the transfer, the prosecuting attorney in the case 18724
may file a motion in the juvenile court that objects to the 18725
imposition of a serious youthful offender dispositional sentence 18726
upon the child and requests that the sentence imposed upon the 18727
child by the court in which the child was convicted of or pleaded 18728
guilty to the offense be invoked. Upon the filing of a motion 18729
under this division, the juvenile court shall hold a hearing to 18730
determine whether the child is not amenable to care or 18731
rehabilitation within the juvenile system and whether the safety 18732
of the community may require that the child be subject solely to 18733
adult sanctions. If the juvenile court at the hearing finds that 18734
the child is not amenable to care or rehabilitation within the 18735
juvenile system or that the safety of the community may require 18736
that the child be subject solely to adult sanctions, the court 18737
shall grant the motion. Absent such a finding, the juvenile court 18738
shall deny the motion. In making its decision under this division, 18739
the juvenile court shall consider the factors listed in division 18740
(D) of section 2152.12 of the Revised Code as factors indicating 18741
that the motion should be granted, shall consider the factors 18742
listed in division (E) of that section as factors indicating that 18743
the motion should not be granted, and shall consider whether the 18744

applicable factors listed in division (D) of that section outweigh 18745
the applicable factors listed in division (E) of that section. 18746

If the juvenile court grants the motion of the prosecuting 18747
attorney under this division, the juvenile court shall transfer 18748
jurisdiction of the case back to the court in which the child was 18749
convicted of or pleaded guilty to the offense, and the sentence 18750
imposed by that court shall be invoked. If the juvenile court 18751
denies the motion of the prosecuting attorney under this section, 18752
the juvenile court shall impose a serious youthful offender 18753
dispositional sentence upon the child in accordance with division 18754
(B)(3)(a) of this section. 18755

(4) If the court in which the child is convicted of or pleads 18756
guilty to the offense determines under division (B)(1) of this 18757
section that, had a complaint been filed in juvenile court 18758
alleging that the child was a delinquent child for committing an 18759
act that would be that offense if committed by an adult, division 18760
(A) of section 2152.12 of the Revised Code would have required 18761
mandatory transfer of the case, the court shall impose sentence 18762
upon the child under Chapter 2929. of the Revised Code. 18763

Sec. 2152.131. (A) The department of youth services, for the 18764
purposes of this section, shall select a single validated risk 18765
assessment tool for delinquent children that assesses the 18766
delinquent child's risk to reoffend. The assessment tool shall be 18767
used as described in division (B) of this section. 18768

(B)(1) In determining whether to initiate a serious youthful 18769
offender dispositional sentence process under section 2152.13 of 18770
the Revised Code with respect to an alleged delinquent child who 18771
is eligible for the dispositional sentence, a prosecuting attorney 18772
shall utilize the single validated risk assessment tool selected 18773
by the department of youth services under division (A) of this 18774
section. 18775

(2)(a) If a child is adjudicated a delinquent child under circumstances that require the juvenile court to impose upon the child a serious youthful dispositional sentence under section 2152.11 or division (B)(3) of section 2151.121 of the Revised Code, or under circumstances that allow, but do not require, the juvenile court to impose upon the child a serious youthful dispositional sentence under section 2152.11 of the Revised Code, except as otherwise provided in division (B)(2)(b) of this section, the court shall utilize the single validated risk assessment tool selected by the department of youth services under division (A) of this section in determining the traditional juvenile disposition or dispositions to impose on the child under sections 2152.16, 2152.19, 2152.20, and, if applicable, section 2152.17 of the Revised Code, as the juvenile portion of the serious youthful offender dispositional sentence described in division (D)(1) or (2)(a) of section 2152.13 of the Revised Code or as the disposition described in division (D)(2)(b) of that section. 18776
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(b) Division (B)(2)(a) of this section does not apply if the court is required to commit the child to the department of youth services under the juvenile portion of the sentence. 18794
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(C) For each entity required to use the assessment tool, every employee of the entity who actually uses the tool shall be trained and certified by a trainer who is certified by the department of youth services. Each entity that utilizes the assessment tool shall develop policies and protocols regarding all of the following: 18797
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(1) Application and integration of the assessment tool into operation, supervision, and case planning; 18803
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(2) Administrative oversight of the use of the assessment tool; 18805
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- (3) Staff training; 18807
- (4) Quality assurance; 18808
- (5) Data collection. 18809

Sec. 2152.22. (A) When a child is committed to the legal 18810
custody of the department of youth services under this chapter, 18811
the juvenile court relinquishes control with respect to the child 18812
so committed, except as provided in divisions (B), (C), (D), and 18813
(H) of this section or in sections 2152.82 to 2152.86 of the 18814
Revised Code. Subject to divisions (B), (C), and (D) of this 18815
section, sections 2151.353 and 2151.412 to 2151.421 of the Revised 18816
Code, sections 2152.82 to 2152.86 of the Revised Code, and any 18817
other provision of law that specifies a different duration for a 18818
dispositional order, all other dispositional orders made by the 18819
court under this chapter shall be temporary and shall continue for 18820
a period that is designated by the court in its order, until 18821
terminated or modified by the court or until the child attains 18822
twenty-one years of age. 18823

The department shall not release the child from a department 18824
facility and as a result shall not discharge the child or order 18825
the child's release on supervised release prior to the expiration 18826
of the minimum period specified by the court in division (A)(1) of 18827
section 2152.16 of the Revised Code and any term of commitment 18828
imposed under section 2152.17 of the Revised Code or prior to the 18829
child's attainment of twenty-one years of age, except upon the 18830
order of a court pursuant to division (B), (C), or (D) of this 18831
section or in accordance with section 5139.54 of the Revised Code. 18832

(B)(1) The Unless the court grants judicial release under 18833
division (D)(1)(b) of this section, the court that commits a 18834
delinquent child to the department of youth services may grant 18835
judicial release of the child to court supervision under this 18836
division during the first half of the prescribed minimum term for 18837

which the child was committed to the department or, if the child 18838
was committed to the department until the child attains twenty-one 18839
years of age, during the first half of the prescribed period of 18840
commitment that begins on the first day of commitment and ends on 18841
the child's twenty-first birthday, provided any commitment imposed 18842
under division (A), (B), (C), or (D) of section 2152.17 of the 18843
Revised Code has ended. 18844

(2) If the department desires to release a child during a 18845
period specified in division (B)(1) of this section, it shall 18846
request the court that committed the child to grant a judicial 18847
release of the child to court supervision under this division. 18848
During whichever of those periods is applicable, the child or the 18849
parents of the child also may request that court to grant a 18850
judicial release of the child to court supervision. Upon receipt 18851
of a request for a judicial release to court supervision under 18852
this division from the department, the child, or the child's 18853
parent, or upon its own motion, the court that committed the child 18854
shall do one of the following: approve the release by journal 18855
entry; schedule within thirty days after the request is received a 18856
time for a hearing on whether the child is to be released; or 18857
reject the request by journal entry without conducting a hearing. 18858

If the court rejects an initial request for a release under 18859
this division by the child or the child's parent, the child or the 18860
child's parent may make one additional request for a judicial 18861
release to court supervision within the applicable period. The 18862
additional request may be made no earlier than thirty days after 18863
the filing of the prior request for a judicial release to court 18864
supervision. Upon the filing of a second request for a judicial 18865
release to court supervision, the court shall either approve or 18866
disapprove the release by journal entry or schedule within thirty 18867
days after the request is received a time for a hearing on whether 18868
the child is to be released. 18869

(3) If a court schedules a hearing under division (B)(2) of this section, it may order the department to deliver the child to the court on the date set for the hearing and may order the department to present to the court a report on the child's progress in the institution to which the child was committed and recommendations for conditions of supervision of the child by the court after release. The court may conduct the hearing without the child being present. The court shall determine at the hearing whether the child should be granted a judicial release to court supervision.

If the court approves the release under this division, it shall order its staff to prepare a written treatment and rehabilitation plan for the child that may include any conditions of the child's release that were recommended by the department and approved by the court. The committing court shall send the juvenile court of the county in which the child is placed a copy of the recommended plan. The court of the county in which the child is placed may adopt the recommended conditions set by the committing court as an order of the court and may add any additional consistent conditions it considers appropriate. If a child is granted a judicial release to court supervision, the release discharges the child from the custody of the department of youth services.

(C)(1) The Unless the court grants judicial release under division (D)(1)(b) of this section, the court that commits a delinquent child to the department of youth services may grant judicial release of the child to department of youth services supervision under this division during the second half of the prescribed minimum term for which the child was committed to the department or, if the child was committed to the department until the child attains twenty-one years of age, during the second half of the prescribed period of commitment that begins on the first

day of commitment and ends on the child's twenty-first birthday, 18902
provided any commitment imposed under division (A), (B), (C), or 18903
(D) of section 2152.17 of the Revised Code has ended. 18904

(2) If the department desires to release a child during a 18905
period specified in division (C)(1) of this section, it shall 18906
request the court that committed the child to grant a judicial 18907
release to department of youth services supervision. During 18908
whichever of those periods is applicable, the child or the child's 18909
parent also may request the court that committed the child to 18910
grant a judicial release to department of youth services 18911
supervision. Upon receipt of a request for judicial release to 18912
department of youth services supervision, the child, or the 18913
child's parent, or upon its own motion at any time during that 18914
period, the court shall do one of the following: approve the 18915
release by journal entry; schedule a time within thirty days after 18916
receipt of the request for a hearing on whether the child is to be 18917
released; or reject the request by journal entry without 18918
conducting a hearing. 18919

If the court rejects an initial request for release under 18920
this division by the child or the child's parent, the child or the 18921
child's parent may make one or more subsequent requests for a 18922
release within the applicable period, but may make no more than 18923
one request during each period of ninety days that the child is in 18924
a secure department facility after the filing of a prior request 18925
for early release. Upon the filing of a request for release under 18926
this division subsequent to an initial request, the court shall 18927
either approve or disapprove the release by journal entry or 18928
schedule a time within thirty days after receipt of the request 18929
for a hearing on whether the child is to be released. 18930

(3) If a court schedules a hearing under division (C)(2) of 18931
this section, it may order the department to deliver the child to 18932
the court on the date set for the hearing and shall order the 18933

department to present to the court at that time a treatment plan 18934
for the child's post-institutional care. The court may conduct the 18935
hearing without the child being present. The court shall determine 18936
at the hearing whether the child should be granted a judicial 18937
release to department of youth services supervision. 18938

If the court approves the judicial release to department of 18939
youth services supervision, the department shall prepare a written 18940
treatment and rehabilitation plan for the child pursuant to 18941
division (F) of this section that shall include the conditions of 18942
the child's release. It shall send the committing court and the 18943
juvenile court of the county in which the child is placed a copy 18944
of the plan. The court of the county in which the child is placed 18945
may adopt the conditions set by the department as an order of the 18946
court and may add any additional consistent conditions it 18947
considers appropriate, provided that the court may not add any 18948
condition that decreases the level or degree of supervision 18949
specified by the department in its plan, that substantially 18950
increases the financial burden of supervision that will be 18951
experienced by the department, or that alters the placement 18952
specified by the department in its plan. If the court of the 18953
county in which the child is placed adds to the department's plan 18954
any additional conditions, it shall enter those additional 18955
conditions in its journal and shall send to the department a copy 18956
of the journal entry of the additional conditions. 18957

If the court approves the judicial release to department of 18958
youth services supervision, the actual date on which the 18959
department shall release the child is contingent upon the 18960
department finding a suitable placement for the child. If the 18961
child is to be returned to the child's home, the department shall 18962
return the child on the date that the court schedules for the 18963
child's release or shall bear the expense of any additional time 18964
that the child remains in a department facility. If the child is 18965

unable to return to the child's home, the department shall 18966
exercise reasonable diligence in finding a suitable placement for 18967
the child, and the child shall remain in a department facility 18968
while the department finds the suitable placement. 18969

(D)(1) Subject to division (D)(3) of this section, the court 18970
that commits a delinquent child to the department of youth 18971
services may grant judicial release of the child under this 18972
division at any time after the expiration of one of the following 18973
periods of time: 18974

(a) Except as otherwise provided in division (D)(1)(b) of 18975
this section, if the child was committed to the department for a 18976
prescribed minimum period and a maximum period not to exceed the 18977
child's attainment of twenty-one years, the court may grant 18978
judicial release of the child at any time after the expiration of 18979
the prescribed minimum term for which the child was committed to 18980
the department. 18981

(b) If the child was committed to the department for both one 18982
or more definite periods under division (A), (B), (C), or (D) of 18983
section 2152.17 of the Revised Code and a period of the type 18984
described in division (D)(1)(a) of this section, all of the 18985
prescribed minimum periods of commitment imposed under division 18986
(A), (B), (C), or (D) of section 2152.17 of the Revised Code and 18987
the prescribed period of commitment of the type described in 18988
division (D)(1)(a) of this section shall be aggregated for 18989
purposes of this division, and the court may grant judicial 18990
release of the child at any time after the expiration of one year 18991
after the child begins serving the aggregate period of commitment. 18992

(2) If a court grants a judicial release of a child under 18993
division (D)(1) of this section, the release shall be a judicial 18994
release to department of youth services supervision, if the 18995
release is granted during a period described in division (C)(1) of 18996
this section, and the second and third paragraphs of division 18997

(C)(3) of this section apply regarding the release. In all other cases, the release shall be a judicial release to court supervision, and the second paragraph of division (B)(3) of this section applies regarding the release.

(3) A court at the time of making the disposition of a child shall provide notice in the order of disposition that the judge is retaining jurisdiction over the child for the purpose of a possible grant of judicial release of the child under division (D)(1) of this section. The failure of a court to provide this notice does not affect the authority of the court to grant a judicial release under that division and does not constitute grounds for setting aside the child's delinquent child adjudication or disposition or for granting any post-adjudication relief to the child.

(4) The department of youth services, a child committed to the department, or the parents of the child, during a period specified in division (D)(1) of this section, may request the court that committed the child to grant a judicial release of the child under that division. Upon receipt of a request for judicial release of a child under this division from the department, the child, or the child's parent, or upon its own motion, the court that committed the child shall do one of the following:

(a) Approve the request by journal entry;

(b) Schedule within thirty days after the request is received a time for a hearing on whether the child is to be released;

(c) Reject the request by journal entry without conducting a hearing.

If the court rejects an initial request for a release under this division by the child or the child's parent, division (C)(2) of this section applies regarding the making of additional requests.

If the court schedules a hearing under this division to consider the judicial release, the first paragraph of division (B)(3) of this section applies regarding the hearing.

(E) If a child is released under division (B), (C), or (D) of this section and the court of the county in which the child is placed has reason to believe that the child's department is not in accordance with the conditions of the child's judicial release, the court of the county in which the child is placed shall schedule a time for a hearing to determine whether the child violated any of the post-release conditions, and, if the child was released under division (C) of this section or under division (D) of this section under department supervision, divisions (A) to (E) of section 5139.52 of the Revised Code apply regarding the child.

If that court determines at the hearing that the child violated any of the post-release conditions, the court, if it determines that the violation was a serious violation, may order the child to be returned to the department for institutionalization, consistent with the original order of commitment of the child, or in any case may make any other disposition of the child authorized by law that the court considers proper. If the court of the county in which the child is placed orders the child to be returned to a department of youth services institution, the time during which the child was held in a secure department facility prior to the child's judicial release shall be considered as time served in fulfilling the prescribed period of institutionalization that is applicable to the child under the child's original order of commitment. If the court orders the child returned to a department institution, the child shall remain in institutional care for a minimum of three months or until the child successfully completes a revocation program of a duration of not less than thirty days operated either by the department or by an entity with which the department has

contracted to provide a revocation program. 19061

(F) The department of youth services, prior to the release of 19062
a child pursuant to division (C) of this section or pursuant to 19063
division (D) of this section on department supervision, shall do 19064
all of the following: 19065

(1) After reviewing the child's rehabilitative progress 19066
history and medical and educational records, prepare a written 19067
treatment and rehabilitation plan for the child that includes 19068
conditions of the release; 19069

(2) Completely discuss the conditions of the plan prepared 19070
pursuant to division (F)(1) of this section and the possible 19071
penalties for violation of the plan with the child and the child's 19072
parents, guardian, or legal custodian; 19073

(3) Have the plan prepared pursuant to division (F)(1) of 19074
this section signed by the child, the child's parents, legal 19075
guardian, or custodian, and any authority or person that is to 19076
supervise, control, and provide supportive assistance to the child 19077
at the time of the child's release pursuant to division (C) or (D) 19078
of this section; 19079

(4) Prior to the child's release, file a copy of the 19080
treatment plan prepared pursuant to division (F)(1) of this 19081
section with the committing court and the juvenile court of the 19082
county in which the child is to be placed. 19083

(G) The department of youth services shall file a written 19084
progress report with the committing court regarding each child 19085
released pursuant to division (C) of this section or released 19086
pursuant to division (D) of this section on judicial release to 19087
department supervision at least once every thirty days unless 19088
specifically directed otherwise by the court. The report shall 19089
indicate the treatment and rehabilitative progress of the child 19090
and the child's family, if applicable, and shall include any 19091

suggestions for altering the program, custody, living 19092
arrangements, or treatment. The department shall retain legal 19093
custody of a child so released until it discharges the child or 19094
until the custody is terminated as otherwise provided by law. 19095

(H) When a child is committed to the legal custody of the 19096
department of youth services, the court retains jurisdiction to 19097
perform the functions specified in section 5139.51 of the Revised 19098
Code with respect to the granting of supervised release by the 19099
release authority and to perform the functions specified in 19100
section 5139.52 of the Revised Code with respect to violations of 19101
the conditions of supervised release granted by the release 19102
authority and to the revocation of supervised release granted by 19103
the release authority. 19104

Sec. 2301.03. (A) In Franklin county, the judges of the court 19105
of common pleas whose terms begin on January 1, 1953, January 2, 19106
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 19107
successors, shall have the same qualifications, exercise the same 19108
powers and jurisdiction, and receive the same compensation as 19109
other judges of the court of common pleas of Franklin county and 19110
shall be elected and designated as judges of the court of common 19111
pleas, division of domestic relations. They shall have all the 19112
powers relating to juvenile courts, and all cases under Chapters 19113
2151. and 2152. of the Revised Code, all parentage proceedings 19114
under Chapter 3111. of the Revised Code over which the juvenile 19115
court has jurisdiction, and all divorce, dissolution of marriage, 19116
legal separation, and annulment cases shall be assigned to them. 19117
In addition to the judge's regular duties, the judge who is senior 19118
in point of service shall serve on the children services board and 19119
the county advisory board and shall be the administrator of the 19120
domestic relations division and its subdivisions and departments. 19121
19122

(B) In Hamilton county: 19123

(1) The judge of the court of common pleas, whose term begins 19124
on January 1, 1957, and successors, and the judge of the court of 19125
common pleas, whose term begins on February 14, 1967, and 19126
successors, shall be the juvenile judges as provided in Chapters 19127
2151. and 2152. of the Revised Code, with the powers and 19128
jurisdiction conferred by those chapters. 19129

(2) The judges of the court of common pleas whose terms begin 19130
on January 5, 1957, January 16, 1981, and July 1, 1991, and 19131
successors, shall be elected and designated as judges of the court 19132
of common pleas, division of domestic relations, and shall have 19133
assigned to them all divorce, dissolution of marriage, legal 19134
separation, and annulment cases coming before the court. On or 19135
after the first day of July and before the first day of August of 19136
1991 and each year thereafter, a majority of the judges of the 19137
division of domestic relations shall elect one of the judges of 19138
the division as administrative judge of that division. If a 19139
majority of the judges of the division of domestic relations are 19140
unable for any reason to elect an administrative judge for the 19141
division before the first day of August, a majority of the judges 19142
of the Hamilton county court of common pleas, as soon as possible 19143
after that date, shall elect one of the judges of the division of 19144
domestic relations as administrative judge of that division. The 19145
term of the administrative judge shall begin on the earlier of the 19146
first day of August of the year in which the administrative judge 19147
is elected or the date on which the administrative judge is 19148
elected by a majority of the judges of the Hamilton county court 19149
of common pleas and shall terminate on the date on which the 19150
administrative judge's successor is elected in the following year. 19151

In addition to the judge's regular duties, the administrative 19152
judge of the division of domestic relations shall be the 19153
administrator of the domestic relations division and its 19154

subdivisions and departments and shall have charge of the 19155
employment, assignment, and supervision of the personnel of the 19156
division engaged in handling, servicing, or investigating divorce, 19157
dissolution of marriage, legal separation, and annulment cases, 19158
including any referees considered necessary by the judges in the 19159
discharge of their various duties. 19160

The administrative judge of the division of domestic 19161
relations also shall designate the title, compensation, expense 19162
allowances, hours, leaves of absence, and vacations of the 19163
personnel of the division, and shall fix the duties of its 19164
personnel. The duties of the personnel, in addition to those 19165
provided for in other sections of the Revised Code, shall include 19166
the handling, servicing, and investigation of divorce, dissolution 19167
of marriage, legal separation, and annulment cases and counseling 19168
and conciliation services that may be made available to persons 19169
requesting them, whether or not the persons are parties to an 19170
action pending in the division. 19171

The board of county commissioners shall appropriate the sum 19172
of money each year as will meet all the administrative expenses of 19173
the division of domestic relations, including reasonable expenses 19174
of the domestic relations judges and the division counselors and 19175
other employees designated to conduct the handling, servicing, and 19176
investigation of divorce, dissolution of marriage, legal 19177
separation, and annulment cases, conciliation and counseling, and 19178
all matters relating to those cases and counseling, and the 19179
expenses involved in the attendance of division personnel at 19180
domestic relations and welfare conferences designated by the 19181
division, and the further sum each year as will provide for the 19182
adequate operation of the division of domestic relations. 19183

The compensation and expenses of all employees and the salary 19184
and expenses of the judges shall be paid by the county treasurer 19185
from the money appropriated for the operation of the division, 19186

upon the warrant of the county auditor, certified to by the 19187
administrative judge of the division of domestic relations. 19188

The summonses, warrants, citations, subpoenas, and other 19189
writs of the division may issue to a bailiff, constable, or staff 19190
investigator of the division or to the sheriff of any county or 19191
any marshal, constable, or police officer, and the provisions of 19192
law relating to the subpoenaing of witnesses in other cases shall 19193
apply insofar as they are applicable. When a summons, warrant, 19194
citation, subpoena, or other writ is issued to an officer, other 19195
than a bailiff, constable, or staff investigator of the division, 19196
the expense of serving it shall be assessed as a part of the costs 19197
in the case involved. 19198

(3) The judge of the court of common pleas of Hamilton county 19199
whose term begins on January 3, 1997, and the successors to that 19200
judge shall each be elected and designated as the drug court judge 19201
of the court of common pleas of Hamilton county. The drug court 19202
judge may accept or reject any case referred to the drug court 19203
judge under division (B)(3) of this section. After the drug court 19204
judge accepts a referred case, the drug court judge has full 19205
authority over the case, including the authority to conduct 19206
arraignment, accept pleas, enter findings and dispositions, 19207
conduct trials, order treatment, and if treatment is not 19208
successfully completed pronounce and enter sentence. 19209

A judge of the general division of the court of common pleas 19210
of Hamilton county and a judge of the Hamilton county municipal 19211
court may refer to the drug court judge any case, and any 19212
companion cases, the judge determines meet the criteria described 19213
under divisions (B)(3)(a) and (b) of this section. If the drug 19214
court judge accepts referral of a referred case, the case, and any 19215
companion cases, shall be transferred to the drug court judge. A 19216
judge may refer a case meeting the criteria described in divisions 19217
(B)(3)(a) and (b) of this section that involves a violation of a 19218

condition of a community control sanction to the drug court judge, 19219
and, if the drug court judge accepts the referral, the referring 19220
judge and the drug court judge have concurrent jurisdiction over 19221
the case. 19222

A judge of the general division of the court of common pleas 19223
of Hamilton county and a judge of the Hamilton county municipal 19224
court may refer a case to the drug court judge under division 19225
(B)(3) of this section if the judge determines that both of the 19226
following apply: 19227

(a) One of the following applies: 19228

(i) The case involves a drug abuse offense, as defined in 19229
section 2925.01 of the Revised Code, that is a felony of the third 19230
or fourth degree if the offense is committed prior to July 1, 19231
1996, a felony of the third, fourth, or fifth degree if the 19232
offense is committed on or after July 1, 1996, or a misdemeanor. 19233

(ii) The case involves a theft offense, as defined in section 19234
2913.01 of the Revised Code, that is a felony of the third or 19235
fourth degree if the offense is committed prior to July 1, 1996, a 19236
felony of the third, fourth, or fifth degree if the offense is 19237
committed on or after July 1, 1996, or a misdemeanor, and the 19238
defendant is drug or alcohol dependent or in danger of becoming 19239
drug or alcohol dependent and would benefit from treatment. 19240

(b) All of the following apply: 19241

(i) The case involves an offense for which a community 19242
control sanction may be imposed or is a case in which a mandatory 19243
prison term or a mandatory jail term is not required to be 19244
imposed. 19245

(ii) The defendant has no history of violent behavior. 19246

(iii) The defendant has no history of mental illness. 19247

(iv) The defendant's current or past behavior, or both, is 19248

drug or alcohol driven. 19249

(v) The defendant demonstrates a sincere willingness to 19250
participate in a fifteen-month treatment process. 19251

(vi) The defendant has no acute health condition. 19252

(vii) If the defendant is incarcerated, the county prosecutor 19253
approves of the referral. 19254

(4) If the administrative judge of the court of common pleas 19255
of Hamilton county determines that the volume of cases pending 19256
before the drug court judge does not constitute a sufficient 19257
caseload for the drug court judge, the administrative judge, in 19258
accordance with the Rules of Superintendence for Courts of Common 19259
Pleas, shall assign individual cases to the drug court judge from 19260
the general docket of the court. If the assignments so occur, the 19261
administrative judge shall cease the assignments when the 19262
administrative judge determines that the volume of cases pending 19263
before the drug court judge constitutes a sufficient caseload for 19264
the drug court judge. 19265

(5) As used in division (B) of this section, "community 19266
control sanction," "mandatory prison term," and "mandatory jail 19267
term" have the same meanings as in section 2929.01 of the Revised 19268
Code. 19269

(C)(1) In Lorain county: 19270

(a) The judges of the court of common pleas whose terms begin 19271
on January 3, 1959, January 4, 1989, and January 2, 1999, and 19272
successors, and the judge of the court of common pleas whose term 19273
begins on February 9, 2009, shall have the same qualifications, 19274
exercise the same powers and jurisdiction, and receive the same 19275
compensation as the other judges of the court of common pleas of 19276
Lorain county and shall be elected and designated as the judges of 19277
the court of common pleas, division of domestic relations. The 19278
judges of the court of common pleas whose terms begin on January 19279

3, 1959, January 4, 1989, and January 2, 1999, and successors, 19280
shall have all of the powers relating to juvenile courts, and all 19281
cases under Chapters 2151. and 2152. of the Revised Code, all 19282
parentage proceedings over which the juvenile court has 19283
jurisdiction, and all divorce, dissolution of marriage, legal 19284
separation, and annulment cases shall be assigned to them, except 19285
cases that for some special reason are assigned to some other 19286
judge of the court of common pleas. From February 9, 2009, through 19287
September 28, 2009, the judge of the court of common pleas whose 19288
term begins on February 9, 2009, shall have all the powers 19289
relating to juvenile courts, and cases under Chapters 2151. and 19290
2152. of the Revised Code, parentage proceedings over which the 19291
juvenile court has jurisdiction, and divorce, dissolution of 19292
marriage, legal separation, and annulment cases shall be assigned 19293
to that judge, except cases that for some special reason are 19294
assigned to some other judge of the court of common pleas. 19295

(b) From January 1, 2006, through September 28, 2009, the 19296
judges of the court of common pleas, division of domestic 19297
relations, in addition to the powers and jurisdiction set forth in 19298
division (C)(1)(a) of this section, shall have jurisdiction over 19299
matters that are within the jurisdiction of the probate court 19300
under Chapter 2101. and other provisions of the Revised Code. 19301

(c) The judge of the court of common pleas, division of 19302
domestic relations, whose term begins on February 9, 2009, is the 19303
successor to the probate judge who was elected in 2002 for a term 19304
that began on February 9, 2003. After September 28, 2009, the 19305
judge of the court of common pleas, division of domestic 19306
relations, whose term begins on February 9, 2009, shall be the 19307
probate judge. 19308

(2)(a) From February 9, 2009, through September 28, 2009, 19309
with respect to Lorain county, all references in law to the 19310
probate court shall be construed as references to the court of 19311

common pleas, division of domestic relations, and all references 19312
to the probate judge shall be construed as references to the 19313
judges of the court of common pleas, division of domestic 19314
relations. 19315

(b) From February 9, 2009, through September 28, 2009, with 19316
respect to Lorain county, all references in law to the clerk of 19317
the probate court shall be construed as references to the judge 19318
who is serving pursuant to Rule 4 of the Rules of Superintendence 19319
for the Courts of Ohio as the administrative judge of the court of 19320
common pleas, division of domestic relations. 19321

(D) In Lucas county: 19322

(1) The judges of the court of common pleas whose terms begin 19323
on January 1, 1955, and January 3, 1965, and successors, shall 19324
have the same qualifications, exercise the same powers and 19325
jurisdiction, and receive the same compensation as other judges of 19326
the court of common pleas of Lucas county and shall be elected and 19327
designated as judges of the court of common pleas, division of 19328
domestic relations. All divorce, dissolution of marriage, legal 19329
separation, and annulment cases shall be assigned to them. 19330

The judge of the division of domestic relations, senior in 19331
point of service, shall be considered as the presiding judge of 19332
the court of common pleas, division of domestic relations, and 19333
shall be charged exclusively with the assignment and division of 19334
the work of the division and the employment and supervision of all 19335
other personnel of the domestic relations division. 19336

(2) The judges of the court of common pleas whose terms begin 19337
on January 5, 1977, and January 2, 1991, and successors shall have 19338
the same qualifications, exercise the same powers and 19339
jurisdiction, and receive the same compensation as other judges of 19340
the court of common pleas of Lucas county, shall be elected and 19341
designated as judges of the court of common pleas, juvenile 19342

division, and shall be the juvenile judges as provided in Chapters 19343
2151. and 2152. of the Revised Code with the powers and 19344
jurisdictions conferred by those chapters. In addition to the 19345
judge's regular duties, the judge of the court of common pleas, 19346
juvenile division, senior in point of service, shall be the 19347
administrator of the juvenile division and its subdivisions and 19348
departments and shall have charge of the employment, assignment, 19349
and supervision of the personnel of the division engaged in 19350
handling, servicing, or investigating juvenile cases, including 19351
any referees considered necessary by the judges of the division in 19352
the discharge of their various duties. 19353

The judge of the court of common pleas, juvenile division, 19354
senior in point of service, also shall designate the title, 19355
compensation, expense allowance, hours, leaves of absence, and 19356
vacation of the personnel of the division and shall fix the duties 19357
of the personnel of the division. The duties of the personnel, in 19358
addition to other statutory duties include the handling, 19359
servicing, and investigation of juvenile cases and counseling and 19360
conciliation services that may be made available to persons 19361
requesting them, whether or not the persons are parties to an 19362
action pending in the division. 19363

(3) If one of the judges of the court of common pleas, 19364
division of domestic relations, or one of the judges of the 19365
juvenile division is sick, absent, or unable to perform that 19366
judge's judicial duties or the volume of cases pending in that 19367
judge's division necessitates it, the duties shall be performed by 19368
the judges of the other of those divisions. 19369

(E) In Mahoning county: 19370

(1) The judge of the court of common pleas whose term began 19371
on January 1, 1955, and successors, shall have the same 19372
qualifications, exercise the same powers and jurisdiction, and 19373
receive the same compensation as other judges of the court of 19374

common pleas of Mahoning county, shall be elected and designated 19375
as judge of the court of common pleas, division of domestic 19376
relations, and shall be assigned all the divorce, dissolution of 19377
marriage, legal separation, and annulment cases coming before the 19378
court. In addition to the judge's regular duties, the judge of the 19379
court of common pleas, division of domestic relations, shall be 19380
the administrator of the domestic relations division and its 19381
subdivisions and departments and shall have charge of the 19382
employment, assignment, and supervision of the personnel of the 19383
division engaged in handling, servicing, or investigating divorce, 19384
dissolution of marriage, legal separation, and annulment cases, 19385
including any referees considered necessary in the discharge of 19386
the various duties of the judge's office. 19387

The judge also shall designate the title, compensation, 19388
expense allowances, hours, leaves of absence, and vacations of the 19389
personnel of the division and shall fix the duties of the 19390
personnel of the division. The duties of the personnel, in 19391
addition to other statutory duties, include the handling, 19392
servicing, and investigation of divorce, dissolution of marriage, 19393
legal separation, and annulment cases and counseling and 19394
conciliation services that may be made available to persons 19395
requesting them, whether or not the persons are parties to an 19396
action pending in the division. 19397

(2) The judge of the court of common pleas whose term began 19398
on January 2, 1969, and successors, shall have the same 19399
qualifications, exercise the same powers and jurisdiction, and 19400
receive the same compensation as other judges of the court of 19401
common pleas of Mahoning county, shall be elected and designated 19402
as judge of the court of common pleas, juvenile division, and 19403
shall be the juvenile judge as provided in Chapters 2151. and 19404
2152. of the Revised Code, with the powers and jurisdictions 19405
conferred by those chapters. In addition to the judge's regular 19406

duties, the judge of the court of common pleas, juvenile division, 19407
shall be the administrator of the juvenile division and its 19408
subdivisions and departments and shall have charge of the 19409
employment, assignment, and supervision of the personnel of the 19410
division engaged in handling, servicing, or investigating juvenile 19411
cases, including any referees considered necessary by the judge in 19412
the discharge of the judge's various duties. 19413

The judge also shall designate the title, compensation, 19414
expense allowances, hours, leaves of absence, and vacation of the 19415
personnel of the division and shall fix the duties of the 19416
personnel of the division. The duties of the personnel, in 19417
addition to other statutory duties, include the handling, 19418
servicing, and investigation of juvenile cases and counseling and 19419
conciliation services that may be made available to persons 19420
requesting them, whether or not the persons are parties to an 19421
action pending in the division. 19422

(3) If a judge of the court of common pleas, division of 19423
domestic relations or juvenile division, is sick, absent, or 19424
unable to perform that judge's judicial duties, or the volume of 19425
cases pending in that judge's division necessitates it, that 19426
judge's duties shall be performed by another judge of the court of 19427
common pleas. 19428

(F) In Montgomery county: 19429

(1) The judges of the court of common pleas whose terms begin 19430
on January 2, 1953, and January 4, 1977, and successors, shall 19431
have the same qualifications, exercise the same powers and 19432
jurisdiction, and receive the same compensation as other judges of 19433
the court of common pleas of Montgomery county and shall be 19434
elected and designated as judges of the court of common pleas, 19435
division of domestic relations. These judges shall have assigned 19436
to them all divorce, dissolution of marriage, legal separation, 19437
and annulment cases. 19438

The judge of the division of domestic relations, senior in point of service, shall be charged exclusively with the assignment and division of the work of the division and shall have charge of the employment and supervision of the personnel of the division engaged in handling, servicing, or investigating divorce, dissolution of marriage, legal separation, and annulment cases, including any necessary referees, except those employees who may be appointed by the judge, junior in point of service, under this section and sections 2301.12, and 2301.18, ~~and 2301.19~~ of the Revised Code. The judge of the division of domestic relations, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties.

(2) The judges of the court of common pleas whose terms begin on January 1, 1953, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Montgomery county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code.

In addition to the judge's regular duties, the judge of the court of common pleas, juvenile division, senior in point of service, shall be the administrator of the juvenile division and its subdivisions and departments and shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division, including any necessary referees, who are engaged in handling, servicing, or investigating juvenile cases. The judge, senior in point of service, also shall designate the title, compensation, expense allowances, hours, leaves of absence,

and vacation of the personnel of the division and shall fix their 19471
duties. The duties of the personnel, in addition to other 19472
statutory duties, shall include the handling, servicing, and 19473
investigation of juvenile cases and of any counseling and 19474
conciliation services that are available upon request to persons, 19475
whether or not they are parties to an action pending in the 19476
division. 19477

If one of the judges of the court of common pleas, division 19478
of domestic relations, or one of the judges of the court of common 19479
pleas, juvenile division, is sick, absent, or unable to perform 19480
that judge's duties or the volume of cases pending in that judge's 19481
division necessitates it, the duties of that judge may be 19482
performed by the judge or judges of the other of those divisions. 19483

(G) In Richland county: 19484

(1) The judge of the court of common pleas whose term begins 19485
on January 1, 1957, and successors, shall have the same 19486
qualifications, exercise the same powers and jurisdiction, and 19487
receive the same compensation as the other judges of the court of 19488
common pleas of Richland county and shall be elected and 19489
designated as judge of the court of common pleas, division of 19490
domestic relations. That judge shall be assigned and hear all 19491
divorce, dissolution of marriage, legal separation, and annulment 19492
cases, all domestic violence cases arising under section 3113.31 19493
of the Revised Code, and all post-decree proceedings arising from 19494
any case pertaining to any of those matters. The division of 19495
domestic relations has concurrent jurisdiction with the juvenile 19496
division of the court of common pleas of Richland county to 19497
determine the care, custody, or control of any child not a ward of 19498
another court of this state, and to hear and determine a request 19499
for an order for the support of any child if the request is not 19500
ancillary to an action for divorce, dissolution of marriage, 19501
annulment, or legal separation, a criminal or civil action 19502

involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judge of the division of domestic relations shall be assigned and hear all cases pertaining to paternity or parentage, the care, custody, or control of children, parenting time or visitation, child support, or the allocation of parental rights and responsibilities for the care of children, all proceedings arising under Chapter 3111. of the Revised Code, all proceedings arising under the uniform interstate family support act contained in Chapter 3115. of the Revised Code, and all post-decree proceedings arising from any case pertaining to any of those matters.

In addition to the judge's regular duties, the judge of the court of common pleas, division of domestic relations, shall be the administrator of the domestic relations division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the domestic relations division, including any magistrates the judge considers necessary for the discharge of the judge's duties. The judge shall also designate the title, compensation, expense allowances, hours, leaves of absence, vacation, and other employment-related matters of the personnel of the division and shall fix their duties.

(2) The judge of the court of common pleas whose term begins on January 3, 2005, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Richland county, shall be elected and designated as judge of the court of common pleas, juvenile division, and shall be, and have the powers and jurisdiction of, the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code.

Except in cases that are subject to the exclusive original 19535
jurisdiction of the juvenile court, the judge of the juvenile 19536
division shall not have jurisdiction or the power to hear, and 19537
shall not be assigned, any case pertaining to paternity or 19538
parentage, the care, custody, or control of children, parenting 19539
time or visitation, child support, or the allocation of parental 19540
rights and responsibilities for the care of children or any 19541
post-decree proceeding arising from any case pertaining to any of 19542
those matters. The judge of the juvenile division shall not have 19543
jurisdiction or the power to hear, and shall not be assigned, any 19544
proceeding under the uniform interstate family support act 19545
contained in Chapter 3115. of the Revised Code. 19546

In addition to the judge's regular duties, the judge of the 19547
juvenile division shall be the administrator of the juvenile 19548
division and its subdivisions and departments. The judge shall 19549
have charge of the employment, assignment, and supervision of the 19550
personnel of the juvenile division who are engaged in handling, 19551
servicing, or investigating juvenile cases, including any 19552
magistrates whom the judge considers necessary for the discharge 19553
of the judge's various duties. 19554

The judge of the juvenile division also shall designate the 19555
title, compensation, expense allowances, hours, leaves of absence, 19556
and vacation of the personnel of the division and shall fix their 19557
duties. The duties of the personnel, in addition to other 19558
statutory duties, include the handling, servicing, and 19559
investigation of juvenile cases and providing any counseling, 19560
conciliation, and mediation services that the court makes 19561
available to persons, whether or not the persons are parties to an 19562
action pending in the court, who request the services. 19563

(H) In Stark county, the judges of the court of common pleas 19564
whose terms begin on January 1, 1953, January 2, 1959, and January 19565
1, 1993, and successors, shall have the same qualifications, 19566

exercise the same powers and jurisdiction, and receive the same 19567
compensation as other judges of the court of common pleas of Stark 19568
county and shall be elected and designated as judges of the court 19569
of common pleas, division of domestic relations. They shall have 19570
all the powers relating to juvenile courts, and all cases under 19571
Chapters 2151. and 2152. of the Revised Code, all parentage 19572
proceedings over which the juvenile court has jurisdiction, and 19573
all divorce, dissolution of marriage, legal separation, and 19574
annulment cases, except cases that are assigned to some other 19575
judge of the court of common pleas for some special reason, shall 19576
be assigned to the judges. 19577

The judge of the division of domestic relations, second most 19578
senior in point of service, shall have charge of the employment 19579
and supervision of the personnel of the division engaged in 19580
handling, servicing, or investigating divorce, dissolution of 19581
marriage, legal separation, and annulment cases, and necessary 19582
referees required for the judge's respective court. 19583

The judge of the division of domestic relations, senior in 19584
point of service, shall be charged exclusively with the 19585
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 19586
of the Revised Code and with the assignment and division of the 19587
work of the division and the employment and supervision of all 19588
other personnel of the division, including, but not limited to, 19589
that judge's necessary referees, but excepting those employees who 19590
may be appointed by the judge second most senior in point of 19591
service. The senior judge further shall serve in every other 19592
position in which the statutes permit or require a juvenile judge 19593
to serve. 19594

(I) In Summit county: 19595

(1) The judges of the court of common pleas whose terms begin 19596
on January 4, 1967, and January 6, 1993, and successors, shall 19597
have the same qualifications, exercise the same powers and 19598

jurisdiction, and receive the same compensation as other judges of 19599
the court of common pleas of Summit county and shall be elected 19600
and designated as judges of the court of common pleas, division of 19601
domestic relations. The judges of the division of domestic 19602
relations shall have assigned to them and hear all divorce, 19603
dissolution of marriage, legal separation, and annulment cases 19604
that come before the court. Except in cases that are subject to 19605
the exclusive original jurisdiction of the juvenile court, the 19606
judges of the division of domestic relations shall have assigned 19607
to them and hear all cases pertaining to paternity, custody, 19608
visitation, child support, or the allocation of parental rights 19609
and responsibilities for the care of children and all post-decree 19610
proceedings arising from any case pertaining to any of those 19611
matters. The judges of the division of domestic relations shall 19612
have assigned to them and hear all proceedings under the uniform 19613
interstate family support act contained in Chapter 3115. of the 19614
Revised Code. 19615

The judge of the division of domestic relations, senior in 19616
point of service, shall be the administrator of the domestic 19617
relations division and its subdivisions and departments and shall 19618
have charge of the employment, assignment, and supervision of the 19619
personnel of the division, including any necessary referees, who 19620
are engaged in handling, servicing, or investigating divorce, 19621
dissolution of marriage, legal separation, and annulment cases. 19622
That judge also shall designate the title, compensation, expense 19623
allowances, hours, leaves of absence, and vacations of the 19624
personnel of the division and shall fix their duties. The duties 19625
of the personnel, in addition to other statutory duties, shall 19626
include the handling, servicing, and investigation of divorce, 19627
dissolution of marriage, legal separation, and annulment cases and 19628
of any counseling and conciliation services that are available 19629
upon request to all persons, whether or not they are parties to an 19630
action pending in the division. 19631

(2) The judge of the court of common pleas whose term begins 19632
on January 1, 1955, and successors, shall have the same 19633
qualifications, exercise the same powers and jurisdiction, and 19634
receive the same compensation as other judges of the court of 19635
common pleas of Summit county, shall be elected and designated as 19636
judge of the court of common pleas, juvenile division, and shall 19637
be, and have the powers and jurisdiction of, the juvenile judge as 19638
provided in Chapters 2151. and 2152. of the Revised Code. Except 19639
in cases that are subject to the exclusive original jurisdiction 19640
of the juvenile court, the judge of the juvenile division shall 19641
not have jurisdiction or the power to hear, and shall not be 19642
assigned, any case pertaining to paternity, custody, visitation, 19643
child support, or the allocation of parental rights and 19644
responsibilities for the care of children or any post-decree 19645
proceeding arising from any case pertaining to any of those 19646
matters. The judge of the juvenile division shall not have 19647
jurisdiction or the power to hear, and shall not be assigned, any 19648
proceeding under the uniform interstate family support act 19649
contained in Chapter 3115. of the Revised Code. 19650

The juvenile judge shall be the administrator of the juvenile 19651
division and its subdivisions and departments and shall have 19652
charge of the employment, assignment, and supervision of the 19653
personnel of the juvenile division, including any necessary 19654
referees, who are engaged in handling, servicing, or investigating 19655
juvenile cases. The judge also shall designate the title, 19656
compensation, expense allowances, hours, leaves of absence, and 19657
vacation of the personnel of the division and shall fix their 19658
duties. The duties of the personnel, in addition to other 19659
statutory duties, shall include the handling, servicing, and 19660
investigation of juvenile cases and of any counseling and 19661
conciliation services that are available upon request to persons, 19662
whether or not they are parties to an action pending in the 19663
division. 19664

(J) In Trumbull county, the judges of the court of common 19665
pleas whose terms begin on January 1, 1953, and January 2, 1977, 19666
and successors, shall have the same qualifications, exercise the 19667
same powers and jurisdiction, and receive the same compensation as 19668
other judges of the court of common pleas of Trumbull county and 19669
shall be elected and designated as judges of the court of common 19670
pleas, division of domestic relations. They shall have all the 19671
powers relating to juvenile courts, and all cases under Chapters 19672
2151. and 2152. of the Revised Code, all parentage proceedings 19673
over which the juvenile court has jurisdiction, and all divorce, 19674
dissolution of marriage, legal separation, and annulment cases 19675
shall be assigned to them, except cases that for some special 19676
reason are assigned to some other judge of the court of common 19677
pleas. 19678

(K) In Butler county: 19679

(1) The judges of the court of common pleas whose terms begin 19680
on January 1, 1957, and January 4, 1993, and successors, shall 19681
have the same qualifications, exercise the same powers and 19682
jurisdiction, and receive the same compensation as other judges of 19683
the court of common pleas of Butler county and shall be elected 19684
and designated as judges of the court of common pleas, division of 19685
domestic relations. The judges of the division of domestic 19686
relations shall have assigned to them all divorce, dissolution of 19687
marriage, legal separation, and annulment cases coming before the 19688
court, except in cases that for some special reason are assigned 19689
to some other judge of the court of common pleas. The judges of 19690
the division of domestic relations also have concurrent 19691
jurisdiction with judges of the juvenile division of the court of 19692
common pleas of Butler county with respect to and may hear cases 19693
to determine the custody, support, or custody and support of a 19694
child who is born of issue of a marriage and who is not the ward 19695
of another court of this state, cases commenced by a party of the 19696

marriage to obtain an order requiring support of any child when 19697
the request for that order is not ancillary to an action for 19698
divorce, dissolution of marriage, annulment, or legal separation, 19699
a criminal or civil action involving an allegation of domestic 19700
violence, an action for support under Chapter 3115. of the Revised 19701
Code, or an action that is within the exclusive original 19702
jurisdiction of the juvenile division of the court of common pleas 19703
of Butler county and that involves an allegation that the child is 19704
an abused, neglected, or dependent child, and post-decree 19705
proceedings and matters arising from those types of cases. The 19706
judge senior in point of service shall be charged with the 19707
assignment and division of the work of the division and with the 19708
employment and supervision of all other personnel of the domestic 19709
relations division. 19710

The judge senior in point of service also shall designate the 19711
title, compensation, expense allowances, hours, leaves of absence, 19712
and vacations of the personnel of the division and shall fix their 19713
duties. The duties of the personnel, in addition to other 19714
statutory duties, shall include the handling, servicing, and 19715
investigation of divorce, dissolution of marriage, legal 19716
separation, and annulment cases and providing any counseling and 19717
conciliation services that the division makes available to 19718
persons, whether or not the persons are parties to an action 19719
pending in the division, who request the services. 19720

(2) The judges of the court of common pleas whose terms begin 19721
on January 3, 1987, and January 2, 2003, and successors, shall 19722
have the same qualifications, exercise the same powers and 19723
jurisdiction, and receive the same compensation as other judges of 19724
the court of common pleas of Butler county, shall be elected and 19725
designated as judges of the court of common pleas, juvenile 19726
division, and shall be the juvenile judges as provided in Chapters 19727
2151. and 2152. of the Revised Code, with the powers and 19728

jurisdictions conferred by those chapters. Except in cases that 19729
are subject to the exclusive original jurisdiction of the juvenile 19730
court, the judges of the juvenile division shall not have 19731
jurisdiction or the power to hear and shall not be assigned, but 19732
shall have the limited ability and authority to certify, any case 19733
commenced by a party of a marriage to determine the custody, 19734
support, or custody and support of a child who is born of issue of 19735
the marriage and who is not the ward of another court of this 19736
state when the request for the order in the case is not ancillary 19737
to an action for divorce, dissolution of marriage, annulment, or 19738
legal separation. The judge of the court of common pleas, juvenile 19739
division, who is senior in point of service, shall be the 19740
administrator of the juvenile division and its subdivisions and 19741
departments. The judge, senior in point of service, shall have 19742
charge of the employment, assignment, and supervision of the 19743
personnel of the juvenile division who are engaged in handling, 19744
servicing, or investigating juvenile cases, including any referees 19745
whom the judge considers necessary for the discharge of the 19746
judge's various duties. 19747

The judge, senior in point of service, also shall designate 19748
the title, compensation, expense allowances, hours, leaves of 19749
absence, and vacation of the personnel of the division and shall 19750
fix their duties. The duties of the personnel, in addition to 19751
other statutory duties, include the handling, servicing, and 19752
investigation of juvenile cases and providing any counseling and 19753
conciliation services that the division makes available to 19754
persons, whether or not the persons are parties to an action 19755
pending in the division, who request the services. 19756

(3) If a judge of the court of common pleas, division of 19757
domestic relations or juvenile division, is sick, absent, or 19758
unable to perform that judge's judicial duties or the volume of 19759
cases pending in the judge's division necessitates it, the duties 19760

of that judge shall be performed by the other judges of the 19761
domestic relations and juvenile divisions. 19762

(L)(1) In Cuyahoga county, the judges of the court of common 19763
pleas whose terms begin on January 8, 1961, January 9, 1961, 19764
January 18, 1975, January 19, 1975, and January 13, 1987, and 19765
successors, shall have the same qualifications, exercise the same 19766
powers and jurisdiction, and receive the same compensation as 19767
other judges of the court of common pleas of Cuyahoga county and 19768
shall be elected and designated as judges of the court of common 19769
pleas, division of domestic relations. They shall have all the 19770
powers relating to all divorce, dissolution of marriage, legal 19771
separation, and annulment cases, except in cases that are assigned 19772
to some other judge of the court of common pleas for some special 19773
reason. 19774

(2) The administrative judge is administrator of the domestic 19775
relations division and its subdivisions and departments and has 19776
the following powers concerning division personnel: 19777

(a) Full charge of the employment, assignment, and 19778
supervision; 19779

(b) Sole determination of compensation, duties, expenses, 19780
allowances, hours, leaves, and vacations. 19781

(3) "Division personnel" include persons employed or referees 19782
engaged in hearing, servicing, investigating, counseling, or 19783
conciliating divorce, dissolution of marriage, legal separation 19784
and annulment matters. 19785

(M) In Lake county: 19786

(1) The judge of the court of common pleas whose term begins 19787
on January 2, 1961, and successors, shall have the same 19788
qualifications, exercise the same powers and jurisdiction, and 19789
receive the same compensation as the other judges of the court of 19790
common pleas of Lake county and shall be elected and designated as 19791

judge of the court of common pleas, division of domestic 19792
relations. The judge shall be assigned all the divorce, 19793
dissolution of marriage, legal separation, and annulment cases 19794
coming before the court, except in cases that for some special 19795
reason are assigned to some other judge of the court of common 19796
pleas. The judge shall be charged with the assignment and division 19797
of the work of the division and with the employment and 19798
supervision of all other personnel of the domestic relations 19799
division. 19800

The judge also shall designate the title, compensation, 19801
expense allowances, hours, leaves of absence, and vacations of the 19802
personnel of the division and shall fix their duties. The duties 19803
of the personnel, in addition to other statutory duties, shall 19804
include the handling, servicing, and investigation of divorce, 19805
dissolution of marriage, legal separation, and annulment cases and 19806
providing any counseling and conciliation services that the 19807
division makes available to persons, whether or not the persons 19808
are parties to an action pending in the division, who request the 19809
services. 19810

(2) The judge of the court of common pleas whose term begins 19811
on January 4, 1979, and successors, shall have the same 19812
qualifications, exercise the same powers and jurisdiction, and 19813
receive the same compensation as other judges of the court of 19814
common pleas of Lake county, shall be elected and designated as 19815
judge of the court of common pleas, juvenile division, and shall 19816
be the juvenile judge as provided in Chapters 2151. and 2152. of 19817
the Revised Code, with the powers and jurisdictions conferred by 19818
those chapters. The judge of the court of common pleas, juvenile 19819
division, shall be the administrator of the juvenile division and 19820
its subdivisions and departments. The judge shall have charge of 19821
the employment, assignment, and supervision of the personnel of 19822
the juvenile division who are engaged in handling, servicing, or 19823

investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties. 19824
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The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services. 19827
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(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions. 19836
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(N) In Erie county: 19842

(1) The judge of the court of common pleas whose term begins on January 2, 1971, and the successors to that judge whose terms begin before January 2, 2007, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Erie county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall have all the powers relating to juvenile courts, and shall be assigned all cases under Chapters 2151. and 2152. of the Revised Code, parentage proceedings over which the juvenile court has jurisdiction, and divorce, dissolution of marriage, legal separation, and annulment cases, except cases that for some special reason are assigned to some other judge. 19843
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On or after January 2, 2007, the judge of the court of common 19856
pleas who is elected in 2006 shall be the successor to the judge 19857
of the domestic relations division whose term expires on January 19858
1, 2007, shall be designated as judge of the court of common 19859
pleas, juvenile division, and shall be the juvenile judge as 19860
provided in Chapters 2151. and 2152. of the Revised Code with the 19861
powers and jurisdictions conferred by those chapters. 19862

(2) The judge of the court of common pleas, general division, 19863
whose term begins on January 1, 2005, and successors, the judge of 19864
the court of common pleas, general division whose term begins on 19865
January 2, 2005, and successors, and the judge of the court of 19866
common pleas, general division, whose term begins February 9, 19867
2009, and successors, shall have assigned to them, in addition to 19868
all matters that are within the jurisdiction of the general 19869
division of the court of common pleas, all divorce, dissolution of 19870
marriage, legal separation, and annulment cases coming before the 19871
court, and all matters that are within the jurisdiction of the 19872
probate court under Chapter 2101., and other provisions, of the 19873
Revised Code. 19874

(0) In Greene county: 19875

(1) The judge of the court of common pleas whose term begins 19876
on January 1, 1961, and successors, shall have the same 19877
qualifications, exercise the same powers and jurisdiction, and 19878
receive the same compensation as the other judges of the court of 19879
common pleas of Greene county and shall be elected and designated 19880
as the judge of the court of common pleas, division of domestic 19881
relations. The judge shall be assigned all divorce, dissolution of 19882
marriage, legal separation, annulment, uniform reciprocal support 19883
enforcement, and domestic violence cases and all other cases 19884
related to domestic relations, except cases that for some special 19885
reason are assigned to some other judge of the court of common 19886
pleas. 19887

The judge shall be charged with the assignment and division 19888
of the work of the division and with the employment and 19889
supervision of all other personnel of the division. The judge also 19890
shall designate the title, compensation, hours, leaves of absence, 19891
and vacations of the personnel of the division and shall fix their 19892
duties. The duties of the personnel of the division, in addition 19893
to other statutory duties, shall include the handling, servicing, 19894
and investigation of divorce, dissolution of marriage, legal 19895
separation, and annulment cases and the provision of counseling 19896
and conciliation services that the division considers necessary 19897
and makes available to persons who request the services, whether 19898
or not the persons are parties in an action pending in the 19899
division. The compensation for the personnel shall be paid from 19900
the overall court budget and shall be included in the 19901
appropriations for the existing judges of the general division of 19902
the court of common pleas. 19903

(2) The judge of the court of common pleas whose term begins 19904
on January 1, 1995, and successors, shall have the same 19905
qualifications, exercise the same powers and jurisdiction, and 19906
receive the same compensation as the other judges of the court of 19907
common pleas of Greene county, shall be elected and designated as 19908
judge of the court of common pleas, juvenile division, and, on or 19909
after January 1, 1995, shall be the juvenile judge as provided in 19910
Chapters 2151. and 2152. of the Revised Code with the powers and 19911
jurisdiction conferred by those chapters. The judge of the court 19912
of common pleas, juvenile division, shall be the administrator of 19913
the juvenile division and its subdivisions and departments. The 19914
judge shall have charge of the employment, assignment, and 19915
supervision of the personnel of the juvenile division who are 19916
engaged in handling, servicing, or investigating juvenile cases, 19917
including any referees whom the judge considers necessary for the 19918
discharge of the judge's various duties. 19919

The judge also shall designate the title, compensation, 19920
expense allowances, hours, leaves of absence, and vacation of the 19921
personnel of the division and shall fix their duties. The duties 19922
of the personnel, in addition to other statutory duties, include 19923
the handling, servicing, and investigation of juvenile cases and 19924
providing any counseling and conciliation services that the court 19925
makes available to persons, whether or not the persons are parties 19926
to an action pending in the court, who request the services. 19927

(3) If one of the judges of the court of common pleas, 19928
general division, is sick, absent, or unable to perform that 19929
judge's judicial duties or the volume of cases pending in the 19930
general division necessitates it, the duties of that judge of the 19931
general division shall be performed by the judge of the division 19932
of domestic relations and the judge of the juvenile division. 19933

(P) In Portage county, the judge of the court of common 19934
pleas, whose term begins January 2, 1987, and successors, shall 19935
have the same qualifications, exercise the same powers and 19936
jurisdiction, and receive the same compensation as the other 19937
judges of the court of common pleas of Portage county and shall be 19938
elected and designated as judge of the court of common pleas, 19939
division of domestic relations. The judge shall be assigned all 19940
divorce, dissolution of marriage, legal separation, and annulment 19941
cases coming before the court, except in cases that for some 19942
special reason are assigned to some other judge of the court of 19943
common pleas. The judge shall be charged with the assignment and 19944
division of the work of the division and with the employment and 19945
supervision of all other personnel of the domestic relations 19946
division. 19947

The judge also shall designate the title, compensation, 19948
expense allowances, hours, leaves of absence, and vacations of the 19949
personnel of the division and shall fix their duties. The duties 19950
of the personnel, in addition to other statutory duties, shall 19951

include the handling, servicing, and investigation of divorce, 19952
dissolution of marriage, legal separation, and annulment cases and 19953
providing any counseling and conciliation services that the 19954
division makes available to persons, whether or not the persons 19955
are parties to an action pending in the division, who request the 19956
services. 19957

(Q) In Clermont county, the judge of the court of common 19958
pleas, whose term begins January 2, 1987, and successors, shall 19959
have the same qualifications, exercise the same powers and 19960
jurisdiction, and receive the same compensation as the other 19961
judges of the court of common pleas of Clermont county and shall 19962
be elected and designated as judge of the court of common pleas, 19963
division of domestic relations. The judge shall be assigned all 19964
divorce, dissolution of marriage, legal separation, and annulment 19965
cases coming before the court, except in cases that for some 19966
special reason are assigned to some other judge of the court of 19967
common pleas. The judge shall be charged with the assignment and 19968
division of the work of the division and with the employment and 19969
supervision of all other personnel of the domestic relations 19970
division. 19971

The judge also shall designate the title, compensation, 19972
expense allowances, hours, leaves of absence, and vacations of the 19973
personnel of the division and shall fix their duties. The duties 19974
of the personnel, in addition to other statutory duties, shall 19975
include the handling, servicing, and investigation of divorce, 19976
dissolution of marriage, legal separation, and annulment cases and 19977
providing any counseling and conciliation services that the 19978
division makes available to persons, whether or not the persons 19979
are parties to an action pending in the division, who request the 19980
services. 19981

(R) In Warren county, the judge of the court of common pleas, 19982
whose term begins January 1, 1987, and successors, shall have the 19983

same qualifications, exercise the same powers and jurisdiction, 19984
and receive the same compensation as the other judges of the court 19985
of common pleas of Warren county and shall be elected and 19986
designated as judge of the court of common pleas, division of 19987
domestic relations. The judge shall be assigned all divorce, 19988
dissolution of marriage, legal separation, and annulment cases 19989
coming before the court, except in cases that for some special 19990
reason are assigned to some other judge of the court of common 19991
pleas. The judge shall be charged with the assignment and division 19992
of the work of the division and with the employment and 19993
supervision of all other personnel of the domestic relations 19994
division. 19995

The judge also shall designate the title, compensation, 19996
expense allowances, hours, leaves of absence, and vacations of the 19997
personnel of the division and shall fix their duties. The duties 19998
of the personnel, in addition to other statutory duties, shall 19999
include the handling, servicing, and investigation of divorce, 20000
dissolution of marriage, legal separation, and annulment cases and 20001
providing any counseling and conciliation services that the 20002
division makes available to persons, whether or not the persons 20003
are parties to an action pending in the division, who request the 20004
services. 20005

(S) In Licking county, the judges of the court of common 20006
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 20007
and successors, shall have the same qualifications, exercise the 20008
same powers and jurisdiction, and receive the same compensation as 20009
the other judges of the court of common pleas of Licking county 20010
and shall be elected and designated as judges of the court of 20011
common pleas, division of domestic relations. The judges shall be 20012
assigned all divorce, dissolution of marriage, legal separation, 20013
and annulment cases, all cases arising under Chapter 3111. of the 20014
Revised Code, all proceedings involving child support, the 20015

allocation of parental rights and responsibilities for the care of 20016
children and the designation for the children of a place of 20017
residence and legal custodian, parenting time, and visitation, and 20018
all post-decree proceedings and matters arising from those cases 20019
and proceedings, except in cases that for some special reason are 20020
assigned to another judge of the court of common pleas. The 20021
administrative judge of the division of domestic relations shall 20022
be charged with the assignment and division of the work of the 20023
division and with the employment and supervision of the personnel 20024
of the division. 20025

The administrative judge of the division of domestic 20026
relations shall designate the title, compensation, expense 20027
allowances, hours, leaves of absence, and vacations of the 20028
personnel of the division and shall fix the duties of the 20029
personnel of the division. The duties of the personnel of the 20030
division, in addition to other statutory duties, shall include the 20031
handling, servicing, and investigation of divorce, dissolution of 20032
marriage, legal separation, and annulment cases, cases arising 20033
under Chapter 3111. of the Revised Code, and proceedings involving 20034
child support, the allocation of parental rights and 20035
responsibilities for the care of children and the designation for 20036
the children of a place of residence and legal custodian, 20037
parenting time, and visitation and providing any counseling and 20038
conciliation services that the division makes available to 20039
persons, whether or not the persons are parties to an action 20040
pending in the division, who request the services. 20041

(T) In Allen county, the judge of the court of common pleas, 20042
whose term begins January 1, 1993, and successors, shall have the 20043
same qualifications, exercise the same powers and jurisdiction, 20044
and receive the same compensation as the other judges of the court 20045
of common pleas of Allen county and shall be elected and 20046
designated as judge of the court of common pleas, division of 20047

domestic relations. The judge shall be assigned all divorce, 20048
dissolution of marriage, legal separation, and annulment cases, 20049
all cases arising under Chapter 3111. of the Revised Code, all 20050
proceedings involving child support, the allocation of parental 20051
rights and responsibilities for the care of children and the 20052
designation for the children of a place of residence and legal 20053
custodian, parenting time, and visitation, and all post-decree 20054
proceedings and matters arising from those cases and proceedings, 20055
except in cases that for some special reason are assigned to 20056
another judge of the court of common pleas. The judge shall be 20057
charged with the assignment and division of the work of the 20058
division and with the employment and supervision of the personnel 20059
of the division. 20060

The judge shall designate the title, compensation, expense 20061
allowances, hours, leaves of absence, and vacations of the 20062
personnel of the division and shall fix the duties of the 20063
personnel of the division. The duties of the personnel of the 20064
division, in addition to other statutory duties, shall include the 20065
handling, servicing, and investigation of divorce, dissolution of 20066
marriage, legal separation, and annulment cases, cases arising 20067
under Chapter 3111. of the Revised Code, and proceedings involving 20068
child support, the allocation of parental rights and 20069
responsibilities for the care of children and the designation for 20070
the children of a place of residence and legal custodian, 20071
parenting time, and visitation, and providing any counseling and 20072
conciliation services that the division makes available to 20073
persons, whether or not the persons are parties to an action 20074
pending in the division, who request the services. 20075

(U) In Medina county, the judge of the court of common pleas 20076
whose term begins January 1, 1995, and successors, shall have the 20077
same qualifications, exercise the same powers and jurisdiction, 20078
and receive the same compensation as other judges of the court of 20079

common pleas of Medina county and shall be elected and designated 20080
as judge of the court of common pleas, division of domestic 20081
relations. The judge shall be assigned all divorce, dissolution of 20082
marriage, legal separation, and annulment cases, all cases arising 20083
under Chapter 3111. of the Revised Code, all proceedings involving 20084
child support, the allocation of parental rights and 20085
responsibilities for the care of children and the designation for 20086
the children of a place of residence and legal custodian, 20087
parenting time, and visitation, and all post-decree proceedings 20088
and matters arising from those cases and proceedings, except in 20089
cases that for some special reason are assigned to another judge 20090
of the court of common pleas. The judge shall be charged with the 20091
assignment and division of the work of the division and with the 20092
employment and supervision of the personnel of the division. 20093

The judge shall designate the title, compensation, expense 20094
allowances, hours, leaves of absence, and vacations of the 20095
personnel of the division and shall fix the duties of the 20096
personnel of the division. The duties of the personnel, in 20097
addition to other statutory duties, include the handling, 20098
servicing, and investigation of divorce, dissolution of marriage, 20099
legal separation, and annulment cases, cases arising under Chapter 20100
3111. of the Revised Code, and proceedings involving child 20101
support, the allocation of parental rights and responsibilities 20102
for the care of children and the designation for the children of a 20103
place of residence and legal custodian, parenting time, and 20104
visitation, and providing counseling and conciliation services 20105
that the division makes available to persons, whether or not the 20106
persons are parties to an action pending in the division, who 20107
request the services. 20108

(V) In Fairfield county, the judge of the court of common 20109
pleas whose term begins January 2, 1995, and successors, shall 20110
have the same qualifications, exercise the same powers and 20111

jurisdiction, and receive the same compensation as the other 20112
judges of the court of common pleas of Fairfield county and shall 20113
be elected and designated as judge of the court of common pleas, 20114
division of domestic relations. The judge shall be assigned all 20115
divorce, dissolution of marriage, legal separation, and annulment 20116
cases, all cases arising under Chapter 3111. of the Revised Code, 20117
all proceedings involving child support, the allocation of 20118
parental rights and responsibilities for the care of children and 20119
the designation for the children of a place of residence and legal 20120
custodian, parenting time, and visitation, and all post-decree 20121
proceedings and matters arising from those cases and proceedings, 20122
except in cases that for some special reason are assigned to 20123
another judge of the court of common pleas. The judge also has 20124
concurrent jurisdiction with the probate-juvenile division of the 20125
court of common pleas of Fairfield county with respect to and may 20126
hear cases to determine the custody of a child, as defined in 20127
section 2151.011 of the Revised Code, who is not the ward of 20128
another court of this state, cases that are commenced by a parent, 20129
guardian, or custodian of a child, as defined in section 2151.011 20130
of the Revised Code, to obtain an order requiring a parent of the 20131
child to pay child support for that child when the request for 20132
that order is not ancillary to an action for divorce, dissolution 20133
of marriage, annulment, or legal separation, a criminal or civil 20134
action involving an allegation of domestic violence, an action for 20135
support under Chapter 3115. of the Revised Code, or an action that 20136
is within the exclusive original jurisdiction of the 20137
probate-juvenile division of the court of common pleas of 20138
Fairfield county and that involves an allegation that the child is 20139
an abused, neglected, or dependent child, and post-decree 20140
proceedings and matters arising from those types of cases. 20141

The judge of the domestic relations division shall be charged 20142
with the assignment and division of the work of the division and 20143
with the employment and supervision of the personnel of the 20144

division. 20145

The judge shall designate the title, compensation, expense 20146
allowances, hours, leaves of absence, and vacations of the 20147
personnel of the division and shall fix the duties of the 20148
personnel of the division. The duties of the personnel of the 20149
division, in addition to other statutory duties, shall include the 20150
handling, servicing, and investigation of divorce, dissolution of 20151
marriage, legal separation, and annulment cases, cases arising 20152
under Chapter 3111. of the Revised Code, and proceedings involving 20153
child support, the allocation of parental rights and 20154
responsibilities for the care of children and the designation for 20155
the children of a place of residence and legal custodian, 20156
parenting time, and visitation, and providing any counseling and 20157
conciliation services that the division makes available to 20158
persons, regardless of whether the persons are parties to an 20159
action pending in the division, who request the services. When the 20160
judge hears a case to determine the custody of a child, as defined 20161
in section 2151.011 of the Revised Code, who is not the ward of 20162
another court of this state or a case that is commenced by a 20163
parent, guardian, or custodian of a child, as defined in section 20164
2151.011 of the Revised Code, to obtain an order requiring a 20165
parent of the child to pay child support for that child when the 20166
request for that order is not ancillary to an action for divorce, 20167
dissolution of marriage, annulment, or legal separation, a 20168
criminal or civil action involving an allegation of domestic 20169
violence, an action for support under Chapter 3115. of the Revised 20170
Code, or an action that is within the exclusive original 20171
jurisdiction of the probate-juvenile division of the court of 20172
common pleas of Fairfield county and that involves an allegation 20173
that the child is an abused, neglected, or dependent child, the 20174
duties of the personnel of the domestic relations division also 20175
include the handling, servicing, and investigation of those types 20176
of cases. 20177

(W)(1) In Clark county, the judge of the court of common 20178
pleas whose term begins on January 2, 1995, and successors, shall 20179
have the same qualifications, exercise the same powers and 20180
jurisdiction, and receive the same compensation as other judges of 20181
the court of common pleas of Clark county and shall be elected and 20182
designated as judge of the court of common pleas, domestic 20183
relations division. The judge shall have all the powers relating 20184
to juvenile courts, and all cases under Chapters 2151. and 2152. 20185
of the Revised Code and all parentage proceedings under Chapter 20186
3111. of the Revised Code over which the juvenile court has 20187
jurisdiction shall be assigned to the judge of the division of 20188
domestic relations. All divorce, dissolution of marriage, legal 20189
separation, annulment, uniform reciprocal support enforcement, and 20190
other cases related to domestic relations shall be assigned to the 20191
domestic relations division, and the presiding judge of the court 20192
of common pleas shall assign the cases to the judge of the 20193
domestic relations division and the judges of the general 20194
division. 20195

(2) In addition to the judge's regular duties, the judge of 20196
the division of domestic relations shall serve on the children 20197
services board and the county advisory board. 20198

(3) If the judge of the court of common pleas of Clark 20199
county, division of domestic relations, is sick, absent, or unable 20200
to perform that judge's judicial duties or if the presiding judge 20201
of the court of common pleas of Clark county determines that the 20202
volume of cases pending in the division of domestic relations 20203
necessitates it, the duties of the judge of the division of 20204
domestic relations shall be performed by the judges of the general 20205
division or probate division of the court of common pleas of Clark 20206
county, as assigned for that purpose by the presiding judge of 20207
that court, and the judges so assigned shall act in conjunction 20208
with the judge of the division of domestic relations of that 20209

court. 20210

(X) In Scioto county, the judge of the court of common pleas 20211
whose term begins January 2, 1995, and successors, shall have the 20212
same qualifications, exercise the same powers and jurisdiction, 20213
and receive the same compensation as other judges of the court of 20214
common pleas of Scioto county and shall be elected and designated 20215
as judge of the court of common pleas, division of domestic 20216
relations. The judge shall be assigned all divorce, dissolution of 20217
marriage, legal separation, and annulment cases, all cases arising 20218
under Chapter 3111. of the Revised Code, all proceedings involving 20219
child support, the allocation of parental rights and 20220
responsibilities for the care of children and the designation for 20221
the children of a place of residence and legal custodian, 20222
parenting time, visitation, and all post-decree proceedings and 20223
matters arising from those cases and proceedings, except in cases 20224
that for some special reason are assigned to another judge of the 20225
court of common pleas. The judge shall be charged with the 20226
assignment and division of the work of the division and with the 20227
employment and supervision of the personnel of the division. 20228

The judge shall designate the title, compensation, expense 20229
allowances, hours, leaves of absence, and vacations of the 20230
personnel of the division and shall fix the duties of the 20231
personnel of the division. The duties of the personnel, in 20232
addition to other statutory duties, include the handling, 20233
servicing, and investigation of divorce, dissolution of marriage, 20234
legal separation, and annulment cases, cases arising under Chapter 20235
3111. of the Revised Code, and proceedings involving child 20236
support, the allocation of parental rights and responsibilities 20237
for the care of children and the designation for the children of a 20238
place of residence and legal custodian, parenting time, and 20239
visitation, and providing counseling and conciliation services 20240
that the division makes available to persons, whether or not the 20241

persons are parties to an action pending in the division, who 20242
request the services. 20243

(Y) In Auglaize county, the judge of the probate and juvenile 20244
divisions of the Auglaize county court of common pleas also shall 20245
be the administrative judge of the domestic relations division of 20246
the court and shall be assigned all divorce, dissolution of 20247
marriage, legal separation, and annulment cases coming before the 20248
court. The judge shall have all powers as administrator of the 20249
domestic relations division and shall have charge of the personnel 20250
engaged in handling, servicing, or investigating divorce, 20251
dissolution of marriage, legal separation, and annulment cases, 20252
including any referees considered necessary for the discharge of 20253
the judge's various duties. 20254

(Z)(1) In Marion county, the judge of the court of common 20255
pleas whose term begins on February 9, 1999, and the successors to 20256
that judge, shall have the same qualifications, exercise the same 20257
powers and jurisdiction, and receive the same compensation as the 20258
other judges of the court of common pleas of Marion county and 20259
shall be elected and designated as judge of the court of common 20260
pleas, domestic relations-juvenile-probate division. Except as 20261
otherwise specified in this division, that judge, and the 20262
successors to that judge, shall have all the powers relating to 20263
juvenile courts, and all cases under Chapters 2151. and 2152. of 20264
the Revised Code, all cases arising under Chapter 3111. of the 20265
Revised Code, all divorce, dissolution of marriage, legal 20266
separation, and annulment cases, all proceedings involving child 20267
support, the allocation of parental rights and responsibilities 20268
for the care of children and the designation for the children of a 20269
place of residence and legal custodian, parenting time, and 20270
visitation, and all post-decree proceedings and matters arising 20271
from those cases and proceedings shall be assigned to that judge 20272
and the successors to that judge. Except as provided in division 20273

(Z)(2) of this section and notwithstanding any other provision of 20274
any section of the Revised Code, on and after February 9, 2003, 20275
the judge of the court of common pleas of Marion county whose term 20276
begins on February 9, 1999, and the successors to that judge, 20277
shall have all the powers relating to the probate division of the 20278
court of common pleas of Marion county in addition to the powers 20279
previously specified in this division, and shall exercise 20280
concurrent jurisdiction with the judge of the probate division of 20281
that court over all matters that are within the jurisdiction of 20282
the probate division of that court under Chapter 2101., and other 20283
provisions, of the Revised Code in addition to the jurisdiction of 20284
the domestic relations-juvenile-probate division of that court 20285
otherwise specified in division (Z)(1) of this section. 20286

(2) The judge of the domestic relations-juvenile-probate 20287
division of the court of common pleas of Marion county or the 20288
judge of the probate division of the court of common pleas of 20289
Marion county, whichever of those judges is senior in total length 20290
of service on the court of common pleas of Marion county, 20291
regardless of the division or divisions of service, shall serve as 20292
the clerk of the probate division of the court of common pleas of 20293
Marion county. 20294

(3) On and after February 9, 2003, all references in law to 20295
"the probate court," "the probate judge," "the juvenile court," or 20296
"the judge of the juvenile court" shall be construed, with respect 20297
to Marion county, as being references to both "the probate 20298
division" and "the domestic relations-juvenile-probate division" 20299
and as being references to both "the judge of the probate 20300
division" and "the judge of the domestic relations- 20301
juvenile-probate division." On and after February 9, 2003, all 20302
references in law to "the clerk of the probate court" shall be 20303
construed, with respect to Marion county, as being references to 20304
the judge who is serving pursuant to division (Z)(2) of this 20305

section as the clerk of the probate division of the court of 20306
common pleas of Marion county. 20307

(AA) In Muskingum county, the judge of the court of common 20308
pleas whose term begins on January 2, 2003, and successors, shall 20309
have the same qualifications, exercise the same powers and 20310
jurisdiction, and receive the same compensation as the other 20311
judges of the court of common pleas of Muskingum county and shall 20312
be elected and designated as the judge of the court of common 20313
pleas, division of domestic relations. The judge shall be assigned 20314
all divorce, dissolution of marriage, legal separation, and 20315
annulment cases, all cases arising under Chapter 3111. of the 20316
Revised Code, all proceedings involving child support, the 20317
allocation of parental rights and responsibilities for the care of 20318
children and the designation for the children of a place of 20319
residence and legal custodian, parenting time, and visitation, and 20320
all post-decree proceedings and matters arising from those cases 20321
and proceedings, except in cases that for some special reason are 20322
assigned to another judge of the court of common pleas. The judge 20323
shall be charged with the assignment and division of the work of 20324
the division and with the employment and supervision of the 20325
personnel of the division. 20326

The judge shall designate the title, compensation, expense 20327
allowances, hours, leaves of absence, and vacations of the 20328
personnel of the division and shall fix the duties of the 20329
personnel of the division. The duties of the personnel of the 20330
division, in addition to other statutory duties, shall include the 20331
handling, servicing, and investigation of divorce, dissolution of 20332
marriage, legal separation, and annulment cases, cases arising 20333
under Chapter 3111. of the Revised Code, and proceedings involving 20334
child support, the allocation of parental rights and 20335
responsibilities for the care of children and the designation for 20336
the children of a place of residence and legal custodian, 20337

parenting time, and visitation and providing any counseling and 20338
conciliation services that the division makes available to 20339
persons, whether or not the persons are parties to an action 20340
pending in the division, who request the services. 20341

(BB) In Henry county, the judge of the court of common pleas 20342
whose term begins on January 1, 2005, and successors, shall have 20343
the same qualifications, exercise the same powers and 20344
jurisdiction, and receive the same compensation as the other judge 20345
of the court of common pleas of Henry county and shall be elected 20346
and designated as the judge of the court of common pleas, division 20347
of domestic relations. The judge shall have all of the powers 20348
relating to juvenile courts, and all cases under Chapter 2151. or 20349
2152. of the Revised Code, all parentage proceedings arising under 20350
Chapter 3111. of the Revised Code over which the juvenile court 20351
has jurisdiction, all divorce, dissolution of marriage, legal 20352
separation, and annulment cases, all proceedings involving child 20353
support, the allocation of parental rights and responsibilities 20354
for the care of children and the designation for the children of a 20355
place of residence and legal custodian, parenting time, and 20356
visitation, and all post-decree proceedings and matters arising 20357
from those cases and proceedings shall be assigned to that judge, 20358
except in cases that for some special reason are assigned to the 20359
other judge of the court of common pleas. 20360

(CC)(1) In Logan county, the judge of the court of common 20361
pleas whose term begins January 2, 2005, and the successors to 20362
that judge, shall have the same qualifications, exercise the same 20363
powers and jurisdiction, and receive the same compensation as the 20364
other judges of the court of common pleas of Logan county and 20365
shall be elected and designated as judge of the court of common 20366
pleas, domestic relations-juvenile-probate division. Except as 20367
otherwise specified in this division, that judge, and the 20368
successors to that judge, shall have all the powers relating to 20369

juvenile courts, and all cases under Chapters 2151. and 2152. of 20370
the Revised Code, all cases arising under Chapter 3111. of the 20371
Revised Code, all divorce, dissolution of marriage, legal 20372
separation, and annulment cases, all proceedings involving child 20373
support, the allocation of parental rights and responsibilities 20374
for the care of children and designation for the children of a 20375
place of residence and legal custodian, parenting time, and 20376
visitation, and all post-decree proceedings and matters arising 20377
from those cases and proceedings shall be assigned to that judge 20378
and the successors to that judge. Notwithstanding any other 20379
provision of any section of the Revised Code, on and after January 20380
2, 2005, the judge of the court of common pleas of Logan county 20381
whose term begins on January 2, 2005, and the successors to that 20382
judge, shall have all the powers relating to the probate division 20383
of the court of common pleas of Logan county in addition to the 20384
powers previously specified in this division and shall exercise 20385
concurrent jurisdiction with the judge of the probate division of 20386
that court over all matters that are within the jurisdiction of 20387
the probate division of that court under Chapter 2101., and other 20388
provisions, of the Revised Code in addition to the jurisdiction of 20389
the domestic relations-juvenile-probate division of that court 20390
otherwise specified in division (CC)(1) of this section. 20391

(2) The judge of the domestic relations-juvenile-probate 20392
division of the court of common pleas of Logan county or the 20393
probate judge of the court of common pleas of Logan county who is 20394
elected as the administrative judge of the probate division of the 20395
court of common pleas of Logan county pursuant to Rule 4 of the 20396
Rules of Superintendence shall be the clerk of the probate 20397
division and juvenile division of the court of common pleas of 20398
Logan county. The clerk of the court of common pleas who is 20399
elected pursuant to section 2303.01 of the Revised Code shall keep 20400
all of the journals, records, books, papers, and files pertaining 20401
to the domestic relations cases. 20402

(3) On and after January 2, 2005, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed, with respect to Logan county, as being references to both "the probate division" and the "domestic relations-juvenile-probate division" and as being references to both "the judge of the probate division" and the "judge of the domestic relations-juvenile-probate division." On and after January 2, 2005, all references in law to "the clerk of the probate court" shall be construed, with respect to Logan county, as being references to the judge who is serving pursuant to division (CC)(2) of this section as the clerk of the probate division of the court of common pleas of Logan county.

(DD)(1) In Champaign county, the judge of the court of common pleas whose term begins February 9, 2003, and the judge of the court of common pleas whose term begins February 10, 2009, and the successors to those judges, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Champaign county and shall be elected and designated as judges of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, those judges, and the successors to those judges, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings shall be assigned to those judges and the successors to those judges.

Notwithstanding any other provision of any section of the Revised Code, on and after February 9, 2009, the judges designated by this division as judges of the court of common pleas of Champaign county, domestic relations-juvenile-probate division, and the successors to those judges, shall have all the powers relating to probate courts in addition to the powers previously specified in this division and shall exercise jurisdiction over all matters that are within the jurisdiction of probate courts under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division otherwise specified in division (DD)(1) of this section.

(2) On and after February 9, 2009, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed with respect to Champaign county as being references to the "domestic relations-juvenile-probate division" and as being references to the "judge of the domestic relations-juvenile-probate division." On and after February 9, 2009, all references in law to "the clerk of the probate court" shall be construed with respect to Champaign county as being references to the judge who is serving pursuant to Rule 4 of the Rules of Superintendence for the Courts of Ohio as the administrative judge of the court of common pleas, domestic relations-juvenile-probate division.

(EE) If a judge of the court of common pleas, division of domestic relations, or juvenile judge, of any of the counties mentioned in this section is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by another judge of the court of common pleas of that county, assigned for that purpose by the presiding judge of the court of common pleas of that county to act in place of or in conjunction with that judge, as the case may require.

Sec. 2301.18. The court of common pleas shall appoint a 20468
~~steno~~graphic reporter as the official ~~shorthand~~ reporter of ~~such~~ 20469
the court, ~~who shall hold the appointment~~ for a term not exceeding 20470
three years ~~from the date thereof~~, unless removed by the court, 20471
after a good cause shown, for neglect of duty, misconduct in 20472
office, or incompetency. ~~Such~~ The court may appoint assistant 20473
reporters as the business of the court requires for terms not 20474
exceeding three years under one appointment. The official 20475
~~shorthand~~ reporter and assistant reporters shall take an oath 20476
faithfully and impartially to discharge the duties of ~~such~~ 20477
~~position~~ their positions. 20478

Sec. 2301.20. ~~Upon the trial of a~~ All civil ~~or~~ and criminal 20479
~~action~~ actions in the court of common pleas, ~~if either party to~~ 20480
~~the action or his attorney requests the services of a shorthand~~ 20481
~~reporter, the trial judge shall grant the request, or may order a~~ 20482
~~full report of the testimony or other proceedings. In either case,~~ 20483
~~the shorthand shall be recorded.~~ The reporter shall take accurate 20484
~~shorthand~~ notes of or electronically record the oral testimony ~~or~~ 20485
~~other oral proceedings.~~ The notes and electronic records shall be 20486
filed in the office of the official ~~shorthand~~ reporter and 20487
carefully preserved for either of the following periods of time: 20488

(A) If the action is not a capital case, the notes and 20489
electronic records shall be preserved for the period of time 20490
specified by the court of common pleas, which period of time shall 20491
not be longer than the period of time that the other records of 20492
the particular action are required to be kept. 20493

(B) If the action is a capital case, the notes and electronic 20494
records shall be preserved for the longer of ten years or until 20495
the final disposition of the action and exhaustion of all appeals. 20496

Sec. 2301.21. In every case ~~reported~~ recorded as provided in 20497

section 2301.20 of the Revised Code, there shall be taxed for each 20498
day's service of the official or assistant ~~shorthand~~ reporters a 20499
fee of twenty-five dollars, to be collected as other costs in the 20500
case. The fees so collected shall be paid quarterly by the clerk 20501
of the court of common pleas in which the cases were tried into 20502
the treasury of the county and shall be credited by the county 20503
treasurer to the general fund. 20504

Sec. 2301.22. Each ~~shorthand~~ reporter shall receive ~~such the~~ 20505
compensation ~~as that~~ the court of common pleas making the 20506
appointment fixes. ~~Such That~~ compensation shall be in place of all 20507
per diem compensation in ~~such those~~ courts. In case ~~such the~~ 20508
appointment is for a term of less than one year, ~~such the~~ court 20509
may allow a per diem compensation to be fixed by the court, plus 20510
actual and necessary expenses incurred, for each day ~~such~~ 20511
~~shorthand the~~ reporter is actually engaged in taking testimony or 20512
performing other duties under the orders of ~~such the~~ court, which 20513
allowance shall be in full payment for all services so rendered. 20514

The county auditor shall issue warrants on the county 20515
treasurer for the payment of ~~such the~~ compensation under this 20516
section in equal monthly installments, ~~when if~~ the compensation is 20517
allowed annually, and ~~when~~ in case of services per diem, for the 20518
amount of the bill approved by the court, from the general fund 20519
upon the presentation of a certified copy of the journal entry of 20520
appointment and compensation of ~~such shorthand the~~ reporters. 20521

Sec. 2301.23. When ~~shorthand~~ notes have been taken or an 20522
electronic recording has been made in a case as provided in 20523
section 2301.20 of the Revised Code, if the court, or either party 20524
to the suit ~~or his attorney,~~ requests written transcripts of any 20525
portion of ~~such notes in longhand the proceeding,~~ the ~~shorthand~~ 20526
reporter reporting the case shall make full and accurate 20527
transcripts of the notes ~~for the use of such court or party or~~ 20528

electronic recording. The court may direct the official ~~shorthand~~ 20529
reporter to furnish to the court and the parties copies of 20530
decisions rendered and charges delivered by the court in pending 20531
cases. 20532

When the compensation for transcripts, copies of decisions, 20533
or charges is taxed as a part of the costs, ~~such the~~ transcripts, 20534
copies of decisions, and charges shall remain on file with the 20535
papers of the case. 20536

Sec. 2301.24. The compensation of ~~shorthand~~ reporters for 20537
making written transcripts ~~and copies~~ as provided in section 20538
2301.23 of the Revised Code shall be fixed by ~~the judges of the~~ 20539
court of common pleas of the county ~~wherein~~ in which the trial is 20540
~~had held~~. Such If more than one transcript of the same testimony 20541
or proceeding is ordered, the reporter shall make copies of the 20542
transcript at cost pursuant to division (B)(1) of section 149.43 20543
of the Revised Code or shall provide an electronic copy of the 20544
transcript free of charge. The compensation shall be paid 20545
~~forthwith~~ by the party for whose benefit a transcript is made. The 20546
compensation for transcripts ~~of testimony~~ requested by the 20547
prosecuting attorney ~~during trial~~ or an indigent defendant in 20548
criminal cases or by the trial judge, in either civil or criminal 20549
cases, and for copies of decisions and charges furnished by 20550
direction of the court shall be paid from the county treasury, and 20551
taxed and collected as costs. 20552

Sec. 2301.25. When ordered by the prosecuting attorney or the 20553
defendant in a criminal ~~trial,~~ case or when ordered by a judge of 20554
the court of common pleas ~~for his use,~~ in either civil or criminal 20555
cases, the costs of transcripts ~~mentioned in section 2301.23 of~~ 20556
~~the Revised Code,~~ shall be taxed as costs in the case, collected 20557
as other costs, whether ~~such the~~ transcripts have been prepaid or 20558
not, as provided by section 2301.24 of the Revised Code, ~~and~~ paid 20559

by the clerk of the court of common pleas, quarterly, into the county treasury, and credited to the general fund. If, upon final judgment, the costs or any part thereof shall be of the costs are adjudged against a defendant in a criminal case, ~~he~~ the defendant shall be allowed credit on the cost bill of the amount paid ~~by him~~ for the transcript ~~he~~ the defendant ordered and, if the costs are finally adjudged against the state, the defendant shall have ~~his~~ the defendant's deposit refunded. ~~When more than one transcript of the same testimony or proceedings is ordered at the same time by the same party, or by the court, the compensation for making such additional transcript shall be one half the compensation allowed for the first copy, and shall be paid for in the same manner except that where ordered by the same party only the cost of the original shall be taxed as costs. All such transcripts shall be taken and received as prima-facie evidence of their correctness. When~~ If the testimony of witnesses is taken before the grand jury by ~~shorthand~~ reporters, they shall receive for ~~such~~ the transcripts ~~as are ordered by the prosecuting attorney~~ the same compensation ~~per folio~~ and be paid ~~therefor~~ in the same manner as provided in this section and section 2301.24 of the Revised Code.

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Sec. 2301.26. ~~Shorthand reporters~~ Reporters appointed under ~~sections~~ section 2301.18 ~~and 2301.19~~ of the Revised Code, may be appointed referees to take and report evidence in causes pending in any of the courts of this state. In the taking of evidence as ~~such~~ referees, ~~they~~ the reporters may administer oaths to witnesses. They shall be furnished by the board of county commissioners with a suitable room in the courthouse, and with ~~stationery,~~ supplies and ~~other~~ equipment necessary ~~in~~ for the proper discharge of their duties and for the preservation of their ~~stenographic~~ notes and electronic records. ~~Such~~ The notes and electronic records shall be the property of the county and

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carefully preserved in the office of the ~~shorthand~~ reporters. 20592

Sec. 2301.27. (A)(1)(a) The court of common pleas may 20593
establish a county department of probation. The establishment of 20594
the department shall be entered upon the journal of the court, and 20595
the clerk of the court of common pleas shall certify a copy of the 20596
journal entry establishing the department to each elective officer 20597
and board of the county. The department shall consist of a chief 20598
probation officer and the number of other probation officers and 20599
employees, clerks, and stenographers that is fixed from time to 20600
time by the court. The court shall appoint those individuals, fix 20601
their salaries, and supervise their work. 20602

(b) When appointing a chief probation officer, the court 20603
shall do all of the following: 20604

(i) Publicly advertise the position on the court's web site, 20605
including, but not limited to, the job description, qualifications 20606
for the position, and the application requirements; 20607

(ii) Conduct a competitive hiring process that adheres to 20608
state and federal equal employment opportunity laws; 20609

(iii) Review applicants who meet the posted qualifications 20610
and comply with the application requirements. 20611

(c) The court shall not appoint as a probation officer any 20612
person who does not possess the training, experience, and other 20613
qualifications prescribed by the adult parole authority created by 20614
section 5149.02 of the Revised Code. Probation officers have all 20615
the powers of regular police officers and shall perform any duties 20616
that are designated by the judge or judges of the court. All 20617
positions within the department of probation shall be in the 20618
classified service of the civil service of the county. 20619

(2) If two or more counties desire to jointly establish a 20620
probation department for those counties, the judges of the courts 20621

of common pleas of those counties may establish a probation 20622
department for those counties. If a probation department is 20623
established pursuant to division (A)(2) of this section to serve 20624
more than one county, the judges of the courts of common pleas 20625
that established the department shall designate the county 20626
treasurer of one of the counties served by the department as the 20627
treasurer to whom probation fees paid under section 2951.021 of 20628
the Revised Code are to be appropriated and transferred under 20629
division (A)(2) of section 321.44 of the Revised Code for deposit 20630
into the multicounty probation services fund established under 20631
division (B) of section 321.44 of the Revised Code. 20632

The cost of the administration and operation of a probation 20633
department established for two or more counties shall be prorated 20634
to the respective counties on the basis of population. 20635

(3) Probation officers shall receive, in addition to their 20636
respective salaries, their necessary and reasonable travel and 20637
other expenses incurred in the performance of their duties. Their 20638
salaries and expenses shall be paid monthly from the county 20639
treasury in the manner provided for the payment of the 20640
compensation of other appointees of the court. 20641

(4) ~~Probation~~ Adult probation officers shall be trained in 20642
accordance with a set of minimum standards that are established by 20643
the adult parole authority of the department of rehabilitation and 20644
correction. 20645

(B)(1) In lieu of establishing a county department of 20646
probation under division (A) of this section and in lieu of 20647
entering into an agreement with the adult parole authority as 20648
described in division (B) of section 2301.32 of the Revised Code, 20649
the court of common pleas may request the board of county 20650
commissioners to contract with, and upon that request the board 20651
may contract with, any nonprofit, public or private agency, 20652
association, or organization for the provision of probation 20653

services and supervisory services for persons placed under 20654
community control sanctions. The contract shall specify that each 20655
individual providing the probation services and supervisory 20656
services shall possess the training, experience, and other 20657
qualifications prescribed by the adult parole authority. The 20658
individuals who provide the probation services and supervisory 20659
services shall not be included in the classified or unclassified 20660
civil service of the county. 20661

(2) In lieu of establishing a county department of probation 20662
under division (A) of this section and in lieu of entering into an 20663
agreement with the adult parole authority as described in division 20664
(B) of section 2301.32 of the Revised Code, the courts of common 20665
pleas of two or more adjoining counties jointly may request the 20666
boards of county commissioners of those counties to contract with, 20667
and upon that request the boards of county commissioners of two or 20668
more adjoining counties jointly may contract with, any nonprofit, 20669
public or private agency, association, or organization for the 20670
provision of probation services and supervisory services for 20671
persons placed under community control sanctions for those 20672
counties. The contract shall specify that each individual 20673
providing the probation services and supervisory services shall 20674
possess the training, experience, and other qualifications 20675
prescribed by the adult parole authority. The individuals who 20676
provide the probation services and supervisory services shall not 20677
be included in the classified or unclassified civil service of any 20678
of those counties. 20679

(C) The chief probation officer may grant permission to a 20680
probation officer to carry firearms when required in the discharge 20681
of official duties if the probation officer has successfully 20682
completed a basic firearm training program that is approved by the 20683
executive director of the Ohio peace officer training commission. 20684
A probation officer who has been granted permission to carry a 20685

firearm in the discharge of official duties, annually shall 20686
successfully complete a firearms requalification program in 20687
accordance with section 109.801 of the Revised Code. 20688

(D) As used in this section and sections 2301.28 to 2301.32 20689
of the Revised Code, "community control sanction" has the same 20690
meaning as in section 2929.01 of the Revised Code. 20691

Sec. 2301.271. (A) The adult parole authority of the 20692
department of rehabilitation and correction shall develop minimum 20693
standards for the training of adult probation officers as provided 20694
by section 2301.27 of the Revised Code. The adult parole authority 20695
shall consult and collaborate with the supreme court in developing 20696
the standards. 20697

(B) Within six months after ~~the effective date of this~~ 20698
~~section~~ September 30, 2011, the department of rehabilitation and 20699
correction shall make available a copy of the minimum standards to 20700
the following entities: 20701

(1) Every municipal court, county court, and court of common 20702
pleas; 20703

(2) Every probation department. 20704

Sec. 2301.571. (A) A person who has been convicted of or 20705
pleaded guilty to an offense and who is confined in a 20706
community-based correctional facility or district community-based 20707
correctional facility, ~~unless indigent~~, is financially responsible 20708
for the payment of any medical expense or service requested by and 20709
provided to that person. 20710

(B) ~~Notwithstanding any contrary provision of section 2929.38~~ 20711
~~of the Revised Code, the facility governing board of a~~ 20712
~~community based correctional facility or district community based~~ 20713
~~correctional facility shall establish a policy that requires any~~ 20714
~~person who is not indigent and who is confined in the correctional~~ 20715

~~facility to pay for any medical treatment or service requested by~~ 20716
~~and provided to that person. The fee for the medical treatment or~~ 20717
~~service shall not exceed the actual cost of the treatment or~~ 20718
~~service provided.~~ No person confined in a community-based 20719
correctional facility or district community-based correctional 20720
facility shall be denied any necessary medical care because of 20721
inability to pay for medical treatment or service. 20722

(C) ~~Any fee paid by a person under~~ Nothing in this section 20723
~~shall be deducted from~~ cause a community-based correctional 20724
facility or district community-based correctional facility to be 20725
responsible for the payment of any medical or ~~dental costs that~~ 20726
~~the person is ordered to reimburse under a financial sanction~~ 20727
~~imposed pursuant to section 2929.28 of the Revised Code or to~~ 20728
~~repay under a policy adopted under~~ other health care expenses 20729
incurred in connection with an offender who is serving a term in 20730
the facility pursuant to section 2929.37 2929.16 of the Revised 20731
Code. 20732

Sec. 2305.01. Except as otherwise provided by this section or 20733
section 2305.03 of the Revised Code, the court of common pleas has 20734
original jurisdiction in all civil cases in which the sum or 20735
matter in dispute exceeds the exclusive original jurisdiction of 20736
county courts and appellate jurisdiction from the decisions of 20737
boards of county commissioners. The court of common pleas shall 20738
not have jurisdiction, in any tort action to which the amounts 20739
apply, to award punitive or exemplary damages that exceed the 20740
amounts set forth in section 2315.21 of the Revised Code. The 20741
court of common pleas shall not have jurisdiction in any tort 20742
action to which the limits apply to enter judgment on an award of 20743
compensatory damages for noneconomic loss in excess of the limits 20744
set forth in section 2315.18 of the Revised Code. 20745

The court of common pleas may on its own motion transfer for 20746

trial any action in the court to any municipal court in the county 20747
having concurrent jurisdiction of the subject matter of, and the 20748
parties to, the action, if the amount sought by the plaintiff does 20749
not exceed one thousand dollars and if the judge or presiding 20750
judge of the municipal court concurs in the proposed transfer. 20751
Upon the issuance of an order of transfer, the clerk of courts 20752
shall remove to the designated municipal court the entire case 20753
file. Any untaxed portion of the common pleas deposit for court 20754
costs shall be remitted to the municipal court by the clerk of 20755
courts to be applied in accordance with section 1901.26 of the 20756
Revised Code, and the costs taxed by the municipal court shall be 20757
added to any costs taxed in the common pleas court. 20758

The court of common pleas has jurisdiction in any action 20759
brought pursuant to division (I) of section ~~3733.11~~ 4781.40 of the 20760
Revised Code if the residential premises that are the subject of 20761
the action are located within the territorial jurisdiction of the 20762
court. 20763

The courts of common pleas of Adams, Athens, Belmont, Brown, 20764
Clermont, Columbiana, Gallia, Hamilton, Jefferson, Lawrence, 20765
Meigs, Monroe, Scioto, and Washington counties have jurisdiction 20766
beyond the north or northwest shore of the Ohio river extending to 20767
the opposite shore line, between the extended boundary lines of 20768
any adjacent counties or adjacent state. Each of those courts of 20769
common pleas has concurrent jurisdiction on the Ohio river with 20770
any adjacent court of common pleas that borders on that river and 20771
with any court of Kentucky or of West Virginia that borders on the 20772
Ohio river and that has jurisdiction on the Ohio river under the 20773
law of Kentucky or the law of West Virginia, whichever is 20774
applicable, or under federal law. 20775

Sec. 2305.02. A The court of common pleas associated with the 20776
individual's conviction has exclusive, original jurisdiction to 20777

hear and determine an action or proceeding that is commenced by an individual who satisfies divisions (A)(1) to (4) of section 2743.48 of the Revised Code and ~~that~~ seeks a determination by ~~the~~ that court that the offense of which ~~he~~ the individual was found guilty, including all lesser-included offenses, either was not committed by ~~him~~ the individual or was not committed by any person. If ~~the~~ that court enters the requested determination, it shall comply with division (B) of that section.

Sec. 2307.89. The following apply to all tort actions for silicosis or mixed dust disease claims brought against a premises owner to recover damages or other relief for exposure to silica or mixed dust on the premises owner's property:

(A) A premises owner is not liable for any injury to any individual resulting from silica or mixed dust exposure unless that individual's alleged exposure occurred while the individual was at the premises owner's property.

(B) If exposure to silica or mixed dust is alleged to have occurred before January 1, 1972, it is presumed that a premises owner knew that this state had adopted safe levels of exposure for silica or mixed dust and that products containing silica or mixed dust were used on its property only at levels below those safe levels of exposure. To rebut this presumption, the plaintiff must prove by a preponderance of the evidence that the premises owner knew or should have known that the levels of silica or mixed dust in the immediate breathing zone of the plaintiff regularly exceeded the threshold limit values adopted by this state and that the premises owner allowed that condition to persist.

(C)(1) A premises owner is presumed to be not liable for any injury to any invitee who was engaged to work with, install, or remove products containing silica or mixed dust on the premises owner's property if the invitee's employer held itself out as

qualified to perform the work. To rebut this presumption, the plaintiff must demonstrate by a preponderance of the evidence that the premises owner had actual knowledge of the potential dangers of the products containing silica or mixed dust at the time of the alleged exposure that was superior to the knowledge of both the invitee and the invitee's employer.

(2) A premises owner that hired a contractor before January 1, 1972, to perform the type of work at the premises owner's property that the contractor was qualified to perform cannot be liable for any injury to any individual resulting from silica or mixed dust exposure caused by any of the contractor's employees or agents on the premises owner's property unless the premises owner directed the activity that resulted in the injury or gave or denied permission for the critical acts that led to the individual's injury.

(3) If exposure to silica or mixed dust is alleged to have occurred after January 1, 1972, a premises owner is not liable for any injury to any individual resulting from that exposure caused by a contractor's employee or agent on the premises owner's property unless the plaintiff establishes the premises owner's intentional violation of an established safety standard that was in effect at the time of the exposure and that the alleged violation was in the plaintiff's breathing zone and was the proximate cause of the plaintiff's medical condition.

(D) As used in this section:

(1) "Threshold limit values" means the maximum allowable concentration of silica, or other dust, set forth in regulation 247 of the "regulations for the prevention and control of diseases resulting from exposure to toxic fumes, vapors, mists, gases, and dusts in order to preserve and protect the public health," as adopted by the former public health council of the department of health on January 1, 1947, and set forth by the industrial

commission of Ohio in bulletin no. 203, "specific requirements and 20841
general safety standards of the industrial commission of Ohio for 20842
work shops and factories, chapter XV, ventilation and exhausts," 20843
effective January 3, 1955. 20844

(2) "Established safety standard" means that, for the years 20845
after 1971, the concentration of silica or mixed dust in the 20846
breathing zone of the worker does not exceed the maximum allowable 20847
exposure limits for the eight-hour time-weighted average airborne 20848
concentration as promulgated by the occupational safety and health 20849
administration (OSHA) in effect at the time of the alleged 20850
exposure. 20851

(3) "Employee" means an individual who performs labor or 20852
provides construction services pursuant to a construction 20853
contract, as defined in section 4123.79 of the Revised Code, or a 20854
remodeling or repair contract, whether written or oral, if at 20855
least ten of the following criteria apply: 20856

(a) The individual is required to comply with instructions 20857
from the other contracting party regarding the manner or method of 20858
performing services. 20859

(b) The individual is required by the other contracting party 20860
to have particular training. 20861

(c) The individual's services are integrated into the regular 20862
functioning of the other contracting party. 20863

(d) The individual is required to perform the work 20864
personally. 20865

(e) The individual is hired, supervised, or paid by the other 20866
contracting party. 20867

(f) A continuing relationship exists between the individual 20868
and the other contracting party that contemplates continuing or 20869
recurring work even if the work is not full time. 20870

(g) The individual's hours of work are established by the other contracting party.	20871 20872
(h) The individual is required to devote full time to the business of the other contracting party.	20873 20874
(i) The individual is required to perform the work on the premises of the other contracting party.	20875 20876
(j) The individual is required to follow the order of work set by the other contracting party.	20877 20878
(k) The individual is required to make oral or written reports of progress to the other contracting party.	20879 20880
(l) The individual is paid for services on a regular basis, including hourly, weekly, or monthly.	20881 20882
(m) The individual's expenses are paid for by the other contracting party.	20883 20884
(n) The individual's tools and materials are furnished by the other contracting party.	20885 20886
(o) The individual is provided with the facilities used to perform services.	20887 20888
(p) The individual does not realize a profit or suffer a loss as a result of the services provided.	20889 20890
(q) The individual is not performing services for a number of employers at the same time.	20891 20892
(r) The individual does not make the same services available to the general public.	20893 20894
(s) The other contracting party has a right to discharge the individual.	20895 20896
(t) The individual has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement.	20897 20898 20899

Sec. 2317.02. The following persons shall not testify in 20900
certain respects: 20901

(A)(1) An attorney, concerning a communication made to the 20902
attorney by a client in that relation or the attorney's advice to 20903
a client, except that the attorney may testify by express consent 20904
of the client or, if the client is deceased, by the express 20905
consent of the surviving spouse or the executor or administrator 20906
of the estate of the deceased client. However, if the client 20907
voluntarily testifies or is deemed by section 2151.421 of the 20908
Revised Code to have waived any testimonial privilege under this 20909
division, the attorney may be compelled to testify on the same 20910
subject. 20911

The testimonial privilege established under this division 20912
does not apply concerning a communication between a client who has 20913
since died and the deceased client's attorney if the communication 20914
is relevant to a dispute between parties who claim through that 20915
deceased client, regardless of whether the claims are by testate 20916
or intestate succession or by inter vivos transaction, and the 20917
dispute addresses the competency of the deceased client when the 20918
deceased client executed a document that is the basis of the 20919
dispute or whether the deceased client was a victim of fraud, 20920
undue influence, or duress when the deceased client executed a 20921
document that is the basis of the dispute. 20922

(2) An attorney, concerning a communication made to the 20923
attorney by a client in that relationship or the attorney's advice 20924
to a client, except that if the client is an insurance company, 20925
the attorney may be compelled to testify, subject to an in camera 20926
inspection by a court, about communications made by the client to 20927
the attorney or by the attorney to the client that are related to 20928
the attorney's aiding or furthering an ongoing or future 20929
commission of bad faith by the client, if the party seeking 20930

disclosure of the communications has made a prima_facie showing of 20931
bad faith, fraud, or criminal misconduct by the client. 20932

(B)(1) A physician or a dentist concerning a communication 20933
made to the physician or dentist by a patient in that relation or 20934
the physician's or dentist's advice to a patient, except as 20935
otherwise provided in this division, division (B)(2), and division 20936
(B)(3) of this section, and except that, if the patient is deemed 20937
by section 2151.421 of the Revised Code to have waived any 20938
testimonial privilege under this division, the physician may be 20939
compelled to testify on the same subject. 20940

The testimonial privilege established under this division 20941
does not apply, and a physician or dentist may testify or may be 20942
compelled to testify, in any of the following circumstances: 20943

(a) In any civil action, in accordance with the discovery 20944
provisions of the Rules of Civil Procedure in connection with a 20945
civil action, or in connection with a claim under Chapter 4123. of 20946
the Revised Code, under any of the following circumstances: 20947

(i) If the patient or the guardian or other legal 20948
representative of the patient gives express consent; 20949

(ii) If the patient is deceased, the spouse of the patient or 20950
the executor or administrator of the patient's estate gives 20951
express consent; 20952

(iii) If a medical claim, dental claim, chiropractic claim, 20953
or optometric claim, as defined in section 2305.113 of the Revised 20954
Code, an action for wrongful death, any other type of civil 20955
action, or a claim under Chapter 4123. of the Revised Code is 20956
filed by the patient, the personal representative of the estate of 20957
the patient if deceased, or the patient's guardian or other legal 20958
representative. 20959

(b) In any civil action concerning court-ordered treatment or 20960
services received by a patient, if the court-ordered treatment or 20961

services were ordered as part of a case plan journalized under 20962
section 2151.412 of the Revised Code or the court-ordered 20963
treatment or services are necessary or relevant to dependency, 20964
neglect, or abuse or temporary or permanent custody proceedings 20965
under Chapter 2151. of the Revised Code. 20966

(c) In any criminal action concerning any test or the results 20967
of any test that determines the presence or concentration of 20968
alcohol, a drug of abuse, a combination of them, a controlled 20969
substance, or a metabolite of a controlled substance in the 20970
patient's whole blood, blood serum or plasma, breath, urine, or 20971
other bodily substance at any time relevant to the criminal 20972
offense in question. 20973

(d) In any criminal action against a physician or dentist. In 20974
such an action, the testimonial privilege established under this 20975
division does not prohibit the admission into evidence, in 20976
accordance with the Rules of Evidence, of a patient's medical or 20977
dental records or other communications between a patient and the 20978
physician or dentist that are related to the action and obtained 20979
by subpoena, search warrant, or other lawful means. A court that 20980
permits or compels a physician or dentist to testify in such an 20981
action or permits the introduction into evidence of patient 20982
records or other communications in such an action shall require 20983
that appropriate measures be taken to ensure that the 20984
confidentiality of any patient named or otherwise identified in 20985
the records is maintained. Measures to ensure confidentiality that 20986
may be taken by the court include sealing its records or deleting 20987
specific information from its records. 20988

(e)(i) If the communication was between a patient who has 20989
since died and the deceased patient's physician or dentist, the 20990
communication is relevant to a dispute between parties who claim 20991
through that deceased patient, regardless of whether the claims 20992
are by testate or intestate succession or by inter vivos 20993

transaction, and the dispute addresses the competency of the 20994
deceased patient when the deceased patient executed a document 20995
that is the basis of the dispute or whether the deceased patient 20996
was a victim of fraud, undue influence, or duress when the 20997
deceased patient executed a document that is the basis of the 20998
dispute. 20999

(ii) If neither the spouse of a patient nor the executor or 21000
administrator of that patient's estate gives consent under 21001
division (B)(1)(a)(ii) of this section, testimony or the 21002
disclosure of the patient's medical records by a physician, 21003
dentist, or other health care provider under division (B)(1)(e)(i) 21004
of this section is a permitted use or disclosure of protected 21005
health information, as defined in 45 C.F.R. 160.103, and an 21006
authorization or opportunity to be heard shall not be required. 21007

(iii) Division (B)(1)(e)(i) of this section does not require 21008
a mental health professional to disclose psychotherapy notes, as 21009
defined in 45 C.F.R. 164.501. 21010

(iv) An interested person who objects to testimony or 21011
disclosure under division (B)(1)(e)(i) of this section may seek a 21012
protective order pursuant to Civil Rule 26. 21013

(v) A person to whom protected health information is 21014
disclosed under division (B)(1)(e)(i) of this section shall not 21015
use or disclose the protected health information for any purpose 21016
other than the litigation or proceeding for which the information 21017
was requested and shall return the protected health information to 21018
the covered entity or destroy the protected health information, 21019
including all copies made, at the conclusion of the litigation or 21020
proceeding. 21021

(2)(a) If any law enforcement officer submits a written 21022
statement to a health care provider that states that an official 21023
criminal investigation has begun regarding a specified person or 21024

that a criminal action or proceeding has been commenced against a 21025
specified person, that requests the provider to supply to the 21026
officer copies of any records the provider possesses that pertain 21027
to any test or the results of any test administered to the 21028
specified person to determine the presence or concentration of 21029
alcohol, a drug of abuse, a combination of them, a controlled 21030
substance, or a metabolite of a controlled substance in the 21031
person's whole blood, blood serum or plasma, breath, or urine at 21032
any time relevant to the criminal offense in question, and that 21033
conforms to section 2317.022 of the Revised Code, the provider, 21034
except to the extent specifically prohibited by any law of this 21035
state or of the United States, shall supply to the officer a copy 21036
of any of the requested records the provider possesses. If the 21037
health care provider does not possess any of the requested 21038
records, the provider shall give the officer a written statement 21039
that indicates that the provider does not possess any of the 21040
requested records. 21041

(b) If a health care provider possesses any records of the 21042
type described in division (B)(2)(a) of this section regarding the 21043
person in question at any time relevant to the criminal offense in 21044
question, in lieu of personally testifying as to the results of 21045
the test in question, the custodian of the records may submit a 21046
certified copy of the records, and, upon its submission, the 21047
certified copy is qualified as authentic evidence and may be 21048
admitted as evidence in accordance with the Rules of Evidence. 21049
Division (A) of section 2317.422 of the Revised Code does not 21050
apply to any certified copy of records submitted in accordance 21051
with this division. Nothing in this division shall be construed to 21052
limit the right of any party to call as a witness the person who 21053
administered the test to which the records pertain, the person 21054
under whose supervision the test was administered, the custodian 21055
of the records, the person who made the records, or the person 21056
under whose supervision the records were made. 21057

(3)(a) If the testimonial privilege described in division 21058
(B)(1) of this section does not apply as provided in division 21059
(B)(1)(a)(iii) of this section, a physician or dentist may be 21060
compelled to testify or to submit to discovery under the Rules of 21061
Civil Procedure only as to a communication made to the physician 21062
or dentist by the patient in question in that relation, or the 21063
physician's or dentist's advice to the patient in question, that 21064
related causally or historically to physical or mental injuries 21065
that are relevant to issues in the medical claim, dental claim, 21066
chiropractic claim, or optometric claim, action for wrongful 21067
death, other civil action, or claim under Chapter 4123. of the 21068
Revised Code. 21069

(b) If the testimonial privilege described in division (B)(1) 21070
of this section does not apply to a physician or dentist as 21071
provided in division (B)(1)(c) of this section, the physician or 21072
dentist, in lieu of personally testifying as to the results of the 21073
test in question, may submit a certified copy of those results, 21074
and, upon its submission, the certified copy is qualified as 21075
authentic evidence and may be admitted as evidence in accordance 21076
with the Rules of Evidence. Division (A) of section 2317.422 of 21077
the Revised Code does not apply to any certified copy of results 21078
submitted in accordance with this division. Nothing in this 21079
division shall be construed to limit the right of any party to 21080
call as a witness the person who administered the test in 21081
question, the person under whose supervision the test was 21082
administered, the custodian of the results of the test, the person 21083
who compiled the results, or the person under whose supervision 21084
the results were compiled. 21085

(4) The testimonial privilege described in division (B)(1) of 21086
this section is not waived when a communication is made by a 21087
physician to a pharmacist or when there is communication between a 21088
patient and a pharmacist in furtherance of the physician-patient 21089

relation. 21090

(5)(a) As used in divisions (B)(1) to (4) of this section, 21091
"communication" means acquiring, recording, or transmitting any 21092
information, in any manner, concerning any facts, opinions, or 21093
statements necessary to enable a physician or dentist to diagnose, 21094
treat, prescribe, or act for a patient. A "communication" may 21095
include, but is not limited to, any medical or dental, office, or 21096
hospital communication such as a record, chart, letter, 21097
memorandum, laboratory test and results, x-ray, photograph, 21098
financial statement, diagnosis, or prognosis. 21099

(b) As used in division (B)(2) of this section, "health care 21100
provider" means a hospital, ambulatory care facility, long-term 21101
care facility, pharmacy, emergency facility, or health care 21102
practitioner. 21103

(c) As used in division (B)(5)(b) of this section: 21104

(i) "Ambulatory care facility" means a facility that provides 21105
medical, diagnostic, or surgical treatment to patients who do not 21106
require hospitalization, including a dialysis center, ambulatory 21107
surgical facility, cardiac catheterization facility, diagnostic 21108
imaging center, extracorporeal shock wave lithotripsy center, home 21109
health agency, inpatient hospice, birthing center, radiation 21110
therapy center, emergency facility, and an urgent care center. 21111
"Ambulatory health care facility" does not include the private 21112
office of a physician or dentist, whether the office is for an 21113
individual or group practice. 21114

(ii) "Emergency facility" means a hospital emergency 21115
department or any other facility that provides emergency medical 21116
services. 21117

(iii) "Health care practitioner" has the same meaning as in 21118
section 4769.01 of the Revised Code. 21119

(iv) "Hospital" has the same meaning as in section 3727.01 of 21120

the Revised Code. 21121

(v) "Long-term care facility" means a nursing home, 21122
residential care facility, or home for the aging, as those terms 21123
are defined in section 3721.01 of the Revised Code; ~~an adult care~~ 21124
~~a residential facility, as defined in licensed under~~ section 21125
~~5119.70 5119.22~~ of the Revised Code that provides accommodations, 21126
supervision, and personal care services for three to sixteen 21127
unrelated adults; a nursing facility or intermediate care facility 21128
for the mentally retarded, as those terms are defined in section 21129
5111.20 of the Revised Code; a facility or portion of a facility 21130
certified as a skilled nursing facility under Title XVIII of the 21131
"Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as 21132
amended. 21133

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 21134
the Revised Code. 21135

(d) As used in divisions (B)(1) and (2) of this section, 21136
"drug of abuse" has the same meaning as in section 4506.01 of the 21137
Revised Code. 21138

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 21139
apply to doctors of medicine, doctors of osteopathic medicine, 21140
doctors of podiatry, and dentists. 21141

(7) Nothing in divisions (B)(1) to (6) of this section 21142
affects, or shall be construed as affecting, the immunity from 21143
civil liability conferred by section 307.628 of the Revised Code 21144
or the immunity from civil liability conferred by section 2305.33 21145
of the Revised Code upon physicians who report an employee's use 21146
of a drug of abuse, or a condition of an employee other than one 21147
involving the use of a drug of abuse, to the employer of the 21148
employee in accordance with division (B) of that section. As used 21149
in division (B)(7) of this section, "employee," "employer," and 21150
"physician" have the same meanings as in section 2305.33 of the 21151

Revised Code. 21152

(C)(1) A cleric, when the cleric remains accountable to the 21153
authority of that cleric's church, denomination, or sect, 21154
concerning a confession made, or any information confidentially 21155
communicated, to the cleric for a religious counseling purpose in 21156
the cleric's professional character. The cleric may testify by 21157
express consent of the person making the communication, except 21158
when the disclosure of the information is in violation of a sacred 21159
trust and except that, if the person voluntarily testifies or is 21160
deemed by division (A)(4)(c) of section 2151.421 of the Revised 21161
Code to have waived any testimonial privilege under this division, 21162
the cleric may be compelled to testify on the same subject except 21163
when disclosure of the information is in violation of a sacred 21164
trust. 21165

(2) As used in division (C) of this section: 21166

(a) "Cleric" means a member of the clergy, rabbi, priest, 21167
Christian Science practitioner, or regularly ordained, accredited, 21168
or licensed minister of an established and legally cognizable 21169
church, denomination, or sect. 21170

(b) "Sacred trust" means a confession or confidential 21171
communication made to a cleric in the cleric's ecclesiastical 21172
capacity in the course of discipline enjoined by the church to 21173
which the cleric belongs, including, but not limited to, the 21174
Catholic Church, if both of the following apply: 21175

(i) The confession or confidential communication was made 21176
directly to the cleric. 21177

(ii) The confession or confidential communication was made in 21178
the manner and context that places the cleric specifically and 21179
strictly under a level of confidentiality that is considered 21180
inviolable by canon law or church doctrine. 21181

(D) Husband or wife, concerning any communication made by one 21182

to the other, or an act done by either in the presence of the 21183
other, during coverture, unless the communication was made, or act 21184
done, in the known presence or hearing of a third person competent 21185
to be a witness; and such rule is the same if the marital relation 21186
has ceased to exist; 21187

(E) A person who assigns a claim or interest, concerning any 21188
matter in respect to which the person would not, if a party, be 21189
permitted to testify; 21190

(F) A person who, if a party, would be restricted under 21191
section 2317.03 of the Revised Code, when the property or thing is 21192
sold or transferred by an executor, administrator, guardian, 21193
trustee, heir, devisee, or legatee, shall be restricted in the 21194
same manner in any action or proceeding concerning the property or 21195
thing. 21196

(G)(1) A school guidance counselor who holds a valid educator 21197
license from the state board of education as provided for in 21198
section 3319.22 of the Revised Code, a person licensed under 21199
Chapter 4757. of the Revised Code as a professional clinical 21200
counselor, professional counselor, social worker, independent 21201
social worker, marriage and family therapist or independent 21202
marriage and family therapist, or registered under Chapter 4757. 21203
of the Revised Code as a social work assistant concerning a 21204
confidential communication received from a client in that relation 21205
or the person's advice to a client unless any of the following 21206
applies: 21207

(a) The communication or advice indicates clear and present 21208
danger to the client or other persons. For the purposes of this 21209
division, cases in which there are indications of present or past 21210
child abuse or neglect of the client constitute a clear and 21211
present danger. 21212

(b) The client gives express consent to the testimony. 21213

(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.

(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client, marriage and family therapist-client, or social worker-client relationship.

(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.

(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.

(2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.

(H) A mediator acting under a mediation order issued under division (A) of section 3109.052 of the Revised Code or otherwise issued in any proceeding for divorce, dissolution, legal separation, annulment, or the allocation of parental rights and

responsibilities for the care of children, in any action or 21245
proceeding, other than a criminal, delinquency, child abuse, child 21246
neglect, or dependent child action or proceeding, that is brought 21247
by or against either parent who takes part in mediation in 21248
accordance with the order and that pertains to the mediation 21249
process, to any information discussed or presented in the 21250
mediation process, to the allocation of parental rights and 21251
responsibilities for the care of the parents' children, or to the 21252
awarding of parenting time rights in relation to their children; 21253

(I) A communications assistant, acting within the scope of 21254
the communication assistant's authority, when providing 21255
telecommunications relay service pursuant to section 4931.06 of 21256
the Revised Code or Title II of the "Communications Act of 1934," 21257
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 21258
made through a telecommunications relay service. Nothing in this 21259
section shall limit the obligation of a communications assistant 21260
to divulge information or testify when mandated by federal law or 21261
regulation or pursuant to subpoena in a criminal proceeding. 21262

Nothing in this section shall limit any immunity or privilege 21263
granted under federal law or regulation. 21264

(J)(1) A chiropractor in a civil proceeding concerning a 21265
communication made to the chiropractor by a patient in that 21266
relation or the chiropractor's advice to a patient, except as 21267
otherwise provided in this division. The testimonial privilege 21268
established under this division does not apply, and a chiropractor 21269
may testify or may be compelled to testify, in any civil action, 21270
in accordance with the discovery provisions of the Rules of Civil 21271
Procedure in connection with a civil action, or in connection with 21272
a claim under Chapter 4123. of the Revised Code, under any of the 21273
following circumstances: 21274

(a) If the patient or the guardian or other legal 21275
representative of the patient gives express consent. 21276

(b) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent.

(c) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative.

(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to physical or mental injuries that are relevant to issues in the medical claim, dental claim, chiropractic claim, or optometric claim, action for wrongful death, other civil action, or claim under Chapter 4123. of the Revised Code.

(3) The testimonial privilege established under this division does not apply, and a chiropractor may testify or be compelled to testify, in any criminal action or administrative proceeding.

(4) As used in this division, "communication" means acquiring, recording, or transmitting any information, in any manner, concerning any facts, opinions, or statements necessary to enable a chiropractor to diagnose, treat, or act for a patient. A communication may include, but is not limited to, any chiropractic, office, or hospital communication such as a record, chart, letter, memorandum, laboratory test and results, x-ray, photograph, financial statement, diagnosis, or prognosis.

(K)(1) Except as provided under division (K)(2) of this section, a critical incident stress management team member concerning a communication received from an individual who receives crisis response services from the team member, or the team member's advice to the individual, during a debriefing session.

(2) The testimonial privilege established under division (K)(1) of this section does not apply if any of the following are true:

(a) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to other persons. For purposes of this division, cases in which there are indications of present or past child abuse or neglect of the individual constitute a clear and present danger.

(b) The individual who received crisis response services gives express consent to the testimony.

(c) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent.

(d) The individual who received crisis response services voluntarily testifies, in which case the team member may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the individual who received crisis response services is not germane to the relationship between the individual and the team member.

(f) The communication or advice pertains or is related to any criminal act.

(3) As used in division (K) of this section:

(a) "Crisis response services" means consultation, risk

assessment, referral, and on-site crisis intervention services 21339
provided by a critical incident stress management team to 21340
individuals affected by crisis or disaster. 21341

(b) "Critical incident stress management team member" or 21342
"team member" means an individual specially trained to provide 21343
crisis response services as a member of an organized community or 21344
local crisis response team that holds membership in the Ohio 21345
critical incident stress management network. 21346

(c) "Debriefing session" means a session at which crisis 21347
response services are rendered by a critical incident stress 21348
management team member during or after a crisis or disaster. 21349

(L)(1) Subject to division (L)(2) of this section and except 21350
as provided in division (L)(3) of this section, an employee 21351
assistance professional, concerning a communication made to the 21352
employee assistance professional by a client in the employee 21353
assistance professional's official capacity as an employee 21354
assistance professional. 21355

(2) Division (L)(1) of this section applies to an employee 21356
assistance professional who meets either or both of the following 21357
requirements: 21358

(a) Is certified by the employee assistance certification 21359
commission to engage in the employee assistance profession; 21360

(b) Has education, training, and experience in all of the 21361
following: 21362

(i) Providing workplace-based services designed to address 21363
employer and employee productivity issues; 21364

(ii) Providing assistance to employees and employees' 21365
dependents in identifying and finding the means to resolve 21366
personal problems that affect the employees or the employees' 21367
performance; 21368

(iii) Identifying and resolving productivity problems	21369
associated with an employee's concerns about any of the following	21370
matters: health, marriage, family, finances, substance abuse or	21371
other addiction, workplace, law, and emotional issues;	21372
(iv) Selecting and evaluating available community resources;	21373
(v) Making appropriate referrals;	21374
(vi) Local and national employee assistance agreements;	21375
(vii) Client confidentiality.	21376
(3) Division (L)(1) of this section does not apply to any of	21377
the following:	21378
(a) A criminal action or proceeding involving an offense	21379
under sections 2903.01 to 2903.06 of the Revised Code if the	21380
employee assistance professional's disclosure or testimony relates	21381
directly to the facts or immediate circumstances of the offense;	21382
(b) A communication made by a client to an employee	21383
assistance professional that reveals the contemplation or	21384
commission of a crime or serious, harmful act;	21385
(c) A communication that is made by a client who is an	21386
unemancipated minor or an adult adjudicated to be incompetent and	21387
indicates that the client was the victim of a crime or abuse;	21388
(d) A civil proceeding to determine an individual's mental	21389
competency or a criminal action in which a plea of not guilty by	21390
reason of insanity is entered;	21391
(e) A civil or criminal malpractice action brought against	21392
the employee assistance professional;	21393
(f) When the employee assistance professional has the express	21394
consent of the client or, if the client is deceased or disabled,	21395
the client's legal representative;	21396
(g) When the testimonial privilege otherwise provided by	21397

division (L)(1) of this section is abrogated under law. 21398

Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 21399
2317.41 of the Revised Code but subject to division (B) of this 21400
section, the records, or copies or photographs of the records, of 21401
a hospital, homes required to be licensed pursuant to section 21402
3721.01 of the Revised Code, and ~~adult care~~ residential facilities 21403
~~required to be~~ licensed pursuant to ~~Chapter 5119. section 5119.22~~ 21404
of the Revised Code that provides accommodations, supervision, and 21405
personal care services for three to sixteen unrelated adults, in 21406
lieu of the testimony in open court of their custodian, person who 21407
made them, or person under whose supervision they were made, may 21408
be qualified as authentic evidence if any such person endorses 21409
thereon the person's verified certification identifying such 21410
records, giving the mode and time of their preparation, and 21411
stating that they were prepared in the usual course of the 21412
business of the institution. Such records, copies, or photographs 21413
may not be qualified by certification as provided in this section 21414
unless the party intending to offer them delivers a copy of them, 21415
or of their relevant portions, to the attorney of record for each 21416
adverse party not less than five days before trial. Nothing in 21417
this section shall be construed to limit the right of any party to 21418
call the custodian, person who made such records, or person under 21419
whose supervision they were made, as a witness. 21420

(B) Division (A) of this section does not apply to any 21421
certified copy of the results of any test given to determine the 21422
presence or concentration of alcohol, a drug of abuse, a 21423
combination of them, a controlled substance, or a metabolite of a 21424
controlled substance in a patient's whole blood, blood serum or 21425
plasma, breath, or urine at any time relevant to a criminal 21426
offense that is submitted in a criminal action or proceeding in 21427
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 21428
of the Revised Code. 21429

Sec. 2317.56. (A) As used in this section: 21430

(1) "Medical emergency" means a condition of a pregnant woman 21431
that, in the reasonable judgment of the physician who is attending 21432
the woman, creates an immediate threat of serious risk to the life 21433
or physical health of the woman from the continuation of the 21434
pregnancy necessitating the immediate performance or inducement of 21435
an abortion. 21436

(2) "Medical necessity" means a medical condition of a 21437
pregnant woman that, in the reasonable judgment of the physician 21438
who is attending the woman, so complicates the pregnancy that it 21439
necessitates the immediate performance or inducement of an 21440
abortion. 21441

(3) "Probable gestational age of the embryo or fetus" means 21442
the gestational age that, in the judgment of a physician, is, with 21443
reasonable probability, the gestational age of the embryo or fetus 21444
at the time that the physician informs a pregnant woman pursuant 21445
to division (B)(1)(b) of this section. 21446

(B) Except when there is a medical emergency or medical 21447
necessity, an abortion shall be performed or induced only if all 21448
of the following conditions are satisfied: 21449

(1) At least twenty-four hours prior to the performance or 21450
inducement of the abortion, a physician meets with the pregnant 21451
woman in person in an individual, private setting and gives her an 21452
adequate opportunity to ask questions about the abortion that will 21453
be performed or induced. At this meeting, the physician shall 21454
inform the pregnant woman, verbally or, if she is hearing 21455
impaired, by other means of communication, of all of the 21456
following: 21457

(a) The nature and purpose of the particular abortion 21458
procedure to be used and the medical risks associated with that 21459

procedure;	21460
(b) The probable gestational age of the embryo or fetus;	21461
(c) The medical risks associated with the pregnant woman carrying the pregnancy to term.	21462 21463
The meeting need not occur at the facility where the abortion is to be performed or induced, and the physician involved in the meeting need not be affiliated with that facility or with the physician who is scheduled to perform or induce the abortion.	21464 21465 21466 21467
(2) At least twenty-four hours prior to the performance or inducement of the abortion, one or more physicians or one or more agents of one or more physicians do each of the following in person, by telephone, by certified mail, return receipt requested, or by regular mail evidenced by a certificate of mailing:	21468 21469 21470 21471 21472
(a) Inform the pregnant woman of the name of the physician who is scheduled to perform or induce the abortion;	21473 21474
(b) Give the pregnant woman copies of the published materials described in division (C) of this section;	21475 21476
(c) Inform the pregnant woman that the materials given pursuant to division (B)(2)(b) of this section are provided <u>published</u> by the state and that they describe the embryo or fetus and list agencies that offer alternatives to abortion. The pregnant woman may choose to examine or not to examine the materials. A physician or an agent of a physician may choose to be disassociated from the materials and may choose to comment or not comment on the materials.	21477 21478 21479 21480 21481 21482 21483 21484
(3) Prior to the performance or inducement of the abortion, the pregnant woman signs a form consenting to the abortion and certifies both of the following on that form:	21485 21486 21487
(a) She has received the information and materials described in divisions (B)(1) and (2) of this section, and her questions	21488 21489

about the abortion that will be performed or induced have been 21490
answered in a satisfactory manner. 21491

(b) She consents to the particular abortion voluntarily, 21492
knowingly, intelligently, and without coercion by any person, and 21493
she is not under the influence of any drug of abuse or alcohol. 21494

(4) Prior to the performance or inducement of the abortion, 21495
the physician who is scheduled to perform or induce the abortion 21496
or the physician's agent receives a copy of the pregnant woman's 21497
signed form on which she consents to the abortion and that 21498
includes the certification required by division (B)(3) of this 21499
section. 21500

(C) The department of health shall ~~cause to be published~~ 21501
publish in English and in Spanish, in a typeface large enough to 21502
be clearly legible, and in an easily comprehensible format, the 21503
following materials on the department's web site: 21504

(1) Materials that inform the pregnant woman about family 21505
planning information, of publicly funded agencies that are 21506
available to assist in family planning, and of public and private 21507
agencies and services that are available to assist her through the 21508
pregnancy, upon childbirth, and while the child is dependent, 21509
including, but not limited to, adoption agencies. The materials 21510
shall be geographically indexed; include a comprehensive list of 21511
the available agencies, a description of the services offered by 21512
the agencies, and the telephone numbers and addresses of the 21513
agencies; and inform the pregnant woman about available medical 21514
assistance benefits for prenatal care, childbirth, and neonatal 21515
care and about the support obligations of the father of a child 21516
who is born alive. The department shall ensure that the materials 21517
described in division (C)(1) of this section are comprehensive and 21518
do not directly or indirectly promote, exclude, or discourage the 21519
use of any agency or service described in this division. 21520

(2) Materials that inform the pregnant woman of the probable anatomical and physiological characteristics of the zygote, blastocyte, embryo, or fetus at two-week gestational increments for the first sixteen weeks of pregnancy and at four-week gestational increments from the seventeenth week of pregnancy to full term, including any relevant information regarding the time at which the fetus possibly would be viable. The department shall cause these materials to be published only after it consults with the Ohio state medical association and the Ohio section of the American college of obstetricians and gynecologists relative to the probable anatomical and physiological characteristics of a zygote, blastocyte, embryo, or fetus at the various gestational increments. The materials shall use language that is understandable by the average person who is not medically trained, shall be objective and nonjudgmental, and shall include only accurate scientific information about the zygote, blastocyte, embryo, or fetus at the various gestational increments. If the materials use a pictorial, photographic, or other depiction to provide information regarding the zygote, blastocyte, embryo, or fetus, the materials shall include, in a conspicuous manner, a scale or other explanation that is understandable by the average person and that can be used to determine the actual size of the zygote, blastocyte, embryo, or fetus at a particular gestational increment as contrasted with the depicted size of the zygote, blastocyte, embryo, or fetus at that gestational increment.

(D) Upon the submission of a request to the department of health by any person, hospital, physician, or medical facility for one ~~or more copies~~ copy of the materials published in accordance with division (C) of this section, the department shall make the requested ~~number of copies~~ copy of the materials available to the person, hospital, physician, or medical facility that requested the ~~copies~~ copy.

(E) If a medical emergency or medical necessity compels the performance or inducement of an abortion, the physician who will perform or induce the abortion, prior to its performance or inducement if possible, shall inform the pregnant woman of the medical indications supporting the physician's judgment that an immediate abortion is necessary. Any physician who performs or induces an abortion without the prior satisfaction of the conditions specified in division (B) of this section because of a medical emergency or medical necessity shall enter the reasons for the conclusion that a medical emergency or medical necessity exists in the medical record of the pregnant woman.

(F) If the conditions specified in division (B) of this section are satisfied, consent to an abortion shall be presumed to be valid and effective.

(G) The performance or inducement of an abortion without the prior satisfaction of the conditions specified in division (B) of this section does not constitute, and shall not be construed as constituting, a violation of division (A) of section 2919.12 of the Revised Code. The failure of a physician to satisfy the conditions of division (B) of this section prior to performing or inducing an abortion upon a pregnant woman may be the basis of both of the following:

(1) A civil action for compensatory and exemplary damages as described in division (H) of this section;

(2) Disciplinary action under section 4731.22 of the Revised Code.

(H)(1) Subject to divisions (H)(2) and (3) of this section, any physician who performs or induces an abortion with actual knowledge that the conditions specified in division (B) of this section have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied is liable in

compensatory and exemplary damages in a civil action to any 21584
person, or the representative of the estate of any person, who 21585
sustains injury, death, or loss to person or property as a result 21586
of the failure to satisfy those conditions. In the civil action, 21587
the court additionally may enter any injunctive or other equitable 21588
relief that it considers appropriate. 21589

(2) The following shall be affirmative defenses in a civil 21590
action authorized by division (H)(1) of this section: 21591

(a) The physician performed or induced the abortion under the 21592
circumstances described in division (E) of this section. 21593

(b) The physician made a good faith effort to satisfy the 21594
conditions specified in division (B) of this section. 21595

~~(c) The physician or an agent of the physician requested 21596
copies of the materials published in accordance with division (C) 21597
of this section from the department of health, but the physician 21598
was not able to give a pregnant woman copies of the materials 21599
pursuant to division (B)(2) of this section and to obtain a 21600
certification as described in divisions (B)(3) and (4) of this 21601
section because the department failed to make the requested number 21602
of copies available to the physician or agent in accordance with 21603
division (D) of this section. 21604~~

(3) An employer or other principal is not liable in damages 21605
in a civil action authorized by division (H)(1) of this section on 21606
the basis of the doctrine of respondeat superior unless either of 21607
the following applies: 21608

(a) The employer or other principal had actual knowledge or, 21609
by the exercise of reasonable diligence, should have known that an 21610
employee or agent performed or induced an abortion with actual 21611
knowledge that the conditions specified in division (B) of this 21612
section had not been satisfied or with a heedless indifference as 21613
to whether those conditions had been satisfied. 21614

(b) The employer or other principal negligently failed to 21615
secure the compliance of an employee or agent with division (B) of 21616
this section. 21617

(4) Notwithstanding division (E) of section 2919.12 of the 21618
Revised Code, the civil action authorized by division (H)(1) of 21619
this section shall be the exclusive civil remedy for persons, or 21620
the representatives of estates of persons, who allegedly sustain 21621
injury, death, or loss to person or property as a result of a 21622
failure to satisfy the conditions specified in division (B) of 21623
this section. 21624

(I) The department of job and family services shall prepare 21625
and conduct a public information program to inform women of all 21626
available governmental programs and agencies that provide services 21627
or assistance for family planning, prenatal care, child care, or 21628
alternatives to abortion. 21629

Sec. 2319.27. Except as section 147.08 of the Revised Code 21630
governs the fees chargeable by a notary public for services 21631
rendered in connection with depositions, the fees and expenses 21632
chargeable for the taking and certifying of a deposition by a 21633
person who is authorized to do so in this state, including, but 21634
not limited to, a ~~shorthand~~ reporter, stenographer, or person 21635
described in Civil Rule 28, may be established by that person 21636
subject to the qualification specified in this section, and may be 21637
different than the fees and expenses charged for the taking and 21638
certifying of depositions by similar persons in other areas of 21639
this state. Unless, prior to the taking and certifying of a 21640
deposition, the parties who request it agree that the fees or 21641
expenses to be charged may exceed the usual and customary fees or 21642
expenses charged in the particular community for similar services, 21643
such a person shall not charge fees or expenses in connection with 21644
the taking and certifying of the deposition that exceed those 21645

usual and customary fees and expenses. 21646

The person taking and certifying a deposition may retain the 21647
deposition until the fees and expenses that ~~he~~ the person charged 21648
are paid. ~~He~~ The person also shall tax the costs, if any, of a 21649
sheriff or other officer who serves any process in connection with 21650
the taking of a deposition and the fees of the witnesses, and, if 21651
directed by a person entitled to those costs or fees, may retain 21652
the deposition until those costs or fees are paid. 21653

Sec. 2501.16. (A) Each court of appeals may appoint one or 21654
more official ~~shorthand~~ reporters, law clerks, secretaries, and 21655
any other employees that the court considers necessary for its 21656
efficient operation. 21657

The clerk of the court of common pleas, acting as the clerk 21658
of the court of appeals for the county, shall perform the duties 21659
otherwise performed and collect the fees otherwise collected by 21660
the clerk of the court of common pleas, as set forth in section 21661
2303.03 of the Revised Code, and shall maintain the files and 21662
records of the court. The clerk of the court of common pleas, 21663
acting as the clerk of the court of appeals for the county, may 21664
refuse to accept for filing any pleading or paper submitted for 21665
filing by a person who has been found to be a vexatious litigator 21666
under section 2323.52 of the Revised Code and who has failed to 21667
obtain leave from the court of appeals to proceed under that 21668
section. The overhead expenses pertaining to the office of the 21669
clerk of the court of common pleas that result from the clerk's 21670
acting as clerk of the court of appeals for the county, other than 21671
wages and salaries, shall be paid from the funds provided under 21672
sections 2501.18 and 2501.181 of the Revised Code. 21673

Each officer and employee appointed pursuant to this section 21674
shall take an oath of office, serve at the pleasure of the court, 21675
and perform any duties that the court directs. Each ~~shorthand~~ 21676

reporter shall have the powers that are vested in official 21677
~~shorthand~~ reporters of the court of common pleas under sections 21678
2301.18 to 2301.26 of the Revised Code. Whenever an opinion, per 21679
curiam, or report of a case has been prepared in accordance with 21680
section 2503.20 of the Revised Code, the official ~~shorthand~~ 21681
reporter immediately shall forward one copy of the opinion, per 21682
curiam, or report to the reporter of the supreme court, without 21683
expense to the reporter. 21684

(B) The court of appeals may determine that, for the 21685
efficient operation of the court, additional funds are necessary 21686
to acquire and pay for special projects of the court, including, 21687
but not limited to, the acquisition of additional facilities or 21688
the rehabilitation of existing facilities, the acquisition of 21689
equipment, the hiring and training of staff, the employment of 21690
magistrates, the training and education of judges, acting judges, 21691
and magistrates, community service programs, and other related 21692
services. Upon that determination, the court by rule may charge a 21693
fee, in addition to all other court costs, on the filing of each 21694
case or cause over which the court has jurisdiction. 21695

If the court of appeals offers a special program or service 21696
in cases of a specific type, the court by rule may assess an 21697
additional charge in a case of that type, over and above court 21698
costs, to cover the special program or service. The court shall 21699
adjust the special assessment periodically, but not retroactively, 21700
so that the amount assessed in those cases does not exceed the 21701
actual cost of providing the service or program. 21702

All moneys collected under division (B) of this section shall 21703
be paid to the county treasurer of the county selected as the 21704
principal seat of that court of appeals for deposit into either a 21705
general special projects fund or a fund established for a specific 21706
special project. Moneys from a fund of that nature shall be 21707
disbursed upon an order of the court in an amount no greater than 21708

the actual cost to the court of a project. If a specific fund is 21709
terminated because of the discontinuance of a program or service 21710
established under division (B) of this section, the court may 21711
order that moneys remaining in the fund be transferred to an 21712
account established under this division for a similar purpose. 21713

Sec. 2501.17. Each officer and employee of a court of appeals 21714
appointed under section 2501.16 of the Revised Code shall receive 21715
the compensation that is fixed by the court of appeals and payable 21716
from the state treasury upon the certificate of the presiding or 21717
administrative judge of the district in which the officer or 21718
employee serves. The additional amount of compensation that the 21719
clerk of the court of common pleas receives for acting as the 21720
clerk of the court of appeals in ~~his~~ the clerk's county and 21721
assuming the duties of that office and that is equal to one-eighth 21722
of the annual compensation that ~~he~~ the clerk receives pursuant to 21723
sections 325.08 and 325.18 of the Revised Code for being the clerk 21724
of the court of common pleas is payable from the state treasury 21725
upon the certificate of the presiding or administrative judge of 21726
the district in which the clerk serves. 21727

~~Shorthand reporters~~ Reporters may receive additional 21728
compensation for transcripts of evidence, the fee for the 21729
transcripts to be fixed by the judges of the court of appeals and 21730
paid and collected in the same manner as the fees for transcripts 21731
furnished by official ~~shorthand~~ reporters of the court of common 21732
pleas under section 2301.24 of the Revised Code. ~~Shorthand~~ 21733
~~reporters~~ Reporters appointed for a term of less than one year 21734
shall receive a per diem compensation of not less than thirty 21735
dollars per day. All ~~shorthand~~ reporters shall receive their 21736
actual expenses for traveling when attending court in any county 21737
other than that in which they reside, to be paid as provided by 21738
section ~~2301.24~~ 2301.22 of the Revised Code. 21739

Sec. 2743.01. As used in this chapter:	21740
(A) "State" <u>Subject to sections 2743.021 and 2743.022 of the Revised Code, "state"</u> means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state. "State" does not include political subdivisions.	21741 21742 21743 21744 21745 21746 21747
(B) "Political subdivisions" means municipal corporations, townships, counties, school districts, and all other bodies corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state to which the sovereign immunity of the state attaches.	21748 21749 21750 21751 21752
(C) "Claim for an award of reparations" or "claim" means a claim for an award of reparations made under sections 2743.51 to 2743.72 of the Revised Code.	21753 21754 21755
(D) "Award of reparations" or "award" means an award made under sections 2743.51 to 2743.72 of the Revised Code.	21756 21757
(E)(1) "Public duty" includes, but is not limited to, any statutory, regulatory, or assumed duty concerning any action or omission of the state involving any of the following:	21758 21759 21760
(a) Permitting, certifying, licensing, inspecting, investigating, supervising, regulating, auditing, monitoring, law enforcement, or emergency response activity;	21761 21762 21763
(b) Supervising, rehabilitating, or liquidating corporations or other business entities.	21764 21765
(2) "Public duty" does not include any action of the state under circumstances in which a special relationship can be established between the state and an injured party as provided in division (A)(3) of section 2743.02 of the Revised Code.	21766 21767 21768 21769

Sec. 2743.02. (A)(1) The state hereby waives its immunity 21770
from liability, except as provided for the office of the state 21771
fire marshal in division (G)(1) of section 9.60 and division (B) 21772
of section 3737.221 of the Revised Code and subject to division 21773
(H) of this section, and consents to be sued, and have its 21774
liability determined, in the court of claims created in this 21775
chapter in accordance with the same rules of law applicable to 21776
suits between private parties, except that the determination of 21777
liability is subject to the limitations set forth in this chapter 21778
and, in the case of state universities or colleges, in section 21779
3345.40 of the Revised Code, except that the determination of 21780
liability of the department of transportation is subject to 21781
sections 2743.021 and 2743.022 of the Revised Code, and except as 21782
provided in division (A)(2) or (3) of this section. To the extent 21783
that the state has previously consented to be sued, this chapter 21784
has no applicability. 21785

Except in the case of a civil action filed by the state, 21786
filing a civil action in the court of claims results in a complete 21787
waiver of any cause of action, based on the same act or omission, 21788
~~which that~~ the filing party has against any officer or employee, 21789
as defined in section 109.36 of the Revised Code. The waiver shall 21790
be void if the court determines that the act or omission was 21791
manifestly outside the scope of the officer's or employee's office 21792
or employment or that the officer or employee acted with malicious 21793
purpose, in bad faith, or in a wanton or reckless manner. 21794

(2) If a claimant proves in the court of claims that an 21795
officer or employee, as defined in section 109.36 of the Revised 21796
Code, would have personal liability for the officer's or 21797
employee's acts or omissions but for the fact that the officer or 21798
employee has personal immunity under section 9.86 of the Revised 21799
Code, the state shall be held liable in the court of claims in any 21800
action that is timely filed pursuant to section 2743.16 of the 21801

Revised Code and that is based upon the acts or omissions. 21802

(3)(a) Except as provided in division (A)(3)(b) of this 21803
section, the state is immune from liability in any civil action or 21804
proceeding involving the performance or nonperformance of a public 21805
duty, including the performance or nonperformance of a public duty 21806
that is owed by the state in relation to any action of an 21807
individual who is committed to the custody of the state. 21808

(b) The state immunity provided in division (A)(3)(a) of this 21809
section does not apply to any action of the state under 21810
circumstances in which a special relationship can be established 21811
between the state and an injured party. A special relationship 21812
under this division is demonstrated if all of the following 21813
elements exist: 21814

(i) An assumption by the state, by means of promises or 21815
actions, of an affirmative duty to act on behalf of the party who 21816
was allegedly injured; 21817

(ii) Knowledge on the part of the state's agents that 21818
inaction of the state could lead to harm; 21819

(iii) Some form of direct contact between the state's agents 21820
and the injured party; 21821

(iv) The injured party's justifiable reliance on the state's 21822
affirmative undertaking. 21823

(B) The state hereby waives the immunity from liability of 21824
all hospitals owned or operated by one or more political 21825
subdivisions and consents for them to be sued, and to have their 21826
liability determined, in the court of common pleas, in accordance 21827
with the same rules of law applicable to suits between private 21828
parties, subject to the limitations set forth in this chapter. 21829
This division is also applicable to hospitals owned or operated by 21830
political subdivisions ~~which~~ that have been determined by the 21831
supreme court to be subject to suit prior to July 28, 1975. 21832

(C) Any hospital, as defined in section 2305.113 of the Revised Code, may purchase liability insurance covering its operations and activities and its agents, employees, nurses, interns, residents, staff, and members of the governing board and committees, and, whether or not such insurance is purchased, may, to ~~such the~~ extent ~~as that~~ its governing board considers appropriate, indemnify or agree to indemnify and hold harmless any such person against expense, including attorney's fees, damage, loss, or other liability arising out of, or claimed to have arisen out of, the death, disease, or injury of any person as a result of the negligence, malpractice, or other action or inaction of the indemnified person while acting within the scope of the indemnified person's duties or engaged in activities at the request or direction, or for the benefit, of the hospital. Any hospital electing to indemnify ~~such those~~ persons, or to agree to so indemnify, shall reserve ~~such any~~ funds ~~as that~~ are necessary, in the exercise of sound and prudent actuarial judgment, to cover the potential expense, fees, damage, loss, or other liability. The superintendent of insurance may recommend, or, if ~~such the~~ hospital requests the superintendent to do so, the superintendent shall recommend, a specific amount for any period that, in the superintendent's opinion, represents such a judgment. This authority is in addition to any authorization otherwise provided or permitted by law.

(D) Recoveries against the state shall be reduced by the aggregate of insurance proceeds, disability award, or other collateral recovery received by the claimant. This division does not apply to civil actions in the court of claims against a state university or college under the circumstances described in section 3345.40 of the Revised Code. The collateral benefits provisions of division (B)(2) of that section apply under those circumstances.

(E) The only defendant in original actions in the court of

claims is the state. The state may file a third-party complaint or 21865
counterclaim in any civil action, except a civil action for ~~two~~ 21866
ten thousand ~~five hundred~~ dollars or less, that is filed in the 21867
court of claims. 21868

(F) A civil action against an officer or employee, as defined 21869
in section 109.36 of the Revised Code, that alleges that the 21870
officer's or employee's conduct was manifestly outside the scope 21871
of the officer's or employee's employment or official 21872
responsibilities, or that the officer or employee acted with 21873
malicious purpose, in bad faith, or in a wanton or reckless manner 21874
shall first be filed against the state in the court of claims, ~~7~~ 21875
~~which that~~ has exclusive, original jurisdiction to determine, 21876
initially, whether the officer or employee is entitled to personal 21877
immunity under section 9.86 of the Revised Code and whether the 21878
courts of common pleas have jurisdiction over the civil action. 21879
The officer or employee may participate in the immunity 21880
determination proceeding before the court of claims to determine 21881
whether the officer or employee is entitled to personal immunity 21882
under section 9.86 of the Revised Code. 21883

The filing of a claim against an officer or employee under 21884
this division tolls the running of the applicable statute of 21885
limitations until the court of claims determines whether the 21886
officer or employee is entitled to personal immunity under section 21887
9.86 of the Revised Code. 21888

(G) ~~Whenever~~ If a claim lies against an officer or employee 21889
who is a member of the Ohio national guard, and the officer or 21890
employee was, at the time of the act or omission complained of, 21891
subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 21892
U.S.C. 2671, et seq., ~~then~~ the Federal Tort Claims Act is the 21893
exclusive remedy of the claimant and the state has no liability 21894
under this section. 21895

(H) If an inmate of a state correctional institution has a 21896

claim against the state for the loss of or damage to property and 21897
the amount claimed does not exceed three hundred dollars, before 21898
commencing an action against the state in the court of claims, the 21899
inmate shall file a claim for the loss or damage under the rules 21900
adopted by the director of rehabilitation and correction pursuant 21901
to this division. The inmate shall file the claim within the time 21902
allowed for commencement of a civil action under section 2743.16 21903
of the Revised Code. If the state admits or compromises the claim, 21904
the director shall make payment from a fund designated by the 21905
director for that purpose. If the state denies the claim or does 21906
not compromise the claim at least sixty days prior to expiration 21907
of the time allowed for commencement of a civil action based upon 21908
the loss or damage under section 2743.16 of the Revised Code, the 21909
inmate may commence an action in the court of claims under this 21910
chapter to recover damages for the loss or damage. 21911

The director of rehabilitation and correction shall adopt 21912
rules pursuant to Chapter 119. of the Revised Code to implement 21913
this division. 21914

Sec. 2743.021. (A) As used in this section and section 21915
2743.022 of the Revised Code: 21916

(1)(a) "Governmental function" means a function of the 21917
department of transportation that is specified in division 21918
(A)(1)(b) of this section or that satisfies any of the following: 21919

(i) A function that is imposed upon the state as an 21920
obligation of sovereignty and is performed by the department of 21921
transportation voluntarily or pursuant to legislative requirement; 21922

(ii) A function that is for the common good of all citizens 21923
of the state; 21924

(iii) A function that promotes or preserves the public peace, 21925
health, safety, or welfare and that involves activities that are 21926

<u>not engaged in or not customarily engaged in by nongovernmental persons.</u>	21927 21928
<u>(b) "Governmental function" includes, but is not limited to, the following functions insofar as they are within the jurisdiction of the department of transportation:</u>	21929 21930 21931
<u>(i) The provision or nonprovision of roadway services;</u>	21932
<u>(ii) The regulation of the use of, and the design, construction, reconstruction, repair, renovation, and maintenance of roads, highways, streets, avenues, alleys, sidewalks, bridges, culverts, aqueducts, viaducts, and public grounds;</u>	21933 21934 21935 21936
<u>(iii) Quasi-judicial, prosecutorial, and quasi-legislative functions, including, but not limited to, permitting functions;</u>	21937 21938
<u>(iv) The design, construction, reconstruction, repair, renovation, maintenance, and operation of buildings that are used in connection with the performance of a governmental function, including, but not limited to, office buildings, garage facilities, and rest areas;</u>	21939 21940 21941 21942 21943
<u>(v) The enforcement or nonperformance of any law;</u>	21944
<u>(vi) The regulation of traffic and the erection or nonerection of traffic signs, signals, or control devices;</u>	21945 21946
<u>(vii) The collection and disposal of solid wastes, as defined in section 3734.01 of the Revised Code;</u>	21947 21948
<u>(viii) The provision or nonprovision, planning or design, construction, or reconstruction of a public improvement, including, but not limited to, a sewer system;</u>	21949 21950 21951
<u>(ix) The provision or nonprovision of inspection services of all types, including, but not limited to, inspections in connection with building, zoning, sanitation, fire, plumbing, and electrical codes, and the taking of actions in connection with those types of codes, including, but not limited to, the approval</u>	21952 21953 21954 21955 21956

of plans for the construction of buildings or structures and the 21957
issuance or revocation of building permits or stop work orders in 21958
connection with buildings or structures; 21959

(x) Flood control measures; 21960

(xi) The issuance of revenue obligations; 21961

(xii) The design, construction, reconstruction, renovation, 21962
repair, maintenance, and operation of any recreational area or 21963
facility incident to a highway improvement; 21964

(xiii) A function that the general assembly requires the 21965
department of transportation to perform, including, but not 21966
limited to, any duties, powers, and functions that are conferred 21967
by law on the department of transportation or the director, the 21968
assistant directors, the deputy directors, or the divisions of the 21969
department under Title LV of the Revised Code. 21970

(2) "Proprietary function" means a function of the department 21971
of transportation that satisfies both of the following: 21972

(a) The function is not one described in division 21973
(A)(1)(a)(i) or (ii) of this section and is not one specified in 21974
division (A)(1)(b) of this section; 21975

(b) The function is one that promotes or preserves the public 21976
peace, health, safety, or welfare and that involves activities 21977
that are customarily engaged in by nongovernmental persons. 21978

(B)(1) Notwithstanding any provision in this chapter, the 21979
liability of the department of transportation for damages in a 21980
civil action for injury, death, or loss to person or property 21981
allegedly caused by any act or omission of the department of 21982
transportation or of any of its officers or employees in 21983
connection with a governmental or proprietary function shall be 21984
determined in accordance with this section and section 2743.022 of 21985
the Revised Code. 21986

(2) Except as provided in division (C) of this section, the department of transportation is not liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by any act or omission of the department of transportation or of any of its officers or employees in connection with a governmental or proprietary function. 21987
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(C) Subject to section 2743.022 of the Revised Code, the department of transportation is liable in damages in a civil action for injury, death, or loss to person or property shown to be caused by a preponderance of the evidence by any act or omission of the department of transportation or of any of its officers or employees in connection with a governmental or proprietary function, as follows: 21993
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(1) The department of transportation is liable for injury, death, or loss to person or property caused by the negligent operation of any motor vehicle by any of its officers or employees while the officer or employee is engaged within the officer's or employee's scope of employment and authority. 22000
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(2) The department of transportation is liable for injury, death, or loss to person or property caused by the negligent performance of acts by any of its officers or employees with respect to proprietary functions of the department of transportation. 22005
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(3)(a) The department of transportation is liable for injury, death, or loss to person or property caused by its negligent failure to keep roads or highways under the jurisdiction of the department in repair and other negligent failure to remove obstructions from roads or highways under the jurisdiction of the department. 22010
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(b) As used in division (C)(3)(a) of this section, "road" and "highway" have the same meanings as in section 5501.01 of the 22016
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Revised Code but do not include berms, shoulders, rights-of-way, 22018
or traffic control devices unless the traffic control devices are 22019
mandated by the Ohio manual of uniform traffic control devices. 22020

(4) The department of transportation is liable for injury, 22021
death, or loss to person or property that is caused by the 22022
negligence of any of its officers or employees and that occurs 22023
within or on the grounds of, and is due to patent physical defects 22024
within or on the grounds of, buildings that are used in connection 22025
with the performance of a governmental function of the department 22026
of transportation. 22027

(5) In addition to the circumstances described in divisions 22028
(C)(1) to (4) of this section, the department of transportation is 22029
liable for injury, death, or loss to person or property when civil 22030
liability is expressly imposed upon the department of 22031
transportation by a section of the Revised Code. Civil liability 22032
shall not be construed to exist under another section of the 22033
Revised Code merely because that section imposes a responsibility 22034
or mandatory duty upon the department of transportation, because 22035
that section provides for a criminal penalty, because of a general 22036
authorization in that section that the department of 22037
transportation may sue and be sued, or because that section uses 22038
the term "shall" in a provision pertaining to the department of 22039
transportation. 22040

Sec. 2743.022. (A) In a civil action brought against the 22041
department of transportation or an officer or employee of the 22042
department to recover damages for injury, death, or loss to person 22043
or property allegedly caused by any act or omission in connection 22044
with a governmental or proprietary function, the following 22045
defenses or immunities may be asserted to establish nonliability: 22046

(1) The department is immune from liability if the officer or 22047
employee involved was engaged in the performance of a 22048

quasi-judicial, prosecutorial, or quasi-legislative function. 22049

(2) The department is immune from liability if the conduct of the officer or employee involved, other than negligent conduct, that gave rise to the claim of liability was required by law or authorized by law, or if the conduct of the officer or employee involved that gave rise to the claim of liability was necessary or essential to the exercise of the powers of the department or the officer or employee. 22050
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(3) The department is immune from liability if the action or failure to act by the officer or employee involved that gave rise to the claim of liability was within the discretion of the officer or employee with respect to policy-making, planning, or enforcement powers by virtue of the duties and responsibilities of the office or position of the officer or employee. 22057
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(4) The department is immune from liability if the injury, death, or loss to person or property resulted from the exercise of judgment or discretion in determining whether to acquire, or how to use, equipment, supplies, materials, personnel, facilities, and other resources unless the judgment or discretion was exercised with malicious purpose, in bad faith, or in a wanton or reckless manner. 22063
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(5) The officer or employee of the department of transportation is immune from liability unless one of the following applies: 22070
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(a) The officer's or employee's acts or omissions were manifestly outside the scope of the officer's or employee's employment or official responsibilities. 22073
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(b) The officer's or employee's acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner. 22076
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(c) Civil liability is expressly imposed upon the officer or 22079

employee by a section of the Revised Code. Civil liability shall 22080
not be construed to exist under another section of the Revised 22081
Code merely because that section imposes a responsibility or 22082
mandatory duty upon an officer or employee, because that section 22083
provides for a criminal penalty, because of a general 22084
authorization in that section that an officer or employee may sue 22085
and be sued, or because the section uses the term "shall" in a 22086
provision pertaining to an officer or employee. 22087

(B) Any immunity or defense conferred upon an officer or 22088
employee of the department of transportation by division (A)(5) of 22089
this section does not affect or limit any liability of the 22090
department of transportation for an act or omission of the officer 22091
or employee as provided in section 2743.021 of the Revised Code. 22092

(C) An order that denies the department of transportation or 22093
an officer or employee of the department the benefit of an alleged 22094
immunity from liability as provided in this section or any other 22095
provision of the law is a final order. 22096

Sec. 2743.09. The clerk of the court of claims shall do all 22097
of the following: 22098

(A) Administer oaths and take and certify affidavits, 22099
depositions, and acknowledgments of powers of attorney and other 22100
instruments in writing; 22101

(B) Prepare the dockets, enter and record the orders, 22102
judgments, decisions, awards, and proceedings of the court of 22103
claims and the court of claims commissioners, and issue writs and 22104
process; 22105

(C) Maintain an office in Franklin county in rooms provided 22106
by the supreme court for that purpose; 22107

(D) Keep an appearance docket of civil actions, claims for an 22108
award of reparations, and appeals from decisions of the court of 22109

claims commissioners. The clerk may refuse to accept for filing 22110
any pleading or paper that relates to a civil action in the court 22111
of claims and that is submitted for filing by a person who has 22112
been found to be a vexatious litigator under section 2323.52 of 22113
the Revised Code and who has failed to obtain leave to proceed 22114
under that section. 22115

Upon the commencement of an action or claim, the clerk shall 22116
assign it a number. This number shall be placed on the first page, 22117
and every continuation page, of the appearance docket that 22118
concerns the particular action or claim. In addition, this number 22119
and the names of the parties shall be placed on the case file, and 22120
every paper filed in the action or claim. 22121

At the time the action is commenced the clerk shall enter in 22122
the appearance docket the names of the parties in full and the 22123
names of counsel and shall index the action alphabetically by the 22124
last name of each party. Thereafter, the clerk shall 22125
chronologically note in the appearance docket all process issued 22126
and returns, pleas, motions, papers filed in the action, orders, 22127
verdicts, and judgments. The notations shall be brief but shall 22128
show the date of filing, substance, and journal volume and page of 22129
each order, verdict, and judgment. An action is commenced for 22130
purposes of this division by the filing of a complaint, including 22131
a form complaint under section 2743.10 of the Revised Code or a 22132
petition for removal. 22133

At the time an appeal for an award of reparations is 22134
commenced, the clerk shall enter the full names of the claimant, 22135
the victim, and the attorneys in the appearance docket and shall 22136
index the claim alphabetically by the last name of the claimant 22137
and the victim. Thereafter, the clerk shall chronologically note 22138
in the appearance docket all process issued and returns, motions, 22139
papers filed in the claim, orders, decisions, and awards. The 22140
notations shall be brief but shall show the date of filing, 22141

substance, and journal volume and page of each order. 22142

(E) Keep all original papers filed in an action or claim in a 22143
separate file folder and a journal in which all orders, verdicts, 22144
and judgments of the court and commissioners shall be recorded; 22145

(F) Charge and collect fees pursuant to section 2303.20 of 22146
the Revised Code, keep a cashbook in which the clerk shall enter 22147
the amounts received, make a report to the clerk of the supreme 22148
court each quarter of the fees received during the preceding 22149
quarter, and pay them monthly into the state treasury; 22150

(G) Appoint ~~stenographers, shorthand~~ reporters, and other 22151
clerical personnel; 22152

(H) Under the direction of the chief justice, establish 22153
procedures for hearing and determining appeals for an award of 22154
reparations pursuant to sections 2743.51 to 2743.72 of the Revised 22155
Code. 22156

Sec. 2743.10. (A) Civil actions against the state for ~~two ten~~ 22157
thousand ~~five hundred~~ dollars or less shall be determined 22158
administratively by the clerk of the court of claims, except that 22159
the clerk is not required to administratively determine a civil 22160
action of that nature if the civil action was commenced by a 22161
person who has been found to be a vexatious litigator under 22162
section 2323.52 of the Revised Code and who has failed to obtain 22163
leave to proceed under that section and if the clerk refused 22164
pursuant to division (D) of section 2743.09 of the Revised Code to 22165
accept for filing any pleading or paper that relates to the civil 22166
action and that was submitted for filing by that person and except 22167
that all civil actions against the state that have been removed to 22168
the court of claims shall be heard and determined by a judge of 22169
the court of claims. 22170

(B) Civil actions covered by division (A) of this section 22171

shall be commenced by filing with the clerk on complaint forms 22172
prescribed by the supreme court. The clerk shall forward copies of 22173
the form complaint to the attorney general and the state 22174
department, board, office, commission, agency, institution, or 22175
other instrumentality whose actions or failure to act are the 22176
subject of complaint. The latter shall investigate the allegations 22177
made in the form complaint and report the results of its 22178
investigation to the clerk within sixty days of receipt of a copy 22179
of the form complaint. The clerk shall forward a copy of the 22180
report to the claimant and give the claimant an opportunity to 22181
respond to the report either in writing or by appearing before the 22182
clerk. 22183

(C) The clerk shall determine the civil action covered by 22184
division (A) of this section and make a report of the decision, 22185
together with findings of fact and conclusions of law, copies of 22186
which shall be mailed to the claimant and the state 22187
instrumentality. Except as otherwise provided in this division, 22188
the determination shall be based upon principles of law applicable 22189
in the court of claims, including, but not limited to, section 22190
3345.40 of the Revised Code if a state university or college is a 22191
defendant in the court of claims. 22192

Rules of evidence shall not be applicable in the 22193
determination. Procedures shall be governed by rules promulgated 22194
by the clerk, shall be informal, and shall be designed to 22195
accommodate persons who are not skilled in the law. 22196

(D) Upon the motion of a party, the court of claims shall 22197
review the determination of the clerk upon the clerk's report and 22198
papers filed in the action and shall enter judgment consistent 22199
with its findings. The judgment shall not be the subject of 22200
further appeal. No civil action arising out of the same 22201
transaction or set of facts may be commenced by the claimant in 22202
the court of claims. 22203

(E) The determination of the clerk pursuant to division (C) 22204
of this section shall be processed pursuant to section 2743.19 of 22205
the Revised Code as if it were a judgment. 22206

Sec. 2743.48. (A) As used in this section and section 2743.49 22207
of the Revised Code, a "wrongfully imprisoned individual" means an 22208
individual who satisfies each of the following: 22209

(1) The individual was charged with a violation of a section 22210
of the Revised Code by an indictment or information ~~prior to, or~~ 22211
~~on or after, September 24, 1986,~~ and the violation charged was an 22212
aggravated felony or felony. 22213

(2) The individual was found guilty of, ~~but did not plead~~ 22214
~~guilty to,~~ the particular charge or a lesser-included offense by 22215
the court or jury involved, the offender did not plead guilty to 22216
the particular charge or a lesser-included offense, whether or not 22217
the guilty plea was accepted or invalidated by the court, and the 22218
offense of which the individual was found guilty was an aggravated 22219
felony or felony. 22220

(3) The individual was sentenced to an indefinite or definite 22221
term of imprisonment in a state correctional institution for the 22222
offense of which the individual was found guilty. 22223

(4) The individual's conviction was vacated or was dismissed, 22224
or reversed on appeal, the prosecuting attorney in the case cannot 22225
or will not seek any further appeal of right or upon leave of 22226
court, and no criminal proceeding is pending, can be brought, or 22227
will be brought by any prosecuting attorney, city director of law, 22228
village solicitor, or other chief legal officer of a municipal 22229
corporation against the individual for any act associated with 22230
that conviction. 22231

(5) Subsequent to sentencing and during or subsequent to 22232
imprisonment, ~~an error in procedure resulted in the individual's~~ 22233

release, or it was determined by a the court of common pleas 22234
associated with the individual's conviction that the offense of 22235
~~which the individual was found guilty~~, including all 22236
lesser-included offenses, either was not committed by the 22237
individual or was not committed by any person. 22238

(B)(1) ~~When a~~ A person may file a civil action to be declared 22239
a wrongfully imprisoned individual in the court of common pleas 22240
associated with the person's conviction. That civil action shall 22241
be separate from the underlying finding of guilt by that court of 22242
common pleas. There is no right to a jury trial in that action. 22243
The prosecuting attorney of that county shall be served with a 22244
copy of the complaint and shall defend all civil actions to 22245
determine a person to be a wrongfully imprisoned individual under 22246
this section. Upon the filing of a civil action to be determined a 22247
wrongfully imprisoned individual, the attorney general shall also 22248
be served with a copy of the complaint and shall be heard. 22249

(2) Before a person may be determined to be a wrongfully 22250
imprisoned individual, the person shall prove to the court of 22251
common pleas associated with the person's conviction that at the 22252
time of the offense the person was not engaging in any other 22253
criminal conduct arising out of that offense. 22254

(3) When the court of common pleas associated with the 22255
person's conviction determines, on or after September 24, 1986, in 22256
a separate civil action that a person is a wrongfully imprisoned 22257
individual, the court shall provide the person with a copy of this 22258
section and orally inform the person and the person's attorney of 22259
the person's rights under this section to commence a civil action 22260
against the state in the court of claims because of the person's 22261
wrongful imprisonment ~~and to be represented in that civil action~~ 22262
~~by counsel of the person's own choice.~~ 22263

~~(2)~~(4) The court described in division (B)~~(1)~~(3) of this 22264
section shall notify the clerk of the court of claims, in writing 22265

and within seven days after the date of the entry of its 22266
determination that the person is a wrongfully imprisoned 22267
individual, of the name and proposed mailing address of the person 22268
and of the fact that the person has the rights to commence a civil 22269
action and to have legal representation as provided in this 22270
section. The clerk of the court of claims shall maintain in the 22271
clerk's office a list of wrongfully imprisoned individuals for 22272
whom notices are received under this section and shall create 22273
files in the clerk's office for each such individual. 22274

~~(3)~~(5) Within sixty days after the date of the ~~entry of a~~ 22275
~~court of common plea's determination that a person is a wrongfully~~ 22276
~~imprisoned individual~~ filing of the complaint for damages in the 22277
court of claims and the finding by the court of claims of the 22278
number of days of wrongful imprisonment in a state correctional 22279
institution, the clerk of the court of claims shall forward a 22280
preliminary judgment to the president of the controlling board 22281
requesting the payment of fifty per cent of the amount described 22282
in division (E)(2)(b) of this section to the wrongfully imprisoned 22283
individual. The board shall take all actions necessary to cause 22284
the payment of that amount out of the emergency purposes special 22285
purpose account of the board. 22286

(6) If an individual was serving at the time of the wrongful 22287
imprisonment concurrent sentences on other convictions that were 22288
not vacated, dismissed, or reversed on appeal, the individual is 22289
not eligible for compensation as described in this section for any 22290
portion of that wrongful imprisonment that occurred during a 22291
concurrent sentence of that nature. 22292

~~(C)(1) In a civil action under this section, a wrongfully~~ 22293
~~imprisoned individual has the right to have counsel of the~~ 22294
~~individual's own choice.~~ 22295

~~(2)~~ If a wrongfully imprisoned individual who is the subject 22296
of a court determination as described in division (B)~~(1)~~(3) of 22297

this section does not commence a civil action under this section 22298
within six months after the entry of that determination, the clerk 22299
of the court of claims shall send a letter to the wrongfully 22300
imprisoned individual, at the address set forth in the notice 22301
received from the court of common pleas pursuant to division 22302
(B)~~(2)~~(4) of this section or to any later address provided by the 22303
wrongfully imprisoned individual, that reminds the wrongfully 22304
imprisoned individual of the wrongfully imprisoned individual's 22305
rights under this section. Until the statute of limitations 22306
provided in division (H) of this section expires and unless the 22307
wrongfully imprisoned individual commences a civil action under 22308
this section, the clerk of the court of claims shall send a 22309
similar letter in a similar manner to the wrongfully imprisoned 22310
individual at least once each three months after the sending of 22311
the first reminder. 22312

(D) Notwithstanding any provisions of this chapter to the 22313
contrary, a wrongfully imprisoned individual has and may file a 22314
civil action against the state, in the court of claims, to recover 22315
a sum of money as described in this section, because of the 22316
individual's wrongful imprisonment. The court of claims shall have 22317
exclusive, original jurisdiction over such a civil action. The 22318
civil action shall proceed, be heard, and be determined as 22319
provided in sections 2743.01 to 2743.20 of the Revised Code, 22320
except that if a provision of this section conflicts with a 22321
provision in any of those sections, the provision in this section 22322
controls. 22323

(E)(1) In a civil action as described in division (D) of this 22324
section, the complainant may establish that the claimant is a 22325
wrongfully imprisoned individual by submitting to the court of 22326
claims a certified copy of the judgment entry of the court of 22327
common pleas associated with the claimant's conviction and 22328
sentencing, and a certified copy of the entry of the determination 22329

of a ~~that~~ court of common pleas that the claimant is a wrongfully 22330
imprisoned individual. No other evidence shall be required of the 22331
complainant to establish that the claimant is a wrongfully 22332
imprisoned individual, and the claimant shall be ~~irrebuttably~~ 22333
~~rebuttably~~ presumed to be a wrongfully imprisoned individual 22334
absent a violation of any provision of this section or of section 22335
2305.02 of the Revised Code. 22336

(2) In a civil action as described in division (D) of this 22337
section, upon presentation of requisite proof to the court of 22338
claims, a wrongfully imprisoned individual is entitled to receive 22339
a sum of money that equals the total of each of the following 22340
amounts: 22341

(a) The amount of any fine or court costs imposed and paid, 22342
and the reasonable attorney's fees and other expenses incurred by 22343
the wrongfully imprisoned individual in connection with all 22344
associated criminal proceedings and appeals, and, if applicable, 22345
in connection with obtaining the wrongfully imprisoned 22346
individual's discharge from confinement in the state correctional 22347
institution; 22348

(b) For each full year of imprisonment in the state 22349
correctional institution for the offense of which the wrongfully 22350
imprisoned individual was found guilty, forty thousand three 22351
hundred thirty dollars or the adjusted amount determined by the 22352
auditor of state pursuant to section 2743.49 of the Revised Code, 22353
and for each part of a year of being so imprisoned, a pro-rated 22354
share of forty thousand three hundred thirty dollars or the 22355
adjusted amount determined by the auditor of state pursuant to 22356
section 2743.49 of the Revised Code; 22357

(c) Any loss of wages, salary, or other earned income that 22358
directly resulted from the wrongfully imprisoned individual's 22359
arrest, prosecution, conviction, and wrongful imprisonment; 22360

(d) The amount of the following cost debts the department of 22361
rehabilitation and correction recovered from the wrongfully 22362
imprisoned individual who was in custody of the department or 22363
under the department's supervision: 22364

(i) Any user fee or copayment for services at a detention 22365
facility, including, but not limited to, a fee or copayment for 22366
sick call visits; 22367

(ii) The cost of housing and feeding the wrongfully 22368
imprisoned individual in a detention facility; 22369

(iii) The cost of supervision of the wrongfully imprisoned 22370
individual; 22371

(iv) The cost of any ancillary services provided to the 22372
wrongfully imprisoned individual. 22373

(3) The court of claims shall deduct any known debts owed by 22374
the wrongfully imprisoned individual to the state as described in 22375
division (A) of section 2743.01 of the Revised Code or a political 22376
subdivision under division (B) of section 2743.01 of the Revised 22377
Code from the sum of money described in division (E)(2) of this 22378
section, and those deducted amounts shall be paid to the state or 22379
political subdivision, whichever is applicable. 22380

(F)(1) If the court of claims determines in a civil action as 22381
described in division (D) of this section that the complainant is 22382
a wrongfully imprisoned individual, it shall enter judgment for 22383
the wrongfully imprisoned individual in the amount of the sum of 22384
money to which the wrongfully imprisoned individual is entitled 22385
under division (E)(2) of this section. In determining that sum, 22386
the court of claims shall not take into consideration any expenses 22387
incurred by the state or any of its political subdivisions in 22388
connection with the arrest, prosecution, and imprisonment of the 22389
wrongfully imprisoned individual, including, but not limited to, 22390
expenses for food, clothing, shelter, and medical services. The 22391

court shall reduce that sum by the amount of the payment to the 22392
wrongfully imprisoned individual described in ~~division~~ divisions 22393
(B)~~(3)~~(5) and (E)(3) of this section. 22394

(2) ~~If the wrongfully imprisoned individual was represented~~ 22395
~~in the civil action under this section by counsel of the~~ 22396
~~wrongfully imprisoned individual's own choice, the~~ The clerk of 22397
the court of claims shall include in the judgment entry referred 22398
to in division (F)(1) of this section an award for the payment of 22399
the court costs, transcripts, expert witness fees, and other 22400
~~reasonable attorney's fees of that counsel~~ out-of-pocket 22401
litigation expenses related to the civil action described in 22402
division (D) of this section. These fees shall be paid as provided 22403
in division (G) of this section. 22404

(3) The state consents to be sued by a wrongfully imprisoned 22405
individual because the imprisonment was wrongful, and to liability 22406
on its part because of that fact, only as provided in this 22407
section. However, this section does not affect any liability of 22408
the state or of its employees to a wrongfully imprisoned 22409
individual on a claim for relief that is not based on the fact of 22410
the wrongful imprisonment, including, but not limited to, a claim 22411
for relief that arises out of circumstances occurring during the 22412
wrongfully imprisoned individual's confinement in the state 22413
correctional institution. 22414

(G) The clerk of the court of claims shall forward a 22415
certified copy of a judgment under division (F) of this section to 22416
the president of the controlling board. The board shall take all 22417
actions necessary to cause the payment of the judgment out of the 22418
emergency purposes special purpose account of the board. 22419

(H) To be eligible to recover a sum of money as described in 22420
this section because of wrongful imprisonment, ~~a~~ all of the 22421
following shall apply to a wrongfully imprisoned individual: 22422

(1) The wrongfully imprisoned individual shall not have been, 22423
prior to September 24, 1986, the subject of an act of the general 22424
assembly that authorized an award of compensation for the wrongful 22425
imprisonment or have been the subject of an action before the 22426
former sundry claims board that resulted in an award of 22427
compensation for the wrongful imprisonment. ~~Additionally, to be~~ 22428
~~eligible to so recover, the~~ 22429

(2) The wrongfully imprisoned individual shall commence a 22430
civil action under this section in the court of claims no later 22431
than two years after the date of the entry of the determination of 22432
a the court of common pleas associated with the individual's 22433
conviction that the individual is a wrongfully imprisoned 22434
individual. 22435

(3) The wrongfully imprisoned individual shall not have been 22436
convicted of a felony, other than the felony that is the subject 22437
of the action under this section, or a misdemeanor offense of 22438
violence within ten years prior to the filing of the civil action 22439
to be determined to be a wrongfully imprisoned individual by the 22440
court of common pleas associated with the individual's conviction 22441
or be convicted of a felony during the pendency of that action or 22442
the action in the court of claims under this section. 22443

Sec. 2746.01. A court of record of this state shall tax as 22444
costs or otherwise require the payment of fees for the following 22445
services rendered or as compensation for the following persons or 22446
any other of the following fees that are applicable in a 22447
particular case: 22448

(A) Appraisers, commissioners, or arbitrators appointed to 22449
make or procure an appraisal or valuation of any property, as 22450
provided in section 2335.02 of the Revised Code; 22451

(B) Auctioneers appointed to conduct any public auction of 22452
goods, chattels, or lands required to be sold by an officer of the 22453

court, as provided in section 2335.021 of the Revised Code;	22454
(C) Commissioners appointed to make partition of lands or to	22455
assign dower and appraisers of real or personal property on	22456
execution, replevin, or attachment or to fix the value of exempt	22457
property, as provided in section 2335.01 of the Revised Code;	22458
(D) Deposit of rent with the clerk of court by a resident of	22459
a manufactured home park, as provided in section 3733.121 <u>4781.42</u>	22460
of the Revised Code, or by a tenant of residential premises, as	22461
provided in section 5321.08 of the Revised Code;	22462
(E) Interpreters, as provided in section 2335.09 of the	22463
Revised Code;	22464
(F) Fees in a civil action or appeal commenced by an inmate	22465
against a government entity or employee, as provided in section	22466
2969.22 of the Revised Code;	22467
(G) Procurement of a transcript of a judgment or proceeding	22468
or exemplification of a record in an appeal or other civil action,	22469
as provided in section 2303.21 of the Revised Code;	22470
(H) Publication of an advertisement, notice, or proclamation	22471
required to be published by a trustee, assignee, executor,	22472
administrator, receiver, or other officer of the court or a party	22473
in a case or proceeding, as provided in section 7.13 of the	22474
Revised Code;	22475
(I) Publication of calendars, motion dockets, legal	22476
advertisements, and notices, the fees for which are not fixed by	22477
law, as provided in section 2701.09 of the Revised Code;	22478
(J) Sheriffs, as provided in section 311.17 of the Revised	22479
Code;	22480
(K) Township constables or members of the police force of a	22481
township police district or joint police district, as provided in	22482
section 509.15 of the Revised Code;	22483

(L) Witnesses, as follows:	22484
(1) Fees and mileage in civil cases, as provided in section 2335.06 of the Revised Code;	22485 22486
(2) Fees and mileage in criminal cases, as provided in section 2335.08 of the Revised Code;	22487 22488
(3) Fees in all cases or proceedings not specified in sections 2335.06 and 2335.08 of the Revised Code, as provided in section 2335.05 of the Revised Code;	22489 22490 22491
(4) Fees of municipal police officers in state felony cases, as provided in section 2335.17 of the Revised Code;	22492 22493
(5) Fees in arbitration proceedings, as provided in section 2711.06 of the Revised Code.	22494 22495
(M) In an action to abate a nuisance or to enforce a local code relating to buildings, the expenses of operating and conserving the building, as provided in section 3767.41 of the Revised Code.	22496 22497 22498 22499
Sec. 2746.03. In addition to any applicable fees or costs set forth in sections 2746.01 and 2746.02 of the Revised Code or any other applicable provision of law, the supreme court, a court of appeals, or the court of claims shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or any other of the following fees that are applicable in a particular case:	22500 22501 22502 22503 22504 22505 22506
(A) In the supreme court, filing fees, as provided in section 2503.17 of the Revised Code;	22507 22508
(B) In a court of appeals:	22509
(1) Fees collectible by the clerk of a court of common pleas when acting as the clerk of the court of appeals of the county, as provided in section 2303.03 of the Revised Code;	22510 22511 22512

(2) Additional filing fees or charges for special projects, programs, or services, as provided in section 2501.16 of the Revised Code;	22513 22514 22515
(3) Sheriffs or other officers who serve process, as provided in section 2501.19 of the Revised Code;	22516 22517
(4) Shorthand reporters <u>Reporters</u> , as provided in section 2501.17 of the Revised Code;	22518 22519
(5) The expense of preparing and transcribing the record in an appeal to the tenth district court of appeals from a ruling of the director of health under the certificate of need program, as provided in section 3702.60 of the Revised Code.	22520 22521 22522 22523
(C) In the court of claims:	22524
(1) The fees provided for in section 2743.09 of the Revised Code;	22525 22526
(2) Witness fees and mileage, as provided in section 2743.06 of the Revised Code.	22527 22528
Sec. 2746.04. In addition to any applicable fees or costs set forth in sections 2746.01 and 2746.02 of the Revised Code or any other applicable provision of law, a court of common pleas shall tax as costs or otherwise require the payment of fees for the following services rendered or as compensation for the following persons or any other of the following fees that are applicable in a particular case:	22529 22530 22531 22532 22533 22534 22535
(A) The fees provided for in section 2303.20 of the Revised Code;	22536 22537
(B) Additional fees to computerize the court, make available computerized legal research services, computerize the office of the clerk of the court, provide financial assistance to legal aid societies, support the office of the state public defender, fund shelters for victims of domestic violence, and special projects of	22538 22539 22540 22541 22542

the court, as provided in section 2303.201 and, for a court that 22543
has a domestic relations division, section 2301.031 of the Revised 22544
Code; 22545

(C) Filing for a divorce decree under section 3105.10 or a 22546
decree of dissolution under section 3105.65 of the Revised Code, 22547
as provided in section 3109.14 of the Revised Code; 22548

(D) Filing of a foreign judgment pursuant to section 2329.022 22549
of the Revised Code, as provided in section 2329.025 of the 22550
Revised Code; 22551

(E) Interpreters, as provided in section 2301.14 of the 22552
Revised Code; 22553

(F) Jurors in civil actions, as provided in section 2335.28 22554
of the Revised Code; 22555

(G) ~~Shorthand reporters~~ Reporters, as provided in sections 22556
2301.21 and 2301.24 of the Revised Code; 22557

(H) In a case involving the operation by a nonresident of a 22558
vessel upon the waters in this state, or the operation on the 22559
waters in this state of a vessel owned by a nonresident if 22560
operated with his consent, actual traveling expenses of the 22561
defendant, as provided in section 1547.36 of the Revised Code; 22562

(I) In a civil case, the expenses of taking a deposition of a 22563
person who is imprisoned in a workhouse, juvenile detention 22564
facility, jail, or state correctional institution within this 22565
state, or who is in the custody of the department of youth 22566
services, as provided in section 2317.06 of the Revised Code; 22567

(J) In proceedings relating to the examination of a judgment 22568
debtor under sections 2333.09 to 2333.27 of the Revised Code, 22569
compensation for clerks, sheriffs, referees, receivers, and 22570
witnesses, as provided in section 2333.27 of the Revised Code; 22571

(K) In an appeal from an order of an agency issued pursuant 22572

to an adjudication under section 119.12 of the Revised Code, the 22573
expense of preparing and transcribing the record; 22574

(L) In a case in which the court issues a protection order 22575
upon a petition alleging that the respondent engaged in domestic 22576
violence against a family or household member, the cost of 22577
supervision of the respondent's exercise of parenting time, 22578
visitation, or companionship rights, as provided in section 22579
3113.31 of the Revised Code; 22580

(M) Upon a petition to have a person involuntarily 22581
institutionalized, the costs of appointed counsel for the 22582
respondent at a full hearing, as provided in section 5123.76 of 22583
the Revised Code; 22584

(N) In a case before the domestic relations division of the 22585
Hamilton county court of common pleas, the expense of serving a 22586
summons, warrant, citation, subpoena, or other writ issued to an 22587
officer other than a bailiff, constable, or staff investigator of 22588
the division, as provided in section 2301.03 of the Revised Code. 22589

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the 22590
Revised Code: 22591

(A) "Care facility" means any of the following: 22592

(1) Any "home" as defined in section 3721.10 or 5111.20 of 22593
the Revised Code; 22594

(2) Any "residential facility" as defined in section 5123.19 22595
of the Revised Code; 22596

(3) Any institution or facility operated or provided by the 22597
department of mental health or by the department of developmental 22598
disabilities pursuant to sections 5119.02 and 5123.03 of the 22599
Revised Code; 22600

(4) Any "residential facility" as defined in section 5119.22 22601
of the Revised Code; 22602

(5) Any unit of any hospital, as defined in section 3701.01 of the Revised Code, that provides the same services as a nursing home, as defined in section 3721.01 of the Revised Code;

(6) Any institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to one individual or two unrelated individuals who are dependent upon the services of others;

~~(7) Any "adult care facility" as defined in section 5119.70 of the Revised Code;~~

~~(8) Any adult foster home certified under section 5119.692 of the Revised Code.~~

(B) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication, or isolation on the person.

(C)(1) "Gross neglect" means knowingly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in physical harm or serious physical harm to the person.

(2) "Neglect" means recklessly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in serious physical harm to the person.

(D) "Inappropriate use of a physical or chemical restraint, medication, or isolation" means the use of physical or chemical restraint, medication, or isolation as punishment, for staff convenience, excessively, as a substitute for treatment, or in quantities that preclude habilitation and treatment.

Sec. 2907.27. (A)(1) If a person is charged with a violation 22633
of section 2907.02, 2907.03, 2907.04, 2907.24, 2907.241, or 22634
2907.25 of the Revised Code or with a violation of a municipal 22635
ordinance that is substantially equivalent to any of those 22636
sections, the arresting authorities or a court, upon the request 22637
of the prosecutor in the case or upon the request of the victim 22638
and not later than forty-eight hours after the date on which the 22639
complaint, information, or indictment is filed against the 22640
accused, shall cause the accused to submit to one or more 22641
appropriate tests to determine if the accused is suffering from a 22642
venereal disease. 22643

(2) If the accused is found to be suffering from a venereal 22644
disease in an infectious stage, the accused shall be required to 22645
submit to medical treatment for that disease. The cost of the 22646
medical treatment shall be charged to and paid by the accused who 22647
undergoes the treatment. If the accused is indigent, the court 22648
shall order the accused to report to a facility operated by a city 22649
health district or a general health district for treatment. If the 22650
accused is convicted of or pleads guilty to the offense with which 22651
the accused is charged and is placed under a community control 22652
sanction, a condition of community control shall be that the 22653
offender submit to and faithfully follow a course of medical 22654
treatment for the venereal disease. If the offender does not seek 22655
the required medical treatment, the court may revoke the 22656
offender's community control and order the offender to undergo 22657
medical treatment during the period of the offender's 22658
incarceration and to pay the cost of that treatment. 22659

(B)(1)(a) If a person is charged with a violation of division 22660
(B) of section 2903.11 or of section 2907.02, 2907.03, 2907.04, 22661
2907.05, 2907.12, 2907.24, 2907.241, or 2907.25 of the Revised 22662
Code or with a violation of a municipal ordinance that is 22663
substantially equivalent to that division or any of those 22664

sections, the court, upon the request of the prosecutor in the 22665
case, upon the request of the victim, or upon the request of any 22666
other person whom the court reasonably believes had contact with 22667
the accused in circumstances related to the violation that could 22668
have resulted in the transmission to that person the human 22669
immunodeficiency virus, shall cause the accused to submit to one 22670
or more tests designated by the director of health under section 22671
3701.241 of the Revised Code to determine if the accused is 22672
infected with HIV. The court, upon the request of the prosecutor 22673
in the case, upon the request of the victim with the agreement of 22674
the prosecutor, or upon the request of any other person with the 22675
agreement of the prosecutor, may cause an accused who is charged 22676
with a violation of any other section of the Revised Code or with 22677
a violation of any other municipal ordinance to submit to one or 22678
more tests so designated by the director of health if the 22679
circumstances of the violation indicate probable cause to believe 22680
that the accused, if the accused is infected with HIV, might have 22681
transmitted HIV to any of the following persons in committing the 22682
violation: 22683

(i) In relation to a request made by the prosecuting 22684
attorney, to the victim or to any other person; 22685

(ii) In relation to a request made by the victim, to the 22686
victim making the request; 22687

(iii) In relation to a request made by any other person, to 22688
the person making the request. 22689

(b) The results of a test performed under division (B)(1)(a) 22690
of this section shall be communicated in confidence to the court, 22691
and the court shall inform the accused of the result. The court 22692
shall inform the victim that the test was performed and that the 22693
victim has a right to receive the results on request. If the test 22694
was performed upon the request of a person other than the 22695
prosecutor in the case and other than the victim, the court shall 22696

inform the person who made the request that the test was performed 22697
and that the person has a right to receive the results upon 22698
request. Additionally, regardless of who made the request that was 22699
the basis of the test being performed, if the court reasonably 22700
believes that, in circumstances related to the violation, a person 22701
other than the victim had contact with the accused that could have 22702
resulted in the transmission of HIV to that person, the court may 22703
inform that person that the test was performed and that the person 22704
has a right to receive the results of the test on request. If the 22705
accused tests positive for HIV, the test results shall be reported 22706
to the department of health in accordance with section 3701.24 of 22707
the Revised Code and to the sheriff, head of the state 22708
correctional institution, or other person in charge of any jail or 22709
prison in which the accused is incarcerated. If the accused tests 22710
positive for HIV and the accused was charged with, and was 22711
convicted of or pleaded guilty to, a violation of section 2907.24, 22712
2907.241, or 2907.25 of the Revised Code or a violation of a 22713
municipal ordinance that is substantially equivalent to any of 22714
those sections, the test results also shall be reported to the law 22715
enforcement agency that arrested the accused, and the law 22716
enforcement agency may use the test results as the basis for any 22717
future charge of a violation of division (B) of any of those 22718
sections or a violation of a municipal ordinance that is 22719
substantially equivalent to division (B) of any of those sections. 22720
No other disclosure of the test results or the fact that a test 22721
was performed shall be made, other than as evidence in a grand 22722
jury proceeding or as evidence in a judicial proceeding in 22723
accordance with the Rules of Evidence. If the test result is 22724
negative, and the charge has not been dismissed or if the accused 22725
has been convicted of the charge or a different offense arising 22726
out of the same circumstances as the offense charged, the court 22727
shall order that the test be repeated not earlier than three 22728
months nor later than six months after the original test. 22729

(2) If an accused who is free on bond refuses to submit to a test ordered by the court pursuant to division (B)(1) of this section, the court may order that the accused's bond be revoked and that the accused be incarcerated until the test is performed. If an accused who is incarcerated refuses to submit to a test ordered by the court pursuant to division (B)(1) of this section, the court shall order the person in charge of the jail or prison in which the accused is incarcerated to take any action necessary to facilitate the performance of the test, including the forcible restraint of the accused for the purpose of drawing blood to be used in the test.

(3) A state agency, a political subdivision of the state, or an employee of a state agency or of a political subdivision of the state is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with the performance of the duties required under division (B)(2) of this section unless the acts or omissions are with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(2) "HIV" means the human immunodeficiency virus.

Sec. 2907.29. Every hospital of this state that offers organized emergency services shall provide that a physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife is available on call twenty-four hours each day for the examination of persons reported to any law enforcement agency to be victims of sexual offenses cognizable as violations of any provision of sections 2907.02 to 2907.06 of the Revised Code. The physician, physician

assistant, clinical nurse specialist, certified nurse 22761
practitioner, or certified nurse-midwife, upon the request of any 22762
peace officer or prosecuting attorney and with the consent of the 22763
reported victim or upon the request of the reported victim, shall 22764
examine the person for the purposes of gathering physical evidence 22765
and shall complete any written documentation of the physical 22766
examination. The ~~public~~ director of health council shall establish 22767
procedures for gathering evidence under this section. 22768

Each reported victim shall be informed of available venereal 22769
disease, pregnancy, medical, and psychiatric services. 22770

Notwithstanding any other provision of law, a minor may 22771
consent to examination under this section. The consent is not 22772
subject to disaffirmance because of minority, and consent of the 22773
parent, parents, or guardian of the minor is not required for an 22774
examination under this section. However, the hospital shall give 22775
written notice to the parent, parents, or guardian of a minor that 22776
an examination under this section has taken place. The parent, 22777
parents, or guardian of a minor giving consent under this section 22778
are not liable for payment for any services provided under this 22779
section without their consent. 22780

Sec. 2909.21. As used in sections 2909.21 to ~~2909.34~~ 2909.31 22781
of the Revised Code: 22782

(A) "Act of terrorism" means an act that is committed within 22783
or outside the territorial jurisdiction of this state or the 22784
United States, that constitutes a specified offense if committed 22785
in this state or constitutes an offense in any jurisdiction within 22786
or outside the territorial jurisdiction of the United States 22787
containing all of the essential elements of a specified offense, 22788
and that is intended to do one or more of the following: 22789

(1) Intimidate or coerce a civilian population; 22790

(2) Influence the policy of any government by intimidation or coercion; 22791
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(3) Affect the conduct of any government by the act that constitutes the offense. 22793
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(B) "Biological agent," "delivery system," "toxin," and "vector" have the same meanings as in section 2917.33 of the Revised Code. 22795
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(C) "Biological weapon" means any biological agent, toxin, vector, or delivery system or combination of any biological agent or agents, any toxin or toxins, any vector or vectors, and any delivery system or systems. 22798
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(D) "Chemical weapon" means any one or more of the following: 22802

(1) Any toxic chemical or precursor of a toxic chemical that is listed in Schedule 1, Schedule 2, or Schedule 3 of the international "Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC)," as entered into force on April 29, 1997; 22803
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(2) A device specifically designed to cause death or other harm through the toxic properties of a toxic chemical or precursor identified in division (D)(1) of this section that would be created or released as a result of the employment of that device; 22808
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(3) Any equipment specifically designed for use directly in connection with the employment of devices identified in division (D)(2) of this section. 22812
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(E) "Radiological or nuclear weapon" means any device that is designed to create or release radiation or radioactivity at a level that is dangerous to human life or in order to cause serious physical harm to persons as a result of the radiation or radioactivity created or released. 22815
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(F) "Explosive device" has the same meaning as in section 22820

2923.11 of the Revised Code.	22821
(G) "Key component of a binary or multicomponent chemical system" means the precursor that plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent chemical system.	22822 22823 22824 22825 22826
(H) "Material assistance" means any of the following:	22827
(1) Membership in an organization on the United States department of state terrorist exclusion list;	22828 22829
(2) Use of the person's position of prominence within any country to persuade others to support an organization on the United States department of state terrorist exclusion list;	22830 22831 22832
(3) Knowingly soliciting funds or other things of value for an organization on the United States department of state terrorist exclusion list;	22833 22834 22835
(4) Solicitation of any individual for membership in an organization on the United States department of state terrorist exclusion list;	22836 22837 22838
(5) Commission of an act that the person knows, or reasonably should have known, affords material support or resources to an organization on the United States department of state terrorist exclusion list;	22839 22840 22841 22842
(6) Hiring or compensating a person known by the person hiring or providing the compensation to be a member of an organization on the United States department of state terrorist exclusion list or a person known by the person hiring or providing the compensation to be engaged in planning, assisting, or carrying out an act of terrorism.	22843 22844 22845 22846 22847 22848
(I) "Material support or resources" means currency, payment instruments, other financial securities, funds, transfer of funds,	22849 22850

financial services, communications, lodging, training, safe 22851
houses, false documentation or identification, communications 22852
equipment, facilities, weapons, lethal substances, explosives, 22853
personnel, transportation, and other physical assets, except 22854
medicine or religious materials. 22855

~~(J)~~(I) "Payment instrument" means a check, draft, money 22856
order, traveler's check, cashier's check, teller's check, or other 22857
instrument or order for the transmission or payment of money, 22858
regardless of whether the item in question is negotiable. 22859

~~(K)~~(J) "Peace officer" and "prosecutor" have the same 22860
meanings as in section 2935.01 of the Revised Code. 22861

~~(L)~~(K) "Precursor" means any chemical reactant that takes 22862
part at any stage in the production by whatever method of a toxic 22863
chemical, including any key component of a binary or 22864
multicomponent chemical system. 22865

~~(M)~~(L) "Response costs" means all costs a political 22866
subdivision incurs as a result of, or in making any response to, a 22867
threat of a specified offense made as described in section 2909.23 22868
of the Revised Code or a specified offense committed as described 22869
in section 2909.24 of the Revised Code, including, but not limited 22870
to, all costs so incurred by any law enforcement officers, 22871
firefighters, rescue personnel, or emergency medical services 22872
personnel of the political subdivision and all costs so incurred 22873
by the political subdivision that relate to laboratory testing or 22874
hazardous material cleanup. 22875

~~(N)~~(M) "Specified offense" means any of the following: 22876

(1) A felony offense of violence, a violation of section 22877
2909.04, 2909.081, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 22878
2909.28, 2909.29, or 2927.24 of the Revised Code, a felony of the 22879
first degree that is not a violation of any provision in Chapter 22880
2925. or 3719. of the Revised Code; 22881

(2) An attempt to commit, complicity in committing, or a conspiracy to commit an offense listed in division ~~(N)~~(M)(1) of this section. 22882
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~~(O)~~(N) "Toxic chemical" means any chemical that through its chemical action on life processes can cause death or serious physical harm to persons or animals, regardless of its origin or of its method of production and regardless of whether it is produced in facilities, in munitions, or elsewhere. 22885
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~~(P)~~ "~~United States department of state terrorist exclusion list~~" and "~~terrorist exclusion list~~" means the list compiled by the United States secretary of state, in consultation with or upon the request of the United States attorney general, that designates terrorist organizations for immigration purposes. "United States department of state terrorist exclusion list" and "terrorist exclusion list" also mean the list of terrorist organizations the director of public safety prepares pursuant to rules adopted in accordance with Chapter 119. of the Revised Code, that is comprised of lists of organizations officials of the United States government designate as terrorist, including the "terrorist exclusion list" described in this division, the list of "foreign terrorist organizations" the United States secretary of state prepares in consultation with the United States attorney general and the United States secretary of the treasury, and the list of charities that support terrorist activities, known as "designated charities," that the United States department of treasury compiles. 22890
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~~(Q)~~(O) "Hazardous radioactive substance" means any substance or item that releases or is designed to release radiation or radioactivity at a level dangerous to human life. 22908
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Sec. 2909.28. (A) No person, with the intent to manufacture a chemical weapon, biological weapon, radiological or nuclear 22911
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weapon, or explosive device, shall knowingly assemble or possess 22913
one or more toxins, toxic chemicals, precursors of toxic 22914
chemicals, vectors, biological agents, or hazardous radioactive 22915
substances, ~~including, but not limited to, those listed in rules~~ 22916
~~the director of public safety adopts,~~ that may be used to 22917
manufacture a chemical weapon, biological weapon, radiological or 22918
nuclear weapon, or explosive device. 22919

(B) In a prosecution under this section, it is not necessary 22920
to allege or prove that the offender assembled or possessed all 22921
chemicals or substances necessary to manufacture a chemical 22922
weapon, biological weapon, radiological or nuclear weapon, or 22923
explosive device. The assembly or possession of a single chemical 22924
or substance, with the intent to use that chemical or substance in 22925
the manufacture of a chemical weapon, biological weapon, 22926
radiological or nuclear weapon, or explosive device, is sufficient 22927
to violate this section. 22928

(C) Whoever violates this section is guilty of illegal 22929
assembly or possession of chemicals or substances for the 22930
manufacture of a chemical weapon, biological weapon, radiological 22931
or nuclear weapon, or explosive device, which is a felony of the 22932
fourth degree. 22933

(D) This section does not apply when the items described in 22934
division (A) of this section are assembled or possessed for a 22935
purpose related to the performance of official duties related to 22936
any military purpose of the United States and any law enforcement 22937
purpose, including any domestic riot control purpose. 22938

Sec. 2927.023. (A) As used in this section ~~"authorized:~~ 22939

(1) "Authorized recipient of tobacco products" means a person 22940
who is: 22941

~~(1)~~(a) Licensed as a cigarette wholesale dealer under section 22942

5743.15 of the Revised Code;	22943
(2) (b) Licensed as a retail dealer as long as the person purchases cigarettes with the appropriate tax stamp affixed;	22944 22945
(3) (c) An export warehouse proprietor as defined in section 5702 of the Internal Revenue Code;	22946 22947
(4) (d) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555;	22948 22949
(5) (e) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity;	22950 22951 22952
(6) (f) A department, agency, instrumentality, or political subdivision of the federal government or of this state;	22953 22954
(7) (g) A person having a consent for consumer shipment issued by the tax commissioner under section 5743.71 of the Revised Code.	22955 22956
<u>(2) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.</u>	22957 22958
The purpose of this section is to prevent the sale of cigarettes to minors and to ensure compliance with the Master Settlement Agreement, as defined in section 1346.01 of the Revised Code.	22959 22960 22961 22962
(B)(1) No person shall cause to be shipped any cigarettes to any person in this state other than an authorized recipient of tobacco products.	22963 22964 22965
(2) No common carrier, contract <u>motor</u> carrier, or other person shall knowingly transport cigarettes to any person in this state that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes are transported to a home or residence, it shall be presumed that the common carrier, contract <u>motor</u> carrier, or other person knew that the person to whom the cigarettes were delivered was not an	22966 22967 22968 22969 22970 22971 22972

authorized recipient of tobacco products. 22973

(C) No person engaged in the business of selling cigarettes 22974
who ships or causes to be shipped cigarettes to any person in this 22975
state in any container or wrapping other than the original 22976
container or wrapping of the cigarettes shall fail to plainly and 22977
visibly mark the exterior of the container or wrapping in which 22978
the cigarettes are shipped with the words "cigarettes." 22979

(D) A court shall impose a fine of up to one thousand dollars 22980
for each violation of division (B)(1), (B)(2), or (C) of this 22981
section. 22982

Sec. 2929.01. As used in this chapter: 22983

(A)(1) "Alternative residential facility" means, subject to 22984
division (A)(2) of this section, any facility other than an 22985
offender's home or residence in which an offender is assigned to 22986
live and that satisfies all of the following criteria: 22987

(a) It provides programs through which the offender may seek 22988
or maintain employment or may receive education, training, 22989
treatment, or habilitation. 22990

(b) It has received the appropriate license or certificate 22991
for any specialized education, training, treatment, habilitation, 22992
or other service that it provides from the government agency that 22993
is responsible for licensing or certifying that type of education, 22994
training, treatment, habilitation, or service. 22995

(2) "Alternative residential facility" does not include a 22996
community-based correctional facility, jail, halfway house, or 22997
prison. 22998

(B) "Basic probation supervision" means a requirement that 22999
the offender maintain contact with a person appointed to supervise 23000
the offender in accordance with sanctions imposed by the court or 23001
imposed by the parole board pursuant to section 2967.28 of the 23002

Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision. 23003
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(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code. 23005
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(D) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed pursuant to sections 2301.51 to 2301.58 of the Revised Code. 23007
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(E) "Community control sanction" means a sanction that is not a prison term and that is described in section 2929.15, 2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction that is not a jail term and that is described in section 2929.26, 2929.27, or 2929.28 of the Revised Code. "Community control sanction" includes probation if the sentence involved was imposed for a felony that was committed prior to July 1, 1996, or if the sentence involved was imposed for a misdemeanor that was committed prior to January 1, 2004. 23011
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(F) "Controlled substance," "marihuana," "schedule I," and "schedule II" have the same meanings as in section 3719.01 of the Revised Code. 23020
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(G) "Curfew" means a requirement that an offender during a specified period of time be at a designated place. 23023
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(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center. 23025
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(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 23030
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(J) "Drug and alcohol use monitoring" means a program under 23032

which an offender agrees to submit to random chemical analysis of 23033
the offender's blood, breath, or urine to determine whether the 23034
offender has ingested any alcohol or other drugs. 23035

(K) "Drug treatment program" means any program under which a 23036
person undergoes assessment and treatment designed to reduce or 23037
completely eliminate the person's physical or emotional reliance 23038
upon alcohol, another drug, or alcohol and another drug and under 23039
which the person may be required to receive assessment and 23040
treatment on an outpatient basis or may be required to reside at a 23041
facility other than the person's home or residence while 23042
undergoing assessment and treatment. 23043

(L) "Economic loss" means any economic detriment suffered by 23044
a victim as a direct and proximate result of the commission of an 23045
offense and includes any loss of income due to lost time at work 23046
because of any injury caused to the victim, and any property loss, 23047
medical cost, or funeral expense incurred as a result of the 23048
commission of the offense. "Economic loss" does not include 23049
non-economic loss or any punitive or exemplary damages. 23050

(M) "Education or training" includes study at, or in 23051
conjunction with a program offered by, a university, college, or 23052
technical college or vocational study and also includes the 23053
completion of primary school, secondary school, and literacy 23054
curricula or their equivalent. 23055

(N) "Firearm" has the same meaning as in section 2923.11 of 23056
the Revised Code. 23057

(O) "Halfway house" means a facility licensed by the division 23058
of parole and community services of the department of 23059
rehabilitation and correction pursuant to section 2967.14 of the 23060
Revised Code as a suitable facility for the care and treatment of 23061
adult offenders. 23062

(P) "House arrest" means a period of confinement of an 23063

offender that is in the offender's home or in other premises 23064
specified by the sentencing court or by the parole board pursuant 23065
to section 2967.28 of the Revised Code and during which all of the 23066
following apply: 23067

(1) The offender is required to remain in the offender's home 23068
or other specified premises for the specified period of 23069
confinement, except for periods of time during which the offender 23070
is at the offender's place of employment or at other premises as 23071
authorized by the sentencing court or by the parole board. 23072

(2) The offender is required to report periodically to a 23073
person designated by the court or parole board. 23074

(3) The offender is subject to any other restrictions and 23075
requirements that may be imposed by the sentencing court or by the 23076
parole board. 23077

(Q) "Intensive probation supervision" means a requirement 23078
that an offender maintain frequent contact with a person appointed 23079
by the court, or by the parole board pursuant to section 2967.28 23080
of the Revised Code, to supervise the offender while the offender 23081
is seeking or maintaining necessary employment and participating 23082
in training, education, and treatment programs as required in the 23083
court's or parole board's order. "Intensive probation supervision" 23084
includes intensive parole supervision and intensive post-release 23085
control supervision. 23086

(R) "Jail" means a jail, workhouse, minimum security jail, or 23087
other residential facility used for the confinement of alleged or 23088
convicted offenders that is operated by a political subdivision or 23089
a combination of political subdivisions of this state. 23090

(S) "Jail term" means the term in a jail that a sentencing 23091
court imposes or is authorized to impose pursuant to section 23092
2929.24 or 2929.25 of the Revised Code or pursuant to any other 23093
provision of the Revised Code that authorizes a term in a jail for 23094

a misdemeanor conviction. 23095

(T) "Mandatory jail term" means the term in a jail that a 23096
sentencing court is required to impose pursuant to division (G) of 23097
section 1547.99 of the Revised Code, division (E) of section 23098
2903.06 or division (D) of section 2903.08 of the Revised Code, 23099
division (E) or (G) of section 2929.24 of the Revised Code, 23100
division (B) of section 4510.14 of the Revised Code, or division 23101
(G) of section 4511.19 of the Revised Code or pursuant to any 23102
other provision of the Revised Code that requires a term in a jail 23103
for a misdemeanor conviction. 23104

(U) "Delinquent child" has the same meaning as in section 23105
2152.02 of the Revised Code. 23106

(V) "License violation report" means a report that is made by 23107
a sentencing court, or by the parole board pursuant to section 23108
2967.28 of the Revised Code, to the regulatory or licensing board 23109
or agency that issued an offender a professional license or a 23110
license or permit to do business in this state and that specifies 23111
that the offender has been convicted of or pleaded guilty to an 23112
offense that may violate the conditions under which the offender's 23113
professional license or license or permit to do business in this 23114
state was granted or an offense for which the offender's 23115
professional license or license or permit to do business in this 23116
state may be revoked or suspended. 23117

(W) "Major drug offender" means an offender who is convicted 23118
of or pleads guilty to the possession of, sale of, or offer to 23119
sell any drug, compound, mixture, preparation, or substance that 23120
consists of or contains at least one thousand grams of hashish; at 23121
least one hundred grams of cocaine; at least two thousand five 23122
hundred unit doses or two hundred fifty grams of heroin; at least 23123
five thousand unit doses of L.S.D. or five hundred grams of L.S.D. 23124
in a liquid concentrate, liquid extract, or liquid distillate 23125
form; or at least one hundred times the amount of any other 23126

schedule I or II controlled substance other than marihuana that is 23127
necessary to commit a felony of the third degree pursuant to 23128
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised Code 23129
that is based on the possession of, sale of, or offer to sell the 23130
controlled substance. 23131

(X) "Mandatory prison term" means any of the following: 23132

(1) Subject to division (X)(2) of this section, the term in 23133
prison that must be imposed for the offenses or circumstances set 23134
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 23135
2929.13 and division (B) of section 2929.14 of the Revised Code. 23136
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 23137
and 2925.11 of the Revised Code, unless the maximum or another 23138
specific term is required under section 2929.14 or 2929.142 of the 23139
Revised Code, a mandatory prison term described in this division 23140
may be any prison term authorized for the level of offense. 23141

(2) The term of sixty or one hundred twenty days in prison 23142
that a sentencing court is required to impose for a third or 23143
fourth degree felony OVI offense pursuant to division (G)(2) of 23144
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 23145
of the Revised Code or the term of one, two, three, four, or five 23146
years in prison that a sentencing court is required to impose 23147
pursuant to division (G)(2) of section 2929.13 of the Revised 23148
Code. 23149

(3) The term in prison imposed pursuant to division (A) of 23150
section 2971.03 of the Revised Code for the offenses and in the 23151
circumstances described in division (F)(11) of section 2929.13 of 23152
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 23153
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 23154
2971.03 of the Revised Code and that term as modified or 23155
terminated pursuant to section 2971.05 of the Revised Code. 23156

(Y) "Monitored time" means a period of time during which an 23157

offender continues to be under the control of the sentencing court 23158
or parole board, subject to no conditions other than leading a 23159
law-abiding life. 23160

(Z) "Offender" means a person who, in this state, is 23161
convicted of or pleads guilty to a felony or a misdemeanor. 23162

(AA) "Prison" means a residential facility used for the 23163
confinement of convicted felony offenders that is under the 23164
control of the department of rehabilitation and correction but 23165
does not include a violation sanction center operated under 23166
authority of section 2967.141 of the Revised Code. 23167

(BB) "Prison term" includes either of the following sanctions 23168
for an offender: 23169

(1) A stated prison term; 23170

(2) A term in a prison shortened by, or with the approval of, 23171
the sentencing court pursuant to section 2929.143, 2929.20, 23172
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 23173

(CC) "Repeat violent offender" means a person about whom both 23174
of the following apply: 23175

(1) The person is being sentenced for committing or for 23176
complicity in committing any of the following: 23177

(a) Aggravated murder, murder, any felony of the first or 23178
second degree that is an offense of violence, or an attempt to 23179
commit any of these offenses if the attempt is a felony of the 23180
first or second degree; 23181

(b) An offense under an existing or former law of this state, 23182
another state, or the United States that is or was substantially 23183
equivalent to an offense described in division (CC)(1)(a) of this 23184
section. 23185

(2) The person previously was convicted of or pleaded guilty 23186
to an offense described in division (CC)(1)(a) or (b) of this 23187

section. 23188

(DD) "Sanction" means any penalty imposed upon an offender 23189
who is convicted of or pleads guilty to an offense, as punishment 23190
for the offense. "Sanction" includes any sanction imposed pursuant 23191
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 23192
2929.28 of the Revised Code. 23193

(EE) "Sentence" means the sanction or combination of 23194
sanctions imposed by the sentencing court on an offender who is 23195
convicted of or pleads guilty to an offense. 23196

(FF) "Stated prison term" means the prison term, mandatory 23197
prison term, or combination of all prison terms and mandatory 23198
prison terms imposed by the sentencing court pursuant to section 23199
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 23200
2919.25 of the Revised Code. "Stated prison term" includes any 23201
credit received by the offender for time spent in jail awaiting 23202
trial, sentencing, or transfer to prison for the offense and any 23203
time spent under house arrest or house arrest with electronic 23204
monitoring imposed after earning credits pursuant to section 23205
2967.193 of the Revised Code. If an offender is serving a prison 23206
term as a risk reduction sentence under sections 2929.142 and 23207
5120.036 of the Revised Code, "stated prison term" includes any 23208
period of time by which the prison term imposed upon the offender 23209
is shortened by the offender's successful completion of all 23210
assessment and treatment or programming pursuant to those 23211
sections. 23212

(GG) "Victim-offender mediation" means a reconciliation or 23213
mediation program that involves an offender and the victim of the 23214
offense committed by the offender and that includes a meeting in 23215
which the offender and the victim may discuss the offense, discuss 23216
restitution, and consider other sanctions for the offense. 23217

(HH) "Fourth degree felony OVI offense" means a violation of 23218

division (A) of section 4511.19 of the Revised Code that, under 23219
division (G) of that section, is a felony of the fourth degree. 23220

(II) "Mandatory term of local incarceration" means the term 23221
of sixty or one hundred twenty days in a jail, a community-based 23222
correctional facility, a halfway house, or an alternative 23223
residential facility that a sentencing court may impose upon a 23224
person who is convicted of or pleads guilty to a fourth degree 23225
felony OVI offense pursuant to division (G)(1) of section 2929.13 23226
of the Revised Code and division (G)(1)(d) or (e) of section 23227
4511.19 of the Revised Code. 23228

(JJ) "Designated homicide, assault, or kidnapping offense," 23229
"violent sex offense," "sexual motivation specification," 23230
"sexually violent offense," "sexually violent predator," and 23231
"sexually violent predator specification" have the same meanings 23232
as in section 2971.01 of the Revised Code. 23233

(KK) "Sexually oriented offense," "child-victim oriented 23234
offense," and "tier III sex offender/child-victim offender," have 23235
the same meanings as in section 2950.01 of the Revised Code. 23236

(LL) An offense is "committed in the vicinity of a child" if 23237
the offender commits the offense within thirty feet of or within 23238
the same residential unit as a child who is under eighteen years 23239
of age, regardless of whether the offender knows the age of the 23240
child or whether the offender knows the offense is being committed 23241
within thirty feet of or within the same residential unit as the 23242
child and regardless of whether the child actually views the 23243
commission of the offense. 23244

(MM) "Family or household member" has the same meaning as in 23245
section 2919.25 of the Revised Code. 23246

(NN) "Motor vehicle" and "manufactured home" have the same 23247
meanings as in section 4501.01 of the Revised Code. 23248

(OO) "Detention" and "detention facility" have the same 23249

meanings as in section 2921.01 of the Revised Code. 23250

(PP) "Third degree felony OVI offense" means a violation of 23251
division (A) of section 4511.19 of the Revised Code that, under 23252
division (G) of that section, is a felony of the third degree. 23253

(QQ) "Random drug testing" has the same meaning as in section 23254
5120.63 of the Revised Code. 23255

(RR) "Felony sex offense" has the same meaning as in section 23256
2967.28 of the Revised Code. 23257

(SS) "Body armor" has the same meaning as in section 23258
2941.1411 of the Revised Code. 23259

(TT) "Electronic monitoring" means monitoring through the use 23260
of an electronic monitoring device. 23261

(UU) "Electronic monitoring device" means any of the 23262
following: 23263

(1) Any device that can be operated by electrical or battery 23264
power and that conforms with all of the following: 23265

(a) The device has a transmitter that can be attached to a 23266
person, that will transmit a specified signal to a receiver of the 23267
type described in division (UU)(1)(b) of this section if the 23268
transmitter is removed from the person, turned off, or altered in 23269
any manner without prior court approval in relation to electronic 23270
monitoring or without prior approval of the department of 23271
rehabilitation and correction in relation to the use of an 23272
electronic monitoring device for an inmate on transitional control 23273
or otherwise is tampered with, that can transmit continuously and 23274
periodically a signal to that receiver when the person is within a 23275
specified distance from the receiver, and that can transmit an 23276
appropriate signal to that receiver if the person to whom it is 23277
attached travels a specified distance from that receiver. 23278

(b) The device has a receiver that can receive continuously 23279

the signals transmitted by a transmitter of the type described in 23280
division (UU)(1)(a) of this section, can transmit continuously 23281
those signals by a wireless or landline telephone connection to a 23282
central monitoring computer of the type described in division 23283
(UU)(1)(c) of this section, and can transmit continuously an 23284
appropriate signal to that central monitoring computer if the 23285
device has been turned off or altered without prior court approval 23286
or otherwise tampered with. The device is designed specifically 23287
for use in electronic monitoring, is not a converted wireless 23288
phone or another tracking device that is clearly not designed for 23289
electronic monitoring, and provides a means of text-based or voice 23290
communication with the person. 23291

(c) The device has a central monitoring computer that can 23292
receive continuously the signals transmitted by a wireless or 23293
landline telephone connection by a receiver of the type described 23294
in division (UU)(1)(b) of this section and can monitor 23295
continuously the person to whom an electronic monitoring device of 23296
the type described in division (UU)(1)(a) of this section is 23297
attached. 23298

(2) Any device that is not a device of the type described in 23299
division (UU)(1) of this section and that conforms with all of the 23300
following: 23301

(a) The device includes a transmitter and receiver that can 23302
monitor and determine the location of a subject person at any 23303
time, or at a designated point in time, through the use of a 23304
central monitoring computer or through other electronic means. 23305

(b) The device includes a transmitter and receiver that can 23306
determine at any time, or at a designated point in time, through 23307
the use of a central monitoring computer or other electronic means 23308
the fact that the transmitter is turned off or altered in any 23309
manner without prior approval of the court in relation to the 23310
electronic monitoring or without prior approval of the department 23311

of rehabilitation and correction in relation to the use of an 23312
electronic monitoring device for an inmate on transitional control 23313
or otherwise is tampered with. 23314

(3) Any type of technology that can adequately track or 23315
determine the location of a subject person at any time and that is 23316
approved by the director of rehabilitation and correction, 23317
including, but not limited to, any satellite technology, voice 23318
tracking system, or retinal scanning system that is so approved. 23319

(VV) "Non-economic loss" means nonpecuniary harm suffered by 23320
a victim of an offense as a result of or related to the commission 23321
of the offense, including, but not limited to, pain and suffering; 23322
loss of society, consortium, companionship, care, assistance, 23323
attention, protection, advice, guidance, counsel, instruction, 23324
training, or education; mental anguish; and any other intangible 23325
loss. 23326

(WW) "Prosecutor" has the same meaning as in section 2935.01 23327
of the Revised Code. 23328

(XX) "Continuous alcohol monitoring" means the ability to 23329
automatically test and periodically transmit alcohol consumption 23330
levels and tamper attempts at least every hour, regardless of the 23331
location of the person who is being monitored. 23332

(YY) A person is "adjudicated a sexually violent predator" if 23333
the person is convicted of or pleads guilty to a violent sex 23334
offense and also is convicted of or pleads guilty to a sexually 23335
violent predator specification that was included in the 23336
indictment, count in the indictment, or information charging that 23337
violent sex offense or if the person is convicted of or pleads 23338
guilty to a designated homicide, assault, or kidnapping offense 23339
and also is convicted of or pleads guilty to both a sexual 23340
motivation specification and a sexually violent predator 23341
specification that were included in the indictment, count in the 23342

indictment, or information charging that designated homicide, 23343
assault, or kidnapping offense. 23344

(ZZ) An offense is "committed in proximity to a school" if 23345
the offender commits the offense in a school safety zone or within 23346
five hundred feet of any school building or the boundaries of any 23347
school premises, regardless of whether the offender knows the 23348
offense is being committed in a school safety zone or within five 23349
hundred feet of any school building or the boundaries of any 23350
school premises. 23351

(AAA) "Human trafficking" means a scheme or plan to which all 23352
of the following apply: 23353

(1) Its object is to subject a victim or victims to 23354
involuntary servitude, as defined in section 2905.31 of the 23355
Revised Code, to compel a victim or victims to engage in sexual 23356
activity for hire, to engage in a performance that is obscene, 23357
sexually oriented, or nudity oriented, or to be a model or 23358
participant in the production of material that is obscene, 23359
sexually oriented, or nudity oriented. 23360

(2) It involves at least two felony offenses, whether or not 23361
there has been a prior conviction for any of the felony offenses, 23362
to which all of the following apply: 23363

(a) Each of the felony offenses is a violation of section 23364
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 23365
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 23366
(4), or (5) of section 2919.22 of the Revised Code or is a 23367
violation of a law of any state other than this state that is 23368
substantially similar to any of the sections or divisions of the 23369
Revised Code identified in this division. 23370

(b) At least one of the felony offenses was committed in this 23371
state. 23372

(c) The felony offenses are related to the same scheme or 23373

plan and are not isolated instances. 23374

(BBB) "Material," "nudity," "obscene," "performance," and 23375
"sexual activity" have the same meanings as in section 2907.01 of 23376
the Revised Code. 23377

(CCC) "Material that is obscene, sexually oriented, or nudity 23378
oriented" means any material that is obscene, that shows a person 23379
participating or engaging in sexual activity, masturbation, or 23380
bestiality, or that shows a person in a state of nudity. 23381

(DDD) "Performance that is obscene, sexually oriented, or 23382
nudity oriented" means any performance that is obscene, that shows 23383
a person participating or engaging in sexual activity, 23384
masturbation, or bestiality, or that shows a person in a state of 23385
nudity. 23386

Sec. 2929.19. (A) The court shall hold a sentencing hearing 23387
before imposing a sentence under this chapter upon an offender who 23388
was convicted of or pleaded guilty to a felony and before 23389
resentencing an offender who was convicted of or pleaded guilty to 23390
a felony and whose case was remanded pursuant to section 2953.07 23391
or 2953.08 of the Revised Code. At the hearing, the offender, the 23392
prosecuting attorney, the victim or the victim's representative in 23393
accordance with section 2930.14 of the Revised Code, and, with the 23394
approval of the court, any other person may present information 23395
relevant to the imposition of sentence in the case. The court 23396
shall inform the offender of the verdict of the jury or finding of 23397
the court and ask the offender whether the offender has anything 23398
to say as to why sentence should not be imposed upon the offender. 23399

(B)(1) At the sentencing hearing, the court, before imposing 23400
sentence, shall consider the record, any information presented at 23401
the hearing by any person pursuant to division (A) of this 23402
section, and, if one was prepared, the presentence investigation 23403
report made pursuant to section 2951.03 of the Revised Code or 23404

Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code. 23405
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(2) Subject to division (B)(3) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following: 23407
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(a) Impose a stated prison term and, if the court imposes a mandatory prison term, notify the offender that the prison term is a mandatory prison term; 23411
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(b) In addition to any other information, include in the sentencing entry the name and section reference to the offense or offenses, the sentence or sentences imposed and whether the sentence or sentences contain mandatory prison terms, if sentences are imposed for multiple counts whether the sentences are to be served concurrently or consecutively, and the name and section reference of any specification or specifications for which sentence is imposed and the sentence or sentences imposed for the specification or specifications; 23414
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(c) Notify the offender that the offender will be supervised under section 2967.28 of the Revised Code after the offender leaves prison if the offender is being sentenced for a felony of the first degree or second degree, for a felony sex offense, or for a felony of the third degree that is not a felony sex offense and in the commission of which the offender caused or threatened to cause physical harm to a person. This division applies with respect to all prison terms imposed for an offense of a type described in this division, including a term imposed for any such offense that is a risk reduction sentence, as defined in section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in division (B)(2)(c) of this section on or after July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(2)(c) of this 23423
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section that the offender will be supervised under section 2967.28 23437
of the Revised Code after the offender leaves prison or to include 23438
in the judgment of conviction entered on the journal a statement 23439
to that effect does not negate, limit, or otherwise affect the 23440
mandatory period of supervision that is required for the offender 23441
under division (B) of section 2967.28 of the Revised Code. Section 23442
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 23443
court imposed a sentence including a prison term of a type 23444
described in division (B)(2)(c) of this section and failed to 23445
notify the offender pursuant to division (B)(2)(c) of this section 23446
regarding post-release control or to include in the judgment of 23447
conviction entered on the journal or in the sentence a statement 23448
regarding post-release control. 23449

(d) Notify the offender that the offender may be supervised 23450
under section 2967.28 of the Revised Code after the offender 23451
leaves prison if the offender is being sentenced for a felony of 23452
the third, fourth, or fifth degree that is not subject to division 23453
(B)(2)(c) of this section. This division applies with respect to 23454
all prison terms imposed for an offense of a type described in 23455
this division, including a term imposed for any such offense that 23456
is a risk reduction sentence, as defined in section 2967.28 of the 23457
Revised Code. Section 2929.191 of the Revised Code applies if, 23458
prior to July 11, 2006, a court imposed a sentence including a 23459
prison term of a type described in division (B)(2)(d) of this 23460
section and failed to notify the offender pursuant to division 23461
(B)(2)(d) of this section regarding post-release control or to 23462
include in the judgment of conviction entered on the journal or in 23463
the sentence a statement regarding post-release control. 23464

(e) Notify the offender that, if a period of supervision is 23465
imposed following the offender's release from prison, as described 23466
in division (B)(2)(c) or (d) of this section, and if the offender 23467
violates that supervision or a condition of post-release control 23468

imposed under division (B) of section 2967.131 of the Revised Code, the parole board may impose a prison term, as part of the sentence, of up to one-half of the stated prison term originally imposed upon the offender. If a court imposes a sentence including a prison term on or after July 11, 2006, the failure of a court to notify the offender pursuant to division (B)(2)(e) of this section that the parole board may impose a prison term as described in division (B)(2)(e) of this section for a violation of that supervision or a condition of post-release control imposed under division (B) of section 2967.131 of the Revised Code or to include in the judgment of conviction entered on the journal a statement to that effect does not negate, limit, or otherwise affect the authority of the parole board to so impose a prison term for a violation of that nature if, pursuant to division (D)(1) of section 2967.28 of the Revised Code, the parole board notifies the offender prior to the offender's release of the board's authority to so impose a prison term. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term and failed to notify the offender pursuant to division (B)(2)(e) of this section regarding the possibility of the parole board imposing a prison term for a violation of supervision or a condition of post-release control.

(f) Require that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code, whichever is applicable to the offender who is serving a prison term, and require that the results of the drug test administered under any of those sections indicate that the offender did not ingest or was not injected with a drug of abuse.

(g) Include in the offender's sentence a statement notifying the offender of the information described in division (F)(3) of section 2929.14 of the Revised Code regarding earned credits under

section 2967.193 of the Revised Code. 23501

(h)(i) Determine, notify the offender of, and include in the 23502
sentencing entry the number of days that the offender has been 23503
confined for any reason arising out of the offense for which the 23504
offender is being sentenced and by which the department of 23505
rehabilitation and correction must reduce the stated prison term 23506
under section 2967.191 of the Revised Code. The court's 23507
calculation shall not include the number of days, if any, that the 23508
offender previously served in the custody of the department of 23509
rehabilitation and correction arising out of the offense for which 23510
the prisoner was convicted and sentenced. 23511

(ii) In making a determination under division (B)(2)(h)(i) of 23512
this section, the court shall consider the arguments of the 23513
parties and conduct a hearing if one is requested. 23514

(iii) The sentencing court retains continuing jurisdiction to 23515
correct any error not previously raised at sentencing in making a 23516
determination under division (B)(2)(h)(i) of this section. The 23517
offender may, at any time after sentencing, file a motion in the 23518
sentencing court to correct any error made in making a 23519
determination under division (B)(2)(h)(i) of this section, and the 23520
court may in its discretion grant or deny that motion. If the 23521
court changes the number of days in its determination or 23522
redetermination, the court shall cause the entry granting that 23523
change to be delivered to the department of rehabilitation and 23524
correction without delay. Sections 2931.15 and 2953.21 of the 23525
Revised Code do not apply to a motion made under this section. 23526

(iv) An inaccurate determination under division (B)(2)(h)(i) 23527
of this section is not grounds for setting aside the offender's 23528
conviction or sentence and does not otherwise render the sentence 23529
void or voidable. 23530

(3)(a) The court shall include in the offender's sentence a 23531

statement that the offender is a tier III sex 23532
offender/child-victim offender, and the court shall comply with 23533
the requirements of section 2950.03 of the Revised Code if any of 23534
the following apply: 23535

(i) The offender is being sentenced for a violent sex offense 23536
or designated homicide, assault, or kidnapping offense that the 23537
offender committed on or after January 1, 1997, and the offender 23538
is adjudicated a sexually violent predator in relation to that 23539
offense. 23540

(ii) The offender is being sentenced for a sexually oriented 23541
offense that the offender committed on or after January 1, 1997, 23542
and the offender is a tier III sex offender/child-victim offender 23543
relative to that offense. 23544

(iii) The offender is being sentenced on or after July 31, 23545
2003, for a child-victim oriented offense, and the offender is a 23546
tier III sex offender/child-victim offender relative to that 23547
offense. 23548

(iv) The offender is being sentenced under section 2971.03 of 23549
the Revised Code for a violation of division (A)(1)(b) of section 23550
2907.02 of the Revised Code committed on or after January 2, 2007. 23551

(v) The offender is sentenced to a term of life without 23552
parole under division (B) of section 2907.02 of the Revised Code. 23553

(vi) The offender is being sentenced for attempted rape 23554
committed on or after January 2, 2007, and a specification of the 23555
type described in section 2941.1418, 2941.1419, or 2941.1420 of 23556
the Revised Code. 23557

(vii) The offender is being sentenced under division 23558
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 23559
for an offense described in those divisions committed on or after 23560
January 1, 2008. 23561

(b) Additionally, if any criterion set forth in divisions 23562
(B)(3)(a)(i) to (vii) of this section is satisfied, in the 23563
circumstances described in division (E) of section 2929.14 of the 23564
Revised Code, the court shall impose sentence on the offender as 23565
described in that division. 23566

(4) If the sentencing court determines at the sentencing 23567
hearing that a community control sanction should be imposed and 23568
the court is not prohibited from imposing a community control 23569
sanction, the court shall impose a community control sanction. The 23570
court shall notify the offender that, if the conditions of the 23571
sanction are violated, if the offender commits a violation of any 23572
law, or if the offender leaves this state without the permission 23573
of the court or the offender's probation officer, the court may 23574
impose a longer time under the same sanction, may impose a more 23575
restrictive sanction, or may impose a prison term on the offender 23576
and shall indicate the specific prison term that may be imposed as 23577
a sanction for the violation, as selected by the court from the 23578
range of prison terms for the offense pursuant to section 2929.14 23579
of the Revised Code. 23580

(5) Before imposing a financial sanction under section 23581
2929.18 of the Revised Code or a fine under section 2929.32 of the 23582
Revised Code, the court shall consider the offender's present and 23583
future ability to pay the amount of the sanction or fine. 23584

(6) If the sentencing court sentences the offender to a 23585
sanction of confinement pursuant to section 2929.14 or 2929.16 of 23586
the Revised Code that is to be served in a local detention 23587
facility, as defined in section 2929.36 of the Revised Code, and 23588
if the local detention facility is covered by a policy adopted 23589
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 23590
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 23591
and section 2929.37 of the Revised Code, both of the following 23592
apply: 23593

(a) The court shall specify both of the following as part of the sentence: 23594
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(i) If the offender is presented with an itemized bill pursuant to section 2929.37 of the Revised Code for payment of the costs of confinement, the offender is required to pay the bill in accordance with that section. 23596
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(ii) If the offender does not dispute the bill described in division (B)(6)(a)(i) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the offender as described in that section. 23600
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(b) The sentence automatically includes any certificate of judgment issued as described in division (B)(6)(a)(ii) of this section. 23605
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(7) The failure of the court to notify the offender that a prison term is a mandatory prison term pursuant to division (B)(2)(a) of this section or to include in the sentencing entry any information required by division (B)(2)(b) of this section does not affect the validity of the imposed sentence or sentences. 23608
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(C)(1) If the offender is being sentenced for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, the court shall impose the mandatory term of local 23622
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incarceration in accordance with that division, shall impose a 23625
mandatory fine in accordance with division (B)(3) of section 23626
2929.18 of the Revised Code, and, in addition, may impose 23627
additional sanctions as specified in sections 2929.15, 2929.16, 23628
2929.17, and 2929.18 of the Revised Code. The court shall not 23629
impose a prison term on the offender except that the court may 23630
impose a prison term upon the offender as provided in division 23631
(A)(1) of section 2929.13 of the Revised Code. 23632

(2) If the offender is being sentenced for a third or fourth 23633
degree felony OVI offense under division (G)(2) of section 2929.13 23634
of the Revised Code, the court shall impose the mandatory prison 23635
term in accordance with that division, shall impose a mandatory 23636
fine in accordance with division (B)(3) of section 2929.18 of the 23637
Revised Code, and, in addition, may impose an additional prison 23638
term as specified in section 2929.14 of the Revised Code. In 23639
addition to the mandatory prison term or mandatory prison term and 23640
additional prison term the court imposes, the court also may 23641
impose a community control sanction on the offender, but the 23642
offender shall serve all of the prison terms so imposed prior to 23643
serving the community control sanction. 23644

(D) The sentencing court, pursuant to division (I)(1) of 23645
section 2929.14 of the Revised Code, may recommend placement of 23646
the offender in a program of shock incarceration under section 23647
5120.031 of the Revised Code or an intensive program prison under 23648
section 5120.032 of the Revised Code, disapprove placement of the 23649
offender in a program or prison of that nature, or make no 23650
recommendation. If the court recommends or disapproves placement, 23651
it shall make a finding that gives its reasons for its 23652
recommendation or disapproval. 23653

Sec. 2939.11. The official ~~shorthand~~ reporter of the county, 23654
or any ~~shorthand~~ reporter designated by the court of common pleas, 23655

at the request of the prosecuting attorney, or any such reporter 23656
designated by the attorney general in investigations conducted by 23657
~~him~~ the attorney general, may take ~~shorthand~~ notes of or 23658
electronically record testimony before the grand jury, and furnish 23659
a transcript to the prosecuting attorney or the attorney general, 23660
and to no other person. The ~~shorthand~~ reporter shall withdraw from 23661
the jury room before the jurors begin to express their views or 23662
take their vote on the matter before them. Such reporter shall 23663
take an oath to be administered by the judge after the grand jury 23664
is sworn, imposing an obligation of secrecy to not disclose any 23665
testimony taken or heard except to the grand jury, prosecuting 23666
attorney, or attorney general, unless called upon in court to make 23667
disclosures. 23668

Sec. 2945.371. (A) If the issue of a defendant's competence 23669
to stand trial is raised or if a defendant enters a plea of not 23670
guilty by reason of insanity, the court may order one or more 23671
evaluations of the defendant's present mental condition or, in the 23672
case of a plea of not guilty by reason of insanity, of the 23673
defendant's mental condition at the time of the offense charged. 23674
An examiner shall conduct the evaluation. 23675

(B) If the court orders more than one evaluation under 23676
division (A) of this section, the prosecutor and the defendant may 23677
recommend to the court an examiner whom each prefers to perform 23678
one of the evaluations. If a defendant enters a plea of not guilty 23679
by reason of insanity and if the court does not designate an 23680
examiner recommended by the defendant, the court shall inform the 23681
defendant that the defendant may have independent expert 23682
evaluation and that, if the defendant is unable to obtain 23683
independent expert evaluation, it will be obtained for the 23684
defendant at public expense if the defendant is indigent. 23685

(C) If the court orders an evaluation under division (A) of 23686

this section, the defendant shall be available at the times and 23687
places established by the examiners who are to conduct the 23688
evaluation. The court may order a defendant who has been released 23689
on bail or recognizance to submit to an evaluation under this 23690
section. If a defendant who has been released on bail or 23691
recognizance refuses to submit to a complete evaluation, the court 23692
may amend the conditions of bail or recognizance and order the 23693
sheriff to take the defendant into custody and deliver the 23694
defendant to a center, program, or facility operated or certified 23695
by the department of mental health or the department of 23696
developmental disabilities where the defendant may be held for 23697
evaluation for a reasonable period of time not to exceed twenty 23698
days. 23699

(D) A defendant who has not been released on bail or 23700
recognizance may be evaluated at the defendant's place of 23701
detention. Upon the request of the examiner, the court may order 23702
the sheriff to transport the defendant to a program or facility 23703
operated or certified by the department of mental health or the 23704
department of developmental disabilities, where the defendant may 23705
be held for evaluation for a reasonable period of time not to 23706
exceed twenty days, and to return the defendant to the place of 23707
detention after the evaluation. A municipal court may make an 23708
order under this division only upon the request of a certified 23709
forensic center examiner. 23710

(E) If a court orders the evaluation to determine a 23711
defendant's mental condition at the time of the offense charged, 23712
the court shall inform the examiner of the offense with which the 23713
defendant is charged. 23714

(F) In conducting an evaluation of a defendant's mental 23715
condition at the time of the offense charged, the examiner shall 23716
consider all relevant evidence. If the offense charged involves 23717
the use of force against another person, the relevant evidence to 23718

be considered includes, but is not limited to, any evidence that 23719
the defendant suffered, at the time of the commission of the 23720
offense, from the "battered woman syndrome." 23721

(G) The examiner shall file a written report with the court 23722
within thirty days after entry of a court order for evaluation, 23723
and the court shall provide copies of the report to the prosecutor 23724
and defense counsel. The report shall include all of the 23725
following: 23726

(1) The examiner's findings; 23727

(2) The facts in reasonable detail on which the findings are 23728
based; 23729

(3) If the evaluation was ordered to determine the 23730
defendant's competence to stand trial, all of the following 23731
findings or recommendations that are applicable: 23732

(a) Whether the defendant is capable of understanding the 23733
nature and objective of the proceedings against the defendant or 23734
of assisting in the defendant's defense; 23735

(b) If the examiner's opinion is that the defendant is 23736
incapable of understanding the nature and objective of the 23737
proceedings against the defendant or of assisting in the 23738
defendant's defense, whether the defendant presently is mentally 23739
ill or mentally retarded and, if the examiner's opinion is that 23740
the defendant presently is mentally retarded, whether the 23741
defendant appears to be a mentally retarded person subject to 23742
institutionalization by court order; 23743

(c) If the examiner's opinion is that the defendant is 23744
incapable of understanding the nature and objective of the 23745
proceedings against the defendant or of assisting in the 23746
defendant's defense, the examiner's opinion as to the likelihood 23747
of the defendant becoming capable of understanding the nature and 23748
objective of the proceedings against the defendant and of 23749

assisting in the defendant's defense within one year if the 23750
defendant is provided with a course of treatment; 23751

(d) If the examiner's opinion is that the defendant is 23752
incapable of understanding the nature and objective of the 23753
proceedings against the defendant or of assisting in the 23754
defendant's defense and that the defendant presently is mentally 23755
ill or mentally retarded, the examiner's recommendation as to the 23756
least restrictive placement or commitment alternative, consistent 23757
with the defendant's treatment needs for restoration to competency 23758
and with the safety of the community; 23759

~~(e) If the defendant is charged with a misdemeanor offense 23760
that is not an offense of violence and the examiner's opinion is 23761
that the defendant is incapable of understanding the nature and 23762
objective of the proceedings against the defendant or of assisting 23763
in the defendant's defense and that the defendant is presently 23764
mentally ill or mentally retarded, the examiner's recommendation 23765
as to whether the defendant is amenable to engagement in mental 23766
health treatment or developmental disability services. 23767~~

(4) If the evaluation was ordered to determine the 23768
defendant's mental condition at the time of the offense charged, 23769
the examiner's findings as to whether the defendant, at the time 23770
of the offense charged, did not know, as a result of a severe 23771
mental disease or defect, the wrongfulness of the defendant's acts 23772
charged. 23773

(H) If the examiner's report filed under division (G) of this 23774
section indicates that in the examiner's opinion the defendant is 23775
incapable of understanding the nature and objective of the 23776
proceedings against the defendant or of assisting in the 23777
defendant's defense and that in the examiner's opinion the 23778
defendant appears to be a mentally retarded person subject to 23779
institutionalization by court order, the court shall order the 23780
defendant to undergo a separate mental retardation evaluation 23781

conducted by a psychologist designated by the director of 23782
developmental disabilities. Divisions (C) to (F) of this section 23783
apply in relation to a separate mental retardation evaluation 23784
conducted under this division. The psychologist appointed under 23785
this division to conduct the separate mental retardation 23786
evaluation shall file a written report with the court within 23787
thirty days after the entry of the court order requiring the 23788
separate mental retardation evaluation, and the court shall 23789
provide copies of the report to the prosecutor and defense 23790
counsel. The report shall include all of the information described 23791
in divisions (G)(1) to (4) of this section. If the court orders a 23792
separate mental retardation evaluation of a defendant under this 23793
division, the court shall not conduct a hearing under divisions 23794
(B) to (H) of section 2945.37 of the Revised Code regarding that 23795
defendant until a report of the separate mental retardation 23796
evaluation conducted under this division has been filed. Upon the 23797
filing of that report, the court shall conduct the hearing within 23798
the period of time specified in division (C) of section 2945.37 of 23799
the Revised Code. 23800

(I) An examiner appointed under divisions (A) and (B) of this 23801
section or under division (H) of this section to evaluate a 23802
defendant to determine the defendant's competence to stand trial 23803
also may be appointed to evaluate a defendant who has entered a 23804
plea of not guilty by reason of insanity, but an examiner of that 23805
nature shall prepare separate reports on the issue of competence 23806
to stand trial and the defense of not guilty by reason of 23807
insanity. 23808

(J) No statement that a defendant makes in an evaluation or 23809
hearing under divisions (A) to (H) of this section relating to the 23810
defendant's competence to stand trial or to the defendant's mental 23811
condition at the time of the offense charged shall be used against 23812
the defendant on the issue of guilt in any criminal action or 23813

proceeding, but, in a criminal action or proceeding, the 23814
prosecutor or defense counsel may call as a witness any person who 23815
evaluated the defendant or prepared a report pursuant to a 23816
referral under this section. Neither the appointment nor the 23817
testimony of an examiner appointed under this section precludes 23818
the prosecutor or defense counsel from calling other witnesses or 23819
presenting other evidence on competency or insanity issues. 23820

(K) Persons appointed as examiners under divisions (A) and 23821
(B) of this section or under division (H) of this section shall be 23822
paid a reasonable amount for their services and expenses, as 23823
certified by the court. The certified amount shall be paid by the 23824
county in the case of county courts and courts of common pleas and 23825
by the legislative authority, as defined in section 1901.03 of the 23826
Revised Code, in the case of municipal courts. 23827

Sec. 2945.38. (A) If the issue of a defendant's competence to 23828
stand trial is raised and if the court, upon conducting the 23829
hearing provided for in section 2945.37 of the Revised Code, finds 23830
that the defendant is competent to stand trial, the defendant 23831
shall be proceeded against as provided by law. If the court finds 23832
the defendant competent to stand trial and the defendant is 23833
receiving psychotropic drugs or other medication, the court may 23834
authorize the continued administration of the drugs or medication 23835
or other appropriate treatment in order to maintain the 23836
defendant's competence to stand trial, unless the defendant's 23837
attending physician advises the court against continuation of the 23838
drugs, other medication, or treatment. 23839

(B)(1)(a) If, after taking into consideration all relevant 23840
reports, information, and other evidence, the court finds that the 23841
defendant is incompetent to stand trial and that there is a 23842
substantial probability that the defendant will become competent 23843
to stand trial within one year if the defendant is provided with a 23844

course of treatment, the court shall order the defendant to 23845
undergo treatment. If the defendant has been charged with a felony 23846
offense and if, after taking into consideration all relevant 23847
reports, information, and other evidence, the court finds that the 23848
defendant is incompetent to stand trial, but the court is unable 23849
at that time to determine whether there is a substantial 23850
probability that the defendant will become competent to stand 23851
trial within one year if the defendant is provided with a course 23852
of treatment, the court shall order continuing evaluation and 23853
treatment of the defendant for a period not to exceed four months 23854
to determine whether there is a substantial probability that the 23855
defendant will become competent to stand trial within one year if 23856
the defendant is provided with a course of treatment. 23857

(b) The court order for the defendant to undergo treatment or 23858
continuing evaluation and treatment under division (B)(1)(a) of 23859
this section shall specify that the defendant, if determined to 23860
require mental health treatment or continuing evaluation and 23861
treatment, either shall be committed to the department of mental 23862
health for treatment or continuing evaluation and treatment at a 23863
hospital, facility, or agency, as determined to be clinically 23864
appropriate by the department of mental health ~~and~~ or shall be 23865
committed to a facility certified by the department of mental 23866
health as being qualified to treat mental illness, to a public or 23867
community mental health facility, or to a psychiatrist or another 23868
mental health professional for treatment or continuing evaluation 23869
and treatment. Prior to placing the defendant, the department of 23870
mental health shall obtain court approval for that placement 23871
following a hearing. The court order for the defendant to undergo 23872
treatment or continuing evaluation and treatment under division 23873
(B)(1)(a) of this section shall specify that the defendant, if 23874
determined to require treatment or continuing evaluation and 23875
treatment for ~~a developmental disability~~ mental retardation, shall 23876
receive treatment or continuing evaluation and treatment at an 23877

institution or facility operated by the department of 23878
developmental disabilities, at a facility certified by the 23879
department of developmental disabilities as being qualified to 23880
treat mental retardation, at a public or private ~~community~~ mental 23881
retardation facility, or by a psychiatrist or another mental 23882
retardation professional. ~~The~~ In any case, the order may restrict 23883
the defendant's freedom of movement as the court considers 23884
necessary. The prosecutor in the defendant's case shall send to 23885
the chief clinical officer of the hospital, facility, or agency 23886
where the defendant is placed by the department of mental health, 23887
or to the managing officer of the institution, the director of the 23888
program or facility, or the person to which the defendant is 23889
committed, copies of relevant police reports and other background 23890
information that pertains to the defendant and is available to the 23891
prosecutor unless the prosecutor determines that the release of 23892
any of the information in the police reports or any of the other 23893
background information to unauthorized persons would interfere 23894
with the effective prosecution of any person or would create a 23895
substantial risk of harm to any person. 23896

~~In committing the defendant to the department of mental 23897
health, the court shall consider the extent to which the person is 23898
a danger to the person and to others, the need for security, and 23899
the type of crime involved and, if the court finds that 23900
restrictions on the defendant's freedom of movement are necessary, 23901
shall specify the least restrictive limitations on the person's 23902
freedom of movement determined to be necessary to protect public 23903
safety. In determining the place of commitment alternatives for 23904
~~defendants determined to require treatment or continuing 23905
evaluation and treatment for developmental disabilities,~~ the court 23906
shall consider the extent to which the person is a danger to the 23907
person and to others, the need for security, and the type of crime 23908
involved and shall order the least restrictive alternative 23909
available that is consistent with public safety and treatment 23910~~

goals. In weighing these factors, the court shall give preference 23911
to protecting public safety. 23912

(c) If the defendant is found incompetent to stand trial, if 23913
the chief clinical officer of the hospital, facility, or agency 23914
where the defendant is placed, or the managing officer of the 23915
institution, the director of the program or facility, or the 23916
person to which the defendant is committed for treatment or 23917
continuing evaluation and treatment under division (B)(1)(b) of 23918
this section determines that medication is necessary to restore 23919
the defendant's competency to stand trial, and if the defendant 23920
lacks the capacity to give informed consent or refuses medication, 23921
the chief clinical officer of the hospital, facility, or agency 23922
where the defendant is placed, or the managing officer of the 23923
institution, the director of the program or facility, or the 23924
person to which the defendant is committed for treatment or 23925
continuing evaluation and treatment may petition the court for 23926
authorization for the involuntary administration of medication. 23927
The court shall hold a hearing on the petition within five days of 23928
the filing of the petition if the petition was filed in a 23929
municipal court or a county court regarding an incompetent 23930
defendant charged with a misdemeanor or within ten days of the 23931
filing of the petition if the petition was filed in a court of 23932
common pleas regarding an incompetent defendant charged with a 23933
felony offense. Following the hearing, the court may authorize the 23934
involuntary administration of medication or may dismiss the 23935
petition. 23936

~~(d) If the defendant is charged with a misdemeanor offense 23937
that is not an offense of violence, the prosecutor may hold the 23938
charges in abeyance while the defendant engages in mental health 23939
treatment or developmental disability services. 23940~~

(2) If the court finds that the defendant is incompetent to 23941
stand trial and that, even if the defendant is provided with a 23942

course of treatment, there is not a substantial probability that 23943
the defendant will become competent to stand trial within one 23944
year, the court shall order the discharge of the defendant, unless 23945
upon motion of the prosecutor or on its own motion, the court 23946
either seeks to retain jurisdiction over the defendant pursuant to 23947
section 2945.39 of the Revised Code or files an affidavit in the 23948
probate court for the civil commitment of the defendant pursuant 23949
to Chapter 5122. or 5123. of the Revised Code alleging that the 23950
defendant is a mentally ill person subject to hospitalization by 23951
court order or a mentally retarded person subject to 23952
institutionalization by court order. If an affidavit is filed in 23953
the probate court, the trial court shall send to the probate court 23954
copies of all written reports of the defendant's mental condition 23955
that were prepared pursuant to section 2945.371 of the Revised 23956
Code. 23957

The trial court may issue the temporary order of detention 23958
that a probate court may issue under section 5122.11 or 5123.71 of 23959
the Revised Code, to remain in effect until the probable cause or 23960
initial hearing in the probate court. Further proceedings in the 23961
probate court are civil proceedings governed by Chapter 5122. or 23962
5123. of the Revised Code. 23963

(C) No defendant shall be required to undergo treatment, 23964
including any continuing evaluation and treatment, under division 23965
(B)(1) of this section for longer than whichever of the following 23966
periods is applicable: 23967

(1) One year, if the most serious offense with which the 23968
defendant is charged is one of the following offenses: 23969

(a) Aggravated murder, murder, or an offense of violence for 23970
which a sentence of death or life imprisonment may be imposed; 23971

(b) An offense of violence that is a felony of the first or 23972
second degree; 23973

(c) A conspiracy to commit, an attempt to commit, or 23974
complicity in the commission of an offense described in division 23975
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 23976
complicity is a felony of the first or second degree. 23977

(2) Six months, if the most serious offense with which the 23978
defendant is charged is a felony other than a felony described in 23979
division (C)(1) of this section; 23980

(3) Sixty days, if the most serious offense with which the 23981
defendant is charged is a misdemeanor of the first or second 23982
degree; 23983

(4) Thirty days, if the most serious offense with which the 23984
defendant is charged is a misdemeanor of the third or fourth 23985
degree, a minor misdemeanor, or an unclassified misdemeanor. 23986

(D) Any defendant who is committed pursuant to this section 23987
shall not voluntarily admit the defendant or be voluntarily 23988
admitted to a hospital or institution pursuant to section 5122.02, 23989
5122.15, 5123.69, or 5123.76 of the Revised Code. 23990

(E) Except as otherwise provided in this division, a 23991
defendant who is charged with an offense and is committed by the 23992
court under this section to the department of mental health ~~with~~ 23993
~~restrictions on the defendant's freedom of movement~~ or is 23994
committed to an institution or facility for the treatment of 23995
~~developmental disabilities~~ mental retardation shall not be granted 23996
unsupervised on-grounds movement, supervised off-grounds movement, 23997
or nonsecured status except in accordance with the court order. 23998
The court may grant a defendant supervised off-grounds movement to 23999
obtain medical treatment or specialized habilitation treatment 24000
services if the person who supervises the treatment or the 24001
continuing evaluation and treatment of the defendant ordered under 24002
division (B)(1)(a) of this section informs the court that the 24003
treatment or continuing evaluation and treatment cannot be 24004

provided at the hospital or facility where the defendant is placed 24005
by the department of mental health or the institution or facility 24006
to which the defendant is committed. The chief clinical officer of 24007
the hospital or facility where the defendant is placed by the 24008
department of mental health or the managing officer of the 24009
institution or director of the facility to which the defendant is 24010
committed, or a designee of any of those persons, may grant a 24011
defendant movement to a medical facility for an emergency medical 24012
situation with appropriate supervision to ensure the safety of the 24013
defendant, staff, and community during that emergency medical 24014
situation. The chief clinical officer of the hospital or facility 24015
where the defendant is placed by the department of mental health 24016
or the managing officer of the institution or director of the 24017
facility to which the defendant is committed shall notify the 24018
court within twenty-four hours of the defendant's movement to the 24019
medical facility for an emergency medical situation under this 24020
division. 24021

(F) The person who supervises the treatment or continuing 24022
evaluation and treatment of a defendant ordered to undergo 24023
treatment or continuing evaluation and treatment under division 24024
(B)(1)(a) of this section shall file a written report with the 24025
court at the following times: 24026

(1) Whenever the person believes the defendant is capable of 24027
understanding the nature and objective of the proceedings against 24028
the defendant and of assisting in the defendant's defense; 24029

(2) For a felony offense, fourteen days before expiration of 24030
the maximum time for treatment as specified in division (C) of 24031
this section and fourteen days before the expiration of the 24032
maximum time for continuing evaluation and treatment as specified 24033
in division (B)(1)(a) of this section, and, for a misdemeanor 24034
offense, ten days before the expiration of the maximum time for 24035
treatment, as specified in division (C) of this section; 24036

(3) At a minimum, after each six months of treatment; 24037

(4) Whenever the person who supervises the treatment or 24038
continuing evaluation and treatment of a defendant ordered under 24039
division (B)(1)(a) of this section believes that there is not a 24040
substantial probability that the defendant will become capable of 24041
understanding the nature and objective of the proceedings against 24042
the defendant or of assisting in the defendant's defense even if 24043
the defendant is provided with a course of treatment. 24044

(G) A report under division (F) of this section shall contain 24045
the examiner's findings, the facts in reasonable detail on which 24046
the findings are based, and the examiner's opinion as to the 24047
defendant's capability of understanding the nature and objective 24048
of the proceedings against the defendant and of assisting in the 24049
defendant's defense. If, in the examiner's opinion, the defendant 24050
remains incapable of understanding the nature and objective of the 24051
proceedings against the defendant and of assisting in the 24052
defendant's defense and there is a substantial probability that 24053
the defendant will become capable of understanding the nature and 24054
objective of the proceedings against the defendant and of 24055
assisting in the defendant's defense if the defendant is provided 24056
with a course of treatment, if in the examiner's opinion the 24057
defendant remains mentally ill or mentally retarded, and if the 24058
maximum time for treatment as specified in division (C) of this 24059
section has not expired, the report also shall contain the 24060
examiner's recommendation as to the least restrictive placement or 24061
commitment alternative that is consistent with the defendant's 24062
treatment needs for restoration to competency and with the safety 24063
of the community. The court shall provide copies of the report to 24064
the prosecutor and defense counsel. 24065

(H) If a defendant is committed pursuant to division (B)(1) 24066
of this section, within ten days after the treating physician of 24067
the defendant or the examiner of the defendant who is employed or 24068

retained by the treating facility advises that there is not a 24069
substantial probability that the defendant will become capable of 24070
understanding the nature and objective of the proceedings against 24071
the defendant or of assisting in the defendant's defense even if 24072
the defendant is provided with a course of treatment, within ten 24073
days after the expiration of the maximum time for treatment as 24074
specified in division (C) of this section, within ten days after 24075
the expiration of the maximum time for continuing evaluation and 24076
treatment as specified in division (B)(1)(a) of this section, 24077
within thirty days after a defendant's request for a hearing that 24078
is made after six months of treatment, or within thirty days after 24079
being advised by the treating physician or examiner that the 24080
defendant is competent to stand trial, whichever is the earliest, 24081
the court shall conduct another hearing to determine if the 24082
defendant is competent to stand trial and shall do whichever of 24083
the following is applicable: 24084

(1) If the court finds that the defendant is competent to 24085
stand trial, the defendant shall be proceeded against as provided 24086
by law. 24087

(2) If the court finds that the defendant is incompetent to 24088
stand trial, but that there is a substantial probability that the 24089
defendant will become competent to stand trial if the defendant is 24090
provided with a course of treatment, and the maximum time for 24091
treatment as specified in division (C) of this section has not 24092
expired, the court, after consideration of the examiner's 24093
recommendation, shall order that treatment be continued, may 24094
change the ~~least restrictive limitations on the defendant's~~ 24095
~~freedom of movement~~ facility or program at which the treatment is 24096
to be continued, and, ~~if applicable~~, shall specify whether the 24097
treatment ~~for developmental disabilities~~ is to be continued at the 24098
same or a different facility or ~~institution~~ program. 24099

(3) If the court finds that the defendant is incompetent to 24100

stand trial, if the defendant is charged with an offense listed in 24101
division (C)(1) of this section, and if the court finds that there 24102
is not a substantial probability that the defendant will become 24103
competent to stand trial even if the defendant is provided with a 24104
course of treatment, or if the maximum time for treatment relative 24105
to that offense as specified in division (C) of this section has 24106
expired, further proceedings shall be as provided in sections 24107
2945.39, 2945.401, and 2945.402 of the Revised Code. 24108

(4) If the court finds that the defendant is incompetent to 24109
stand trial, if the most serious offense with which the defendant 24110
is charged is a misdemeanor or a felony other than a felony listed 24111
in division (C)(1) of this section, and if the court finds that 24112
there is not a substantial probability that the defendant will 24113
become competent to stand trial even if the defendant is provided 24114
with a course of treatment, or if the maximum time for treatment 24115
relative to that offense as specified in division (C) of this 24116
section has expired, the court shall dismiss the indictment, 24117
information, or complaint against the defendant. A dismissal under 24118
this division is not a bar to further prosecution based on the 24119
same conduct. The court shall discharge the defendant unless the 24120
court or prosecutor files an affidavit in probate court for civil 24121
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 24122
If an affidavit for civil commitment is filed, the court may 24123
detain the defendant for ten days pending civil commitment. All of 24124
the following provisions apply to persons charged with a 24125
misdemeanor or a felony other than a felony listed in division 24126
(C)(1) of this section who are committed by the probate court 24127
subsequent to the court's or prosecutor's filing of an affidavit 24128
for civil commitment under authority of this division: 24129

(a) The chief clinical officer of the entity, hospital, or 24130
facility, the managing officer of the institution, the director of 24131
the program, or the person to which the defendant is committed or 24132

admitted shall do all of the following: 24133

(i) Notify the prosecutor, in writing, of the discharge of 24134
the defendant, send the notice at least ten days prior to the 24135
discharge unless the discharge is by the probate court, and state 24136
in the notice the date on which the defendant will be discharged; 24137

(ii) Notify the prosecutor, in writing, when the defendant is 24138
absent without leave or is granted unsupervised, off-grounds 24139
movement, and send this notice promptly after the discovery of the 24140
absence without leave or prior to the granting of the 24141
unsupervised, off-grounds movement, whichever is applicable; 24142

(iii) Notify the prosecutor, in writing, of the change of the 24143
defendant's commitment or admission to voluntary status, send the 24144
notice promptly upon learning of the change to voluntary status, 24145
and state in the notice the date on which the defendant was 24146
committed or admitted on a voluntary status. 24147

(b) Upon receiving notice that the defendant will be granted 24148
unsupervised, off-grounds movement, the prosecutor either shall 24149
re-indict the defendant or promptly notify the court that the 24150
prosecutor does not intend to prosecute the charges against the 24151
defendant. 24152

(I) If a defendant is convicted of a crime and sentenced to a 24153
jail or workhouse, the defendant's sentence shall be reduced by 24154
the total number of days the defendant is confined for evaluation 24155
to determine the defendant's competence to stand trial or 24156
treatment under this section and sections 2945.37 and 2945.371 of 24157
the Revised Code or by the total number of days the defendant is 24158
confined for evaluation to determine the defendant's mental 24159
condition at the time of the offense charged. 24160

Sec. 2945.39. (A) If a defendant who is charged with an 24161
offense described in division (C)(1) of section 2945.38 of the 24162

Revised Code is found incompetent to stand trial, after the 24163
expiration of the maximum time for treatment as specified in 24164
division (C) of that section or after the court finds that there 24165
is not a substantial probability that the defendant will become 24166
competent to stand trial even if the defendant is provided with a 24167
course of treatment, one of the following applies: 24168

(1) The court or the prosecutor may file an affidavit in 24169
probate court for civil commitment of the defendant in the manner 24170
provided in Chapter 5122. or 5123. of the Revised Code. If the 24171
court or prosecutor files an affidavit for civil commitment, the 24172
court may detain the defendant for ten days pending civil 24173
commitment. If the probate court commits the defendant subsequent 24174
to the court's or prosecutor's filing of an affidavit for civil 24175
commitment, the chief clinical officer of the entity, hospital, or 24176
facility, the managing officer of the institution, the director of 24177
the program, or the person to which the defendant is committed or 24178
admitted shall send to the prosecutor the notices described in 24179
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 24180
Code within the periods of time and under the circumstances 24181
specified in those divisions. 24182

(2) On the motion of the prosecutor or on its own motion, the 24183
court may retain jurisdiction over the defendant if, at a hearing, 24184
the court finds both of the following by clear and convincing 24185
evidence: 24186

(a) The defendant committed the offense with which the 24187
defendant is charged. 24188

(b) The defendant is a mentally ill person subject to 24189
hospitalization by court order or a mentally retarded person 24190
subject to institutionalization by court order. 24191

(B) In making its determination under division (A)(2) of this 24192
section as to whether to retain jurisdiction over the defendant, 24193

the court may consider all relevant evidence, including, but not 24194
limited to, any relevant psychiatric, psychological, or medical 24195
testimony or reports, the acts constituting the offense charged, 24196
and any history of the defendant that is relevant to the 24197
defendant's ability to conform to the law. 24198

(C) If the court conducts a hearing as described in division 24199
(A)(2) of this section and if the court does not make both 24200
findings described in divisions (A)(2)(a) and (b) of this section 24201
by clear and convincing evidence, the court shall dismiss the 24202
indictment, information, or complaint against the defendant. Upon 24203
the dismissal, the court shall discharge the defendant unless the 24204
court or prosecutor files an affidavit in probate court for civil 24205
commitment of the defendant pursuant to Chapter 5122. or 5123. of 24206
the Revised Code. If the court or prosecutor files an affidavit 24207
for civil commitment, the court may order that the defendant be 24208
detained for up to ten days pending the civil commitment. If the 24209
probate court commits the defendant subsequent to the court's or 24210
prosecutor's filing of an affidavit for civil commitment, the 24211
chief clinical officer of the entity, hospital, or facility, the 24212
managing officer of the institution, the director of the program, 24213
or the person to which the defendant is committed or admitted 24214
shall send to the prosecutor the notices described in divisions 24215
(H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code 24216
within the periods of time and under the circumstances specified 24217
in those divisions. A dismissal of charges under this division is 24218
not a bar to further criminal proceedings based on the same 24219
conduct. 24220

(D)(1) If the court conducts a hearing as described in 24221
division (A)(2) of this section and if the court makes the 24222
findings described in divisions (A)(2)(a) and (b) of this section 24223
by clear and convincing evidence, the court shall commit the 24224
defendant, if determined to require mental health treatment, 24225

either to the department of mental health for treatment at a 24226
hospital, facility, or agency as determined clinically appropriate 24227
by the department of mental health or to another medical or 24228
psychiatric facility, as appropriate. Prior to placing the 24229
defendant, the department of mental health shall obtain court 24230
approval for that placement. If the court conducts such a hearing 24231
and if it makes those findings by clear and convincing evidence, 24232
the court shall commit the defendant, if determined to require 24233
treatment for ~~developmental disabilities~~ mental retardation, to a 24234
facility operated by the department of developmental disabilities, 24235
or another facility, as appropriate. ~~In committing the defendant~~ 24236
~~to the department of mental health, the court shall specify the~~ 24237
~~least restrictive limitations on the defendant's freedom of~~ 24238
~~movement determined to be necessary to protect public safety. In~~ 24239
~~determining the place and nature of the commitment to a facility~~ 24240
~~operated by the department of developmental disabilities or~~ 24241
~~another facility for treatment of developmental disabilities, the~~ 24242
~~court~~ In determining the place of commitment, the court shall 24243
consider the extent to which the person is a danger to the person 24244
and to others, the need for security, and the type of crime 24245
involved and shall order the least restrictive ~~commitment~~ 24246
alternative available that is consistent with public safety and 24247
the welfare of the defendant. In weighing these factors, the court 24248
shall give preference to protecting public safety. 24249

(2) If a court makes a commitment of a defendant under 24250
division (D)(1) of this section, the prosecutor shall send to the 24251
hospital, facility, or agency where the defendant is placed by the 24252
department of mental health or to the defendant's place of 24253
commitment all reports of the defendant's current mental condition 24254
and, except as otherwise provided in this division, any other 24255
relevant information, including, but not limited to, a transcript 24256
of the hearing held pursuant to division (A)(2) of this section, 24257
copies of relevant police reports, and copies of any prior arrest 24258

and conviction records that pertain to the defendant and that the prosecutor possesses. The prosecutor shall send the reports of the defendant's current mental condition in every case of commitment, and, unless the prosecutor determines that the release of any of the other relevant information to unauthorized persons would interfere with the effective prosecution of any person or would create a substantial risk of harm to any person, the prosecutor also shall send the other relevant information. Upon admission of a defendant committed under division (D)(1) of this section, the place of commitment shall send to the board of alcohol, drug addiction, and mental health services or the community mental health board serving the county in which the charges against the defendant were filed a copy of all reports of the defendant's current mental condition and a copy of the other relevant information provided by the prosecutor under this division, including, if provided, a transcript of the hearing held pursuant to division (A)(2) of this section, the relevant police reports, and the prior arrest and conviction records that pertain to the defendant and that the prosecutor possesses.

(3) If a court makes a commitment under division (D)(1) of this section, all further proceedings shall be in accordance with sections 2945.401 and 2945.402 of the Revised Code.

Sec. 2945.40. (A) If a person is found not guilty by reason of insanity, the verdict shall state that finding, and the trial court shall conduct a full hearing to determine whether the person is a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order. Prior to the hearing, if the trial judge believes that there is probable cause that the person found not guilty by reason of insanity is a mentally ill person subject to hospitalization by court order or mentally retarded person subject to institutionalization by court order, the trial judge may issue

a temporary order of detention for that person to remain in effect 24291
for ten court days or until the hearing, whichever occurs first. 24292

Any person detained pursuant to a temporary order of 24293
detention issued under this division shall be held in a suitable 24294
facility, taking into consideration the place and type of 24295
confinement prior to and during trial. 24296

(B) The court shall hold the hearing under division (A) of 24297
this section to determine whether the person found not guilty by 24298
reason of insanity is a mentally ill person subject to 24299
hospitalization by court order or a mentally retarded person 24300
subject to institutionalization by court order within ten court 24301
days after the finding of not guilty by reason of insanity. 24302
Failure to conduct the hearing within the ten-day period shall 24303
cause the immediate discharge of the respondent, unless the judge 24304
grants a continuance for not longer than ten court days for good 24305
cause shown or for any period of time upon motion of the 24306
respondent. 24307

(C) If a person is found not guilty by reason of insanity, 24308
the person has the right to attend all hearings conducted pursuant 24309
to sections 2945.37 to 2945.402 of the Revised Code. At any 24310
hearing conducted pursuant to one of those sections, the court 24311
shall inform the person that the person has all of the following 24312
rights: 24313

(1) The right to be represented by counsel and to have that 24314
counsel provided at public expense if the person is indigent, with 24315
the counsel to be appointed by the court under Chapter 120. of the 24316
Revised Code or under the authority recognized in division (C) of 24317
section 120.06, division (E) of section 120.16, division (E) of 24318
section 120.26, or section 2941.51 of the Revised Code; 24319

(2) The right to have independent expert evaluation and to 24320
have that independent expert evaluation provided at public expense 24321

if the person is indigent; 24322

(3) The right to subpoena witnesses and documents, to present 24323
evidence on the person's behalf, and to cross-examine witnesses 24324
against the person; 24325

(4) The right to testify in the person's own behalf and to 24326
not be compelled to testify; 24327

(5) The right to have copies of any relevant medical or 24328
mental health document in the custody of the state or of any place 24329
of commitment other than a document for which the court finds that 24330
the release to the person of information contained in the document 24331
would create a substantial risk of harm to any person. 24332

(D) The hearing under division (A) of this section shall be 24333
open to the public, and the court shall conduct the hearing in 24334
accordance with the Rules of Civil Procedure. The court shall make 24335
and maintain a full transcript and record of the hearing 24336
proceedings. The court may consider all relevant evidence, 24337
including, but not limited to, any relevant psychiatric, 24338
psychological, or medical testimony or reports, the acts 24339
constituting the offense in relation to which the person was found 24340
not guilty by reason of insanity, and any history of the person 24341
that is relevant to the person's ability to conform to the law. 24342

(E) Upon completion of the hearing under division (A) of this 24343
section, if the court finds there is not clear and convincing 24344
evidence that the person is a mentally ill person subject to 24345
hospitalization by court order or a mentally retarded person 24346
subject to institutionalization by court order, the court shall 24347
discharge the person, unless a detainer has been placed upon the 24348
person by the department of rehabilitation and correction, in 24349
which case the person shall be returned to that department. 24350

(F) If, at the hearing under division (A) of this section, 24351
the court finds by clear and convincing evidence that the person 24352

is a mentally ill person subject to hospitalization by court 24353
order, the court shall commit the person either to the department 24354
of mental health for ~~placement~~ treatment in a hospital, facility, 24355
or agency as determined clinically appropriate by the department 24356
of mental health or to another medical or psychiatric facility, as 24357
appropriate. Prior to placing the defendant, the department of 24358
mental health shall obtain court approval for that placement. If, 24359
at the hearing under division (A) of this section, the court ~~finds~~ 24360
determines by clear and convincing evidence that the person ~~is a~~ 24361
~~mentally retarded person subject to institutionalization by court~~ 24362
~~order~~ requires treatment for mental retardation, it shall commit 24363
the person to a facility operated by the department of 24364
developmental disabilities or another facility, as appropriate. 24365
Further proceedings shall be in accordance with sections 2945.401 24366
and 2945.402 of the Revised Code. ~~In committing the person to the~~ 24367
~~department of mental health, the court shall specify the least~~ 24368
~~restrictive limitations to the defendant's freedom of movement~~ 24369
~~determined to be necessary to protect public safety.~~ In 24370
determining the place ~~and nature of the commitment of a mentally~~ 24371
~~retarded person subject to institutionalization by court order,~~ 24372
the court shall consider the extent to which the person is a 24373
danger to the person and to others, the need for security, and the 24374
type of crime involved and shall order the least restrictive 24375
~~commitment~~ alternative available that is consistent with public 24376
safety and the welfare of the person. In weighing these factors, 24377
the court shall give preference to protecting public safety. 24378

(G) If a court makes a commitment of a person under division 24379
(F) of this section, the prosecutor shall send to the hospital, 24380
facility, or agency where the person is placed by the department 24381
of mental health or to the defendant's place of commitment all 24382
reports of the person's current mental condition, and, except as 24383
otherwise provided in this division, any other relevant 24384
information, including, but not limited to, a transcript of the 24385

hearing held pursuant to division (A) of this section, copies of 24386
relevant police reports, and copies of any prior arrest and 24387
conviction records that pertain to the person and that the 24388
prosecutor possesses. The prosecutor shall send the reports of the 24389
person's current mental condition in every case of commitment, 24390
and, unless the prosecutor determines that the release of any of 24391
the other relevant information to unauthorized persons would 24392
interfere with the effective prosecution of any person or would 24393
create a substantial risk of harm to any person, the prosecutor 24394
also shall send the other relevant information. Upon admission of 24395
a person committed under division (F) of this section, the place
of commitment shall send to the board of alcohol, drug addiction,
and mental health services or the community mental health board
serving the county in which the charges against the person were
filed a copy of all reports of the person's current mental
condition and a copy of the other relevant information provided by
the prosecutor under this division, including, if provided, a
transcript of the hearing held pursuant to division (A) of this
section, the relevant police reports, and the prior arrest and
conviction records that pertain to the person and that the
prosecutor possesses. 24406

(H) A person who is committed pursuant to this section shall 24407
not voluntarily admit the person or be voluntarily admitted to a 24408
hospital or institution pursuant to section 5122.02, 5122.15, 24409
5123.69, or 5123.76 of the Revised Code. 24410

Sec. 2945.401. (A) A defendant found incompetent to stand 24411
trial and committed pursuant to section 2945.39 of the Revised 24412
Code or a person found not guilty by reason of insanity and 24413
committed pursuant to section 2945.40 of the Revised Code shall 24414
remain subject to the jurisdiction of the trial court pursuant to 24415
that commitment, and to the provisions of this section, until the 24416
final termination of the commitment as described in division 24417

(J)(1) of this section. If the jurisdiction is terminated under 24418
this division because of the final termination of the commitment 24419
resulting from the expiration of the maximum prison term or term 24420
of imprisonment described in division (J)(1)(b) of this section, 24421
the court or prosecutor may file an affidavit for the civil 24422
commitment of the defendant or person pursuant to Chapter 5122. or 24423
5123. of the Revised Code. 24424

(B) A hearing conducted under any provision of sections 24425
2945.37 to 2945.402 of the Revised Code shall not be conducted in 24426
accordance with Chapters 5122. and 5123. of the Revised Code. Any 24427
person who is committed pursuant to section 2945.39 or 2945.40 of 24428
the Revised Code shall not voluntarily admit the person or be 24429
voluntarily admitted to a hospital or institution pursuant to 24430
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 24431
All other provisions of Chapters 5122. and 5123. of the Revised 24432
Code regarding hospitalization or institutionalization shall apply 24433
to the extent they are not in conflict with this chapter. A 24434
commitment under section 2945.39 or 2945.40 of the Revised Code 24435
shall not be terminated and the conditions of the commitment shall 24436
not be changed except as otherwise provided in division (D)(2) of 24437
this section with respect to a mentally retarded person subject to 24438
institutionalization by court order or except by order of the 24439
trial court. 24440

(C) The department of mental health or the institution ~~or~~ 24441
facility, or program to which a defendant or person has been 24442
committed under section 2945.39 or 2945.40 of the Revised Code 24443
shall report in writing to the trial court, at the times specified 24444
in this division, as to whether the defendant or person remains a 24445
mentally ill person subject to hospitalization by court order or a 24446
mentally retarded person subject to institutionalization by court 24447
order and, in the case of a defendant committed under section 24448
2945.39 of the Revised Code, as to whether the defendant remains 24449

incompetent to stand trial. The department, institution, ~~or~~ 24450
facility, or program shall make the reports after the initial six 24451
months of treatment and every two years after the initial report 24452
is made. The trial court shall provide copies of the reports to 24453
the prosecutor and to the counsel for the defendant or person. 24454
Within thirty days after its receipt pursuant to this division of 24455
a report from the department, institution, ~~or~~ facility, or 24456
program, the trial court shall hold a hearing on the continued 24457
commitment of the defendant or person or on any changes in the 24458
conditions of the commitment of the defendant or person. The 24459
defendant or person may request a change in the conditions of 24460
confinement, and the trial court shall conduct a hearing on that 24461
request if six months or more have elapsed since the most recent 24462
hearing was conducted under this section. 24463

(D)(1) Except as otherwise provided in division (D)(2) of 24464
this section, when a defendant or person has been committed under 24465
section 2945.39 or 2945.40 of the Revised Code, at any time after 24466
evaluating the risks to public safety and the welfare of the 24467
defendant or person, the designee of the department of mental 24468
health or the managing officer of the institution or director of 24469
the facility or program to which the defendant or person is 24470
committed may recommend a termination of the defendant's or 24471
person's commitment or a change in the conditions of the 24472
defendant's or person's commitment. 24473

Except as otherwise provided in division (D)(2) of this 24474
section, if the designee of the department of mental health 24475
recommends on-grounds unsupervised movement, off-grounds 24476
supervised movement, or nonsecured status for the defendant or 24477
person or termination of the defendant's or person's commitment, 24478
the following provisions apply: 24479

(a) If the department's designee recommends on-grounds 24480
unsupervised movement or off-grounds supervised movement, the 24481

department's designee shall file with the trial court an 24482
application for approval of the movement and shall send a copy of 24483
the application to the prosecutor. Within fifteen days after 24484
receiving the application, the prosecutor may request a hearing on 24485
the application and, if a hearing is requested, shall so inform 24486
the department's designee. If the prosecutor does not request a 24487
hearing within the fifteen-day period, the trial court shall 24488
approve the application by entering its order approving the 24489
requested movement or, within five days after the expiration of 24490
the fifteen-day period, shall set a date for a hearing on the 24491
application. If the prosecutor requests a hearing on the 24492
application within the fifteen-day period, the trial court shall 24493
hold a hearing on the application within thirty days after the 24494
hearing is requested. If the trial court, within five days after 24495
the expiration of the fifteen-day period, sets a date for a 24496
hearing on the application, the trial court shall hold the hearing 24497
within thirty days after setting the hearing date. At least 24498
fifteen days before any hearing is held under this division, the 24499
trial court shall give the prosecutor written notice of the date, 24500
time, and place of the hearing. At the conclusion of each hearing 24501
conducted under this division, the trial court either shall 24502
approve or disapprove the application and shall enter its order 24503
accordingly. 24504

(b) If the department's designee recommends termination of 24505
the defendant's or person's commitment at any time or if the 24506
department's designee recommends the first of any nonsecured 24507
status for the defendant or person, the department's designee 24508
shall send written notice of this recommendation to the trial 24509
court and to the local forensic center. The local forensic center 24510
shall evaluate the committed defendant or person and, within 24511
thirty days after its receipt of the written notice, shall submit 24512
to the trial court and the department's designee a written report 24513
of the evaluation. The trial court shall provide a copy of the 24514

department's designee's written notice and of the local forensic 24515
center's written report to the prosecutor and to the counsel for 24516
the defendant or person. Upon the local forensic center's 24517
submission of the report to the trial court and the department's 24518
designee, all of the following apply: 24519

(i) If the forensic center disagrees with the recommendation 24520
of the department's designee, it shall inform the department's 24521
designee and the trial court of its decision and the reasons for 24522
the decision. The department's designee, after consideration of 24523
the forensic center's decision, shall either withdraw, proceed 24524
with, or modify and proceed with the recommendation. If the 24525
department's designee proceeds with, or modifies and proceeds 24526
with, the recommendation, the department's designee shall proceed 24527
in accordance with division (D)(1)(b)(iii) of this section. 24528

(ii) If the forensic center agrees with the recommendation of 24529
the department's designee, it shall inform the department's 24530
designee and the trial court of its decision and the reasons for 24531
the decision, and the department's designee shall proceed in 24532
accordance with division (D)(1)(b)(iii) of this section. 24533

(iii) If the forensic center disagrees with the 24534
recommendation of the department's designee and the department's 24535
designee proceeds with, or modifies and proceeds with, the 24536
recommendation or if the forensic center agrees with the 24537
recommendation of the department's designee, the department's 24538
designee shall work with community mental health agencies, 24539
programs, facilities, or boards of alcohol, drug addiction, and 24540
mental health services or community mental health boards to 24541
develop a plan to implement the recommendation. If the defendant 24542
or person is on medication, the plan shall include, but shall not 24543
be limited to, a system to monitor the defendant's or person's 24544
compliance with the prescribed medication treatment plan. The 24545
system shall include a schedule that clearly states when the 24546

defendant or person shall report for a medication compliance 24547
check. The medication compliance checks shall be based upon the 24548
effective duration of the prescribed medication, taking into 24549
account the route by which it is taken, and shall be scheduled at 24550
intervals sufficiently close together to detect a potential 24551
increase in mental illness symptoms that the medication is 24552
intended to prevent. 24553

The department's designee, after consultation with the board 24554
of alcohol, drug addiction, and mental health services or the 24555
community mental health board serving the area, shall send the 24556
recommendation and plan developed under division (D)(1)(b)(iii) of 24557
this section, in writing, to the trial court, the prosecutor, and 24558
the counsel for the committed defendant or person. The trial court 24559
shall conduct a hearing on the recommendation and plan developed 24560
under division (D)(1)(b)(iii) of this section. Divisions (D)(1)(c) 24561
and (d) and (E) to (J) of this section apply regarding the 24562
hearing. 24563

(c) If the department's designee's recommendation is for 24564
nonsecured status or termination of commitment, the prosecutor may 24565
obtain an independent expert evaluation of the defendant's or 24566
person's mental condition, and the trial court may continue the 24567
hearing on the recommendation for a period of not more than thirty 24568
days to permit time for the evaluation. 24569

The prosecutor may introduce the evaluation report or present 24570
other evidence at the hearing in accordance with the Rules of 24571
Evidence. 24572

(d) The trial court shall schedule the hearing on a 24573
department's designee's recommendation for nonsecured status or 24574
termination of commitment and shall give reasonable notice to the 24575
prosecutor and the counsel for the defendant or person. Unless 24576
continued for independent evaluation at the prosecutor's request 24577
or for other good cause, the hearing shall be held within thirty 24578

days after the trial court's receipt of the recommendation and 24579
plan. 24580

(2)(a) Division (D)(1) of this section does not apply to 24581
on-grounds unsupervised movement of a defendant or person who has 24582
been committed under section 2945.39 or 2945.40 of the Revised 24583
Code, who is a mentally retarded person subject to 24584
institutionalization by court order, and who is being provided 24585
residential habilitation, care, and treatment in a facility 24586
operated by the department of developmental disabilities. 24587

(b) If, pursuant to section 2945.39 of the Revised Code, the 24588
trial court commits a defendant who is found incompetent to stand 24589
trial and who is a mentally retarded person subject to 24590
institutionalization by court order, if the defendant is being 24591
provided residential habilitation, care, and treatment in a 24592
facility operated by the department of developmental disabilities, 24593
if an individual who is conducting a survey for the department of 24594
health to determine the facility's compliance with the 24595
certification requirements of the medicaid program under Chapter 24596
5111. of the Revised Code and Title XIX of the "Social Security 24597
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, cites the 24598
defendant's receipt of the residential habilitation, care, and 24599
treatment in the facility as being inappropriate under the 24600
certification requirements, if the defendant's receipt of the 24601
residential habilitation, care, and treatment in the facility 24602
potentially jeopardizes the facility's continued receipt of 24603
federal medicaid moneys, and if as a result of the citation the 24604
chief clinical officer of the facility determines that the 24605
conditions of the defendant's commitment should be changed, the 24606
department of developmental disabilities may cause the defendant 24607
to be removed from the particular facility and, after evaluating 24608
the risks to public safety and the welfare of the defendant and 24609
after determining whether another type of placement is consistent 24610

with the certification requirements, may place the defendant in 24611
another facility that the department selects as an appropriate 24612
facility for the defendant's continued receipt of residential 24613
habilitation, care, and treatment and that is a no less secure 24614
setting than the facility in which the defendant had been placed 24615
at the time of the citation. Within three days after the 24616
defendant's removal and alternative placement under the 24617
circumstances described in division (D)(2)(b) of this section, the 24618
department of developmental disabilities shall notify the trial 24619
court and the prosecutor in writing of the removal and alternative 24620
placement. 24621

The trial court shall set a date for a hearing on the removal 24622
and alternative placement, and the hearing shall be held within 24623
twenty-one days after the trial court's receipt of the notice from 24624
the department of developmental disabilities. At least ten days 24625
before the hearing is held, the trial court shall give the 24626
prosecutor, the department of developmental disabilities, and the 24627
counsel for the defendant written notice of the date, time, and 24628
place of the hearing. At the hearing, the trial court shall 24629
consider the citation issued by the individual who conducted the 24630
survey for the department of health to be prima-facie evidence of 24631
the fact that the defendant's commitment to the particular 24632
facility was inappropriate under the certification requirements of 24633
the medicaid program under Chapter 5111. of the Revised Code and 24634
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 24635
U.S.C.A. 301, as amended, and potentially jeopardizes the 24636
particular facility's continued receipt of federal medicaid 24637
moneys. At the conclusion of the hearing, the trial court may 24638
approve or disapprove the defendant's removal and alternative 24639
placement. If the trial court approves the defendant's removal and 24640
alternative placement, the department of developmental 24641
disabilities may continue the defendant's alternative placement. 24642
If the trial court disapproves the defendant's removal and 24643

alternative placement, it shall enter an order modifying the 24644
defendant's removal and alternative placement, but that order 24645
shall not require the department of developmental disabilities to 24646
replace the defendant for purposes of continued residential 24647
habilitation, care, and treatment in the facility associated with 24648
the citation issued by the individual who conducted the survey for 24649
the department of health. 24650

(E) In making a determination under this section regarding 24651
nonsecured status or termination of commitment, the trial court 24652
shall consider all relevant factors, including, but not limited 24653
to, all of the following: 24654

(1) Whether, in the trial court's view, the defendant or 24655
person currently represents a substantial risk of physical harm to 24656
the defendant or person or others; 24657

(2) Psychiatric and medical testimony as to the current 24658
mental and physical condition of the defendant or person; 24659

(3) Whether the defendant or person has insight into the 24660
~~defendant's~~ defendant's or person's condition so that the 24661
defendant or person will continue treatment as prescribed or seek 24662
professional assistance as needed; 24663

(4) The grounds upon which the state relies for the proposed 24664
commitment; 24665

(5) Any past history that is relevant to establish the 24666
defendant's or person's degree of conformity to the laws, rules, 24667
regulations, and values of society; 24668

(6) If there is evidence that the defendant's or person's 24669
mental illness is in a state of remission, the medically suggested 24670
cause and degree of the remission and the probability that the 24671
defendant or person will continue treatment to maintain the 24672
remissive state of the defendant's or person's illness should the 24673
defendant's or person's commitment conditions be altered. 24674

(F) At any hearing held pursuant to division (C) or (D)(1) or 24675
(2) of this section, the defendant or the person shall have all 24676
the rights of a defendant or person at a commitment hearing as 24677
described in section 2945.40 of the Revised Code. 24678

(G) In a hearing held pursuant to division (C) or (D)(1) of 24679
this section, the prosecutor has the burden of proof as follows: 24680

(1) For a recommendation of termination of commitment, to 24681
show by clear and convincing evidence that the defendant or person 24682
remains a mentally ill person subject to hospitalization by court 24683
order or a mentally retarded person subject to 24684
institutionalization by court order; 24685

(2) For a recommendation for a change in the conditions of 24686
the commitment to a less restrictive status, to show by clear and 24687
convincing evidence that the proposed change represents a threat 24688
to public safety or a threat to the safety of any person. 24689

(H) In a hearing held pursuant to division (C) or (D)(1) or 24690
(2) of this section, the prosecutor shall represent the state or 24691
the public interest. 24692

(I) At the conclusion of a hearing conducted under division 24693
(D)(1) of this section regarding a recommendation from the 24694
designee of the department of mental health, managing officer of 24695
the institution, or director of a facility or program, the trial 24696
court may approve, disapprove, or modify the recommendation and 24697
shall enter an order accordingly. 24698

(J)(1) A defendant or person who has been committed pursuant 24699
to section 2945.39 or 2945.40 of the Revised Code continues to be 24700
under the jurisdiction of the trial court until the final 24701
termination of the commitment. For purposes of division (J) of 24702
this section, the final termination of a commitment occurs upon 24703
the earlier of one of the following: 24704

(a) The defendant or person no longer is a mentally ill 24705

person subject to hospitalization by court order or a mentally 24706
retarded person subject to institutionalization by court order, as 24707
determined by the trial court; 24708

(b) The expiration of the maximum prison term or term of 24709
imprisonment that the defendant or person could have received if 24710
the defendant or person had been convicted of the most serious 24711
offense with which the defendant or person is charged or in 24712
relation to which the defendant or person was found not guilty by 24713
reason of insanity; 24714

(c) The trial court enters an order terminating the 24715
commitment under the circumstances described in division 24716
(J)(2)(a)(ii) of this section. 24717

(2)(a) If a defendant is found incompetent to stand trial and 24718
committed pursuant to section 2945.39 of the Revised Code, if 24719
neither of the circumstances described in divisions (J)(1)(a) and 24720
(b) of this section applies to that defendant, and if a report 24721
filed with the trial court pursuant to division (C) of this 24722
section indicates that the defendant presently is competent to 24723
stand trial or if, at any other time during the period of the 24724
defendant's commitment, the prosecutor, the counsel for the 24725
defendant, or the designee of the department of mental health or 24726
the managing officer of the institution or director of the 24727
facility or program to which the defendant is committed files an 24728
application with the trial court alleging that the defendant 24729
presently is competent to stand trial and requesting a hearing on 24730
the competency issue or the trial court otherwise has reasonable 24731
cause to believe that the defendant presently is competent to 24732
stand trial and determines on its own motion to hold a hearing on 24733
the competency issue, the trial court shall schedule a hearing on 24734
the competency of the defendant to stand trial, shall give the 24735
prosecutor, the counsel for the defendant, and the department's 24736
designee or the managing officer of the institution or the 24737

director of the facility to which the defendant is committed 24738
notice of the date, time, and place of the hearing at least 24739
fifteen days before the hearing, and shall conduct the hearing 24740
within thirty days of the filing of the application or of its own 24741
motion. If, at the conclusion of the hearing, the trial court 24742
determines that the defendant presently is capable of 24743
understanding the nature and objective of the proceedings against 24744
the defendant and of assisting in the defendant's defense, the 24745
trial court shall order that the defendant is competent to stand 24746
trial and shall be proceeded against as provided by law with 24747
respect to the applicable offenses described in division (C)(1) of 24748
section 2945.38 of the Revised Code and shall enter whichever of 24749
the following additional orders is appropriate: 24750

(i) If the trial court determines that the defendant remains 24751
a mentally ill person subject to hospitalization by court order or 24752
a mentally retarded person subject to institutionalization by 24753
court order, the trial court shall order that the defendant's 24754
commitment to the department of mental health or to an institution 24755
~~or, facility, or program~~ for the treatment of ~~developmental~~ 24756
~~disabilities~~ mental retardation be continued during the pendency 24757
of the trial on the applicable offenses described in division 24758
(C)(1) of section 2945.38 of the Revised Code. 24759

(ii) If the trial court determines that the defendant no 24760
longer is a mentally ill person subject to hospitalization by 24761
court order or a mentally retarded person subject to 24762
institutionalization by court order, the trial court shall order 24763
that the defendant's commitment to the department of mental health 24764
or to an institution ~~or, facility, or program~~ for the treatment of 24765
~~developmental disabilities~~ mental retardation shall not be 24766
continued during the pendency of the trial on the applicable 24767
offenses described in division (C)(1) of section 2945.38 of the 24768
Revised Code. This order shall be a final termination of the 24769

commitment for purposes of division (J)(1)(c) of this section. 24770

(b) If, at the conclusion of the hearing described in 24771
division (J)(2)(a) of this section, the trial court determines 24772
that the defendant remains incapable of understanding the nature 24773
and objective of the proceedings against the defendant or of 24774
assisting in the defendant's defense, the trial court shall order 24775
that the defendant continues to be incompetent to stand trial, 24776
that the defendant's commitment to the department of mental health 24777
or to an institution ~~or~~, facility, or program for the treatment of 24778
~~developmental disabilities~~ mental retardation shall be continued, 24779
and that the defendant remains subject to the jurisdiction of the 24780
trial court pursuant to that commitment, and to the provisions of 24781
this section, until the final termination of the commitment as 24782
described in division (J)(1) of this section. 24783

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of 24784
the Revised Code, a first offender may apply to the sentencing 24785
court if convicted in this state, or to a court of common pleas if 24786
convicted in another state or in a federal court, for the sealing 24787
of the conviction record. Application may be made at the 24788
expiration of three years after the offender's final discharge if 24789
convicted of a felony, or at the expiration of one year after the 24790
offender's final discharge if convicted of a misdemeanor. 24791

(2) Any person who has been arrested for any misdemeanor 24792
offense and who has effected a bail forfeiture may apply to the 24793
court in which the misdemeanor criminal case was pending when bail 24794
was forfeited for the sealing of the record of the case. Except as 24795
provided in section 2953.61 of the Revised Code, the application 24796
may be filed at any time after the expiration of one year from the 24797
date on which the bail forfeiture was entered upon the minutes of 24798
the court or the journal, whichever entry occurs first. 24799

(B) Upon the filing of an application under this section, the 24800

court shall set a date for a hearing and shall notify the 24801
prosecutor for the case of the hearing on the application. The 24802
prosecutor may object to the granting of the application by filing 24803
an objection with the court prior to the date set for the hearing. 24804
The prosecutor shall specify in the objection the reasons for 24805
believing a denial of the application is justified. The court 24806
shall direct its regular probation officer, a state probation 24807
officer, or the department of probation of the county in which the 24808
applicant resides to make inquiries and written reports as the 24809
court requires concerning the applicant. 24810

(C)(1) The court shall do each of the following: 24811

(a) Determine whether the applicant is a first offender or 24812
whether the forfeiture of bail was agreed to by the applicant and 24813
the prosecutor in the case. If the applicant applies as a first 24814
offender pursuant to division (A)(1) of this section and has two 24815
or three convictions that result from the same indictment, 24816
information, or complaint, from the same plea of guilty, or from 24817
the same official proceeding, and result from related criminal 24818
acts that were committed within a three-month period but do not 24819
result from the same act or from offenses committed at the same 24820
time, in making its determination under this division, the court 24821
initially shall determine whether it is not in the public interest 24822
for the two or three convictions to be counted as one conviction. 24823
If the court determines that it is not in the public interest for 24824
the two or three convictions to be counted as one conviction, the 24825
court shall determine that the applicant is not a first offender; 24826
if the court does not make that determination, the court shall 24827
determine that the offender is a first offender. 24828

(b) Determine whether criminal proceedings are pending 24829
against the applicant; 24830

(c) If the applicant is a first offender who applies pursuant 24831
to division (A)(1) of this section, determine whether the 24832

applicant has been rehabilitated to the satisfaction of the court; 24833

(d) If the prosecutor has filed an objection in accordance 24834
with division (B) of this section, consider the reasons against 24835
granting the application specified by the prosecutor in the 24836
objection; 24837

(e) Weigh the interests of the applicant in having the 24838
records pertaining to the applicant's conviction sealed against 24839
the legitimate needs, if any, of the government to maintain those 24840
records. 24841

(2) If the court determines, after complying with division 24842
(C)(1) of this section, that the applicant is a first offender or 24843
the subject of a bail forfeiture, that no criminal proceeding is 24844
pending against the applicant, and that the interests of the 24845
applicant in having the records pertaining to the applicant's 24846
conviction or bail forfeiture sealed are not outweighed by any 24847
legitimate governmental needs to maintain those records, and that 24848
the rehabilitation of an applicant who is a first offender 24849
applying pursuant to division (A)(1) of this section has been 24850
attained to the satisfaction of the court, the court, except as 24851
provided in divisions (G) and (H) of this section, shall order all 24852
official records pertaining to the case sealed and, except as 24853
provided in division (F) of this section, all index references to 24854
the case deleted and, in the case of bail forfeitures, shall 24855
dismiss the charges in the case. The proceedings in the case shall 24856
be considered not to have occurred and the conviction or bail 24857
forfeiture of the person who is the subject of the proceedings 24858
shall be sealed, except that upon conviction of a subsequent 24859
offense, the sealed record of prior conviction or bail forfeiture 24860
may be considered by the court in determining the sentence or 24861
other appropriate disposition, including the relief provided for 24862
in sections 2953.31 to 2953.33 of the Revised Code. 24863

(3) Upon the filing of an application under this section, the 24864

applicant, unless indigent, shall pay a fee of fifty dollars. The 24865
court shall pay thirty dollars of the fee into the state treasury. 24866
It shall pay twenty dollars of the fee into the county general 24867
revenue fund if the sealed conviction or bail forfeiture was 24868
pursuant to a state statute, or into the general revenue fund of 24869
the municipal corporation involved if the sealed conviction or 24870
bail forfeiture was pursuant to a municipal ordinance. 24871

(D) Inspection of the sealed records included in the order 24872
may be made only by the following persons or for the following 24873
purposes: 24874

(1) By a law enforcement officer or prosecutor, or the 24875
assistants of either, to determine whether the nature and 24876
character of the offense with which a person is to be charged 24877
would be affected by virtue of the person's previously having been 24878
convicted of a crime; 24879

(2) By the parole or probation officer of the person who is 24880
the subject of the records, for the exclusive use of the officer 24881
in supervising the person while on parole or under a community 24882
control sanction or a post-release control sanction, and in making 24883
inquiries and written reports as requested by the court or adult 24884
parole authority; 24885

(3) Upon application by the person who is the subject of the 24886
records, by the persons named in the application; 24887

(4) By a law enforcement officer who was involved in the 24888
case, for use in the officer's defense of a civil action arising 24889
out of the officer's involvement in that case; 24890

(5) By a prosecuting attorney or the prosecuting attorney's 24891
assistants, to determine a defendant's eligibility to enter a 24892
pre-trial diversion program established pursuant to section 24893
2935.36 of the Revised Code; 24894

(6) By any law enforcement agency or any authorized employee 24895

of a law enforcement agency or by the department of rehabilitation 24896
and correction as part of a background investigation of a person 24897
who applies for employment with the agency as a law enforcement 24898
officer or with the department as a corrections officer; 24899

(7) By any law enforcement agency or any authorized employee 24900
of a law enforcement agency, for the purposes set forth in, and in 24901
the manner provided in, section 2953.321 of the Revised Code; 24902

(8) By the bureau of criminal identification and 24903
investigation or any authorized employee of the bureau for the 24904
purpose of providing information to a board or person pursuant to 24905
division (F) or (G) of section 109.57 of the Revised Code; 24906

(9) By the bureau of criminal identification and 24907
investigation or any authorized employee of the bureau for the 24908
purpose of performing a criminal history records check on a person 24909
to whom a certificate as prescribed in section 109.77 of the 24910
Revised Code is to be awarded; 24911

(10) By the bureau of criminal identification and 24912
investigation or any authorized employee of the bureau for the 24913
purpose of conducting a criminal records check of an individual 24914
pursuant to division (B) of section 109.572 of the Revised Code 24915
that was requested pursuant to any of the sections identified in 24916
division (B)(1) of that section; 24917

(11) By the bureau of criminal identification and 24918
investigation, an authorized employee of the bureau, a sheriff, or 24919
an authorized employee of a sheriff in connection with a criminal 24920
records check described in section 311.41 of the Revised Code; 24921

(12) By the attorney general or an authorized employee of the 24922
attorney general or a court for purposes of determining a person's 24923
classification pursuant to Chapter 2950. of the Revised Code; 24924

(13) By a prosecuting attorney or the attorney general, or 24925
the assistants of either, for purposes of defending a civil action 24926

brought pursuant to division (B)(1) of section 2743.48 of the 24927
Revised Code. 24928

When the nature and character of the offense with which a 24929
person is to be charged would be affected by the information, it 24930
may be used for the purpose of charging the person with an 24931
offense. 24932

(E) In any criminal proceeding, proof of any otherwise 24933
admissible prior conviction may be introduced and proved, 24934
notwithstanding the fact that for any such prior conviction an 24935
order of sealing previously was issued pursuant to sections 24936
2953.31 to 2953.36 of the Revised Code. 24937

(F) The person or governmental agency, office, or department 24938
that maintains sealed records pertaining to convictions or bail 24939
forfeitures that have been sealed pursuant to this section may 24940
maintain a manual or computerized index to the sealed records. The 24941
index shall contain only the name of, and alphanumeric identifiers 24942
that relate to, the persons who are the subject of the sealed 24943
records, the word "sealed," and the name of the person, agency, 24944
office, or department that has custody of the sealed records, and 24945
shall not contain the name of the crime committed. The index shall 24946
be made available by the person who has custody of the sealed 24947
records only for the purposes set forth in divisions (C), (D), and 24948
(E) of this section. 24949

(G) Notwithstanding any provision of this section or section 24950
2953.33 of the Revised Code that requires otherwise, a board of 24951
education of a city, local, exempted village, or joint vocational 24952
school district that maintains records of an individual who has 24953
been permanently excluded under sections 3301.121 and 3313.662 of 24954
the Revised Code is permitted to maintain records regarding a 24955
conviction that was used as the basis for the individual's 24956
permanent exclusion, regardless of a court order to seal the 24957
record. An order issued under this section to seal the record of a 24958

conviction does not revoke the adjudication order of the 24959
superintendent of public instruction to permanently exclude the 24960
individual who is the subject of the sealing order. An order 24961
issued under this section to seal the record of a conviction of an 24962
individual may be presented to a district superintendent as 24963
evidence to support the contention that the superintendent should 24964
recommend that the permanent exclusion of the individual who is 24965
the subject of the sealing order be revoked. Except as otherwise 24966
authorized by this division and sections 3301.121 and 3313.662 of 24967
the Revised Code, any school employee in possession of or having 24968
access to the sealed conviction records of an individual that were 24969
the basis of a permanent exclusion of the individual is subject to 24970
section 2953.35 of the Revised Code. 24971

(H) For purposes of sections 2953.31 to 2953.36 of the 24972
Revised Code, DNA records collected in the DNA database and 24973
fingerprints filed for record by the superintendent of the bureau 24974
of criminal identification and investigation shall not be sealed 24975
unless the superintendent receives a certified copy of a final 24976
court order establishing that the offender's conviction has been 24977
overturned. For purposes of this section, a court order is not 24978
"final" if time remains for an appeal or application for 24979
discretionary review with respect to the order. 24980

Sec. 2961.22. (A)(1) Any prisoner serving a prison term in a 24981
state correctional institution who satisfies all of the following 24982
is eligible to apply to the department of rehabilitation and 24983
correction at a time specified in division (A)(2) of this section 24984
and in accordance with division (D) of this section for a 24985
certificate of achievement and employability: 24986

(a) The prisoner has satisfactorily completed one or more 24987
in-prison vocational programs approved by rule by the department 24988
of rehabilitation and correction. 24989

(b) The prisoner has demonstrated exemplary performance as 24990
determined by completion of one or more cognitive or behavioral 24991
improvement programs approved by rule by the department while 24992
incarcerated in a state correctional institution, while under 24993
supervision, or during both periods of time. 24994

(c) The prisoner has completed community service hours. 24995

(d) The prisoner shows other evidence of achievement and 24996
rehabilitation while under the jurisdiction of the department. 24997

(2) An eligible prisoner may apply to the department of 24998
rehabilitation and correction under division (A)(1) of this 24999
section for a certificate of achievement and employability no 25000
earlier than one year prior to the date scheduled for the release 25001
of the prisoner from department custody and no later than the date 25002
of release of the prisoner. 25003

(B)(1) Any prisoner who has been released from a state 25004
correctional institution, who is under supervision on parole or 25005
under a post-release control sanction, and who satisfies all of 25006
the criteria set forth in division (A)(1) of this section is 25007
eligible to apply to the adult parole authority at a time 25008
specified in division (B)(2) of this section and in accordance 25009
with division (D) of this section for a certificate of achievement 25010
and employability. 25011

(2) An eligible prisoner may apply to the adult parole 25012
authority under division (B)(1) of this section for a certificate 25013
of achievement and employability at any time while the prisoner is 25014
under supervision on parole or under a post-release control 25015
sanction. 25016

(C)(1) An eligible prisoner may apply to the department of 25017
rehabilitation and correction or to the adult parole authority at 25018
a time specified in division (A) or (B) of this section, whichever 25019
is applicable, for a certificate of achievement and employability 25020

that grants the prisoner relief from one or more mandatory civil 25021
impacts that would affect a potential job within a field in which 25022
the prisoner trained as part of the prisoner's in-prison 25023
vocational program. The prisoner shall specify the mandatory civil 25024
impacts from which the prisoner is requesting relief under the 25025
certificate. Upon application by a prisoner in accordance with 25026
this division, if the mandatory civil impact of any licensing 25027
agency would be affected by the issuance of the certificate to the 25028
prisoner, the department or authority shall notify the licensing 25029
agency of the filing of the application, provide the licensing 25030
agency with a copy of the application and all evidence that the 25031
department, authority, or court has regarding the prisoner, and 25032
afford the licensing agency with an opportunity to object in 25033
writing to the issuance of the certificate to the prisoner. 25034

(2) Upon application by a prisoner in accordance with 25035
division (C)(1) of this section, the department of rehabilitation 25036
and correction or the adult parole authority, whichever is 25037
applicable, shall consider the application and all objections to 25038
the issuance of a certificate of achievement and employability to 25039
the prisoner, if any, that were made by a licensing agency under 25040
division (C)(1) of this section. If the department or authority 25041
determines that the prisoner is an eligible prisoner, that the 25042
application was filed at a time specified in division (B) of this 25043
section, and that any licensing agency objections to the issuance 25044
of the certificate to the prisoner are not sufficient to deny the 25045
issuance of the certificate to the prisoner, subject to division 25046
(C)(3) of this section, the department or authority shall issue 25047
the prisoner a certificate of achievement and employability that 25048
grants the prisoner relief from the mandatory civil impacts that 25049
are specified in the prisoner's application and that would affect 25050
a potential job within a field in which the prisoner trained as 25051
part of the prisoner's in-prison vocational program. 25052

(3) The mandatory civil impacts identified in division (A)(1) 25053
of section 2961.01 and in division (B) of section 2961.02 of the 25054
Revised Code shall not be affected by any certificate of 25055
achievement and employability issued under this section. No 25056
certificate of achievement and employability issued to a prisoner 25057
under this section grants the prisoner relief from the mandatory 25058
civil impacts identified in division (A)(1) of section 2961.01 and 25059
in division (B) of section 2961.02 of the Revised Code. 25060

(E) The department of rehabilitation and correction shall 25061
adopt rules that define in-prison vocational programs and 25062
cognitive or behavioral improvement programs that a prisoner may 25063
complete to satisfy the criteria described in divisions (A)(1)(a) 25064
and (b) of this section. 25065

(F) The department of rehabilitation and correction and the 25066
adult parole authority shall not be liable for any claim for 25067
damages arising from the department's or authority's issuance, 25068
denial, or revocation of a certificate of achievement and 25069
employability or for the department's or authority's failure to 25070
revoke a certificate of achievement and employability under the 25071
circumstances described in section 2961.24 of the Revised Code. 25072

Sec. 2967.03. The adult parole authority may exercise its 25073
functions and duties in relation to the pardon, commutation of 25074
sentence, or reprieve of a convict upon direction of the governor 25075
or upon its own initiative. It may exercise its functions and 25076
duties in relation to the parole of a prisoner who is eligible for 25077
parole upon the initiative of the head of the institution in which 25078
the prisoner is confined or upon its own initiative. When a 25079
prisoner becomes eligible for parole, the head of the institution 25080
in which the prisoner is confined shall notify the authority in 25081
the manner prescribed by the authority. The authority may 25082
investigate and examine, or cause the investigation and 25083

examination of, prisoners confined in state correctional 25084
institutions concerning their conduct in the institutions, their 25085
mental and moral qualities and characteristics, their knowledge of 25086
a trade or profession, their former means of livelihood, their 25087
family relationships, and any other matters affecting their 25088
fitness to be at liberty without being a threat to society. 25089

The authority may recommend to the governor the pardon, 25090
commutation of sentence, ~~medical release~~, or reprieve of any 25091
convict or prisoner or grant a parole to any prisoner for whom 25092
parole is authorized, if in its judgment there is reasonable 25093
ground to believe that granting a pardon, commutation, ~~medical~~ 25094
~~release~~, or reprieve to the convict or paroling the prisoner would 25095
further the interests of justice and be consistent with the 25096
welfare and security of society. However, the authority shall not 25097
recommend a pardon, or commutation of sentence, ~~or medical release~~ 25098
~~of~~, or grant a parole to, any convict or prisoner until the 25099
authority has complied with the applicable notice requirements of 25100
sections 2930.16 and 2967.12 of the Revised Code and until it has 25101
considered any statement made by a victim or a victim's 25102
representative that is relevant to the convict's or prisoner's 25103
case and that was sent to the authority pursuant to section 25104
2930.17 of the Revised Code, any other statement made by a victim 25105
or a victim's representative that is relevant to the convict's or 25106
prisoner's case and that was received by the authority after it 25107
provided notice of the pendency of the action under sections 25108
2930.16 and 2967.12 of the Revised Code, and any written statement 25109
of any person submitted to the court pursuant to division (G) of 25110
section 2967.12 of the Revised Code. If a victim, victim's 25111
representative, or the victim's spouse, parent, sibling, or child 25112
appears at a full board hearing of the parole board and gives 25113
testimony as authorized by section 5149.101 of the Revised Code, 25114
the authority shall consider the testimony in determining whether 25115
to grant a parole. The trial judge and prosecuting attorney of the 25116

trial court in which a person was convicted shall furnish to the 25117
authority, at the request of the authority, a summarized statement 25118
of the facts proved at the trial and of all other facts having 25119
reference to the propriety of recommending a pardon, commutation, 25120
or medical release, or granting a parole, together with a 25121
recommendation for or against a pardon, commutation, medical 25122
release, or parole, and the reasons for the recommendation. The 25123
trial judge, the prosecuting attorney, specified law enforcement 25124
agency members, and a representative of the prisoner may appear at 25125
a full board hearing of the parole board and give testimony in 25126
regard to the grant of a parole to the prisoner as authorized by 25127
section 5149.101 of the Revised Code. All state and local 25128
officials shall furnish information to the authority, when so 25129
requested by it in the performance of its duties. 25130

The adult parole authority shall exercise its functions and 25131
duties in relation to the release of prisoners who are serving a 25132
stated prison term in accordance with section 2967.28 of the 25133
Revised Code. 25134

Sec. 2967.05. (A) As used in this section: 25135

(1) "Imminent danger of death" means that the inmate has a 25136
medically diagnosable condition that will cause death to occur 25137
within a short period of time. 25138

As used in division (A)(1) of this section, "within a short 25139
period of time" means generally within six months. 25140

(2)(a) "Medically incapacitated" means any diagnosable 25141
medical condition, including mental dementia and severe, permanent 25142
medical or cognitive disability, that prevents the inmate from 25143
completing activities of daily living without significant 25144
assistance, that incapacitates the inmate to the extent that 25145
institutional confinement does not offer additional restrictions, 25146
that is likely to continue throughout the entire period of parole, 25147

and that is unlikely to improve noticeably. 25148

(b) "Medically incapacitated" does not include conditions 25149
related solely to mental illness unless the mental illness is 25150
accompanied by injury, disease, or organic defect. 25151

(3)(a) "Terminal illness" means a condition that satisfies 25152
all of the following criteria: 25153

(i) The condition is irreversible and incurable and is caused 25154
by disease, illness, or injury from which the inmate is unlikely 25155
to recover. 25156

(ii) In accordance with reasonable medical standards and a 25157
reasonable degree of medical certainty, the condition is likely to 25158
cause death to the inmate within twelve months. 25159

(iii) Institutional confinement of the inmate does not offer 25160
additional protections for public safety or against the inmate's 25161
risk to reoffend. 25162

(b) The department of rehabilitation and correction shall 25163
adopt rules pursuant to Chapter 119. of the Revised Code to 25164
implement the definition of "terminal illness" in division 25165
(A)(3)(a) of this section. 25166

(B) Upon the recommendation of the director of rehabilitation 25167
and correction, accompanied by a certificate of the attending 25168
physician that an inmate is terminally ill, medically 25169
incapacitated, or in imminent danger of death, the governor may 25170
order the inmate's release as if on parole, reserving the right to 25171
return the inmate to the institution pursuant to this section. If, 25172
subsequent to the inmate's release, the inmate's health improves 25173
so that the inmate is no longer terminally ill, medically 25174
incapacitated, or in imminent danger of death, the inmate shall be 25175
returned, by order of the governor, to the institution from which 25176
the inmate was released. If the inmate violates any rules or 25177
conditions applicable to the inmate, the inmate may be returned to 25178

an institution under the control of the department of 25179
rehabilitation and correction. The governor may direct the adult 25180
parole authority to investigate or cause to be investigated the 25181
inmate and make a recommendation ~~in the manner set forth in~~ 25182
~~section 2967.03 of the Revised Code.~~ An inmate released under this 25183
section shall be subject to supervision by the adult parole 25184
authority in accordance with any recommendation of the adult 25185
parole authority that is approved by the governor. The adult 25186
parole authority shall adopt rules pursuant to section 119.03 of 25187
the Revised Code to establish the procedure for medical release of 25188
an inmate when an inmate is terminally ill, medically 25189
incapacitated, or in imminent danger of death. 25190

(C) No inmate is eligible for release under this section if 25191
the inmate is serving a death sentence, a sentence of life without 25192
parole, a sentence under Chapter 2971. of the Revised Code for a 25193
felony of the first or second degree, a sentence for aggravated 25194
murder or murder, or a mandatory prison term for an offense of 25195
violence or any specification described in Chapter 2941. of the 25196
Revised Code. 25197

Sec. 2967.14. (A) The department of rehabilitation and 25198
correction or the adult parole authority may require or allow a 25199
parolee, a releasee, or a prisoner otherwise released from a state 25200
correctional institution to reside in a halfway house or other 25201
suitable community residential center that has been licensed by 25202
the division of parole and community services pursuant to division 25203
(C) of this section during a part or for the entire period of the 25204
offender's or parolee's conditional release or of the releasee's 25205
term of post-release control. The court of common pleas that 25206
placed an offender under a sanction consisting of a term in a 25207
halfway house or in an alternative residential sanction may 25208
require the offender to reside in a halfway house or other 25209
suitable community residential center that is designated by the 25210

court and that has been licensed by the division pursuant to 25211
division (C) of this section during a part or for the entire 25212
period of the offender's residential sanction. 25213

(B) The division of parole and community services may 25214
negotiate and enter into agreements with any public or private 25215
agency or a department or political subdivision of the state that 25216
operates a halfway house, reentry center, or community residential 25217
center that has been licensed by the division pursuant to division 25218
(C) of this section. An agreement under this division shall 25219
provide for the purchase of beds, shall set limits of supervision 25220
and levels of occupancy, and shall determine the scope of services 25221
for all eligible offenders, including those subject to a 25222
residential sanction, as defined in rules adopted by the director 25223
of rehabilitation and correction in accordance with Chapter 119. 25224
of the Revised Code, or those released from prison without 25225
supervision. The payments for beds and services shall not exceed 25226
the total operating costs of the halfway house, reentry center, or 25227
community residential center during the term of an agreement. The 25228
director of rehabilitation and correction shall adopt rules in 25229
accordance with Chapter 119. of the Revised Code for determining 25230
includable and excludable costs and income to be used in computing 25231
the agency's average daily per capita costs with its facility at 25232
full occupancy. 25233

The ~~department~~ director of rehabilitation and correction ~~may~~ 25234
shall adopt rules providing for the use of no more than ~~ten~~ 25235
fifteen per cent of the amount appropriated to the department each 25236
fiscal year for the halfway house, reentry center, and community 25237
residential center program to pay for contracts with licensed 25238
halfway houses for nonresidential services for offenders under the 25239
supervision of the adult parole authority, including but not 25240
limited to, offenders supervised pursuant to an agreement entered 25241
into by the adult parole authority and a court of common pleas 25242

under section 2301.32 of the Revised Code. The nonresidential 25243
services may include, but are not limited to, treatment for 25244
substance abuse, mental health counseling, counseling for sex 25245
offenders, ~~and~~ electronic monitoring services, aftercare, and 25246
other nonresidential services that the director identifies by 25247
rule. 25248

(C) The division of parole and community services may license 25249
a halfway house, reentry center, or community residential center 25250
as a suitable facility for the care and treatment of adult 25251
offenders, including offenders sentenced under section 2929.16 or 25252
2929.26 of the Revised Code, only if the halfway house, reentry 25253
center, or community residential center complies with the 25254
standards that the division adopts in accordance with Chapter 119. 25255
of the Revised Code for the licensure of halfway houses, reentry 25256
centers, and community residential centers. The division shall 25257
annually inspect each licensed halfway house, licensed reentry 25258
center, and licensed community residential center to determine if 25259
it is in compliance with the licensure standards. 25260

Sec. 2967.19. (A) As used in this section: 25261

(1) "Deadly weapon" and "dangerous ordnance" have the same 25262
meanings as in section 2923.11 of the Revised Code. 25263

(2) "Disqualifying prison term" means any of the following: 25264

(a) A prison term imposed for aggravated murder, murder, 25265
voluntary manslaughter, involuntary manslaughter, felonious 25266
assault, kidnapping, rape, aggravated arson, aggravated burglary, 25267
or aggravated robbery; 25268

(b) A prison term imposed for complicity in, an attempt to 25269
commit, or conspiracy to commit any offense listed in division 25270
(A)(2)(a) of this section; 25271

(c) A prison term of life imprisonment, including any term of 25272

life imprisonment that has parole eligibility;	25273
(d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance;	25274 25275 25276 25277
(e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree;	25278 25279 25280
(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code;	25281 25282 25283
(g) A prison term imposed pursuant to section 2971.03 of the Revised Code;	25284 25285
(h) A prison term imposed for any sexually oriented offense.	25286
(3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term.	25287 25288
(4) "Restricting prison term" means any of the following:	25289
(a) A mandatory prison term imposed under division (D) (B)(1)(a), (D) (B)(1)(c), (D) (B)(1)(f), (D) (B)(1)(g), (D) (B)(2), or (D) (B)(7) of section 2929.14 of the Revised Code for a specification of the type described in that division;	25290 25291 25292 25293
(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A)(4)(a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense;	25294 25295 25296 25297 25298 25299
(c) A prison term imposed for trafficking in persons;	25300
(d) A prison term imposed for any offense that is described in division (A)(4)(d)(i) of this section if division (A)(4)(d)(ii)	25301 25302

of this section applies to the offender: 25303

(i) The offense is a felony of the first or second degree 25304
that is an offense of violence and that is not described in 25305
division (A)(2)(a) or (b) of this section, an attempt to commit a 25306
felony of the first or second degree that is an offense of 25307
violence and that is not described in division (A)(2)(a) or (b) of 25308
this section if the attempt is a felony of the first or second 25309
degree, or an offense under an existing or former law of this 25310
state, another state, or the United States that is or was 25311
substantially equivalent to any other offense described in this 25312
division. 25313

(ii) The offender previously was convicted of or pleaded 25314
guilty to any offense listed in division (A)(2) or (A)(4)(d)(i) of 25315
this section. 25316

(5) "Sexually oriented offense" has the same meaning as in 25317
section 2950.01 of the Revised Code. 25318

(B) The director of the department of rehabilitation and 25319
correction may ~~petition~~ recommend in writing to the sentencing 25320
court ~~for the release~~ that the court consider releasing from 25321
prison ~~of~~ any offender who, on or after September 30, 2011, is 25322
confined in a state correctional institution ~~under,~~ who is serving 25323
a stated prison term of one year or more, and who is eligible 25324
under division (C) of this section for a release under this 25325
section ~~and who has served at least eighty per cent of that stated~~ 25326
~~prison term that remains to be served after the offender becomes~~ 25327
~~eligible as described in that division.~~ If the director wishes to 25328
~~submit a petition for release~~ recommend that the sentencing court 25329
consider releasing an offender under this section, the director 25330
shall ~~submit the petition~~ notify the sentencing court in writing 25331
of the offender's eligibility not earlier than ninety days prior 25332
to the date on which the offender ~~has served eighty per cent of~~ 25333
~~the offender's stated prison term that remains to be served after~~ 25334

~~the offender~~ becomes eligible as described in division (C) of this section. The director's submission of ~~a petition for release under this section~~ the written notice constitutes a recommendation by the director that the court strongly consider release of the offender consistent with the purposes and principles of sentencing set forth in sections 2929.11 and 2929.13 of the Revised Code. Only an offender recommended by the director under division (B) of this section may be considered for early release under this section.

(C)(1) An offender serving a stated prison term of one year or more and who has commenced service of that stated prison term becomes eligible for release from prison under this section only as described in this division. An offender serving a stated prison term that includes a disqualifying prison term is not eligible for release from prison under this section. An offender serving a stated prison term that consists solely of one or more restricting prison terms is not eligible for release under this section. An offender serving a stated prison term of one year or more that includes one or more restricting prison terms and one or more eligible prison terms becomes eligible for release under this section after having fully served ~~each~~ all restricting prison ~~term~~ terms and having served eighty per cent of the stated prison term that remains to be served after all restricting prison terms have been fully served. An offender serving a stated prison term that consists solely of one or more eligible prison terms becomes eligible for release under this section ~~upon the offender's commencement of service~~ after having served eighty per cent of that stated prison term. ~~After an offender becomes eligible for release under this section, the director of rehabilitation and correction may petition for the release of the offender under division (C)(2) of this section no earlier than ninety days before the offender has served the portion of the offender's stated prison term specified in that division.~~ For purposes of

determining an offender's eligibility for release under this 25368
section, if the offender's stated prison term includes consecutive 25369
prison terms, any restricting prison terms shall be deemed served 25370
prior to any eligible prison terms that run consecutively to the 25371
restricting prison terms, and the eligible prison terms are deemed 25372
to commence after all of the restricting prison terms have been 25373
fully served. 25374

An offender serving a stated prison term ~~one~~ of one year or 25375
more that includes a mandatory prison term that is not a 25376
disqualifying prison term and is not a restricting prison term is 25377
not automatically ineligible as a result of the offender's service 25378
of that mandatory term for release from prison under this section, 25379
and the offender's eligibility for release from prison under this 25380
section is determined in accordance with this division. 25381

(2) If an offender confined in a state correctional 25382
institution under a stated prison term is eligible for release 25383
under this section as described in division (C)(1) of this 25384
section, the director of the department of rehabilitation and 25385
correction may ~~petition~~ recommend in writing that the sentencing 25386
court ~~pursuant to division (B) of this section for the release~~ 25387
consider releasing the offender from prison of the offender under 25388
this section by submitting to the sentencing court the written 25389
notice described in division (B) of this section. 25390

(D) The director shall include with any ~~petition~~ notice 25391
submitted to the sentencing court under division (B) of this 25392
section an institutional summary report that covers the offender's 25393
participation while confined in a state correctional institution 25394
in school, training, work, treatment, and other rehabilitative 25395
activities and any disciplinary action taken against the offender 25396
while so confined. The director shall include with the ~~petition a~~ 25397
~~post-release control assessment and placement plan, when relevant,~~ 25398
~~and~~ notice any other documentation requested by the court, if 25399

available. 25400

(E) When the director submits a ~~petition~~ written notice to a 25401
sentencing court that an offender is eligible to be considered for 25402
early release under this section ~~for release of an offender~~, the 25403
department promptly shall provide to the prosecuting attorney of 25404
the county in which the offender was indicted a copy of the 25405
~~petition~~ written notice, a copy of the institutional summary 25406
report, and any other information provided to the court. The 25407
department also promptly shall give written notice of the ~~filing~~ 25408
~~of the petition~~ submission to any victim of the offender or 25409
victim's representative of any victim of the offender who is 25410
registered with the office of victim's services. 25411

The department also shall post a copy of the written notice 25412
~~of the petition~~ on the database it maintains under section 5120.66 25413
of the Revised Code and include information on where a person may 25414
send comments regarding the ~~petition~~ recommendation of early 25415
release. 25416

The information provided to the court, the prosecutor, and 25417
the victim or victim's representative under divisions (D) and (E) 25418
of this section shall include the name and contact information of 25419
a specific department of rehabilitation and correction employee 25420
who is available to answer questions about the offender who is the 25421
subject of the written notice submitted by the director, 25422
including, but not limited to, the offender's institutional 25423
conduct and rehabilitative activities while incarcerated. 25424

(F) Upon receipt of a ~~petition for release of an offender~~ 25425
written notice submitted by the director under division (B) of 25426
this section, the court ~~may deny the petition without~~ either 25427
shall, on its own motion, schedule a hearing to consider releasing 25428
the offender who is the subject of the notice or shall inform the 25429
department that it will not be conducting a hearing relative to 25430
the offender. The court shall not grant a ~~petition for an early~~ 25431

release ~~of~~ to an offender without holding a hearing. If a court 25432
~~denies a petition for release of an offender without~~ declines to 25433
hold a hearing relative to an offender with respect to a written 25434
notice submitted by the director, the court may later consider 25435
release of that offender under this section on a ~~subsequent~~ 25436
~~petition. The court shall enter its ruling within~~ its own motion 25437
by scheduling a hearing for that purpose. Within thirty days after 25438
the ~~petition~~ written notice is ~~filed~~ submitted, the court shall 25439
inform the department whether or not the court is scheduling a 25440
hearing on the offender who is the subject of the notice. 25441

(G) If the court ~~grants~~ schedules a hearing ~~on~~ upon receiving 25442
a ~~petition for release of an offender~~ written notice submitted 25443
under division (B) of this section or upon its own motion under 25444
division (F) of this section, the court shall notify the head of 25445
the state correctional institution in which the offender is 25446
confined of the hearing prior to the hearing. If the court makes a 25447
journal entry ordering the offender to be conveyed to the hearing, 25448
except as otherwise provided in this division, the head of the 25449
correctional institution shall deliver the offender to the sheriff 25450
of the county in which the hearing is to be held, and the sheriff 25451
shall convey the offender to and from the hearing. Upon the 25452
court's own motion or the motion of the offender or the 25453
prosecuting attorney of the county in which the offender was 25454
indicted, the court may permit the offender to appear at the 25455
hearing by video conferencing equipment if equipment of that 25456
nature is available and compatible. 25457

Upon receipt of notice from a court of a hearing on the 25458
release of an offender under this division, the head of the state 25459
correctional institution in which the offender is confined 25460
immediately shall notify the appropriate person at the department 25461
of rehabilitation and correction of the hearing, and the 25462
department within twenty-four hours after receipt of the notice 25463

shall post on the database it maintains pursuant to section 25464
5120.66 of the Revised Code the offender's name and all of the 25465
information specified in division (A)(1)(c)(i) of that section. If 25466
the court ~~grants~~ schedules a hearing ~~on a petition for release of~~ 25467
~~an offender~~ under this section, the court promptly shall give 25468
notice of the hearing to the prosecuting attorney of the county in 25469
which the offender was indicted. Upon receipt of the notice from 25470
the court, the prosecuting attorney shall notify pursuant to 25471
section 2930.16 of the Revised Code any victim of the offender or 25472
the victim's representative of the hearing. 25473

(H) If the court ~~grants~~ schedules a hearing ~~on a petition for~~ 25474
~~release of an offender~~ under this section, at the hearing, the 25475
court shall afford the offender and the offender's attorney an 25476
opportunity to present written information and, if present, oral 25477
information relevant to the ~~motion~~ offender's early release. The 25478
court shall afford a similar opportunity to the prosecuting 25479
attorney, victim or victim's representative, as defined in section 25480
2930.01 of the Revised Code, and any other person the court 25481
determines is likely to present additional relevant information. 25482
If the court pursuant to division (G) of this section permits the 25483
offender to appear at the hearing by video conferencing equipment, 25484
the offender's opportunity to present oral information shall be as 25485
a part of the video conferencing. The court shall consider any 25486
statement of a victim made under section 2930.14 or 2930.17 of the 25487
Revised Code, any victim impact statement prepared under section 25488
2947.051 of the Revised Code, and any report, ~~plan~~, and other 25489
documentation submitted by the director under division (D) of this 25490
section. After ruling on ~~the motion~~ whether to grant the offender 25491
early release, the court shall notify the victim in accordance 25492
with sections 2930.03 and 2930.16 of the Revised Code. 25493

(I) If the court grants ~~a petition for release of~~ an offender 25494
early release under this section, it shall order the release of 25495

the offender, shall place the offender under one or more 25496
appropriate community control sanctions, under appropriate 25497
conditions, and under the supervision of the department of 25498
probation that serves the court, and shall reserve the right to 25499
reimpose the sentence that it reduced and from which the offender 25500
was released if the offender violates the sanction. The court 25501
shall not make a release under this section effective prior to the 25502
date on which the offender ~~has served at least eighty per cent of~~ 25503
~~the offender's stated prison term that remains to be served after~~ 25504
~~the offender~~ becomes eligible as described in division (C) of this 25505
section. If the sentence under which the offender is confined in a 25506
state correctional institution and from which the offender is 25507
being released was imposed for a felony of the first or second 25508
degree, the court shall consider ordering that the offender be 25509
monitored by means of a global positioning device. If the court 25510
reimposes the sentence that it reduced and from which the offender 25511
was released and if the violation of the sanction is a new 25512
offense, the court may order that the reimposed sentence be served 25513
either concurrently with, or consecutive to, any new sentence 25514
imposed upon the offender as a result of the violation that is a 25515
new offense. The period of all community control sanctions imposed 25516
under this division shall not exceed five years. The court, in its 25517
discretion, may reduce the period of community control sanctions 25518
by the amount of time the offender spent in jail or prison for the 25519
offense. 25520

If the court grants ~~a petition for release of~~ an offender 25521
early release under this section, it shall notify the appropriate 25522
person at the department of rehabilitation and correction of the 25523
release, and the department shall post notice of the release on 25524
the database it maintains pursuant to section 5120.66 of the 25525
Revised Code. 25526

(J) The department shall adopt under Chapter 119. of the 25527

Revised Code any rules necessary to implement this section. 25528

Sec. 2967.191. The department of rehabilitation and 25529
correction shall reduce the stated prison term of a prisoner or, 25530
if the prisoner is serving a term for which there is parole 25531
eligibility, the minimum and maximum term or the parole 25532
eligibility date of the prisoner by the total number of days that 25533
the prisoner was confined for any reason arising out of the 25534
offense for which the prisoner was convicted and sentenced, 25535
including confinement in lieu of bail while awaiting trial, 25536
confinement for examination to determine the prisoner's competence 25537
to stand trial or sanity, and confinement while awaiting 25538
transportation to the place where the prisoner is to serve the 25539
prisoner's prison term, as determined by the sentencing court 25540
under division (B)(2)(h)(i) of section 2929.19 of the Revised 25541
Code. The department of rehabilitation and correction also shall 25542
reduce the stated prison term of a prisoner or, if the prisoner is 25543
serving a term for which there is parole eligibility, the minimum 25544
and maximum term or the parole eligibility date of the prisoner by 25545
the total number of days, if any, that the prisoner previously 25546
served in the custody of the department of rehabilitation and 25547
correction arising out of the offense for which the prisoner was 25548
convicted and sentenced. 25549

Sec. 2967.193. (A)(1) Except as provided in division (C) of 25550
this section and subject to the maximum aggregate total specified 25551
in division (A)(2) of this section, a person confined in a state 25552
correctional institution may provisionally earn one day or five 25553
days of credit, based on the category set forth in division 25554
(D)(1), (2), (3), (4), or (5) of this section in which the person 25555
is included, toward satisfaction of the person's stated prison 25556
term for each completed month during which the person productively 25557
participates in an education program, vocational training, 25558

employment in prison industries, treatment for substance abuse, or 25559
any other constructive program developed by the department with 25560
specific standards for performance by prisoners. Except as 25561
provided in division (C) of this section and subject to the 25562
maximum aggregate total specified in division (A)(2) of this 25563
section, a person so confined who successfully completes two 25564
programs or activities of that type may, in addition, 25565
provisionally earn up to five days of credit toward satisfaction 25566
of the person's stated prison term for the successful completion 25567
of the second program or activity. The person shall not be awarded 25568
any provisional days of credit for the successful completion of 25569
the first program or activity or for the successful completion of 25570
any program or activity that is completed after the second program 25571
or activity. At the end of each calendar month in which a prisoner 25572
productively participates in a program or activity listed in this 25573
division or successfully completes a program or activity listed in 25574
this division, the department of rehabilitation and correction 25575
shall determine and record the total number of days credit that 25576
the prisoner provisionally earned in that calendar month. If the 25577
prisoner violates prison rules, the department may deny the 25578
prisoner a credit that otherwise could have been provisionally 25579
awarded to the prisoner or may withdraw one or more credits 25580
previously provisionally earned by the prisoner. Days of credit 25581
provisionally earned by a prisoner shall be finalized and awarded 25582
by the department subject to administrative review by the 25583
department of the prisoner's conduct. 25584

(2) The aggregate days of credit provisionally earned by a 25585
person for program or activity participation and program and 25586
activity completion under this section and the aggregate days of 25587
credit finally credited to a person under this section shall not 25588
exceed eight per cent of the total number of days in the person's 25589
stated prison term. 25590

(B) The department of rehabilitation and correction shall 25591
adopt rules that specify the programs or activities for which 25592
credit may be earned under this section, the criteria for 25593
determining productive participation in, or completion of, the 25594
programs or activities and the criteria for awarding credit, 25595
including criteria for awarding additional credit for successful 25596
program or activity completion, and the criteria for denying or 25597
withdrawing previously provisionally earned credit as a result of 25598
a violation of prison rules. 25599

(C) No person confined in a state correctional institution to 25600
whom any of the following applies shall be awarded any days of 25601
credit under division (A) of this section: 25602

(1) The person is serving a prison term that section 2929.13 25603
or section 2929.14 of the Revised Code specifies cannot be reduced 25604
pursuant to this section or this ~~Chapter~~ chapter or is serving a 25605
sentence for which section 2967.13 or division (B) of section 25606
2929.143 of the Revised Code specifies that the person is not 25607
entitled to any earned credit under this section. 25608

(2) The person is sentenced to death or is serving a prison 25609
term or a term of life imprisonment for aggravated murder, murder, 25610
or a conspiracy or attempt to commit, or complicity in committing, 25611
aggravated murder or murder. 25612

(3) The person is serving a sentence of life imprisonment 25613
without parole imposed pursuant to section 2929.03 or 2929.06 of 25614
the Revised Code, a prison term or a term of life imprisonment 25615
without parole imposed pursuant to section 2971.03 of the Revised 25616
Code, or a sentence for a sexually oriented offense that was 25617
committed on or after ~~the effective date of this amendment~~ 25618
September 30, 2011. 25619

(D) This division does not apply to a determination of 25620
whether a person confined in a state correctional institution may 25621

earn any days of credit under division (A) of this section for 25622
successful completion of a second program or activity. The 25623
determination of whether a person confined in a state correctional 25624
institution may earn one day of credit or five days of credit 25625
under division (A) of this section for each completed month during 25626
which the person productively participates in a program or 25627
activity specified under that division shall be made in accordance 25628
with the following: 25629

(1) The offender may earn one day of credit under division 25630
(A) of this section, except as provided in division (C) of this 25631
section, if the most serious offense for which the offender is 25632
confined is any of the following that is a felony of the first or 25633
second degree, regardless of the date of that offense: 25634

(a) A violation of division (A) of section 2903.04 or of 25635
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 25636
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 25637
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 25638
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 25639
of the Revised Code; 25640

(b) A conspiracy or attempt to commit, or complicity in 25641
committing, any other offense for which the maximum penalty is 25642
imprisonment for life or any offense listed in division (D)(1)(a) 25643
of this section. 25644

(2) The offender may earn one day of credit under division 25645
(A) of this section, except as provided in division (C) of this 25646
section, if the offender is serving a stated prison term that 25647
includes a prison term imposed for a sexually oriented offense 25648
that the offender committed prior to ~~the effective date of this~~ 25649
~~amendment~~ September 30, 2011. 25650

(3) The offender may earn one day of credit under division 25651
(A) of this section, except as provided in division (C) of this 25652

section, if the offender is serving a stated prison term that 25653
includes a prison term imposed for a felony other than carrying a 25654
concealed weapon an essential element of which is any conduct or 25655
failure to act expressly involving any deadly weapon or dangerous 25656
ordnance, regardless of the date of that offense. 25657

(4) Except as provided in division (C) of this section, if 25658
the most serious offense for which the offender is confined is a 25659
felony of the first or second degree and divisions (D)(1), (2), 25660
and (3) of this section do not apply to the offender, ~~the offender~~ 25661
~~may earn one day of credit under division (A) of this section if~~ 25662
~~the offender committed that offense prior to the effective date of~~ 25663
~~this amendment, and the offender may earn five days of credit~~ 25664
under division (A) of this section ~~if the offender committed that~~ 25665
~~offense on or after the effective date of this amendment,~~ 25666
regardless of the date of that offense. 25667

(5) Except as provided in division (C) of this section, if 25668
the most serious offense for which the offender is confined is a 25669
felony of the third, fourth, or fifth degree or an unclassified 25670
felony and neither division (D)(2) nor (3) of this section applies 25671
to the offender, ~~the offender may earn one day of credit under~~ 25672
~~division (A) of this section if the offender committed that~~ 25673
~~offense prior to the effective date of this amendment, and the~~ 25674
offender may earn five days of credit under division (A) of this 25675
section ~~if the offender committed that offense on or after the~~ 25676
~~effective date of this amendment, regardless of the date of that~~ 25677
offense. 25678

(E) If a court imposes a sentence including a prison term on 25679
or after ~~the effective date of this amendment~~ September 30, 2011, 25680
for a felony, and if the court is required to include notice of 25681
the type described in division (F)(3) of section 2929.14 of the 25682
Revised Code in the offender's sentence, the failure of the court 25683
to include the notice does not affect the eligibility of the 25684

offender under this section to earn any days of credit as a 25685
deduction from the offender's stated prison term or otherwise 25686
render any part of this section or any action taken under this 25687
section void or voidable and does not constitute grounds for 25688
setting aside the offender's conviction or sentence or for 25689
granting postconviction relief to the offender. 25690

(F) The department annually shall seek and consider the 25691
written feedback of the Ohio prosecuting attorneys association, 25692
the Ohio judicial conference, the Ohio public defender, the Ohio 25693
association of criminal defense lawyers, and other organizations 25694
and associations that have an interest in the operation of the 25695
corrections system and the earned credits program under this 25696
section as part of its evaluation of the program and in 25697
determining whether to modify the program. 25698

(G) As used in this section, "sexually oriented offense" has 25699
the same meaning as in section 2950.01 of the Revised Code. 25700

Sec. 2967.26. (A)(1) The department of rehabilitation and 25701
correction, by rule, may establish a transitional control program 25702
for the purpose of closely monitoring a prisoner's adjustment to 25703
community supervision during the final one hundred eighty days of 25704
the prisoner's confinement. If the department establishes a 25705
transitional control program under this division, the adult parole 25706
authority may transfer eligible prisoners to transitional control 25707
status under the program during the final one hundred eighty days 25708
of their confinement and under the terms and conditions 25709
established by the department, shall provide for the confinement 25710
as provided in this division of each eligible prisoner so 25711
transferred, and shall supervise each eligible prisoner so 25712
transferred in one or more community control sanctions. Each 25713
eligible prisoner who is transferred to transitional control 25714
status under the program shall be confined in a suitable facility 25715

that is licensed pursuant to division (C) of section 2967.14 of 25716
the Revised Code, or shall be confined in a residence the 25717
department has approved for this purpose and be monitored pursuant 25718
to an electronic monitoring device, as defined in section 2929.01 25719
of the Revised Code. If the department establishes a transitional 25720
control program under this division, the rules establishing the 25721
program shall include criteria that define which prisoners are 25722
eligible for the program, criteria that must be satisfied to be 25723
approved as a residence that may be used for confinement under the 25724
program of a prisoner that is transferred to it and procedures for 25725
the department to approve residences that satisfy those criteria, 25726
and provisions of the type described in division (C) of this 25727
section. At a minimum, the criteria that define which prisoners 25728
are eligible for the program shall provide all of the following: 25729

(a) That a prisoner is eligible for the program if the 25730
prisoner is serving a prison term or term of imprisonment for an 25731
offense committed prior to March 17, 1998, and if, at the time at 25732
which eligibility is being determined, the prisoner would have 25733
been eligible for a furlough under this section as it existed 25734
immediately prior to March 17, 1998, or would have been eligible 25735
for conditional release under former section 2967.23 of the 25736
Revised Code as that section existed immediately prior to March 25737
17, 1998; 25738

(b) That no prisoner who is serving a mandatory prison term 25739
is eligible for the program until after expiration of the 25740
mandatory term; 25741

(c) That no prisoner who is serving a prison term or term of 25742
life imprisonment without parole imposed pursuant to section 25743
2971.03 of the Revised Code is eligible for the program. 25744

(2) At least three weeks prior to transferring to 25745
transitional control under this section a prisoner who is serving 25746
a term of imprisonment or prison term for an offense committed on 25747

or after July 1, 1996, the adult division of parole authority and 25748
community services of the department of rehabilitation and 25749
correction shall give notice of the pendency of the transfer to 25750
transitional control to the court of common pleas of the county in 25751
which the indictment against the prisoner was found and of the 25752
fact that the court may disapprove the transfer of the prisoner to 25753
transitional control and shall include a report prepared by the 25754
head of the state correctional institution in which the prisoner 25755
is confined. The head of the state correctional institution in 25756
which the prisoner is confined, upon the request of the adult 25757
parole authority, shall provide to the authority for inclusion in 25758
the notice sent to the court under this division a report on the 25759
prisoner's conduct in the institution and in any institution from 25760
which the prisoner may have been transferred. The report shall 25761
cover the prisoner's participation in school, vocational training, 25762
work, treatment, and other rehabilitative activities and any 25763
disciplinary action taken against the prisoner. If the court 25764
disapproves of the transfer of the prisoner to transitional 25765
control, the court shall notify the authority of the disapproval 25766
within thirty days after receipt of the notice. If the court 25767
timely disapproves the transfer of the prisoner to transitional 25768
control, the authority shall not proceed with the transfer. If the 25769
court does not timely disapprove the transfer of the prisoner to 25770
transitional control, the authority may transfer the prisoner to 25771
transitional control. 25772

(3) If the victim of an offense for which a prisoner was 25773
sentenced to a prison term or term of imprisonment has requested 25774
notification under section 2930.16 of the Revised Code and has 25775
provided the department of rehabilitation and correction with the 25776
victim's name and address, the adult parole authority, at least 25777
three weeks prior to transferring the prisoner to transitional 25778
control pursuant to this section, shall notify the victim of the 25779
pendency of the transfer and of the victim's right to submit a 25780

statement to the authority regarding the impact of the transfer of 25781
the prisoner to transitional control. If the victim subsequently 25782
submits a statement of that nature to the authority, the authority 25783
shall consider the statement in deciding whether to transfer the 25784
prisoner to transitional control. 25785

(4) The department of rehabilitation and correction, at least 25786
three weeks prior to transferring a prisoner to transitional 25787
control pursuant to this section, shall post on the database it 25788
maintains pursuant to section 5120.66 of the Revised Code the 25789
prisoner's name and all of the information specified in division 25790
(A)(1)(c)(iv) of that section. In addition to and independent of 25791
the right of a victim to submit a statement as described in 25792
division (A)(3) of this section or to otherwise make a statement 25793
and in addition to and independent of any other right or duty of a 25794
person to present information or make a statement, any person may 25795
send to the adult parole authority at any time prior to the 25796
authority's transfer of the prisoner to transitional control a 25797
written statement regarding the transfer of the prisoner to 25798
transitional control. In addition to the information, reports, and 25799
statements it considers under divisions (A)(2) and (3) of this 25800
section or that it otherwise considers, the authority shall 25801
consider each statement submitted in accordance with this division 25802
in deciding whether to transfer the prisoner to transitional 25803
control. 25804

(B) Each prisoner transferred to transitional control under 25805
this section shall be confined in the manner described in division 25806
(A) of this section during any period of time that the prisoner is 25807
not actually working at the prisoner's approved employment, 25808
engaged in a vocational training or another educational program, 25809
engaged in another program designated by the director, or engaged 25810
in other activities approved by the department. 25811

(C) The department of rehabilitation and correction shall 25812

adopt rules for transferring eligible prisoners to transitional control, supervising and confining prisoners so transferred, administering the transitional control program in accordance with this section, and using the moneys deposited into the transitional control fund established under division (E) of this section.

(D) The department of rehabilitation and correction may adopt rules for the issuance of passes for the limited purposes described in this division to prisoners who are transferred to transitional control under this section. If the department adopts rules of that nature, the rules shall govern the granting of the passes and shall provide for the supervision of prisoners who are temporarily released pursuant to one of those passes. Upon the adoption of rules under this division, the department may issue passes to prisoners who are transferred to transitional control status under this section in accordance with the rules and the provisions of this division. All passes issued under this division shall be for a maximum of forty-eight hours and may be issued only for the following purposes:

(1) To visit a relative in imminent danger of death;

(2) To have a private viewing of the body of a deceased relative;

(3) To visit with family;

(4) To otherwise aid in the rehabilitation of the prisoner.

(E) The adult parole authority may require a prisoner who is transferred to transitional control to pay to the division of parole and community services the reasonable expenses incurred by the division in supervising or confining the prisoner while under transitional control. Inability to pay those reasonable expenses shall not be grounds for refusing to transfer an otherwise eligible prisoner to transitional control. Amounts received by the division of parole and community services under this division

shall be deposited into the transitional control fund, which is 25844
hereby created in the state treasury and which hereby replaces and 25845
succeeds the furlough services fund that formerly existed in the 25846
state treasury. All moneys that remain in the furlough services 25847
fund on March 17, 1998, shall be transferred on that date to the 25848
transitional control fund. The transitional control fund shall be 25849
used solely to pay costs related to the operation of the 25850
transitional control program established under this section. The 25851
director of rehabilitation and correction shall adopt rules in 25852
accordance with section 111.15 of the Revised Code for the use of 25853
the fund. 25854

(F) A prisoner who violates any rule established by the 25855
department of rehabilitation and correction under division (A), 25856
(C), or (D) of this section may be transferred to a state 25857
correctional institution pursuant to rules adopted under division 25858
(A), (C), or (D) of this section, but the prisoner shall receive 25859
credit towards completing the prisoner's sentence for the time 25860
spent under transitional control. 25861

If a prisoner is transferred to transitional control under 25862
this section, upon successful completion of the period of 25863
transitional control, the prisoner may be released on parole or 25864
under post-release control pursuant to section 2967.13 or 2967.28 25865
of the Revised Code and rules adopted by the department of 25866
rehabilitation and correction. If the prisoner is released under 25867
post-release control, the duration of the post-release control, 25868
the type of post-release control sanctions that may be imposed, 25869
the enforcement of the sanctions, and the treatment of prisoners 25870
who violate any sanction applicable to the prisoner are governed 25871
by section 2967.28 of the Revised Code. 25872

Sec. 2967.28. (A) As used in this section: 25873

(1) "Monitored time" means the monitored time sanction 25874

specified in section 2929.17 of the Revised Code. 25875

(2) "Deadly weapon" and "dangerous ordnance" have the same 25876
meanings as in section 2923.11 of the Revised Code. 25877

(3) "Felony sex offense" means a violation of a section 25878
contained in Chapter 2907. of the Revised Code that is a felony. 25879

(4) "Risk reduction sentence" means a prison term imposed by 25880
a court, when the court recommends pursuant to section 2929.143 of 25881
the Revised Code that the offender serve the sentence under 25882
section 5120.036 of the Revised Code, and the offender may 25883
potentially be released from imprisonment prior to the expiration 25884
of the prison term if the offender successfully completes all 25885
assessment and treatment or programming required by the department 25886
of rehabilitation and correction under section 5120.036 of the 25887
Revised Code. 25888

(B) Each sentence to a prison term for a felony of the first 25889
degree, for a felony of the second degree, for a felony sex 25890
offense, or for a felony of the third degree that is not a felony 25891
sex offense and in the commission of which the offender caused or 25892
threatened to cause physical harm to a person shall include a 25893
requirement that the offender be subject to a period of 25894
post-release control imposed by the parole board after the 25895
offender's release from imprisonment. This division applies with 25896
respect to all prison terms of a type described in this division, 25897
including a term of any such type that is a risk reduction 25898
sentence. If a court imposes a sentence including a prison term of 25899
a type described in this division on or after July 11, 2006, the 25900
failure of a sentencing court to notify the offender pursuant to 25901
division (B)(2)(c) of section 2929.19 of the Revised Code of this 25902
requirement or to include in the judgment of conviction entered on 25903
the journal a statement that the offender's sentence includes this 25904
requirement does not negate, limit, or otherwise affect the 25905
mandatory period of supervision that is required for the offender 25906

under this division. Section 2929.191 of the Revised Code applies 25907
if, prior to July 11, 2006, a court imposed a sentence including a 25908
prison term of a type described in this division and failed to 25909
notify the offender pursuant to division (B)(2)(c) of section 25910
2929.19 of the Revised Code regarding post-release control or to 25911
include in the judgment of conviction entered on the journal or in 25912
the sentence pursuant to division (D)(1) of section 2929.14 of the 25913
Revised Code a statement regarding post-release control. Unless 25914
reduced by the parole board pursuant to division (D) of this 25915
section when authorized under that division, a period of 25916
post-release control required by this division for an offender 25917
shall be of one of the following periods: 25918

(1) For a felony of the first degree or for a felony sex 25919
offense, five years; 25920

(2) For a felony of the second degree that is not a felony 25921
sex offense, three years; 25922

(3) For a felony of the third degree that is not a felony sex 25923
offense and in the commission of which the offender caused or 25924
threatened physical harm to a person, three years. 25925

(C) Any sentence to a prison term for a felony of the third, 25926
fourth, or fifth degree that is not subject to division (B)(1) or 25927
(3) of this section shall include a requirement that the offender 25928
be subject to a period of post-release control of up to three 25929
years after the offender's release from imprisonment, if the 25930
parole board, in accordance with division (D) of this section, 25931
determines that a period of post-release control is necessary for 25932
that offender. This division applies with respect to all prison 25933
terms of a type described in this division, including a term of 25934
any such type that is a risk reduction sentence. Section 2929.191 25935
of the Revised Code applies if, prior to July 11, 2006, a court 25936
imposed a sentence including a prison term of a type described in 25937
this division and failed to notify the offender pursuant to 25938

division (B)(2)(d) of section 2929.19 of the Revised Code 25939
regarding post-release control or to include in the judgment of 25940
conviction entered on the journal or in the sentence pursuant to 25941
division (D)(2) of section 2929.14 of the Revised Code a statement 25942
regarding post-release control. Pursuant to an agreement entered 25943
into under section 2967.29 of the Revised Code, a court of common 25944
pleas or parole board may impose sanctions or conditions on an 25945
offender who is placed on post-release control under this 25946
division. 25947

(D)(1) Before the prisoner is released from imprisonment, the 25948
parole board or, pursuant to an agreement under section 2967.29 of 25949
the Revised Code, the court shall impose upon a prisoner described 25950
in division (B) of this section, shall impose upon a prisoner 25951
described in division (C) of this section who is to be released 25952
before the expiration of the prisoner's stated prison term under a 25953
risk reduction sentence, may impose upon a prisoner described in 25954
division (C) of this section who is not to be released before the 25955
expiration of the prisoner's stated prison term under a risk 25956
reduction sentence, and shall impose upon a prisoner described in 25957
division (B)(2)(b) of section 5120.031 or in division (B)(1) of 25958
section 5120.032 of the Revised Code, one or more post-release 25959
control sanctions to apply during the prisoner's period of 25960
post-release control. Whenever the board or court imposes one or 25961
more post-release control sanctions upon a prisoner, the board or 25962
court, in addition to imposing the sanctions, also shall include 25963
as a condition of the post-release control that the offender not 25964
leave the state without permission of the court or the offender's 25965
parole or probation officer and that the offender abide by the 25966
law. The board or court may impose any other conditions of release 25967
under a post-release control sanction that the board or court 25968
considers appropriate, and the conditions of release may include 25969
any community residential sanction, community nonresidential 25970
sanction, or financial sanction that the sentencing court was 25971

authorized to impose pursuant to sections 2929.16, 2929.17, and 25972
2929.18 of the Revised Code. Prior to the release of a prisoner 25973
for whom it will impose one or more post-release control sanctions 25974
under this division, the parole board or court shall review the 25975
prisoner's criminal history, results from the single validated 25976
risk assessment tool selected by the department of rehabilitation 25977
and correction under section 5120.114 of the Revised Code, all 25978
juvenile court adjudications finding the prisoner, while a 25979
juvenile, to be a delinquent child, and the record of the 25980
prisoner's conduct while imprisoned. The parole board or court 25981
shall consider any recommendation regarding post-release control 25982
sanctions for the prisoner made by the office of victims' 25983
services. After considering those materials, the board or court 25984
shall determine, for a prisoner described in division (B) of this 25985
section, division (B)(2)(b) of section 5120.031, or division 25986
(B)(1) of section 5120.032 of the Revised Code and for a prisoner 25987
described in division (C) of this section who is to be released 25988
before the expiration of the prisoner's stated prison term under a 25989
risk reduction sentence, which post-release control sanction or 25990
combination of post-release control sanctions is reasonable under 25991
the circumstances or, for a prisoner described in division (C) of 25992
this section who is not to be released before the expiration of 25993
the prisoner's stated prison term under a risk reduction sentence, 25994
whether a post-release control sanction is necessary and, if so, 25995
which post-release control sanction or combination of post-release 25996
control sanctions is reasonable under the circumstances. In the 25997
case of a prisoner convicted of a felony of the fourth or fifth 25998
degree other than a felony sex offense, the board or court shall 25999
presume that monitored time is the appropriate post-release 26000
control sanction unless the board or court determines that a more 26001
restrictive sanction is warranted. A post-release control sanction 26002
imposed under this division takes effect upon the prisoner's 26003
release from imprisonment. 26004

Regardless of whether the prisoner was sentenced to the 26005
prison term prior to, on, or after July 11, 2006, prior to the 26006
release of a prisoner for whom it will impose one or more 26007
post-release control sanctions under this division, the parole 26008
board shall notify the prisoner that, if the prisoner violates any 26009
sanction so imposed or any condition of post-release control 26010
described in division (B) of section 2967.131 of the Revised Code 26011
that is imposed on the prisoner, the parole board may impose a 26012
prison term of up to one-half of the stated prison term originally 26013
imposed upon the prisoner. 26014

(2) If a prisoner who is placed on post-release control under 26015
this section is released before the expiration of the prisoner's 26016
stated prison term by reason of credit earned under section 26017
2967.193 of the Revised Code and if the prisoner earned sixty or 26018
more days of credit, the adult parole authority shall supervise 26019
the offender with an active global positioning system device for 26020
the first fourteen days after the offender's release from 26021
imprisonment. This division does not prohibit or limit the 26022
imposition of any post-release control sanction otherwise 26023
authorized by this section. 26024

(3) At any time after a prisoner is released from 26025
imprisonment and during the period of post-release control 26026
applicable to the releasee, the adult parole authority or, 26027
pursuant to an agreement under section 2967.29 of the Revised 26028
Code, the court may review the releasee's behavior under the 26029
post-release control sanctions imposed upon the releasee under 26030
this section. The authority or court may determine, based upon the 26031
review and in accordance with the standards established under 26032
division (E) of this section, that a more restrictive or a less 26033
restrictive sanction is appropriate and may impose a different 26034
sanction. The authority also may recommend that the parole board 26035
or court increase or reduce the duration of the period of 26036

post-release control imposed by the court. If the authority 26037
recommends that the board or court increase the duration of 26038
post-release control, the board or court shall review the 26039
releasee's behavior and may increase the duration of the period of 26040
post-release control imposed by the court up to eight years. If 26041
the authority recommends that the board or court reduce the 26042
duration of control for an offense described in division (B) or 26043
(C) of this section, the board or court shall review the 26044
releasee's behavior and may reduce the duration of the period of 26045
control imposed by the court. In no case shall the board or court 26046
reduce the duration of the period of control imposed for an 26047
offense described in division (B)(1) of this section to a period 26048
less than the length of the stated prison term originally imposed, 26049
and in no case shall the board or court permit the releasee to 26050
leave the state without permission of the court or the releasee's 26051
parole or probation officer. 26052

(E) The department of rehabilitation and correction, in 26053
accordance with Chapter 119. of the Revised Code, shall adopt 26054
rules that do all of the following: 26055

(1) Establish standards for the imposition by the parole 26056
board of post-release control sanctions under this section that 26057
are consistent with the overriding purposes and sentencing 26058
principles set forth in section 2929.11 of the Revised Code and 26059
that are appropriate to the needs of releasees; 26060

(2) Establish standards that provide for a period of 26061
post-release control of up to three years for all prisoners 26062
described in division (C) of this section who are to be released 26063
before the expiration of their stated prison term under a risk 26064
reduction sentence and standards by which the parole board can 26065
determine which prisoners described in division (C) of this 26066
section who are not to be released before the expiration of their 26067
stated prison term under a risk reduction sentence should be 26068

placed under a period of post-release control; 26069

(3) Establish standards to be used by the parole board in 26070
reducing the duration of the period of post-release control 26071
imposed by the court when authorized under division (D) of this 26072
section, in imposing a more restrictive post-release control 26073
sanction than monitored time upon a prisoner convicted of a felony 26074
of the fourth or fifth degree other than a felony sex offense, or 26075
in imposing a less restrictive control sanction upon a releasee 26076
based on the releasee's activities including, but not limited to, 26077
remaining free from criminal activity and from the abuse of 26078
alcohol or other drugs, successfully participating in approved 26079
rehabilitation programs, maintaining employment, and paying 26080
restitution to the victim or meeting the terms of other financial 26081
sanctions; 26082

(4) Establish standards to be used by the adult parole 26083
authority in modifying a releasee's post-release control sanctions 26084
pursuant to division (D)(2) of this section; 26085

(5) Establish standards to be used by the adult parole 26086
authority or parole board in imposing further sanctions under 26087
division (F) of this section on releasees who violate post-release 26088
control sanctions, including standards that do the following: 26089

(a) Classify violations according to the degree of 26090
seriousness; 26091

(b) Define the circumstances under which formal action by the 26092
parole board is warranted; 26093

(c) Govern the use of evidence at violation hearings; 26094

(d) Ensure procedural due process to an alleged violator; 26095

(e) Prescribe nonresidential community control sanctions for 26096
most misdemeanor and technical violations; 26097

(f) Provide procedures for the return of a releasee to 26098

imprisonment for violations of post-release control. 26099

(F)(1) Whenever the parole board imposes one or more 26100
post-release control sanctions upon an offender under this 26101
section, the offender upon release from imprisonment shall be 26102
under the general jurisdiction of the adult parole authority and 26103
generally shall be supervised by the field services section 26104
through its staff of parole and field officers as described in 26105
section 5149.04 of the Revised Code, as if the offender had been 26106
placed on parole. If the offender upon release from imprisonment 26107
violates the post-release control sanction or any conditions 26108
described in division (A) of section 2967.131 of the Revised Code 26109
that are imposed on the offender, the public or private person or 26110
entity that operates or administers the sanction or the program or 26111
activity that comprises the sanction shall report the violation 26112
directly to the adult parole authority or to the officer of the 26113
authority who supervises the offender. The authority's officers 26114
may treat the offender as if the offender were on parole and in 26115
violation of the parole, and otherwise shall comply with this 26116
section. 26117

(2) If the adult parole authority or, pursuant to an 26118
agreement under section 2967.29 of the Revised Code, the court 26119
determines that a releasee has violated a post-release control 26120
sanction or any conditions described in division (A) of section 26121
2967.131 of the Revised Code imposed upon the releasee and that a 26122
more restrictive sanction is appropriate, the authority or court 26123
may impose a more restrictive sanction upon the releasee, in 26124
accordance with the standards established under division (E) of 26125
this section or in accordance with the agreement made under 26126
section 2967.29 of the Revised Code, or may report the violation 26127
to the parole board for a hearing pursuant to division (F)(3) of 26128
this section. The authority or court may not, pursuant to this 26129
division, increase the duration of the releasee's post-release 26130

control or impose as a post-release control sanction a residential 26131
sanction that includes a prison term, but the authority or court 26132
may impose on the releasee any other residential sanction, 26133
nonresidential sanction, or financial sanction that the sentencing 26134
court was authorized to impose pursuant to sections 2929.16, 26135
2929.17, and 2929.18 of the Revised Code. 26136

(3) The parole board or, pursuant to an agreement under 26137
section 2967.29 of the Revised Code, the court may hold a hearing 26138
on any alleged violation by a releasee of a post-release control 26139
sanction or any conditions described in division (A) of section 26140
2967.131 of the Revised Code that are imposed upon the releasee. 26141
If after the hearing the board or court finds that the releasee 26142
violated the sanction or condition, the board or court may 26143
increase the duration of the releasee's post-release control up to 26144
the maximum duration authorized by division (B) or (C) of this 26145
section or impose a more restrictive post-release control 26146
sanction. When appropriate, the board or court may impose as a 26147
post-release control sanction a residential sanction that includes 26148
a prison term. The board or court shall consider a prison term as 26149
a post-release control sanction imposed for a violation of 26150
post-release control when the violation involves a deadly weapon 26151
or dangerous ordnance, physical harm or attempted serious physical 26152
harm to a person, or sexual misconduct, or when the releasee 26153
committed repeated violations of post-release control sanctions. 26154
Unless a releasee's stated prison term was reduced pursuant to 26155
section 5120.032 of the Revised Code, the period of a prison term 26156
that is imposed as a post-release control sanction under this 26157
division shall not exceed nine months, and the maximum cumulative 26158
prison term for all violations under this division shall not 26159
exceed one-half of the stated prison term originally imposed upon 26160
the offender as part of this sentence. If a releasee's stated 26161
prison term was reduced pursuant to section 5120.032 of the 26162
Revised Code, the period of a prison term that is imposed as a 26163

post-release control sanction under this division and the maximum 26164
cumulative prison term for all violations under this division 26165
shall not exceed the period of time not served in prison under the 26166
sentence imposed by the court. The period of a prison term that is 26167
imposed as a post-release control sanction under this division 26168
shall not count as, or be credited toward, the remaining period of 26169
post-release control. 26170

If an offender is imprisoned for a felony committed while 26171
under post-release control supervision and is again released on 26172
post-release control for a period of time determined by division 26173
(F)(4)(d) of this section, the maximum cumulative prison term for 26174
all violations under this division shall not exceed one-half of 26175
the total stated prison terms of the earlier felony, reduced by 26176
any prison term administratively imposed by the parole board or 26177
court, plus one-half of the total stated prison term of the new 26178
felony. 26179

(4) Any period of post-release control shall commence upon an 26180
offender's actual release from prison. If an offender is serving 26181
an indefinite prison term or a life sentence in addition to a 26182
stated prison term, the offender shall serve the period of 26183
post-release control in the following manner: 26184

(a) If a period of post-release control is imposed upon the 26185
offender and if the offender also is subject to a period of parole 26186
under a life sentence or an indefinite sentence, and if the period 26187
of post-release control ends prior to the period of parole, the 26188
offender shall be supervised on parole. The offender shall receive 26189
credit for post-release control supervision during the period of 26190
parole. The offender is not eligible for final release under 26191
section 2967.16 of the Revised Code until the post-release control 26192
period otherwise would have ended. 26193

(b) If a period of post-release control is imposed upon the 26194
offender and if the offender also is subject to a period of parole 26195

under an indefinite sentence, and if the period of parole ends 26196
prior to the period of post-release control, the offender shall be 26197
supervised on post-release control. The requirements of parole 26198
supervision shall be satisfied during the post-release control 26199
period. 26200

(c) If an offender is subject to more than one period of 26201
post-release control, the period of post-release control for all 26202
of the sentences shall be the period of post-release control that 26203
expires last, as determined by the parole board or court. Periods 26204
of post-release control shall be served concurrently and shall not 26205
be imposed consecutively to each other. 26206

(d) The period of post-release control for a releasee who 26207
commits a felony while under post-release control for an earlier 26208
felony shall be the longer of the period of post-release control 26209
specified for the new felony under division (B) or (C) of this 26210
section or the time remaining under the period of post-release 26211
control imposed for the earlier felony as determined by the parole 26212
board or court. 26213

Sec. 2981.11. (A)(1) Any property that has been lost, 26214
abandoned, stolen, seized pursuant to a search warrant, or 26215
otherwise lawfully seized or forfeited and that is in the custody 26216
of a law enforcement agency shall be kept safely by the agency, 26217
pending the time it no longer is needed as evidence or for another 26218
lawful purpose, and shall be disposed of pursuant to sections 26219
2981.12 and 2981.13 of the Revised Code. 26220

(2) This chapter does not apply to the custody and disposal 26221
of any of the following: 26222

(a) Vehicles subject to forfeiture under Title XLV of the 26223
Revised Code, except as provided in division (A)(6) of section 26224
2981.12 of the Revised Code; 26225

(b) Abandoned junk motor vehicles or other property of negligible value;	26226 26227
(c) Property held by a department of rehabilitation and correction institution that is unclaimed, that does not have an identified owner, that the owner agrees to dispose of, or that is identified by the department as having little value;	26228 26229 26230 26231
(d) Animals taken, and devices used in unlawfully taking animals, under section 1531.20 of the Revised Code;	26232 26233
(e) Controlled substances sold by a peace officer in the performance of the officer's official duties under section 3719.141 of the Revised Code;	26234 26235 26236
(f) Property recovered by a township law enforcement agency under sections 505.105 to 505.109 of the Revised Code;	26237 26238
(g) Property held and disposed of under an ordinance of the municipal corporation or under sections 737.29 to 737.33 of the Revised Code, except that a municipal corporation that has received notice of a citizens' reward program as provided in division (F) of section 2981.12 of the Revised Code and disposes of property under an ordinance shall pay twenty-five per cent of any moneys acquired from any sale or auction to the citizens' reward program.	26239 26240 26241 26242 26243 26244 26245 26246
(B)(1) Each law enforcement agency that has custody of any property that is subject to this section shall adopt and comply with a written internal control policy that does all of the following:	26247 26248 26249 26250
(a) Provides for keeping detailed records as to the amount of property acquired by the agency and the date property was acquired;	26251 26252 26253
(b) Provides for keeping detailed records of the disposition of the property, which shall include, but not be limited to, both	26254 26255

of the following: 26256

(i) The manner in which it was disposed, the date of 26257
disposition, detailed financial records concerning any property 26258
sold, and the name of any person who received the property. The 26259
record shall not identify or enable identification of the 26260
individual officer who seized any item of property. 26261

(ii) The general types of expenditures made with amounts that 26262
are gained from the sale of the property and that are retained by 26263
the agency, including the specific amount expended on each general 26264
type of expenditure, except that the policy shall not provide for 26265
or permit the identification of any specific expenditure that is 26266
made in an ongoing investigation. 26267

(c) Complies with section 2981.13 of the Revised Code if the 26268
agency has a law enforcement trust fund or similar fund created 26269
under that section. 26270

~~(2) Each law enforcement agency that during any calendar year 26271
has any seized or forfeited property covered by this section in 26272
its custody, including amounts distributed under section 2981.13 26273
of the Revised Code to its law enforcement trust fund or a similar 26274
fund created for the state highway patrol, department of public 26275
safety, department of taxation, or state board of pharmacy, shall 26276
prepare a report covering the calendar year that cumulates all of 26277
the information contained in all of the public records kept by the 26278
agency pursuant to this section for that calendar year. The agency 26279
shall send a copy of the cumulative report to the attorney general 26280
not later than the first day of March in the calendar year 26281
following the calendar year covered by the report. 26282~~

~~(3) The records kept under the internal control policy shall 26283
be open to public inspection during the agency's regular business 26284
hours. The policy adopted under this section and each report 26285
received by the attorney general is a public record open for 26286~~

inspection under section 149.43 of the Revised Code. 26287

~~(4) Not later than the fifteenth day of April in each 26288
calendar year in which reports are sent to the attorney general 26289
under division (B)(2) of this section, the attorney general shall 26290
send to the president of the senate and the speaker of the house 26291
of representatives a written notice that indicates that the 26292
attorney general received reports that cover the previous calendar 26293
year, that the reports are open for inspection under section 26294
149.43 of the Revised Code, and that the attorney general will 26295
provide a copy of any or all of the reports to the president of 26296
the senate or the speaker of the house of representatives upon 26297
request. 26298~~

(C) A law enforcement agency with custody of property to be 26299
disposed of under section 2981.12 or 2981.13 of the Revised Code 26300
shall make a reasonable effort to locate persons entitled to 26301
possession of the property, to notify them of when and where it 26302
may be claimed, and to return the property to them at the earliest 26303
possible time. In the absence of evidence identifying persons 26304
entitled to possession, it is sufficient notice to advertise in a 26305
newspaper of general circulation in the county and to briefly 26306
describe the nature of the property in custody and inviting 26307
persons to view and establish their right to it. 26308

(D) As used in sections 2981.11 to 2981.13 of the Revised 26309
Code: 26310

(1) "Citizens' reward program" has the same meaning as in 26311
section 9.92 of the Revised Code. 26312

(2) "Law enforcement agency" includes correctional 26313
institutions. 26314

(3) "Township law enforcement agency" means an organized 26315
police department of a township, a township police district, a 26316
joint police district, or the office of a township constable. 26317

Sec. 2981.14. (A) Nothing in this chapter precludes the head 26318
of a law enforcement agency that seizes property from seeking 26319
forfeiture under federal law. If the property is forfeitable under 26320
this chapter and federal forfeiture is not sought, the property is 26321
subject only to this chapter. 26322

(B) Any law enforcement agency that receives moneys from a 26323
sale of forfeited property under federal law shall deposit, use, 26324
and account for the amounts, including any interest derived, in 26325
accordance with applicable federal law. If the state highway 26326
patrol or the investigative unit of the department of public 26327
safety receives such federal forfeiture moneys, the appropriate 26328
official shall deposit all interest or other earnings derived from 26329
the investment of the moneys into the ~~contraband, forfeiture, and~~ 26330
~~other fund of the~~ highway patrol treasury contraband fund, the 26331
highway patrol justice contraband fund, the investigative unit 26332
treasury contraband fund, or the department investigative unit 26333
justice contraband fund, whichever is appropriate. 26334

(C) There is hereby created in the state treasury the highway 26335
patrol treasury contraband fund, the highway patrol justice 26336
contraband fund, the investigative unit treasury contraband fund, 26337
and the investigative unit justice contraband fund. Each fund 26338
shall consist of moneys received under division (B) of this 26339
section and shall be used in accordance with any federal or other 26340
requirements associated with moneys received. 26341

Sec. 3125.41. (A) As used in this section: 26342

(1) "Cable television service" has the same meaning as in 26343
section 2913.01 of the Revised Code. 26344

(2) "Public utility" means a person or entity, including an 26345
entity owned or operated by a municipal corporation or other 26346
government entity, that is described in ~~division (A) of~~ section 26347

4905.03 of the Revised Code as a telephone company, electric light 26348
company, gas company, natural gas company, water-works company, 26349
heating or cooling company, or sewage disposal system company, or 26350
that is providing cable television service. 26351

(B) Except as provided in section 3125.43 of the Revised 26352
Code, the office of child support shall have access to all of the 26353
following unless release of the information is prohibited by 26354
federal or state law: 26355

(1) Any information in the possession of any officer or 26356
entity of the state or any political subdivision of the state that 26357
would aid the office in locating an absent parent or child 26358
pursuant to section 3125.06 of the Revised Code; 26359

(2) Any information concerning the employment, compensation, 26360
and benefits of any obligor or obligee subject to a support order 26361
in the possession of any person; 26362

(3) The name and address of any obligor or obligee subject to 26363
a support order and the obligor's or obligee's employer in the 26364
customer records of a public utility. 26365

Sec. 3301.55. (A) A school district, county DD board, or 26366
eligible nonpublic school operating a preschool program shall 26367
house the program in buildings that meet the following 26368
requirements: 26369

(1) The building is operated by the district, county DD 26370
board, or eligible nonpublic school and has been approved by the 26371
division of ~~labor~~ industrial compliance in the department of 26372
commerce or a certified municipal, township, or county building 26373
department for the purpose of operating a program for preschool 26374
children. Any such structure shall be constructed, equipped, 26375
repaired, altered, and maintained in accordance with applicable 26376
provisions of Chapters 3781. and 3791. and with rules adopted by 26377

the board of building standards under Chapter 3781. of the Revised Code for the safety and sanitation of structures erected for this purpose. 26378
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(2) The building is in compliance with fire and safety laws and regulations as evidenced by reports of annual school fire and safety inspections as conducted by appropriate local authorities. 26381
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(3) The school is in compliance with rules established by the state board of education regarding school food services. 26384
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(4) The facility includes not less than thirty-five square feet of indoor space for each child in the program. Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use. 26386
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(5) First aid facilities and space for temporary placement or isolation of injured or ill children are provided. 26391
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(B) Each school district, county DD board, or eligible nonpublic school that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the state board of education to the board not later than the first day of September of the school year in which the program is to be initiated. The board shall determine whether the buildings meet the requirements of this section and section 3301.53 of the Revised Code, and notify the superintendent of its determination. If the board determines, on the basis of the building plan or any other information, that the buildings do not meet those requirements, it shall cause the buildings to be inspected by the department of education. The department shall make a report to the superintendent specifying any aspects of the building that are not in compliance with the requirements of this section and section 3301.53 of the Revised Code and the time period that will be allowed the district, county DD board, or 26393
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school to meet the requirements. 26409

Sec. 3304.14. (A) The governor shall appoint an administrator 26410
of the rehabilitation services commission to serve at the pleasure 26411
of the governor and shall fix the administrator's compensation. 26412
The administrator shall devote the administrator's entire time to 26413
the duties of the administrator's office, shall hold no other 26414
office or position of trust and profit, and shall engage in no 26415
other business during the administrator's term of office. The 26416
governor may grant the administrator the authority to appoint, 26417
remove, and discipline without regard to sex, race, creed, color, 26418
age, or national origin, such other professional, administrative, 26419
and clerical staff members as are necessary to carry out the 26420
functions and duties of the commission. 26421

(B)(1) The administrator shall have exclusive authority to 26422
administer the daily operation and provision of vocational 26423
rehabilitation services under this chapter. 26424

(2) The administrator shall establish a fee schedule for 26425
vocational rehabilitation services in accordance with 34 C.F.R. 26426
361.50. 26427

Sec. 3304.16. In carrying out the purposes of sections 26428
3304.11 to 3304.27 of the Revised Code, the rehabilitation 26429
services commission: 26430

(A) Shall develop all necessary rules; 26431

(B) Shall prepare and submit to the governor annual reports 26432
of activities and expenditures and, prior to each first regular 26433
session of the general assembly, an estimate of sums required to 26434
carry out the commission's responsibilities; 26435

(C) Shall certify any disbursement of funds available to the 26436
commission for vocational rehabilitation activities; 26437

(D) Shall serve as the sole state agency designated to administer the plan under the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 701, as amended;

(E) Shall take appropriate action to guarantee rights of and services to handicapped persons;

(F) Shall consult with and advise other state agencies to assist them in meeting the needs of handicapped persons more effectively and to achieve maximum coordination among programs for the handicapped;

(G) Shall establish an administrative division of consumer affairs and advocacy within the commission to promote and help guarantee the rights of handicapped persons;

(H) Shall maintain an inventory of state services that are available to handicapped persons;

(I) Shall utilize, support, assist, and cooperate with the governor's committee on employment of the handicapped;

(J) May delegate to any officer or employee of the commission any necessary powers and duties, except that the commission shall delegate to the administrator of the commission, as provided in section 3304.14 of the Revised Code, the power and duty to administer the daily operation and provision of vocational rehabilitation services;

(K) May take any other necessary or appropriate action for cooperation with public and private agencies and organizations which may include:

(1) Reciprocal agreements with other states to provide for the vocational rehabilitation of individuals within the states concerned;

(2) Contracts or other arrangements with public and other nonprofit agencies and organizations for the construction or

establishment and operation of vocational rehabilitation programs 26468
and facilities; 26469

(3) Cooperative arrangements with the federal government for 26470
carrying out sections 3304.11 to 3304.27 of the Revised Code, the 26471
"Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C. 26472
31, as amended, or other federal statutes pertaining to vocational 26473
rehabilitation, and to this end, may adopt plans and methods of 26474
administration found necessary by the federal government for the 26475
efficient operation of any joint arrangements or the efficient 26476
application of any federal statutes; 26477

(4) Upon the designation of the governor, performing 26478
functions and services for the federal government relating to 26479
individuals under a physical or mental disability. 26480

(L) ~~Shall comply with~~ May take any requirements appropriate 26481
action necessary to obtain federal funds in the maximum amount and 26482
most advantageous proportion possible-; 26483

(M) May conduct research and demonstration projects, 26484
including inquiries concerning the causes of blindness and its 26485
prevention, provide training and instruction, including the 26486
establishment and maintenance of research fellowships and 26487
traineeships along with all necessary stipends and allowances, 26488
disseminate information, and provide technical assistance relating 26489
to vocational rehabilitation; 26490

(N) May plan, establish, and operate programs, facilities, 26491
and services relating to vocational rehabilitation; 26492

(O) May accept and hold, invest, reinvest, or otherwise use 26493
gifts made for the purpose of furthering vocational 26494
rehabilitation; 26495

(P) May ameliorate the condition of the aged blind or other 26496
severely disabled individuals by establishing a program of home 26497
visitation by commission employees for the purpose of instruction; 26498

(Q) May establish and manage small business enterprises that 26499
are operated by persons with a substantial handicap to employment, 26500
including blind persons; 26501

(R) May purchase from insurance companies licensed to do 26502
business in this state any insurance deemed necessary by the 26503
commission for the efficient operation of a suitable vending 26504
facility as defined in division (A) of section 3304.28 of the 26505
Revised Code; 26506

(S) May accept directly from any state agency, and any state 26507
agency may transfer directly to the commission, surplus computers 26508
and computer equipment to be used for any purposes the commission 26509
considers appropriate, notwithstanding sections 125.12 to 125.14 26510
of the Revised Code. 26511

Sec. 3304.181. If the total of all funds available from 26512
nonfederal sources to support the activities of the rehabilitation 26513
services commission does not comply with the expenditure 26514
requirements of 34 C.F.R. 361.60 and 361.62 for those activities 26515
or would cause the state to lose an allotment or fail to receive a 26516
reallotment under 34 C.F.R. 361.65, the commission ~~shall~~ may 26517
solicit additional funds from, and enter into agreements for the 26518
use of those funds with, private or public entities, including 26519
local government entities of this state. The commission ~~shall~~ may 26520
continue to solicit additional funds and enter into agreements 26521
until the total funding available is sufficient for the commission 26522
to receive federal funds at the maximum amount and in the most 26523
advantageous proportion possible. 26524

Any agreement entered into between the commission and a 26525
private or public entity to provide funds under this section shall 26526
be in accordance with 34 C.F.R. 361.28 and section 3304.182 of the 26527
Revised Code. 26528

Sec. 3304.182. Any agreement between the rehabilitation 26529
services commission and a private or public entity providing funds 26530
under section 3304.181 of the Revised Code may permit the 26531
commission to receive a specified percentage of the funds, but the 26532
percentage shall be not more than twenty-five per cent of the 26533
total funds available under the agreement. ~~The agreement shall not~~ 26534
~~be for less than six months or be discontinued by the commission~~ 26535
~~without the commission first providing three months notice of~~ 26536
~~intent to discontinue the agreement.~~ The commission may terminate 26537
an agreement only at any time for good just cause. It may 26538
terminate an agreement for any other reason by giving at least 26539
thirty days' notice to the public or private entity. 26540

Any services provided under an agreement entered into under 26541
section 3304.181 of the Revised Code shall be provided by a person 26542
or government entity that meets the accreditation standards 26543
established in rules adopted by the commission under section 26544
3304.16 of the Revised Code. 26545

Sec. 3307.152. (A) As used in this section and in section 26546
3307.154 of the Revised Code: 26547

(1) "Agent" means a dealer, as defined in section 1707.01 of 26548
the Revised Code, who is licensed under sections 1707.01 to 26549
1707.45 of the Revised Code or under comparable laws of another 26550
state or of the United States. 26551

(2) "Minority business enterprise" has the same meaning as in 26552
section 122.71 of the Revised Code. 26553

(3) "Ohio-qualified agent" means an agent designated as such 26554
by the state teachers retirement board. 26555

(4) "Ohio-qualified investment manager" means an investment 26556
manager designated as such by the state teachers retirement board. 26557

(5) "Principal place of business" means an office in which 26558

the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients. 26559
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(B) The state teachers retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements: 26562
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(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., or 5747. of the Revised Code. 26565
26566

(2) The agent is authorized to conduct business in this state. 26567
26568

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state. 26569
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(C) The state teachers retirement board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following: 26571
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~~(a)~~(1) Commissions charged by the agent, both in the aggregate and on a per share basis; 26576
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~~(b)~~(2) The execution speed and trade settlement capabilities of the agent; 26578
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~~(c)~~(3) The responsiveness, reliability, and integrity of the agent; 26580
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~~(d)~~(4) The nature and value of research provided by the agent; 26582
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~~(e)~~(5) Any special capabilities of the agent. 26584

(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an 26585
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Ohio-qualified agent offers quality, services, and safety 26589
comparable to other agents otherwise available to the board and 26590
meets the criteria established under division (C) of this section. 26591

(2) The board shall review, at least annually, the 26592
performance of the agents that execute securities transactions on 26593
behalf of the board. 26594

(3) The board shall determine whether an agent is an 26595
Ohio-qualified agent, meets the criteria established by the board 26596
pursuant to division (C) of this section, and offers quality, 26597
services, and safety comparable to other agents otherwise 26598
available to the board. The board's determination shall be final. 26599

(E) The board shall, at least annually, submit to the Ohio 26600
retirement study council a report containing the following 26601
information: 26602

(1) The name of each agent designated as an Ohio-qualified 26603
agent under this section; 26604

(2) The name of each agent that executes securities 26605
transactions on behalf of the board; 26606

(3) The amount of equity and fixed-income trades that are 26607
executed by Ohio-qualified agents, expressed as a percentage of 26608
all equity and fixed-income trades that are executed by agents on 26609
behalf of the board; 26610

(4) The compensation paid to Ohio-qualified agents, expressed 26611
as a percentage of total compensation paid to all agents that 26612
execute securities transactions on behalf of the board; 26613

(5) The amount of equity and fixed-income trades that are 26614
executed by agents that are minority business enterprises, 26615
expressed as a percentage of all equity and fixed-income trades 26616
that are executed by agents on behalf of the board; 26617

(6) Any other information requested by the Ohio retirement 26618

study council regarding the board's use of agents. 26619

Sec. 3307.154. (A) The state teachers retirement board shall, 26620
for the purposes of this section, designate an investment manager 26621
as an Ohio-qualified investment manager if the investment manager 26622
meets all of the following requirements: 26623

(1) The investment manager is subject to taxation under 26624
Chapter 5725., 5726., 5733., or 5747. of the Revised Code. 26625

(2) The investment manager meets one of the following 26626
requirements: 26627

(a) Has its corporate headquarters or principal place of 26628
business in this state; 26629

(b) Employs at least five hundred individuals in this state; 26630

(c) Has a principal place of business in this state and 26631
employs at least twenty residents of this state. 26632

(B)(1) The board shall, at least annually, establish a policy 26633
with the goal to increase utilization by the board of 26634
Ohio-qualified investment managers, when an Ohio-qualified 26635
investment manager offers quality, services, and safety comparable 26636
to other investment managers otherwise available to the board. The 26637
policy shall also provide for the following: 26638

(a) A process whereby the board can develop a list of 26639
Ohio-qualified investment managers and their investment products; 26640

(b) A process whereby the board can give public notice to 26641
Ohio-qualified investment managers of the board's search for an 26642
investment manager that includes the board's search criteria. 26643

(2) The board shall determine whether an investment manager 26644
is an Ohio-qualified investment manager and whether the investment 26645
manager offers quality, services, and safety comparable to other 26646
investment managers otherwise available to the board. The board's 26647

determination shall be final. 26648

(C) The board shall, at least annually, submit to the Ohio 26649
retirement study council a report containing the following 26650
information: 26651

(1) The name of each investment manager designated as an 26652
Ohio-qualified investment manager under this section; 26653

(2) The name of each investment manager with which the board 26654
contracts; 26655

(3) The amount of assets managed by Ohio-qualified investment 26656
managers, expressed as a percentage of the total assets held by 26657
the retirement system and as a percentage of assets managed by 26658
investment managers with which the board has contracted; 26659

(4) The compensation paid to Ohio-qualified investment 26660
managers, expressed as a percentage of total compensation paid to 26661
all investment managers with which the board has contracted; 26662

(5) Any other information requested by the Ohio retirement 26663
study council regarding the board's use of investment managers. 26664

Sec. 3309.157. (A) As used in this section and in section 26665
3309.159 of the Revised Code: 26666

(1) "Agent" means a dealer, as defined in section 1707.01 of 26667
the Revised Code, who is licensed under sections 1707.01 to 26668
1707.45 of the Revised Code or under comparable laws of another 26669
state or of the United States. 26670

(2) "Minority business enterprise" has the same meaning as in 26671
section 122.71 of the Revised Code. 26672

(3) "Ohio-qualified agent" means an agent designated as such 26673
by the school employees retirement board. 26674

(4) "Ohio-qualified investment manager" means an investment 26675
manager designated as such by the school employees retirement 26676

board. 26677

(5) "Principal place of business" means an office in which 26678
the agent regularly provides securities or investment advisory 26679
services and solicits, meets with, or otherwise communicates with 26680
clients. 26681

(B) The school employees retirement board shall, for the 26682
purposes of this section, designate an agent as an Ohio-qualified 26683
agent if the agent meets all of the following requirements: 26684

(1) The agent is subject to taxation under Chapter 5725., 26685
~~5726.~~, 5733., or 5747. of the Revised Code. 26686

(2) The agent is authorized to conduct business in this 26687
state. 26688

(3) The agent maintains a principal place of business in this 26689
state and ~~employees~~ employs at least five residents of this state. 26690

(C) The school employees retirement board shall adopt and 26691
implement a written policy to establish criteria and procedures 26692
used to select agents to execute securities transactions on behalf 26693
of the retirement system. The policy shall address each of the 26694
following: 26695

~~(a)~~(1) Commissions charged by the agent, both in the 26696
aggregate and on a per share basis; 26697

~~(b)~~(2) The execution speed and trade settlement capabilities 26698
of the agent; 26699

~~(c)~~(3) The responsiveness, reliability, and integrity of the 26700
agent; 26701

~~(d)~~(4) The nature and value of research provided by the 26702
agent; 26703

~~(e)~~(5) Any special capabilities of the agent. 26704

(D)(1) The board shall, at least annually, establish a policy 26705

with the goal to increase utilization by the board of 26706
Ohio-qualified agents for the execution of domestic equity and 26707
fixed income trades on behalf of the retirement system, when an 26708
Ohio-qualified agent offers quality, services, and safety 26709
comparable to other agents otherwise available to the board and 26710
meets the criteria established under division (C) of this section. 26711

(2) The board shall review, at least annually, the 26712
performance of the agents that execute securities transactions on 26713
behalf of the board. 26714

(3) The board shall determine whether an agent is an 26715
Ohio-qualified agent, meets the criteria established by the board 26716
pursuant to division (C) of this section, and offers quality, 26717
services, and safety comparable to other agents otherwise 26718
available to the board. The board's determination shall be final. 26719

(E) The board shall, at least annually, submit to the Ohio 26720
retirement study council a report containing the following 26721
information: 26722

(1) The name of each agent designated as an Ohio-qualified 26723
agent under this section; 26724

(2) The name of each agent that executes securities 26725
transactions on behalf of the board; 26726

(3) The amount of equity and fixed-income trades that are 26727
executed by Ohio-qualified agents, expressed as a percentage of 26728
all equity and fixed-income trades that are executed by agents on 26729
behalf of the board; 26730

(4) The compensation paid to Ohio-qualified agents, expressed 26731
as a percentage of total compensation paid to all agents that 26732
execute securities transactions on behalf of the board; 26733

(5) The amount of equity and fixed-income trades that are 26734
executed by agents that are minority business enterprises, 26735

expressed as a percentage of all equity and fixed-income trades 26736
that are executed by agents on behalf of the board; 26737

(6) Any other information requested by the Ohio retirement 26738
study council regarding the board's use of agents. 26739

Sec. 3309.159. (A) The school employees retirement board 26740
shall, for the purposes of this section, designate an investment 26741
manager as an Ohio-qualified investment manager if the investment 26742
manager meets all of the following requirements: 26743

(1) The investment manager is subject to taxation under 26744
Chapter 5725., 5726., 5733., or 5747. of the Revised Code. 26745

(2) The investment manager meets one of the following 26746
requirements: 26747

(a) Has its corporate headquarters or principal place of 26748
business in this state; 26749

(b) Employs at least five hundred individuals in this state; 26750

(c) Has a principal place of business in this state and 26751
employs at least ~~20~~ twenty residents of this state. 26752

(B)(1) The board shall, at least annually, establish a policy 26753
with the goal to increase utilization by the board of 26754
Ohio-qualified investment managers, when an Ohio-qualified 26755
investment manager offers quality, services, and safety comparable 26756
to other investment managers otherwise available to the board. The 26757
policy shall also provide for the following: 26758

(a) A process whereby the board can develop a list of 26759
Ohio-qualified investment managers and their investment products; 26760

(b) A process whereby the board can give public notice to 26761
Ohio-qualified investment managers of the board's search for an 26762
investment manager that includes the board's search criteria. 26763

(2) The board shall determine whether an investment manager 26764

is an Ohio-qualified investment manager and whether the investment 26765
manager offers quality, services, and safety comparable to other 26766
investment managers otherwise available to the board. The board's 26767
determination shall be final. 26768

(C) The board shall, at least annually, submit to the Ohio 26769
retirement study council a report containing the following 26770
information: 26771

(1) The name of each investment manager designated as an 26772
Ohio-qualified investment manager under this section; 26773

(2) The name of each investment manager with which the board 26774
contracts; 26775

(3) The amount of assets managed by Ohio-qualified investment 26776
managers, expressed as a percentage of the total assets held by 26777
the retirement system and as a percentage of assets managed by 26778
investment managers with which the board has contracted; 26779

(4) The compensation paid to Ohio-qualified investment 26780
managers, expressed as a percentage of total compensation paid to 26781
all investment managers with which the board has contracted; 26782

(5) Any other information requested by the Ohio retirement 26783
study council regarding the board's use of investment managers. 26784

Sec. 3313.65. (A) As used in this section and section 3313.64 26785
of the Revised Code: 26786

(1) A person is "in a residential facility" if the person is 26787
a resident or a resident patient of an institution, home, or other 26788
residential facility that is: 26789

(a) Licensed as a nursing home, residential care facility, or 26790
home for the aging by the director of health under section 3721.02 26791
of the Revised Code; 26792

(b) ~~Licensed as an adult care facility by the director of~~ 26793

mental health under sections 5119.70 to 5119.88 of the Revised Code;	26794 26795
(e) Maintained as a county home or district home by the board of county commissioners or a joint board of county commissioners under Chapter 5155. of the Revised Code;	26796 26797 26798
(d) <u>(c)</u> Operated or administered by a board of alcohol, drug addiction, and mental health services under section 340.03 or 340.06 of the Revised Code, or provides residential care pursuant to contracts made under section 340.03 or 340.033 of the Revised Code;	26799 26800 26801 26802 26803
(e) <u>(d)</u> Maintained as a state institution for the mentally ill under Chapter 5119. of the Revised Code;	26804 26805
(f) <u>(e)</u> Licensed by the department of mental health under section 5119.20 or 5119.22 of the Revised Code;	26806 26807
(g) <u>(f)</u> Licensed as a residential facility by the department of developmental disabilities under section 5123.19 of the Revised Code;	26808 26809 26810
(h) <u>(g)</u> Operated by the veteran's administration or another agency of the United States government;	26811 26812
(i) <u>(h)</u> Operated by the Ohio veterans' home.	26813
(2) A person is "in a correctional facility" if any of the following apply:	26814 26815
(a) The person is an Ohio resident and is:	26816
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	26817 26818
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	26819 26820
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional	26821 26822

control, or early release from imprisonment, as a condition of 26823
shock parole or shock probation granted under the law in effect 26824
prior to July 1, 1996, or as a condition of a furlough granted 26825
under the version of section 2967.26 of the Revised Code in effect 26826
prior to March 17, 1998, to reside in a halfway house or other 26827
community residential center licensed under section 2967.14 of the 26828
Revised Code or a similar facility designated by the court of 26829
common pleas that established the condition or by the adult parole 26830
authority. 26831

(b) The person is imprisoned in a state correctional 26832
institution of another state or a federal correctional institution 26833
but was an Ohio resident at the time the sentence was imposed for 26834
the crime for which the person is imprisoned. 26835

(3) A person is "in a juvenile residential placement" if the 26836
person is an Ohio resident who is under twenty-one years of age 26837
and has been removed, by the order of a juvenile court, from the 26838
place the person resided at the time the person became subject to 26839
the court's jurisdiction in the matter that resulted in the 26840
person's removal. 26841

(4) "Community control sanction" has the same meaning as in 26842
section 2929.01 of the Revised Code. 26843

(5) "Post-release control sanction" has the same meaning as 26844
in section 2967.01 of the Revised Code. 26845

(B) If the circumstances described in division (C) of this 26846
section apply, the determination of what school district must 26847
admit a child to its schools and what district, if any, is liable 26848
for tuition shall be made in accordance with this section, rather 26849
than section 3313.64 of the Revised Code. 26850

(C) A child who does not reside in the school district in 26851
which the child's parent resides and for whom a tuition obligation 26852
previously has not been established under division (C)(2) of 26853

section 3313.64 of the Revised Code shall be admitted to the 26854
schools of the district in which the child resides if at least one 26855
of the child's parents is in a residential or correctional 26856
facility or a juvenile residential placement and the other parent, 26857
if living and not in such a facility or placement, is not known to 26858
reside in this state. 26859

(D) Regardless of who has custody or care of the child, 26860
whether the child resides in a home, or whether the child receives 26861
special education, if a district admits a child under division (C) 26862
of this section, tuition shall be paid to that district as 26863
follows: 26864

(1) If the child's parent is in a juvenile residential 26865
placement, by the district in which the child's parent resided at 26866
the time the parent became subject to the jurisdiction of the 26867
juvenile court; 26868

(2) If the child's parent is in a correctional facility, by 26869
the district in which the child's parent resided at the time the 26870
sentence was imposed; 26871

(3) If the child's parent is in a residential facility, by 26872
the district in which the parent resided at the time the parent 26873
was admitted to the residential facility, except that if the 26874
parent was transferred from another residential facility, tuition 26875
shall be paid by the district in which the parent resided at the 26876
time the parent was admitted to the facility from which the parent 26877
first was transferred; 26878

(4) In the event of a disagreement as to which school 26879
district is liable for tuition under division (C)(1), (2), or (3) 26880
of this section, the superintendent of public instruction shall 26881
determine which district shall pay tuition. 26882

(E) If a child covered by division (D) of this section 26883
receives special education in accordance with Chapter 3323. of the 26884

Revised Code, the tuition shall be paid in accordance with section 26885
3323.13 or 3323.14 of the Revised Code. Tuition for children who 26886
do not receive special education shall be paid in accordance with 26887
division (J) of section 3313.64 of the Revised Code. 26888

Sec. 3313.71. School physicians may make examinations, which 26889
shall include tests to determine the existence of hearing defects, 26890
and diagnoses of all children referred to them. They may make such 26891
examination of teachers and other school employees and inspection 26892
of school buildings as in their opinion the protection of health 26893
of the pupils, teachers, and other school employees requires. 26894

Boards of education shall require and provide, in accordance 26895
with section 3313.67 of the Revised Code, such tests and 26896
examinations for tuberculosis of pupils in selected grades and of 26897
school employees as may be required by the ~~Ohio public~~ director of 26898
health ~~council~~. 26899

Boards may require annual tuberculin tests of any grades. All 26900
pupils with positive reactions to the test shall have chest x-rays 26901
and all positive reactions and x-ray findings shall be reported 26902
promptly to the county record bureau of tuberculosis cases 26903
provided for in section 339.74 of the Revised Code. Boards shall 26904
waive the required test where a pupil presents a written statement 26905
from the pupil's family physician certifying that such test has 26906
been given and that such pupil is free from tuberculosis in a 26907
communicable stage, or that such test is inadvisable for medical 26908
reasons, or from the pupil's parent or guardian objecting to such 26909
test because of religious convictions. 26910

Whenever a pupil, teacher, or other school employee is found 26911
to be ill or suffering from tuberculosis in a communicable stage 26912
or other communicable disease, the school physician shall promptly 26913
send such pupil, teacher, or other school employee home, with a 26914
statement, in the case of a pupil, to the pupil's parents or 26915

guardian, briefly setting forth the discovered facts, and advising 26916
that the family physician be consulted. School physicians shall 26917
keep accurate card-index records of all examinations, and said 26918
records, that they may be uniform throughout the state, shall be 26919
according to the form prescribed by the state board of education, 26920
and the reports shall be made according to the method of said 26921
form. If the parent or guardian of any pupil or any teacher or 26922
other school employee, after notice from the board of education, 26923
furnishes within two weeks thereafter the written certificate of 26924
any reputable physician that the pupil, teacher, or other school 26925
employee has been examined, in such cases the service of the 26926
school physician shall be dispensed with, and such certificate 26927
shall be furnished by such parent or guardian, as required by the 26928
board of education. Such individual records shall not be open to 26929
the public and shall be solely for the use of the boards of 26930
education and boards of health officer. If any teacher or other 26931
school employee is found to have tuberculosis in a communicable 26932
stage or other communicable disease, the teacher's or employee's 26933
employment shall be discontinued or suspended upon such terms as 26934
to salary as the board deems just until the school physician has 26935
certified to a recovery from such disease. The methods of making 26936
the tuberculin tests and chest x-rays required by this section 26937
shall be such as are approved by the director of health. 26938

Sec. 3316.04. (A) Within sixty days of the auditor's 26939
declaration under division (A) of section 3316.03 of the Revised 26940
Code, the board of education of the school district shall prepare 26941
and submit to the superintendent of public instruction a financial 26942
plan delineating the steps the board will take to eliminate the 26943
district's current operating deficit and avoid incurring operating 26944
deficits in ensuing years, including the implementation of 26945
spending reductions and shared services agreements with other 26946
political subdivisions for the joint exercise of any power, 26947

performance of any function, or rendering of any service, if so 26948
authorized by statute. The superintendent of public instruction 26949
shall evaluate the initial financial plan, and either approve or 26950
disapprove it within thirty calendar days from the date of its 26951
submission. If the initial financial plan is disapproved, the 26952
state superintendent shall recommend modifications that will 26953
render the financial plan acceptable. No school district board 26954
shall implement a financial plan submitted to the superintendent 26955
of public instruction under this section unless the superintendent 26956
has approved the plan. 26957

(B) Upon request of the board of education of a school 26958
district declared to be in a state of fiscal watch, the auditor of 26959
state and superintendent of public instruction shall provide 26960
technical assistance to the board in resolving the fiscal problems 26961
that gave rise to the declaration, including assistance in 26962
drafting the board's financial plan. 26963

(C) A financial plan adopted under this section may be 26964
amended at any time with the approval of the superintendent. The 26965
board of education of the school district shall submit an updated 26966
financial plan to the superintendent, for the superintendent's 26967
approval, every year that the district is in a state of fiscal 26968
watch. The updated plan shall be submitted in a form acceptable to 26969
the superintendent. The superintendent shall approve or disapprove 26970
each updated plan no later than the anniversary of the date on 26971
which the first such plan was approved. 26972

(D) A school district that has restructured or refinanced a 26973
loan under section 3316.041 of the Revised Code shall be declared 26974
to be in a state of fiscal emergency if any of the following 26975
occurs: 26976

(1) An operating deficit is certified for the district under 26977
section 3313.483 of the Revised Code for any year prior to the 26978
repayment of the restructured or refinanced loan; 26979

(2) The superintendent determines, in consultation with the auditor of state, that the school district is not satisfactorily complying with the terms of the financial plan required by this section;

(3) The board of education of the school district fails to submit an updated plan that is acceptable to the superintendent under division (C) of this section.

Sec. 3316.06. (A) Within one hundred twenty days after the first meeting of a school district financial planning and supervision commission, the commission shall adopt a financial recovery plan regarding the school district for which the commission was created. During the formulation of the plan, the commission shall seek appropriate input from the school district board and from the community. This plan shall contain the following:

(1) Actions to be taken to:

(a) Eliminate all fiscal emergency conditions declared to exist pursuant to division (B) of section 3316.03 of the Revised Code;

(b) Satisfy any judgments, past-due accounts payable, and all past-due and payable payroll and fringe benefits;

(c) Eliminate the deficits in all deficit funds, except that any prior year deficits in the capital and maintenance fund established pursuant to section 3315.18 of the Revised Code shall be forgiven;

(d) Restore to special funds any moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such funds by the purchase of debt obligations of the school district with the moneys of such funds, or missing from the special funds and not accounted for, if any;

(e) Balance the budget, avoid future deficits in any funds,	27010
and maintain on a current basis payments of payroll, fringe	27011
benefits, and all accounts;	27012
(f) Avoid any fiscal emergency condition in the future;	27013
(g) Restore the ability of the school district to market	27014
long-term general obligation bonds under provisions of law	27015
applicable to school districts generally;	27016
<u>(h) Enter into shared services agreements with other</u>	27017
<u>political subdivisions for the joint exercise of any power,</u>	27018
<u>performance of any function, or rendering of any service, if so</u>	27019
<u>authorized by statute.</u>	27020
(2) The management structure that will enable the school	27021
district to take the actions enumerated in division (A)(1) of this	27022
section. The plan shall specify the level of fiscal and management	27023
control that the commission will exercise within the school	27024
district during the period of fiscal emergency, and shall	27025
enumerate respectively, the powers and duties of the commission	27026
and the powers and duties of the school board during that period.	27027
The commission may elect to assume any of the powers and duties of	27028
the school board it considers necessary, including all powers	27029
related to personnel, curriculum, and legal issues in order to	27030
successfully implement the actions described in division (A)(1) of	27031
this section.	27032
(3) The target dates for the commencement, progress upon, and	27033
completion of the actions enumerated in division (A)(1) of this	27034
section and a reasonable period of time expected to be required to	27035
implement the plan. The commission shall prepare a reasonable time	27036
schedule for progress toward and achievement of the requirements	27037
for the plan, and the plan shall be consistent with that time	27038
schedule.	27039
(4) The amount and purpose of any issue of debt obligations	27040

that will be issued, together with assurances that any such debt 27041
obligations that will be issued will not exceed debt limits 27042
supported by appropriate certifications by the fiscal officer of 27043
the school district and the county auditor. Debt obligations 27044
issued pursuant to section 133.301 of the Revised Code shall 27045
include assurances that such debt shall be in an amount not to 27046
exceed the amount certified under division (B) of such section. If 27047
the commission considers it necessary in order to maintain or 27048
improve educational opportunities of pupils in the school 27049
district, the plan may include a proposal to restructure or 27050
refinance outstanding debt obligations incurred by the board under 27051
section 3313.483 of the Revised Code contingent upon the approval, 27052
during the period of the fiscal emergency, by district voters of a 27053
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 27054
5748.02, 5748.08, or 5748.09 of the Revised Code that is not a 27055
renewal or replacement levy, or a levy under section 5705.199 of 27056
the Revised Code, and that will provide new operating revenue. 27057
Notwithstanding any provision of Chapter 133. or sections 3313.483 27058
to 3313.4811 of the Revised Code, following the required approval 27059
of the district voters and with the approval of the commission, 27060
the school district may issue securities to evidence the 27061
restructuring or refinancing. Those securities may extend the 27062
original period for repayment, not to exceed ten years, and may 27063
alter the frequency and amount of repayments, interest or other 27064
financing charges, and other terms of agreements under which the 27065
debt originally was contracted, at the discretion of the 27066
commission, provided that any loans received pursuant to section 27067
3313.483 of the Revised Code shall be paid from funds the district 27068
would otherwise receive under Chapter 3317. of the Revised Code, 27069
as required under division (E)(3) of section 3313.483 of the 27070
Revised Code. The securities issued for the purpose of 27071
restructuring or refinancing the debt shall be repaid in equal 27072
payments and at equal intervals over the term of the debt and are 27073

not eligible to be included in any subsequent proposal for the 27074
purpose of restructuring or refinancing debt under this section. 27075

(B) Any financial recovery plan may be amended subsequent to 27076
its adoption. Each financial recovery plan shall be updated 27077
annually. 27078

(C) Each school district financial planning and supervision 27079
commission shall submit the financial recovery plan it adopts or 27080
updates under this section to the state superintendent of public 27081
instruction for approval immediately following its adoption or 27082
updating. The state superintendent shall evaluate the plan and 27083
either approve or disapprove it within thirty calendar days from 27084
the date of its submission. If the plan is disapproved, the state 27085
superintendent shall recommend modifications that will render it 27086
acceptable. No financial planning and supervision commission shall 27087
implement a financial recovery plan that is adopted or updated on 27088
or after April 10, 2001, unless the state superintendent has 27089
approved it. 27090

Sec. 3318.10. When such working drawings, specifications, and 27091
estimates of cost have been approved by the school district board 27092
and the Ohio school facilities commission, the treasurer of the 27093
school district board shall advertise for construction bids in 27094
accordance with section 3313.46 of the Revised Code. Such notices 27095
shall state that plans and specifications for the project are on 27096
file in the office of the commission and such other place as may 27097
be designated in such notice, and the time and place when and 27098
where bids therefor will be received. 27099

The form of proposal to be submitted by bidders shall be 27100
supplied by the commission. Bidders may be permitted to bid upon 27101
all the branches of work and materials to be furnished and 27102
supplied, upon any branch thereof, or upon all or any thereof. 27103

When the construction bids for all branches of work and 27104

materials have been tabulated, the commission shall cause to be 27105
prepared a revised estimate of the basic project cost based upon 27106
the lowest responsible bids received. If such revised estimate 27107
exceeds the estimated basic project cost as approved by the 27108
controlling board pursuant to section 3318.04 or division (B)(1) 27109
of section 3318.41 of the Revised Code, no contracts may be 27110
entered into pursuant to this section unless such revised estimate 27111
is approved by the commission and by the controlling board. When 27112
such revised estimate has been prepared, and after such approvals 27113
are given, if necessary, and if the school district board has 27114
caused to be transferred to the project construction fund the 27115
proceeds from the sale of the first or first and final installment 27116
of its bonds or bond anticipation notes pursuant to the provision 27117
of the written agreement required by division (B) of section 27118
3318.08 of the Revised Code, and when the director of budget and 27119
management has certified that there is a balance in the 27120
appropriation, not otherwise obligated to pay precedent 27121
obligations, pursuant to which the state's share of such revised 27122
estimate is required to be paid, the contract for all branches of 27123
work and materials to be furnished and supplied, or for any branch 27124
thereof as determined by the school district board, shall be 27125
awarded by the school district board to the lowest responsible 27126
bidder subject to the approval of the commission. Such award shall 27127
be made within sixty days after the date on which the bids are 27128
opened, and the successful bidder shall enter into a contract 27129
within ten days after the successful bidder is notified of the 27130
award of the contract. 27131

Subject to the approval of the commission, the school 27132
district board may reject all bids and readvertise. Any contract 27133
made under this section shall be made in the name of the state and 27134
executed on its behalf by the president and treasurer of the 27135
school district board. 27136

The provisions of sections 9.312 and 3313.46 of the Revised Code, which are applicable to construction contracts of boards of education, shall apply to construction contracts for the project.

The remedies afforded to any subcontractor, materials supplier, laborer, mechanic, or persons furnishing material or machinery for the project under sections 1311.26 to 1311.32 of the Revised Code, shall apply to contracts entered into under this section and the itemized statement required by section 1311.26 of the Revised Code shall be filed with the school district board.

Notwithstanding any other requirement of this section, a school district, with the approval of the commission, may utilize any otherwise lawful alternative construction delivery method for the construction of the project.

Sec. 3318.30. (A) There is hereby created the Ohio school facilities commission as an independent agency of the state within the Ohio facilities construction commission, which is created under section 123.20 of the Revised Code. The Ohio school facilities commission shall administer the provision of financial assistance to school districts for the acquisition or construction of classroom facilities in accordance with sections 3318.01 to 3318.33 of the Revised Code.

The Ohio school facilities commission is a body corporate and politic, an agency of state government and an instrumentality of the state, performing essential governmental functions of this state. The carrying out of the purposes and the exercise by the Ohio school facilities commission of its powers conferred by sections 3318.01 to 3318.33 of the Revised Code are essential public functions and public purposes of the state. The Ohio school facilities commission may, in its own name, sue and be sued, enter into contracts, and perform all the powers and duties given to it by sections 3318.01 to 3318.33 of the Revised Code, but it does

not have and shall not exercise the power of eminent domain. In 27168
its discretion and as it determines appropriate, the Ohio school 27169
facilities commission may delegate to any of its members, 27170
executive director, or other employees any of the Ohio school 27171
facilities commission's powers and duties to carry out its 27172
functions. 27173

(B) The Ohio school facilities commission shall consist of 27174
seven members, three of whom are voting members. The voting 27175
members of the Ohio school facilities commission shall be the 27176
director of the office of budget and management, the director of 27177
administrative services, and the superintendent of public 27178
instruction, or their designees. Of the nonvoting members, two 27179
shall be members of the senate appointed by the president of the 27180
senate, and two shall be members of the house of representatives 27181
appointed by the speaker of the house. Each of the appointees of 27182
the president, and each of the appointees of the speaker, shall be 27183
members of different political parties. 27184

Nonvoting members shall serve as members of the Ohio school 27185
facilities commission during the legislative biennium for which 27186
they are appointed, except that any such member who ceases to be a 27187
member of the legislative house from which the member was 27188
appointed shall cease to be a member of the Ohio school facilities 27189
commission. Each nonvoting member shall be appointed within 27190
thirty-one days of the end of the term of that member's 27191
predecessor. Such members may be reappointed. Vacancies of 27192
nonvoting members shall be filled in the manner provided for 27193
original appointments. 27194

Members of the Ohio school facilities commission shall serve 27195
without compensation. 27196

After the initial nonvoting members of the Ohio school 27197
facilities commission have been appointed, the Ohio school 27198
facilities commission shall meet and organize by electing voting 27199

members as the chairperson and vice-chairperson of the Ohio school facilities commission, who shall hold their offices until the next organizational meeting of the Ohio school facilities commission. Organizational meetings of the Ohio school facilities commission shall be held at the first meeting of each calendar year. At each organizational meeting, the Ohio school facilities commission shall elect from among its voting members a chairperson and vice-chairperson, who shall serve until the next annual organizational meeting. The Ohio school facilities commission shall adopt rules pursuant to section 111.15 of the Revised Code for the conduct of its internal business and shall keep a journal of its proceedings. Including the organizational meeting, the Ohio school facilities commission shall meet at least once each calendar quarter.

Two voting members of the Ohio school facilities commission constitute a quorum, and the affirmative vote of two members is necessary for approval of any action taken by the Ohio school facilities commission. A vacancy in the membership of the Ohio school facilities commission does not impair a quorum from exercising all the rights and performing all the duties of the Ohio school facilities commission. Meetings of the Ohio school facilities commission may be held anywhere in the state and shall be held in compliance with section 121.22 of the Revised Code.

(C) The Ohio school facilities commission shall file an annual report of its activities and finances with the governor, speaker of the house of representatives, president of the senate, and chairpersons of the house and senate finance committees.

(D) The Ohio school facilities commission shall be exempt from the requirements of sections 101.82 to 101.87 of the Revised Code.

(E) The Ohio school facilities commission may share employees and facilities with the Ohio facilities construction commission.

Sec. 3318.31. (A) The Ohio school facilities commission may 27232
perform any act and ensure the performance of any function 27233
necessary or appropriate to carry out the purposes of, and 27234
exercise the powers granted under, Chapter 3318. of the Revised 27235
Code, including any of the following: 27236

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 27237
the Revised Code, rules for the administration of programs 27238
authorized under Chapter 3318. of the Revised Code. 27239

(2) Contract with, retain the services of, or designate, and 27240
fix the compensation of, such agents, accountants, consultants, 27241
advisers, and other independent contractors as may be necessary or 27242
desirable to carry out the programs authorized under Chapter 3318. 27243
of the Revised Code, or authorize the executive director to 27244
perform such powers and duties. 27245

(3) Receive and accept any gifts, grants, donations, and 27246
pledges, and receipts therefrom, to be used for the programs 27247
authorized under Chapter 3318. of the Revised Code. 27248

(4) Make and enter into all contracts, commitments, and 27249
agreements, and execute all instruments, necessary or incidental 27250
to the performance of its duties and the execution of its rights 27251
and powers under Chapter 3318. of the Revised Code, or authorize 27252
the executive director to perform such powers and duties. 27253

(5) Request the ~~director of administrative services~~ Ohio 27254
facilities construction commission to debar a contractor as 27255
provided in section 153.02 of the Revised Code. 27256

(B) The Ohio school facilities commission shall appoint and 27257
fix the compensation of an executive director who shall serve at 27258
the pleasure of the Ohio school facilities commission. The 27259
executive director shall exercise all powers that the Ohio school 27260
facilities commission possesses, supervise the operations of the 27261

Ohio school facilities commission and perform such other duties as 27262
delegated by the Ohio school facilities commission. The executive 27263
director also shall employ and fix the compensation of such 27264
employees as will facilitate the activities and purposes of the 27265
Ohio school facilities commission, who shall serve at the pleasure 27266
of the executive director. The employees of the Ohio school 27267
facilities commission shall be exempt from Chapter 4117. of the 27268
Revised Code and shall not be public employees as defined in 27269
section 4117.01 of the Revised Code. 27270

(C) The Ohio school facilities commission may adopt, amend, 27271
and rescind rules pertaining to the administration of the 27272
construction of school facilities of the state under Chapter 119. 27273
of the Revised Code. 27274

(D) The attorney general shall serve as the legal 27275
representative for the Ohio school facilities commission and may 27276
appoint other counsel as necessary for that purpose in accordance 27277
with section 109.07 of the Revised Code. 27278

Sec. 3333.04. The chancellor of the Ohio board of regents 27279
shall: 27280

(A) Make studies of state policy in the field of higher 27281
education and formulate a master plan for higher education for the 27282
state, considering the needs of the people, the needs of the 27283
state, and the role of individual public and private institutions 27284
within the state in fulfilling these needs; 27285

(B)(1) Report annually to the governor and the general 27286
assembly on the findings from the chancellor's studies and the 27287
master plan for higher education for the state; 27288

(2) Report at least semiannually to the general assembly and 27289
the governor the enrollment numbers at each state-assisted 27290
institution of higher education. 27291

(C) Approve or disapprove the establishment of new branches	27292
or academic centers of state colleges and universities;	27293
(D) Approve or disapprove the establishment of state	27294
technical colleges or any other state institution of higher	27295
education;	27296
(E) Recommend the nature of the programs, undergraduate,	27297
graduate, professional, state-financed research, and public	27298
services which should be offered by the state colleges,	27299
universities, and other state-assisted institutions of higher	27300
education in order to utilize to the best advantage their	27301
facilities and personnel;	27302
(F) Recommend to the state colleges, universities, and other	27303
state-assisted institutions of higher education graduate or	27304
professional programs, including, but not limited to, doctor of	27305
philosophy, doctor of education, and juris doctor programs, that	27306
could be eliminated because they constitute unnecessary	27307
duplication, as shall be determined using the process developed	27308
pursuant to this division, or for other good and sufficient cause.	27309
Prior to recommending a program for elimination, the chancellor	27310
shall request the board of regents to hold at least one public	27311
hearing on the matter and advise the chancellor on whether the	27312
program should be recommended for elimination. The board shall	27313
provide notice of each hearing within a reasonable amount of time	27314
prior to its scheduled date. Following the hearing, the board	27315
shall issue a recommendation to the chancellor. The chancellor	27316
shall consider the board's recommendation but shall not be	27317
required to accept it.	27318
For purposes of determining the amounts of any state	27319
instructional subsidies paid to state colleges, universities, and	27320
other state-assisted institutions of higher education, the	27321
chancellor may exclude students enrolled in any program that the	27322
chancellor has recommended for elimination pursuant to this	27323

division except that the chancellor shall not exclude any such 27324
student who enrolled in the program prior to the date on which the 27325
chancellor initially commences to exclude students under this 27326
division. 27327

The chancellor and state colleges, universities, and other 27328
state-assisted institutions of higher education shall jointly 27329
develop a process for determining which existing graduate or 27330
professional programs constitute unnecessary duplication. 27331

(G) Recommend to the state colleges, universities, and other 27332
state-assisted institutions of higher education programs which 27333
should be added to their present programs; 27334

(H) Conduct studies for the state colleges, universities, and 27335
other state-assisted institutions of higher education to assist 27336
them in making the best and most efficient use of their existing 27337
facilities and personnel; 27338

(I) Make recommendations to the governor and general assembly 27339
concerning the development of state-financed capital plans for 27340
higher education; the establishment of new state colleges, 27341
universities, and other state-assisted institutions of higher 27342
education; and the establishment of new programs at the existing 27343
state colleges, universities, and other institutions of higher 27344
education; 27345

(J) Review the appropriation requests of the public community 27346
colleges and the state colleges and universities and submit to the 27347
office of budget and management and to the chairpersons of the 27348
finance committees of the house of representatives and of the 27349
senate the chancellor's recommendations in regard to the biennial 27350
higher education appropriation for the state, including 27351
appropriations for the individual state colleges and universities 27352
and public community colleges. For the purpose of determining the 27353
amounts of instructional subsidies to be paid to state-assisted 27354

colleges and universities, the chancellor shall define "full-time
equivalent student" by program per academic year. The definition
may take into account the establishment of minimum enrollment
levels in technical education programs below which support
allowances will not be paid. Except as otherwise provided in this
section, the chancellor shall make no change in the definition of
"full-time equivalent student" in effect on November 15, 1981,
which would increase or decrease the number of subsidy-eligible
full-time equivalent students, without first submitting a fiscal
impact statement to the president of the senate, the speaker of
the house of representatives, the legislative service commission,
and the director of budget and management. The chancellor shall
work in close cooperation with the director of budget and
management in this respect and in all other matters concerning the
expenditures of appropriated funds by state colleges,
universities, and other institutions of higher education.

(K) Seek the cooperation and advice of the officers and
trustees of both public and private colleges, universities, and
other institutions of higher education in the state in performing
the chancellor's duties and making the chancellor's plans,
studies, and recommendations;

(L) Appoint advisory committees consisting of persons
associated with public or private secondary schools, members of
the state board of education, or personnel of the state department
of education;

(M) Appoint advisory committees consisting of college and
university personnel, or other persons knowledgeable in the field
of higher education, or both, in order to obtain their advice and
assistance in defining and suggesting solutions for the problems
and needs of higher education in this state;

(N) Approve or disapprove all new degrees and new degree
programs at all state colleges, universities, and other

state-assisted institutions of higher education; 27387

(O) Adopt such rules as are necessary to carry out the 27388
chancellor's duties and responsibilities. The rules shall 27389
prescribe procedures for the chancellor to follow when taking 27390
actions associated with the chancellor's duties and 27391
responsibilities and shall indicate which types of actions are 27392
subject to those procedures. The procedures adopted under this 27393
division shall be in addition to any other procedures prescribed 27394
by law for such actions. However, if any other provision of the 27395
Revised Code or rule adopted by the chancellor prescribes 27396
different procedures for such an action, the procedures adopted 27397
under this division shall not apply to that action to the extent 27398
they conflict with the procedures otherwise prescribed by law. The 27399
procedures adopted under this division shall include at least the 27400
following: 27401

(1) Provision for public notice of the proposed action; 27402

(2) An opportunity for public comment on the proposed action, 27403
which may include a public hearing on the action by the board of 27404
regents; 27405

(3) Methods for parties that may be affected by the proposed 27406
action to submit comments during the public comment period; 27407

(4) Submission of recommendations from the board of regents 27408
regarding the proposed action, at the request of the chancellor; 27409

(5) Written publication of the final action taken by the 27410
chancellor and the chancellor's rationale for the action; 27411

(6) A timeline for the process described in divisions (O)(1) 27412
to (5) of this section. 27413

(P) ~~Establish and submit to the governor and the general 27414
assembly a clear and measurable set of goals and timetables for 27415
their achievement for each program under the chancellor's 27416~~

supervision that is designed to accomplish any of the following:	27417
(1) Increased access to higher education;	27418
(2) Job training;	27419
(3) Adult literacy;	27420
(4) Research;	27421
(5) Excellence in higher education;	27422
(6) Reduction in the number of graduate programs within the	27423
same subject area.	27424
In July of each odd numbered year, the chancellor shall	27425
submit to the governor and the general assembly a report on	27426
progress made toward these goals.	27427
(Q) Make recommendations to the governor and the general	27428
assembly regarding the design and funding of the student financial	27429
aid programs specified in sections 3333.12, 3333.122, 3333.21 to	27430
3333.26, and 5910.02 of the Revised Code;	27431
(R) <u>(Q)</u> Participate in education-related state or federal	27432
programs on behalf of the state and assume responsibility for the	27433
administration of such programs in accordance with applicable	27434
state or federal law;	27435
(S) <u>(R)</u> Adopt rules for student financial aid programs as	27436
required by sections 3333.12, 3333.122, 3333.21 to 3333.26,	27437
3333.28, and 5910.02 of the Revised Code, and perform any other	27438
administrative functions assigned to the chancellor by those	27439
sections;	27440
(T) <u>(S)</u> Conduct enrollment audits of state-supported	27441
institutions of higher education;	27442
(U) <u>(T)</u> Appoint consortia of college and university personnel	27443
to advise or participate in the development and operation of	27444
statewide collaborative efforts, including the Ohio supercomputer	27445

center, the Ohio academic resources network, OhioLink, and the 27446
Ohio learning network. For each consortium, the chancellor shall 27447
designate a college or university to serve as that consortium's 27448
fiscal agent, financial officer, and employer. Any funds 27449
appropriated for the consortia shall be distributed to the fiscal 27450
agents for the operation of the consortia. A consortium shall 27451
follow the rules of the college or university that serves as its 27452
fiscal agent. The chancellor may restructure existing consortia, 27453
appointed under this division, in accordance with procedures 27454
adopted under divisions ~~(D)~~(O)(1) to (6) of this section. 27455

~~(V)~~(U) Adopt rules establishing advisory duties and 27456
responsibilities of the board of regents not otherwise prescribed 27457
by law; 27458

~~(W)~~(V) Respond to requests for information about higher 27459
education from members of the general assembly and direct staff to 27460
conduct research or analysis as needed for this purpose. 27461

Sec. 3333.041. (A) On or before the last day of December of 27462
each year, the chancellor of the Ohio board of regents shall 27463
submit ~~a report~~ to the governor and, in accordance with section 27464
101.68 of the Revised Code, the general assembly, the state board 27465
~~of education, and the board of education of each city, exempted~~ 27466
~~village, and local school district on the~~ a report or reports 27467
concerning all of the following: 27468

(1) The status of graduates of Ohio school districts at 27469
~~state-assisted colleges or universities~~ state institutions of 27470
higher education during the twelve-month period ending on the 27471
thirtieth day of September of the current calendar year. The 27472
report shall list, by school district, the number of graduates of 27473
each school district who attended ~~such a college or university~~ 27474
state institution of higher education and the percentage of each 27475
district's graduates enrolled in ~~such a college or university~~ 27476

state institution of higher education during the reporting period 27477
who were required during such period by the college or university, 27478
as a prerequisite to enrolling in those courses generally required 27479
for first-year students, to enroll in a remedial course in 27480
English, including composition or reading, mathematics, and any 27481
other area designated by the ~~board~~ chancellor. The chancellor also 27482
shall make the information described in division (A)(1) of this 27483
section available to the board of education of each city, exempted 27484
village, and local school district. 27485

Each ~~state-assisted college and university~~ state institution 27486
of higher education shall, by the first day of November of each 27487
year, submit to the chancellor in the form specified by the 27488
chancellor the information the chancellor requires to compile the 27489
report. 27490

(2) Aggregate academic growth data for students assigned to 27491
graduates of teacher preparation programs approved under section 27492
3333.048 of the Revised Code who teach English language arts or 27493
mathematics in any of grades four to eight in a public school in 27494
Ohio. For this purpose, the chancellor shall use the value-added 27495
progress dimension prescribed by section 3302.021 of the Revised 27496
Code. The chancellor shall aggregate the data by graduating class 27497
for each approved teacher preparation program, except that if a 27498
particular class has ten or fewer graduates to which this section 27499
applies, the chancellor shall report the data for a group of 27500
classes over a three-year period. In no case shall the report 27501
identify any individual graduate. The department of education 27502
shall share any data necessary for the report with the chancellor. 27503

(3) The following information with respect to the Ohio 27504
tuition trust authority: 27505

(a) The name of each investment manager that is a minority 27506
business enterprise or a women's business enterprise with which 27507
the chancellor contracts; 27508

(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the chancellor has contracted; 27509
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(c) Efforts by the chancellor to increase utilization of investment managers that are minority business enterprises or women's business enterprises. 27513
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(4) The status of implementation of faculty improvement programs under section 3345.28 of the Revised Code. The report shall include, but need not be limited to, the following: the number of professional leave grants made by each institution; the purpose of each professional leave; and a statement of the cost to the institution of each professional leave, to the extent that the cost exceeds the salary of the faculty member on professional leave. 27516
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(5) The number and types of biobased products purchased under section 125.092 of the Revised Code and the amount of money spent by state institutions of higher education for those biobased products as that information is provided to the chancellor under division (A) of section 3345.692 of the Revised Code. 27524
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(6) A description of dual enrollment programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, college-preparatory boarding schools established under Chapter 3328. of the Revised Code, and chartered nonpublic high schools. The chancellor also shall post the information on the chancellor's web site. 27529
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(7) The academic and economic impact of the Ohio innovation partnership established under section 3333.61 of the Revised Code. At a minimum, the report shall include the following: 27537
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<u>(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;</u>	27540 27541
<u>(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;</u>	27542 27543 27544
<u>(c) The chancellor's strategy in assigning choose Ohio first scholarships among state universities and colleges and how the actual awards fit that strategy.</u>	27545 27546 27547
<u>(8) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:</u>	27548 27549 27550 27551
<u>(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;</u>	27552 27553
<u>(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;</u>	27554 27555 27556
<u>(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy.</u>	27557 27558 27559
<u>(B) As used in this section, "state assisted college or university" means a state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community colleges, state community colleges, university branches, and technical colleges.:</u>	27560 27561 27562 27563 27564
<u>(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.</u>	27565 27566
<u>(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.</u>	27567 27568 27569

(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 27570
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(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 27572
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Sec. 3333.123. (A) As used in this section: 27576

(1) "The Ohio college opportunity grant program" means the program established under section 3333.122 of the Revised Code. 27577
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(2) "Rules for the Ohio college opportunity grant program" means the rules authorized in division ~~(S)~~(R) of section 3333.04 of the Revised Code for the implementation of the program. 27579
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(B) In adopting rules for the Ohio college opportunity grant program, the chancellor of the Ohio board of regents may include provisions that give preferential or priority funding to low-income students who in their primary and secondary school work participate in or complete rigorous academic coursework, attain passing scores on the assessments prescribed in section 3301.0710 of the Revised Code, or meet other high academic performance standards determined by the chancellor to reduce the need for remediation and ensure academic success at the postsecondary education level. Any such rules shall include a specification of procedures needed to certify student achievement of primary and secondary standards as well as the timeline for implementation of the provisions authorized by this section. 27582
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Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the Revised Code, "term" and "academic year" mean "term" and "academic year" as defined by the chancellor of the Ohio board of regents. 27595
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The chancellor shall establish and administer an academic scholarship program. Under the program, a total of one thousand 27598
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new scholarships shall be awarded annually in the amount of not 27600
less than two thousand dollars per award. At least one such new 27601
scholarship shall be awarded annually to a student in each public 27602
high school and joint vocational school and each nonpublic high 27603
school for which the state board of education prescribes minimum 27604
standards in accordance with section 3301.07 of the Revised Code. 27605

To be eligible for the award of a scholarship, a student 27606
shall be a resident of Ohio and shall be enrolled as a full-time 27607
undergraduate student in an Ohio institution of higher education 27608
that meets the requirements of Title VI of the "Civil Rights Act 27609
of 1964" and is state-assisted, is nonprofit and holds a 27610
certificate of authorization issued under section 1713.02 of the 27611
Revised Code, is a private institution exempt from regulation 27612
under Chapter 3332. of the Revised Code as prescribed in section 27613
3333.046 of the Revised Code, or holds a certificate of 27614
registration and program authorization issued under section 27615
3332.05 of the Revised Code and awards an associate or bachelor's 27616
degree. Students who attend an institution holding a certificate 27617
of registration shall be enrolled in a program leading to an 27618
associate or bachelor's degree for which associate or bachelor's 27619
degree program the institution has program authorization to offer 27620
the program issued under section 3332.05 of the Revised Code. 27621

"Resident" and "full-time student" shall be defined in rules 27622
adopted by the chancellor. 27623

The chancellor shall award the scholarships on the basis of a 27624
formula designed by the chancellor to identify students with the 27625
highest capability for successful college study. The formula shall 27626
weigh the factor of achievement, as measured by grade point 27627
average, and the factor of ability, as measured by performance on 27628
a competitive examination specified by the chancellor. Students 27629
receiving scholarships shall be known as "Ohio academic scholars." 27630
~~Annually, not later than the thirty first day of July, the~~ 27631

~~chancellor shall report to the governor and the general assembly~~ 27632
~~on the performance of current Ohio academic scholars and the~~ 27633
~~effectiveness of the formula.~~ 27634

Sec. 3333.31. (A) For state subsidy and tuition surcharge 27635
purposes, status as a resident of Ohio shall be defined by the 27636
chancellor of the Ohio board of regents by rule promulgated 27637
pursuant to Chapter 119. of the Revised Code. No adjudication as 27638
to the status of any person under such rule, however, shall be 27639
required to be made pursuant to Chapter 119. of the Revised Code. 27640
The term "resident" for these purposes shall not be equated with 27641
the definition of that term as it is employed elsewhere under the 27642
laws of this state and other states, and shall not carry with it 27643
any of the legal connotations appurtenant thereto. Rather, except 27644
as provided in divisions (B) and (D) of this section, for such 27645
purposes, the rule promulgated under this section shall have the 27646
objective of excluding from treatment as residents those who are 27647
present in the state primarily for the purpose of attending a 27648
state-supported or state-assisted institution of higher education, 27649
and may prescribe presumptive rules, rebuttable or conclusive, as 27650
to such purpose based upon the source or sources of support of the 27651
student, residence prior to first enrollment, evidence of 27652
intention to remain in the state after completion of studies, or 27653
such other factors as the chancellor deems relevant. 27654

(B) The rules of the chancellor for determining student 27655
residency shall grant residency status to a veteran and to the 27656
veteran's spouse and any dependent of the veteran, if both of the 27657
following conditions are met: 27658

(1) The veteran either: 27659

(a) Served one or more years on active military duty and was 27660
honorably discharged or received a medical discharge that was 27661
related to the military service; 27662

(b) Was killed while serving on active military duty or has
been declared to be missing in action or a prisoner of war.

(2) If the veteran seeks residency status for tuition
surcharge purposes, the veteran has established domicile in this
state as of the first day of a term of enrollment in an
institution of higher education. If the spouse or a dependent of
the veteran seeks residency status for tuition surcharge purposes,
the veteran and the spouse or dependent seeking residency status
have established domicile in this state as of the first day of a
term of enrollment in an institution of higher education, except
that if the veteran was killed while serving on active military
duty ~~or~~, has been declared to be missing in action or a prisoner
of war, or is deceased after discharge, only the spouse or
dependent seeking residency status shall be required to have
established domicile in accordance with this division.

(C) The rules of the chancellor for determining student
residency shall not deny residency status to a student who is
either a dependent child of a parent, or the spouse of a person
who, as of the first day of a term of enrollment in an institution
of higher education, has accepted full-time employment and
established domicile in this state for reasons other than gaining
the benefit of favorable tuition rates.

Documentation of full-time employment and domicile shall
include both of the following documents:

(1) A sworn statement from the employer or the employer's
representative on the letterhead of the employer or the employer's
representative certifying that the parent or spouse of the student
is employed full-time in Ohio;

(2) A copy of the lease under which the parent or spouse is
the lessee and occupant of rented residential property in the
state, a copy of the closing statement on residential real

property of which the parent or spouse is the owner and occupant 27694
in this state or, if the parent or spouse is not the lessee or 27695
owner of the residence in which the parent or spouse has 27696
established domicile, a letter from the owner of the residence 27697
certifying that the parent or spouse resides at that residence. 27698

Residency officers may also evaluate, in accordance with the 27699
chancellor's rule, requests for immediate residency status from 27700
dependent students whose parents are not living and whose domicile 27701
follows that of a legal guardian who has accepted full-time 27702
employment and established domicile in the state for reasons other 27703
than gaining the benefit of favorable tuition rates. 27704

(D)(1) The rules of the chancellor for determining student 27705
residency shall grant residency status to a person who, while a 27706
resident of this state for state subsidy and tuition surcharge 27707
purposes, graduated from a high school in this state, if the 27708
person enrolls in an institution of higher education and 27709
establishes domicile in this state, regardless of the student's 27710
residence prior to that enrollment. 27711

(2) The rules of the chancellor for determining student 27712
residency shall not grant residency status to an alien if the 27713
alien is not also an immigrant or a nonimmigrant. 27714

(E) As used in this section: 27715

(1) "Dependent," "domicile," "institution of higher 27716
education," and "residency officer" have the meanings ascribed in 27717
the chancellor's rules adopted under this section. 27718

(2) "Alien" means a person who is not a United States citizen 27719
or a United States national. 27720

(3) "Immigrant" means an alien who has been granted the right 27721
by the United States bureau of citizenship and immigration 27722
services to reside permanently in the United States and to work 27723
without restrictions in the United States. 27724

(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.

Sec. 3333.60. As used in sections 3333.61 to ~~3333.70~~ 3333.69 of the Revised Code:

(A) "State university or college" has the same meaning as in section 3345.12 of the Revised Code.

(B) "State university" and "state institution of higher education" have the same meanings as in section 3345.011 of the Revised Code.

Sec. 3333.61. The chancellor of the Ohio board of regents shall establish and administer the Ohio innovation partnership, which shall consist of the choose Ohio first scholarship program and the Ohio research scholars program. Under the programs, the chancellor, subject to approval by the controlling board, shall make awards to state universities or colleges for programs and initiatives that recruit students and scientists in the fields of science, technology, engineering, mathematics, and medicine to state universities or colleges, in order to enhance regional educational and economic strengths and meet the needs of the state's regional economies. Awards may be granted for programs and initiatives to be implemented by a state university or college alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities. If the chancellor makes an award to a program or initiative that is intended to be implemented by a state university or college in collaboration with other state institutions of higher education or nonpublic Ohio universities or colleges, the chancellor may provide that some portion of the award be received directly by the collaborating universities or

colleges consistent with all terms of the Ohio innovation 27755
partnership. 27756

The choose Ohio first scholarship program shall assign a 27757
number of scholarships to state universities and colleges to 27758
recruit Ohio residents as undergraduate, or as provided in section 27759
3333.66 of the Revised Code graduate, students in the fields of 27760
science, technology, engineering, mathematics, and medicine, or in 27761
science, technology, engineering, mathematics, or medical 27762
education. Choose Ohio first scholarships shall be awarded to each 27763
participating eligible student as a grant to the state university 27764
or college the student is attending and shall be reflected on the 27765
student's tuition bill. Choose Ohio first scholarships are 27766
student-centered grants from the state to students to use to 27767
attend a university or college and are not grants from the state 27768
to universities or colleges. 27769

Notwithstanding any other provision of this section or 27770
sections 3333.62 to ~~3333.70~~ 3333.69 of the Revised Code, a 27771
nonpublic four-year Ohio institution of higher education may 27772
submit a proposal for choose Ohio first scholarships or Ohio 27773
research scholars grants. If the chancellor awards a nonpublic 27774
institution scholarships or grants, the nonpublic institution 27775
shall comply with all requirements of this section, sections 27776
3333.62 to ~~3333.70~~ 3333.69 of the Revised Code, and the rules 27777
adopted under this section that apply to state universities or 27778
colleges awarded choose Ohio first scholarships or Ohio research 27779
scholars grants. 27780

The Ohio research scholars program shall award grants to use 27781
in recruiting scientists to the faculties of state universities or 27782
colleges. 27783

The chancellor shall adopt rules in accordance with Chapter 27784
119. of the Revised Code to administer the programs. 27785

Sec. 3333.71. As used in sections 3333.71 to 3333.80 <u>3333.79</u>	27786
of the Revised Code:	27787
(A) "Cooperative education program" means a partnership	27788
between students, institutions of higher education, and employers	27789
that formally integrates students' academic study with work	27790
experience in cooperating employer organizations and that meets	27791
all of the following conditions:	27792
(1) Alternates or combines periods of academic study and work	27793
experience in appropriate fields as an integral part of student	27794
education;	27795
(2) Provides students with compensation from the cooperative	27796
employer in the form of wages or salaries for work performed;	27797
(3) Evaluates each participating student's performance in the	27798
cooperative position, both from the perspective of the student's	27799
institution of higher education and the student's cooperative	27800
employer;	27801
(4) Provides participating students with academic credit from	27802
the institution of higher education upon successful completion of	27803
their cooperative education;	27804
(5) Is part of an overall degree or certificate program for	27805
which a percentage of the total program acceptable to the	27806
chancellor of the Ohio board of regents involves cooperative	27807
education.	27808
(B) "Internship program" means a partnership between	27809
students, institutions of higher education, and employers that	27810
formally integrates students' academic study with work or	27811
community service experience and that does both of the following:	27812
(1) Offers internships of specified and definite duration;	27813
(2) Evaluates each participating student's performance in the	27814
internship position, both from the perspective of the student's	27815

institution of higher education and the student's internship 27816
employer. 27817

An internship program may provide participating students with 27818
academic credit upon successful completion of the internship, and 27819
may provide students with compensation in the form of wages or 27820
salaries, stipends, or scholarships. 27821

(C) "Nonpublic university or college" means a nonprofit 27822
institution holding a certificate of authorization issued under 27823
Chapter 1713. of the Revised Code. 27824

(D) "State institution of higher education" has the same 27825
meaning as in section 3345.011 of the Revised Code. 27826

Sec. 3333.72. The chancellor of the Ohio board of regents 27827
shall establish and administer the Ohio co-op/internship program 27828
to promote and encourage cooperative education programs or 27829
internship programs at Ohio institutions of higher education for 27830
the purpose of recruiting Ohio students to stay in the state, and 27831
recruiting Ohio residents who left Ohio to attend out-of-state 27832
institutions of higher education back to Ohio institutions of 27833
higher education, to participate in high quality academic programs 27834
that use cooperative education programs or significant internship 27835
programs, in order to support the growth of Ohio's businesses by 27836
providing businesses with Ohio's most talented students and 27837
providing Ohio graduates with job opportunities with Ohio's 27838
growing companies. 27839

The chancellor, subject to approval by the controlling board, 27840
shall make awards to state institutions of higher education for 27841
new or existing programs and initiatives meeting the goals of the 27842
Ohio co-op/internship program. Awards may be granted for programs 27843
and initiatives to be implemented by a state institution of higher 27844
education alone or in collaboration with other state institutions 27845
of higher education or nonpublic Ohio universities and colleges. 27846

If the chancellor makes an award to a program or initiative that 27847
is intended to be implemented by a state institution of higher 27848
education in collaboration with other state institutions of higher 27849
education or nonpublic Ohio universities or colleges, the 27850
chancellor may provide that some portion of the award be received 27851
directly by the collaborating universities or colleges consistent 27852
with all terms of the Ohio co-op/internship program. 27853

The Ohio co-op/internship program shall support the creation 27854
and maintenance of high quality academic programs that utilize an 27855
intensive cooperative education or internship program for students 27856
at state institutions of higher education, or assign a number of 27857
scholarships to institutions to recruit Ohio residents as students 27858
in a high quality academic program, or both. If scholarships are 27859
included in an award to an institution of higher education, the 27860
scholarships shall be awarded to each participating eligible 27861
student as a grant to the state institution of higher education 27862
the student is attending and shall be reflected on the student's 27863
tuition bill. 27864

Notwithstanding any other provision of this section or 27865
sections 3333.73 to ~~3333.80~~ 3333.79 of the Revised Code, an Ohio 27866
four-year nonpublic university or college may submit a proposal as 27867
lead applicant or co-lead applicant for an award under the Ohio 27868
co-op/internship program if the proposal is to be implemented in 27869
collaboration with a state institution of higher education. If the 27870
chancellor grants a nonpublic university or college an award, the 27871
nonpublic university or college shall comply with all requirements 27872
of this section, sections 3333.73 to ~~3333.80~~ 3333.79 of the 27873
Revised Code, and the rules adopted under this section that apply 27874
to state institutions of higher education that receive awards 27875
under the program. 27876

The chancellor shall adopt rules in accordance with Chapter 27877
119. of the Revised Code to administer the Ohio co-op/internship 27878

program. 27879

Sec. 3345.16. The board of trustees of a state college or 27880
university may receive, and hold in trust, for the use and benefit 27881
of the college or university any grant or devise of land, and 27882
donation or bequest of money or other personal property, to be 27883
applied to the general or special use of the college or 27884
university, including use for student loan and scholarship 27885
purposes, unless otherwise directed in the donation or bequest. 27886

The board of trustees of a state college or university may 27887
utilize trust funds to invest in property, real and personal, as a 27888
portion of the holdings in the endowment portfolio under the trust 27889
powers imparted to the board of trustees. Such property, real and 27890
personal, acquired for investment purposes shall be managed by the 27891
board of trustees in the same manner as are other investments in 27892
the college's or university's endowment portfolio. The board of 27893
trustees may lease, lease back, or otherwise contract for the use 27894
of such property in such manner as to provide earning power for 27895
the college or university investment portfolio. Sections 123.01, 27896
~~123.04~~ 123.02, ~~123.15~~ 123.10, and ~~123.47~~ 123.13 of the Revised 27897
Code do not apply to properties, real and personal, held under 27898
this section as earning-power properties in the college or 27899
university endowment portfolio. 27900

Notwithstanding any provision of the Revised Code to the 27901
contrary, the title in properties, real and personal, purchased by 27902
a board of trustees as an investment and held in the college's or 27903
university's endowment portfolio shall not be vested in the state, 27904
but shall be held in trust by the board. 27905

Sec. 3345.28. The board of trustees of any state university, 27906
medical university, technical college, state community college, 27907
community college, or the board of trustees or managing authority 27908

of any university branch may establish and administer a faculty 27909
improvement program, under which any full-time faculty member with 27910
at least seven academic years of teaching service at the college, 27911
university, or branch may be granted professional leave for a 27912
period not to exceed one academic year to engage in further 27913
education, research, or any other purpose approved by the board. A 27914
board of trustees or managing authority that establishes such a 27915
program shall, by rule, adopt a definition of "academic years of 27916
teaching service" and of "full-time faculty member." 27917

No such board or authority shall pay any faculty member for 27918
or during a period of professional leave any salary exceeding the 27919
amount that would have been paid to such faculty member for 27920
performing the faculty member's regular duties during the period 27921
of the leave. No faculty member shall, by virtue of being on 27922
professional leave, suffer a reduction or termination of the 27923
faculty member's regular employee retirement or insurance benefits 27924
or of any other benefit or privilege being received as a faculty 27925
member at the college, university, or branch where the faculty 27926
member is employed. Whenever such a benefit would be reduced 27927
because of a reduction in the faculty member's salary during the 27928
period of professional leave, the faculty member shall be given a 27929
chance to have the benefit increased to its normal level, in 27930
accordance with rules adopted by the board of trustees or the 27931
managing authority. A faculty member who has been granted 27932
professional leave shall complete another seven years of service 27933
at the college, university, or branch at which the faculty member 27934
is employed before becoming eligible for another grant of 27935
professional leave at that college, university, or branch. 27936
Professional leave taken as part of a faculty improvement program 27937
established under this section shall not be deemed to be in lieu 27938
of released time or assigned duty in connection with a specific 27939
research, scholarly, or creative program. 27940

Boards of trustees and managing authorities may accept moneys 27941
from any person, political subdivision, or the federal government 27942
to support a faculty improvement program, and may establish such 27943
additional rules as are necessary to establish and administer it. 27944

Each grant of professional leave shall be in accordance with 27945
a professional improvement policy for professional leaves that has 27946
been approved by the board of trustees or the managing authority. 27947
No professional leave shall be granted that requires a 27948
compensating addition to the permanent faculty or staff of the 27949
college, university, or branch. No professional leave shall be 27950
approved unless a specific plan for the professional improvement 27951
of the faculty member while on leave has been submitted to and 27952
accepted by the president of the university, college, or branch. 27953
At the completion of the leave, the faculty member shall submit to 27954
the president a report detailing the attainments of the faculty 27955
member under this professional improvement plan. 27956

~~Not later than the thirtieth day of June of each year, the 27957
chancellor of the board of regents shall report to the 27958
chairpersons of the education committees of the house of 27959
representatives and the senate on the status of implementation of 27960
faculty improvement programs. The report shall include, but need 27961
not be limited to, the following: the number of professional leave 27962
grants made by each institution; the purpose of each professional 27963
leave; and a statement of the cost to the institution of each 27964
professional leave, to the extent that such cost exceeds the 27965
salary of the faculty member on professional leave. 27966~~

Sec. 3345.50. Notwithstanding anything to the contrary in 27967
sections 123.01 and ~~123.15~~ 123.10 of the Revised Code, a state 27968
university, a state community college, or the northeast Ohio 27969
medical university not certified pursuant to section ~~123.17~~ 123.24 27970
of the Revised Code may administer any capital facilities project 27971

for the construction, reconstruction, improvement, renovation, 27972
enlargement, or alteration of a public improvement under its 27973
jurisdiction for which the total amount of funds expected to be 27974
appropriated by the general assembly does not exceed four million 27975
dollars without the supervision, control, or approval of the 27976
~~department of administrative services~~ Ohio facilities construction
commission as specified in those sections, if both of the 27977
following occur: 27978
27979

(A) Within sixty days after the effective date of the section 27980
of an act in which the general assembly initially makes an 27981
appropriation for the project, the board of trustees of the 27982
institution notifies the chancellor of the Ohio board of regents 27983
in writing of its intent to administer the capital facilities 27984
project; 27985

(B) The board of trustees complies with the guidelines 27986
established pursuant to section 153.16 of the Revised Code and all 27987
laws that govern the selection of consultants, preparation and 27988
approval of contract documents, receipt of bids, and award of 27989
contracts with respect to the project. 27990

The chancellor shall adopt rules in accordance with Chapter 27991
119. of the Revised Code that establish criteria for the 27992
administration by any such institution of higher education of a 27993
capital facilities project for which the total amount of funds 27994
expected to be appropriated by the general assembly exceeds four 27995
million dollars. The criteria, to be developed with the ~~department~~ 27996
~~of administrative services~~ Ohio facilities construction commission 27997
and higher education representatives selected by the chancellor, 27998
shall include such matters as the adequacy of the staffing levels 27999
and expertise needed for the institution to administer the 28000
project, past performance of the institution in administering such 28001
projects, and the amount of institutional or other nonstate money 28002
to be used in financing the project. The chancellor and the 28003

~~department of administrative services~~ Ohio facilities construction 28004
commission shall approve the request of any such institution of 28005
higher education that seeks to administer any such capital 28006
facilities project and meets the criteria set forth in the rules 28007
and in the requirements of division (B) of this section. 28008

Sec. 3345.51. (A) Notwithstanding anything to the contrary in 28009
sections ~~123.01~~ 123.20 and ~~123.15~~ 123.21 of the Revised Code, a 28010
state university, the northeast Ohio medical university, or a 28011
state community college may administer any capital facilities 28012
project for the construction, reconstruction, improvement, 28013
renovation, enlargement, or alteration of a public improvement 28014
under its jurisdiction for which funds are appropriated by the 28015
general assembly without the supervision, control, or approval of 28016
the ~~department of administrative services~~ Ohio facilities 28017
construction commission as specified in those sections, if all of 28018
the following occur: 28019

(1) The institution is certified by the ~~state architect~~ 28020
commission under section ~~123.17~~ 123.24 of the Revised Code; 28021

(2) Within sixty days after the effective date of the section 28022
of an act in which the general assembly initially makes an 28023
appropriation for the project, the board of trustees of the 28024
institution notifies the chancellor of the Ohio board of regents 28025
in writing of its request to administer the capital facilities 28026
project and the chancellor approves that request pursuant to 28027
division (B) of this section; 28028

(3) The board of trustees passes a resolution stating its 28029
intent to comply with section 153.13 of the Revised Code and the 28030
guidelines established pursuant to section 153.16 of the Revised 28031
Code and all laws that govern the selection of consultants, 28032
preparation and approval of contract documents, receipt of bids, 28033
and award of contracts with respect to the project. 28034

(B) The chancellor shall adopt rules in accordance with 28035
Chapter 119. of the Revised Code that establish criteria for the 28036
administration by any such institution of higher education of a 28037
capital facilities project for which the general assembly 28038
appropriates funds. The criteria, to be developed with the 28039
~~department of administrative services~~ commission and higher 28040
education representatives selected by the chancellor, shall 28041
include such matters as the adequacy of the staffing levels and 28042
expertise needed for the institution to administer the project, 28043
past performance of the institution in administering such 28044
projects, and the amount of institutional or other nonstate money 28045
to be used in financing the project. The chancellor shall approve 28046
the request of any such institution of higher education that seeks 28047
to administer any such capital facilities project and meets the 28048
criteria set forth in the rules and the requirements of division 28049
(A) of this section. 28050

(C) Any institution that administers a capital facilities 28051
project under this section shall conduct biennial audits for the 28052
duration of the project to ensure that the institution is 28053
complying with Chapters 9., 123., and 153. of the Revised Code and 28054
that the institution is using its certification issued under 28055
section ~~123.17~~ 123.24 of the Revised Code appropriately. The 28056
chancellor, in consultation with higher education representatives 28057
selected by the chancellor, shall adopt rules in accordance with 28058
Chapter 119. of the Revised Code that establish criteria for the 28059
conduct of the audits. The criteria shall include documentation 28060
necessary to determine compliance with Chapters 9., 123., and 153. 28061
of the Revised Code and a method to determine whether an 28062
institution is using its certification issued under section ~~123.17~~ 28063
123.24 of the Revised Code appropriately. 28064

(D) The chancellor, in consultation with higher education 28065
representatives selected by the chancellor, shall adopt rules in 28066

accordance with Chapter 119. of the Revised Code establishing 28067
criteria for monitoring capital facilities projects administered 28068
by institutions under this section. The criteria shall include the 28069
following: 28070

(1) Conditions under which the chancellor may revoke the 28071
authority of an institution to administer a capital facilities 28072
project under this section, including the failure of an 28073
institution to maintain a sufficient number of employees who have 28074
successfully completed the certification program under section 28075
~~123.17~~ 123.24 of the Revised Code; 28076

(2) A process for institutions to remedy any problems found 28077
by an audit conducted pursuant to division (C) of this section, 28078
including the improper use of state funds or violations of Chapter 28079
9., 123., or 153. of the Revised Code. 28080

(E) If the chancellor revokes an institution's authority to 28081
administer a capital facilities project, the ~~department of~~ 28082
~~administrative services~~ commission shall administer the capital 28083
facilities project. The chancellor also may require an 28084
institution, for which the chancellor revoked authority to 28085
administer a capital facilities project, to acquire a new local 28086
administration competency certification pursuant to section ~~123.17~~ 28087
123.24 of the Revised Code. 28088

Sec. 3345.54. (A) As used in this section: 28089

(1) "Auxiliary facilities" has the same meaning as in section 28090
3345.12 of the Revised Code. 28091

(2) "Conduit entity" means an organization described in 28092
section 501(c)(3) of the Internal Revenue Code qualified as a 28093
public charity under section 509(a)(2) or 509(a)(3) of the 28094
Internal Revenue Code, or any other appropriate legal entity 28095
selected by the state institution, whose corporate purpose allows 28096

it to perform the functions and obligations of a conduit entity 28097
pursuant to the terms of a financing agreement. 28098

(3) "Conveyed property" means auxiliary facilities conveyed 28099
by a state institution to a conduit entity pursuant to a financing 28100
agreement. 28101

(4) "Financing agreement" means a contract described in 28102
division (C) of this section. 28103

(5) "Independent funding source" means a private entity that 28104
enters into a financing agreement with a conduit entity and a 28105
state institution. 28106

(6) "State institution" means a state institution of higher 28107
education as defined in section 3345.011 of the Revised Code. 28108

(B) The board of trustees of a state institution, with the 28109
approval of the chancellor of the Ohio board of regents and the 28110
controlling board, may enter into a financing agreement with a 28111
conduit entity and an independent funding source selected either 28112
through a competitive selection process or by direct negotiations, 28113
and may convey to the conduit entity title to any auxiliary 28114
facilities owned by the state institution pursuant to the terms of 28115
a financing agreement. 28116

(C) A financing agreement under this section is a written 28117
contract entered into among a state institution, a conduit entity, 28118
and an independent funding source that provides for: 28119

(1) The conveyance of auxiliary facilities owned by a state 28120
institution to the conduit entity for consideration deemed 28121
adequate by the state institution; 28122

(2) The lease of the conveyed property by the conduit entity 28123
to the independent funding source and leaseback of the conveyed 28124
property to the conduit entity for a term not to exceed 28125
ninety-nine years; 28126

(3) Such other terms and conditions that may be negotiated	28127
and agreed upon by the parties, including, but not limited to,	28128
terms regarding:	28129
(a) Payment to the state institution by the conduit entity of	28130
revenues received by it from the operations of the conveyed	28131
property in excess of the payments it is required to make to the	28132
independent funding source under the lease-leaseback arrangement	28133
described in division (C)(2) of this section;	28134
(b) Pledge, assignment, or creation of a lien in favor of the	28135
independent funding source by the conduit entity of any revenues	28136
derived from the conveyed property;	28137
(c) Reverter or conveyance of title to the conveyed property	28138
to the state institution when the conveyed property is no longer	28139
subject to a lease with the independent funding source.	28140
(4) Terms and conditions required by the chancellor or the	28141
controlling board as a condition of approval of the financing	28142
agreement.	28143
(D) The state institution and the conduit entity may enter	28144
into such other management agreements or other contracts regarding	28145
the conveyed property the parties deem appropriate, including	28146
agreements pursuant to which the state institution may maintain or	28147
administer the conveyed property and collect and disburse revenues	28148
from the conveyed property on behalf of the conduit entity.	28149
(E) The parties may modify or extend the term of the	28150
financing agreement with the approval of the chancellor and the	28151
controlling board.	28152
(F) The conveyed property shall retain its exemption from	28153
property taxes and assessments as though title to the conveyed	28154
property were held by the state institution during any part of a	28155
tax year that title is held by the state institution or the	28156
conduit entity and, if held by the conduit entity, remains subject	28157

to the lease-leaseback arrangement described in division (C)(2) of 28158
this section. However, as a condition of the continued exemption 28159
of the conveyed property during the term of the lease-leaseback 28160
arrangement the conduit entity shall apply for and maintain the 28161
exemption as provided by law. 28162

(G) Nothing in this section is intended to abrogate, amend, 28163
limit, or replace any existing authority state institutions may 28164
have with respect to the conveyance, lease, lease-leaseback, 28165
finance, or acquisition of auxiliary facilities including, but not 28166
limited to, authority granted under sections 3345.07, 3345.11, and 28167
3345.12 of the Revised Code. 28168

Sec. 3345.69. (A) As used in this section: 28169

(1) "State institution of higher education" has the same 28170
meaning as in section 3345.011 of the Revised Code. 28171

(2) "Board of trustees of a state institution of higher 28172
education" has the same meaning as in section 3345.61 of the 28173
Revised Code. 28174

(B) The chairperson of the interuniversity council of Ohio 28175
and the secretary of the Ohio association of community colleges 28176
shall assist in coordinating the organization and operation of a 28177
committee to carry out this section. The committee shall be 28178
comprised of the presidents of the state institutions of higher 28179
education or their designees. The committee, in consultation with 28180
the ~~office of energy services of the department of administrative~~ 28181
~~services~~ Ohio facilities construction commission, shall develop 28182
guidelines for the board of trustees of each state institution of 28183
higher education to use in ensuring energy efficiency and 28184
conservation in on- and off-campus buildings. ~~Initial guidelines~~ 28185
~~shall be adopted not later than ninety days after the effective~~ 28186
~~date of this section.~~ At a minimum, guidelines under this section 28187
shall do all of the following: 28188

(1) Include a goal to reduce on- and off-campus building energy consumption by at least twenty per cent by 2014, using calendar year 2004 as the benchmark year, while recognizing the diverse nature and different energy demands and uses of such buildings and measures already taken to increase building energy efficiency and conservation;

(2) Prescribe minimum energy efficiency and conservation standards for any new, on- or off-campus capital improvement project with a construction cost of one hundred thousand dollars or more, which standards shall be based on general building type and cost-effectiveness;

(3) Prescribe minimum energy efficiency and conservation standards for the leasing of an off-campus space of at least twenty-thousand square feet;

(4) Incorporate best practices into energy efficiency and conservation standards and plans;

(5) Provide that each board develop its own fifteen-year plan for phasing in energy efficiency and conservation projects;

(6) Provide that project impact assessments include the fiscal effects of energy efficiency and conservation recommendations and plans;

(7) Establish mechanisms for each board to report periodically to the committee on its progress relative to the guidelines.

(C) The board of trustees of a state institution of higher education shall adopt rules under section 111.15 of the Revised Code to carry out the guidelines established pursuant to division (B) of this section, including in the execution of the board's authority under sections 3345.62 to 3345.66 of the Revised Code.

Sec. 3345.692. (A) Not later than September 15, 2010, and the

fifteenth day of September each year thereafter, a state 28219
institution of higher education shall prepare and submit to the 28220
chancellor of the board of regents a report that describes the 28221
number and types of biobased products purchased under section 28222
125.092 of the Revised Code and the amount of money spent by the 28223
state institution of higher education for those biobased products. 28224

~~(B) Not later than September 30, 2010, and the thirtieth day 28225
of September each year thereafter, the chancellor of the board of 28226
regents shall prepare and submit to the governor, the president of 28227
the senate, and the speaker of the house of representatives a 28228
report that describes the number and types of biobased products 28229
purchased under section 125.092 of the Revised Code and the amount 28230
of money spent by state institutions of higher education for those 28231
biobased products as that information is provided to the 28232
chancellor under division (A) of this section. 28233~~

~~(C) As used in this section, "state institution of higher 28234
education" has the same meaning as in section 3345.011 of the 28235
Revised Code. 28236~~

Sec. 3347.03. Each commission created by section 3347.01 of 28237
the Revised Code may acquire property of any kind by purchase, 28238
gift, or devise and hold and use any such property, or may use 28239
state lands at their respective universities upon consent of the 28240
respective boards of trustees thereof, for the erection, 28241
remodeling, or improving and equipping of buildings for suitable 28242
housing, dormitory, dining hall, and recreational accommodations, 28243
referred to as "buildings" in sections 3347.03 to 3347.08 of the 28244
Revised Code, for students, instructors, members of the faculty, 28245
the administration and maintenance staff of the universities with 28246
which each commission is identified, and their families. The 28247
construction, remodeling, or improving of any such buildings shall 28248
be in accordance with plans and specifications approved by the 28249

commission and with sections 153.01 and 153.04 to 153.20 of the 28250
Revised Code, except that the commission may act in all instances 28251
where the ~~department of administrative services~~ Ohio facilities 28252
construction commission is mentioned in such sections. 28253

Sec. 3383.02. (A) There is hereby created the Ohio cultural 28254
facilities commission. The commission shall engage in and provide 28255
for the development, performance, and presentation or making 28256
available of culture and professional sports and athletics to the 28257
public in this state, and the provision of training or education 28258
in culture, by the exercise of its powers under this chapter, 28259
including the provision, operation, management, and cooperative 28260
use of Ohio cultural facilities and Ohio sports facilities. The 28261
commission is a body corporate and politic, an agency of state 28262
government and an instrumentality of the state, performing 28263
essential governmental functions of this state. The carrying out 28264
of the purposes and the exercise by the commission of its powers 28265
conferred by this chapter are essential public functions and 28266
public purposes of the state and of state government. The 28267
commission may, in its own name, sue and be sued, enter into 28268
contracts, and perform all the powers and duties given to it by 28269
this chapter; however, it does not have and shall not exercise the 28270
power of eminent domain. 28271

(B) The commission shall consist of twelve members, nine of 28272
whom shall be voting members and three of whom shall be nonvoting 28273
members. The nine voting members shall be appointed by the 28274
governor, with the advice and consent of the senate, from 28275
different geographical regions of the state. In addition, one of 28276
the voting members shall represent the ~~state architect~~ Ohio 28277
facilities construction commission. Not more than five of the 28278
members appointed by the governor shall be affiliated with the 28279
same political party. The nonvoting members shall be the staff 28280
director of the Ohio arts council, a member of the senate 28281

appointed by the president of the senate, and a member of the 28282
house of representatives appointed by the speaker of the house. 28283

(C) Of the five initial appointments made by the governor, 28284
one shall be for a term expiring December 31, 1989, two shall be 28285
for terms expiring December 31, 1990, and two shall be for terms 28286
expiring December 31, 1991. Of the initial appointments of the 28287
sixth and seventh voting members made by the governor, one shall 28288
be for a term expiring December 31, 2003, and one shall be for a 28289
term expiring December 31, 2004. Of the initial appointments of 28290
the eighth and ninth voting members made by the governor, one 28291
shall be for a term expiring December 31, 2007, and one shall be 28292
for a term expiring December 31, 2008. These voting members shall 28293
be appointed within sixty days after ~~the effective date of this~~ 28294
~~amendment~~ September 29, 2005. Thereafter, each such term shall be 28295
for three years, commencing on the first day of January and ending 28296
on the thirty-first day of December. Each appointment by the 28297
president of the senate and by the speaker of the house of 28298
representatives shall be for the balance of the then legislative 28299
biennium. Each member shall hold office from the date of the 28300
member's appointment until the end of the term for which the 28301
member was appointed. Any member appointed to fill a vacancy 28302
occurring prior to the expiration of the term for which the 28303
member's predecessor was appointed shall hold office for the 28304
remainder of such term. Any member shall continue in office 28305
subsequent to the expiration date of the member's term until the 28306
member's successor takes office, or until a period of sixty days 28307
has elapsed, whichever occurs first. 28308

(D) Members of the commission shall serve without 28309
compensation. 28310

(E) Organizational meetings of the commission shall be held 28311
at the first meeting of each calendar year. At each organizational 28312
meeting, the commission shall elect from among its voting members 28313

a chairperson, a vice-chairperson, and a secretary-treasurer, who 28314
shall serve until the next annual meeting. The commission shall 28315
adopt rules pursuant to section 111.15 of the Revised Code for the 28316
conduct of its internal business and shall keep a journal of its 28317
proceedings. 28318

(F) Five voting members of the commission constitute a 28319
quorum, and the affirmative vote of five members is necessary for 28320
approval of any action taken by the commission. A vacancy in the 28321
membership of the commission does not impair a quorum from 28322
exercising all the rights and performing all the duties of the 28323
commission. Meetings of the commission may be held anywhere in the 28324
state, and shall be held in compliance with section 121.22 of the 28325
Revised Code. 28326

(G) All expenses incurred in carrying out this chapter are 28327
payable solely from money accrued under this chapter or 28328
appropriated for these purposes by the general assembly, and the 28329
commission shall incur no liability or obligation beyond such 28330
money. 28331

(H) The commission shall file an annual report of its 28332
activities and finances with the governor, director of budget and 28333
management, speaker of the house of representatives, president of 28334
the senate, and chairpersons of the house and senate finance 28335
committees. 28336

(I) There is hereby established in the state treasury the 28337
Ohio cultural facilities commission administration fund. All 28338
revenues of the commission shall be credited to that fund and to 28339
any accounts created in that fund with the commission's approval. 28340
All expenses of the commission, including reimbursement of, or 28341
payment to, any other fund or any governmental agency for advances 28342
made or services rendered to or on behalf of the commission, shall 28343
be paid from that fund as determined by or pursuant to directions 28344
of the commission. All investment earnings of that fund shall be 28345

credited to it and shall be allocated among any accounts created 28346
in the fund in the manner determined by the commission. 28347

(J) Title to all real property and lesser interests in real 28348
property acquired by the commission, including leasehold and other 28349
interests, pursuant to this chapter shall be taken in the name of 28350
the state and shall be held for the use and benefit of the 28351
commission. The commission shall not mortgage such real property 28352
and interests in real property. Title to other property and 28353
interests in it acquired by the commission pursuant to this 28354
chapter shall be taken in its name. 28355

Sec. 3383.07. (A) ~~The department of administrative services~~ 28356
Ohio facilities construction commission shall provide for the 28357
construction of a cultural project in conformity with Chapter 153. 28358
of the Revised Code, except as follows: 28359

(1) For a cultural project other than a state historical 28360
facility, construction services may be provided on behalf of the 28361
state by the Ohio cultural facilities commission, or by a 28362
governmental agency or a cultural organization that occupies, will 28363
occupy, or is responsible for the Ohio cultural facility, as 28364
determined by the Ohio cultural facilities commission. For a 28365
project receiving a state appropriation of fifty thousand dollars 28366
or less, the Ohio cultural facilities commission may delegate to 28367
its executive director the authority to approve the provision of 28368
construction services by such an agency or organization, but not 28369
the authority to disapprove that provision. Construction services 28370
to be provided by a governmental agency or a cultural organization 28371
shall be specified in an agreement between the Ohio cultural 28372
facilities commission and the governmental agency or cultural 28373
organization. The agreement, or any actions taken under it, are 28374
not subject to Chapter 123. or 153. of the Revised Code, except 28375
for sections 123.081 and 153.011 of the Revised Code, and shall be 28376

subject to Chapter 4115. of the Revised Code. 28377

(2) For a cultural project that is a state historical 28378
facility, construction services may be provided by the Ohio 28379
cultural facilities commission or by a cultural organization that 28380
occupies, will occupy, or is responsible for the facility, as 28381
determined by the Ohio cultural facilities commission. For a 28382
facility receiving a state appropriation of fifty thousand dollars 28383
or less, the Ohio cultural facilities commission may delegate to 28384
its executive director the authority to approve the provision of 28385
construction services by such an organization, but not the 28386
authority to disapprove that provision. The construction services 28387
to be provided by the cultural organization shall be specified in 28388
an agreement between the Ohio cultural facilities commission and 28389
the cultural organization. That agreement, and any actions taken 28390
under it, are not subject to Chapter 123., 153., or 4115. of the 28391
Revised Code. 28392

(B) For an Ohio sports facility that is financed in part by 28393
obligations issued pursuant to Chapter 154. of the Revised Code, 28394
construction services shall be provided on behalf of the state by 28395
or at the direction of the governmental agency or nonprofit 28396
corporation that will own or be responsible for the management of 28397
the facility, all as determined by the Ohio cultural facilities 28398
commission. For a facility receiving a state appropriation of 28399
fifty thousand dollars or less, the Ohio cultural facilities 28400
commission may delegate to its executive director the authority to 28401
approve the provision of construction services by or at the 28402
direction of the agency or corporation, but not the authority to 28403
disapprove that provision. Any construction services to be 28404
provided by a governmental agency or nonprofit corporation shall 28405
be specified in an agreement between the Ohio cultural facilities 28406
commission and the governmental agency or nonprofit corporation. 28407
That agreement, and any actions taken under it, are not subject to 28408

Chapter 123. or 153. of the Revised Code, except for sections 28409
123.081 and 153.011 of the Revised Code, and shall be subject to 28410
Chapter 4115. of the Revised Code. 28411

(C) General building services for an Ohio cultural facility 28412
shall be provided by the Ohio cultural facilities commission or by 28413
a cultural organization that occupies, will occupy, or is 28414
responsible for the facility, as determined by the Ohio cultural 28415
facilities commission. For a facility receiving a state 28416
appropriation of fifty thousand dollars or less, the Ohio cultural 28417
facilities commission may delegate to its executive director the 28418
authority to approve the provision of general building services by 28419
such an organization, but not the authority to disapprove that 28420
provision. Alternatively, the Ohio building authority may elect to 28421
provide those services for Ohio cultural facilities financed with 28422
proceeds of state bonds issued by the authority. The costs of 28423
management and general building services shall be paid by the 28424
cultural organization that occupies, will occupy, or is 28425
responsible for the facility as provided in an agreement between 28426
the Ohio cultural facilities commission and the cultural 28427
organization, except that the state may pay for general building 28428
services for state-owned cultural facilities constructed on 28429
state-owned land. 28430

General building services for an Ohio sports facility shall 28431
be provided by or at the direction of the governmental agency or 28432
nonprofit corporation that will be responsible for the management 28433
of the facility, all as determined by the Ohio cultural facilities 28434
commission. For a facility receiving a state appropriation of 28435
fifty thousand dollars or less, the Ohio cultural facilities 28436
commission may delegate to its executive director the authority to 28437
approve the provision of general building services by or at the 28438
direction of the agency or corporation, but not the authority to 28439
disapprove that provision. Any general building services to be 28440

provided by a governmental agency or nonprofit corporation for an 28441
Ohio sports facility shall be specified in an agreement between 28442
the Ohio cultural facilities commission and the governmental 28443
agency or nonprofit corporation. That agreement, and any actions 28444
taken under it, are not subject to Chapter 123. or 153. of the 28445
Revised Code, except for sections 123.081 and 153.011 of the 28446
Revised Code, and shall be subject to Chapter 4115. of the Revised 28447
Code. 28448

(D) This division does not apply to a state historical 28449
facility. No state funds, including any state bond proceeds, shall 28450
be spent on the construction of any cultural project under this 28451
chapter unless, with respect to the cultural project and to the 28452
Ohio cultural facility related to the project, all of the 28453
following apply: 28454

(1) The Ohio cultural facilities commission has determined 28455
that there is a need for the cultural project and the Ohio 28456
cultural facility related to the project in the region of the 28457
state in which the Ohio cultural facility is located or for which 28458
the facility is proposed. For a project receiving a state 28459
appropriation of fifty thousand dollars or less, the Ohio cultural 28460
facilities commission may delegate to its executive director the 28461
authority to determine need but only in the affirmative. 28462

(2) The Ohio cultural facilities commission has determined 28463
that, as an indication of substantial regional support for the 28464
cultural project, the cultural organization has made provision 28465
satisfactory to the Ohio cultural facilities commission, in its 28466
sole discretion, for local contributions amounting to not less 28467
than fifty per cent of the total state funding for the cultural 28468
project. For a project receiving a state appropriation of fifty 28469
thousand dollars or less, the Ohio cultural facilities commission 28470
may delegate to its executive director the authority to determine 28471
the adequacy of the regional support but only in the affirmative. 28472

(3) The general assembly has specifically authorized the 28473
spending of money on, or made an appropriation for, the 28474
construction of the cultural project, or for rental payments 28475
relating to the financing of the construction of the cultural 28476
project. Authorization to spend money, or an appropriation, for 28477
planning the cultural project does not constitute authorization to 28478
spend money on, or an appropriation for, construction of the 28479
cultural project. 28480

(E) No state funds, including any state bond proceeds, shall 28481
be spent on the construction of any state historical facility 28482
under this chapter unless the general assembly has specifically 28483
authorized the spending of money on, or made an appropriation for, 28484
the construction of the state historical project related to the 28485
facility, or for rental payments relating to the financing of the 28486
construction of the state historical project. Authorization to 28487
spend money, or an appropriation, for planning the state 28488
historical project does not constitute authorization to spend 28489
money on, or an appropriation for, the construction of the state 28490
historical project. 28491

(F) State funds shall not be used to pay or reimburse more 28492
than fifteen per cent of the initial estimated construction cost 28493
of an Ohio sports facility, excluding any site acquisition cost, 28494
and no state funds, including any state bond proceeds, shall be 28495
spent on any Ohio sports facility under this chapter unless, with 28496
respect to that facility, all of the following apply: 28497

(1) The Ohio cultural facilities commission has determined 28498
that there is a need for the facility in the region of the state 28499
for which the facility is proposed to provide the function of an 28500
Ohio sports facility as provided for in this chapter. For a 28501
facility receiving a state appropriation of fifty thousand dollars 28502
or less, the Ohio cultural facilities commission may delegate to 28503
its executive director the authority to determine need but only in 28504

the affirmative. 28505

(2) As an indication of substantial local support for the 28506
facility, the Ohio cultural facilities commission has received a 28507
financial and development plan satisfactory to it, and provision 28508
has been made, by agreement or otherwise, satisfactory to the Ohio 28509
cultural facilities commission, for a contribution amounting to 28510
not less than eighty-five per cent of the total estimated 28511
construction cost of the facility, excluding any site acquisition 28512
cost, from sources other than the state. For a facility receiving 28513
a state appropriation of fifty thousand dollars or less, the Ohio 28514
cultural facilities commission may delegate to its executive 28515
director the authority to evaluate the financial and development 28516
plan and the contribution and to determine their adequacy but only 28517
in the affirmative. 28518

(3) The general assembly has specifically authorized the 28519
spending of money on, or made an appropriation for, the 28520
construction of the facility, or for rental payments relating to 28521
state financing of all or a portion of the costs of constructing 28522
the facility. Authorization to spend money, or an appropriation, 28523
for planning or determining the feasibility of or need for the 28524
facility does not constitute authorization to spend money on, or 28525
an appropriation for, costs of constructing the facility. 28526

(4) If state bond proceeds are being used for the Ohio sports 28527
facility, the state or a governmental agency owns or has 28528
sufficient property interests in the facility or in the site of 28529
the facility or in the portion or portions of the facility 28530
financed from proceeds of state bonds, which may include, but is 28531
not limited to, the right to use or to require the use of the 28532
facility for the presentation of sport and athletic events to the 28533
public at the facility. 28534

(G) In addition to the requirements of division (F) of this 28535
section, no state funds, including any state bond proceeds, shall 28536

be spent on any Ohio sports facility that is a motorsports 28537
complex, unless, with respect to that facility, both of the 28538
following apply: 28539

(1) Motorsports events shall be presented at the facility 28540
pursuant to a lease entered into with the owner of the facility. 28541
The term of the lease shall be for a period of not less than the 28542
greater of the useful life of the portion of the facility financed 28543
from proceeds of state bonds as determined using the guidelines 28544
for maximum maturities as provided under divisions (B) and (C) of 28545
section 133.20 of the Revised Code, or the period of time 28546
remaining to the date of payment or provision for payment of 28547
outstanding state bonds allocable to costs of the facility, all as 28548
determined by the director of budget and management and certified 28549
by the director to the Ohio cultural facilities commission and to 28550
the treasurer of state. 28551

(2) Any motorsports organization that commits to using the 28552
facility for an established period of time shall give the 28553
political subdivision in which the facility is located not less 28554
than six months' advance notice if the organization intends to 28555
cease utilizing the facility prior to the expiration of that 28556
established period. Such a motorsports organization shall be 28557
liable to the state for any state funds used on the construction 28558
costs of the facility. 28559

(H) In addition to the requirements of division (F) of this 28560
section, no state bond proceeds shall be spent on any Ohio sports 28561
facility that is a tennis facility, unless the owner or manager of 28562
the facility provides contractual commitments from a national or 28563
international professional tennis organization in a form 28564
acceptable to the cultural facilities commission that assures that 28565
one or more sanctioned professional tennis events will be 28566
presented at the facility during each year that the bonds remain 28567
outstanding. 28568

Sec. 3701.021. (A) The ~~public director of health council~~ 28569
shall adopt, in accordance with Chapter 119. of the Revised Code, 28570
such rules as are necessary to carry out sections 3701.021 to 28571
3701.0210 of the Revised Code, including, but not limited to, 28572
rules to establish the following: 28573

(1) Medical and financial eligibility requirements for the 28574
program for medically handicapped children; 28575

(2) Eligibility requirements for providers of services for 28576
medically handicapped children; 28577

(3) Procedures to be followed by the department of health in 28578
disqualifying providers for violating requirements adopted under 28579
division (A)(2) of this section; 28580

(4) Procedures to be used by the department regarding 28581
application for diagnostic services under division (B) of section 28582
3701.023 of the Revised Code and payment for those services under 28583
division (E) of that section; 28584

(5) Standards for the provision of service coordination by 28585
the department of health and city and general health districts; 28586

(6) Procedures for the department to use to determine the 28587
amount to be paid annually by each county for services for 28588
medically handicapped children and to allow counties to retain 28589
funds under divisions (A)(2) and (3) of section 3701.024 of the 28590
Revised Code; 28591

(7) Financial eligibility requirements for services for Ohio 28592
residents twenty-one years of age or older who have cystic 28593
fibrosis; 28594

(8) Criteria for payment of approved providers who provide 28595
services for medically handicapped children; 28596

(9) Criteria for the department to use in determining whether 28597
the payment of health insurance premiums of participants in the 28598

program for medically handicapped children is cost-effective;	28599
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	28600 28601 28602
(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;	28603 28604 28605
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;	28606 28607
(13) If a manufacturer discount program is established under division (J)(1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas.	28608 28609 28610 28611 28612
(B) The department of health shall develop a manual of operational procedures and guidelines for the program for medically handicapped children to implement sections 3701.021 to 3701.0210 of the Revised Code.	28613 28614 28615 28616
Sec. 3701.023. (A) The department of health shall review applications for eligibility for the program for medically handicapped children that are submitted to the department by city and general health districts and physician providers approved in accordance with division (C) of this section. The department shall determine whether the applicants meet the medical and financial eligibility requirements established by the public <u>director of health council</u> pursuant to division (A)(1) of section 3701.021 of the Revised Code, and by the department in the manual of operational procedures and guidelines for the program for medically handicapped children developed pursuant to division (B) of that section. Referrals of potentially eligible children for	28617 28618 28619 28620 28621 28622 28623 28624 28625 28626 28627 28628

the program may be submitted to the department on behalf of the 28629
child by parents, guardians, public health nurses, or any other 28630
interested person. The department of health may designate other 28631
agencies to refer applicants to the department of health. 28632

(B) In accordance with the procedures established in rules 28633
adopted under division (A)(4) of section 3701.021 of the Revised 28634
Code, the department of health shall authorize a provider or 28635
providers to provide to any Ohio resident under twenty-one years 28636
of age, without charge to the resident or the resident's family 28637
and without restriction as to the economic status of the resident 28638
or the resident's family, diagnostic services necessary to 28639
determine whether the resident has a medically handicapping or 28640
potentially medically handicapping condition. 28641

(C) The department of health shall review the applications of 28642
health professionals, hospitals, medical equipment suppliers, and 28643
other individuals, groups, or agencies that apply to become 28644
providers. The department shall enter into a written agreement 28645
with each applicant who is determined, pursuant to the 28646
requirements set forth in rules adopted under division (A)(2) of 28647
section 3701.021 of the Revised Code, to be eligible to be a 28648
provider in accordance with the provider agreement required by the 28649
medical assistance program established under section 5111.01 of 28650
the Revised Code. No provider shall charge a medically handicapped 28651
child or the child's parent or guardian for services authorized by 28652
the department under division (B) or (D) of this section. 28653

The department, in accordance with rules adopted under 28654
division (A)(3) of section 3701.021 of the Revised Code, may 28655
disqualify any provider from further participation in the program 28656
for violating any requirement set forth in rules adopted under 28657
division (A)(2) of that section. The disqualification shall not 28658
take effect until a written notice, specifying the requirement 28659
violated and describing the nature of the violation, has been 28660

delivered to the provider and the department has afforded the 28661
provider an opportunity to appeal the disqualification under 28662
division (H) of this section. 28663

(D) The department of health shall evaluate applications from 28664
city and general health districts and approved physician providers 28665
for authorization to provide treatment services, service 28666
coordination, and related goods to children determined to be 28667
eligible for the program for medically handicapped children 28668
pursuant to division (A) of this section. The department shall 28669
authorize necessary treatment services, service coordination, and 28670
related goods for each eligible child in accordance with an 28671
individual plan of treatment for the child. As an alternative, the 28672
department may authorize payment of health insurance premiums on 28673
behalf of eligible children when the department determines, in 28674
accordance with criteria set forth in rules adopted under division 28675
(A)(9) of section 3701.021 of the Revised Code, that payment of 28676
the premiums is cost-effective. 28677

(E) The department of health shall pay, from appropriations 28678
to the department, any necessary expenses, including but not 28679
limited to, expenses for diagnosis, treatment, service 28680
coordination, supportive services, transportation, and accessories 28681
and their upkeep, provided to medically handicapped children, 28682
provided that the provision of the goods or services is authorized 28683
by the department under division (B) or (D) of this section. Money 28684
appropriated to the department of health may also be expended for 28685
reasonable administrative costs incurred by the program. The 28686
department of health also may purchase liability insurance 28687
covering the provision of services under the program for medically 28688
handicapped children by physicians and other health care 28689
professionals. 28690

Payments made to providers by the department of health 28691
pursuant to this division for inpatient hospital care, outpatient 28692

care, and all other medical assistance furnished to eligible 28693
recipients shall be made in accordance with rules adopted by the 28694
~~public director of health council~~ pursuant to division (A) of 28695
section 3701.021 of the Revised Code. 28696

The departments of health and job and family services shall 28697
jointly implement procedures to ensure that duplicate payments are 28698
not made under the program for medically handicapped children and 28699
the medical assistance program established under section 5111.01 28700
of the Revised Code and to identify and recover duplicate 28701
payments. 28702

(F) At the time of applying for participation in the program 28703
for medically handicapped children, a medically handicapped child 28704
or the child's parent or guardian shall disclose the identity of 28705
any third party against whom the child or the child's parent or 28706
guardian has or may have a right of recovery for goods and 28707
services provided under division (B) or (D) of this section. The 28708
department of health shall require a medically handicapped child 28709
who receives services from the program or the child's parent or 28710
guardian to apply for all third-party benefits for which the child 28711
may be eligible and require the child, parent, or guardian to 28712
apply all third-party benefits received to the amount determined 28713
under division (E) of this section as the amount payable for goods 28714
and services authorized under division (B) or (D) of this section. 28715
The department is the payer of last resort and shall pay for 28716
authorized goods or services, up to the amount determined under 28717
division (E) of this section for the authorized goods or services, 28718
only to the extent that payment for the authorized goods or 28719
services is not made through third-party benefits. When a third 28720
party fails to act on an application or claim for benefits by a 28721
medically handicapped child or the child's parent or guardian, the 28722
department shall pay for the goods or services only after ninety 28723
days have elapsed since the date the child, parents, or guardians 28724

made an application or claim for all third-party benefits. 28725
Third-party benefits received shall be applied to the amount 28726
determined under division (E) of this section. Third-party 28727
payments for goods and services not authorized under division (B) 28728
or (D) of this section shall not be applied to payment amounts 28729
determined under division (E) of this section. Payment made by the 28730
department shall be considered payment in full of the amount 28731
determined under division (E) of this section. Medicaid payments 28732
for persons eligible for the medical assistance program 28733
established under section 5111.01 of the Revised Code shall be 28734
considered payment in full of the amount determined under division 28735
(E) of this section. 28736

(G) The department of health shall administer a program to 28737
provide services to Ohio residents who are twenty-one or more 28738
years of age who have cystic fibrosis and who meet the eligibility 28739
requirements established ~~by the~~ in rules of adopted by the public 28740
director of health council pursuant to division (A)(7) of section 28741
3701.021 of the Revised Code, subject to all provisions of this 28742
section, but not subject to section 3701.024 of the Revised Code. 28743

(H) The department of health shall provide for appeals, in 28744
accordance with rules adopted under section 3701.021 of the 28745
Revised Code, of denials of applications for the program for 28746
medically handicapped children under division (A) or (D) of this 28747
section, disqualification of providers, or amounts paid under 28748
division (E) of this section. Appeals under this division are not 28749
subject to Chapter 119. of the Revised Code. 28750

The department may designate ombudspersons to assist 28751
medically handicapped children or their parents or guardians, upon 28752
the request of the children, parents, or guardians, in filing 28753
appeals under this division and to serve as children's, parents', 28754
or guardians' advocates in matters pertaining to the 28755
administration of the program for medically handicapped children 28756

and eligibility for program services. The ombudspersons shall 28757
receive no compensation but shall be reimbursed by the department, 28758
in accordance with rules of the office of budget and management, 28759
for their actual and necessary travel expenses incurred in the 28760
performance of their duties. 28761

(I) The department of health, and city and general health 28762
districts providing service coordination pursuant to division 28763
(A)(2) of section 3701.024 of the Revised Code, shall provide 28764
service coordination in accordance with the standards set forth in 28765
the rules adopted under section 3701.021 of the Revised Code, 28766
without charge, and without restriction as to economic status. 28767

(J)(1) The department of health may establish a manufacturer 28768
discount program under which a manufacturer of a drug or 28769
nutritional formula is permitted to enter into an agreement with 28770
the department to provide a discount on the price of the drug or 28771
nutritional formula distributed to medically handicapped children 28772
participating in the program for medically handicapped children. 28773
The program shall be administered in accordance with rules adopted 28774
under section 3701.021 of the Revised Code. 28775

(2) If a manufacturer enters into an agreement with the 28776
department as described in division (J)(1) of this section, the 28777
manufacturer and the department may negotiate the amount and terms 28778
of the discount. 28779

(3) In lieu of establishing a discount program as described 28780
in division (J)(1) of this section, the department and a 28781
manufacturer of a drug or nutritional formula may discuss a 28782
donation of drugs, nutritional formulas, or money by the 28783
manufacturer to the department. 28784

Sec. 3701.024. (A)(1) Under a procedure established in rules 28785
adopted under section 3701.021 of the Revised Code, the department 28786
of health shall determine the amount each county shall provide 28787

annually for the program for medically handicapped children, based 28788
on a proportion of the county's total general property tax 28789
duplicate, not to exceed one-tenth of a mill, and charge the 28790
county for any part of expenses incurred under the program for 28791
treatment services on behalf of medically handicapped children 28792
having legal settlement in the county that is not paid from 28793
federal funds or through the medical assistance program 28794
established under section 5111.01 of the Revised Code. The 28795
department shall not charge the county for expenses exceeding the 28796
difference between the amount determined under division (A)(1) of 28797
this section and any amounts retained under divisions (A)(2) and 28798
(3) of this section. 28799

All amounts collected by the department under division (A)(1) 28800
of this section shall be deposited into the state treasury to the 28801
credit of the medically handicapped children-county assessment 28802
fund, which is hereby created. The fund shall be used by the 28803
department to comply with sections 3701.021 to 3701.028 of the 28804
Revised Code. 28805

(2) The department, in accordance with rules adopted under 28806
section 3701.021 of the Revised Code, may allow each county to 28807
retain up to ten per cent of the amount determined under division 28808
(A)(1) of this section to provide funds to city or general health 28809
districts of the county with which the districts shall provide 28810
service coordination, public health nursing, or transportation 28811
services for medically handicapped children. 28812

(3) In addition to any amount retained under division (A)(2) 28813
of this section, the department, in accordance with rules adopted 28814
under section 3701.021 of the Revised Code, may allow counties 28815
that it determines have significant numbers of potentially 28816
eligible medically handicapped children to retain an amount equal 28817
to the difference between: 28818

(a) Twenty-five per cent of the amount determined under 28819

division (A)(1) of this section; 28820

(b) Any amount retained under division (A)(2) of this 28821
section. 28822

Counties shall use amounts retained under division (A)(3) of 28823
this section to provide funds to city or general health districts 28824
of the county with which the districts shall conduct outreach 28825
activities to increase participation in the program for medically 28826
handicapped children. 28827

(4) Prior to any increase in the millage charged to a county, 28828
the ~~public~~ director of health council shall hold a public hearing 28829
on the proposed increase and shall give notice of the hearing to 28830
each board of county commissioners that would be affected by the 28831
increase at least thirty days prior to the date set for the 28832
hearing. Any county commissioner may appear and give testimony at 28833
the hearing. Any increase in the millage any county is required to 28834
provide for the program for medically handicapped children shall 28835
be determined, and notice of the amount of the increase shall be 28836
provided to each affected board of county commissioners, no later 28837
than the first day of June of the fiscal year next preceding the 28838
fiscal year in which the increase will take effect. 28839

(B) Each board of county commissioners shall establish a 28840
medically handicapped children's fund and shall appropriate 28841
thereto an amount, determined in accordance with division (A)(1) 28842
of this section, for the county's share in providing medical, 28843
surgical, and other aid to medically handicapped children residing 28844
in such county and for the purposes specified in divisions (A)(2) 28845
and (3) of this section. Each county shall use money retained 28846
under divisions (A)(2) and (3) of this section only for the 28847
purposes specified in those divisions. 28848

Sec. 3701.025. There is hereby created the medically 28849
handicapped children's medical advisory council consisting of 28850

twenty-one members to be appointed by the director of health for 28851
terms set in accordance with rules adopted by the ~~public health~~ 28852
~~council~~ director under division (A)(11) of section 3701.021 of the 28853
Revised Code. The medically handicapped children's medical 28854
advisory council shall advise the director regarding the 28855
administration of the program for medically handicapped children, 28856
the suitable quality of medical practice for providers, and the 28857
requirements for medical eligibility for the program. 28858

All members of the council shall be licensed physicians, 28859
surgeons, dentists, and other professionals in the field of 28860
medicine, representative of the various disciplines involved in 28861
the treatment of children with medically handicapping conditions, 28862
and representative of the treatment facilities involved, such as 28863
hospitals, private and public health clinics, and private 28864
physicians' offices, and shall be eligible for the program. 28865

Members of the council shall receive no compensation, but 28866
shall receive their actual and necessary travel expenses incurred 28867
in the performance of their official duties in accordance with the 28868
rules of the office of budget and management. 28869

Sec. 3701.03. (A) The director of health shall perform duties 28870
that are incident to the director's position as chief executive 28871
officer of the department of health. The director shall administer 28872
the laws relating to health and sanitation and the rules of the 28873
department of health. The director may designate employees of the 28874
department and, during a public health emergency, other persons to 28875
administer the laws and rules on the director's behalf. 28876

(B) Nothing in this section authorizes any action that 28878
prevents the fulfillment of duties or impairs the exercise of 28879
authority established by law for any other person or entity. 28880

~~(C) The director shall prepare sanitary and public health~~ 28881

~~rules for consideration by the public health council and submit to~~ 28882
~~the council recommendations for new legislation. The director~~ 28883
~~shall sit at meetings of the council but shall have no vote.~~ 28884

Sec. 3701.05. The director of health shall keep ~~the public~~ 28885
~~health council,~~ health officials, and the general public fully 28886
informed in a printed annual report in regard to the work of the 28887
department of health and on the progress that is being made in 28888
studying the cause and prevention of disease and such kindred 28889
subjects as may contribute to the welfare of the people of the 28890
state. 28891

Sec. 3701.07. (A) The ~~public director of health council~~ shall 28892
adopt rules in accordance with Chapter 119. of the Revised Code 28893
defining and classifying hospitals and dispensaries and providing 28894
for the reporting of information by hospitals and dispensaries. 28895
Except as otherwise provided in the Revised Code, the rules 28896
providing for the reporting of information shall not require 28897
inclusion of any confidential patient data or any information 28898
concerning the financial condition, income, expenses, or net worth 28899
of the facilities other than that financial information already 28900
contained in those portions of the medicare or medicaid cost 28901
report that is necessary for the department of health to certify 28902
the per diem cost under section 3701.62 of the Revised Code. The 28903
rules may require the reporting of information in the following 28904
categories: 28905

(1) Information needed to identify and classify the 28906
institution; 28907

(2) Information on facilities and type and volume of services 28908
provided by the institution; 28909

(3) The number of beds listed by category of care provided; 28910

(4) The number of licensed or certified professional 28911

employees by classification; 28912

(5) The number of births that occurred at the institution the 28913
previous calendar year; 28914

(6) Any other information that the ~~council~~ director considers 28915
relevant to the safety of patients served by the institution. 28916

Every hospital and dispensary, public or private, annually 28917
shall register with and report to the department of health. 28918
Reports shall be submitted in the manner prescribed in rules 28919
adopted under this division. 28920

(B) Every governmental entity or private nonprofit 28921
corporation or association whose employees or representatives are 28922
defined as residents' rights advocates under divisions (E)(1) and 28923
(2) of section 3721.10 of the Revised Code shall register with the 28924
department of health on forms furnished by the director of health 28925
and shall provide such reasonable identifying information as the 28926
director may prescribe. 28927

The department shall compile a list of the governmental 28928
entities, corporations, or associations registering under this 28929
division and shall update the list annually. Copies of the list 28930
shall be made available to nursing home administrators as defined 28931
in division (C) of section 3721.10 of the Revised Code ~~and to~~ 28932
~~adult care facility managers as defined in section 5119.70 of the~~ 28933
~~Revised Code.~~ 28934

Sec. 3701.072. (A) As used in this chapter: 28935

(1) "Bioterrorism" has the same meaning as in section 28936
3701.232 of the Revised Code. 28937

(2) "Surveillance" in the public health service means the 28938
systematic collection, analysis, interpretation, and dissemination 28939
of health data on an ongoing basis, to gain knowledge of the 28940
pattern of disease occurrence and potential in a community in 28941

order to control and prevent disease in the community. 28942

(3) "Trauma center" has the same meaning as in section 28943
4765.01 of the Revised Code. 28944

(B) The ~~public~~ director of health ~~council~~ shall adopt rules 28945
in accordance with Chapter 119. of the Revised Code that require a 28946
trauma center to report information to the director of health 28947
describing the trauma center's preparedness and capacity to 28948
respond to disasters, mass casualties, and bioterrorism. The 28949
~~council's~~ director's rules may require the reporting of any 28950
information the ~~council~~ director considers necessary for an 28951
accurate description of a trauma center's preparedness and 28952
capacity to respond to disasters, mass casualties, and 28953
bioterrorism. Information reported pursuant to this division is 28954
not a public record under section 149.43 of the Revised Code. 28955

(C) Upon request, the department of health shall provide a 28956
summary report of the ~~public health council's~~ rules adopted 28957
pursuant to this section. 28958

(D) The director shall review all information received 28959
pursuant to this section. After reviewing the information, the 28960
director may conduct an evaluation of a trauma center's 28961
preparedness and capacity to respond to disasters, mass 28962
casualties, and bioterrorism. An evaluation conducted pursuant to 28963
this division is not a public record under section 149.43 of the 28964
Revised Code. 28965

Sec. 3701.11. The director of health ~~and the secretary of the~~ 28966
~~public health council~~ shall have power to administer oaths in all 28967
parts of the state so far as the exercise of such power is 28968
incidental to the performance of the duties of the director ~~or of~~ 28969
~~the council.~~ 28970

Sec. 3701.132. The department of health is hereby designated 28971

as the state agency to administer the "special supplemental 28972
nutrition program for women, infants, and children" established 28973
under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 28974
1786, as amended. The ~~public director of health council~~ may adopt 28975
rules pursuant to Chapter 119. of the Revised Code as necessary 28976
for administering the program. The rules may include civil money 28977
penalties for violations of the rules. 28978

In determining eligibility for services provided under the 28979
program, the department may use the application form established 28980
under section 5111.013 of the Revised Code for the healthy start 28981
program. The department may require applicants to furnish their 28982
social security numbers. 28983

If the department determines that a vendor has committed an 28984
act with respect to the program that federal statutes or 28985
regulations or state statutes or rules prohibit, the department 28986
shall take action against the vendor in the manner required by 7 28987
C.F.R. part 246, including imposition of a civil money penalty in 28988
accordance with 7 C.F.R. 246.12, or rules adopted under this 28989
section. 28990

Sec. 3701.146. (A) In taking actions regarding tuberculosis, 28991
the director of health has all of the following duties and powers: 28992

(1) The director shall maintain registries of hospitals, 28993
clinics, physicians, or other care providers to whom the director 28994
shall refer persons who make inquiries to the department of health 28995
regarding possible exposure to tuberculosis. 28996

(2) The director shall engage in tuberculosis surveillance 28997
activities, including the collection and analysis of 28998
epidemiological information relative to the frequency of 28999
tuberculosis infection, demographic and geographic distribution of 29000
tuberculosis cases, and trends pertaining to tuberculosis. 29001

(3) The director shall maintain a tuberculosis registry to record the incidence of tuberculosis in this state.

(4) The director may appoint physicians to serve as tuberculosis consultants for geographic regions of the state specified by the director. Each tuberculosis consultant shall act in accordance with rules the director establishes and shall be responsible for advising and assisting physicians and other health care practitioners who participate in tuberculosis control activities and for reviewing medical records pertaining to the treatment provided to individuals with tuberculosis.

(B)(1) The ~~public health council~~ director shall adopt rules establishing standards for the following:

(a) Performing tuberculosis screenings;

(b) Performing examinations of individuals who have been exposed to tuberculosis and individuals who are suspected of having tuberculosis;

(c) Providing treatment to individuals with tuberculosis;

(d) Preventing individuals with communicable tuberculosis from infecting other individuals;

(e) Performing laboratory tests for tuberculosis and studies of the resistance of tuberculosis to one or more drugs;

(f) Selecting laboratories that provide in a timely fashion the results of a laboratory test for tuberculosis. The standards shall include a requirement that first consideration be given to laboratories located in this state.

(2) Rules adopted pursuant to this section shall be adopted in accordance with Chapter 119. of the Revised Code and may be consistent with any recommendations or guidelines on tuberculosis issued by the United States centers for disease control and prevention or by the American thoracic society. The rules shall

apply to county or district tuberculosis control units, physicians 29032
who examine and treat individuals for tuberculosis, and 29033
laboratories that perform tests for tuberculosis. 29034

Sec. 3701.161. The director of health shall make necessary 29035
arrangements for the production and distribution of diphtheria 29036
antitoxin. Such antitoxin shall in all respects be equal in purity 29037
and potency to the standard of requirements of the United States 29038
public health service for antitoxin for interstate commerce. 29039
Diphtheria antitoxin shall be distributed in accordance with rules 29040
the ~~public health council~~ director adopts pursuant to Chapter 119. 29041
of the Revised Code. 29042

Sec. 3701.20. (A) In accordance with rules adopted ~~by the~~ 29043
~~public health council~~, under division (C) of this section, the 29044
director of health shall establish, promote, and maintain the Ohio 29045
poison control network; designate regions within the network; and 29046
designate poison prevention and treatment centers within each 29047
region. The purposes of the network are to: 29048

(1) Reduce the mortality resulting from and the expenditures 29049
incurred because of accidental, homicidal, suicidal, occupational, 29050
or environmental poisoning; 29051

(2) Educate the public and health care professionals 29052
concerning the prevention and treatment of exposure to poison; 29053

(3) Organize poison prevention and treatment activities on a 29054
regional basis to avoid duplication and waste. 29055

(B) To be eligible for designation as a poison prevention and 29056
treatment center and to retain the designation, a center must 29057
maintain compliance with the standards established by the ~~public~~ 29058
~~health council~~ director pursuant to division (C) of this section. 29059
A poison prevention and treatment center may be operated by an 29060
individual, hospital, institution of higher education, political 29061

subdivision, association, corporation, or public or private agency. 29062
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(C) In accordance with Chapter 119. of the Revised Code, the ~~public health council~~ director shall adopt rules that do the following: 29064
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(1) Establish guidelines, based on population density and other relevant factors, and procedures to be followed ~~by the director of health~~ in designating poison control network regions and centers; 29067
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(2) Establish standards for the operation of poison prevention and treatment centers; 29071
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(3) Establish standards and procedures to be followed ~~by the director of health~~ in making grants to poison prevention and treatment centers; 29073
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(4) Establish procedures, other than those prescribed by Chapter 119. of the Revised Code, for reconsideration, at the request of the entity affected, of the denial or revocation of a designation as a poison prevention and treatment center. 29076
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(D) In accordance with rules adopted ~~by the public health council~~ under division (C) of this section, the director of health shall make grants to poison prevention and treatment centers. A center is not eligible for a grant unless, prior to receiving the grant, the entity that operates the center agrees in writing that the level of the total funds, labor, and services devoted by the entity to the center during the period of the grant will approximate, as determined by the director of health, the level of the total funds, labor, and services devoted to the center by that entity in the fiscal year preceding the fiscal year in which the grant begins. 29080
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(E) Each poison prevention and treatment center shall do all of the following: 29091
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(1) Maintain and staff a twenty-four-hour per day, toll-free, 29093
telephone line to respond to inquiries and provide information 29094
about poison prevention and treatment and available services; 29095

(2) Provide specialized treatment, consultation, information, 29096
and educational programs to health care professionals and the 29097
public; 29098

(3) Compile information on the types and frequency of 29099
treatment it provides. 29100

A center may provide the services described in divisions 29101
(E)(1) and (2) of this section either directly or through contract 29102
with other facilities, as the director of health considers 29103
appropriate. Each center shall take measures to ensure the 29104
confidentiality of information about individuals to whom treatment 29105
or services are provided. 29106

(F) The director of health may revoke the designation of a 29107
poison treatment and control center, or deny an application for 29108
designation, if the center or applicant fails to meet or maintain 29109
the standards established ~~by rule of the public health council in~~ 29110
rules adopted under division (C) of this section. The entity 29111
seeking the designation may have the revocation or denial 29112
reconsidered in accordance with rules adopted ~~by the public health~~ 29113
~~council~~ under division (C) of this section. 29114

(G)(1) A poison prevention and treatment center, its 29115
officers, employees, volunteers, or other persons associated with 29116
the center, and a person, organization, or institution that 29117
advises or assists a poison prevention and treatment center are 29118
not liable in damages in a tort action for harm that allegedly 29119
arises from advice or assistance rendered to any person unless the 29120
advice or assistance is given in a manner that constitutes willful 29121
or wanton misconduct or intentionally tortious conduct. 29122

(2) This section does not create, and shall not be construed 29123

as creating, a new cause of action or substantive legal right 29124
against a poison prevention and treatment center, its officers, 29125
employees, volunteers, or other persons associated with the 29126
center, or a person, organization, or institution that advises or 29127
assists a poison prevention and treatment center. 29128

(3) This section does not affect, and shall not be construed 29129
as affecting, any immunities from civil liability or defenses 29130
conferred by any other section of the Revised Code or available at 29131
common law, to which a poison prevention and treatment center, its 29132
officers, employees, volunteers, or other persons associated with 29133
the center or a person, organization, or institution that advises 29134
or assists a poison prevention and treatment center may be 29135
entitled under circumstances not specified by this section. 29136

(H) The director shall annually report to the general 29137
assembly findings and recommendations concerning the 29138
effectiveness, impact, and benefits of the poison prevention and 29139
treatment centers. 29140

Sec. 3701.201. (A) As used in this section, "bioterrorism" 29141
has the same meaning as in section 3701.232 of the Revised Code. 29142

(B) The ~~public~~ director of health council shall adopt rules 29143
in accordance with Chapter 119. of the Revised Code under which a 29144
poison prevention and treatment center or other health-related 29145
entity is required to report events that may be caused by 29146
bioterrorism, epidemic or pandemic disease, or established or 29147
novel infectious agents or biological or chemical toxins posing a 29148
risk of human fatality or disability. Rules adopted under this 29149
section may require a report of any of the following: 29150

(1) An unexpected pattern or increase in the number of 29151
telephone inquiries or requests to provide information about 29152
poison prevention and treatment and available services; 29153

(2) An unexpected pattern or increase in the number of requests to provide specialized treatment, consultation, information, and educational programs to health care professionals and the public;

(3) An unexpected pattern or increase in the number of requests for information on established or novel infectious agents or biological or chemical toxins posing a risk of human fatality or disability that is relatively uncommon and may have been caused by bioterrorism.

(C) Each poison prevention and treatment center and other health-related entity shall comply with any reporting requirement established in rules adopted under division (B) of this section.

(D) Information reported under this section that is protected health information pursuant to section 3701.17 of the Revised Code shall be released only in accordance with that section. Information that does not identify an individual may be released in summary, statistical, or aggregate form.

Sec. 3701.21. (A) As used in this section:

(1) "Amblyopia" means reduced vision in an eye that has not received adequate use during early childhood.

(2) "501(c) organization" means an organization exempt from federal income taxation pursuant to 26 U.S.C.A. 501(a) and (c).

(B) There is hereby created in the state treasury the save our sight fund. The fund shall consist of voluntary contributions deposited as provided in section 4503.104 of the Revised Code. All investment earnings from the fund shall be credited to the fund.

(C) The director of health shall use the money in the save our sight fund as follows:

(1) To provide support to 501(c) organizations that offer vision services in all counties of the state and have demonstrated

experience in the delivery of vision services to do one or more of 29184
the following: 29185

(a) Implement a voluntary children's vision screening 29186
training and certification program for volunteers, child care 29187
providers, nurses, teachers, health care professionals practicing 29188
in primary care settings, and others serving children; 29189

(b) Provide materials for the program implemented under 29190
division (C)(1)(a) of this section; 29191

(c) Develop and implement a registry and targeted voluntary 29192
case management system to determine whether children with 29193
amblyopia are receiving professional eye care and to provide their 29194
parents with information and support regarding their child's 29195
vision care; 29196

(d) Establish a matching grant program for the purchase and 29197
distribution of protective eyewear to children; 29198

(e) Provide vision health and safety programs and materials 29199
for classrooms. 29200

(2) For the purpose of section 4503.104 of the Revised Code, 29201
to develop and distribute informational materials on the 29202
importance of eye care and safety to the registrar of motor 29203
vehicles and each deputy registrar; 29204

(3) To pay costs incurred by the director in administering 29205
the fund; 29206

(4) To reimburse the bureau of motor vehicles for the 29207
administrative costs incurred in performing its duties under 29208
section 4503.104 of the Revised Code. 29209

(D) A 501(c) organization seeking funding from the save our 29210
sight fund for any of the projects specified in division (C) of 29211
this section shall submit a request for the funding to the 29212
director in accordance with rules adopted under division (E) of 29213

this section. The director shall determine the appropriateness of 29214
and approve or disapprove projects for funding and approve or 29215
disapprove the disbursement of money from the save our sight fund. 29216

(E) The ~~public health council~~ director shall adopt rules in 29217
accordance with Chapter 119. of the Revised Code to implement this 29218
section. The rules shall include the parameters of the projects 29219
specified in division (C)(1) of this section that may be funded 29220
with money in the save our sight fund and procedures for 501(c) 29221
organizations to request funding from the fund. 29222

Sec. 3701.221. (A) The director of health shall have charge 29223
of the public health laboratory authorized by section 3701.22 of 29224
the Revised Code. The director may employ an assistant for the 29225
laboratory who shall be a person skilled in chemistry and 29226
bacteriology, and receive compensation as the director determines. 29227
All expenses of the laboratory shall be paid from appropriations 29228
made for the department of health. 29229

(B) The ~~public health council~~ director, in accordance with 29230
Chapter 119. of the Revised Code, shall adopt, and may amend or 29231
rescind, rules establishing reasonable fees for services the 29232
laboratory performs. The ~~council~~ director need not prescribe fees 29233
where the ~~council~~ director believes that charging fees would 29234
significantly and adversely affect the public health. All fees 29235
collected for services the laboratory performs shall be deposited 29236
into the state treasury to the credit of the "laboratory handling 29237
fee fund," which is hereby created for the purpose of defraying 29238
expenses of operating the laboratory. 29239

Sec. 3701.23. (A) As used in this section, "health care 29240
provider" means any person or government entity that provides 29241
health care services to individuals. "Health care provider" 29242
includes, but is not limited to, hospitals, medical clinics and 29243

offices, special care facilities, medical laboratories, 29244
physicians, pharmacists, dentists, physician assistants, 29245
registered and licensed practical nurses, laboratory technicians, 29246
emergency medical service organization personnel, and ambulance 29247
service organization personnel. 29248

(B) Boards of health, health authorities or officials, health 29249
care providers in localities in which there are no health 29250
authorities or officials, and coroners or medical examiners shall 29251
report promptly to the department of health the existence of any 29252
of the following: 29253

(1) Asiatic cholera; 29254

(2) Yellow fever; 29255

(3) Diphtheria; 29256

(4) Typhus or typhoid fever; 29257

(5) As specified by the ~~public director of health council~~, 29258
other contagious or infectious diseases, illnesses, health 29259
conditions, or unusual infectious agents or biological toxins 29260
posing a risk of human fatality or disability. 29261

(C) No person shall fail to comply with the reporting 29262
requirements established under division (B) of this section. 29263

(D) The reports required by this section shall be submitted 29264
on forms, as required by statute or rule, and in the manner the 29265
director of health prescribes. 29266

(E) Information reported under this section that is protected 29267
health information pursuant to section 3701.17 of the Revised Code 29268
shall be released only in accordance with that section. 29269
Information that does not identify an individual may be released 29270
in summary, statistical, or aggregate form. 29271

Sec. 3701.232. (A) As used in this section: 29272

(1) "Bioterrorism" means the intentional use of any 29273
microorganism, virus, infectious substance, or biological product 29274
that may be engineered as a result of biotechnology, or any 29275
naturally occurring or bioengineered component of a microorganism, 29276
virus, infectious substance, or biological product, to cause 29277
death, disease, or other biological malfunction in a human, 29278
animal, plant, or other living organism as a means of influencing 29279
the conduct of government or intimidating or coercing a 29280
population. 29281

(2) "Pharmacist" means an individual licensed under Chapter 29282
4729. of the Revised Code to engage in the practice of pharmacy as 29283
a pharmacist. 29284

(3) "Pharmacy" and "prescription" have the same meanings as 29285
in section 4729.01 of the Revised Code. 29286

(B) The ~~public~~ director of health council shall adopt rules 29287
in accordance with Chapter 119. of the Revised Code under which a 29288
pharmacy or pharmacist is required to report significant changes 29289
in medication usage that may be caused by bioterrorism, epidemic 29290
or pandemic disease, or established or novel infectious agents or 29291
biological toxins posing a risk of human fatality or disability. 29292
Rules adopted under this section may require a report of any of 29293
the following: 29294

(1) An unexpected increase in the number of prescriptions for 29295
antibiotics; 29296

(2) An unexpected increase in the number of prescriptions for 29297
medication to treat fever or respiratory or gastrointestinal 29298
complaints; 29299

(3) An unexpected increase in sales of, or the number of 29300
requests for information on, over-the-counter medication to treat 29301
fever or respiratory or gastrointestinal complaints; 29302

(4) Any prescription for medication used to treat a disease 29303

that is relatively uncommon and may have been caused by 29304
bioterrorism. 29305

(C) No person shall fail to comply with any reporting 29306
requirement established in rules adopted under division (B) of 29307
this section. 29308

(D) Information reported under this section that is protected 29309
health information pursuant to section 3701.17 of the Revised Code 29310
shall be released only in accordance with that section. 29311
Information that does not identify an individual may be released 29312
in summary, statistical, or aggregate form. 29313

Sec. 3701.24. (A) As used in this section and sections 29314
3701.241 to 3701.249 of the Revised Code: 29315

(1) "AIDS" means the illness designated as acquired 29316
immunodeficiency syndrome. 29317

(2) "HIV" means the human immunodeficiency virus identified 29318
as the causative agent of AIDS. 29319

(3) "AIDS-related condition" means symptoms of illness 29320
related to HIV infection, including AIDS-related complex, that are 29321
confirmed by a positive HIV test. 29322

(4) "HIV test" means any test for the antibody or antigen to 29323
HIV that has been approved by the director of health under 29324
division (B) of section 3701.241 of the Revised Code. 29325

(5) "Health care facility" has the same meaning as in section 29326
1751.01 of the Revised Code. 29327

(6) "Director" means the director of health or any employee 29328
of the department of health acting on the director's behalf. 29329

(7) "Physician" means a person who holds a current, valid 29330
certificate issued under Chapter 4731. of the Revised Code 29331
authorizing the practice of medicine or surgery and osteopathic 29332

medicine and surgery.	29333
(8) "Nurse" means a registered nurse or licensed practical nurse who holds a license or certificate issued under Chapter 4723. of the Revised Code.	29334 29335 29336
(9) "Anonymous test" means an HIV test administered so that the individual to be tested can give informed consent to the test and receive the results by means of a code system that does not link the identity of the individual tested to the request for the test or the test results.	29337 29338 29339 29340 29341
(10) "Confidential test" means an HIV test administered so that the identity of the individual tested is linked to the test but is held in confidence to the extent provided by sections 3701.24 to 3701.248 of the Revised Code.	29342 29343 29344 29345
(11) "Health care provider" means an individual who provides diagnostic, evaluative, or treatment services. Pursuant to Chapter 119. of the Revised Code, the public health council <u>director</u> may adopt rules further defining the scope of the term "health care provider."	29346 29347 29348 29349 29350
(12) "Significant exposure to body fluids" means a percutaneous or mucous membrane exposure of an individual to the blood, semen, vaginal secretions, or spinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid of another individual.	29351 29352 29353 29354
(13) "Emergency medical services worker" means all of the following:	29355 29356
(a) A peace officer;	29357
(b) An employee of an emergency medical service organization as defined in section 4765.01 of the Revised Code;	29358 29359
(c) A firefighter employed by a political subdivision;	29360
(d) A volunteer firefighter, emergency operator, or rescue operator;	29361 29362

(e) An employee of a private organization that renders rescue services, emergency medical services, or emergency medical transportation to accident victims and persons suffering serious illness or injury.

(14) "Peace officer" has the same meaning as in division (A) of section 109.71 of the Revised Code, except that it also includes a sheriff and the superintendent and troopers of the state highway patrol.

(B) Persons designated by rule adopted by the ~~public health council~~ director under section 3701.241 of the Revised Code shall report promptly every case of AIDS, every AIDS-related condition, and every confirmed positive HIV test to the department of health on forms and in a manner prescribed by the director. In each county the director shall designate the health commissioner of a health district in the county to receive the reports.

(C) No person shall fail to comply with the reporting requirements established under division (B) of this section.

(D) Information reported under this section that identifies an individual is confidential and may be released only with the written consent of the individual except as the director determines necessary to ensure the accuracy of the information, as necessary to provide treatment to the individual, as ordered by a court pursuant to section 3701.243 or 3701.247 of the Revised Code, or pursuant to a search warrant or a subpoena issued by or at the request of a grand jury, prosecuting attorney, city director of law or similar chief legal officer of a municipal corporation, or village solicitor, in connection with a criminal investigation or prosecution. Information that does not identify an individual may be released in summary, statistical, or aggregate form.

Sec. 3701.241. (A) The director of health shall develop and

administer the following: 29394

(1) A surveillance system to determine the number of cases of 29395
AIDS and the HIV infection rate in various population groups; 29396

(2) Counseling and testing programs for groups determined by 29397
the director to be at risk of HIV infection, including procedures 29398
for both confidential and anonymous tests, counseling training 29399
programs for health care providers, and development of counseling 29400
guidelines; 29401

(3) A confidential partner notification system to alert and 29402
counsel sexual contacts of individuals with HIV infection; 29403

(4) Risk reduction and education programs for groups 29404
determined by the director to be at risk of HIV infection, and, in 29405
consultation with a wide range of community leaders, education 29406
programs for the public; 29407

(5) Pilot programs for the long-term care of individuals with 29408
AIDS or AIDS-related condition, including care in nursing homes 29409
and in alternative settings; 29410

(6) Programs to expand regional outpatient treatment of 29411
individuals with AIDS or AIDS-related condition; 29412

(7) A program to assist communities, including communities of 29413
less than one hundred thousand population, in establishing AIDS 29414
task forces and support groups for individuals with AIDS, 29415
AIDS-related condition, and HIV infection. The program may include 29416
the award of grants if they are matched by local funds. 29417

Information obtained or maintained under the partner 29418
notification system is not a public record under section 149.43 of 29419
the Revised Code and may be released only in accordance with 29420
division (C) of section 3701.243 of the Revised Code. 29421

(B) The director shall: 29422

(1) Approve a test or tests to be used to determine whether 29423

an individual has HIV infection, define a confirmed positive test result, and develop guidelines for interpreting test results; 29424
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(2) Establish sites for confidential and anonymous HIV tests, and prepare a list of sites where an individual may obtain an anonymous test; 29426
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(3) Prepare a list of counseling services; 29429

(4) Make available a copy of the list of anonymous testing sites or a copy of the list of counseling services to anyone who requests it. 29430
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(C) The director of health shall require the director or administrator of each site where anonymous or confidential HIV tests are given to submit a report every three months evaluating from an epidemiologic perspective the effectiveness of the HIV testing program at that site. Not later than January 31, 1991, and each year thereafter, the director of health shall make a report evaluating the anonymous and confidential testing programs throughout the state with regard to their effectiveness as epidemiologic programs. The report shall be submitted to the speaker of the house of representatives and the president of the senate and shall be made available to the public. 29433
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The ~~public~~ director of health council shall adopt rules pursuant to Chapter 119. of the Revised Code for the implementation of the requirements of division (B)(1) of this section and division (D) of section 3701.24 of the Revised Code. 29444
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(D) The director of health shall administer funds received under Title XXVI of the "Public Health Services Act," 104 Stat. 576 (1990), 42 U.S.C.A. 2601, as amended, for programs to improve the quality and availability of care for individuals with AIDS, AIDS-related condition, and HIV infection. In administering these funds, the director may enter into contracts with any person or entity for the purpose of administering the programs, including 29448
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contracts with the department of job and family services for 29455
establishment of a program of reimbursement of drugs used for 29456
treatment and care of such individuals. The director of health may 29457
adopt rules in accordance with Chapter 119. of the Revised Code 29458
and issue orders as necessary for administration of the funds. If 29459
the department of job and family services enters into a contract 29460
under this division, the director of job and family services may 29461
adopt rules in accordance with Chapter 119. of the Revised Code as 29462
necessary for carrying out the department's duties under the 29463
contract. 29464

Sec. 3701.242. (A) An HIV test may be performed by or on the 29465
order of a health care provider who, in the exercise of the 29466
provider's professional judgment, determines the test to be 29467
necessary for providing diagnosis and treatment to the individual 29468
to be tested, if the individual or the individual's parent or 29469
guardian has given consent to the provider for medical or other 29470
health care treatment. The health care provider shall inform the 29471
individual of the individual's right under division (D) of this 29472
section to an anonymous test. 29473

(B) A minor may consent to be given an HIV test. The consent 29474
is not subject to disaffirmance because of minority. The parents 29475
or guardian of a minor giving consent under this division are not 29476
liable for payment and shall not be charged for an HIV test given 29477
to the minor without the consent of a parent or the guardian. 29478

(C) The health care provider ordering an HIV test shall 29479
provide post-test counseling for an individual who receives an 29480
HIV-positive test result. The ~~public director of health council~~ 29481
~~may adopt rules, pursuant to recommendations from the director of~~ 29482
~~health and~~ in accordance with Chapter 119. of the Revised Code, 29483
specifying the information to be provided in post-test counseling. 29484

(D) An individual shall have the right to an anonymous test. 29485

A health care facility or health care provider that does not 29486
provide anonymous testing shall refer an individual requesting an 29487
anonymous test to a site where it is available. 29488

(E) Divisions (B) to (D) of this section do not apply to the 29489
performance of an HIV test in any of the following circumstances: 29490

(1) When the test is performed in a medical emergency by a 29491
nurse or physician and the test results are medically necessary to 29492
avoid or minimize an immediate danger to the health or safety of 29493
the individual to be tested or another individual, except that 29494
post-test counseling shall be given to the individual if the 29495
individual receives an HIV-positive test result; 29496

(2) When the test is performed for the purpose of research if 29497
the researcher does not know and cannot determine the identity of 29498
the individual tested; 29499

(3) When the test is performed by a person who procures, 29500
processes, distributes, or uses a human body part from a deceased 29501
person donated for a purpose specified in Chapter 2108. of the 29502
Revised Code, if the test is medically necessary to ensure that 29503
the body part is acceptable for its intended purpose; 29504

(4) When the test is performed on a person incarcerated in a 29505
correctional institution under the control of the department of 29506
rehabilitation and correction if the head of the institution has 29507
determined, based on good cause, that a test is necessary; 29508

(5) When the test is performed in accordance with section 29509
2907.27 of the Revised Code; 29510

(6) When the test is performed on an individual after the 29511
infection control committee of a health care facility, or other 29512
body of a health care facility performing a similar function 29513
determines that a health care provider, emergency medical services 29514
worker, or peace officer, while rendering health or emergency care 29515
to an individual, has sustained a significant exposure to the body 29516

fluids of that individual, and the individual has refused to give 29517
consent for testing. 29518

Sec. 3701.248. (A) As used in this section: 29519

(1) "Contagious or infectious disease" means a disease 29520
specified ~~by rule~~ in rules adopted by the ~~public director of~~ 29521
health ~~council~~ pursuant to division (F) of this section. 29522

(2) "Patient" means either of the following: 29523

(a) A person, whether alive or dead, who has been treated, or 29524
handled, or transported for medical care by an emergency medical 29525
services worker; 29526

(b) A deceased person whose body is handled by a funeral 29527
services worker. 29528

(3) "Significant exposure" means: 29529

(a) A percutaneous or mucous membrane exposure of an 29530
individual to the blood, semen, vaginal secretions, or spinal, 29531
synovial, pleural, peritoneal, pericardial, or amniotic fluid of 29532
another person; 29533

(b) Exposure to a contagious or infectious disease. 29534

(4) "Funeral services worker" means a person licensed as a 29535
funeral director or embalmer under Chapter 4717. of the Revised 29536
Code or an individual responsible for the direct final disposition 29537
of a deceased person. 29538

(B)(1) An emergency medical services worker or funeral 29539
services worker who believes that significant exposure has 29540
occurred through the worker's contact with a patient may submit to 29541
the health care facility or coroner that received the patient a 29542
written request to be notified of the results of any test 29543
performed on the patient to determine the presence of a contagious 29544
or infectious disease. The request shall include: 29545

(a) The name, address, and telephone number of the individual submitting the request; 29546
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(b) The name of the individual's employer, or, in the case of a volunteer emergency medical services worker, the entity for which the worker volunteers, and the individual's supervisor; 29548
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(c) The date, time, location, and manner of the exposure. 29551

(2) The request for notification that is submitted by an emergency medical services worker pursuant to division (B)(1) of this section is valid for ten days after it is made. If at the end of that ten-day period no test has been performed to determine the presence of a contagious or infectious disease, no diagnosis has been made, or the result of the test is negative, the health care facility or coroner shall notify the emergency medical services worker. The notification shall not include the name of the patient. If necessary, the request may be renewed in accordance with the same procedures and requirements as the original request. 29552
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(3) A health care facility or coroner shall respond immediately to a request for notification submitted pursuant to division (B)(1) of this section by a funeral services worker. If no test has been performed to determine the presence of a contagious or infectious disease, no diagnosis has been made, or the result of a test that was performed is negative, the health care facility or coroner shall immediately notify the funeral services worker. The notification shall not include the name of the patient. 29562
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On receipt of notification that no test has been performed to determine the presence of a contagious or infectious disease in a patient, the funeral services worker may have a test performed on the patient. The test shall be performed in accordance with rules adopted by the department of health pursuant to division (G) of this section. 29571
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The consent of the patient's family is not required for 29577
performance of a test pursuant to division (B)(3) of this section. 29578

(C) The health care facility or coroner that receives a 29579
written request for notification shall give an oral notification 29580
of the presence of a contagious or infectious disease, or of a 29581
confirmed positive test result, if known, to the person who made 29582
the request and the person's supervisor and to the infection 29583
control committee or other body described in division (E)(6) of 29584
section 3701.242 of the Revised Code within two days after 29585
determining the presence of a contagious or infectious disease or 29586
after a confirmed positive test result. A written notification 29587
shall follow oral notification within three days. If a contagious 29588
or infectious disease is present, or the test results are 29589
confirmed positive, both the oral and written notification shall 29590
include the name of the disease, its signs and symptoms, the date 29591
of exposure, the incubation period, the mode of transmission of 29592
the disease, the medical precautions necessary to prevent 29593
transmission to other persons, and the appropriate prophylaxis, 29594
treatment, and counseling for the disease. The notification shall 29595
not include the name of the patient. 29596

If the request is made by an emergency medical services 29597
worker and the information is not available from the health care 29598
facility to which the request is made because the patient has been 29599
transferred from that health care facility, the facility shall 29600
assist the emergency medical services worker in locating the 29601
patient and securing the requested information from the health 29602
care facility that treated or is treating the patient. If the 29603
patient has died, the health care facility shall give the 29604
emergency medical services worker the name and address of the 29605
coroner who received the patient. 29606

(D) Each health care facility and coroner shall develop 29607
written procedures to implement the notification procedures 29608

required by this section. A health care facility or coroner may 29609
take measures in addition to those required in this section to 29610
notify emergency medical services workers and funeral services 29611
workers of possible exposure to a contagious or infectious disease 29612
as long as the confidentiality of the information is maintained. 29613

(E) No person shall knowingly fail to comply with division 29614
(C) of this section. 29615

(F) The ~~public~~ director of health council shall adopt rules 29616
in accordance with Chapter 119. of the Revised Code that specify 29617
the diseases that are reasonably likely to be transmitted by air 29618
or blood during the normal course of duties performed by an 29619
emergency medical services worker or funeral services worker. In 29620
adopting such rules, the ~~council~~ director shall consider the types 29621
of contact that typically occur between patients and emergency 29622
medical services workers and funeral services workers. 29623

(G) The department of health shall adopt rules in accordance 29624
with Chapter 119. of the Revised Code specifying the procedures a 29625
funeral services worker must follow when having a test performed 29626
on a patient pursuant to division (B)(3) of this section. The 29627
rules shall specify how and by whom the test is to be performed. 29628
The rules shall require the funeral services worker or the funeral 29629
services worker's employer to pay the cost of the test. No health 29630
care facility shall be required to perform the test. 29631

Sec. 3701.341. (A) The ~~public~~ director of health council, 29632
pursuant to Chapter 119. and consistent with section 2317.56 of 29633
the Revised Code, shall adopt rules relating to abortions and the 29634
following subjects: 29635

(1) Post-abortion procedures to protect the health of the 29636
pregnant woman; 29637

(2) Pathological reports; 29638

(3) Humane disposition of the product of human conception; 29639

(4) Counseling. 29640

(B) The director of health shall implement the rules and 29641
shall apply to the court of common pleas for temporary or 29642
permanent injunctions restraining a violation or threatened 29643
violation of the rules. This action is an additional remedy not 29644
dependent on the adequacy of the remedy at law. 29645

Sec. 3701.342. After consultation with the public health 29646
standards task force established under section 3701.343 of the 29647
Revised Code, the ~~public director of health council~~ shall adopt 29648
rules establishing minimum standards and optimum achievable 29649
standards for boards of health and local health departments. The 29650
minimum standards shall assure that boards of health and local 29651
health departments provide for: 29652

(A) Analysis and prevention of communicable disease; 29653

(B) Analysis of the causes of, and appropriate treatment for, 29654
the leading causes of morbidity and mortality; 29655

(C) The administration and management of the local health 29656
department; 29657

(D) Access to primary health care by medically underserved 29658
individuals; 29659

(E) Environmental health management programs; 29660

(F) Health promotion services designed to encourage 29661
individual and community wellness. 29662

The ~~public health council~~ director shall adopt rules 29663
establishing a formula for distribution of state health district 29664
subsidy funds to boards of health and local health departments. 29665
The formula shall provide no subsidy funds to a board or 29666
department unless it meets minimum standards and shall provide 29667

higher funding levels for boards and districts that meet optimum 29668
achievable standards. 29669

Notwithstanding section 119.03 of the Revised Code, rules 29670
adopted under this section shall not take effect unless approved 29671
by concurrent resolution of the general assembly. 29672

Sec. 3701.343. The ~~chairman~~ director of the ~~public health~~ 29673
~~council~~ shall, with the advice of the association of Ohio health 29674
commissioners ~~and the director of health~~, appoint a public health 29675
standards task force to assist and advise the ~~public health~~ 29676
~~council~~ director in formulating and evaluating the standards 29677
established under section 3701.342 of the Revised Code for the 29678
provision of public health services. ~~The task force shall~~ 29679
~~recommend its standards for all categories mentioned in section~~ 29680
~~3701.342 of the Revised Code on or before March 1, 1983.~~ 29681

The task force shall have nine members, consisting of: 29682

(A) A sanitarian registered in accordance with Chapter 4736. 29683
of the Revised Code; 29684

(B) A registered nurse licensed in accordance with Chapter 29685
4723. of the Revised Code; 29686

(C) A physician ~~licensed in accordance with~~ who is authorized 29687
under Chapter 4731. of the Revised Code to practice medicine and 29688
surgery or osteopathic medicine and surgery; 29689

(D) Three health commissioners; 29690

(E) Two representatives of the department of health; 29691

(F) One individual with recognized ability in public health 29692
law, public health laboratories, epidemiology, nutrition, or 29693
health education. 29694

~~The public health standards task force shall complete its~~ 29695
~~work within three years after the effective date of this section~~ 29696

~~and shall cease to exist upon completion of its work, provided, 29697
that the public health council may reconstitute the public health 29698
standards task force, for the purpose of reviewing, evaluating, 29699
and revising the standards mandated in section 3701.342 of the 29700
Revised Code. 29701~~

Members of the task force shall elect a ~~chairman~~ chairperson. 29702
Five members of the task force constitute a quorum and six votes 29703
are necessary to validate an action. 29704

~~Within ninety days of the effective date of this section, the 29705
chairman of the public health council shall make the appointments 29706
to the task force. Within sixty days of their appointment, the 29707
task force members shall meet, organize, and begin their work. 29708
Vacancies occurring on the task force shall be filled in the same 29709
manner as the initial appointments. 29710~~

Members of the task force shall serve without compensation, 29711
but may be reimbursed for necessary expenses. 29712

Sec. 3701.344. As used in this section and sections 3701.345, 29713
3701.346, and 3701.347 of the Revised Code: 29714

(A) "Private water system" means any water system for the 29715
provision of water for human consumption, if such system has fewer 29716
than fifteen service connections and does not regularly serve an 29717
average of at least twenty-five individuals daily at least sixty 29718
days out of the year. A private water system includes any well, 29719
spring, cistern, pond, or hauled water and any equipment for the 29720
collection, transportation, filtration, disinfection, treatment, 29721
or storage of such water extending from and including the source 29722
of the water to the point of discharge from any pressure tank or 29723
other storage vessel; to the point of discharge from the water 29724
pump where no pressure tank or other storage vessel is present; 29725
or, in the case of multiple service connections serving more than 29726
one dwelling, to the point of discharge from each service 29727

connection. "Private water system" does not include the water 29728
service line extending from the point of discharge to a structure. 29729

(B) Notwithstanding section 3701.347 of the Revised Code and 29730
subject to division (C) of this section, rules adopted by the 29731
~~public director of health council~~ regarding private water systems 29732
shall provide for the following: 29733

(1) Except as otherwise provided in this division, boards of 29734
health of city or general health districts shall be given the 29735
exclusive power to establish fees in accordance with section 29736
3709.09 of the Revised Code for administering and enforcing such 29737
rules. Such fees shall establish a different rate for 29738
administering and enforcing the rules relative to private water 29739
systems serving single-family dwelling houses and nonsingle-family 29740
dwelling houses. Except for an amount established by the ~~public~~ 29741
~~health council~~ director, pursuant to division (B)(5) of this 29742
section, for each new private water system installation, no 29743
portion of any fee for administering and enforcing such rules 29744
shall be returned to the department of health. If the director of 29745
health determines that a board of health of a city or general 29746
health district is unable to administer and enforce a private 29747
water system program in the district, the director shall 29748
administer and enforce such a program in the district and 29749
establish fees for such administration and enforcement. 29750

(2) Boards of health of city or general health districts 29751
shall be given the exclusive power to determine the number of 29752
inspections necessary for determining the safe drinking 29753
characteristics of a private water system. 29754

(3) Private water systems contractors, as a condition of 29755
doing business in this state, shall annually register with, and 29756
comply with surety bonding requirements of, the department of 29757
health. No such contractor shall be permitted to register if the 29758
contractor fails to comply with all applicable rules adopted by 29759

the ~~public health council~~ director and the board of health of the 29760
city or general health district. The annual registration fee for 29761
private water systems contractors shall be sixty-five dollars. The 29762
~~public health council~~ director, by rule adopted in accordance with 29763
Chapter 119. of the Revised Code, may increase the annual 29764
registration fee. ~~Before January 1, 1993, the fee shall not be~~ 29765
~~increased by more than fifty per cent of the amount prescribed by~~ 29766
~~this section.~~ 29767

(4) ~~Boards~~ Subject to rules adopted by the director, boards 29768
of health of city or general health districts ~~subject to such~~ 29769
~~rules of the public health council~~ shall have the option of 29770
determining whether bacteriological examinations shall be 29771
performed at approved laboratories of the state or at approved 29772
private laboratories. 29773

(5) The ~~public health council~~ director may establish fees for 29774
each new private water system installation, which shall be 29775
collected by the appropriate board of health and transmitted to 29776
the director ~~of health~~ pursuant to section 3709.092 of the Revised 29777
Code. 29778

(6) All fees received by the director of health under 29779
divisions (B)(1), (3), and (5) of this section shall be deposited 29780
in the state treasury to the credit of the general operations fund 29781
created in section 3701.83 of the Revised Code for use in the 29782
administration and enforcement of sections 3701.344 to 3701.347 of 29783
the Revised Code and the rules pertaining to private water systems 29784
adopted under those sections ~~or section 3701.34 of the Revised~~ 29785
~~Code.~~ 29786

(C) To the extent that rules adopted under division (B) of 29787
this section require health districts to follow specific 29788
procedures or use prescribed forms, no such procedure or form 29789
shall be implemented until it is approved by majority vote of an 29790
approval board of health commissioners, hereby created. Members of 29791

the board shall be the officers of the association of Ohio health 29792
commissioners, or any successor organization, and membership on 29793
the board shall be coterminous with holding an office of the 29794
association. No health district is required to follow a procedure 29795
or use a form required by a rule adopted under division (B) of 29796
this section without the approval of the board. 29797

(D) A board of health shall collect well log filing fees on 29798
behalf of the division of soil and water resources in the 29799
department of natural resources in accordance with section 1521.05 29800
of the Revised Code and rules adopted under it. The fees shall be 29801
submitted to the division quarterly as provided in those rules. 29802

Sec. 3701.345. Any applicant for a permit to construct, 29803
develop, install, or modify a private water system required by 29804
rules adopted by the ~~public director of health council~~ under 29805
~~sections 3701.34 and~~ section 3701.347 of the Revised Code may 29806
apply to the board of health of the city or general health 29807
district administering and enforcing the private water supply 29808
program in the health district in which the private water system 29809
is or is to be located or, if the health district is not 29810
administering and enforcing the program, may apply to the 29811
department of health for a variance from such rules governing the 29812
design, construction, development, installation, or modification 29813
of private water systems. The application for a variance shall be 29814
made in writing and shall include a statement of the particular 29815
rule or rules from which a variance is sought, a description of 29816
the proposed system or modification, and the necessity for the 29817
variance. The board of health or the department of health shall 29818
not grant a variance unless the applicant demonstrates that: 29819

(A) There will be an unusual and unnecessary hardship in 29820
complying with the rules from which the variance is sought; 29821

(B) Contamination of the private water system will not occur 29822

as a result of construction and operation of the system as 29823
proposed by the variance application; 29824

(C) The health of persons using water from the private water 29825
system will not be endangered as a result of construction and 29826
operation of the system as proposed by the variance application; 29827
and 29828

(D) No other technically feasible and economically reasonable 29829
means exist for obtaining water from the proposed type of water 29830
source. 29831

Sec. 3701.347. Notwithstanding division (E) of section 29832
6111.42 of the Revised Code, rules adopted under such division and 29833
in effect on December 14, 1978, shall continue in effect until 29834
repealed by the environmental protection agency or superseded by 29835
rules ~~of~~ adopted by the public director of health council as 29836
hereinafter provided, as fully as if such section had not been 29837
amended by Amended Substitute Senate Bill No. 445 of the 112th 29838
general assembly on such date. Insofar as these rules affect wells 29839
for the provision of water for human consumption not used or for 29840
use by a public water system, they shall remain in effect 29841
notwithstanding repeal by the environmental protection agency 29842
until the ~~public health council~~ director adopts rules superseding 29843
them which prescribe uniform standards and procedures for the 29844
design, construction, inspection, installation, development, 29845
maintenance, and abandonment of private water systems, to protect 29846
the health of the persons served by such water systems and to 29847
establish fees at a level calculated to pay the cost of 29848
administering and enforcing such rules by the director ~~health~~ or 29849
by boards of health of city and general health districts approved 29850
by the director of health. For purposes of this section "public 29851
water system" has the meaning ascribed to it in section 6109.01 of 29852
the Revised Code. 29853

Sec. 3701.352. No person shall violate any rule the ~~public~~ 29854
~~health council,~~ director of health, or department of health adopts 29855
or any order the director or department of health issues under 29856
this chapter to prevent a threat to the public caused by a 29857
pandemic, epidemic, or bioterrorism event. 29858

Sec. 3701.40. The ~~public~~ director of health council shall by 29859
rule prescribe minimum standards for the maintenance and operation 29860
of hospitals and medical facilities which shall receive federal 29861
aid for construction under the state plan provided for by section 29862
3701.39 of the Revised Code. 29863

Boards of trustees or directors of institutions required to 29864
comply with sections 3701.01, 3701.04, 3701.08, 3701.09, and 29865
3701.37 to 3701.45 of the Revised Code shall have the right to 29866
select the professional staff members of such institutions and to 29867
select and employ interns, nurses, and other personnel, and no 29868
rules, regulations, or standards of the director of health ~~or the~~ 29869
~~public health council~~ adopted or promulgated severally or jointly 29870
shall be valid which, if enforced, would interfere in such 29871
selection or employment. 29872

The director of health may petition the common pleas court of 29873
the county in which any hospital or medical facility is located 29874
for an order enjoining any person, firm, partnership, association, 29875
corporation, or other entity, private or public, from operating a 29876
hospital or medical facility in violation of any rules adopted 29877
under this section. Irrespective of any other remedy the director 29878
may have in law or equity the court has jurisdiction to grant such 29879
injunctive relief upon a showing that the respondent named in the 29880
petition is operating in violation of such rules. 29881

Sec. 3701.503. As used in sections 3701.504 to 3701.509 of 29882
the Revised Code: 29883

(A) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian.	29884 29885 29886 29887
(B) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.	29888 29889
(C) "Custodian" means, except as used in division (A) of this section, a government agency or an individual, other than the parent or guardian, with legal or permanent custody of a child as defined in section 2151.011 of the Revised Code.	29890 29891 29892 29893
(D) "Hearing screening" means the identification of newborns and infants who may have a hearing impairment, through the use of a physiologic test.	29894 29895 29896
(E) "Hearing evaluation" means evaluation through the use of audiological procedures by an audiologist or physician.	29897 29898
(F) "Hearing impairment" means a loss of hearing in one or both ears in the frequency region important for speech recognition and comprehension.	29899 29900 29901
(G) "Newborn" means a child who is less than thirty days old.	29902
(H) "Infant" means a child who is at least thirty days but less than twenty-four months old.	29903 29904
(I) "Freestanding birthing center" has the same meaning as in section 3702.51 <u>3702.141</u> of the Revised Code.	29905 29906
(J) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	29907 29908 29909
(K) "Audiologist" means an individual authorized under section 4753.07 of the Revised Code to practice audiology.	29910 29911
(L) "Hospital" means a hospital that has a maternity unit or newborn nursery.	29912 29913

(M) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care.

(N) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

Sec. 3701.507. (A) To assist in implementing sections 3701.503 to 3701.509 of the Revised Code, the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code shall appoint a permanent infant hearing screening subcommittee. The subcommittee shall consist of the following members:

- (1) One otolaryngologist;
- (2) One neonatologist;
- (3) One pediatrician;
- (4) One neurologist;
- (5) One hospital administrator;
- (6) Two or more audiologists who are experienced in infant hearing screening and evaluation;
- (7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;
- (8) Two persons who are each a parent of a hearing-impaired child;
- (9) One geneticist;
- (10) One epidemiologist;
- (11) One adult who is deaf or hearing impaired;

(12) One representative from an organization for the deaf or hearing impaired;	29942 29943
(13) One family advocate;	29944
(14) One nurse from a well-baby neonatal nursery;	29945
(15) One nurse from a special care neonatal nursery;	29946
(16) One teacher of the deaf who works with infants and toddlers;	29947 29948
(17) One representative of the health insurance industry;	29949
(18) One representative of the bureau for children with medical handicaps;	29950 29951
(19) One representative of the department of education;	29952
(20) One representative of the Ohio department of job and family services who has responsibilities regarding medicaid;	29953 29954
(21) Any other person the advisory council appoints.	29955
(B) The infant hearing subcommittee shall:	29956
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	29957 29958 29959
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the public health council <u>director</u> under section 3701.508 of the Revised Code;	29960 29961 29962
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	29963 29964 29965 29966
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	29967 29968 29969 29970

(b) Identification of locations where hearing evaluations may be conducted;	29971 29972
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	29973 29974
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	29975 29976
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	29977 29978
(f) Preparation of the information required by section 3701.506 of the Revised Code and any other information the public health council requires the department of health to provide.	29979 29980 29981
Sec. 3701.508. (A) The public director of health council shall adopt rules governing the statewide hearing screening, tracking, and early intervention program established under section 3701.504 of the Revised Code, including rules that do all of the following:	29982 29983 29984 29985 29986
(1) Specify how hospitals and freestanding birthing centers are to comply with the requirements of section 3701.505 of the Revised Code, including methods to be used for hearing screening, except that with regard to the physiologic equipment to be used for hearing screening, the rules may require only that the equipment be capable of giving reliable results and may not specify particular equipment or a particular type of equipment;	29987 29988 29989 29990 29991 29992 29993
(2) Provide that no newborn or infant shall be required to undergo a hearing screening if the parent, guardian, or custodian of the newborn or infant objects on the grounds that the screening conflicts with the parent's, guardian's, or custodian's religious tenets and practices;	29994 29995 29996 29997 29998
(3) Provide for situations in which the parent, guardian, or custodian of a newborn or infant objects to a hearing screening	29999 30000

for reasons other than religious tenets and practices; 30001

(4) Specify how the department of health will determine 30002
whether a person is financially unable to pay for a hearing 30003
screening and define "third-party payer" for the purpose of 30004
reimbursement of hearing screening by the department under section 30005
3701.505 of the Revised Code; 30006

(5) Specify an inexpensive and efficient format and 30007
procedures for the submission of hearing screening information 30008
from hospitals and freestanding birthing centers to the department 30009
of health; 30010

(6) Specify a procedure whereby the department may conduct 30011
timely reviews of hearing screening information submissions for 30012
purposes of quality assurance, training, and disease prevention 30013
and control; 30014

(7) Specify any additional information that hospitals and 30015
freestanding birthing centers are to provide to the medically 30016
handicapped children's medical advisory council's infant hearing 30017
screening subcommittee under section 3701.509 of the Revised Code. 30018

(B) In addition to the rules adopted under division (A) of 30019
this section, the ~~council~~ director shall adopt rules that specify 30020
the training that must be completed by persons who will conduct 30021
hearing screenings. In adopting these rules, the ~~council~~ director 30022
shall consider incorporating cost-saving training methods, 30023
including computer-assisted learning and on-site training. Neither 30024
the rules nor the director of health may establish a minimum 30025
educational level for persons conducting hearing screenings. 30026

(C) All rules adopted under this section shall be adopted in 30027
accordance with Chapter 119. of the Revised Code and shall be 30028
adopted so as to take effect not later than six months after ~~the~~ 30029
~~effective date of this section~~ August 1, 2002. 30030

Sec. 3701.509. (A) The department of health shall develop a mechanism to analyze and interpret the hearing screening information to be reported under division (B) of this section. The department shall notify all hospitals and freestanding birthing centers subject to the reporting requirements of the date the department anticipates that the mechanism will be complete. After the mechanism is complete, the department shall notify each hospital and freestanding birthing center subject to the reporting requirement of the date by which the hospital or center must submit its first report.

(B) Subject to division (A) of this section and in accordance with rules adopted by the ~~public director of health council~~ under section 3701.508 of the Revised Code, each hospital and freestanding birthing center that has conducted a hearing screening required by section 3701.505 of the Revised Code shall provide to the department of health for use by the medically handicapped children's medical advisory council's infant hearing screening subcommittee information specifying all of the following:

(1) The number of newborns born in the hospital or freestanding birthing center and the number of newborns and infants not screened because they were transferred to another hospital;

(2) The number of newborns and infants referred to the hospital or freestanding birthing center for a hearing screening and the number of those newborns and infants who received a hearing screening;

(3) The number of newborns and infants who did not pass the hearing screenings conducted by the hospital or freestanding birthing center;

(4) Any other information concerning the program established

under section 3701.504 of the Revised Code. 30062

(C) The department of health shall conduct a timely review of 30063
the information submitted by hospitals and freestanding birthing 30064
centers in accordance with rules adopted by the ~~public health~~ 30065
~~council~~ director under section 3701.508 of the Revised Code. 30066

(D) The infant hearing screening subcommittee, with the 30067
support of the department of health, shall compile and summarize 30068
the information submitted to the department by hospitals and 30069
freestanding birthing centers under division (B) of this section. 30070
Beginning with the first year after the mechanism developed under 30071
division (A) of this section is complete, the subcommittee shall 30072
annually prepare and transmit a report to the director of health, 30073
the speaker of the house of representatives, and the president of 30074
the senate. The council shall make the report available to the 30075
public. 30076

(E) The department and all members of the subcommittee shall 30077
maintain the confidentiality of patient-identifying information 30078
submitted under division (B) of this section and section 3701.505 30079
of the Revised Code. The information is not a public record under 30080
section 149.43 of the Revised Code, except to the extent that the 30081
information is used in preparing reports under this section. 30082

Nothing in this division prohibits the department from 30083
providing patient-identifying information to other entities as it 30084
considers necessary to implement the statewide tracking and early 30085
intervention components of the program established under section 30086
3701.504 of the Revised Code. Any entity that receives 30087
patient-identifying information from the department shall maintain 30088
the confidentiality of the information. 30089

Sec. 3701.57. All prosecutions and proceedings by the 30090
department of health for the violation of sections 3701.01 to 30091
3701.56, 3705.01 to 3705.29, 3707.06, 3709.01 to 3709.04, 3709.07 30092

to 3709.11, 3709.13, 3709.17, 3709.18, and 3709.21 to 3709.36 of 30093
the Revised Code, or for the violation of any of the orders or 30094
rules of the department, shall be instituted by the director of 30095
health. Except as provided in division (C) of section 3701.571 of 30096
the Revised Code, all fines or judgments the department collects 30097
shall be paid into the state treasury to the credit of the general 30098
revenue fund. 30099

The director of health, the board of health of a general or 30100
city health district, or any person charged with enforcing the 30101
rules of the department of health as provided in section 3701.56 30102
of the Revised Code may petition the court of common pleas for 30103
injunctive or other appropriate relief requiring any person 30104
violating a rule adopted by ~~the public health council under~~ 30105
~~section 3701.34 of the Revised Code~~ or any order issued by the 30106
director of health under this chapter to comply with such rule or 30107
order. The court of common pleas of the county in which the 30108
offense is alleged to be occurring may grant such injunctive or 30109
other appropriate relief as the equities of the case require. 30110

Sec. 3701.63. (A) As used in this section and section 3701.64 30111
of the Revised Code: 30112

(1) "Child day-care center," "type A family day-care home," 30113
and "certified type B family day-care home" have the same meanings 30114
as in section 5104.01 of the Revised Code. 30115

(2) "Child care facility" means a child day-care center, a 30116
type A family day-care home, or a certified type B family day-care 30117
home. 30118

(3) "Freestanding birthing center" has the same meaning as in 30119
section ~~3702.51~~ 3702.141 of the Revised Code. 30120

(4) "Hospital" means a hospital classified pursuant to rules 30121
adopted under section 3701.07 of the Revised Code as a general 30122

hospital or children's hospital. 30123

(5) "Maternity unit" means any unit or place in a hospital 30124
where women are regularly received and provided care during all or 30125
part of the maternity cycle, except that "maternity unit" does not 30126
include an emergency department or similar place dedicated to 30127
providing emergency health care. 30128

(6) "Parent" means either parent, unless the parents are 30129
separated or divorced or their marriage has been dissolved or 30130
annulled, in which case "parent" means the parent who is the 30131
residential parent and legal custodian of the child. "Parent" also 30132
means a prospective adoptive parent with whom a child is placed. 30133

(7) "Shaken Baby Syndrome" means signs and symptoms, 30134
including, but not limited to, retinal hemorrhages in one or both 30135
eyes, subdural hematoma, or brain swelling, resulting from the 30136
violent shaking or the shaking and impacting of the head of an 30137
infant or small child. 30138

(B) The director of health shall establish the shaken baby 30139
syndrome education program by doing all of the following: 30140

(1) By not later than one year after February 29, 2008, 30141
developing educational materials that present readily 30142
comprehensible information on shaken baby syndrome; 30143

(2) Making available on the department of health web site in 30144
an easily accessible format the educational materials developed 30145
under division (B)(1) of this section; 30146

(3) Beginning in 2009, annually assessing the effectiveness 30147
of the shaken baby syndrome education program by evaluating the 30148
reports received pursuant to section 5101.135 of the Revised Code. 30149

(C) In meeting the requirements under division (B) of this 30150
section, the director shall not develop educational materials that 30151
will impose an administrative or financial burden on any of the 30152

entities or persons listed in section 3701.64 of the Revised Code. 30153

Sec. 3701.74. (A) As used in this section and section 30154
3701.741 of the Revised Code: 30155

(1) "Ambulatory care facility" means a facility that provides 30156
medical, diagnostic, or surgical treatment to patients who do not 30157
require hospitalization, including a dialysis center, ambulatory 30158
surgical facility, cardiac catheterization facility, diagnostic 30159
imaging center, extracorporeal shock wave lithotripsy center, home 30160
health agency, inpatient hospice, birthing center, radiation 30161
therapy center, emergency facility, and an urgent care center. 30162
"Ambulatory care facility" does not include the private office of 30163
a physician or dentist, whether the office is for an individual or 30164
group practice. 30165

(2) "Chiropractor" means an individual licensed under Chapter 30166
4734. of the Revised Code to practice chiropractic. 30167

(3) "Emergency facility" means a hospital emergency 30168
department or any other facility that provides emergency medical 30169
services. 30170

(4) "Health care practitioner" means all of the following: 30171

(a) A dentist or dental hygienist licensed under Chapter 30172
4715. of the Revised Code; 30173

(b) A registered or licensed practical nurse licensed under 30174
Chapter 4723. of the Revised Code; 30175

(c) An optometrist licensed under Chapter 4725. of the 30176
Revised Code; 30177

(d) A dispensing optician, spectacle dispensing optician, 30178
contact lens dispensing optician, or spectacle-contact lens 30179
dispensing optician licensed under Chapter 4725. of the Revised 30180
Code; 30181

(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	30182 30183
(f) A physician;	30184
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	30185 30186
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	30187 30188
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	30189 30190
(j) A chiropractor;	30191
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	30192 30193
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	30194 30195
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	30196 30197
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	30198 30199
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	30200 30201 30202 30203
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	30204 30205
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	30206 30207
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	30208 30209 30210

(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.

(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; ~~an adult care a residential facility, as defined in licensed under section 5119.70~~ 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility or intermediate care facility for the mentally retarded, as those terms are defined in section 5111.20 of the Revised Code; a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.

(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment.

(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative.

(10) "Patient" means either of the following:

(a) An individual who received health care treatment from a health care provider;

(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this

section. 30242

(11) "Patient's personal representative" means a minor 30243
patient's parent or other person acting in loco parentis, a 30244
court-appointed guardian, or a person with durable power of 30245
attorney for health care for a patient, the executor or 30246
administrator of the patient's estate, or the person responsible 30247
for the patient's estate if it is not to be probated. "Patient's 30248
personal representative" does not include an insurer authorized 30249
under Title XXXIX of the Revised Code to do the business of 30250
sickness and accident insurance in this state, a health insuring 30251
corporation holding a certificate of authority under Chapter 1751. 30252
of the Revised Code, or any other person not named in this 30253
division. 30254

(12) "Pharmacy" has the same meaning as in section 4729.01 of 30255
the Revised Code. 30256

(13) "Physician" means a person authorized under Chapter 30257
4731. of the Revised Code to practice medicine and surgery, 30258
osteopathic medicine and surgery, or podiatric medicine and 30259
surgery. 30260

(14) "Authorized person" means a person to whom a patient has 30261
given written authorization to act on the patient's behalf 30262
regarding the patient's medical record. 30263

(B) A patient, a patient's personal representative or an 30264
authorized person who wishes to examine or obtain a copy of part 30265
or all of a medical record shall submit to the health care 30266
provider a written request signed by the patient, personal 30267
representative, or authorized person dated not more than one year 30268
before the date on which it is submitted. The request shall 30269
indicate whether the copy is to be sent to the requestor, 30270
physician or chiropractor, or held for the requestor at the office 30271
of the health care provider. Within a reasonable time after 30272

receiving a request that meets the requirements of this division 30273
and includes sufficient information to identify the record 30274
requested, a health care provider that has the patient's medical 30275
records shall permit the patient to examine the record during 30276
regular business hours without charge or, on request, shall 30277
provide a copy of the record in accordance with section 3701.741 30278
of the Revised Code, except that if a physician or chiropractor 30279
who has treated the patient determines for clearly stated 30280
treatment reasons that disclosure of the requested record is 30281
likely to have an adverse effect on the patient, the health care 30282
provider shall provide the record to a physician or chiropractor 30283
designated by the patient. The health care provider shall take 30284
reasonable steps to establish the identity of the person making 30285
the request to examine or obtain a copy of the patient's record. 30286

(C) If a health care provider fails to furnish a medical 30287
record as required by division (B) of this section, the patient, 30288
personal representative, or authorized person who requested the 30289
record may bring a civil action to enforce the patient's right of 30290
access to the record. 30291

(D)(1) This section does not apply to medical records whose 30292
release is covered by section 173.20 or 3721.13 of the Revised 30293
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 30294
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 30295
Records," or by 42 C.F.R. 483.10. 30296

(2) Nothing in this section is intended to supersede the 30297
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 30298
and 2305.252 of the Revised Code. 30299

Sec. 3701.87. The governor may authorize the department of 30300
health to enter into an agreement on behalf of the state with the 30301
United States secretary of health, ~~education,~~ and ~~welfare~~ human 30302
services whereby the department may serve as the agency for review 30303

of proposed capital expenditures by health care facilities 30304
pursuant to section 1122 of the "Social Security Act" as amended 30305
by Public Law 92-603, 42 U.S.C. 1320a-1, and the regulations 30306
adopted thereunder. Such agreement shall be subject to and include 30307
the following terms and conditions: 30308

(A) All applications, notices, requests for information, and 30309
other official communications shall be on written forms prescribed 30310
by and approved by the director of health ~~and approved by the~~ 30311
~~public health council.~~ 30312

(B) The ~~council~~ director, subject to Chapter 119. of the 30313
Revised Code, shall propose, modify, amend, and adopt rules, 30314
standards, guidelines, and official policies which are consistent 30315
with federal law, as it deems necessary to implement the capital 30316
expenditures review program. 30317

(C) The director shall make all findings and recommendations 30318
required by federal law and shall give due consideration to the 30319
findings, reviews, and comments of areawide health planning 30320
agencies performing reviews pursuant to section 314 (b)(2) of the 30321
"Public Health Service Act," 42 U.S.C. 246, or the appropriate 30322
health systems agency. 30323

(D) The findings and recommendations of the director shall be 30324
in writing and shall clearly specify the provisions of the state 30325
health facilities plan with which any application is found to be 30326
inconsistent. Any applicant adversely affected by the findings and 30327
recommendations of the director may request a hearing before the 30328
~~council~~ director pursuant to Chapter 119. of the Revised Code. The 30329
findings and recommendations of the ~~council~~ director are an 30330
adjudication as defined in Chapter 119. of the Revised Code and 30331
may be appealed as provided in that chapter. 30332

Sec. 3701.881. (A) As used in this section: 30333

- (1) "Applicant" means ~~both of the following:~~ 30334
- ~~(a) A a person who is under final consideration for~~ 30335
~~appointment to or employment with a home health agency in a~~ 30336
~~position as a person responsible for the care, custody, or control~~ 30337
~~of a child;~~ 30338
- ~~(b) A person who is under final consideration for employment~~ 30339
~~with a home health agency in a full-time, part-time, or temporary~~ 30340
~~position that involves providing direct care to an elder adult~~ 30341
~~individual or is referred to a home health agency by an employment~~ 30342
~~service for such a position. With regard to persons providing~~ 30343
~~direct care to older adults, "applicant" does not include a person~~ 30344
~~who provides direct care as a volunteer without receiving or~~ 30345
~~expecting to receive any form of remuneration other than~~ 30346
~~reimbursement for actual expenses.~~ 30347
- (2) "Criminal records check" ~~and "elder adult" have~~ has the 30348
same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 30349
- (3) "Direct care" means any of the following: 30350
- (a) Any service identified in divisions (A)(6)(a) to (f) of 30351
this section that is provided in a patient's place of residence 30352
used as the patient's home; 30353
- (b) Any activity that requires the person performing the 30354
activity to be routinely alone with a patient or to routinely have 30355
access to a patient's personal property or financial documents 30356
regarding a patient; 30357
- (c) For each home health agency individually, any other 30358
routine service or activity that the chief administrator of the 30359
home health agency designates as direct care. 30360
- (4) "Disqualifying offense" means any of the following: 30361
- (a) One or more violations of section 959.13, 2903.01, 30362
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 30363

<u>2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,</u>	30364
<u>2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03,</u>	30365
<u>2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21,</u>	30366
<u>2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321,</u>	30367
<u>2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22,</u>	30368
<u>2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13,</u>	30369
<u>2913.02, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32,</u>	30370
<u>2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45,</u>	30371
<u>2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02,</u>	30372
<u>2917.03, 2917.12, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22,</u>	30373
<u>2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21,</u>	30374
<u>2921.24, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,</u>	30375
<u>2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32,</u>	30376
<u>2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06,</u>	30377
<u>2925.09, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36,</u>	30378
<u>2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;</u>	30379
<u>(b) One or more violations of felonious sexual penetration</u>	30380
<u>under former section 2907.12 of the Revised Code;</u>	30381
<u>(c) One or more violations of section 2905.04 of the Revised</u>	30382
<u>Code as it existed prior to July 1, 1996;</u>	30383
<u>(d) One violation of section 2925.11 of the Revised Code when</u>	30384
<u>the violation is not a minor drug possession offense;</u>	30385
<u>(e) Two or more violations of section 2925.11 of the Revised</u>	30386
<u>Code, regardless of whether any of the violations are a minor drug</u>	30387
<u>possession offense;</u>	30388
<u>(f) One or more violations of section 2923.01, 2923.02, or</u>	30389
<u>2923.03 of the Revised Code when the underlying offense that is</u>	30390
<u>the object of the conspiracy, attempt, or complicity is one of the</u>	30391
<u>offenses listed in divisions (A)(3)(a) to (e) of this section;</u>	30392
<u>(g) One or more violations of an existing or former municipal</u>	30393
<u>ordinance or law of this state, any other state, or the United</u>	30394

States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (f) of this section. 30395
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(5) "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service. 30397
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(6) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, or hospice care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home: 30402
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30404
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(a) Skilled nursing care; 30407

(b) Physical therapy; 30408

(c) Speech-language pathology; 30409

(d) Occupational therapy; 30410

(e) Medical social services; 30411

(f) Home health aide services. 30412

~~(4)~~(7) "Home health aide services" means any of the following services provided by an ~~individual employed with or contracted for~~ employee of a home health agency: 30413
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(a) Hands-on bathing or assistance with a tub bath or shower; 30416

(b) Assistance with dressing, ambulation, and toileting; 30417

(c) Catheter care but not insertion; 30418

(d) Meal preparation and feeding. 30419

~~(5)~~(8) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code. 30420
30421

~~(6)~~(9) "Medical social services" means services provided by a 30422

social worker under the direction of a patient's attending physician. 30423
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~~(7)~~(10) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 30425
30426

~~(8)~~(11) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code. 30427
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~~(9)~~(12) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code. 30430
30431

~~(10)~~(13) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code. 30432
30433

~~(11)~~(14) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker. 30434
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~~(12)~~(15) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code. 30437
30438

(B) No home health agency shall employ an applicant or continue to employ an employee in a position that involves providing direct care to an individual if any of the following apply: 30439
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(1) A review of the databases listed in division (D) of this section reveals any of the following: 30443
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(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section; 30445
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(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of 30448
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such a resident; 30453

(c) That the applicant or employee is included in one or more 30454
of the databases, if any, specified in rules adopted under this 30455
section and the rules prohibit the home health agency from 30456
employing an applicant or continuing to employ an employee 30457
included in such a database in a position that involves providing 30458
direct care to an individual. 30459

(2) After the applicant or employee is provided, pursuant to 30460
division (E)(2)(a) of this section, a copy of the form prescribed 30461
pursuant to division (C)(1) of section 109.572 of the Revised Code 30462
and the standard impression sheet prescribed pursuant to division 30463
(C)(2) of that section, the applicant or employee fails to 30464
complete the form or provide the applicant's or employee's 30465
fingerprint impressions on the standard impression sheet. 30466

(3) Except as provided in rules adopted under this section, 30467
the applicant or employee is found by a criminal records check 30468
required by this section to have been convicted of, pleaded guilty 30469
to, or been found eligible for intervention in lieu of conviction 30470
for a disqualifying offense. 30471

(C) Except as provided by division (F) of this section, the 30472
chief administrator of a home health agency shall inform each 30473
applicant of both of the following at the time of the applicant's 30474
initial application for employment or referral to the home health 30475
agency by an employment service for a position that involves 30476
providing direct care to an individual: 30477

(1) That a review of the databases listed in division (D) of 30478
this section will be conducted to determine whether the home 30479
health agency is prohibited by division (B)(1) of this section 30480
from employing the applicant in the position; 30481

(2) That, unless the database review reveals that the 30482
applicant may not be employed in the position, a criminal records 30483

check of the applicant will be conducted and the applicant is 30484
required to provide a set of the applicant's fingerprint 30485
impressions as part of the criminal records check. 30486

(D) As a condition of employing any applicant in a position 30487
that involves providing direct care to an individual, the chief 30488
administrator of a home health agency shall conduct a database 30489
review of the applicant in accordance with rules adopted under 30490
this section. If rules adopted under this section so require, the 30491
chief administrator of a home health agency shall conduct a 30492
database review of an employee in accordance with the rules as a 30493
condition of continuing to employ the employee in a position that 30494
involves providing direct care to an individual. However, the 30495
chief administrator is not required to conduct a database review 30496
of an applicant or employee if division (F) of this section 30497
applies. A database review shall determine whether the applicant 30498
or employee is included in any of the following: 30499

(1) The excluded parties list system maintained by the United 30500
States general services administration pursuant to subpart 9.4 of 30501
the federal acquisition regulation; 30502

(2) The list of excluded individuals and entities maintained 30503
by the office of inspector general in the United States department 30504
of health and human services pursuant to section 1128 of the 30505
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 30506
amended, and section 1156 of the "Social Security Act," 96 Stat. 30507
388 (1982), 42 U.S.C. 1320c-5, as amended; 30508

(3) The registry of MR/DD employees established under section 30509
5123.52 of the Revised Code; 30510

(4) The internet-based sex offender and child-victim offender 30511
database established under division (A)(11) of section 2950.13 of 30512
the Revised Code; 30513

(5) The internet-based database of inmates established under 30514

section 5120.66 of the Revised Code; 30515

(6) The state nurse aide registry established under section 30516
3721.32 of the Revised Code; 30517

(7) Any other database, if any, specified in rules adopted 30518
under this section. 30519

(E)(1) Except as provided in division (I) of this section As 30520
a condition of employing any applicant in a position that involves 30521
providing direct care to an individual, the chief administrator of 30522
a home health agency shall request the superintendent of the 30523
bureau of criminal identification and investigation to conduct a 30524
criminal records check ~~with respect to each of the~~ applicant. ~~If~~ 30525
~~the position may involve both responsibility for the care,~~ 30526
~~eustody, or control of a child and provision of direct care to an~~ 30527
~~elder adult, the chief administrator shall request that the~~ 30528
~~superintendent conduct a single criminal records check for the~~ 30529
~~applicant. If rules adopted under this section so require, the~~ 30530
chief administrator of a home health agency shall request the 30531
superintendent to conduct a criminal records check of an employee 30532
at times specified in the rules as a condition of continuing to 30533
employ the employee in a position that involves providing direct 30534
care to an individual. However, the chief administrator is not 30535
required to request the criminal records check of the applicant or 30536
the employee if division (F) of this section applies or the home 30537
health agency is prohibited by division (B)(1) of this section 30538
from employing the applicant or continuing to employ the employee 30539
in a position that involves providing direct care to an 30540
individual. If an applicant or employee for whom a criminal 30541
records check request is required ~~under~~ by this division section 30542
does not present proof of having been a resident of this state for 30543
the five-year period immediately prior to the date upon which the 30544
criminal records check is requested or does not provide evidence 30545
that within that five-year period the superintendent has requested 30546

information about the applicant from the federal bureau of 30547
investigation in a criminal records check, the chief administrator 30548
shall request that the superintendent obtain information from the 30549
federal bureau of investigation as a part of the criminal records 30550
check ~~for the applicant~~. Even if an applicant or employee for whom 30551
a criminal records check request is required ~~under~~ by this 30552
~~division section~~ presents proof that the applicant or employee has 30553
been a resident of this state for that five-year period, the chief 30554
administrator may request that the superintendent include 30555
information from the federal bureau of investigation in the 30556
criminal records check. 30557

(2) ~~Any person required by division (B)(1) of this section to~~ 30558
~~request a criminal records check~~ The chief administrator shall 30559
provide do all of the following: 30560

(a) Provide to each applicant and employee for whom a 30561
criminal records check request is required ~~under that division by~~ 30562
this section a copy of the form prescribed pursuant to division 30563
(C)(1) of section 109.572 of the Revised Code and a standard 30564
impression sheet prescribed pursuant to division (C)(2) of that 30565
~~section 109.572 of the Revised Code, obtain;~~ 30566

(b) Obtain the completed form and standard impression sheet 30567
from each applicant, and ~~forward~~ employee; 30568

(c) Forward the completed form and standard impression sheet 30569
to the superintendent ~~of the bureau of criminal identification and~~ 30570
~~investigation~~ at the time the chief administrator requests a the 30571
criminal records check ~~pursuant to division (B)(1) of this~~ 30572
~~section.~~ 30573

(3) ~~An applicant who receives pursuant to division (B)(2) of~~ 30574
~~this section a copy of the form prescribed pursuant to division~~ 30575
~~(C)(1) of section 109.572 of the Revised Code and a copy of an~~ 30576
~~impression sheet prescribed pursuant to division (C)(2) of that~~ 30577

~~section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheets with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide fingerprint impressions, the home health agency shall not employ that applicant for any position for which a criminal records check is required by division (B)(1) of this section.~~

~~(C)(1) Except as provided in rules adopted by the department of health in accordance with division (F) of this section and subject to division (C)(3) of this section, no home health agency shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the following:~~

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

~~(b) A violation of an existing or former law of this state,~~

~~any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (C)(1)(a) of
this section.~~ 30610
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~~(2) Except as provided in rules adopted by the department of
health in accordance with division (F) of this section and subject
to division (C)(3) of this section, no home health agency shall
employ a person in a position that involves providing direct care
to an older adult if the person previously has been convicted of
or pleaded guilty to any of the following:~~ 30613
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~~(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,
2925.22, 2925.23, or 3716.11 of the Revised Code.~~ 30619
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~~(b) A violation of an existing or former law of this state,
any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (C)(2)(a) of
this section.~~ 30628
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(3)(a) A home health agency shall pay to the bureau of
criminal identification and investigation the fee prescribed
pursuant to division (C)(3) of section 109.572 of the Revised Code
for each criminal records check the agency requests under this
section. A home health agency may charge an applicant a fee not
exceeding the amount the agency pays to the bureau under this
section if both of the following apply: 30632
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(a) The home health agency notifies the applicant at the time
of initial application for employment of the amount of the fee and 30639
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that, unless the fee is paid, the applicant will not be considered 30641
for employment. 30642

(b) The medicaid program established under Chapter 5111. of 30643
the Revised Code does not reimburse the home health agency for the 30644
fee it pays to the bureau under this section. 30645

(F) Divisions (C) to (E) of this section do not apply with 30646
regard to an applicant or employee if the applicant or employee is 30647
referred to a home health agency by an employment service that 30648
supplies full-time, part-time, or temporary staff for positions 30649
that involve providing direct care to an individual and both of 30650
the following apply: 30651

(1) The chief administrator of the home health agency 30652
receives from the employment service confirmation that a review of 30653
the databases listed in division (D) of this section was conducted 30654
with regard to the applicant or employee. 30655

(2) The chief administrator of the home health agency 30656
receives from the employment service, applicant, or employee a 30657
report of the results of a criminal records check of the applicant 30658
or employee that has been conducted by the superintendent within 30659
the one-year period immediately preceding the following: 30660

(a) In the case of an applicant, the date of the applicant's 30661
referral by the employment service to the home health agency; 30662

(b) In the case of an employee, the date by which the home 30663
health agency would otherwise have to request a criminal records 30664
check of the employee under division (E) of this section. 30665

(G)(1) A home health agency may employ conditionally an 30666
applicant for whom a criminal records check request is required 30667
under division (B) of by this section as a person responsible for 30668
the care, custody, or control of a child until the criminal 30669
records check regarding the applicant required by this section is 30670
completed and the agency receives before obtaining the results of 30671

the criminal records check if the agency is not prohibited by 30672
division (B) of this section from employing the applicant in a 30673
position that involves providing direct care to an individual and 30674
either of the following applies: 30675

(a) The chief administrator of the home health agency 30676
requests the criminal records check in accordance with division 30677
(E) of this section not later than five business days after the 30678
applicant begins conditional employment. 30679

(b) The applicant is referred to the home health agency by an 30680
employment service, the employment service or the applicant 30681
provides the chief administrator of the agency a letter that is on 30682
the letterhead of the employment service, the letter is dated and 30683
signed by a supervisor or another designated official of the 30684
employment service, and the letter states all of the following: 30685

(i) That the employment service has requested the 30686
superintendent to conduct a criminal records check regarding the 30687
applicant; 30688

(ii) That the requested criminal records check is to include 30689
a determination of whether the applicant has been convicted of, 30690
pleaded guilty to, or been found eligible for intervention in lieu 30691
of conviction for a disqualifying offense; 30692

(iii) That the employment service has not received the 30693
results of the criminal records check as of the date set forth on 30694
the letter; 30695

(iv) That the employment service promptly will send a copy of 30696
the results of the criminal records check to the chief 30697
administrator of the home health agency when the employment 30698
service receives the results. 30699

(2) If a home health agency employs an applicant 30700
conditionally pursuant to division (G)(1)(b) of this section, the 30701
employment service, on its receipt of the results of the criminal 30702

~~records check, promptly shall send a copy of the results to the 30703
chief administrator of the agency. If the results of the criminal 30704
records check indicate that, pursuant to division (C)(1) of this 30705
section, the applicant does not qualify for employment, the agency 30706
shall release the applicant from employment unless the agency 30707
chooses to employ the applicant pursuant to division (F) of this 30708
section. 30709~~

~~(b)(i) A home health agency may employ conditionally an 30710
applicant for whom a criminal records check request is required 30711
under division (B) of this section in a position that involves 30712
providing direct care to an older adult or in a position that 30713
involves both responsibility for the care, custody, and control of 30714
a child and the provision of direct care to older adults prior to 30715
obtaining the results of a criminal records check regarding the 30716
individual, provided that the agency shall request a criminal 30717
records check regarding the individual in accordance with division 30718
(B)(1) of this section not later than five business days after the 30719
individual begins conditional employment. In the circumstances 30720
described in division (I)(2) of this section, a home health agency 30721
may employ conditionally in a position that involves providing 30722
direct care to an older adult an applicant who has been referred 30723
to the home health agency by an employment service that supplies 30724
full time, part time, or temporary staff for positions involving 30725
the direct care of older adults and for whom, pursuant to that 30726
division, a criminal records check is not required under division 30727
(B) of this section. In the circumstances described in division 30728
(I)(4) of this section, a home health agency may employ 30729
conditionally in a position that involves both responsibility for 30730
the care, custody, and control of a child and the provision of 30731
direct care to older adults an applicant who has been referred to 30732
the home health agency by an employment service that supplies 30733
full time, part time, or temporary staff for positions involving 30734
both responsibility for the care, custody, and control of a child 30735~~

~~and the provision of direct care to older adults and for whom, 30736
pursuant to that division, a criminal records check is not 30737
required under division (B) of this section. 30738~~

~~(ii)(3) A home health agency that employs an individual 30739
applicant conditionally under authority of pursuant to division 30740
(C)(3)(b)(i)(G)(1)(a) or (b) of this section shall terminate the 30741
individual's applicant's employment if the results of the criminal 30742
records check requested under division (B)(1) of this section or 30743
described in division (I)(2) or (4) of this section, other than 30744
the results of any request for information from the federal bureau 30745
of investigation, are not obtained within the period ending thirty 30746
days after the date the request for the criminal records check is 30747
made. Regardless of when the results of the criminal records check 30748
are obtained, if the individual was employed conditionally in a 30749
position that involves the provision of direct care to older 30750
adults and the results indicate that the individual applicant has 30751
been convicted of or, pleaded guilty to any of the offenses listed 30752
or described in division (C)(2) of this section, or if the 30753
individual was employed conditionally in a position that involves 30754
both responsibility for the care, custody, and control of a child 30755
and the provision of direct care to older adults and the results 30756
indicate that the individual has been convicted of or pleaded 30757
guilty to any of the offenses listed or described in division 30758
(C)(1) or (2) of this section, or been found eligible for 30759
intervention in lieu of conviction for a disqualifying offense, 30760
the home health agency shall terminate the individual's 30761
applicant's employment unless circumstances specified in rules 30762
adopted under this section that permit the agency to employ the 30763
applicant exist and the agency chooses to employ the individual 30764
pursuant to division (F) of this section applicant. Termination of 30765
employment under this division shall be considered just cause for 30766
discharge for purposes of division (D)(2) of section 4141.29 of 30767
the Revised Code if the individual applicant makes any attempt to 30768~~

deceive the home health agency about the individual's applicant's 30769
criminal record. 30770

~~(D)(1) Each home health agency shall pay to the bureau of 30771
criminal identification and investigation the fee prescribed 30772
pursuant to division (C)(3) of section 109.572 of the Revised Code 30773
for each criminal records check conducted in accordance with that 30774
section upon the request pursuant to division (B)(1) of this 30775
section of the chief administrator of the home health agency. 30776~~

~~(2) A home health agency may charge an applicant a fee for 30777
the costs it incurs in obtaining a criminal records check under 30778
this section, unless the medical assistance program established 30779
under Chapter 5111. of the Revised Code reimburses the agency for 30780
the costs. A fee charged under division (D)(2) of this section 30781
shall not exceed the amount of fees the agency pays under division 30782
(D)(1) of this section. If a fee is charged under division (D)(2) 30783
of this section, the agency shall notify the applicant at the time 30784
of the applicant's initial application for employment of the 30785
amount of the fee and that, unless the fee is paid, the agency 30786
will not consider the applicant for employment. 30787~~

~~(E)(H) The report of any criminal records check conducted by 30788
the bureau of criminal identification and investigation in 30789
accordance with section 109.572 of the Revised Code and pursuant 30790
to a request made under ~~division (B)(1) of this section~~ is not a 30791
public record for the purposes of section 149.43 of the Revised 30792
Code and shall not be made available to any person other than the 30793
following: 30794~~

~~(1) The individual applicant or employee who is the subject 30795
of the criminal records check or the individual's applicant's or 30796
employee's representative; 30797~~

~~(2) The home health agency requesting the criminal records 30798
check or its representative; 30799~~

(3) The administrator of any other facility, agency, or program that provides direct care to ~~elder adults~~ individuals that is owned or operated by the same entity that owns or operates the home health agency that requested the criminal records check;

(4) The employment service that requested the criminal records check;

(5) Any court, hearing officer, or other necessary individual involved in a case dealing with a any of the following:

(a) A denial of employment of the applicant or ~~dealing with employment~~ employee;

(b) Employment or unemployment benefits of the applicant or employee;

~~(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1), (2), (3), or (4) of this section~~ (c) A civil or criminal action regarding the medicaid program.

~~(F) The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the home health agency may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but who meets standards in regard to rehabilitation set by the department or employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(2) of this section but meets personal character standards set by the department.~~

~~(G) Any person required by division (B)(1) of this section to request a criminal records check shall inform each person, at the time of initial application for employment that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and~~

~~satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.~~

~~(H)(I)~~ In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an ~~individual~~ applicant or employee who a home health agency employs in a position that involves providing direct care to ~~elder adults~~ an individual, all of the following shall apply:

(1) If the home health agency employed the ~~individual~~ applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the agency shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate~~+~~.

(2) If the home health agency employed the ~~individual~~ applicant in good faith on a conditional basis pursuant to division ~~(C)(3)(b)~~ (G) of this section, the agency shall not be found negligent solely because it employed the ~~individual~~ applicant prior to receiving the report of a criminal records check requested under this section~~+~~.

(3) If the home health agency in good faith employed the ~~individual~~ applicant or employee according to the personal character standards established in rules adopted under ~~division (F)~~ of this section, the agency shall not be found negligent solely because the ~~individual prior to being employed~~ applicant or employee had been convicted of ~~or~~ an, or been found eligible for intervention in lieu of conviction for a disqualifying offense listed or described in division (C)(1) or (2) of this section.

~~(I)(1) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves the provision of direct care to older adults if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:~~

~~(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one year period immediately preceding the applicant's referral;~~

~~(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(2) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home health agency chooses to employ the individual pursuant to division (F) of this section.~~

~~(2) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves providing direct care to older adults and may employ the applicant conditionally in a position of that nature as described in this division, if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed~~

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~~by a supervisor or another designated official of the employment 30894
service and that states that the employment service has requested 30895
the superintendent to conduct a criminal records check regarding 30896
the applicant, that the requested criminal records check will 30897
include a determination of whether the applicant has been 30898
convicted of or pleaded guilty to any offense listed or described 30899
in division (C)(2) of this section, that, as of the date set forth 30900
on the letter, the employment service had not received the results 30901
of the criminal records check, and that, when the employment 30902
service receives the results of the criminal records check, it 30903
promptly will send a copy of the results to the home health 30904
agency. If a home health agency employs an applicant conditionally 30905
in accordance with this division, the employment service, upon its 30906
receipt of the results of the criminal records check, promptly 30907
shall send a copy of the results to the home health agency, and 30908
division (C)(3)(b) of this section applies regarding the 30909
conditional employment. 30910~~

~~(3) The chief administrator of a home health agency is not 30911
required to request that the superintendent of the bureau of 30912
criminal identification and investigation conduct a criminal 30913
records check of an applicant for a position that involves both 30914
responsibility for the care, custody, and control of a child and 30915
the provision of direct care to older adults if the applicant has 30916
been referred to the agency by an employment service that supplies 30917
full-time, part-time, or temporary staff for positions involving 30918
both responsibility for the care, custody, and control of a child 30919
and the provision of direct care to older adults and both of the 30920
following apply: 30921~~

~~(a) The chief administrator receives from the employment 30922
service or applicant a report of a criminal records check of the 30923
type described in division (I)(1)(a) of this section: 30924~~

~~(b) The report of the criminal records check demonstrates 30925~~

~~that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) or (2) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home health agency chooses to employ the individual pursuant to division (F) of this section.~~

~~(4) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults and may employ the applicant conditionally in a position of that nature as described in this division, if the applicant has been referred to the agency by an employment service that supplies full time, part time, or temporary staff for positions involving both responsibility for the care, custody, and control of a child and the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment service and that states that the employment service has requested the superintendent to conduct a criminal records check regarding the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(1) or (2) of this section, that, as of the date set forth on the letter, the employment service had not received the results of the criminal records check, and that, when the employment service receives the results of the criminal records check, it promptly will send a copy of the results to the home health agency. If a home health agency employs an applicant conditionally in accordance with this division, the~~

~~employment service, upon its receipt of the results of the 30959
criminal records check, promptly shall send a copy of the results 30960
to the home health agency, and division (C)(3)(b) of this section 30961
applies regarding the conditional employment. 30962~~

(J) The director of health shall adopt rules in accordance 30963
with Chapter 119. of the Revised Code to implement this section. 30964

(1) The rules may do the following: 30965

(a) Require employees to undergo database reviews and 30966
criminal records checks under this section; 30967

(b) If the rules require employees to undergo database 30968
reviews and criminal records checks under this section, exempt one 30969
or more classes of employees from the requirements; 30970

(c) For the purpose of division (D)(7) of this section, 30971
specify other databases that are to be checked as part of a 30972
database review conducted under this section. 30973

(2) The rules shall specify all of the following: 30974

(a) The procedures for conducting database reviews under this 30975
section; 30976

(b) If the rules require employees to undergo database 30977
reviews and criminal records checks under this section, the times 30978
at which the database reviews and criminal records checks are to 30979
be conducted; 30980

(c) If the rules specify other databases to be checked as 30981
part of the database reviews, the circumstances under which a home 30982
health agency is prohibited from employing an applicant or 30983
continuing to employ an employee who is found by a database review 30984
to be included in one or more of those databases; 30985

(d) Circumstances under which a home health agency may employ 30986
an applicant or employee who is found by a criminal records check 30987
required by this section to have been convicted of, pleaded guilty 30988

to, or been found eligible for intervention in lieu of conviction 30989
for a disqualifying offense but meets personal character 30990
standards. 30991

Sec. ~~185.01~~ 3701.92. As used in ~~this chapter~~ sections 30992
3701.921 to 3701.929 of the Revised Code: 30993

(A) "Advanced practice nurse" has the same meaning as in 30994
section 4723.01 of the Revised Code. 30995

(B) ~~"Collaboration" has the same meaning as in section~~ 30996
~~4723.01 of the Revised Code.~~ 30997

~~(C)~~ "Patient centered medical home education advisory group" 30998
means the entity established under section ~~185.03~~ 3701.924 of the 30999
Revised Code ~~to implement and administer the patient centered~~ 31000
~~medical home education pilot project.~~ 31001

(D) "Patient centered medical home education program" means 31002
the program established under section 3701.921 of the Revised Code 31003
and any pilot projects operated pursuant to that section. 31004

(E) "Patient centered medical home education pilot project" 31005
means the pilot project established under section ~~185.02~~ 3701.923 31006
of the Revised Code. 31007

(F) "Physician assistant" has the same meaning as in section 31008
4730.01 of the Revised Code. 31009

Sec. 3701.921. There is hereby established the patient 31010
centered medical home education program in the department of 31011
health. For the purpose of advancing education in the patient 31012
centered medical home model of care, the director of health may 31013
implement and administer the program pursuant to sections 3701.922 31014
to 3701.929 of the Revised Code. The patient centered medical home 31015
model of care is an enhanced model of primary care in which care 31016
teams attend to the multifaceted needs of patients, providing 31017

whole person comprehensive and coordinate patient centered care. 31018

To the extent that funds are available, the program shall 31019
include the patient centered medical home education pilot project 31020
and may include any other pilot projects the director establishes 31021
pursuant to division (A)(3) of section 3701.922 of the Revised 31022
Code. 31023

Sec. 3701.922. (A) The director of health may do any of the 31024
following to implement and administer the patient centered medical 31025
home education program: 31026

(1) Develop and implement programs of education or training 31027
on the patient centered medical home model of care or other 31028
similar enhanced models of coordinated patient centered care that 31029
are intended to address the multifaceted needs of patients and 31030
provide whole person comprehensive and coordinated patient 31031
centered care; 31032

(2) Advise, consult, cooperate with, and assist, by contract 31033
or other arrangement, government agencies or institutions or 31034
private organizations, corporations, or associations in the 31035
development and promotion of programs pertaining to the evaluation 31036
and implementation of the patient centered medical home model of 31037
care or other similar enhanced models of coordinated patient 31038
centered care; 31039

(3) Establish pilot projects that do any of the following: 31040

(a) Evaluate or implement the patient centered medical home 31041
model of care or other similar enhanced models of coordinated 31042
patient centered care; 31043

(b) Provide education or training on the patient centered 31044
medical home model of care or other similar enhanced models of 31045
coordinated patient centered care. 31046

(4) Seek and administer state funds or grants from other sources to carry out any functions of the patient centered medical home education program. 31047
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Any funds or grants received by the director for purposes of the program shall be used for the program. 31050
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(B) The director may adopt rules as necessary to implement and administer the patient centered medical home education program, including rules that define what constitutes a "patient centered medical home" for purposes of an entity authorized to provide care coordination services. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 31052
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Sec. 185.02 3701.923. ~~(A) There is hereby established the patient centered medical home education pilot project. The pilot project shall be implemented and administered by the patient centered medical home education advisory group.~~ 31058
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~~(B) The pilot project shall be operated to advance medical education in the patient centered medical home model of care. The patient centered medical home model of care is an enhanced model of primary care in which care teams attend to the multifaceted needs of patients, providing whole person comprehensive and coordinated patient centered care.~~ 31062
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~~(C) To the extent that funds are available, the director of health shall establish the patient centered medical home education pilot project. If the director establishes the project, all of the following apply:~~ 31068
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(1) The director shall select practices led by physicians and primary care practices led by advanced practice nurses to participate in the project. The director may consider the recommendations of the advisory group made in accordance with section 3701.925 of the Revised Code, but may not select a 31072
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<u>practice unless the practice complies with any applicable</u>	31077
<u>requirements under section 3701.926 of the Revised Code.</u>	31078
<u>(2) The director shall conduct the project in a manner that</u>	31079
<u>advances education in the patient centered medical home model of</u>	31080
<u>care.</u>	31081
<u>(3) The director shall evaluate all of the following:</u>	31082
<u>(a) Learning opportunities generated by the project;</u>	31083
<u>(b) Training of physicians and advanced practice nurses under</u>	31084
<u>the project;</u>	31085
<u>(c) Costs of the project;</u>	31086
<u>(d) The extent to which the project met the expected outcomes</u>	31087
<u>developed under division (A) of section 3701.924 of the Revised</u>	31088
<u>Code.</u>	31089
<u>(4) The director shall assess and review results of the</u>	31090
<u>project.</u>	31091
<u>(5) The director shall recommend best practices and</u>	31092
<u>opportunities for improving technology, education, comprehensive</u>	31093
<u>training, consultation, and technical assistance for health care</u>	31094
<u>service providers in the patient centered medical home model of</u>	31095
<u>care.</u>	31096
<u>(B) The director may contract with an entity that has</u>	31097
<u>significant experience in assisting physician-led practices and</u>	31098
<u>advanced practice nurse-led primary care practices in</u>	31099
<u>transitioning to the patient centered medical home model of care.</u>	31100
<u>The contract shall require the entity to do both of the following:</u>	31101
<u>(1) Provide, to each practice that enters into a contract</u>	31102
<u>with the director pursuant to section 3701.927 of the Revised</u>	31103
<u>Code, comprehensive training, consultation, and technical</u>	31104
<u>assistance in the operation of a patient centered medical home,</u>	31105
<u>including assistance with leadership training, scheduling changes,</u>	31106

staff support, and care management for chronic health conditions; 31107

(2) Assist the director in identifying necessary financial 31108
and operational requirements and any barriers or challenges 31109
associated with transitioning to a patient centered medical home 31110
model of care. 31111

(C) The project established under this section shall begin 31112
not later than the date the first practice enters into a contract 31113
with the director pursuant to section 3701.927 of the Revised Code 31114
and shall cease not later than the date the final report is 31115
submitted pursuant to division (B)(3) of section 3701.929 of the 31116
Revised Code. 31117

(D) The ~~pilot~~ project shall not be operated in a manner that 31118
requires a patient, unless otherwise required by the Revised Code, 31119
to receive a referral from a physician in a practice selected for 31120
inclusion in the pilot project under division (A)(1) of this 31121
section ~~185.05~~ of the Revised Code as a condition of being 31122
authorized to receive specialized health care services from an 31123
individual licensed or certified under Title XLVII of the Revised 31124
Code to provide those services. 31125

Sec. ~~185.03~~ 3701.924. (A) The patient centered medical home 31126
education advisory group is hereby created for the purpose of 31127
~~implementing and administering~~ advising the director of health on 31128
the implementation and administration of the patient centered 31129
medical home ~~pilot project~~ education program. The advisory group 31130
shall develop and provide to the director a set of expected 31131
outcomes for the pilot project. The advisory group shall consider 31132
and provide other recommendations to the director and complete 31133
other duties as the director considers appropriate. 31134

(B) The advisory group shall consist of the following ~~voting~~ 31135
members: 31136

<u>(1) The following members appointed by the director of health:</u>	31137
	31138
(1) <u>(a)</u> One individual with expertise in the training and education of primary care physicians who is appointed <u>recommended</u> by the dean of the university of Toledo college of medicine;	31139
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(2) <u>(b)</u> One individual with expertise in the training and education of primary care physicians who is appointed <u>recommended</u> by the dean of the Boonshoft school of medicine at Wright state university;	31142
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(3) <u>(c)</u> One individual with expertise in the training and education of primary care physicians who is appointed <u>recommended</u> by the president and dean of the northeast Ohio medical university;	31146
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(4) <u>(d)</u> One individual with expertise in the training and education of primary care physicians who is appointed <u>recommended</u> by the dean of the Ohio university college of osteopathic medicine;	31150
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(5) <u>(e)</u> Two individuals appointed <u>recommended</u> by the governing board of the Ohio academy of family physicians;	31154
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(6) <u>(f)</u> One individual appointed <u>recommended</u> by the governing board of the Ohio chapter of the American college of physicians;	31156
	31157
(7) <u>(g)</u> One individual appointed <u>recommended</u> by the governing board of the <u>Ohio chapter of the</u> American academy of pediatrics;	31158
	31159
(8) <u>(h)</u> One individual appointed <u>recommended</u> by the governing board of the Ohio osteopathic association;	31160
	31161
(9) <u>(i)</u> One individual with expertise in the training and education of advanced practice nurses who is appointed, <u>recommended</u> by the governing board of the Ohio council of deans and directors of baccalaureate and higher degree programs in nursing;	31162
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(10)(j) One individual appointed <u>recommended</u> by the governing board of the Ohio nurses association;	31167 31168
(11)(k) One individual appointed <u>recommended</u> by the governing board of the Ohio association of advanced practice nurses;	31169 31170
(12)(l) One individual appointed <u>recommended</u> by the governing board of the Ohio council for home care and hospice;	31171 31172
(13)(m) One individual appointed <u>recommended</u> by the superintendent of insurance;	31173 31174
<u>(n) An employee of the department of health;</u>	31175
<u>(o) Not more than five additional members who have relevant expertise that the director considers appropriate.</u>	31176 31177
(C)(2) The advisory group shall consist of the following nonvoting, ex officio members:	31178 31179
(1)(a) The executive director of the state medical board, or the director's designee;	31180 31181
(2)(b) The executive director of the board of nursing or the director's designee;	31182 31183
(3)(c) The chancellor of the Ohio board of regents, or the chancellor's designee;	31184 31185
(4)(d) The individual within the department of job and family services who serves as the director of medicaid, or the director's designee;	31186 31187 31188
(5) The director of health or the director's designee.	31189
(D) Advisory group members who are appointed shall serve at the pleasure of their appointing authorities. Terms of office of appointed members shall be three years, except that a member's term ends if the pilot project ceases operation during the member's term.	31190 31191 31192 31193 31194
<u>(C)(1) In making the original appointments of the members</u>	31195

specified in divisions (B)(1)(a) to (m) of this section, the 31196
director shall appoint the member who served in that capacity in 31197
the patient centered medical home advisory group, as it existed 31198
immediately prior to the effective date of this section. If for 31199
any reason the member who served immediately prior to the 31200
effective date of this section is unable to serve on the advisory 31201
group, the director shall request from the specified recommending 31202
authority a list of not less than two persons qualified to serve 31203
as members of the advisory group. The director shall appoint as a 31204
member one person from the list submitted by the recommending 31205
authority. 31206

(2) The advisory group members specified in divisions 31207
(B)(1)(a) to (m) of this section shall serve at the pleasure of 31208
the director, in consultation with their respective recommending 31209
authorities. 31210

(3) Vacancies shall be filled in the manner provided for 31211
original appointments. 31212

(D) Members shall serve without compensation, except to the 31213
extent that serving on the advisory group is considered part of 31214
their regular employment duties. 31215

~~(E) The advisory group shall select~~ director may appoint 31216
~~among its~~ the members of the advisory group a chairperson and 31217
vice-chairperson. ~~The advisory group may select any other officers~~ 31218
~~it considers necessary to conduct its business.~~ 31219

A majority of the members of the advisory group constitutes a 31220
~~quorum for the transaction of official business.~~ A majority of a 31221
~~quorum is necessary for the advisory group to take any action,~~ 31222
~~except that when one or more members of a quorum are required to~~ 31223
~~abstain from voting as provided in division (C)(1)(d) or (C)(2)(e)~~ 31224
~~of section 185.05 of the Revised Code, the number of members~~ 31225
~~necessary for a majority of a quorum shall be reduced accordingly~~ 31226

make any recommendations to the director. 31227

The advisory group shall meet ~~as necessary to fulfill its~~ 31228
~~duties. The times and places for the meetings shall be selected by~~ 31229
~~the chairperson~~ at the call of the director. The director shall 31230
call the advisory group to meet not less than annually to discuss 31231
or consider recommendations to the director on the administration 31232
of the patient centered medical home education program. 31233

(F) Sections 101.82 to 101.87 of the Revised Code do not 31234
apply to the advisory group. 31235

Sec. ~~185.05~~ 3701.925. (A) The patient centered medical home 31236
education advisory group shall accept applications for inclusion 31237
in the patient centered medical home education pilot project from 31238
primary care practices with educational affiliations, as 31239
determined by the advisory group, with one or more of the 31240
following: 31241

(1) The Boonshoft school of medicine at Wright state 31242
university; 31243

(2) The university of Toledo college of medicine; 31244

(3) The northeast Ohio medical university; 31245

(4) The Ohio university college of osteopathic medicine; 31246

(5) The college of nursing at the university of Toledo; 31247

(6) The Wright state university college of nursing and 31248
health; 31249

(7) The college of nursing at Kent state university; 31250

(8) The university of Akron college of nursing; 31251

(9) The school of nursing at Ohio university. 31252

(B)(1) Subject to division (C)(1) of this section, the 31253
advisory group shall ~~select~~ recommend to the director of health 31254

for inclusion in the pilot project not more <u>less</u> than the	31255
following number of physician practices <u>led by physicians</u> :	31256
(a) Ten practices affiliated with the Boonshoft school of medicine at Wright state university;	31257 31258
(b) Ten practices affiliated with the university of Toledo college of medicine;	31259 31260
(c) Ten practices affiliated with the northeast Ohio medical university;	31261 31262
(d) Ten practices affiliated with the centers for osteopathic research and education of the Ohio university college of osteopathic medicine.	31263 31264 31265
(2) Subject to division (C)(2) of this section, the advisory group shall select <u>recommend to the director of health</u> for inclusion in the pilot project not less than the following number of advanced practice nurse primary care practices <u>led by advanced</u> <u>practice nurses</u> :	31266 31267 31268 31269 31270
(a) One practice affiliated with the college of nursing at the university of Toledo;	31271 31272
(b) One practice affiliated with the Wright state university college of nursing and health;	31273 31274
(c) One practice affiliated with the college of nursing at Kent state university or the university of Akron college of nursing;	31275 31276 31277
(d) One practice affiliated with the school of nursing at Ohio university.	31278 31279
(C)(1) All of the following apply with respect to the selection <u>recommendation</u> of physician <u>physician-led</u> practices under division (B) of this section:	31280 31281 31282
(a) The advisory group shall strive to select physician <u>recommend physician-led</u> practices in such a manner that the pilot	31283 31284

project includes a diverse range of primary care specialties, 31285
including practices specializing in pediatrics, geriatrics, 31286
general internal medicine, or family medicine. 31287

(b) When evaluating an application, the advisory group shall 31288
consider the percentage of patients in the ~~physician~~ physician-led 31289
practice who are part of a medically underserved population, 31290
including medicaid recipients and individuals without health 31291
insurance. 31292

(c) The advisory group shall ~~select~~ recommend not fewer than 31293
six practices that serve rural areas of this state, as those areas 31294
are determined by the advisory group. 31295

(d) A member of the advisory group shall abstain from 31296
participating in any vote taken regarding the ~~selection~~ 31297
recommendation of a ~~physician~~ physician-led practice if the member 31298
would receive any financial benefit from having the practice 31299
included in the pilot project. 31300

(2) All of the following apply with respect to the ~~selection~~ 31301
recommendation of advanced practice ~~nurse~~ nurse-led primary care 31302
practices under division (B) of this section: 31303

(a) When evaluating an application, the advisory group shall 31304
consider the percentage of patients in the advanced practice ~~nurse~~ 31305
nurse-led primary care practice who are part of a medically 31306
underserved population, including medicaid recipients and 31307
individuals without health insurance. 31308

(b) If the advisory group determines that it has not received 31309
an application from a sufficiently qualified advanced practice 31310
~~nurse~~ nurse-led primary care practice affiliated with a particular 31311
institution specified in division (B)(2) of this section, the 31312
advisory group shall make the ~~selections~~ recommendations required 31313
under that division in such a manner that the greatest possible 31314
number of those institutions are ~~represented~~ recommended to be 31315

included in the pilot project. To be ~~selected~~ recommended in this 31316
manner, a practice remains subject to the eligibility requirements 31317
specified in division (B) of section ~~185-06~~ 3701.926 of the 31318
Revised Code. As specified in division (B)(2) of this section, the 31319
number of practices ~~selected~~ recommended for inclusion in the 31320
pilot project shall be at least four. 31321

(c) A member of the advisory group shall abstain from 31322
participating in any vote taken regarding the ~~selection~~ 31323
recommendation of an advanced practice ~~nurse~~ nurse-led primary 31324
care practice if the member would receive any financial benefit 31325
from having the practice included in the pilot project. 31326

(D) The advisory group shall provide a copy of all 31327
applications received under this section to the director of health 31328
after making recommendations under division (B)(1) of this 31329
section. 31330

Sec. ~~185-06~~ 3701.926. (A) To be eligible for inclusion in the 31331
patient centered medical home education pilot project, a ~~physician~~ 31332
physician-led practice shall meet all of the following 31333
requirements: 31334

(1) Consist of physicians who are board-certified in family 31335
medicine, general pediatrics, or internal medicine, as those 31336
designations are issued by a medical specialty certifying board 31337
recognized by the American board of medical specialties or 31338
American osteopathic association; 31339

(2) Be capable of adapting the practice during the period in 31340
which the practice ~~receives funding from~~ participates in the 31341
patient centered medical home education ~~advisory group~~ pilot 31342
project in such a manner that the practice is fully compliant with 31343
the minimum standards for operation of a patient centered medical 31344
home, as those standards are established by the ~~advisory group~~ 31345
director of health; 31346

(3) Have submitted an application to participate in the project established under former section 185.05 of the Revised Code not later than April 15, 2011. 31347
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(4) Meet any other criteria established by the ~~advisory group~~ director as part of the selection process. 31350
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(B) To be eligible for inclusion in the pilot project, an advanced practice ~~nurse~~ nurse-led primary care practice shall meet all of the following requirements: 31352
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(1) Consist of advanced practice nurses ~~who meet, each of whom meets~~ all of the following requirements: 31355
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(a) ~~Hold~~ Holds a certificate to prescribe issued under section 4723.48 of the Revised Code; 31357
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(b) ~~Are~~ Is board-certified as a family nurse practitioner or adult nurse practitioner by the American academy of nurse practitioners or American nurses credentialing center, board-certified as a geriatric nurse practitioner or women's health nurse practitioner by the American nurses credentialing center, or is board-certified as a pediatric nurse practitioner by the American nurses credentialing center or pediatric nursing certification board; 31359
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(c) ~~Has a collaboration agreement~~ Collaborates under a standard care arrangement with a physician with board certification as specified in division (A)(1) of this section and who is an active participant on the health care team. 31367
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(2) Be capable of adapting the primary care practice during the period in which the practice ~~receives funding from~~ participates in the ~~advisory group~~ project in such a manner that the practice is fully compliant with the minimum standards for operation of a patient centered medical home, as those standards are established by the ~~advisory group~~ director; 31371
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(3) Have submitted an application to participate in the project established under former section 185.05 of the Revised Code not later than April 15, 2011. 31377
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(4) Meet any other criteria established by the ~~advisory group~~ director as part of the selection process. 31380
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Sec. ~~185.07~~ 3701.927. The ~~patient centered medical home education advisory group~~ director of health shall enter into a contract with each primary care practice selected by the director for inclusion in the patient centered medical home education pilot project. The contract shall specify the terms and conditions for inclusion in the pilot project, including a requirement that the practice provide comprehensive, coordinated primary care services to patients and serve as the patients' medical home. The contract shall also require the practice to participate in the training of medical students, advanced practice nursing students, ~~or~~ physician assistant students, and primary care medical residents. 31382
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The director may include as part of the contract any other requirements necessary for a practice to be included in the project, including requirements regarding the number of patients served who are medicaid recipients and individuals without health insurance. 31393
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Sec. ~~185.09~~ 3701.928. (A) The director of health or, at the director's request, the patient centered medical home education advisory group ~~shall jointly~~ may work with ~~all~~ medical ~~and,~~ nursing, and physician assistant schools or programs in this state to develop appropriate curricula designed to prepare primary care physicians ~~and,~~ advanced practice nurses, and physician assistants to practice within the patient centered medical home model of care. In developing the curricula, the director or advisory group, ~~medical schools, and nursing~~ and the schools or programs shall 31398
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include all of the following: 31407

(1) Components for use at the medical student, advanced 31408
practice nursing student, physician assistant student, and primary 31409
care resident training levels; 31410

(2) Components that reflect, as appropriate, the special 31411
needs of patients who are part of a medically underserved 31412
population, including medicaid recipients, individuals without 31413
health insurance, individuals with disabilities, individuals with 31414
chronic health conditions, and individuals within racial or ethnic 31415
minority groups; 31416

(3) Components that include training in interdisciplinary 31417
cooperation between physicians ~~and~~, advanced practice nurses, and 31418
physician assistants in the patient centered medical home model of 31419
care, including curricula ensuring that a common conception of a 31420
patient centered medical home model of care is provided to medical 31421
students, advanced practice nurses, physician assistants, and 31422
primary care residents. 31423

(B) The director or advisory group ~~shall~~ may work in 31424
association with the medical ~~and~~, nursing, and physician assistant 31425
schools or programs to identify funding sources to ensure that the 31426
curricula developed under division (A) of this section are 31427
accessible to medical students, advanced practice nursing 31428
students, physician assistant students, and primary care 31429
residents. The director or advisory group shall consider 31430
scholarship options or incentives provided to students in addition 31431
to those provided under the choose Ohio first scholarship program 31432
operated under section 3333.61 of the Revised Code. 31433

Sec. ~~185.12~~ 3701.929. (A) ~~The patient-centered medical home~~ 31434
~~education advisory group~~ If the director of health establishes the 31435
patient centered medical home education pilot project, the 31436
director shall prepare reports of its findings and recommendations 31437

from the ~~patient centered medical home education~~ pilot project. 31438
Each report shall include an evaluation of the learning 31439
opportunities generated by the pilot project, the physicians and 31440
advanced practice nurses trained in the pilot project, the costs 31441
of the pilot project, and the extent to which the pilot project 31442
has met the set of expected outcomes developed under division (A) 31443
of section ~~185.03~~ 3701.924 of the Revised Code. 31444

(B) The reports shall be completed in accordance with the 31445
following schedule: 31446

(1) An interim report not later than six months after the 31447
date on which the ~~first funding is released~~ last primary care
practice selected to participate in the project enters into a
contract with the department of health pursuant to section ~~185.11~~
3701.927 of the Revised Code; 31451

(2) An update of the interim report not later than one year 31452
after the date ~~on which the first funding is released~~ specified
under division (B)(1) of this section; 31453
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(3) A final report not later than two years after the date ~~on~~ 31455
~~which the first funding is released~~ specified under division
(B)(1) of this section. 31456
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(C) The ~~advisory group~~ director shall submit each of the 31458
reports to the governor and, in accordance with section 101.68 of 31459
the Revised Code, to the general assembly. 31460

Sec. 3701.93. Subject to available funds, the director of 31461
health shall establish the Ohio violent death reporting system to
collect and maintain information, data, and records regarding
violent deaths in Ohio. 31462
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Sec. 3701.931. The Ohio violent death reporting system shall 31465
do all of the following regarding violent death information, data, 31466

<u>and records maintained in the system:</u>	31467
<u>(A) Monitor the incidence and causes of the various types of violent deaths;</u>	31468
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<u>(B) Make appropriate epidemiologic studies of the violent deaths;</u>	31470
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<u>(C) Analyze trends and patterns in, and circumstances related to, the violent deaths;</u>	31472
	31473
<u>(D) With the assistance of the advisory group established pursuant to section 3701.932 of the Revised Code, recommend actions to relevant entities to prevent violent deaths and make any other such recommendations the director determines necessary.</u>	31474
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<u>Sec. 3701.932. The director of health shall establish an advisory group of interested parties and stakeholders to recommend actions to relevant entities to prevent violent deaths, and make other recommendations the director determines necessary, in accordance with division (D) of section 3701.931 of the Revised Code.</u>	31478
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<u>Sec. 3701.933. The data collection model used by the Ohio violent death reporting system shall follow the data collection model used by the United States centers for disease control and prevention national violent death reporting system and any other data collection model set forth by the director pursuant to section 3701.934 of the Revised Code.</u>	31484
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<u>Sec. 3701.934. The director of health, pursuant to rules adopted in accordance with Chapter 119. of the Revised Code, shall do all of the following:</u>	31490
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<u>(A) Specify the types of violent deaths that shall be included in the Ohio violent death reporting system;</u>	31493
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(B) Specify the information, data, and records to be collected for use by the Ohio violent death reporting system; 31495
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(C) Specify the sources from which the information, data, and records are to be collected for use by the Ohio violent death reporting system; 31497
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(D) If determined appropriate by the director, set forth any other data collection model to be used by the Ohio violent death reporting system. 31500
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Sec. 3701.935. The director of health shall collect information about violent deaths in Ohio only from existing sources related to violent crimes and shall not conduct independent criminal investigations in order to obtain information, data, or records for use by the Ohio violent death reporting system. 31503
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Sec. 3701.936. At the request of the director of health, every department, agency, and political subdivision of the state shall provide information, data, records, and otherwise assist in the execution of sections 3701.93 to 3701.9314 of the Revised Code. 31509
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Sec. 3701.937. At the request of the director of health, any individual or entity not specified in section 3701.936 of the Revised Code, at the individual's or entity's discretion, may provide information, data, records, and otherwise assist in the execution of sections 3701.93 to 3701.9314 of the Revised Code. Any information, data, and records provided to the director by any other individual or entity shall contain only information, data, or records that are available or reasonably drawn from any information, data, and record developed and kept in the normal course of business. 31514
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Sec. 3701.938. Notwithstanding any section of the Revised Code pertaining to confidentiality, any individual, public social service agency, or public agency that provides services to individuals or families, law enforcement agency, coroner, or public entity that provided services to an individual whose death is the type of death specified by the director under section 3701.934 of the Revised Code shall provide information, data, records, and otherwise assist in the execution of sections 3701.93 to 3701.9314 of the Revised Code.

Sec. 3701.9310. Except as otherwise provided in section 3701.9212 of the Revised Code, all of the following are not public records under section 149.43 of the Revised Code, shall be confidential, and shall be published only in statistical form:

(A) Information, data, and records collected for use and maintained by the Ohio violent death reporting system including, but not limited to, medical records, law enforcement investigative records, coroner investigative records, laboratory reports, and other records concerning a decedent;

(B) Work products created in carrying out the purposes of the Ohio violent death reporting system.

Sec. 3701.9311. Information, data, and records collected for use and maintained by, and all work products created in carrying out the purposes of, the Ohio violent death reporting system shall not be subject to subpoena or discovery while in the possession of the system or admissible in any criminal or civil proceeding if obtained through, or from, the system.

Sec. 3701.9312. The director of health, pursuant to rules adopted in accordance with Chapter 119. of the Revised Code, shall establish standards and procedures to make available to

researchers confidential information collected by the Ohio violent death reporting system. Researchers complying with those standards and procedures also shall comply with the confidentiality requirements of section 3701.9310 of the Revised Code. 31553
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Sec. 3701.9314. The director of health may adopt rules in accordance with Chapter 119. of the Revised Code necessary to establish, maintain, and carry out the purposes of the Ohio violent death reporting system under sections 3701.93 to 3701.9314 of the Revised Code. 31557
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Sec. 3702.141. (A) As used in this section: 31562

(1) "Existing health care facility" means a health care facility that is licensed or otherwise approved to practice in this state, in accordance with applicable law, is staffed and equipped to provide health care services, and actively provides health services or has not been actively providing health services for less than twelve consecutive months. 31563
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(2) "Freestanding birthing center" means any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility, and which is not licensed under Chapter 3711. of the Revised Code as a level one, two, or three maternity unit or a limited maternity unit. 31569
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~~(3) "Health care facility" and "health service" have the same meanings as in section 3702.51 of the Revised Code means:~~ 31575
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(a) A hospital registered under section 3701.07 of the Revised Code; 31577
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(b) A nursing home licensed under section 3721.02 of the Revised Code, or by a political subdivision certified under section 3721.09 of the Revised Code; 31579
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(c) A county home or a county nursing home as defined in section 5155.31 of the Revised Code that is certified under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; 31582
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(d) A freestanding dialysis center; 31586

(e) A freestanding inpatient rehabilitation facility; 31587

(f) An ambulatory surgical facility; 31588

(g) A freestanding cardiac catheterization facility; 31589

(h) A freestanding birthing center; 31590

(i) A freestanding or mobile diagnostic imaging center; 31591

(j) A freestanding radiation therapy center. 31592

A health care facility does not include the offices of private physicians and dentists whether for individual or group practice, residential facilities licensed under section 5123.19 of the Revised Code, or an institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and providing twenty-four hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code. 31593
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(4) "Health service" means a clinically related service, such as a diagnostic, treatment, rehabilitative, or preventive service. 31606
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(B) Section 3702.14 of the Revised Code shall not be construed to require any existing health care facility that is conducting an activity specified in section 3702.11 of the Revised Code, which activity was initiated on or before March 20, 1997, to 31608
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alter, upgrade, or otherwise improve the structure or fixtures of 31612
the facility in order to comply with any rule adopted under 31613
section 3702.11 of the Revised Code relating to that activity, 31614
unless one of the following applies: 31615

(1) The facility initiates a construction, renovation, or 31616
reconstruction project that involves a capital expenditure of at 31617
least fifty thousand dollars, not including expenditures for 31618
equipment or staffing or operational costs, and that directly 31619
involves the area in which the existing service is conducted. 31620

(2) The facility initiates another activity specified in 31621
section 3702.11 of the Revised Code. 31622

~~(3) The facility initiates a service level designation change 31623
for obstetric and newborn care. 31624~~

~~(4) The facility proposes to add a cardiac catheterization 31625
laboratory to an existing cardiac catheterization service. 31626~~

~~(5)~~(4) The facility proposes to add an open-heart operating 31627
room to an existing open-heart surgery service. 31628

~~(6)~~(5) The director of health determines, by clear and 31629
convincing evidence, that failure to comply with the rule would 31630
create an imminent risk to the health and welfare of any patient. 31631

(C) If division (B)~~(4)~~(3) or ~~(5)~~(4) of this section applies, 31632
any alteration, upgrade, or other improvement required shall apply 31633
only to the proposed addition to the existing service if the cost 31634
of the addition is less than the capital expenditure threshold set 31635
forth in division (B)(1) of this section. 31636

(D) No person or government entity shall divide or otherwise 31637
segment a construction, renovation, or reconstruction project in 31638
order to evade application of the capital expenditure threshold 31639
set forth in division (B)(1) of this section. 31640

Sec. 3702.31. (A) The quality monitoring and inspection fund 31641

is hereby created in the state treasury. The director of health 31642
shall use the fund to administer and enforce this section and 31643
sections 3702.11 to 3702.20, 3702.30, 3702.301, ~~and~~ 3702.32, and 31644
3702.33 of the Revised Code and rules adopted pursuant to those 31645
sections. The director shall deposit in the fund any moneys 31646
collected pursuant to this section or section 3702.32 of the 31647
Revised Code. All investment earnings of the fund shall be 31648
credited to the fund. 31649

(B) The director of health shall adopt rules pursuant to 31650
Chapter 119. of the Revised Code establishing fees for both of the 31651
following: 31652

(1) Initial and renewal license applications submitted under 31653
section 3702.30 of the Revised Code. The fees established under 31654
division (B)(1) of this section shall not exceed the actual and 31655
necessary costs of performing the activities described in division 31656
(A) of this section. 31657

(2) Inspections conducted under section 3702.15 or 3702.30 of 31658
the Revised Code. The fees established under division (B)(2) of 31659
this section shall not exceed the actual and necessary costs 31660
incurred during an inspection, including any indirect costs 31661
incurred by the department for staff, salary, or other 31662
administrative costs. The director of health shall provide to each 31663
health care facility or provider inspected pursuant to section 31664
3702.15 or 3702.30 of the Revised Code a written statement of the 31665
fee. The statement shall itemize and total the costs incurred. 31666
Within fifteen days after receiving a statement from the director, 31667
the facility or provider shall forward the total amount of the fee 31668
to the director. 31669

(3) The fees described in divisions (B)(1) and (2) of this 31670
section shall meet both of the following requirements: 31671

(a) For each service described in section 3702.11 of the 31672

Revised Code, the fee shall not exceed one thousand seven hundred 31673
fifty dollars annually, except that the total fees charged to a 31674
health care provider under this section shall not exceed five 31675
thousand dollars annually. 31676

(b) The fee shall exclude any costs reimbursable by the 31677
United States centers for medicare and medicaid services as part 31678
of the certification process for the medicare program established 31679
under Title XVIII of the "Social Security Act," 79 Stat. 286 31680
(1935), 42 U.S.C.A. 1395, as amended, and the medicaid program 31681
established under Title XIX of the "Social Security Act," 79 Stat. 31682
286 (1965), 42 U.S.C. 1396. 31683

(4) The director shall not establish a fee for any service 31684
for which a licensure or inspection fee is paid by the health care 31685
provider to a state agency for the same or similar licensure or 31686
inspection. 31687

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the 31688
Revised Code: 31689

(A) "Applicant" means any person that submits an application 31690
for a certificate of need and who is designated in the application 31691
as the applicant. 31692

(B) "Person" means any individual, corporation, business 31693
trust, estate, firm, partnership, association, joint stock 31694
company, insurance company, government unit, or other entity. 31695

(C) "Certificate of need" means a written approval granted by 31696
the director of health to an applicant to authorize conducting a 31697
reviewable activity. 31698

(D) "~~Health service~~ Service area" means ~~a geographic region~~ 31699
~~designated by the director of health under section 3702.58 of the~~ 31700
~~Revised Code~~ the current and projected primary and secondary 31701
service areas to which the long-term care facility is, or will be, 31702

providing long-term care services. 31703

(E) "~~Health Primary service area~~" means ~~a clinically related~~ 31704
~~service, such as a diagnostic, treatment, rehabilitative, or~~ 31705
~~preventive service~~ the geographic region, usually comprised of the 31706
Ohio zip code in which the long-term care facility is located and 31707
contiguous zip codes, from which approximately seventy-five to 31708
eighty per cent of the facility's residents currently originate or 31709
are expected to originate. 31710

(F) "~~Health Secondary service agency area~~" means ~~an agency~~ 31711
~~designated to serve a health service area in accordance with~~ 31712
~~section 3702.58 of the Revised Code~~ the geographic region, usually 31713
comprised of Ohio zip codes not included in the primary service 31714
area, excluding isolated exceptions, from which the facility's 31715
remaining residents currently originate or are expected to 31716
originate. 31717

(G) "~~Health care facility~~" means: 31718

~~(1) A hospital registered under section 3701.07 of the~~ 31719
~~Revised Code;~~ 31720

~~(2) A nursing home licensed under section 3721.02 of the~~ 31721
~~Revised Code, or by a political subdivision certified under~~ 31722
~~section 3721.09 of the Revised Code;~~ 31723

~~(3) A county home or a county nursing home as defined in~~ 31724
~~section 5155.31 of the Revised Code that is certified under Title~~ 31725
~~XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 31726
~~U.S.C.A. 301, as amended;~~ 31727

~~(4) A freestanding dialysis center;~~ 31728

~~(5) A freestanding inpatient rehabilitation facility;~~ 31729

~~(6) An ambulatory surgical facility;~~ 31730

~~(7) A freestanding cardiac catheterization facility;~~ 31731

~~(8) A freestanding birthing center;~~ 31732

~~(9) A freestanding or mobile diagnostic imaging center;~~ 31733

~~(10) A freestanding radiation therapy center.~~ 31734

~~A health care facility does not include the offices of 31735
private physicians and dentists whether for individual or group 31736
practice, residential facilities licensed under section 5123.19 of 31737
the Revised Code, or an institution for the sick that is operated 31738
exclusively for patients who use spiritual means for healing and 31739
for whom the acceptance of medical care is inconsistent with their 31740
religious beliefs, accredited by a national accrediting 31741
organization, exempt from federal income taxation under section 31742
501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 31743
U.S.C.A. 1, as amended, and providing twenty-four hour nursing 31744
care pursuant to the exemption in division (E) of section 4723.32 31745
of the Revised Code from the licensing requirements of Chapter 31746
4723. of the Revised Code.~~ 31747

~~(H) "Medical equipment" means a single unit of medical 31748
equipment or a single system of components with related functions 31749
that is used to provide health services.~~ 31750

~~(I) "Third-party payer" means a health insuring corporation 31751
licensed under Chapter 1751. of the Revised Code, a health 31752
maintenance organization as defined in division ~~(K)~~(I) of this 31753
section, an insurance company that issues sickness and accident 31754
insurance in conformity with Chapter 3923. of the Revised Code, a 31755
state-financed health insurance program under Chapter 3701., 31756
4123., or 5111. of the Revised Code, or any self-insurance plan. 31757~~

~~(H) "Government unit" means the state and any county, 31758
municipal corporation, township, or other political subdivision of 31759
the state, or any department, division, board, or other agency of 31760
the state or a political subdivision.~~ 31761

~~(I) "Health maintenance organization" means a public or 31762
private organization organized under the law of any state that is 31763~~

qualified under section 1310(d) of Title XIII of the "Public Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 31764
31765

~~(L)~~(J) "Existing ~~health~~ long-term care facility" means either 31766
of the following: 31767

(1) A ~~health~~ long-term care facility that is licensed or 31768
otherwise authorized to operate in this state in accordance with 31769
applicable law, including a county home or a county nursing home 31770
that is certified ~~as of February 1, 2008,~~ under Title XVIII or 31771
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 31772
U.S.C. 301, as amended, is staffed and equipped to provide ~~health~~ 31773
long-term care services, and is actively providing ~~health~~ 31774
long-term care services; 31775

(2) A ~~health~~ long-term care facility that is licensed or 31776
otherwise authorized to operate in this state in accordance with 31777
applicable law, including a county home or a county nursing home 31778
that is certified ~~as of February 1, 2008,~~ under Title XVIII or 31779
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 31780
U.S.C. 301, as amended, or that has beds registered under section 31781
3701.07 of the Revised Code as skilled nursing beds or long-term 31782
care beds and has provided long-term care services for at least 31783
three hundred sixty-five consecutive days within the twenty-four 31784
months immediately preceding the date a certificate of need 31785
application is filed with the director of health. 31786

~~(M)~~(K) "State" means the state of Ohio, including, but not 31787
limited to, the general assembly, the supreme court, the offices 31788
of all elected state officers, and all departments, boards, 31789
offices, commissions, agencies, institutions, and other 31790
instrumentalities of the state of Ohio. "State" does not include 31791
political subdivisions. 31792

~~(N)~~(L) "Political subdivision" means a municipal corporation, 31793
township, county, school district, and all other bodies corporate 31794

and politic responsible for governmental activities only in 31795
geographic areas smaller than that of the state to which the 31796
sovereign immunity of the state attaches. 31797

~~(O)~~(M) "Affected person" means: 31798

(1) An applicant for a certificate of need, including an 31799
applicant whose application was reviewed comparatively with the 31800
application in question; 31801

(2) The person that requested the reviewability ruling in 31802
question; 31803

(3) Any person that resides or regularly uses ~~health~~ 31804
long-term care facilities within the ~~geographic service~~ area 31805
served or to be served by the ~~health~~ long-term care services that 31806
would be provided under the certificate of need or reviewability 31807
ruling in question; 31808

(4) Any ~~health~~ long-term care facility that is located in the 31809
~~health~~ service area where the ~~health~~ long-term care services would 31810
be provided under the certificate of need or reviewability ruling 31811
in question; 31812

(5) Third-party payers that reimburse ~~health~~ long-term care 31813
facilities for services in the ~~health~~ service area where the 31814
~~health~~ long-term care services would be provided under the 31815
certificate of need or reviewability ruling in question. 31816

~~(6) Any other person who testified at a public hearing held 31817
under division (B) of section 3702.52 of the Revised Code or 31818
submitted written comments in the course of review of the 31819
certificate of need application in question. 31820~~

~~(P) "Osteopathic hospital" means a hospital registered under 31821
section 3701.07 of the Revised Code that advocates osteopathic 31822
principles and the practice and perpetuation of osteopathic 31823
medicine by doing any of the following: 31824~~

(1) Maintaining a department or service of osteopathic medicine or a committee on the utilization of osteopathic principles and methods, under the supervision of an osteopathic physician;	31825
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(2) Maintaining an active medical staff, the majority of which is comprised of osteopathic physicians;	31829
	31830
(3) Maintaining a medical staff executive committee that has osteopathic physicians as a majority of its members.	31831
	31832
(Q) "Ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code.	31833
	31834
(R) Except as provided in division (S) of this section, "reviewable activity" means any of the following activities:	31835
	31836
(1) The establishment, development, or construction of a new long term care facility;	31837
	31838
(2) The replacement of an existing long term care facility;	31839
(3) The renovation of a long term care facility that involves a capital expenditure of two million dollars or more, not including expenditures for equipment, staffing, or operational costs;	31840
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	31842
	31843
(4) Either of the following changes in long term care bed capacity:	31844
	31845
(a) An increase in bed capacity;	31846
(b) A relocation of beds from one physical facility or site to another, excluding the relocation of beds within a long term care facility or among buildings of a long term care facility at the same site.	31847
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(5) Any change in the health services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need concerning long term care beds was granted, if	31851
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~~the change is made within five years after the implementation of~~ 31855
~~the reviewable activity for which the certificate was granted;~~ 31856

~~(6) The expenditure of more than one hundred ten per cent of~~ 31857
~~the maximum expenditure specified in a certificate of need~~ 31858
~~concerning long term care beds.~~ 31859

~~(5) "Reviewable activity" does not include any of the~~ 31860
~~following activities:~~ 31861

~~(1) Acquisition of computer hardware or software;~~ 31862

~~(2) Acquisition of a telephone system;~~ 31863

~~(3) Construction or acquisition of parking facilities;~~ 31864

~~(4) Correction of cited deficiencies that are in violation of~~ 31865
~~federal, state, or local fire, building, or safety laws and rules~~ 31866
~~and that constitute an imminent threat to public health or safety;~~ 31867

~~(5) Acquisition of an existing health care facility that does~~ 31868
~~not involve a change in the number of the beds, by service, or in~~ 31869
~~the number or type of health services;~~ 31870

~~(6) Correction of cited deficiencies identified by~~ 31871
~~accreditation surveys of the joint commission on accreditation of~~ 31872
~~healthcare organizations or of the American osteopathic~~ 31873
~~association;~~ 31874

~~(7) Acquisition of medical equipment to replace the same or~~ 31875
~~similar equipment for which a certificate of need has been issued~~ 31876
~~if the replaced equipment is removed from service;~~ 31877

~~(8) Mergers, consolidations, or other corporate~~ 31878
~~reorganizations of health care facilities that do not involve a~~ 31879
~~change in the number of beds, by service, or in the number or type~~ 31880
~~of health services;~~ 31881

~~(9) Construction, repair, or renovation of bathroom~~ 31882
~~facilities;~~ 31883

(10) Construction of laundry facilities, waste disposal	31884
facilities, dietary department projects, heating and air	31885
conditioning projects, administrative offices, and portions of	31886
medical office buildings used exclusively for physician services;	31887
(11) Acquisition of medical equipment to conduct research	31888
required by the United States food and drug administration or	31889
clinical trials sponsored by the national institute of health. Use	31890
of medical equipment that was acquired without a certificate of	31891
need under division (S)(11) of this section and for which	31892
premarket approval has been granted by the United States food and	31893
drug administration to provide services for which patients or	31894
reimbursement entities will be charged shall be a reviewable	31895
activity.	31896
(12) Removal of asbestos from a health care facility.	31897
Only that portion of a project that meets the requirements of	31898
this division is not a reviewable activity.	31899
(T) "Small rural hospital" means a hospital that is located	31900
within a rural area, has fewer than one hundred beds, and to which	31901
fewer than four thousand persons were admitted during the most	31902
recent calendar year.	31903
(U) "Children's hospital" means any of the following:	31904
(1) A hospital registered under section 3701.07 of the	31905
Revised Code that provides general pediatric medical and surgical	31906
care, and in which at least seventy five per cent of annual	31907
inpatient discharges for the preceding two calendar years were	31908
individuals less than eighteen years of age;	31909
(2) A distinct portion of a hospital registered under section	31910
3701.07 of the Revised Code that provides general pediatric	31911
medical and surgical care, has a total of at least one hundred	31912
fifty registered pediatric special care and pediatric acute care	31913
beds, and in which at least seventy five per cent of annual	31914

~~inpatient discharges for the preceding two calendar years were~~ 31915
~~individuals less than eighteen years of age;~~ 31916

~~(3) A distinct portion of a hospital, if the hospital is~~ 31917
~~registered under section 3701.07 of the Revised Code as a~~ 31918
~~children's hospital and the children's hospital meets all the~~ 31919
~~requirements of division (U)(1) of this section.~~ 31920

~~(V)(N)~~ "Long-term care facility" means any of the following: 31921

(1) A nursing home licensed under section 3721.02 of the 31922
Revised Code or by a political subdivision certified under section 31923
3721.09 of the Revised Code; 31924

(2) The portion of any facility, including a county home or 31925
county nursing home, that is certified as a skilled nursing 31926
facility or a nursing facility under Title XVIII or XIX of the 31927
"Social Security Act"; 31928

(3) The portion of any hospital that contains beds registered 31929
under section 3701.07 of the Revised Code as skilled nursing beds 31930
or long-term care beds. 31931

~~(W)(O)~~ "Long-term care bed" or "bed" means a bed ~~in a~~ 31932
long-term care facility that is categorized as one of the 31933
following: 31934

(1) A bed that is located in a facility that is a nursing 31935
home licensed under section 3721.02 of the Revised Code or a 31936
facility licensed by a political subdivision certified under 31937
section 3721.09 of the Revised Code and is included in the 31938
authorized maximum licensed capacity of the facility; 31939

(2) A bed that is located in the portion of any facility, 31940
including a county home or county nursing home, that is certified 31941
as a skilled nursing facility under the medicare program or a 31942
nursing facility under the medicaid program and is included in the 31943
authorized maximum certified capacity of that portion of the 31944

<u>facility;</u>	31945
<u>(3) A bed that is registered under section 3701.07 of the Revised Code as a skilled nursing bed, a long-term care bed, or a special skilled nursing bed;</u>	31946 31947 31948
<u>(4) A bed in a county home or county nursing home that has been certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and is eligible for licensure as a nursing home bed;</u>	31949 31950 31951 31952
<u>(5) A bed held as an approved bed under a certificate of need approved by the director.</u>	31953 31954
<u>A bed cannot simultaneously be both a bed described in division (O)(1), (2), (3), or (4) of this section and a bed described in division (O)(5) of this section.</u>	31955 31956 31957
(X) "Freestanding birthing center" means any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility, and which is not licensed under Chapter 3711. of the Revised Code as a level one, two, or three maternity unit or a limited maternity unit.	31958 31959 31960 31961 31962 31963
(Y)(1)(P) "Reviewability ruling" means a ruling issued by the director of health under division (A) of section 3702.52 of the Revised Code as to whether a particular proposed project is or is not a reviewable activity.	31964 31965 31966 31967
(2) "Nonreviewability ruling" means a ruling issued under that division that a particular proposed project is not a reviewable activity.	31968 31969 31970
(Z)(1) "Metropolitan statistical area" means an area of this state designated a metropolitan statistical area or primary metropolitan statistical area in United States office of management and budget bulletin no. 93-17, June 30, 1993, and its	31971 31972 31973 31974

attachments.	31975
(2) "Rural area" means any area of this state not located within a metropolitan statistical area.	31976 31977
(AA) (O) "County nursing home" has the same meaning as in section 5155.31 of the Revised Code.	31978 31979
(BB) (R) "Principal participant" means both of the following:	31980
(1) A person who has an ownership or controlling interest of at least five per cent in an applicant, in a health <u>long-term</u> care facility that is the subject of an application for a certificate of need, or in the owner or operator of the applicant or such a facility;	31981 31982 31983 31984 31985
(2) An officer, director, trustee, or general partner of an applicant, of a health <u>long-term</u> care facility that is the subject of an application for a certificate of need, or of the owner or operator of the applicant or such a facility.	31986 31987 31988 31989
(CC) (S) "Actual harm but not immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a pattern of deficiencies resulting in actual harm that is not immediate jeopardy or represents widespread deficiencies resulting in actual harm that is not immediate jeopardy.	31990 31991 31992 31993 31994 31995
(DD) (T) "Immediate jeopardy deficiency" means a deficiency that, under 42 C.F.R. 488.404, either constitutes a pattern of deficiencies resulting in immediate jeopardy to resident health or safety or represents widespread deficiencies resulting in immediate jeopardy to resident health or safety.	31996 31997 31998 31999 32000
(U) <u>"Existing bed" or "existing long-term care bed" means a bed from an existing long-term care facility, a bed described in division (O)(5) of this section, or a bed correctly reported as a long-term care bed pursuant to section 5155.38 of the Revised</u>	32001 32002 32003 32004

<u>Code.</u>	32005
<u>Sec. 3702.511. (A) Except as provided in division (B) of this section, the following activities are reviewable under sections 3702.51 to 3702.62 of the Revised Code:</u>	32006 32007 32008
<u>(1) Establishment, development, or construction of a new long-term care facility;</u>	32009 32010
<u>(2) Replacement of an existing long-term care facility;</u>	32011
<u>(3) Renovation of or addition to a long-term care facility that involves a capital expenditure of two million dollars or more, not including expenditures for equipment, staffing, or operational costs;</u>	32012 32013 32014 32015
<u>(4) Either of the following changes in long-term care bed capacity:</u>	32016 32017
<u>(a) An increase in bed capacity;</u>	32018
<u>(b) A relocation of beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site.</u>	32019 32020 32021 32022
<u>(5) Any change in the bed capacity or site, or any other failure to conduct a reviewable activity in substantial accordance with the approved application for which a certificate of need concerning long-term care beds was granted, if the change is made within five years after the implementation of the reviewable activity for which the certificate was granted;</u>	32023 32024 32025 32026 32027 32028
<u>(6) Expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds.</u>	32029 32030 32031
<u>(B) The following activities are not subject to review under sections 3702.51 to 3702.62 of the Revised Code:</u>	32032 32033

<u>(1) Acquisition of computer hardware or software;</u>	32034
<u>(2) Acquisition of a telephone system;</u>	32035
<u>(3) Construction or acquisition of parking facilities;</u>	32036
<u>(4) Correction of cited deficiencies that constitute an</u>	32037
<u>imminent threat to public health or safety and are in violation of</u>	32038
<u>federal, state, or local fire, building, or safety statutes,</u>	32039
<u>ordinances, rules, or regulations;</u>	32040
<u>(5) Acquisition of an existing long-term care facility that</u>	32041
<u>does not involve a change in the number of the beds;</u>	32042
<u>(6) Mergers, consolidations, or other corporate</u>	32043
<u>reorganizations of long-term care facilities that do not involve a</u>	32044
<u>change in the number of beds;</u>	32045
<u>(7) Construction, repair, or renovation of bathroom</u>	32046
<u>facilities;</u>	32047
<u>(8) Construction of laundry facilities, waste disposal</u>	32048
<u>facilities, dietary department projects, heating and air</u>	32049
<u>conditioning projects, administrative offices, and portions of</u>	32050
<u>medical office buildings used exclusively for physician services;</u>	32051
<u>(9) Removal of asbestos from a health care facility.</u>	32052
<u>Only that portion of a project that is described in this</u>	32053
<u>division is not reviewable.</u>	32054
Sec. 3702.52. The director of health shall administer a state	32055
certificate of need program in accordance with sections 3702.51 to	32056
3702.62 of the Revised Code and rules adopted under those	32057
sections.	32058
(A) The director shall issue rulings on whether a particular	32059
proposed project is a reviewable activity. The director shall	32060
issue a ruling not later than forty-five days after receiving a	32061
request for a ruling accompanied by the information needed to make	32062

the ruling. If the director does not issue a ruling in that time, 32063
the project shall be considered to have been ruled not a 32064
reviewable activity. 32065

(B)(1) Each application for a certificate of need shall be 32066
submitted to the director on forms and in the manner prescribed by 32067
the director. Each application shall include a plan for obligating 32068
the capital expenditures or implementing the proposed project on a 32069
timely basis in accordance with section ~~3702.525~~ 3702.524 of the 32070
Revised Code. Each application shall also include all other 32071
information required by rules adopted under division (B) of 32072
section 3702.57 of the Revised Code. 32073

(2) Each application shall be accompanied by the application 32074
fee established in rules adopted under division (G) of section 32075
3702.57 of the Revised Code. Application fees received by the 32076
director under this division shall be deposited into the state 32077
treasury to the credit of the certificate of need fund, which is 32078
hereby created. The director shall use the fund only to pay the 32079
costs of administering sections 3702.11 to 3702.20, 3702.30, and 32080
3702.51 to 3702.62 of the Revised Code and rules adopted under 32081
those sections. An application fee is nonrefundable unless the 32082
director determines that the application cannot be accepted. 32083

(3) The director shall review applications for certificates 32084
of need. As part of a review, the director shall determine whether 32085
an application is complete. The director shall not consider an 32086
application to be complete unless the application meets all 32087
criteria for a complete application specified in rules adopted 32088
under section 3702.57 of the Revised Code. The director shall mail 32089
to the applicant a written notice that the application is 32090
complete, or a written request for additional information, not 32091
later than thirty days after receiving an application or a 32092
response to an earlier request for information. Except as provided 32093
in section ~~3702.523~~ 3702.522 of the Revised Code, the director 32094

shall not make more than two requests for additional information. 32095
The director's determination that an application is not complete 32096
is final and not subject to appeal. 32097

~~The director may conduct a public informational hearing in 32098
the course of reviewing any application for a certificate of need, 32099
and shall conduct one if requested to do so by any affected person 32100
not later than fifteen days after the director mails the notice 32101
that the application is complete. The hearing shall be conducted 32102
in the community in which the activities authorized by the 32103
certificate of need would be carried out. Any affected person may 32104
testify at the hearing. The director may, with the health service 32105
agency's consent, designate a health service agency to conduct the 32106
hearing.~~ 32107

~~(4) Except during a public hearing or as necessary to comply 32108
with a subpoena issued under division (E)(F) of this section, 32109
after a notice of completeness has been received, no person shall 32110
make revisions to information that was submitted to the director 32111
before the director mailed the notice of completeness or knowingly 32112
discuss in person or by telephone the merits of the application 32113
with the director. A person may supplement an application after a 32114
notice of completeness has been received by submitting clarifying 32115
information to the director. If one or more persons request a 32116
meeting in person or by telephone, the director shall make a 32117
reasonable effort to invite interested parties to the meeting or 32118
conference call.~~ 32119

(C) All of the following apply to the process of granting or 32120
denying a certificate of need: 32121

(1) If the project proposed in a certificate of need 32122
application meets all of the applicable certificate of need 32123
criteria for approval under sections 3702.51 to 3702.62 of the 32124
Revised Code and the rules adopted under those sections, the 32125
director shall grant a certificate of need for all or part of the 32126

project that is the subject of the application by the applicable 32127
deadline specified in division (C)(4) of this section or any 32128
extension of it under division (C)(5) of this section. 32129

(2) The director's grant of a certificate of need does not 32130
affect, and sets no precedent for, the director's decision to 32131
grant or deny other applications for similar reviewable activities 32132
~~proposed to be conducted in the same or different health service~~ 32133
areas. 32134

(3) ~~If the director receives written objections to an~~ 32135
~~application from any~~ Any affected person may submit written 32136
comments regarding an application. The director shall consider all 32137
written comments received by the thirtieth day after mailing the 32138
notice of completeness, ~~the director shall notify the applicant~~ 32139
~~and assign a hearing examiner to conduct an adjudication hearing~~ 32140
~~concerning the application in accordance with Chapter 119. of the~~ 32141
~~Revised Code. In or, in~~ the case of applications under comparative 32142
review, ~~if the director receives written objections to any of the~~ 32143
~~applications from any affected person~~ by the thirtieth day after 32144
the director mails the last notice of completeness, ~~the director~~ 32145
~~shall notify all of the applicants and appoint a hearing examiner~~ 32146
~~to conduct a consolidated adjudication hearing concerning the~~ 32147
~~applications in accordance with Chapter 119. of the Revised Code.~~ 32148
~~The hearing examiner shall be employed by or under contract with~~ 32149
~~the department of health.~~ 32150

~~The adjudication hearings may be conducted in the health~~ 32151
~~service area in which the reviewable activity is proposed to be~~ 32152
~~conducted. Consolidated adjudication hearings for applications in~~ 32153
~~comparative review may be conducted in the geographic region in~~ 32154
~~which all of the reviewable activities will be conducted. The~~ 32155
~~applicant, the director, and the affected persons that filed~~ 32156
~~objections to the application shall be parties to the hearing. If~~ 32157
~~none of the affected persons that submitted written objections to~~ 32158

~~the application appears or prosecutes the hearing, the hearing 32159
examiner shall dismiss the hearing and the director shall grant a 32160
certificate of need for all or part of the project that is the 32161
subject of the application if the proposed project meets all of 32162
the applicable certificate of need criteria for approval under 32163
sections 3702.51 to 3702.62 of the Revised Code and the rules 32164
adopted under those sections. The affected persons bear the burden 32165
of proving by a preponderance of evidence that the project is not 32166
needed or that granting the certificate would not be in accordance 32167
with sections 3702.51 to 3702.62 of the Revised Code or the rules 32168
adopted under those sections. 32169~~

~~(4) Except as provided in division (C)(5) of this section, 32170
the director shall grant or deny certificate of need applications 32171
for which an adjudication hearing is not conducted under division 32172
(C)(3) of this section not later than sixty days after mailing the 32173
notice of completeness or, in the case of an application proposing 32174
addition of long term care beds, not later than sixty days after 32175
such other time as is specified in rules adopted under section 32176
3702.57 of the Revised Code. Except as provided in division (C)(5) 32177
of this section, the director shall grant or deny certificate of 32178
need applications for which an adjudication hearing is conducted 32179
under division (C)(3) of this section not later than thirty days 32180
after the expiration of the time for filing objections to the 32181
report and recommendation of the hearing examiner under section 32182
119.09 of the Revised Code. The director shall base decisions 32183
concerning applications for which an adjudication hearing is 32184
conducted under division (C)(3) of this section on the report and 32185
recommendations of the hearing examiner. 32186~~

~~(5) Except as otherwise provided in division (C)(6) of this 32187
section, the director or the applicant may extend the deadline 32188
prescribed in division (C)(4) of this section once, for no longer 32189
than thirty days, by written notice before the end of the deadline 32190~~

prescribed by division (C)(4) of this section. An extension by the 32191
director under division (C)(5) of this section shall apply to all 32192
applications that are in comparative review. 32193

(6) No applicant in a comparative review may extend the 32194
deadline specified in division (C)(4) of this section. 32195

(7) If the director does not grant or deny the certificate by 32196
the applicable deadline specified in division (C)(4) of this 32197
section or any extension of it under division (C)(5) of this 32198
section, the certificate shall be considered to have been granted. 32199

(8) In granting a certificate of need, the director shall 32200
specify as the maximum capital expenditure the certificate holder 32201
may obligate under the certificate a figure equal to one hundred 32202
ten per cent of the approved project cost. 32203

(9) In granting a certificate of need, the director may grant 32204
the certificate with conditions that must be met by the holder of 32205
the certificate. 32206

(D) When a certificate of need application is approved for a 32207
project under which the beds are relocated, a number of beds equal 32208
to the number relocated shall cease to be operated in the 32209
long-term care facility from which they were relocated, except 32210
that the beds may continue to be operated for not more than 32211
fifteen days to allow relocation of residents to the facility to 32212
which the beds have been relocated. Notwithstanding section 32213
3721.03 of the Revised Code, if the relocated beds are in a home 32214
licensed under Chapter 3721. of the Revised Code, the facility's 32215
license is automatically reduced by the number of beds relocated 32216
effective fifteen days after the beds are relocated. If the beds 32217
are in a facility that is certified as a skilled nursing facility 32218
or nursing facility under Title XVIII or XIX of the "Social 32219
Security Act," the certification for the beds shall be 32220
surrendered. If the beds are registered under section 3701.07 of 32221

the Revised Code as skilled nursing beds or long-term care beds, 32222
the director shall remove the beds from registration not later 32223
than fifteen days after the beds are relocated. 32224

(E) The director shall monitor the activities of persons 32225
granted certificates of need during the period beginning with the 32226
granting of the certificate of need and ending five years after 32227
implementation of the activity for which the certificate was 32228
granted. 32229

~~(E)~~(F) When reviewing applications for certificates of need, 32230
considering appeals under section 3702.60 of the Revised Code, or 32231
monitoring activities of persons granted certificates of need, the 32232
director may issue and enforce, in the manner provided in section 32233
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 32234
compel ~~the production of a person to testify and produce~~ documents 32235
relevant to review of the application, consideration of the 32236
appeal, or monitoring of the activities. In addition, the director 32237
or the director's designee, ~~which may include a health service~~ 32238
~~agency,~~ may visit the sites where the activities are or will be 32239
conducted. 32240

~~(F)~~(G) The director may withdraw certificates of need. 32241

~~(G)~~ The director shall conduct, on a regular basis, health 32242
system data collection and analysis activities and prepare 32243
reports. The director shall make recommendations based upon these 32244
activities to the public health council concerning the adoption of 32245
~~appropriate rules under section 3702.57 of the Revised Code.~~ (H) 32246
All health long-term care facilities and other health care 32247
~~providers~~ shall submit to the director, upon request, any 32248
information prescribed by rules adopted under division (H) of 32249
section 3702.57 of the Revised Code that is necessary to conduct 32250
reviews of certificate of need applications and to develop 32251
~~recommendations for criteria for reviews, and that is prescribed~~ 32252
~~by rules adopted under division (H) of section 3702.57 of the~~ 32253

Revised Code. 32254

~~(H)~~(I) Any decision to grant or deny a certificate of need 32255
shall consider the special needs and circumstances resulting from 32256
moral and ethical values and the free exercise of religious rights 32257
of ~~health~~ long-term care facilities administered by religious 32258
organizations, and the special needs and circumstances of inner 32259
city and rural communities. 32260

Sec. ~~3702.522~~ 3702.521. (A) Reviews of applications for 32261
certificates of need to recategorize hospital beds to skilled 32262
nursing beds shall be conducted in accordance with this division 32263
and rules adopted by the ~~public health council~~ director of health. 32264

(1) No hospital recategorizing beds shall apply for a 32265
certificate of need for more than twenty skilled nursing beds. 32266

(2) No beds for which a certificate of need is requested 32267
under this division shall be reviewed under or counted in any 32268
formula developed under ~~public health council~~ rules adopted by the 32269
director for the purpose of determining the number of long-term 32270
care beds that may be needed within the state. 32271

(3) No beds shall be approved under this division unless the 32272
hospital certifies and demonstrates in the application that the 32273
beds will be dedicated to patients with a length of stay of no 32274
more than thirty days. 32275

(4) No beds shall be approved under this division unless the 32276
hospital can satisfactorily demonstrate in the application that it 32277
is routinely unable to place the patients planned for the beds in 32278
accessible skilled nursing facilities. 32279

(5) In developing rules to implement this division, the 32280
~~public health council~~ director shall give special attention to the 32281
required documentation of the need for such beds, including the 32282
efforts made by the hospital to place patients in suitable skilled 32283

nursing facilities, and special attention to the appropriate size 32284
of units with such beds given the historical pattern of the 32285
applicant hospital's documented difficulty in placing skilled 32286
nursing patients. 32287

(B) ~~To assist the director of health~~ For assistance in 32288
monitoring the use of hospital beds recategorized as skilled 32289
nursing beds after August 5, 1989, the ~~public health council~~ 32290
director shall adopt rules specifying appropriate quarterly 32291
procedures for reporting to the department of health. 32292

(C) A patient may stay in a hospital bed that, after August 32293
5, 1989, has been recategorized as a skilled nursing bed for more 32294
than thirty days if the hospital is able to demonstrate that it 32295
made a good faith effort to place the patient in an accessible 32296
skilled nursing facility acceptable to the patient within the 32297
thirty-day period, but was unable to do so. 32298

(D) No hospital bed recategorized after August 5, 1989, as a 32299
skilled nursing bed shall be covered by a provider agreement under 32300
the medical assistance program established under Chapter 5111. of 32301
the Revised Code. 32302

(E) Nothing in this section requires a hospital to place a 32303
patient in any nursing home if the patient does not wish to be 32304
placed in the nursing home. Nothing in this section limits the 32305
ability of a hospital to file a certificate of need application 32306
for the addition of long-term care beds that meet the definition 32307
of "home" in section 3721.01 of the Revised Code. Nothing in this 32308
section limits the ability of the director to grant certificates 32309
of need necessary for hospitals to engage in demonstration 32310
projects authorized by the federal government for the purpose of 32311
enhancing long-term quality of care and cost containment. Nothing 32312
in this section limits the ability of hospitals to develop swing 32313
bed programs in accordance with federal regulations. 32314

No hospital that is granted a certificate of need after 32315
August 5, 1989, to recategorize hospital beds as skilled nursing 32316
beds is subject to sections 3721.01 to 3721.09 of the Revised 32317
Code. If the portion of the hospital in which the recategorized 32318
beds are located is certified as a skilled nursing facility under 32319
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 32320
U.S.C.A. 301, as amended, that portion of the hospital is subject 32321
to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of 32322
the Revised Code. If the beds are registered pursuant to section 32323
3701.07 of the Revised Code as long-term care beds, the beds are 32324
subject to sections 3721.50 to 3721.58 of the Revised Code. 32325

~~(F) The public health council shall adopt rules authorizing 32326
the creation of one or more nursing home placement clearinghouses. 32327
Any public or private agency or facility may apply to the 32328
department of health to serve as a nursing home placement 32329
clearinghouse, and the rules shall provide the procedure for 32330
application and process for designation of clearinghouses. 32331~~

~~The department may approve one or more clearinghouses, but in 32332
no event shall there be more than one nursing home placement 32333
clearinghouse in each county. Any nursing home may list with a 32334
nursing home placement clearinghouse the services it provides and 32335
the types of patients it is approved for and equipped to serve. 32336
The clearinghouse shall make reasonable efforts to update its 32337
information at least every six months. 32338~~

~~If an appropriate clearinghouse has been designated, each 32339
hospital granted a certificate of need after August 5, 1989, to 32340
recategorize hospital beds as skilled nursing beds shall, and any 32341
other hospital may, utilize the nursing home placement 32342
clearinghouse prior to admitting a patient to a skilled nursing 32343
bed within the hospital and prior to keeping a patient in a 32344
skilled nursing bed within a hospital in excess of thirty days. 32345~~

~~The department shall provide at least annually to all 32346~~

~~hospitals a list of the designated nursing home placement~~ 32347
~~clearinghouses.~~ 32348

Sec. ~~3702.523~~ 3702.522. A person who has an application for a 32349
certificate of need pending with the director of health may revise 32350
the application to change the site of the proposed project unless 32351
either of the following applies: 32352

(A) The director, under section 3702.52 of the Revised Code, 32353
has mailed the applicant a written notice that the application is 32354
complete. 32355

(B) The application is subject to a comparative review under 32356
section 3702.593 of the Revised Code. 32357

The only revision that may be made in the revised application 32358
is the site of the proposed project. The revised site of the 32359
proposed project must be located in the same county as the site of 32360
the proposed project specified in the original application. The 32361
director may not accept a revised application if it includes 32362
revisions other than the site of the proposed project or if the 32363
revised site is located in a different county than the county in 32364
which the site specified in the original application is located. 32365

A revised application shall be accompanied by an additional, 32366
~~non-refundable~~ nonrefundable fee equal to twenty-five per cent of 32367
the fee charged under section 3702.52 of the Revised Code for the 32368
original application. The additional fee shall be deposited into 32369
the certificate of need fund created under section 3702.52 of the 32370
Revised Code. 32371

On acceptance of a revised application, the director shall 32372
continue to review the application as revised in accordance with 32373
section 3702.52 of the Revised Code to determine whether it is 32374
complete and, if necessary and regardless of whether the director 32375
previously made two requests for additional information, may make 32376

a final written request to the applicant for additional 32377
information not later than thirty days after the date the director 32378
accepts the revised application. 32379

Sec. ~~3702.524~~ 3702.523. (A) Except as provided in division 32380
(B) of this section, a certificate of need ~~granted on or after~~ 32381
~~April 20, 1995,~~ is not transferable prior to the completion of the 32382
reviewable activity for which it was granted. If any person 32383
holding a certificate of need ~~issued on or after that date~~ 32384
transfers the certificate of need to another person before the 32385
reviewable activity is completed, or enters into an agreement that 32386
contemplates the transfer of the certificate of need on the 32387
completion of the reviewable activity, the certificate of need is 32388
void. If the controlling interest in an entity that holds a 32389
certificate of need ~~issued on or after that date~~ is transferred 32390
prior to the completion of the reviewable activity, the 32391
certificate of need is void. 32392

(B) Division (A) of this section does not prohibit the 32393
transfer of a certificate of need ~~issued on or after April 20,~~ 32394
~~1995,~~ between affiliated or related persons, as defined in rules 32395
adopted under section 3702.57 of the Revised Code, if the transfer 32396
does not result in a change in the person that holds the ultimate 32397
controlling interest, as defined in the rules, in the certificate 32398
of need. 32399

The transfer of a ~~health~~ long-term care facility after the 32400
completion of a reviewable activity for which a certificate of 32401
need was issued ~~on or after April 20, 1995,~~ is not a transfer of 32402
the certificate of need, unless the facility is transferred 32403
pursuant to an agreement entered into prior to the completion of 32404
the reviewable activity. 32405

Sec. ~~3702.525~~ 3702.524. (A) Not later than twenty-four months 32406

after the date the director of health mails the notice that the 32407
certificate of need has been granted or, if the grant or denial of 32408
the certificate of need is appealed under section 3702.60 of the 32409
Revised Code, not later than twenty-four months after issuance of 32410
an order granting the certificate that is not subject to further 32411
appeal, each person holding a certificate of need granted ~~on or~~ 32412
~~after April 20, 1995,~~ shall: 32413

(1) If the project for which the certificate of need was 32414
granted primarily involves construction and is to be financed 32415
primarily through external borrowing of funds, secure financial 32416
commitment for the stated purpose of developing the project and 32417
commence construction that continues uninterrupted except for 32418
interruptions or delays that are unavoidable due to reasons beyond 32419
the person's control, including labor strikes, natural disasters, 32420
material shortages, or comparable events; 32421

(2) If the project for which the certificate of need was 32422
granted primarily involves construction and is to be financed 32423
primarily internally, receive formal approval from the holder's 32424
board of directors or trustees or other governing authority to 32425
commit specified funds for implementation of the project and 32426
commence construction that continues uninterrupted except for 32427
interruptions or delays that are unavoidable due to reasons beyond 32428
the person's control, including labor strikes, natural disasters, 32429
material shortages, or comparable events; 32430

~~(3) If the project for which the certificate of need was 32431
granted primarily involves acquisition of medical equipment, enter 32432
into a contract to purchase or lease the equipment and to accept 32433
the equipment at the site for which the certificate was granted; 32434~~

~~(4)~~ If the project for which the certificate of need was 32435
granted involves no capital expenditure or only minor renovations 32436
to existing structures, provide the ~~health~~ long-term care service 32437
~~or activity~~ by the means specified in the approved application for 32438

the certificate; 32439

~~(5)~~(4) If the project for which the certificate of need was 32440
granted primarily involves leasing a building or space that 32441
requires only minor renovations to the existing space, execute a 32442
lease and provide the health long-term care service ~~or activity~~ by 32443
the means specified in the approved application for the 32444
certificate; 32445

~~(6)~~(5) If the project for which the certificate of need was 32446
granted primarily involves leasing a building or space that has 32447
not been constructed or requires substantial renovations to 32448
existing space, commence construction for the purpose of 32449
implementing the reviewable activity that continues uninterrupted 32450
except for interruptions or delays that are unavoidable due to 32451
reasons beyond the person's control, including labor strikes, 32452
natural disasters, material shortages, or comparable events. 32453

(B) The twenty-four-month period specified in division (A) of 32454
this section shall not be extended by any means, including the 32455
granting of a subsequent or replacement certificate of need. Each 32456
person holding a certificate of need ~~granted on or after April 20,~~ 32457
~~1995,~~ shall provide the director of health documentation of 32458
compliance with that division not later than the earlier of thirty 32459
days after complying with that division or five days after the 32460
twenty-four-month period expires. Not later than the earlier of 32461
fifteen days after receiving the documentation or fifteen days 32462
after the twenty-four-month period expires, the director shall 32463
send by certified mail a notice to the holder of the certificate 32464
of need specifying whether the holder has complied with division 32465
(A) of this section. 32466

(C) ~~Notwithstanding division (B) of this section, the~~ 32467
~~twenty four month period specified in division (A) of this section~~ 32468
~~shall be extended for an additional twenty four months for any~~ 32469
~~certificate of need granted for the purchase and relocation of~~ 32470

~~licensed nursing home beds on February 26, 1999.~~ 32471

~~(D) A certificate of need granted on or after April 20, 1995,~~ 32472
expires, regardless of whether the director sends a notice under 32473
division (B) of this section, if the holder fails to comply with 32474
division (A) ~~or (C)~~ of this section or to provide information 32475
under division (B) of this section as necessary for the director 32476
to determine compliance. The determination by the director that a 32477
certificate of need has expired is final and not appealable under 32478
Chapter 119. of the Revised Code. 32479

~~Sec. 3702.526~~ 3702.525. Every six months after complying with 32480
section ~~3702.525~~ 3702.524 of the Revised Code, the holder of the 32481
certificate of need shall demonstrate to the director of health, 32482
in the form and manner required by rules adopted under section 32483
3702.57 of the Revised Code, that reasonable progress is being 32484
made toward the completion of the reviewable activity. If the 32485
director determines, in accordance with standards specified in the 32486
rules, that reasonable progress is not being made, ~~he~~ the director 32487
shall withdraw the certificate of need. 32488

Sec. 3702.526. (A) Except as provided in division (B) of this 32489
section, the director of health shall accept an application for a 32490
replacement certificate of need for an activity described in 32491
division (A)(5) of section 3702.511 of the Revised Code to replace 32492
an approved certificate of need for that activity if all of the 32493
following conditions are met: 32494

(1) The applicant is the same as the applicant for the 32495
approved certificate of need or an affiliated or related person as 32496
described in division (B) of section 3702.523 of the Revised Code. 32497

(2) The source of any long-term care beds to be relocated is 32498
the same as in the approved certificate of need. 32499

(3) The application for the approved certificate of need was 32500

not subject to comparative review under section 3702.593 of the Revised Code. 32501
32502

(B) The director shall not accept an application for a replacement certificate that proposes to increase the number of long-term care beds to be relocated specified in the application for the approved certificate of need. 32503
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(C) For the purpose of determining whether long-term care beds are from an existing long-term care facility, the director shall consider the date of filing of the application for a replacement certificate to be the same as the date of filing of the original application for the approved certificate of need. 32507
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(D) Any long-term care beds that were approved in the approved certificate of need remain approved in the application for a replacement certificate. 32512
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(E) The applicant shall submit with the application for a replacement certificate a nonrefundable fee equal to the application fee for the approved certificate of need. 32515
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(F) Upon approval of the application for a replacement certificate, the original certificate of need is automatically voided. 32518
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Sec. 3702.527. A bed described in division (0)(5) of section 3702.51 of the Revised Code may be converted to a bed described in division (0)(1), (2), (3), or (4) of that section only as provided in the certificate of need under which the beds were approved or its replacement certificate of need. 32521
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Sec. 3702.53. (A) No person shall carry out any reviewable activity unless a certificate of need for such activity has been granted under sections 3702.51 to 3702.62 of the Revised Code or the person is exempted by division ~~(S)~~(B) of section ~~3702.51~~ 3702.511 or section ~~3702.5210~~ or 3702.62 of the Revised Code from 32526
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the requirement that a certificate of need be obtained. No person 32531
shall carry out any reviewable activity if a certificate of need 32532
authorizing that activity has been withdrawn by the director of 32533
health under section 3702.52 or ~~3702.526~~ 3702.525 of the Revised 32534
Code. No person shall carry out a reviewable activity if the 32535
certificate of need authorizing that activity is void pursuant to 32536
section ~~3702.524~~ 3702.523 of the Revised Code or has expired 32537
pursuant to section ~~3702.525~~ 3702.524 of the Revised Code. 32538

(B) No person shall separate portions of any proposal for any 32539
reviewable activity to evade the requirements of sections 3702.51 32540
to 3702.62 of the Revised Code. 32541

(C) No person granted a certificate of need shall carry out 32542
the reviewable activity authorized by the certificate of need 32543
other than in substantial accordance with the approved application 32544
for the certificate of need. 32545

Sec. 3702.531. The director of health shall evaluate and may 32546
investigate evidence that appears to demonstrate that any person 32547
has violated section 3702.53 of the Revised Code. If the director 32548
elects to conduct an investigation, ~~he~~ the director shall mail to 32549
the alleged violator by certified mail, return receipt requested, 32550
a notice that an investigation is underway. 32551

When conducting an investigation under this section, the 32552
director may request any relevant information pertaining to the 32553
alleged violation, including the total operating cost of the 32554
activity in question during the period of the alleged violation 32555
and the total capital cost associated with implementation of the 32556
activity. A person shall provide information requested by the 32557
director not later than forty-five days after receiving the 32558
director's request. The director also may issue and enforce, in 32559
the manner provided in Chapter 119. of the Revised Code, subpoenas 32560
duces tecum to compel the production of documents relevant to the 32561

alleged violation. The subpoenas may be served in any manner 32562
authorized by the rules of civil procedure. 32563

The director or ~~his~~ the director's designee, ~~which may~~ 32564
~~include a health service agency,~~ may conduct a site visit to 32565
investigate an alleged violation of section 3702.53 of the Revised 32566
Code. 32567

Each investigation under this section shall be conducted in a 32568
manner that protects patient confidentiality. Names or other 32569
identifying information about any patient shall not be made public 32570
without the written consent of the patient or ~~his~~ the patient's 32571
guardian, or, if the patient is a minor, ~~his~~ the patient's parent 32572
or guardian. 32573

Sec. 3702.54. Except as provided in section 3702.541 of the 32574
Revised Code, divisions (A) and (B) of this section apply when the 32575
director of health determines that a person has violated section 32576
3702.53 of the Revised Code. 32577

(A) The director shall impose a civil penalty on the person 32578
in an amount equal to the greatest of the following: 32579

(1) Three thousand dollars; 32580

(2) Five per cent of the operating cost of the activity that 32581
constitutes the violation during the period of time it was 32582
conducted in violation of section 3702.53 of the Revised Code; 32583

(3) If a certificate of need was granted, two per cent of the 32584
total approved capital cost associated with implementation of the 32585
activity for which the certificate of need was granted. 32586

In no event, however, shall the penalty exceed two hundred 32587
fifty thousand dollars. 32588

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 32589
the director shall refuse to accept for review any application for 32590
a certificate of need filed by or on behalf of the person, or any 32591

successor to the person or entity related to the person, for a 32592
period of not less than one year and not more than three years 32593
after the director mails the notice of the director's 32594
determination under section 3702.532 of the Revised Code or, if 32595
the determination is appealed under section 3702.60 of the Revised 32596
Code, the issuance of the order upholding the determination that 32597
is not subject to further appeal. In determining the length of 32598
time during which applications will not be accepted, the director 32599
may consider any of the following: 32600

- (a) The nature and magnitude of the violation; 32601
- (b) The ability of the person to have averted the violation; 32602
- (c) Whether the person disclosed the violation to the 32603
director before the director commenced his investigation; 32604
- (d) The person's history of compliance with sections 3702.51 32605
to 3702.62 and the rules adopted under section 3702.57 of the 32606
Revised Code; 32607
- (e) Any community hardship that may result from refusing to 32608
accept future applications from the person. 32609

(2) Notwithstanding the one-year minimum imposed by division 32610
(B)(1) of this section, the director may establish a period of 32611
less than one year during which the director will refuse to accept 32612
certificate of need applications if, after reviewing all 32613
information available to the director, the director determines and 32614
expressly indicates in the notice mailed under section 3702.532 of 32615
the Revised Code that refusing to accept applications for a longer 32616
period would result in hardship to the community in which the 32617
person provides ~~health~~ long-term care services. The director's 32618
finding of community hardship shall not affect the granting or 32619
denial of any future certificate of need application filed by the 32620
person. 32621

Sec. 3702.55. A person that the director of health determines 32622
has violated section 3702.53 of the Revised Code shall cease 32623
conducting the activity that constitutes the violation or 32624
utilizing the ~~equipment~~ or facility resulting from the violation 32625
not later than thirty days after the person receives the notice 32626
mailed under section 3702.532 of the Revised Code or, if the 32627
person appeals the director's determination under section 3702.60 32628
of the Revised Code, thirty days after the person receives an 32629
order upholding the director's determination that is not subject 32630
to further appeal. 32631

If any person determined to have violated section 3702.53 of 32632
the Revised Code fails to cease conducting an activity or using 32633
~~equipment~~ or a facility as required by this section or if the 32634
person continues to seek payment or reimbursement for services 32635
rendered or costs incurred in conducting the activity as 32636
prohibited by section 3702.56 of the Revised Code, in addition to 32637
the penalties imposed under section 3702.54 or 3702.541 of the 32638
Revised Code: 32639

(A) The director of health may refuse to include any beds 32640
involved in the activity in the bed capacity of a hospital for 32641
purposes of registration under section 3701.07 of the Revised 32642
Code; 32643

(B) The director of health may refuse to license, or may 32644
revoke a license or reduce bed capacity previously granted to, a 32645
hospice care program under section 3712.04 of the Revised Code; a 32646
nursing home, ~~rest home~~ residential care facility, or home for the 32647
aging under section 3721.02 of the Revised Code; or any beds 32648
within any of those facilities that are involved in the activity; 32649

(C) A political subdivision certified under section 3721.09 32650
of the Revised Code may refuse to license, or may revoke a license 32651
or reduce bed capacity previously granted to, a nursing home, ~~rest~~ 32652

~~home residential care facility~~, or home for the aging, or any beds 32653
within any of those facilities that are involved in the activity; 32654

(D) The director of mental health may refuse to license under 32655
section 5119.20 of the Revised Code, or may revoke a license or 32656
reduce bed capacity previously granted to, a hospital receiving 32657
mentally ill persons or beds within such a hospital that are 32658
involved in the activity; 32659

(E) The department of job and family services may refuse to 32660
enter into a provider agreement that includes a facility, beds, or 32661
services that result from the activity. 32662

Sec. 3702.56. No third-party payer or other person ~~or~~ 32663
~~government entity~~ is required to pay, and no person shall seek or 32664
accept payment or reimbursement for, any service rendered or costs 32665
incurred in conducting an activity during the period of time in 32666
which the activity was conducted in violation of section 3702.53 32667
of the Revised Code. Each person that accepts any amount in 32668
violation of this division shall refund that amount on request of 32669
the person ~~or government entity~~ that paid it. 32670

Sec. 3702.57. (A) The ~~public~~ director of health ~~council~~ shall 32671
adopt rules establishing procedures and criteria for reviews of 32672
applications for certificates of need and issuance, denial, or 32673
withdrawal of certificates. 32674

(1) In adopting rules that establish criteria for reviews of 32675
applications of certificates of need, the ~~council~~ director shall 32676
consider the availability of and need for long-term care beds to 32677
provide care and treatment to persons diagnosed as having 32678
traumatic brain injuries and shall prescribe criteria for 32679
reviewing applications that propose to add long-term care beds to 32680
provide care and treatment to persons diagnosed as having 32681
traumatic brain injuries. 32682

(2) The criteria for reviews of applications for certificates 32683
of need shall relate to the need for the reviewable activity and 32684
shall pertain to all of the following matters: 32685

(a) The impact of the reviewable activity on the cost and 32686
quality of ~~health~~ long-term care services in the relevant 32687
~~geographic~~ service area, including, but not limited, to the 32688
historical and projected utilization of the services to which the 32689
application pertains and the effect of the reviewable activity on 32690
utilization of other providers of similar services; 32691

(b) The quality of the services to be provided as the result 32692
of the activity, as evidenced by the historical performance of the 32693
persons that will be involved in providing the services and by the 32694
provisions that are proposed in the application to ensure quality, 32695
including but not limited to adequate available personnel, 32696
available ancillary and support services, available equipment, 32697
size and configuration of physical plant, and relations with other 32698
providers; 32699

(c) The impact of the reviewable activity on the availability 32700
and accessibility of the type of services proposed in the 32701
application to the population of the relevant ~~geographic~~ service 32702
area, and the level of access to the services proposed in the 32703
application that will be provided to medically underserved 32704
individuals such as recipients of public assistance and 32705
individuals who have no health insurance or whose health insurance 32706
is insufficient; 32707

(d) The activity's short- and long-term financial feasibility 32708
and cost-effectiveness, the impact of the activity on the 32709
applicant's costs and charges, and a comparison of the applicant's 32710
costs and charges with those of providers of similar services in 32711
the applicant's proposed service area; 32712

(e) The advantages, disadvantages, and costs of alternatives 32713

to the reviewable activity;	32714
(f) The impact of the activity on all other providers of similar services in the health service area or other <u>geographic service</u> area, including the impact on their utilization, market share, and financial status;	32715 32716 32717 32718
(g) The historical performance of the applicant and related or affiliated parties in complying with previously granted certificates of need and any applicable certification, accreditation, or licensure requirements;	32719 32720 32721 32722
(h) The relationship of the activity to the current edition of the state health resources plan issued under section 3702.521 of the Revised Code;	32723 32724 32725
(i) The historical performance of the applicant and related or affiliated parties in providing cost-effective health <u>long-term</u> care services;	32726 32727 32728
(j) <u>(i)</u> The special needs and circumstances of the applicant or population proposed to be served by the proposed project, including research activities, prevalence of particular diseases, unusual demographic characteristics, cost-effective contractual affiliations, and other special circumstances;	32729 32730 32731 32732 32733
(k) <u>(j)</u> The appropriateness of the zoning status of the proposed site of the activity;	32734 32735
(l) <u>(k)</u> The participation by the applicant in research conducted by the United States food and drug administration or clinical trials sponsored by the national institutes of health.	32736 32737 32738
(3) The criteria for reviews of applications shall include a formula for determining each county's long-term care bed need for purposes of section 3702.593 of the Revised Code and may include other formulas for determining need for beds.	32739 32740 32741 32742
Any rules prescribing criteria that establish ratios of beds	32743

to population shall specify the bases for establishing the ratios 32744
or mitigating factors or exceptions to the ratios. 32745

(B) The ~~council~~ director shall adopt rules specifying all of 32746
the following: 32747

(1) Information that must be provided in applications for 32748
certificates of need; 32749

(2) Procedures for reviewing applications for completeness of 32750
information; 32751

(3) Criteria for determining that the application is 32752
complete. 32753

(C) The ~~council~~ director shall adopt rules specifying 32754
requirements that holders of certificates of need must meet in 32755
order for the certificates to remain valid and establishing 32756
definitions and requirements for obligation of capital 32757
expenditures and implementation of projects authorized by 32758
certificates of need. 32759

(D) The ~~council~~ director shall adopt rules establishing 32760
criteria and procedures under which the director of health may 32761
withdraw a certificate of need if the holder fails to meet 32762
requirements for continued validity of the certificate. 32763

(E) The ~~council~~ director shall adopt rules establishing 32764
procedures under which the department of health shall monitor 32765
project implementation activities of holders of certificates of 32766
need. The rules adopted under this division also may establish 32767
procedures for monitoring implementation activities of persons 32768
that have received nonreviewability rulings. 32769

(F) The ~~council~~ director shall adopt rules establishing 32770
procedures under which the director of health shall review 32771
certificates of need whose holders exceed or appear likely to 32772
exceed an expenditure maximum specified in a certificate. 32773

(G) The ~~council~~ director shall adopt rules establishing 32774
certificate of need application fees sufficient to pay the costs 32775
incurred by the department for administering sections 3702.51 to 32776
3702.62 of the Revised Code ~~and to pay health service agencies for~~ 32777
~~the functions they perform under division (D)(5) of section~~ 32778
~~3702.58 of the Revised Code.~~ Unless rules are adopted under this 32779
division establishing different application fees, the application 32780
fee for a project not involving a capital expenditure shall be 32781
three thousand dollars and the application fee for a project 32782
involving a capital expenditure shall be nine-tenths of one per 32783
cent of the capital expenditure proposed subject to a minimum of 32784
three thousand dollars and a maximum of twenty thousand dollars. 32785

(H) The ~~council~~ director shall adopt rules specifying 32786
information that is necessary to conduct reviews of certificate of 32787
need applications and to develop ~~recommendations for~~ criteria for 32788
reviews that ~~health long-term~~ care facilities ~~and other health~~ 32789
~~care providers~~ are to submit to the director under division ~~(G)~~(H) 32790
of section 3702.52 of the Revised Code. 32791

(I) The ~~council~~ director shall adopt rules defining 32792
"affiliated person," "related person," and "ultimate controlling 32793
interest" for purposes of section ~~3702.524~~ 3702.523 of the Revised 32794
Code. 32795

(J) The ~~council~~ director shall adopt rules prescribing 32796
requirements for holders of certificates of need to demonstrate to 32797
the director under section ~~3702.526~~ 3702.525 of the Revised Code 32798
that reasonable progress is being made toward completion of the 32799
reviewable activity and establishing standards by which the 32800
director shall determine whether reasonable progress is being 32801
made. 32802

(K) The ~~public health council~~ director shall adopt all rules 32803
under divisions (A) to (J) of this section in accordance with 32804
Chapter 119. of the Revised Code. The ~~council~~ director may adopt 32805

other rules as necessary to carry out the purposes of sections 32806
3702.51 to 3702.62 of the Revised Code. 32807

Sec. 3702.59. (A) The director of health shall accept for 32808
review certificate of need applications as provided in sections 32809
3702.592, 3702.593, and 3702.594 of the Revised Code. 32810

(B)(1) The director shall not approve an application for a 32811
certificate of need for the addition of long-term care beds to an 32812
existing ~~health~~ long-term care facility or for the development of 32813
a new ~~health~~ long-term care facility if any of the following 32814
apply: 32815

(a) The existing ~~health~~ long-term care facility in which the 32816
beds are being placed has one or more waivers for life safety code 32817
deficiencies, one or more state fire code violations, or one or 32818
more state building code violations, and the project identified in 32819
the application does not propose to correct all life safety code 32820
deficiencies for which a waiver has been granted, all state fire 32821
code violations, and all state building code violations at the 32822
existing ~~health~~ long-term care facility in which the beds are 32823
being placed; 32824

(b) During the sixty-month period preceding the filing of the 32825
application, a notice of proposed license revocation was issued 32826
under section 3721.03 of the Revised Code for the existing ~~health~~ 32827
long-term care facility in which the beds are being placed or a 32828
nursing home owned or operated by the applicant or a principal 32829
participant. 32830

(c) During the period that precedes the filing of the 32831
application and is encompassed by the three most recent standard 32832
surveys of the existing ~~health~~ long-term care facility in which 32833
the beds are being placed, any of the following occurred: 32834

(i) The facility was cited on three or more separate 32835

occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies. 32836
32837

(ii) The facility was cited on two or more separate occasions for final, nonappealable immediate jeopardy deficiencies. 32838
32839

(iii) The facility was cited on two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency. 32840
32841
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32843

(d) More than two nursing homes owned or operated in this state by the applicant or a principal participant or, if the applicant or a principal participant owns or operates more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited during the period that precedes the filing of the application for the certificate of need and is encompassed by the three most recent standard surveys of the nursing homes that were so cited in any of the following manners: 32844
32845
32846
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32852

(i) On three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies; 32853
32854

(ii) On two or more separate occasions for final, nonappealable immediate jeopardy deficiencies; 32855
32856

(iii) On two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency. 32857
32858
32859

(2) In applying divisions (B)(1)(a) to (d) of this section, the director shall not consider deficiencies or violations cited before the applicant or a principal participant acquired or began to own or operate the ~~health~~ long-term care facility at which the deficiencies or violations were cited. The director may disregard deficiencies and violations cited after the ~~health~~ long-term care facility was acquired or began to be operated by the applicant or 32860
32861
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32863
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a principal participant if the deficiencies or violations were 32867
attributable to circumstances that arose under the previous owner 32868
or operator and the applicant or principal participant has 32869
implemented measures to alleviate the circumstances. In the case 32870
of an application proposing development of a new health long-term 32871
care facility by relocation of beds, the director shall not 32872
consider deficiencies or violations that were solely attributable 32873
to the physical plant of the existing health long-term care 32874
facility from which the beds are being relocated. 32875

(C) The director also shall accept for review any application 32876
for the conversion of infirmary beds to long-term care beds if the 32877
infirmary meets all of the following conditions: 32878

(1) Is operated exclusively by a religious order; 32879

(2) Provides care exclusively to members of religious orders 32880
who take vows of celibacy and live by virtue of their vows within 32881
the orders as if related; 32882

(3) Was providing care exclusively to members of such a 32883
religious order on January 1, 1994. 32884

(D) Notwithstanding division (C)(2) of this section, a 32885
facility that has been granted a certificate of need under 32886
division (C) of this section may provide care to any of the 32887
following family members of the individuals described in division 32888
(C)(2) of this section: mothers, fathers, brothers, sisters, 32889
brothers-in-law, sisters-in-law, or children. 32890

The long-term care beds in a facility that have been granted 32891
a certificate of need under division (C) of this section may not 32892
be relocated pursuant to sections 3702.592 to 3702.594 of the 32893
Revised Code. 32894

Sec. 3702.592. (A) The director of health shall accept, for 32895
review under section 3702.52 of the Revised Code, certificate of 32896

need applications for any of the following purposes if the 32897
proposed increase in beds is attributable ~~solely~~ to a replacement 32898
or relocation of existing beds from an existing ~~health~~ long-term 32899
care facility within the same county: 32900

(1) Approval of beds in a new ~~health~~ long-term care facility 32901
or an increase of beds in an existing ~~health~~ long-term care 32902
facility if the beds are proposed to be licensed as nursing home 32903
beds under Chapter 3721. of the Revised Code; 32904

(2) Approval of beds in a new county home or new county 32905
nursing home, or an increase of beds in an existing county home or 32906
existing county nursing home if the beds are proposed to be 32907
certified as skilled nursing facility beds under the medicare 32908
program, Title XVIII of the "Social Security Act," 49 Stat. 286 32909
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 32910
the medicaid program, Title XIX of the "Social Security Act," 49 32911
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 32912

(3) An increase of hospital beds registered pursuant to 32913
section 3701.07 of the Revised Code as long-term care beds; 32914

(4) An increase of hospital beds registered pursuant to 32915
section 3701.07 of the Revised Code as special skilled nursing 32916
beds that were originally authorized by and are operated in 32917
accordance with section ~~3702.522~~ 3702.521 of the Revised Code. 32918

(B) The director shall accept applications described in 32919
division (A) of this section at any time. 32920

Sec. 3702.593. (A) At the times specified in this section, 32921
the director of health shall accept, for review under section 32922
3702.52 of the Revised Code, certificate of need applications for 32923
any of the following purposes if the proposed increase in beds is 32924
attributable solely to relocation of existing beds from an 32925
existing ~~health~~ long-term care facility in a county with excess 32926

beds to a ~~health~~ long-term care facility in a county in which 32927
there are fewer long-term care beds than the county's bed need: 32928

(1) Approval of beds in a new ~~health~~ long-term care facility 32929
or an increase of beds in an existing ~~health~~ long-term care 32930
facility if the beds are proposed to be licensed as nursing home 32931
beds under Chapter 3721. of the Revised Code; 32932

(2) Approval of beds in a new county home or new county 32933
nursing home, or an increase of beds in an existing county home or 32934
existing county nursing home if the beds are proposed to be 32935
certified as skilled nursing facility beds under the medicare 32936
program, Title XVIII of the "Social Security Act," 49 Stat. 286 32937
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 32938
the medicaid program, Title XIX of the "Social Security Act," 49 32939
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 32940

(3) An increase of hospital beds registered pursuant to 32941
section 3701.07 of the Revised Code as long-term care beds. 32942

(B) For the purpose of implementing this section, the 32943
director shall do all of the following: 32944

(1) ~~Determine~~ Not later than April 1, 2012, and every four 32945
years thereafter, determine the long-term care bed supply for each 32946
county, which shall consist of all of the following: 32947

(a) Nursing home beds licensed under Chapter 3721. of the 32948
Revised Code; 32949

(b) Beds certified as skilled nursing facility beds under the 32950
medicare program or nursing facility beds under the medicaid 32951
program; 32952

(c) Beds in any portion of a hospital that are properly 32953
registered under section 3701.07 of the Revised Code as skilled 32954
nursing beds, long-term care beds, or special skilled nursing 32955
beds; 32956

(d) Beds in a county home or county nursing home that are certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and are eligible for licensure as nursing home beds;

~~(d)(e) Beds held as approved long term care beds under a certificate of need approved by the director described in division (O)(5) of section 3702.51 of the Revised Code.~~

(2) Determine the long-term care bed occupancy rate for the state at the time the determination is made;

(3) For each county, determine the county's bed need by identifying the number of long-term care beds that would be needed in the county in order for the statewide occupancy rate for a projected population aged sixty-five and older to be ninety per cent.

In determining each county's bed need, the director shall use the formula developed in rules adopted under section 3702.57 of the Revised Code. ~~The director's first determination after the effective date of this section shall be made not later than April 1, 2010. The second determination shall be made not later than April 1, 2012. Thereafter, a~~ A determination shall be made every four years. After each determination is made, the director shall publish the county's bed need on the web site maintained by the department of health.

(C) The director's consideration of a certificate of need that would increase the number of beds in a county shall be consistent with the county's bed need determined under division (B) of this section except as follows:

(1) If a county's occupancy rate is less than eighty-five per cent, the county shall be considered to have no need for additional beds.

(2) Even if a county is determined not to need any additional

long-term care beds, the director may approve an increase in beds 32988
equal to up to ten per cent of the county's bed supply if the 32989
county's occupancy rate is greater than ninety per cent. 32990

(D)(1) ~~Applications made under this section shall be subject~~ 32991
~~to comparative review.~~ The review period for the first comparative 32992
review process ~~after the effective date of this section~~ shall 32993
begin July 1, 2010, and end June 30, 2012. The next review period 32994
shall begin July 1, 2012, and end June 30, 2016. Thereafter, the 32995
review period for each comparative review process shall begin on 32996
the first day of July following the end of the previous review 32997
period and shall be four years. 32998

(2) Certificate of need applications shall be accepted during 32999
the first month of the review period and reviewed ~~from the first~~ 33000
~~day of the review period~~ through the thirtieth day of April of the 33001
following year. 33002

(3) Except for the first review period after ~~the effective~~ 33003
~~date of this section~~ October 16, 2009, each review period may 33004
consist of two phases. The first phase of the review period shall 33005
be the period during which the director accepts and reviews 33006
certificate of need applications as provided in division (D)(2) of 33007
this section. If the director determines that there will be 33008
acceptance and review of additional certificate of need 33009
applications, the second phase of the review period shall begin on 33010
the first day of July of the third year of the review period. The 33011
second phase shall be limited to acceptance and review of 33012
applications for redistribution of beds made available pursuant to 33013
division ~~(G)(2)(I)~~ (I) of this section. During the period between the 33014
first and second phases of the review period, the director shall 33015
act in accordance with division ~~(H)(I)~~ (I) of this section. 33016

(E) The director shall consider certificate of need 33017
applications in accordance with all of the following: 33018

(1) The number of beds approved for a county shall include 33019
only beds available for relocation from another county and shall 33020
not exceed the bed need of the receiving county; 33021

(2) The director shall consider the existence of community 33022
resources serving persons who are age sixty-five or older or 33023
disabled that are demonstrably effective in providing alternatives 33024
to long-term care facility placement. 33025

(3) The director shall approve relocation of beds from a 33026
county only if, after the relocation, the number of beds remaining 33027
in the county will exceed the county's bed need by at least one 33028
hundred beds; 33029

(4) The director shall approve relocation of beds from a 33030
~~health~~ long-term care facility only if, after the relocation, the 33031
number of beds in the facility's service area is at least equal to 33032
the state bed need rate. For purposes of this division, a 33033
facility's service area shall be either of the following: 33034

(a) The census tract in which the facility is located, if the 33035
facility is located in an area designated by the United States 33036
secretary of health and human services as a health professional 33037
shortage area under the "Public Health Service Act," 88 Stat. 682 33038
(1944), 42 U.S.C. 254(e), as amended; 33039

(b) The area that is within a fifteen-mile radius of the 33040
facility's location, if the facility is not located in a health 33041
professional shortage area. 33042

(F) Applications made under this section are subject to 33043
comparative review if two or more applications are submitted 33044
during the same review period and any of the following applies: 33045

(1) The applications propose to relocate beds from the same 33046
county and the number of beds for which certificates of need are 33047
being requested totals more than the number of beds available in 33048
the county from which the beds are to be relocated. 33049

(2) The applications propose to relocate beds to the same county and the number of beds for which certificates of need are being requested totals more than the number of beds needed in the county to which the beds are to be relocated. 33050
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(3) The applications propose to relocate beds from the same service area and the number of beds left in the service area from which the beds are being relocated would be less than the state bed need rate determined by the director. 33054
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(G) In determining which applicants should receive preference in the comparative review process, the director shall consider all of the following as weighted priorities: 33058
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(1) Whether the beds will be part of a continuing care retirement community; 33061
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(2) Whether the beds will serve an underserved population, such as low-income individuals, individuals with disabilities, or individuals who are members of racial or ethnic minority groups; 33063
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(3) Whether the project in which the beds will be included will provide alternatives to institutional care, such as adult day-care, home health care, respite or hospice care, mobile meals, residential care, independent living, or congregate living services; 33066
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(4) Whether the ~~health~~ long-term care facility's owner or operator will participate in medicaid waiver programs for alternatives to institutional care; 33071
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(5) Whether the project in which the beds will be included will reduce alternatives to institutional care by converting residential care beds or other alternative care beds to long-term care beds; 33074
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(6) Whether the facility in which the beds will be placed has positive resident and family satisfaction surveys; 33078
33079

(7) Whether the facility in which the beds will be placed has 33080
fewer than fifty long-term care beds; 33081

(8) Whether the ~~health long-term~~ care facility in which the 33082
beds will be placed is located within the service area of a 33083
hospital and is designed to accept patients for rehabilitation 33084
after an in-patient hospital stay; 33085

(9) Whether the ~~health long-term~~ care facility in which the 33086
beds will be placed is or proposes to become a nurse aide training 33087
and testing site; 33088

(10) The rating, under the centers for medicare and medicaid 33089
services' five star nursing home quality rating system, of the 33090
~~health long-term~~ care facility in which the beds will be placed. 33091

~~(G)(1) When a certificate of need application is approved 33092
during the initial phase of a four year review period, on 33093
completion of the project under which the beds are relocated, that 33094
number of beds shall cease to be operated in the health care 33095
facility from which they were relocated and, if the licensure or 33096
certification of those beds cannot be or is not transferred to the 33097
facility to which the beds are relocated, the licensure or 33098
certification shall be surrendered. 33099~~

~~(2) In (H) A person who has submitted an application under 33100
this section that is not subject to comparative review may revise 33101
the site of the proposed project pursuant to section 3702.522 of 33102
the Revised Code. 33103~~

(I) When a certificate of need application is approved during 33104
the initial phase of a four-year review period, in addition to the 33105
actions required by division ~~(G)(1)(D)~~ of this section 3702.52 of 33106
the Revised Code, the ~~health long-term~~ care facility from which 33107
the beds were relocated shall reduce the number of beds operated 33108
in the facility by a number of beds equal to at least ten per cent 33109
of the number of beds relocated and shall surrender the licensure 33110

~~or certification of those beds. If these beds are in a home~~ 33111
~~licensed under Chapter 3721. of the Revised Code, the long-term~~ 33112
~~care facility shall have the beds removed from the license. If the~~ 33113
~~beds are in a facility that is certified as a skilled nursing~~ 33114
~~facility or nursing facility under Title XVIII or XIX of the~~ 33115
~~"Social Security Act," the facility shall surrender the~~ 33116
~~certification of these beds. If the beds are registered as skilled~~ 33117
~~nursing beds or long-term care beds under section 3701.07 of the~~ 33118
~~Revised Code, the long-term care facility shall surrender the~~ 33119
~~registration for these beds. This reduction shall be made not~~ 33120
later than the completion date of the project for which the beds 33121
were relocated. 33122

~~(H)~~(J)(1) Once approval of certificate of need applications 33123
in the first phase of a four-year review period is complete, the 33124
director shall make a new determination of the bed need for each 33125
county by reducing the county's bed need by the number of beds 33126
approved for relocation to the county. The new bed-need 33127
determination shall be made not later than the first day of April 33128
of the third year of the review period. 33129

(2) The director may publish on the department's web site the 33130
remaining bed need for counties that will be considered for 33131
redistribution of beds that, in accordance with division ~~(G)~~(2)(I) 33132
of this section, have ceased or will cease to be operated. The 33133
director shall base the determination of whether to include a 33134
county on all of the following: 33135

(a) The statewide number of beds that, in accordance with 33136
division ~~(G)~~(2)(I) of this section, have ceased or will cease to 33137
be operated; 33138

(b) The county's remaining bed need; 33139

(c) The county's bed occupancy rate. 33140

~~(I)~~(K) If the director publishes the remaining bed need for a 33141

county under division ~~(H)~~(J)(2) of this section, the director may, 33142
beginning on the first day of the second phase of the review 33143
period, accept certificate of need applications for redistribution 33144
to ~~health~~ long-term care facilities in that county of beds that 33145
have ceased or will cease operation in accordance with division 33146
~~(G)(2)~~(I) of this section. The total number of beds approved for 33147
redistribution in the second phase of a review period shall not 33148
exceed the number that have ceased or will cease operation in 33149
accordance with division ~~(G)(2)~~(I) of this section. Beds that are 33150
not approved for redistribution during the second phase of a 33151
review period shall not be available for redistribution at any 33152
future time. 33153

Sec. 3702.594. (A) The director of health shall accept, for 33154
review under section 3702.52 of the Revised Code, certificate of 33155
need applications for an increase in beds in an existing nursing 33156
home if all of the following conditions are met: 33157

(1) The proposed increase is attributable solely to a 33158
relocation of licensed nursing home beds from an existing nursing 33159
home to another existing nursing home located in a county that is 33160
contiguous to the county from which the beds are to be relocated; 33161

(2) Not more than a total of thirty nursing home beds are 33162
proposed for relocation to the same existing nursing home 33163
regardless of the number of applications filed. Once the 33164
cumulative total of beds relocated under this section to a nursing 33165
home reaches thirty, no further applications under this section 33166
will be accepted until the period of monitoring specified in 33167
division (E) of section 3702.52 of the Revised Code of the most 33168
recent reviewable activity implemented under this section has 33169
expired; 33170

(3) After the proposed relocation, there will be existing 33171
nursing home beds remaining in the county from which the beds are 33172

relocated; 33173

(4) The beds are proposed to be licensed as nursing home beds 33174
under Chapter 3721. of the Revised Code. 33175

(B) The director shall accept applications described in 33176
division (A) of this section at any time. 33177

Sec. 3702.60. (A) Any affected person may appeal a 33178
reviewability ruling ~~issued on or after April 20, 1995,~~ to the 33179
director of health in accordance with Chapter 119. of the Revised 33180
Code, and the director shall provide an adjudication hearing in 33181
accordance with that chapter. An affected person may appeal the 33182
director's ruling in the adjudication hearing to the tenth 33183
district court of appeals. 33184

(B) The certificate of need applicant or another affected 33185
person may appeal to the director in accordance with Chapter 119. 33186
of the Revised Code a decision issued by the director ~~on or after~~ 33187
~~April 20, 1995,~~ to grant or deny a certificate of need application 33188
~~for which an adjudication hearing was not conducted under section~~ 33189
~~3702.52 of the Revised Code,~~ and the director shall provide an 33190
adjudication hearing in accordance with that chapter. The 33191
certificate of need applicant or other affected person that 33192
appeals the director's decision to grant or deny a certificate of 33193
need application must prove by a preponderance of the evidence 33194
that the director's decision is not in accordance with sections 33195
3702.52 to 3702.62 of the Revised Code or rules adopted under 33196
those sections. The certificate of need applicant or an affected 33197
person that was a party to and participated in an adjudication 33198
hearing conducted under this division ~~or section 3702.52 of the~~ 33199
~~Revised Code~~ may appeal to the tenth district court of appeals the 33200
decision issued by the director following the adjudication 33201
hearing. ~~No person may appeal to the director or a court the~~ 33202
~~director's granting of a certificate of need prior to June 30,~~ 33203

~~1995, under the version of section 3702.52 of the Revised Code in effect immediately prior to that date due to failure to submit timely written objections, no person may appeal to the director or a court the director's granting of a certificate of need under division (C)(1) of section 3702.52 of the Revised Code.~~

(C) The certificate of need holder may appeal to the director in accordance with Chapter 119. of the Revised Code a decision issued by the director under section 3702.52 or ~~3702.526~~ 3702.525 of the Revised Code ~~on or after April 20, 1995,~~ to withdraw a certificate of need, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(D) Any person determined by the director to have violated section 3702.53 of the Revised Code may appeal that determination, or the penalties imposed under section 3702.54 or 3702.541 of the Revised Code, to the director in accordance with Chapter 119. of the Revised Code, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(E) Each person appealing under this section to the director shall file with the director, not later than thirty days after the decision, ruling, or determination of the director was mailed, a notice of appeal designating the decision, ruling, or determination appealed from.

(F) Each person appealing under this section to the tenth district court of appeals shall file with the court, not later than thirty days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed.

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (F)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed material procedural error, the court shall remand the matter to the director for further consideration or action.

(G) The court may award reasonable attorney's fees against the appellant if it determines that the appeal was frivolous. Sections 119.092, 119.093, and 2335.39 of the Revised Code do not apply to adjudication hearings under this section or section 3702.52 of the Revised Code and judicial appeals under this

section. 33268

(H) No person may intervene in an appeal brought under this section. 33269
33270

Sec. 3702.62. ~~(A) Any action pursuant to section 140.03, 140.04, 140.05, 307.091, 313.21, 339.01, 339.021, 339.03, 339.06, 339.08, 339.09, 339.12, 339.14, 513.05, 513.07, 513.08, 513.081, 513.12, 513.15, 513.17, 513.171, 749.02, 749.03, 749.14, 749.16, 749.20, 749.25, 749.28, 749.35, 1751.06, or 3707.29 of the Revised Code shall be taken in accordance with sections 3702.51 to 3702.61 of the Revised Code.~~ 33271
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~~(B) A nursing home certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, that is required to apply for licensure as a residential facility under section 5123.19 of the Revised Code is not, with respect to the portion of the home certified as an intermediate care facility for the mentally retarded, subject to sections Sections 3702.51 to 3702.61 of the Revised Code do not apply to any part of long-term care facility's campus that is certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 79 Stat. 343 (1965), 42 U.S.C. 1396 et seq., as amended.~~ 33278
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Sec. 3703.01. (A) Except as otherwise provided in this section, the division of ~~labor~~ industrial compliance in the department of commerce shall do all of the following: 33290
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(1) Inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code; 33293
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(2) Condemn all unsanitary or defective plumbing that is found in connection with those places; 33295
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(3) Order changes in plumbing necessary to insure the safety 33297

of the public health. 33298

(B)(1)(a) The division of ~~labor~~ industrial compliance, boards 33299
of health of city and general health districts, and county 33300
building departments shall not inspect plumbing or collect fees 33301
for inspecting plumbing in particular types of buildings in any 33302
municipal corporation that is certified by the board of building 33303
standards under section 3781.10 of the Revised Code to exercise 33304
enforcement authority for plumbing in those types of buildings. 33305

(b) The division shall not inspect plumbing or collect fees 33306
for inspecting plumbing in particular types of buildings in any 33307
health district that employs one or more plumbing inspectors 33308
certified pursuant to division (D) of this section to enforce 33309
Chapters 3781. and 3791. of the Revised Code and the rules adopted 33310
pursuant to those chapters relating to plumbing in those types of 33311
buildings. 33312

(c) The division shall not inspect plumbing or collect fees 33313
for inspecting plumbing in particular types of buildings in any 33314
health district where the county building department is authorized 33315
to inspect those types of buildings pursuant to a contract 33316
described in division (C)(1) of this section. 33317

(d) The division shall not inspect plumbing or collect fees 33318
for inspecting plumbing in particular types of buildings in any 33319
health district where the board of health has entered into a 33320
contract with the board of health of another district to conduct 33321
inspections pursuant to division (C)(2) of this section. 33322

(2) No county building department shall inspect plumbing or 33323
collect fees for inspecting plumbing in any type of building in a 33324
health district unless the department is authorized to inspect 33325
that type of building pursuant to a contract described in division 33326
(C)(1) of this section. 33327

(3) No municipal corporation shall inspect plumbing or 33328

collect fees for inspecting plumbing in types of buildings for 33329
which it is not certified by the board of building standards under 33330
section 3781.10 of the Revised Code to exercise enforcement 33331
authority. 33332

(4) No board of health of a health district shall inspect 33333
plumbing or collect fees for inspecting plumbing in types of 33334
buildings for which it does not have a plumbing inspector 33335
certified pursuant to division (D) of this section. 33336

(C)(1) The board of health of a health district may enter 33337
into a contract with a board of county commissioners to authorize 33338
the county building department to inspect plumbing in buildings 33339
within the health district. The contract may designate that the 33340
department inspect either residential or nonresidential buildings, 33341
as those terms are defined in section 3781.06 of the Revised Code, 33342
or both types of buildings, so long as the department employs or 33343
contracts with a plumbing inspector certified pursuant to division 33344
(D) of this section to inspect the types of buildings the contract 33345
designates. The board of health may enter into a contract 33346
regardless of whether the health district employs any certified 33347
plumbing inspectors to enforce Chapters 3781. and 3791. of the 33348
Revised Code. 33349

(2) The board of health of a health district, regardless of 33350
whether it employs any certified plumbing inspectors to enforce 33351
Chapters 3781. and 3791. of the Revised Code, may enter into a 33352
contract with the board of health of another health district to 33353
authorize that board to inspect plumbing in buildings within the 33354
contracting board's district. The contract may designate the 33355
inspection of either residential or nonresidential buildings as 33356
defined in section 3781.06 of the Revised Code, or both types of 33357
buildings, so long as the board that performs the inspections 33358
employs a plumbing inspector certified pursuant to division (D) of 33359
this section to inspect the types of buildings the contract 33360

designates. 33361

(D) The superintendent of ~~labor~~ industrial compliance shall 33362
adopt rules prescribing minimum qualifications based on education, 33363
training, experience, or demonstrated ability, that the 33364
superintendent shall use in certifying or recertifying plumbing 33365
inspectors to do plumbing inspections for health districts and 33366
county building departments that are authorized to perform 33367
inspections pursuant to a contract under division (C)(1) of this 33368
section, and for continuing education of plumbing inspectors. 33369
Those minimum qualifications shall be related to the types of 33370
buildings for which a person seeks certification. 33371

(E) The superintendent may enter into reciprocal 33372
registration, licensure, or certification agreements with other 33373
states and other agencies of this state relative to plumbing 33374
inspectors if both of the following apply: 33375

(1) The requirements for registration, licensure, or 33376
certification of plumbing inspectors under the laws of the other 33377
state or laws administered by the other agency are substantially 33378
equal to the requirements the superintendent adopts under division 33379
(D) of this section for certifying plumbing inspectors. 33380

(2) The other state or agency extends similar reciprocity to 33381
persons certified under this chapter. 33382

(F) The superintendent may select and contract with one or 33383
more persons to do all of the following regarding examinations for 33384
certification of plumbing inspectors: 33385

(1) Prepare, administer, score, and maintain the 33386
confidentiality of the examination; 33387

(2) Maintain responsibility for all expenses required to 33388
comply with division (F)(1) of this section; 33389

(3) Charge each applicant a fee for administering the 33390

examination in an amount the superintendent authorizes; 33391

(4) Design the examination for certification of plumbing 33392
inspectors to determine an applicant's competence to inspect 33393
plumbing. 33394

(G) Standards and methods prescribed in local plumbing 33395
regulations shall not be less than those prescribed in Chapters 33396
3781. and 3791. of the Revised Code and the rules adopted pursuant 33397
to those chapters. 33398

(H) Notwithstanding any other provision of this section, the 33399
division shall make a plumbing inspection of any building or other 33400
place that there is reason to believe is in a condition to be a 33401
menace to the public health. 33402

Sec. 3703.03. In the administration of sections 3703.01 to 33403
3703.08 of the Revised Code, the division of ~~labor~~ industrial 33404
compliance shall enforce rules governing plumbing adopted by the 33405
board of building standards under authority of sections 3781.10 33406
and 3781.11 of the Revised Code, and register those persons 33407
engaged in or at the plumbing business. 33408

Plans and specifications for all plumbing to be installed in 33409
or for buildings coming within such sections shall be submitted to 33410
and approved by the division before the contract for plumbing is 33411
let. 33412

Sec. 3703.04. The superintendent of ~~labor~~ industrial 33413
compliance shall appoint such number of plumbing inspectors as is 33414
required. The inspectors shall be practical plumbers with at least 33415
seven years' experience, and skilled and well-trained in matters 33416
pertaining to sanitary regulations concerning plumbing work. 33417

Sec. 3703.05. Plumbing inspectors employed by the division of 33418
~~labor~~ industrial compliance assigned to the enforcement of 33419

sections 3703.01 to 3703.08 of the Revised Code may, between 33420
sunrise and sunset, enter any building where there is good and 33421
sufficient reason to believe that the sanitary condition of the 33422
premises endangers the public health, for the purpose of making an 33423
inspection to ascertain the condition of the premises. 33424

Sec. 3703.06. When any building is found to be in a sanitary 33425
condition or when changes which are ordered, under authority of 33426
this chapter, in the plumbing, drainage, or ventilation have been 33427
made, and after a thorough inspection and approval by the 33428
superintendent of ~~labor~~ industrial compliance, the superintendent 33429
shall issue a certificate, which shall be posted in a conspicuous 33430
place for the benefit of the public at large. Upon notification by 33431
the superintendent, the certificate shall be revoked for any 33432
violation of those sections. 33433

Sec. 3703.07. No plumbing work shall be done in any building 33434
or place coming within the jurisdiction of the division of ~~labor~~ 33435
industrial compliance, except in cases of repairs or leaks in 33436
existing plumbing, until a permit has been issued by the division. 33437

Before granting such permit, an application shall be made by 33438
the owner of the property or by the person, firm, or corporation 33439
which is to do the work. The application shall be made on a form 33440
prepared by the division for the purpose, and each application 33441
shall be accompanied by a fee of twenty-seven dollars, and an 33442
additional fee of seven dollars for each trap, vented fixture, 33443
appliance, or device. Each application also shall be accompanied 33444
by a plan approval fee of eighteen dollars for work containing one 33445
through twenty fixtures; thirty-six dollars for work containing 33446
twenty-one through forty fixtures; and fifty-four dollars for work 33447
containing forty-one or more fixtures. 33448

Whenever a reinspection is made necessary by the failure of 33449

the applicant or plumbing contractor to have the work ready for 33450
inspection when so reported, or by reason of faulty or improper 33451
installation, the person shall pay a fee of forty-five dollars for 33452
each reinspection. 33453

All fees collected pursuant to this section shall be paid 33454
into the state treasury to the credit of the ~~labor~~ industrial 33455
compliance operating fund created in section 121.084 of the 33456
Revised Code. 33457

The superintendent of ~~labor~~ industrial compliance, by rule 33458
adopted in accordance with Chapter 119. of the Revised Code, may 33459
increase the fees required by this section and may establish fees 33460
to pay the costs of the division to fulfill its duties established 33461
by this chapter, including, but not limited to, fees for 33462
administering a program for continuing education for, and 33463
certifying and recertifying plumbing inspectors. The fees shall 33464
bear some reasonable relationship to the cost of administering and 33465
enforcing the provisions of this chapter. 33466

Sec. 3703.08. Any owner, agent, or manager of a building in 33467
which an inspection is made by the division of ~~labor~~ industrial 33468
compliance, a board of health of a health district, or a certified 33469
department of building inspection of a municipal corporation or a 33470
county shall have the entire system of drainage and ventilation 33471
repaired, as the division, board of health, or department of 33472
building inspection directs by its order. After due notice to 33473
repair that work is given, the owner, agent, or manager shall 33474
notify the public authority that issued the order when the work is 33475
ready for its inspection. No person shall fail to have the work 33476
ready for inspection at the time specified in the notice. 33477

Sec. 3703.10. All prosecutions and proceedings by the 33478
division of ~~labor~~ industrial compliance for the violation of 33479

sections 3703.01 to 3703.08 of the Revised Code, or for the 33480
violation of any of the orders or rules of the division under 33481
those sections, shall be instituted by the superintendent of ~~labor~~ 33482
industrial compliance. All fines or judgments collected by the 33483
division shall be paid into the state treasury to the credit of 33484
the ~~labor~~ industrial compliance operating fund created by section 33485
121.084 of the Revised Code. 33486

The superintendent, the board of health of a general or city 33487
health district, or any person charged with enforcing the rules of 33488
the division adopted under sections 3703.01 to 3703.08 of the 33489
Revised Code may petition the court of common pleas for injunctive 33490
or other appropriate relief requiring any person violating a rule 33491
adopted or order issued by the superintendent under those sections 33492
to comply with the rule or order. The court of common pleas of the 33493
county in which the offense is alleged to be occurring may grant 33494
injunctive or other appropriate relief. 33495

The superintendent may do all of the following: 33496

(A) Deny an applicant certification as a plumbing inspector; 33497

(B) Suspend or revoke the certification of a plumbing 33498
inspector; 33499

(C) Examine any certified plumbing inspector under oath; 33500

(D) Examine the records and books of any certified plumbing 33501
inspector if the superintendent finds the material to be examined 33502
relevant to a determination described in division (A), (B), or (C) 33503
of this section. 33504

Sec. 3703.21. (A) Within ninety days after September 16, 33505
2004, the superintendent of ~~labor~~ industrial compliance shall 33506
appoint a backflow advisory board consisting of not more than ten 33507
members, who shall serve at the pleasure of the superintendent. 33508
The superintendent shall appoint a representative from the 33509

plumbing section of the division of ~~labor~~ industrial compliance, 33510
three representatives recommended by the plumbing administrator of 33511
the division of ~~labor~~ industrial compliance, a representative of 33512
the drinking water program of the Ohio environmental protection 33513
agency, three representatives recommended by the director of 33514
environmental protection, and not more than two members who are 33515
not employed by the plumbing or water industry. 33516

The board shall advise the superintendent on matters 33517
pertaining to the training and certification of backflow 33518
technicians. 33519

(B) The superintendent shall adopt rules in accordance with 33520
Chapter 119. of the Revised Code to provide for the certification 33521
of backflow technicians. The rules shall establish all of the 33522
following requirements, specifications, and procedures: 33523

(1) Requirements and procedures for the initial certification 33524
of backflow technicians, including eligibility criteria and 33525
application requirements and fees; 33526

(2) Specifications concerning and procedures for taking 33527
examinations required for certification as a backflow technician, 33528
including eligibility criteria to take the examination and 33529
application requirements and fees for taking the examination; 33530

(3) Specifications concerning and procedures for renewing a 33531
certification as a backflow technician, including eligibility 33532
criteria, application requirements, and fees for renewal; 33533

(4) Specifications concerning and procedures for both of the 33534
following: 33535

(a) Approval of training agencies authorized to teach 33536
required courses to candidates for certification as backflow 33537
technicians or continuing education courses to certified backflow 33538
technicians; 33539

(b) Renewal of the approval described in division (B)(4)(a) of this section.	33540 33541
(5) Education requirements that candidates for initial certification as backflow technicians must satisfy and continuing education requirements that certified backflow technicians must satisfy;	33542 33543 33544 33545
(6) Grounds and procedures for denying, suspending, or revoking certification, or denying the renewal of certification, as a backflow technician;	33546 33547 33548
(7) Procedures for issuing administrative orders for the remedy of any violation of this section or any rule adopted pursuant to division (B) of this section, including, but not limited to, procedures for assessing a civil penalty authorized under division (D) of this section;	33549 33550 33551 33552 33553
(8) Any provision the superintendent determines is necessary to administer or enforce this section.	33554 33555
(C) No individual shall engage in the installation, testing, or repair of any isolation backflow prevention device unless that individual possesses a valid certification as a backflow technician. This division does not apply with respect to the installation, testing, or repair of any containment backflow prevention device.	33556 33557 33558 33559 33560 33561
(D) Whoever violates division (C) of this section or any rule adopted pursuant to division (B) of this section shall pay a civil penalty of not more than five thousand dollars for each day that the violation continues. The superintendent may, by order, assess a civil penalty under this division, or may request the attorney general to bring a civil action to impose the civil penalty in the court of common pleas of the county in which the violation occurred or where the violator resides.	33562 33563 33564 33565 33566 33567 33568 33569
(E) Any action taken under a rule adopted pursuant to	33570

division (B)(6) of this section is subject to the appeal process 33571
of Chapter 119. of the Revised Code. An administrative order 33572
issued pursuant to rules adopted under division (B)(7) of this 33573
section and an appeal to that type of administrative order shall 33574
be executed in accordance with Chapter 119. of the Revised Code. 33575

(F) As used in this section: 33576

(1) "Isolation backflow prevention device" means a device for 33577
the prevention of the backflow of liquids, solids, or gases that 33578
is regulated by the building code adopted pursuant to section 33579
3781.10 of the Revised Code and rules adopted pursuant to this 33580
section. 33581

(2) "Containment backflow prevention device" means a device 33582
for the prevention of the backflow of liquids, solids, or gases 33583
that is installed by the supplier of, or as a requirement of, any 33584
public water system as defined in division (A) of section 6109.01 33585
of the Revised Code. 33586

Sec. 3703.99. Whoever violates sections 3703.01 to 3703.08 of 33587
the Revised Code, or any rule the division of ~~labor~~ industrial 33588
compliance is required to enforce under such sections, shall be 33589
fined not less than ten nor more than one hundred dollars or 33590
imprisoned for not less than ten nor more than ninety days, or 33591
both. No person shall be imprisoned under this section for the 33592
first offense, and the prosecution always shall be as for a first 33593
offense unless the affidavit upon which the prosecution is 33594
instituted contains the allegation that the offense is a second or 33595
repeated offense. 33596

Sec. 3704.035. (A) There is hereby created in the state 33597
treasury the Title V clean air fund. Except as otherwise provided 33598
in division (K) of section 3745.11 of the Revised Code, all moneys 33599
collected under ~~divisions (C), (D), (F), (G), (H), (I), and (J)~~ 33600

~~division (B) of that section and under section 3745.111 of the Revised Code, and any gifts, grants, or contributions received by the director of environmental protection for the purposes of the fund, shall be credited to the fund. The director shall expend moneys from the fund exclusively to pay the cost of administering and enforcing the laws of this state pertaining to the prevention, control, and abatement of air pollution and rules adopted and terms and conditions of permits, variances, and orders issued under those laws, except that the director shall not expend moneys credited to the fund for the administration and enforcement of motor vehicle inspection and maintenance programs and requirements under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 of the Revised Code.~~

~~Specifically, the~~ The director shall expend all moneys credited to the fund ~~from fees assessed under section 3745.11 of the Revised Code pursuant to the Title V permit program established under section 3704.036 of the Revised Code, and from any gifts, grants, or contributions received for the purposes of that program,~~ solely to administer and enforce ~~that~~ the Title V program pursuant to the federal Clean Air Act, this chapter, and rules adopted under it, except as costs relating to enforcement are limited by the federal Clean Air Act. The director shall establish separate and distinct accounting for all such moneys.

(B) There is hereby created in the state treasury the non-Title V clean air fund. All money collected under divisions (D), (F), (G), (H), (I), and (J) of section 3745.11 of the Revised Code shall be credited to the fund. In addition, any gifts, grants, or contributions received by the director for the purposes of the fund shall be credited to the fund.

The director shall expend money in the fund exclusively to pay the cost of administering and enforcing the laws of this state pertaining to the prevention, control, and abatement of air

pollution, rules adopted under those laws, and terms and 33633
conditions of permits, variances, and orders issued under those 33634
laws. However, the director shall not expend money credited to the 33635
fund for the administration and enforcement of the Title V permit 33636
program established under this chapter and rules adopted under it 33637
or motor vehicle inspection and maintenance programs established 33638
under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 33639
of the Revised Code. 33640

(C) The director shall report biennially to the general 33641
assembly the amounts of fees and other moneys credited to the ~~fund~~ 33642
funds under this section and the amounts expended from ~~it~~ them for 33643
each of the various air pollution control programs. 33644

Sec. 3705.24. (A)(1) The ~~public director of health council~~ 33645
shall, in accordance with section 111.15 of the Revised Code, 33646
adopt rules prescribing fees for the following items or services 33647
provided by the state office of vital statistics: 33648

(a) Except as provided in division (A)(4) of this section: 33649

(i) A certified copy of a vital record or a certification of 33650
birth; 33651

(ii) A search by the office of vital statistics of its files 33652
and records pursuant to a request for information, regardless of 33653
whether a copy of a record is provided; 33654

(iii) A copy of a record provided pursuant to a request. 33655

(b) Replacement of a birth certificate following an adoption, 33656
legitimation, paternity determination or acknowledgement, or court 33657
order; 33658

(c) Filing of a delayed registration of a vital record; 33659

(d) Amendment of a vital record that is requested later than 33660
one year after the filing date of the vital record; 33661

(e) Any other documents or services for which the ~~public~~ 33662
~~health council~~ director considers the charging of a fee 33663
appropriate. 33664

(2) Fees prescribed under division (A)(1)(a) of this section 33665
shall not be less than twelve dollars. 33666

(3) Fees prescribed under division (A)(1) of this section 33667
shall be collected in addition to any fees required by sections 33668
3109.14 and 3705.242 of the Revised Code. 33669

(4) Fees prescribed under division (A) of this section shall 33670
not apply to certifications issued under division (H) of this 33671
section or copies provided under section 3705.241 of the Revised 33672
Code. 33673

(B) In addition to the fees prescribed under division (A) of 33674
this section or section 3709.09 of the Revised Code, the office of 33675
vital statistics, the board of health of a city or general health 33676
district, or a local registrar of vital statistics who is not a 33677
salaried employee of a city or general health district shall 33678
charge a five-dollar fee for each certified copy of a vital record 33679
and each certification of birth. This fee shall be deposited in 33680
the general operations fund created under section 3701.83 of the 33681
Revised Code and be used to support the operations, the 33682
modernization, and the automation of the vital records program in 33683
this state. A board of health or a local registrar shall forward 33684
all fees collected under this division to the department of health 33685
not later than thirty days after the end of each calendar quarter. 33686

(C) Except as otherwise provided in division (H) of this 33687
section, and except as provided in section 3705.241 of the Revised 33688
Code, fees collected by the director of health under sections 33689
3705.01 to 3705.29 of the Revised Code shall be paid into the 33690
state treasury to the credit of the general operations fund 33691
created by section 3701.83 of the Revised Code. Except as provided 33692

in division (B) or (I) of this section, money generated by the fees shall be used only for administration and enforcement of this chapter and the rules adopted under it. Amounts submitted to the department of health for copies of vital records or services in excess of the fees imposed by this section shall be dealt with as follows:

(1) An overpayment of two dollars or less shall be retained by the department and deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code.

(2) An overpayment in excess of two dollars shall be returned to the person who made the overpayment.

(D) If a local registrar is a salaried employee of a city or a general health district, any fees the local registrar receives pursuant to section 3705.23 of the Revised Code shall be paid into the general fund of the city or the health fund of the general health district.

Each local registrar of vital statistics, or each health district where the local registrar is a salaried employee of the district, shall be entitled to a fee for each birth, fetal death, death, or military service certificate properly and completely made out and registered with the local registrar or district and correctly copied and forwarded to the office of vital statistics in accordance with the population of the primary registration district at the last federal census. The fee for each birth, fetal death, death, or military service certificate shall be:

(1) In primary registration districts of over two hundred fifty thousand, twenty cents;

(2) In primary registration districts of over one hundred twenty-five thousand and less than two hundred fifty thousand, sixty cents;

(3) In primary registration districts of over fifty thousand and less than one hundred twenty-five thousand, eighty cents; 33724
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(4) In primary registration districts of less than fifty thousand, one dollar. 33726
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(E) The director of health shall annually certify to the county treasurers of the several counties the number of birth, fetal death, death, and military service certificates registered from their respective counties with the names of the local registrars and the amounts due each registrar and health district at the rates fixed in this section. Such amounts shall be paid by the treasurer of the county in which the registration districts are located. No fees shall be charged or collected by registrars except as provided by this chapter and section 3109.14 of the Revised Code. 33728
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(F) A probate judge shall be paid a fee of fifteen cents for each certified abstract of marriage prepared and forwarded by the probate judge to the department of health pursuant to section 3705.21 of the Revised Code. The fee shall be in addition to the fee paid for a marriage license and shall be paid by the applicants for the license. 33738
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(G) The clerk of a court of common pleas shall be paid a fee of one dollar for each certificate of divorce, dissolution, and annulment of marriage prepared and forwarded by the clerk to the department pursuant to section 3705.21 of the Revised Code. The fee for the certified abstract of divorce, dissolution, or annulment of marriage shall be added to the court costs allowed in these cases. 33744
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(H) The fee for an heirloom certification of birth issued pursuant to division (B)(2) of section 3705.23 of the Revised Code shall be an amount prescribed by rule by the director of health plus any fee required by section 3109.14 of the Revised Code. In 33751
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setting the amount of the fee, the director shall establish a 33755
surcharge in addition to an amount necessary to offset the expense 33756
of processing heirloom certifications of birth. The fee prescribed 33757
by the director of health pursuant to this division shall be 33758
deposited into the state treasury to the credit of the heirloom 33759
certification of birth fund which is hereby created. Money 33760
credited to the fund shall be used by the office of vital 33761
statistics to offset the expense of processing heirloom 33762
certifications of birth. However, the money collected for the 33763
surcharge, subject to the approval of the controlling board, shall 33764
be used for the purposes specified by the family and children 33765
first council pursuant to section 121.37 of the Revised Code. 33766

(I)(1) Four dollars of each fee collected by the board of 33767
health of a city or general health district for a certified copy 33768
of a vital record or a certification of birth shall be transferred 33769
to the office of vital statistics not later than thirty days after 33770
the end of each calendar quarter. The amount collected shall be 33771
used to support public health systems. Of each four dollars 33772
collected, one dollar shall be used by the director of health to 33773
pay subsidies to boards of health. The subsidies shall be 33774
distributed in accordance with the same formula established under 33775
section 3701.342 of the Revised Code for the distribution of state 33776
health district subsidy funds to boards of health and local health 33777
departments. 33778

(2) Four dollars of each fee collected by a local registrar 33779
of vital statistics who is not a salaried employee of a city or 33780
general health district, for a certified copy of a vital record or 33781
certification of birth, shall be transferred to the office of 33782
vital statistics not later than thirty days after the end of each 33783
calendar quarter. The amount collected shall be used to support 33784
public health systems. 33785

Sec. 3705.30. (A) As used in this section: 33786

(1) "Freestanding birthing center" has the same meaning as in 33787
section ~~3702.51~~ 3702.141 of the Revised Code. 33788

(2) "Hospital" means a hospital classified under section 33789
3701.07 of the Revised Code as a general hospital or children's 33790
hospital. 33791

(3) "Physician" means an individual authorized under Chapter 33792
4731. of the Revised Code to practice medicine and surgery or 33793
osteopathic medicine and surgery. 33794

(B) The director of health shall establish and, if funds for 33795
this purpose are available, implement a statewide birth defects 33796
information system for the collection of information concerning 33797
congenital anomalies, stillbirths, and abnormal conditions of 33798
newborns. 33799

(C) If the system is implemented under division (B) of this 33800
section, all of the following apply: 33801

(1) The director may require each physician, hospital, and 33802
freestanding birthing center to report to the system information 33803
concerning all patients under five years of age with a primary 33804
diagnosis of a congenital anomaly or abnormal condition. The 33805
director shall not require a hospital, freestanding birthing 33806
center, or physician to report to the system any information that 33807
is reported to the director or department of health under another 33808
provision of the Revised Code or Administrative Code. 33809

(2) On request, each physician, hospital, and freestanding 33810
birthing center shall give the director or authorized employees of 33811
the department of health access to the medical records of any 33812
patient described in division (C)(1) of this section. The 33813
department shall pay the costs of copying any medical records 33814
pursuant to this division. 33815

(3) The director may review vital statistics records and 33816
shall consider expanding the list of congenital anomalies and 33817
abnormal conditions of newborns reported on birth certificates 33818
pursuant to section 3705.08 of the Revised Code. 33819

(D) A physician, hospital, or freestanding birthing center 33820
that provides information to the system under division (C) of this 33821
section shall not be subject to criminal or civil liability for 33822
providing the information. 33823

Sec. 3706.19. (A) There is hereby created in the Ohio air 33824
quality development authority the office of ~~ombudsman~~ ombudsperson 33825
for the small business stationary source technical and 33826
environmental compliance assistance program created under section 33827
3704.18 of the Revised Code. The office shall exercise its duties 33828
independently of any other state agency. 33829

(B) ~~Not later than one year after the effective date of this~~ 33830
~~section, the~~ The governor, with the advice and consent of the 33831
senate, shall appoint the ~~initial ombudsman~~ ombudsperson. The 33832
~~ombudsman~~ ombudsperson shall serve for a term of four years. The 33833
person who is appointed to serve as the ~~ombudsman~~ ombudsperson 33834
shall be experienced in management and in working with private 33835
enterprise and government entities, knowledgeable in the areas of 33836
arbitration and negotiation, experienced in interpreting statutory 33837
and regulatory law, and knowledgeable in investigation techniques 33838
and procedures, recordkeeping, and report writing. The ~~ombudsman~~ 33839
ombudsperson may be the highest ranking managerial employee of the 33840
authority. 33841

(C) The ~~ombudsman~~ ombudsperson shall do all of the following: 33842

- (1) Ensure that the goals of the program are being met; 33843
- (2) Conduct independent evaluations of all aspects of the 33844
program; 33845

- (3) Review the development and implementation of air pollution control requirements that have an impact on small businesses in the state and provide comments and recommendations, as appropriate, to the environmental protection agency and the United States environmental protection agency; 33846
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- (4) Facilitate and promote the participation of small businesses in the development of rules to be adopted under Chapter 3704. of the Revised Code that affect small businesses; 33851
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- (5) Aid in the dissemination of information, including air pollution requirements and control technologies, to small businesses and other interested persons; 33854
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- (6) Provide free, confidential assistance on individual source problems and grievances presented by small businesses; 33857
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- (7) Aid in investigating and resolving complaints against, and disputes involving, the agency from small businesses; 33859
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- (8) Refer small businesses to the appropriate specialist in the program from whom they may obtain information and assistance on affordable alternative technologies, process changes, and products and operational methods to help reduce air pollution and accidental releases; 33861
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- (9) Work with trade associations and small businesses to effect voluntary compliance with the federal Clean Air Act, Chapter 3704. of the Revised Code, and rules adopted under it; 33866
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- (10) Work with other states to establish a network for sharing information on small businesses and their efforts to comply with the federal Clean Air Act and state and local air pollution control laws; 33869
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- (11) Seek public and private funding sources that can financially assist small businesses that are in need of moneys to comply with air pollution control laws; 33873
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(12) Conduct studies to evaluate the impacts of the federal Clean Air Act on the state's economy, local economies, and small businesses. 33876
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(D) There is hereby created in the state treasury the small business ~~ombudsman~~ ombudsperson fund, which shall consist of moneys transferred to it from the Title V clean air fund created in section 3704.035 of the Revised Code. Moneys in the fund shall be used exclusively for the purposes of this section. 33879
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The director of environmental protection and the executive director of the authority annually shall determine the amount of moneys necessary for the operation of the office of the ~~ombudsman~~ ombudsperson. Thereafter, the director shall request the director of budget and management to, and that director shall, transfer that amount of moneys from the Title V clean air fund to the small business ~~ombudsman~~ ombudsperson fund. 33884
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(E) There is hereby created in the state treasury the small business assistance fund, which shall consist of moneys credited to it under division (K) of section 3745.11 of the Revised Code. The ~~ombudsman~~ ombudsperson shall use moneys in the fund solely to provide financial assistance to small businesses that have one hundred or fewer employees and that are having financial difficulty complying with the "Clean Air Act Amendments of 1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and regulations adopted under it. 33891
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In accordance with Chapter 119. of the Revised Code, the ~~ombudsman~~ ombudsperson shall adopt rules establishing procedures and requirements governing grants awarded under this division. 33900
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Sec. 3709.03. (A) There is hereby created in each general health district a district advisory council. A council shall consist of the president of the board of county commissioners, the chief executive of each municipal corporation not constituting a 33903
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city health district, and the president of the board of township trustees of each township. The board of county commissioners, the legislative body of a municipal corporation, and the board of township trustees of a township may select an alternate from among themselves to serve if the president, the chief executive, or the president of the board of township trustees is unable to attend any meeting of the district advisory council. When attending a meeting on behalf of a council member, the alternate may vote on any matter on which the member is authorized to vote.

The council shall organize by selecting a chair and secretary from among its members. The council shall adopt bylaws governing its meetings, the transaction of business, and voting procedures.

The council shall meet annually in March at a place determined by the chair and the health commissioner for the purpose of electing the chair and the secretary, making necessary appointments to the board of health, receiving and considering the annual or special reports from the board of health, and making recommendations to the board of health or to the department of health in regard to matters for the betterment of health and sanitation within the district or for needed legislation. The secretary of the council shall notify the district health commissioner and the director of health of the proceedings of such meeting.

Special meetings of the council shall be held on the order of any of the following:

(1) The director of health;

(2) The board of health;

(3) The lesser of five or a majority of district advisory council members.

The district health commissioner shall attend all meetings of the council.

(B) The district advisory council shall appoint four members 33938
of the board of health, and the remaining member shall be 33939
appointed by the health district licensing council established 33940
under section 3709.41 of the Revised Code. At least one member of 33941
the board of health shall be a physician. Appointments shall be 33942
made with due regard to equal representation of all parts of the 33943
district. 33944

(C) If at an annual or special meeting at which a member of 33945
the board of health is to be appointed fewer than a majority of 33946
the members of the district council are present, the council, by 33947
the majority vote of council members present, may organize an 33948
executive committee to make the appointment. An executive 33949
committee shall consist of five council members, including the 33950
president of the board of county commissioners, the council chair, 33951
the council secretary, and two additional council members selected 33952
by majority affirmative vote of the council members present at the 33953
meeting. The additional members selected shall include one 33954
representative of municipal corporations in the district that are 33955
not city health districts and one representative of townships in 33956
the district. If an individual is eligible for more than one 33957
position on the executive committee due to holding a particular 33958
office, the individual shall fill one position on the committee 33959
and the other position shall be filled by a member selected by a 33960
majority affirmative vote of the council members present at the 33961
meeting. A council member's alternate for annual meetings may 33962
serve as the member's alternate at meetings of the executive 33963
committee. 33964

Not later than thirty days after an executive committee is 33965
organized, the committee shall meet and the council chair shall 33966
present to the committee the matter of appointing a member of the 33967
board of health. The committee shall appoint the board member by 33968
majority affirmative vote. In the case of a combined health 33969

district, the executive committee shall appoint only members of 33970
the board of health that are to be appointed by the district 33971
advisory council, unless the contract for administration of health 33972
affairs in the combined district provides otherwise. If a majority 33973
affirmative vote is not reached within thirty days after the 33974
executive committee is organized, the director of health shall 33975
appoint the member of the board of health under the authority 33976
conferred by section 3709.03 of the Revised Code. 33977

If the council fails to meet or appoint a member of the board 33978
of health as required by this section or section 3709.02 of the 33979
Revised Code, the director of health, ~~with the consent of the~~ 33980
~~public health council,~~ may appoint the member. 33981

Sec. 3709.04. If in any general health district the district 33982
advisory council fails to meet or to select a board of health, the 33983
director of health may, ~~with the consent of the public health~~ 33984
~~council,~~ appoint a board of health for such district which shall 33985
have and exercise all powers conferred on a board of health of a 33986
general health district. 33987

Sec. 3709.06. If any city fails to establish a board of 33988
health under section 3709.05 of the Revised Code, the director of 33989
health, ~~with the approval of the public health council,~~ may 33990
appoint a health commissioner for such city, and fix ~~his~~ the 33991
commissioner's salary and term of office. Such commissioner shall 33992
have the same powers and perform the duties granted to or imposed 33993
upon a board of health of a city health district, except that 33994
rules, regulations, or orders of a general nature, made by ~~him~~ the 33995
commissioner and required to be published, shall be approved by 33996
the director. The salary of such commissioner and all necessary 33997
expenses incurred by ~~him~~ the commissioner in performing the duties 33998
of the board shall be paid by and be a valid claim against such 33999
city. 34000

Sec. 3709.08. (A) A city constituting board of health of a 34001
city or general health district or the authority having the duties 34002
of a board of health under section 3709.05 of the Revised Code may 34003
enter into a contract ~~for~~ to provide some or all public health 34004
~~service with the chief executive services for a board of health of~~ 34005
another city ~~constituting a city~~ or general health district or the 34006
authority having the duties of a board of health under section 34007
3709.05 of the Revised Code, if one of the following, as 34008
applicable, is the case: 34009

(1) If the contract is with a city constituting a city health 34010
district, the chief executive of that city, with the approval of a 34011
the majority of the members of the legislative authority of such 34012
that city or with approves the contract. 34013

(2) If the contract is with the board of health of a general 34014
health district, the chairman chairperson of the district advisory 34015
council of the general health district, with the approval of a 34016
majority of the members of the district advisory council, approves 34017
the contract. 34018

(3) If the contract is with an authority having the duties of 34019
a board of health under section 3709.05 of the Revised Code, the 34020
majority of the members of the authority's governing body approves 34021
the contract. Such proposal shall be made by the city seeking 34022
~~health service and shall be approved by a majority of the members~~ 34023
~~of the legislative authority of such city. Such a~~ 34024

(B) Each contract entered into under division (A) of this 34025
section shall do all of the following: 34026

~~(A)~~(1) State the amount of money or the proportion of 34027
expenses to be paid by the ~~city~~ board of health or authority 34028
having the duties of a board of health for such service services 34029
and how it is to be paid; 34030

~~(B) Provide for (2) Specify~~ the amount and character of 34031
health service services to be given to the city health district 34032
provided; 34033

~~(C)(3)~~ State the date on which ~~such service~~ the provision of 34034
services shall begin; 34035

~~(D)(4)~~ State the length of time ~~such~~ the contract ~~shall~~ will 34036
be in effect. 34037

~~No such (C)~~ Except as provided in division (D) of this 34038
section, no contract entered into under division (A) of this 34039
section shall be in effect until the ~~department~~ director of health 34040
determines that the ~~health department or~~ board of health of the 34041
city or general health district ~~providing such service or~~ 34042
authority having the duties of a board of health that is to 34043
provide the services is organized and equipped to provide ~~adequate~~ 34044
~~health service~~ the services. After such ~~contract has been approved~~ 34045
~~by the department of health~~ a determination is made, the board of 34046
health or ~~health department of the city or general health district~~ 34047
authority having the duties of a board of health providing ~~such~~ 34048
~~service~~ the services shall have, within the city health district 34049
receiving ~~such service~~ the services, all the powers and shall 34050
perform all the duties required of the board of health ~~of a city~~ 34051
~~health district~~ or the authority having the duties of a board of 34052
health. 34053

(D) A contract entered into under division (A) of this 34054
section that is for not all but for only one or some public health 34055
services provided by a board of health or the authority having the 34056
duties of a board of health shall be effective immediately. The 34057
effectiveness of such a contract is not dependent on a 34058
determination made by the director of health that is described in 34059
division (C) of this section. 34060

Sec. 3709.085. (A) The board of health of a city or general 34061

health district may enter into a contract with any political 34062
subdivision or other governmental agency to obtain or provide all 34063
or part of any services, including, but not limited to, 34064
enforcement services, for the purposes of Chapter 3704. of the 34065
Revised Code, the rules adopted and orders made pursuant thereto, 34066
or any other ordinances or rules for the prevention, control, and 34067
abatement of air pollution. 34068

(B)(1) As used in division (B)(2) of this section: 34069

(a) "Semipublic disposal system" means a disposal system that 34070
treats the sanitary sewage discharged from publicly or privately 34071
owned buildings or places of assemblage, entertainment, 34072
recreation, education, correction, hospitalization, housing, or 34073
employment, but does not include a disposal system that treats 34074
sewage in amounts of more than twenty-five thousand gallons per 34075
day; a disposal system for the treatment of sewage that is exempt 34076
from the requirements of section 6111.04 of the Revised Code 34077
pursuant to division (F)(7) of that section; or a disposal system 34078
for the treatment of industrial waste. 34079

(b) Terms defined in section 6111.01 of the Revised Code have 34080
the same meanings as in that section. 34081

(2) The board of health of a city or general health district 34082
may enter into a contract with the environmental protection agency 34083
to conduct on behalf of the agency inspection or enforcement 34084
services, for the purposes of Chapter 6111. of the Revised Code 34085
and rules adopted thereunder, for the disposal or treatment of 34086
sewage from semipublic disposal systems. The board of health of a 34087
city or general health district may charge a fee established 34088
pursuant to section 3709.09 of the Revised Code to be paid by the 34089
owner or operator of a semipublic disposal system for inspections 34090
conducted by the board pursuant to a contract entered into under 34091
division (B)(2) of this section, except that the board shall not 34092
charge a fee for those inspections conducted at any recreational 34093

vehicle park, recreation camp, or combined park-camp that is 34094
licensed under section 3729.05 of the Revised Code or at any 34095
manufactured home park that is licensed under section ~~3733.03~~ 34096
4781.27 of the Revised Code. 34097

Sec. 3709.09. (A) The board of health of a city or general 34098
health district may, by rule, establish a uniform system of fees 34099
to pay the costs of any services provided by the board. 34100

The fee for issuance of a certified copy of a vital record or 34101
a certification of birth shall not be less than the fee prescribed 34102
for the same service under division (A)(1) of section 3705.24 of 34103
the Revised Code and shall include the fees required by division 34104
(B) of section 3705.24 and section 3109.14 of the Revised Code. 34105

Fees for services provided by the board for purposes 34106
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 34107
3730.03, and 3749.04 of the Revised Code shall be established in 34108
accordance with rules adopted under division (B) of this section. 34109
The district advisory council, in the case of a general health 34110
district, and the legislative authority of the city, in the case 34111
of a city health district, may disapprove any fee established by 34112
the board of health under this division, and any such fee, as 34113
disapproved, shall not be charged by the board of health. 34114

(B) The ~~public director of health council~~ shall adopt rules 34115
under section 111.15 of the Revised Code that establish fee 34116
categories and a uniform methodology for use in calculating the 34117
costs of services provided for purposes specified in sections 34118
3701.344, 3711.10, 3718.06, 3729.07, 3730.03, and 3749.04 of the 34119
Revised Code. In adopting the rules, the ~~public health council~~ 34120
director shall consider recommendations it receives from advisory 34121
boards established either by statute or the director ~~of health~~ for 34122
entities subject to the fees. 34123

(C) Except when a board of health establishes a fee by 34124

adopting a rule as an emergency measure, the board of health shall 34125
hold a public hearing regarding each proposed fee for a service 34126
provided by the board for a purpose specified in section 3701.344, 34127
3711.10, 3718.06, 3729.07, 3730.03, or 3749.04 of the Revised 34128
Code. If a public hearing is held, at least twenty days prior to 34129
the public hearing the board shall give written notice of the 34130
hearing to each entity affected by the proposed fee. The notice 34131
shall be mailed to the last known address of each entity and shall 34132
specify the date, time, and place of the hearing and the amount of 34133
the proposed fee. 34134

(D) If payment of a fee established under this section is not 34135
received by the day on which payment is due, the board of health 34136
shall assess a penalty. The amount of the penalty shall be equal 34137
to twenty-five per cent of the applicable fee. 34138

(E) All rules adopted by a board of health under this section 34139
shall be adopted, recorded, and certified as are ordinances of 34140
municipal corporations and the record thereof shall be given in 34141
all courts the same effect as is given such ordinances, but the 34142
advertisements of such rules shall be by publication in one 34143
newspaper of general circulation within the health district. 34144
Publication shall be made once a week for two consecutive weeks or 34145
as provided in section 7.16 of the Revised Code, and such rules 34146
shall take effect and be in force ten days from the date of the 34147
first publication. 34148

Sec. 3709.092. (A) A board of health of a city or general 34149
health district shall transmit to the director of health all fees 34150
or additional amounts that the ~~public health council~~ director 34151
requires to be collected under sections 3701.344, 3718.06, 34152
3729.07, and 3749.04 of the Revised Code. The fees and amounts 34153
shall be transmitted according to the following schedule: 34154

(1) For fees and amounts received by the board on or after 34155

the first day of January but not later than the thirty-first day 34156
of March, transmit the fees and amounts not later than the 34157
fifteenth day of May; 34158

(2) For fees and amounts received by the board on or after 34159
the first day of April but not later than the thirtieth day of 34160
June, transmit the fees and amounts not later than the fifteenth 34161
day of August; 34162

(3) For fees and amounts received by the board on or after 34163
the first day of July but not later than the thirtieth day of 34164
September, transmit the fees and amounts not later than the 34165
fifteenth day of November; 34166

(4) For fees and amounts received by the board on or after 34167
the first day of October but not later than the thirty-first day 34168
of December, transmit the fees and amounts not later than the 34169
fifteenth day of February of the following year. 34170

(B) The director shall deposit the fees and amounts received 34171
under this section into the state treasury to the credit of the 34172
general operations fund created in section 3701.83 of the Revised 34173
Code. Each amount shall be used solely for the purpose for which 34174
it was collected. 34175

Sec. 3709.28. The (A) If a general health district will 34176
receive any part of its revenue for a fiscal year from an 34177
appropriation apportioned among the townships and municipal 34178
corporations composing the district, the board of health of a 34179
general health the district shall, annually, on or before the 34180
first Monday of April, adopt an itemized appropriation measure- 34181
Such under this section for that fiscal year on or before the 34182
first day of April of the immediately preceding fiscal year. If a 34183
general health district will not receive any part of its revenue 34184
for a fiscal year from an appropriation apportioned among the 34185
townships and municipal corporations composing the district, the 34186

board of health of the district shall adopt an annual 34187
appropriation measure for that fiscal year under this section or 34188
sections 5705.38, 5705.39, and 5705.40 of the Revised Code. 34189

(B) An appropriation measure adopted under this section shall 34190
set forth the amounts for the current expenses of ~~such the~~ 34191
district for the ensuing fiscal year ~~beginning on the first day of~~ 34192
~~January next ensuing~~. The appropriation measure, together with an 34193
estimate in itemized form, of the several sources of revenue 34194
available to the district, including the amount due from the state 34195
for the next fiscal year as provided in section 3709.32 of the 34196
Revised Code and the amount which the board anticipates will be 34197
collected in fees or from any tax levied for the benefit of the 34198
district under this chapter or Chapter 5705. of the Revised Code 34199
during the ~~next ensuing~~ fiscal year, shall be certified to the 34200
county auditor and by the county auditor submitted to the county 34201
budget commission, which may reduce ~~any item in such the~~ 34202
appropriation measure ~~but may not increase any item or the~~ 34203
~~aggregate of all items~~ to be apportioned among the townships and 34204
municipal corporations composing the district in accordance with 34205
division (C) of this section. 34206

(C) The aggregate appropriation, as fixed by the commission, 34207
less the amounts available to the general health district from ~~the~~ 34208
~~several all~~ sources of revenue, ~~including the estimated balance~~ 34209
~~from the previous appropriation~~ certified for the ensuing fiscal 34210
year, including any amounts in the district health fund that will 34211
be carried forward to the ensuing fiscal year as needed to fund 34212
ongoing operations in the ensuing fiscal year, shall be 34213
apportioned, by the county auditor among the townships and 34214
municipal corporations composing the health district on the basis 34215
of taxable valuations in such townships and municipal 34216
corporations. The auditor, when making the auditor's semiannual 34217
apportionment of funds, shall retain at each semiannual 34218

apportionment one-half of the amount apportioned to each township 34219
and municipal corporation. Such moneys ~~and all other sources of~~ 34220
~~revenue~~ shall be placed in a separate fund, to be known as the 34221
"district health fund." ~~When~~ Unless otherwise required by a 34222
provision of the Revised Code or a rule adopted pursuant thereto, 34223
all other sources of revenue of the district shall be placed in 34224
the district health fund, provided that the revenue is used and 34225
maintained in accordance with the purpose for which the revenue 34226
was received. 34227

(D) When a general health district is composed of townships 34228
and municipal corporations in two or more counties, the county 34229
auditor making the original apportionment shall certify to the 34230
auditor of each county concerned the amount apportioned to each 34231
township and municipal corporation in such county. Each auditor 34232
shall withhold from the semiannual apportionment to each such 34233
township or municipal corporation the amount certified, and shall 34234
pay the amounts withheld to the custodian of the funds of the 34235
health district concerned, to be credited to the district health 34236
fund. In making the apportionment under this paragraph for each 34237
year from 2002 through 2016, the county auditor shall add to the 34238
taxable valuation of each township and municipal corporation the 34239
tax value loss determined for each township and municipal 34240
corporation under divisions (D) and (E) of section 5727.84 of the 34241
Revised Code multiplied by the percentage used for that year in 34242
determining replacement payments under division (A)(1) of section 34243
5727.86 of the Revised Code. The tax commissioner shall certify to 34244
the county auditor the tax value loss for each township and 34245
municipal corporation for which the auditor must make an 34246
apportionment. 34247

(E) Subject to the aggregate amount as has been apportioned 34248
among the townships and municipalities and as may become available 34249
from the several sources of revenue, the board of health may, by 34250

resolution, transfer funds from one item in their appropriation to 34251
another item, reduce or increase any item, create new items, and 34252
make additional appropriations or reduce the total appropriation. 34253
Any such action shall forthwith be certified by the secretary of 34254
the board of health to the auditor for submission to and approval 34255
by the budget commission. 34256

(F) When any general health district has been united with or 34257
has contracted with a city health district located therein, the 34258
chief executive of the city shall, annually, on or before the 34259
first day of June, certify to the county auditor the total amount 34260
due for the ensuing fiscal year from the municipal corporations 34261
and townships in the district as provided in the contract between 34262
such city and the district advisory council of the original 34263
general health district. After approval by the county budget 34264
commission, the county auditor shall thereupon apportion the 34265
amount certified to the townships and municipal corporations, and 34266
shall withhold the sums apportioned as provided in this section. 34267

Sec. 3709.32. The president of each board of health providing 34268
health services in one or more health districts and the chief 34269
executive officer of each health department providing health 34270
services in one or more health districts shall, on or before the 34271
first day of March of each year, certify the amounts expended 34272
during the preceding calendar year which qualify for state health 34273
district subsidy funds under section 3701.342 of the Revised Code 34274
and rules ~~of adopted by the public director of health council~~. The 34275
director of health shall certify the amount payable under the 34276
state health district subsidy funds distribution formula adopted 34277
by the ~~public director of health council~~ under section 3701.342 of 34278
the Revised Code to the director of budget and management for 34279
payment. Payment shall not be made unless: 34280

(A) The board or department has provided such information 34281

concerning services and costs as is requested by the director of health; 34282
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(B) The certificate of the board of health or health department has been endorsed by the director of health; 34284
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(C) The board or department has complied with section 3701.342 of the Revised Code and ~~public health council~~ rules adopted by the director of health; 34286
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(D) The municipal corporations and townships composing the health district have provided adequate local funding for public health services. The ~~public director of health council~~ shall determine what constitutes adequate local funding, and may grant an exception to this requirement to a municipal corporation or township if unusually severe economic conditions prevent it from receiving adequate tax revenues to help support minimally acceptable public health services. 34289
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No state health district subsidy funds shall be granted to any board or department that decreases its appropriation for public health services in anticipation of using state funds to provide public health services normally supported by local revenues. 34297
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Sec. 3709.34. (A) The ~~board of county commissioners or the~~ legislative authority of any city may furnish suitable quarters for any board of health or health department having jurisdiction over all or a major part of ~~such county or~~ that city. 34302
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(B)(1) Subject to division (B)(6) of this section, a board of county commissioners shall provide office space and utilities through fiscal year 2013 for the board of health having jurisdiction over the county's general health district. Thereafter, subject to division (B)(6) of this section, the board of county commissioners shall make payments as provided in 34306
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division (B)(3) of this section for the office space and utilities 34312
until fiscal year 2018. Starting in fiscal year 2018, the board 34313
has no duty to provide the office space or utilities, or to make 34314
payments for the office space or utilities, for the board of 34315
health of the county's general health district. 34316

(2)(a) Not later than the thirtieth day of September 2012, 34317
2013, 2014, and 2015, the board of county commissioners shall make 34318
a written estimate of the total cost for the ensuing fiscal years 34319
2014, 2015, 2016, and 2017, respectively, to provide office space 34320
and utilities to the board of health of the county's general 34321
health district. The estimate of total cost shall include all of 34322
the following: 34323

(i) The total square feet of space to be used by the board of 34324
health; 34325

(ii) The total square feet of any common areas that should be 34326
reasonably allocated to the board of health and the method for 34327
making this allocation; 34328

(iii) The actual cost per square foot for both the space used 34329
by and the common areas allocated to the board of health; 34330

(iv) An explanation of the method used to determine the 34331
actual cost per square foot; 34332

(v) The estimated cost of providing utilities, including an 34333
explanation of how this cost was determined; 34334

(vi) Any other estimated costs the board of county 34335
commissioners anticipates will be incurred to provide office space 34336
and utilities to the board of health, including a detailed 34337
explanation of those costs and the rationale used to determine 34338
them. 34339

(b) The board of county commissioners shall forward a copy of 34340
the estimate of total cost to the director of the board of health 34341

not later than the fifth day of October 2012, 2013, 2014, and 34342
2015. The director shall review the estimate and, not later than 34343
twenty days after its receipt, notify the board of county 34344
commissioners that the director agrees with the estimate, or 34345
objects to it giving specific reasons for the objections. 34346

(c) If the director agrees with the estimate, it shall become 34347
the final estimate of total cost. Failure of the director to make 34348
objections to the estimate by the twentieth day after its receipt 34349
shall be deemed to mean that the director is in agreement with the 34350
estimate. 34351

(d) If the director timely objects to the estimate and 34352
provides specific objections to the board of county commissioners, 34353
the board shall review the objections and may modify the original 34354
estimate and send a revised estimate of total cost to the director 34355
within ten days after receipt of the objections. The director 34356
shall respond to a revised estimate within ten days after its 34357
receipt. If the director agrees with it, the revised estimate 34358
shall become the final estimate of total cost. If the director 34359
fails to respond within the ten-day period, the director shall be 34360
deemed to have agreed with the revised estimate. If the director 34361
disagrees with the revised estimate, the director shall send 34362
specific objections to the board of county commissioners within 34363
the ten-day period. 34364

(e) If the director timely objected to the original estimate 34365
or sends specific objections to a revised estimate within the 34366
required time, or if there is no revised estimate, the probate 34367
judge of the county shall determine the final estimate of total 34368
cost and certify this amount to the director and the board of 34369
county commissioners before the first day of January 2013, 2014, 34370
2015, or 2016, as applicable. 34371

(3)(a) Subject to division (B)(6) of this section, a board of 34372
county commissioners shall be responsible for the following 34373

<u>percentages of the final estimate of total cost established by</u>	34374
<u>division (B)(2) of this section:</u>	34375
<u>(i) Eighty per cent for fiscal year 2014;</u>	34376
<u>(ii) Sixty per cent for fiscal year 2015;</u>	34377
<u>(iii) Forty per cent for fiscal year 2016;</u>	34378
<u>(iv) Twenty per cent for fiscal year 2017.</u>	34379
<u>(b) In fiscal years 2014, 2015, 2016, and 2017, the board of</u>	34380
<u>health of the county's general health district shall be</u>	34381
<u>responsible for the payment of the remainder of any costs incurred</u>	34382
<u>in excess of the amount payable under division (B)(3)(a)(i), (ii),</u>	34383
<u>(iii), or (iv) of this section, as applicable, for the provision</u>	34384
<u>of office space and utilities for the board of health, including</u>	34385
<u>any unanticipated or unexpected increases in costs beyond the</u>	34386
<u>final estimate of total cost.</u>	34387
<u>(c) Beginning in fiscal year 2018, the board of county</u>	34388
<u>commissioners has no obligation to provide office space or</u>	34389
<u>utilities, or to make payments for office space or utilities, for</u>	34390
<u>the board of health.</u>	34391
<u>(4) After fiscal year 2017, the board of county commissioners</u>	34392
<u>and the board of health of the county's general health district</u>	34393
<u>may enter into a contract for the board of county commissioners to</u>	34394
<u>provide office space for the use of the board of health and to</u>	34395
<u>provide utilities for that office space. The term of the contract</u>	34396
<u>shall not exceed four years and may be renewed for additional</u>	34397
<u>periods not to exceed four years.</u>	34398
<u>(5) Notwithstanding divisions (B)(1) to (4) of this section,</u>	34399
<u>in any fiscal year the board of county commissioners, in its</u>	34400
<u>discretion, may provide office space and utilities for the board</u>	34401
<u>of health of the county's general health district free of charge.</u>	34402
<u>(6) If the board of health of a general health district</u>	34403

rents, leases, lease-purchases, or otherwise acquires office space 34404
to facilitate the performance of its functions, or constructs, 34405
enlarges, renovates, or otherwise modifies buildings or other 34406
structures to provide office space to facilitate the performance 34407
of its functions, the board of county commissioners of the county 34408
served by the general health district has no further obligation 34409
under division (B) of this section to provide office space or 34410
utilities, or to make payments for office space or utilities, for 34411
the board of health, unless the board of county commissioners 34412
enters into a contract with the board of health under division 34413
(B)(4) of this section, or exercises its option under division 34414
(B)(5) of this section. 34415

Sec. 3709.35. If the director of health ~~finds~~ charges that 34416
the health commissioner or a member of the board of health of a 34417
health district is guilty of misfeasance, malfeasance, or 34418
nonfeasance or has failed to perform any or all of the duties 34419
required by sections 3701.10, 3701.29, 3701.81, 3707.08, 3707.14, 34420
3707.16, 3707.47, and 3709.01 to 3709.36 of the Revised Code, the 34421
director ~~shall prefer a charge against the commissioner or board~~ 34422
~~member before the public health council and~~ shall notify the 34423
commissioner or board member as to the time and place at which 34424
such charges will be heard. If the ~~council~~ director, after 34425
hearing, finds the commissioner or board member guilty of the 34426
charge, it may remove such commissioner or member from office. 34427

If the lesser of three or one-fifth of the members of a 34428
district advisory council have reason to believe a member of the 34429
board of health of a general health district is guilty of 34430
misfeasance, malfeasance, or nonfeasance or has failed to perform 34431
any or all of the duties required by sections 3701.10, 3701.29, 34432
3701.81, 3707.14, 3707.16, 3707.47, and 3709.01 to 3709.36 of the 34433
Revised Code, the district advisory council members shall prefer a 34434
charge against the board member before the district advisory 34435

council and shall notify the board member as to the time and place 34436
at which such charges will be heard. If a majority of the council, 34437
after hearing, finds the board member guilty of the charge, it may 34438
remove the member from office. 34439

When any member of the board of health of a general or city 34440
health district is removed from office, the district advisory 34441
council or the chief executive of the city, upon notice of such 34442
removal, shall within thirty days after receipt of such notice 34443
fill the vacancy in accordance with section 3709.03 or 3709.05 of 34444
the Revised Code. 34445

Sec. 3709.36. The board of health of a city or general health 34446
district hereby created shall exercise all the powers and perform 34447
all the duties formerly conferred and imposed by law upon the 34448
board of health of a municipal corporation, and all such powers, 34449
duties, procedure, and penalties for violation of the sanitary 34450
regulations of a board of health of a municipal corporation are 34451
transferred to the board of health of a city or general health 34452
district by sections 3701.10, 3701.29, 3701.81, 3707.08, 3707.14, 34453
3707.16, 3707.47, and 3709.01 to 3709.36 of the Revised Code. 34454

The board of health of a city or general health district or 34456
the authority having the duties of a board of health under section 34457
3709.05 of the Revised Code shall, for the purpose of providing 34458
public health services, be a body politic and corporate. As such, 34459
it is capable of suing and being sued, contracting and being 34460
contracted with, acquiring, holding, possessing, and disposing of 34461
real and personal property, and taking and holding in trust for 34462
the use and benefit of such district or authority any grant or 34463
devise of land and any domain or bequest of money or other 34464
personal property. 34465

Sec. 3710.01. As used in this chapter:	34466
(A) "Asbestos" means the asbestiform varieties of chrysotile or serpentine, amosite or cummingtonitegrunerite, crocidolite or riebeckite, actinolite, tremolite, and anthophyllite.	34467 34468 34469
(B) "Asbestos hazard abatement activity" means any activity involving the removal, renovation, enclosure, repair, or encapsulation of reasonably related friable asbestos-containing materials in an amount greater than fifty linear feet or fifty square feet. "Asbestos hazard abatement activity" also includes any such activity involving such asbestos-containing materials in an amount of fifty linear or fifty square feet or less if, when combined with any other reasonably related activity in terms of time and location of the activity, the total amount is in an amount greater than fifty linear or fifty square feet.	34470 34471 34472 34473 34474 34475 34476 34477 34478 34479
(C) "Asbestos hazard abatement contractor" means a business entity or public entity that engages in or intends to engage in asbestos hazard abatement activities and that employs or supervises one or more asbestos hazard abatement specialists for asbestos hazard abatement activities. "Asbestos hazard abatement contractor" does not mean an employee of an asbestos hazard abatement contractor, a general contractor who subcontracts to an asbestos hazard abatement contractor an asbestos hazard abatement activity, or any individual who engages in asbestos hazard abatement activity in his <u>the individual's</u> own home.	34480 34481 34482 34483 34484 34485 34486 34487 34488 34489
(D) "Asbestos hazard abatement project" means one or more asbestos hazard abatement activities that are conducted by one asbestos hazard abatement contractor and that are reasonably related to each other.	34490 34491 34492 34493
(E) "Asbestos hazard abatement specialist" means a person with responsibility for the oversight or supervision of asbestos hazard abatement activities, including asbestos hazard abatement	34494 34495 34496

project managers, hazard abatement project supervisors and 34497
foremen, and employees of school districts or other governmental 34498
or public entities who coordinate or directly supervise or oversee 34499
asbestos hazard abatement activities performed by school district, 34500
governmental, or other public employees in school district, 34501
governmental, or other public buildings. 34502

(F) "Asbestos hazard evaluation specialist" means a person 34503
responsible for the identification, detection, and assessment of 34504
asbestos-containing materials, the determination of appropriate 34505
response actions, or the preparation of asbestos management plans 34506
for the purpose of protecting the public health from the hazards 34507
associated with exposure to asbestos, including the performance of 34508
air and bulk sampling. This category of specialists includes 34509
management planners, health professionals, industrial hygienists, 34510
private consultants, or other individuals involved in asbestos 34511
risk identification or assessment or regulatory activities. 34512

(G) "Business entity" means a partnership, firm, association, 34513
corporation, sole proprietorship, or other business concern. 34514

(H) "Public entity" means the state or any of its political 34515
subdivisions or any agency or instrumentality of either. 34516

(I) "License" means a document issued by the department of 34517
health to a business entity or public entity affirming that the 34518
entity has met the requirements set forth in this chapter to 34519
engage in asbestos hazard abatement activities as an asbestos 34520
hazard abatement contractor. 34521

(J) "Certificate" means: 34522

(1) A document issued by the department to an individual 34523
affirming that the individual has successfully completed the 34524
training and other requirements set forth in this chapter to 34525
qualify as an asbestos hazard abatement specialist, an asbestos 34526
hazard evaluation specialist, an asbestos hazard abatement worker, 34527

an asbestos hazard abatement project designer, an asbestos hazard 34528
abatement air-monitoring technician, an approved asbestos hazard 34529
training provider, or other category of asbestos hazard specialist 34530
that the ~~public health council~~ director establishes by rule; or 34531

(2) A document issued by a training institution in accordance 34532
with rules adopted by the ~~public health council~~ director affirming 34533
that an individual has successfully completed the instruction 34534
required in all categories as provided in sections 3710.07 and 34535
3710.10 of the Revised Code. 34536

(K) "Person" means any individual, business entity, 34537
governmental body, or other public or private entity. 34538

(L) "Encapsulate" means to coat, bind, or resurface walls, 34539
ceilings, pipes, or other structures to prevent friable asbestos 34540
from becoming airborne. 34541

(M) "Friable asbestos-containing material" means any material 34542
that contains more than one per cent asbestos by weight and that 34543
can be crumbled, pulverized, or reduced to powder, when dry, by 34544
hand pressure. 34545

(N) "Enclosure" means the permanent confinement of friable 34546
asbestos-containing materials with an airtight barrier in an area 34547
not used as an air plenum. 34548

(O) "Renovation" means the removal or stripping of friable 34549
asbestos-containing materials used on any pipe, duct, boiler, 34550
tank, reactor, turbine, furnace, or load supporting member. 34551

(P) "Asbestos hazard abatement worker" means the person 34552
responsible in a nonsupervisory capacity for the performance of an 34553
asbestos hazard abatement activity. 34554

(Q) "Asbestos hazard abatement project designer" means the 34555
person responsible for the determination of the workscope, work 34556
sequence, or performance standards for an asbestos hazard 34557

abatement activity, including preparation of specifications, 34558
plans, and contract documents. 34559

(R) "Director" means the director of health or ~~his~~ the 34560
director's authorized representative. 34561

(S) "Clearance air sampling" means an air sampling performed 34562
after the completion of any asbestos hazard abatement activity and 34563
prior to the reoccupation of the contained work area by the public 34564
and conducted for the purpose of protecting the public from the 34565
health hazards associated with exposure to friable 34566
asbestos-containing material. 34567

(T) "Asbestos hazard abatement air-monitoring technician" 34568
means the person who is responsible for environmental monitoring 34569
or work area clearance air sampling, including air monitoring 34570
performed to determine completion of response actions under the 34571
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 34572
States environmental protection agency pursuant to the "Asbestos 34573
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 34574
2970. "Asbestos hazard abatement air-monitoring technician" does 34575
not mean an industrial hygienist or industrial hygienist in 34576
training, certified by the American board of industrial hygiene. 34577

Sec. 3710.02. (A) ~~Subject to~~ In accordance with Chapter 119. 34578
of the Revised Code, the ~~public~~ director of health ~~council~~ shall, 34579
as ~~it~~ the director determines necessary, adopt rules to carry out 34580
this chapter. The rules shall include all of the following: 34581

(1) Criteria and procedures for the certification of asbestos 34582
hazard abatement specialists, asbestos hazard evaluation 34583
specialists, asbestos hazard abatement workers, asbestos hazard 34584
abatement project designers, and asbestos hazard abatement 34585
air-monitoring technicians by the director of health; 34586

(2) Criteria and procedures for the director to examine the 34587

records of licensees, certificate holders, and asbestos hazard	34588
abatement training schools;	34589
(3) Procedures and criteria in addition to those provided in	34590
this chapter for the approval of courses for asbestos hazard	34591
training;	34592
(4) Fees for licenses, certifications, and course approvals	34593
in excess of the levels set in section 3710.05 of the Revised Code	34594
and fees for the certification of asbestos hazard abatement	34595
air-monitoring technicians;	34596
(5) Levels of asbestos exposure or other circumstances	34597
constituting a public health emergency that authorize the director	34598
to issue an emergency order under division (B) of section 3710.13	34599
of the Revised Code;	34600
(6) Employee training standards, work practices that reduce	34601
the risk of contamination and recontamination of the environment,	34602
record-keeping requirements, action levels, project clearance	34603
levels, and other requirements that asbestos hazard abatement	34604
contractors, asbestos hazard abatement specialists, asbestos	34605
hazard evaluation specialists, asbestos hazard abatement project	34606
designers, asbestos hazard abatement air-monitoring technicians,	34607
asbestos hazard abatement workers, and other persons involved with	34608
asbestos hazard abatement activities must follow for the	34609
prevention of hazard to the public;	34610
(7) Worker protection equipment and practices and other	34611
health and safety standards for employees and agents of public	34612
entities coming in contact with asbestos through asbestos hazard	34613
abatement activity;	34614
(8) Standards of acceptable conduct for licensees and	34615
certificate holders engaged in asbestos hazard abatement or	34616
evaluation activities and acts and omissions that constitute	34617
grounds for the suspension or revocation of a license or	34618

certificate, or the denial of an application or renewal of a 34619
license or certificate in addition to those otherwise provided in 34620
this chapter; 34621

(9) Training requirements for asbestos hazard abatement 34622
project designers and asbestos hazard abatement air-monitoring 34623
technicians; 34624

(10)(a) Subject to the condition specified in division 34625
(A)(10)(b) of this section, a standard requiring that the amount 34626
of asbestos contained in the air in areas accessible to the public 34627
in buildings that are owned, operated, or leased by a public 34628
entity be not more than ten thousand asbestos fibers longer than 34629
five microns per cubic meter of air calculated as an eight-hour 34630
time-weighted average, which is measured during periods of normal 34631
building occupancy, and a requirement that measurement of airborne 34632
asbestos be made by either or both of the following methods, 34633
provided that results derived by use of the method described in 34634
division (A)(10)(a)(i) of this section supersede results derived 34635
by use of the method described in division (A)(10)(a)(ii) of this 34636
section if both methods are used and the methods yield conflicting 34637
results concerning the presence of fibers in the tested air that 34638
may not be asbestos: 34639

(i) Transmission electron microscopy in the manner described 34640
in the measurement protocol established by the United States 34641
environmental protection agency as set forth in 40 C.F.R. 763; 34642

(ii) Optical phase contrast microscopy in the manner 34643
described in the measurement protocol established by the United 34644
States occupational safety and health administration as set forth 34645
in 29 C.F.R. 1910. 34646

(b) The ~~public health council~~ director periodically shall 34647
review the standard required by division (A)(10)(a) of this 34648
section and determine whether and how it should be amended and how 34649

it shall be used in conjunction with visual and physical 34650
assessment of asbestos-containing materials located in buildings 34651
that are owned, operated, or leased by a public entity to 34652
determine appropriate and cost-effective response actions to such 34653
asbestos-containing materials and shall amend the standard if it 34654
determines that such action is necessary. 34655

(11) Other rules that the ~~public health council~~ director 34656
determines necessary for the implementation of this chapter and to 34657
protect the public health from the hazards associated with 34658
exposure to asbestos. 34659

(B) The director shall do all of the following: 34660

(1) Administer and enforce this chapter and the rules ~~of the~~ 34661
~~public health council~~ adopted pursuant thereto; 34662

(2) Develop comprehensive programs and policies for the 34663
control and prevention of nonoccupational exposure of the public 34664
to friable asbestos-containing materials; 34665

(3) Ensure that persons are trained and licensed or 34666
certified, where appropriate, in accordance with this chapter and 34667
the rules ~~of the public health council~~ adopted pursuant thereto; 34668

(4) Examine those records of licensed asbestos hazard 34669
abatement contractors, certified asbestos hazard abatement 34670
specialists, asbestos hazard evaluation specialists, asbestos 34671
hazard abatement project designers, asbestos hazard abatement 34672
air-monitoring technicians, and asbestos hazard training courses 34673
in accordance with rules adopted by the ~~public health council~~ 34674
director as ~~he~~ the director determines necessary to determine 34675
compliance with this chapter and the rules ~~of the public health~~ 34676
~~council~~ adopted pursuant thereto; 34677

(5) Prohibit and prevent improper asbestos hazard abatement 34678
procedures and require the modification or alteration of asbestos 34679
abatement procedures as they relate to this chapter and the rules 34680

~~of the public health council~~ adopted pursuant thereto; 34681

(6) Collect and disseminate health education information 34682
relating to safe management of asbestos hazards; 34683

(7) Accept and administer grants from the federal government 34684
and other sources, both public and private, for carrying out any 34685
of ~~his~~ the director's functions; 34686

(8) As ~~he~~ the director determines appropriate, conduct 34687
on-site inspections at any location where an asbestos hazard 34688
abatement activity is planned, in progress, or has been completed, 34689
at any location where a public health emergency may occur, is 34690
occurring, or has occurred, or to evaluate the performance or 34691
compliance of any person subject to this chapter; 34692

(9) Conduct an on-site audit of each asbestos hazard training 34693
provider approved pursuant to this chapter, at least once 34694
biennially, during an actual course conducted by the provider 34695
within the state; 34696

(10) Cooperate and assist in investigations, as such relate 34697
to this chapter, conducted by local law enforcement agencies, the 34698
Ohio environmental protection agency, the United States 34699
occupational safety and health administration, and other local, 34700
state, and federal agencies. 34701

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 34702
contractor's license, a business entity or public entity shall 34703
meet the requirements of this section. 34704

(B) Each employee or agent of the business entity or public 34705
entity applying for a license who will come in contact with 34706
asbestos or will be responsible for an asbestos hazard abatement 34707
project shall: 34708

(1) Be familiar with all applicable state and federal 34709
standards for asbestos hazard abatement projects; 34710

(2) Have successfully completed the course of instruction on 34711
asbestos hazard abatement activities, for their particular 34712
certification, approved by the department of health pursuant to 34713
section 3710.10 of the Revised Code, have passed an examination 34714
approved by the department, and demonstrate to the department that 34715
~~he~~ the employee or agent is capable of complying with all 34716
applicable standards of this state, the United States 34717
environmental protection agency, and the United States 34718
occupational safety and health administration. 34719

(C) A business entity or public entity applying for an 34720
asbestos hazard abatement contractor's license shall, in addition 34721
to the other requirements of this section, provide at least one 34722
asbestos hazard abatement specialist, certified pursuant to this 34723
chapter and the rules ~~of the public health council~~ adopted 34724
~~pursuant thereto~~ under it, for each asbestos hazard abatement 34725
project, and demonstrate to the satisfaction of the department 34726
that ~~he~~ the applicant: 34727

(1) Has access to at least one asbestos disposal site 34728
approved by the Ohio environmental protection agency that is 34729
sufficient for the deposit of all asbestos waste that ~~he~~ the 34730
applicant will generate during the term of the license; 34731

(2) Is sufficiently qualified to safely remove asbestos, 34732
demonstrated by reliability as an asbestos hazard abatement 34733
contractor, possesses a work program that prevents the 34734
contamination or recontamination of the environment and protects 34735
the public health from the hazards of exposure to asbestos, 34736
possesses evidence of certification of each individual employee or 34737
agent who will be responsible for others who may come in contact 34738
with friable asbestos-containing materials, possesses evidence of 34739
training of workers required by section 3710.07 of the Revised 34740
Code, and has prior successful experience in asbestos hazard 34741
abatement projects or equivalent qualifications as determined ~~by~~ 34742

~~rule in accordance with rules adopted by the public director of~~ 34743
~~health council;~~ 34744

(3) Possesses a worker protection program consistent with 34745
requirements established by the ~~public health council~~ director if 34746
the contractor is a public entity, and a worker protection program 34747
consistent with the requirements of the United States occupational 34748
safety and health administration if the contractor is a business 34749
entity; 34750

(4) Is registered as a business entity with the secretary of 34751
state. 34752

(D) No applicant for licensure as an asbestos hazard 34753
abatement contractor, in order to meet the requirements of this 34754
chapter, shall list an employee of another contractor. 34755

(E) The business entity or public entity shall meet any other 34756
standards that the ~~public health council~~ director, by rule, sets. 34757

(F) Nothing in this chapter or the rules adopted pursuant 34758
thereto relating to asbestos hazard abatement project designers 34759
shall be interpreted as authorizing or permitting an individual 34760
who is certified as an asbestos hazard abatement project designer 34761
to perform the services of a registered architect or professional 34762
engineer unless that person is registered under Chapter 4703. or 34763
4733. of the Revised Code to perform such services. 34764

Sec. 3710.05. (A) Except as otherwise provided in this 34765
chapter, no person shall engage in any asbestos hazard abatement 34766
activities in this state unless licensed or certified pursuant to 34767
this chapter. 34768

(B) To apply for licensure as an asbestos abatement 34769
contractor or certification as an asbestos hazard abatement 34770
specialist, an asbestos hazard evaluation specialist, an asbestos 34771
hazard abatement project designer, or an asbestos hazard abatement 34772

air-monitoring technician, a person shall do all of the following: 34773

(1) Submit a completed application to the department of 34774
health, on a form provided by the department; 34775

(2) Pay the requisite fee as provided in division (D) of this 34776
section; 34777

(3) Submit any other information the ~~public~~ director of 34778
health ~~council~~ by rule requires. 34779

(C) The application form for a business entity or public 34780
entity applying for an asbestos hazard abatement contractor's 34781
license shall include all of the following: 34782

(1) A description of the protective clothing and respirators 34783
that the public entity will use to comply with rules adopted by 34784
the ~~public health council~~ director and that the business entity 34785
will use to comply with requirements of the United States 34786
occupational safety and health administration; 34787

(2) A description of procedures the business entity or public 34788
entity will use for the selection, utilization, handling, removal, 34789
and disposal of clothing to prevent contamination or 34790
recontamination of the environment and to protect the public 34791
health from the hazards associated with exposure to asbestos; 34792

(3) The name and address of each asbestos disposal site that 34793
the business entity or public entity might use during the year; 34794

(4) A description of the site decontamination procedures that 34795
the business entity or public entity will use; 34796

(5) A description of the asbestos hazard abatement procedures 34797
that the business entity or public entity will use; 34798

(6) A description of the procedures that the business entity 34799
or public entity will use for handling waste containing asbestos; 34800

(7) A description of the air-monitoring procedures that the 34801
business entity or public entity will use to prevent contamination 34802

or recontamination of the environment and to protect the public health from the hazards of exposure to asbestos; 34803
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(8) A description of the final clean-up procedures that the business entity or public entity will use; 34805
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(9) A list of all partners, owners, and officers of the business entity along with their social security numbers; 34807
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(10) The federal tax identification number of the business entity or the public entity. 34809
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(D) The fees to be charged to each public entity and business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are: 34811
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(1) Seven hundred fifty dollars for asbestos hazard abatement contractors; 34816
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(2) Two hundred dollars for asbestos hazard abatement project designers; 34818
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(3) Fifty dollars for asbestos hazard abatement workers; 34820

(4) Two hundred dollars for asbestos hazard abatement specialists; 34821
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(5) Two hundred dollars for asbestos hazard evaluation specialists; and 34823
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(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers. 34825
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(E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement activities solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and 34827
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the United States occupational safety and health administration 34833
and provided further that all persons employed by the business 34834
entity on the activity meet the requirements of this chapter. 34835

Sec. 3710.051. No person shall enter into an agreement to 34836
perform any aspect of an asbestos hazard abatement project unless 34837
the agreement is written and contains at least all of the 34838
following: 34839

(A) A requirement that all persons working on the project are 34840
licensed or certified by the department of health as required by 34841
this chapter; 34842

(B) A requirement that all project clearance levels and 34843
sampling be in accordance with ~~the public health council~~ rules 34844
adopted by the director of health; 34845

(C) A requirement that all clearance air-monitoring be 34846
conducted by asbestos hazard abatement air-monitoring technicians 34847
or asbestos hazard evaluation specialists certified by the 34848
department. 34849

Sec. 3710.06. (A) Within fifteen business days after 34850
receiving an application, the department of health shall 34851
acknowledge receipt of the application and notify the applicant of 34852
any deficiency in the application. Within sixty calendar days 34853
after receiving a completed application, including all additional 34854
information requested by the department, the department shall 34855
issue a license or certificate or deny the application. The 34856
department shall issue only one license or certificate that is in 34857
effect at one time to a business entity and its principal officers 34858
and a public entity and its principal officers. 34859

(B)(1) The department shall deny an application if it 34860
determines that the applicant has not demonstrated the ability to 34861
comply fully with all applicable federal and state requirements 34862

and all requirements, procedures, and standards established by the 34863
~~public director of health council~~ in this chapter. 34864

(2) The department shall deny any application for an asbestos 34865
hazard abatement contractor's license if the applicant or an 34866
officer or employee of the applicant has been convicted of a 34867
felony under any state or federal law designed to protect the 34868
environment. 34869

(3) The department shall send all denials of an application 34870
by certified mail to the applicant. If the department receives a 34871
timely request for a hearing from the applicant, as provided in 34872
division (D) of section 3710.13 of the Revised Code, the 34873
department shall hold a hearing in accordance with Chapter 119. of 34874
the Revised Code. 34875

(C) In an emergency that results from a sudden, unexpected 34876
event that is not a planned asbestos hazard abatement project, the 34877
department may waive the requirements for a license or 34878
certificate. For the purposes of this division, "emergency" 34879
includes operations necessitated by nonroutine failures of 34880
equipment or by actions of fire and emergency medical personnel 34881
pursuant to duties within their official capacities. Any person 34882
who performs an asbestos hazard abatement activity under emergency 34883
conditions shall notify the director within three days after 34884
performance thereof. 34885

(D) Each license or certificate issued under this chapter 34886
expires one year after the date of issue, but each licensee or 34887
certificate holder may apply to the department for the extension 34888
of ~~his~~ the holder's license or certificate under the standard 34889
renewal procedures of Chapter 4745. of the Revised Code. 34890

To qualify for renewal of a license or certificate issued 34891
under this chapter, each licensee or certificate holder shall send 34892
the appropriate renewal fee set forth in division (D) of section 34893

3710.05 of the Revised Code or as adopted by rule by the ~~public~~ 34894
~~health council~~ director pursuant to division (A)(4) of section 34895
3710.02 of the Revised Code. 34896

Certificate holders also shall successfully complete an 34897
annual renewal course approved by the department pursuant to 34898
section 3710.10 of the Revised Code. 34899

(E) The department may charge a fee in addition to those 34900
specified in division (D) of section 3710.05 of the Revised Code 34901
or in ~~rule of~~ rules adopted by the ~~public health council~~ director 34902
pursuant to division (A)(4) of section 3710.02 of the Revised Code 34903
if the licensee or certificate holder applies for renewal after 34904
the expiration thereof or requests a reissuance of any license or 34905
certificate, provided that no such fee shall exceed the original 34906
fees by more than fifty per cent. 34907

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard 34908
abatement project, an asbestos hazard abatement contractor shall 34909
do all of the following: 34910

(1) Prepare a written respiratory protection program as 34911
defined by the ~~public~~ director of health council pursuant to rule, 34912
and make the program available to the department of health, and 34913
workers at the job site if the contractor is a public entity or 34914
prepare a written respiratory protection program, consistent with 34915
29 C.F.R. 1910.134 and make the program available to the 34916
department, and workers at the job site if the contractor is a 34917
business entity; 34918

(2) Ensure that each worker who will be involved in any 34919
asbestos hazard abatement project has been examined within the 34920
preceding year and has been declared by a physician to be 34921
physically capable of working while wearing a respirator; 34922

(3) Ensure that each of the contractor's employees or agents 34923

who will come in contact with asbestos-containing materials or 34924
will be responsible for an asbestos hazard abatement project 34925
receives the appropriate certification or licensure required by 34926
this chapter and the following training: 34927

(a) An initial course approved by the department pursuant to 34928
section 3710.10 of the Revised Code, completed before engaging in 34929
any asbestos hazard abatement project; and 34930

(b) An annual review course approved by the department 34931
pursuant to section 3710.10 of the Revised Code. 34932

(B) After obtaining or renewing a license, an asbestos hazard 34933
abatement contractor shall notify the department, on a form 34934
approved by the director of health, at least ten days before 34935
beginning each asbestos hazard abatement project conducted during 34936
the term of the contractor's license. 34937

(C) In addition to any other fee imposed under this chapter, 34938
an asbestos hazard abatement contractor shall pay, at the time of 34939
providing notice under division (B) of this section, the 34940
department a fee of sixty-five dollars for each asbestos hazard 34941
abatement project conducted. 34942

Sec. 3710.08. (A) An asbestos hazard abatement contractor 34943
engaging in any asbestos hazard abatement project shall, during 34944
the course of the project: 34945

(1) Conduct each project in a manner that is in compliance 34946
with the requirements the director of environmental protection 34947
adopts pursuant to section 3704.03 of the Revised Code and the 34948
asbestos requirements of the United States occupational safety and 34949
health administration set forth in 29 C.F.R. 1926.58; 34950

(2) Comply with all applicable rules adopted by the ~~public~~ 34951
director of health council pursuant to section 3710.02 of the 34952
Revised Code. 34953

(B) An asbestos hazard abatement contractor that is a public entity shall: 34954
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(1) Provide workers with protective clothing and equipment and ensure that the workers involved in any asbestos hazard abatement project use the items properly. Protective clothing and equipment shall include: 34956
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(a) Respirators approved by the national institute of occupational safety and health. These respirators shall be fit tested in accordance with requirements of the United States occupational safety and health administration set forth in 29 C.F.R. 1926.58(h). At the request of an employee, the asbestos hazard abatement contractor shall provide the employee with a powered air purifying respirator, in which case, the testing requirements of division (B)(1)(a) of this section do not apply. 34960
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(b) Items required by the ~~public director of health council~~ by rule as provided in division (A)(7) of section 3710.02 of the Revised Code. 34968
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(2) Comply with all applicable standards of conduct and requirements adopted by ~~the public health council and~~ the director of health pursuant to section 3710.02 of the Revised Code. 34971
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(C) An asbestos hazard abatement specialist engaging in any asbestos hazard abatement project shall, during the course of the project: 34974
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(1) Conduct each project in a manner that will meet decontamination procedures, project containment procedures, and asbestos fiber dispersal methods as provided in division (A)(6) of section 3710.02 of the Revised Code; 34977
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(2) Ensure that workers utilize, handle, remove, and dispose of the disposable clothing provided by abatement contractors in a manner that will prevent contamination or recontamination of the environment and protect the public health from the hazards of 34981
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exposure to asbestos;	34985
(3) Ensure that workers utilize protective clothing and equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code;	34986 34987 34988 34989
(4) Ensure that there is no smoking, eating, or drinking in the work area;	34990 34991
(5) Comply with all applicable standards of conduct and requirements adopted by the public health council and director of health pursuant to section 3710.02 of the Revised Code.	34992 34993 34994
(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the preparation of management plans, shall comply with the applicable standards of conduct and requirements adopted by the public health council and the director of health pursuant to section 3710.02 of the Revised Code.	34995 34996 34997 34998 34999 35000 35001 35002
(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the public council <u>public director of health</u> pursuant to section 3710.02 of the Revised Code.	35003 35004 35005
(F) The department may, on a case-by-case basis, approve an alternative to the worker protection requirements of divisions (A), (B), and (C) of this section for an asbestos hazard abatement project conducted by a public entity, provided that the asbestos hazard abatement contractor submits the alternative procedure to the department in writing and demonstrates to the satisfaction of the department that the proposed alternative procedure provides equivalent worker protection.	35006 35007 35008 35009 35010 35011 35012 35013
Sec. 3710.09. (A) As a means of protecting the public, each	35014

asbestos hazard abatement contractor licensed under this chapter 35015
shall maintain records of all asbestos hazard abatement projects 35016
which ~~he~~ the contractor performs and make these records available 35017
to the department of health upon request. The licensee shall 35018
maintain the records for at least thirty years. 35019

(B) The records required by this section shall include all of 35020
the following: 35021

(1) The name, social security number, and address of the 35022
person who supervised the asbestos hazard abatement project; 35023

(2) The names and social security numbers of all workers at 35024
the job site; 35025

(3) The location and description of the asbestos hazard 35026
abatement project and the amount of asbestos-containing material 35027
that was removed; 35028

(4) The starting and completion dates of each asbestos hazard 35029
abatement project; 35030

(5) A summary of the procedures that were used to comply with 35031
all applicable federal, state, and local standards; 35032

(6) The name and address of each asbestos disposal site where 35033
the waste containing asbestos was deposited; 35034

(7) Any other information that the ~~public~~ director of health 35035
~~council~~, by rule, requires. 35036

Sec. 3710.10. (A) No person other than the department of 35037
health shall conduct or offer to conduct any initial or review 35038
training course or examination required by this chapter unless 35039
that person is approved to sponsor the courses and examinations 35040
under this section. In conducting any such course or examination, 35041
the department and the approved person shall administer the 35042
courses and examinations according to the United States 35043
environmental protection agency "Model Accreditation Plan," 40 35044

C.F.R. 763, Subpart E, Appendix C, and the rules of the ~~public~~ 35045
director of health council adopted pursuant to division (A)(3) of 35046
section 3710.02 of the Revised Code. A person may apply for 35047
approval or renewal of a course on the health and safety aspects 35048
of asbestos hazard abatement activities which meets the 35049
requirements of division (A)(3) of section 3710.07 of the Revised 35050
Code by submitting a written application on forms provided by the 35051
department. 35052

(B) In order to obtain or renew department approval, a person 35053
sponsoring a course shall substantially satisfy all of the 35054
following criteria: 35055

(1) Provide courses of instruction and examinations that meet 35056
the requirements of division (A) of this section; 35057

(2) Ensure that instruction is given or supervised by 35058
personnel with sufficient education and experience as determined, 35059
~~by rule,~~ in rules adopted by the ~~public health council~~ director; 35060

(3) Maintain lists of students trained and the dates on which 35061
training occurred for at least twenty years, and make this 35062
information available to the department upon request. 35063

(C) In order to obtain or renew department approval, a person 35064
sponsoring an initial course or a review course annually shall 35065
apply to the department for approval. In applying, the person 35066
shall submit the fee set forth in division (D) of section 3710.05 35067
of the Revised Code along with any increase in fee adopted 35068
pursuant to division (A)(4) of section 3710.02 of the Revised 35069
Code. 35070

(D)(1) The department shall act or acknowledge receipt of an 35071
application within ten working days after receiving the 35072
application. 35073

(2) The department shall act on the application within ninety 35074
days after it is complete. 35075

(3) The department shall grant contingent approval of an 35076
application if the department determines the course substantially 35077
satisfies or will substantially satisfy the criteria in this 35078
chapter and the rules adopted by the ~~public health council~~ 35079
director. 35080

(4) The department may deny or revoke approval of a course if 35081
the department determines the course does not or will not 35082
substantially satisfy the criteria in this chapter or the rules 35083
adopted by the ~~public health council~~ director. 35084

(5) The department shall grant final approval of a course 35085
only after an on-site audit by the department which reveals that 35086
the course substantially satisfies the criteria in this chapter 35087
and the rules adopted by the ~~public health council~~ director. 35088
Course approvals expire one year from the date of final approval 35089
under division (D)(5) of this section. 35090

(E) Each course approval issued under this section expires 35091
one year after the date of issue, but a person who received 35092
approval may apply to the department for renewal under the 35093
standard renewal procedures of Chapter 4745. of the Revised Code. 35094
The fee prescribed in section 3710.05 of the Revised Code must 35095
accompany the application. 35096

Sec. 3710.12. Subject to the hearing provisions of this 35097
chapter, the department of health may deny, suspend, or revoke any 35098
license or certificate, or renewal thereof, if the licensee or 35099
certificate holder: 35100

(A) Fraudulently or deceptively obtains or attempts to obtain 35101
a license or certificate; 35102

(B) Fails at any time to meet the qualifications for a 35103
license or certificate; 35104

(C) Is violating or threatening to violate any provisions of 35105

any of the following: 35106

(1) This chapter or the rules of the ~~public health council or~~ 35107
director of health adopted pursuant thereto; 35108

(2) The "National Emission Standard for Hazardous Air 35109
Pollutants" regulations of the United States environmental 35110
protection agency as the regulations pertain to asbestos; ~~or~~ 35111

(3) The regulations of the United States occupational safety 35112
and health administration as the regulations pertain to asbestos. 35113

Sec. 3710.13. (A) Except as otherwise provided in Chapter 35114
119. of the Revised Code or this section, before the department of 35115
health takes any action under section 3710.12 of the Revised Code, 35116
it shall give the licensee or certificate holder against whom 35117
action is contemplated an opportunity for a hearing. 35118

Except as otherwise provided in this section, the department 35119
shall give notice and hold the hearing in accordance with Chapter 35120
119. of the Revised Code. 35121

(B) The department, without notice or hearing and in 35122
accordance with ~~the rules of~~ adopted by the public director of 35123
health ~~council~~, may issue an order requiring any action necessary 35124
to meet a public health emergency involving asbestos. Any person 35125
to whom an order is directed shall immediately comply with the 35126
order. Upon application to the director of health, the person 35127
shall be afforded a hearing as soon as possible, but no more than 35128
twenty days after receipt of the application by the director. 35129

(C) If the director determines, pursuant to division (B) of 35130
this section, that a public health emergency exists, ~~he~~ the 35131
director may order, without a hearing, the denial, suspension, or 35132
revocation of any license or certificate issued under this chapter 35133
of the parties involved, provided that an opportunity for a 35134
hearing is provided to the affected party as soon as reasonably 35135

possible. 35136

(D) All proceedings under this chapter are subject to Chapter 35137
119. of the Revised Code, except that: 35138

(1) Upon the request of a licensee or certificate holder, the 35139
location of an adjudicatory hearing is the county seat of the 35140
county in which the licensee or certificate holder conducts 35141
business. 35142

(2) The director shall notify, by certified mail or personal 35143
delivery, a licensee or certificate holder that ~~he~~ the licensee or 35144
certificate holder is entitled to a hearing if ~~he~~ the licensee or 35145
certificate holder requests it, in writing, within ten days of the 35146
time that ~~he~~ the licensee or certificate holder receives the 35147
notice. If the licensee or certificate holder requests such a 35148
hearing, the director shall set the hearing date no later than ten 35149
days after the director receives the request. 35150

(3) The director shall not apply for or receive a 35151
postponement or continuation of an adjudication hearing. If a 35152
licensee or certificate holder requests a postponement or 35153
continuation of an adjudication hearing, the director only shall 35154
grant the request if the licensee or certificate holder 35155
demonstrates extreme hardship in complying with the hearing date. 35156
If the director grants a postponement or continuation on the 35157
grounds of extreme hardship, the director shall include in the 35158
record of the case, the nature and cause of the extreme hardship. 35159

(4) In lieu of an adjudicatory hearing required by this 35160
chapter, a licensee or certificate holder, by no later than the 35161
date set for a hearing pursuant to division (A)(3) of this 35162
section, may by written request to the director, request that the 35163
matter be resolved by the licensee or certificate holder 35164
submitting documents, papers, and other written evidence to the 35165
director to support ~~his~~ the licensee's or certificate holder's 35166

claim. 35167

(5) If the director appoints a referee or an examiner to 35168
conduct a hearing, all of the following apply: 35169

(a) The examiner or referee shall serve, by certified mail 35170
and within three business days of the conclusion of the hearing, a 35171
copy of the written adjudication report and ~~his~~ the referee's or 35172
examiner's recommendations, on the director and the affected 35173
licensee or certificate holder or the licensee's or certificate 35174
holder's attorney or other representative of record. 35175

(b) The licensee or certificate holder, within three business 35176
days of receipt of the report under division (D)(5)(a) of this 35177
section, may file with the director written objections to the 35178
report and recommendations. 35179

(c) The director shall consider any objections received under 35180
division (D)(5)(b) of this section prior to approving, modifying, 35181
or disapproving the report and recommendations. Within six 35182
business days of receiving the report under division (D)(5)(a) of 35183
this section, the director shall serve ~~his~~ the director's order, 35184
by certified mail, on the affected licensee or certificate holder 35185
or the licensee's or certificate holder's attorney or other 35186
representative of record. 35187

(6) If the director conducts an adjudicatory hearing under 35188
this chapter, ~~he~~ the director shall serve ~~his~~ the director's 35189
decision, by certified mail and within three business days of the 35190
conclusion of the hearing, on the affected licensee or certificate 35191
holder or the licensee's or certificate holder's attorney or other 35192
representative of record. 35193

(7) If no hearing is held, the director shall issue an order, 35194
by certified mail and within three business days of the last date 35195
possible for a hearing, based upon the record available to ~~him~~ the 35196
director, to the affected licensee or certificate holder or the 35197

licensee's or certificate holder's attorney or other 35198
representative of record. 35199

(8) A licensee or certificate holder shall file a notice of 35200
appeal to an adverse adjudication decision within fifteen days 35201
after receipt of the director's order. 35202

Sec. 3710.17. (A) Where any person is certified or licensed 35203
by the department of health to engage in asbestos hazard abatement 35204
or evaluation activity pursuant to this chapter, the liability of 35205
that person when performing such activity in accordance with 35206
procedures established pursuant to state or federal law for an 35207
injury to any individual or property caused or related to this 35208
activity shall be limited to acts or omissions of the person 35209
during the course of performing the activity which can be shown, 35210
based on a preponderance of the evidence, to have been negligent. 35211
For the purposes of this section, the demonstration that acts or 35212
omissions of a person performing asbestos hazard abatement or 35213
evaluation activities were in accordance with generally accepted 35214
practice and with procedures established by state or federal law 35215
at the time the abatement or evaluation activity was performed 35216
creates a rebuttable presumption that the acts or omissions were 35217
not negligent. 35218

(B) Where any person contracts with a certified asbestos 35219
hazard abatement specialist, asbestos hazard evaluation 35220
specialist, or other category of asbestos hazard specialist 35221
established by the ~~public director of health council~~, or a 35222
licensed asbestos hazard abatement contractor, the liability of 35223
that person for asbestos-related injuries caused by ~~his~~ the 35224
person's contractee in the performance of asbestos hazard 35225
abatement or evaluation activities shall be limited to those 35226
asbestos-related injuries arising from acts which the person knew 35227
or could reasonably have been expected to know were not in 35228

accordance with generally accepted practice or with procedures 35229
established by state or federal law at the time the abatement 35230
activity took place. 35231

(C) Notwithstanding any other provisions of the Revised Code 35232
or rules of a court to the contrary, this section governs all 35233
claims for asbestos-related injuries arising from asbestos hazard 35234
abatement or evaluation activities. 35235

Sec. 3711.04. Each person seeking to operate a maternity 35236
unit, newborn care nursery, or maternity home shall apply to the 35237
director of health for a license under this chapter. The 35238
application shall be submitted in the form and manner prescribed 35239
by the ~~public health council~~ director in rules adopted under 35240
section 3711.12 of the Revised Code. 35241

A single application and license is required if an applicant 35242
will operate both a maternity unit and newborn care nursery. 35243

Sec. 3711.06. The director of health shall inspect each 35244
maternity unit, newborn care nursery, or maternity home for which 35245
a person has applied for an initial license under section 3711.04 35246
of the Revised Code prior to issuing the license. Inspections 35247
shall be conducted in accordance with inspection criteria, 35248
procedures, and guidelines adopted by the ~~public health council~~ 35249
director under section 3711.12 of the Revised Code. 35250

Sec. 3711.08. A license issued under this chapter is valid 35251
for three years, unless earlier revoked or suspended under section 35252
3711.14 of the Revised Code. The license may be renewed in the 35253
manner prescribed by the ~~public~~ director of health ~~council~~ in 35254
rules adopted under section 3711.12 of the Revised Code. The 35255
license renewal fee specified in the rules shall be paid not later 35256
than sixty days after the director of health mails an invoice for 35257
the fee to the license holder. A penalty of ten per cent of the 35258

amount of the renewal fee shall be assessed for each month the fee is overdue. 35259
35260

Sec. 3711.12. (A) The ~~public~~ director of health ~~council~~ shall 35261
adopt rules in accordance with Chapter 119. of the Revised Code as 35262
the ~~council~~ director considers necessary to implement the 35263
requirements of this chapter for licensure and operation of 35264
maternity units, newborn care nurseries, and maternity homes. The 35265
rules shall include provisions for the following: 35266

(1) Licensure application forms and procedures; 35267

(2) Renewal procedures, including procedures that address the 35268
right of the director of health, at the director's sole 35269
discretion, to conduct an inspection prior to renewal of a 35270
license; 35271

(3) Initial license fees and license renewal fees; 35272

(4) Fees for inspections conducted by the director under 35273
section 3711.10 of the Revised Code; 35274

(5) Safety standards, quality-of-care standards, and 35275
quality-of-care data reporting requirements; 35276

(6) Reporting and auditing requirements; 35277

(7) Inspection criteria, procedures, and guidelines; 35278

(8) Any other rules necessary to implement this chapter. 35279

(B) When adopting rules under this section, the ~~public health~~ 35280
~~council~~ director shall give consideration to recommendations 35281
regarding obstetric and newborn care issued by the American 35282
college of obstetricians and gynecologists; American academy of 35283
pediatrics; American academy of family physicians; American 35284
society of anesthesiologists; American college of nurse-midwives; 35285
United States centers for disease control and prevention; 35286
association of women's health, obstetric and neonatal nurses; and 35287

association of perioperative registered nurses, or their successor 35288
organizations. The ~~council~~ director shall also consider the 35289
recommendations of the maternity and newborn advisory council 35290
established in section 3711.20 of the Revised Code. 35291

Sec. 3711.21. The maternity and newborn advisory council 35292
shall do all of the following: 35293

(A) Advise and consult with the director of health in the 35294
development of rules to be ~~presented to the public health council~~ 35295
~~for proposed adoption~~ adopted under this chapter; 35296

(B) Advise and consult with the director concerning the 35297
implementation and enforcement of this chapter; 35298

(C) Advise and consult with the director in the development 35299
of inspection criteria, procedures, and guidelines to be used in 35300
enforcement of this chapter; 35301

(D) Advise and consult with the director regarding 35302
recommendations ~~to be presented to the public health council~~ 35303
regarding improving maternity and newborn care in this state; 35304

(E) Prepare and submit to the director an annual report 35305
evaluating the department's enforcement of this chapter. 35306

Sec. 3712.03. (A) In accordance with Chapter 119. of the 35307
Revised Code, the ~~public~~ director of health ~~council~~ shall adopt, 35308
and may amend and rescind, rules: 35309

(1) Providing for the licensing of persons or public agencies 35310
providing hospice care programs within this state by the 35311
department of health and for the suspension and revocation of 35312
licenses; 35313

(2) Establishing a license fee and license renewal fee, 35314
neither of which shall, except as provided in division (B) of this 35315
section, exceed six hundred dollars. The fees shall cover the 35316

three-year period during which an existing license is valid as 35317
provided in division (B) of section 3712.04 of the Revised Code. 35318

(3) Establishing an inspection fee not to exceed, except as 35319
provided in division (B) of this section, one thousand seven 35320
hundred fifty dollars; 35321

(4) Establishing requirements for hospice care program 35322
facilities and services; 35323

(5) Providing for a waiver of the requirement for the 35324
provision of physical, occupational, or speech or language therapy 35325
contained in division (A)(2) of section 3712.01 of the Revised 35326
Code when the requirement would create a hardship because such 35327
therapy is not readily available in the geographic area served by 35328
the provider of a hospice care program; 35329

(6) Providing for the granting of licenses to provide hospice 35330
care programs to persons and public agencies that are accredited 35331
or certified to provide such programs by an entity whose standards 35332
for accreditation or certification equal or exceed those provided 35333
for licensure under this chapter and rules adopted under it; 35334

(7) Establishing interpretive guidelines for each rule. 35335

(B) Subject to the approval of the controlling board, the 35336
~~public health council~~ director may establish fees in excess of the 35337
maximum amounts specified in this section, provided that the fees 35338
do not exceed those amounts by greater than fifty per cent. 35339

(C) The department of health shall: 35340

(1) Grant, suspend, and revoke licenses for hospice care 35341
programs in accordance with this chapter and rules adopted under 35342
it; 35343

(2) Make such inspections as are necessary to determine 35344
whether hospice care program facilities and services meet the 35345
requirements of this chapter and rules adopted under it; and 35346

(3) Implement and enforce this chapter and rules adopted 35347
under it. 35348

Sec. 3712.04. (A) Every person or public agency that proposes 35349
to provide a hospice care program shall apply to the department of 35350
health for a license. Application shall be made on forms 35351
prescribed and provided by the department, shall include such 35352
information as the department requires, and shall be accompanied 35353
by the license fee established by rules of the ~~public~~ director of 35354
~~health council~~ adopted under division (A) of section 3712.03 of 35355
the Revised Code. 35356

The department shall grant a license to the applicant if the 35357
applicant is in compliance with this chapter and rules adopted 35358
under it. 35359

(B) A license granted under this section shall be valid for 35360
three years. Application for renewal of a license shall be made at 35361
least ninety days before the expiration of the license in the same 35362
manner as for an initial license. The department shall renew the 35363
license if the applicant meets the requirements of this chapter 35364
and rules adopted under it. 35365

(C) Subject to Chapter 119. of the Revised Code, the 35366
department may suspend or revoke a license if the licensee made 35367
any material misrepresentation in the application for the license 35368
or no longer meets the requirements of this chapter or rules 35369
adopted under it. 35370

(D) A hospital, nursing home, home for the aged, county 35371
medical care facility, or other health facility or agency that 35372
provides a hospice care program shall be licensed to provide a 35373
hospice care program under this section. 35374

(E) A nursing home licensed under Chapter 3721. of the 35375
Revised Code that does not hold itself out to be a hospice, does 35376

not hold itself out as providing a hospice care program, does not 35377
use the term hospice to describe or refer to its activities or 35378
facilities, and that does not provide all of the services 35379
enumerated in division (A) of section 3712.01 of the Revised Code 35380
is not subject to the licensing provisions of this chapter. 35381

Sec. 3712.09. (A) As used in this section: 35382

(1) "Applicant" means a person who is under final 35383
consideration for employment with a hospice care program in a 35384
full-time, part-time, or temporary position that involves 35385
providing direct care to an older adult. "Applicant" does not 35386
include a person who provides direct care as a volunteer without 35387
receiving or expecting to receive any form of remuneration other 35388
than reimbursement for actual expenses. 35389

(2) "Criminal records check" ~~and "older adult" have~~ has the 35390
same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 35391

(3) "Older adult" means a person age sixty or older. 35392

(B)(1) Except as provided in division (I) of this section, 35393
the chief administrator of a hospice care program shall request 35394
that the superintendent of the bureau of criminal identification 35395
and investigation conduct a criminal records check ~~with respect to~~ 35396
of each applicant. If an applicant for whom a criminal records 35397
check request is required under this division does not present 35398
proof of having been a resident of this state for the five-year 35399
period immediately prior to the date the criminal records check is 35400
requested or provide evidence that within that five-year period 35401
the superintendent has requested information about the applicant 35402
from the federal bureau of investigation in a criminal records 35403
check, the chief administrator shall request that the 35404
superintendent obtain information from the federal bureau of 35405
investigation as part of the criminal records check of the 35406
applicant. Even if an applicant for whom a criminal records check 35407

request is required under this division presents proof of having 35408
been a resident of this state for the five-year period, the chief 35409
administrator may request that the superintendent include 35410
information from the federal bureau of investigation in the 35411
criminal records check. 35412

(2) A person required by division (B)(1) of this section to 35413
request a criminal records check shall do both of the following: 35414

(a) Provide to each applicant for whom a criminal records 35415
check request is required under that division a copy of the form 35416
prescribed pursuant to division (C)(1) of section 109.572 of the 35417
Revised Code and a standard fingerprint impression sheet 35418
prescribed pursuant to division (C)(2) of that section, and obtain 35419
the completed form and impression sheet from the applicant; 35420

(b) Forward the completed form and impression sheet to the 35421
superintendent of the bureau of criminal identification and 35422
investigation. 35423

(3) An applicant provided the form and fingerprint impression 35424
sheet under division (B)(2)(a) of this section who fails to 35425
complete the form or provide fingerprint impressions shall not be 35426
employed in any position for which a criminal records check is 35427
required by this section. 35428

(C)(1) Except as provided in rules adopted by the ~~public~~ 35429
director of health council in accordance with division (F) of this 35430
section and subject to division (C)(2) of this section, no hospice 35431
care program shall employ a person in a position that involves 35432
providing direct care to an older adult if the person has been 35433
convicted of or pleaded guilty to any of the following: 35434

(a) A violation of section 2903.01, 2903.02, 2903.03, 35435
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 35436
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 35437
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 35438

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 35439
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 35440
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 35441
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 35442
2925.22, 2925.23, or 3716.11 of the Revised Code. 35443

(b) A violation of an existing or former law of this state, 35444
any other state, or the United States that is substantially 35445
equivalent to any of the offenses listed in division (C)(1)(a) of 35446
this section. 35447

(2)(a) A hospice care program may employ conditionally an 35448
applicant for whom a criminal records check request is required 35449
under division (B) of this section prior to obtaining the results 35450
of a criminal records check regarding the individual, provided 35451
that the program shall request a criminal records check regarding 35452
the individual in accordance with division (B)(1) of this section 35453
not later than five business days after the individual begins 35454
conditional employment. In the circumstances described in division 35455
(I)(2) of this section, a hospice care program may employ 35456
conditionally an applicant who has been referred to the hospice 35457
care program by an employment service that supplies full-time, 35458
part-time, or temporary staff for positions involving the direct 35459
care of older adults and for whom, pursuant to that division, a 35460
criminal records check is not required under division (B) of this 35461
section. 35462

(b) A hospice care program that employs an individual 35463
conditionally under authority of division (C)(2)(a) of this 35464
section shall terminate the individual's employment if the results 35465
of the criminal records check requested under division (B) of this 35466
section or described in division (I)(2) of this section, other 35467
than the results of any request for information from the federal 35468
bureau of investigation, are not obtained within the period ending 35469
thirty days after the date the request is made. Regardless of when 35470

the results of the criminal records check are obtained, if the 35471
results indicate that the individual has been convicted of or 35472
pleaded guilty to any of the offenses listed or described in 35473
division (C)(1) of this section, the program shall terminate the 35474
individual's employment unless the program chooses to employ the 35475
individual pursuant to division (F) of this section. Termination 35476
of employment under this division shall be considered just cause 35477
for discharge for purposes of division (D)(2) of section 4141.29 35478
of the Revised Code if the individual makes any attempt to deceive 35479
the program about the individual's criminal record. 35480

(D)(1) Each hospice care program shall pay to the bureau of 35481
criminal identification and investigation the fee prescribed 35482
pursuant to division (C)(3) of section 109.572 of the Revised Code 35483
for each criminal records check conducted pursuant to a request 35484
made under division (B) of this section. 35485

(2) A hospice care program may charge an applicant a fee not 35486
exceeding the amount the program pays under division (D)(1) of 35487
this section. A program may collect a fee only if both of the 35488
following apply: 35489

(a) The program notifies the person at the time of initial 35490
application for employment of the amount of the fee and that, 35491
unless the fee is paid, the person will not be considered for 35492
employment; 35493

(b) The medical assistance program established under Chapter 35494
5111. of the Revised Code does not reimburse the program the fee 35495
it pays under division (D)(1) of this section. 35496

(E) The report of a criminal records check conducted pursuant 35497
to a request made under this section is not a public record for 35498
the purposes of section 149.43 of the Revised Code and shall not 35499
be made available to any person other than the following: 35500

(1) The individual who is the subject of the criminal records 35501

check or the individual's representative; 35502

(2) The chief administrator of the program requesting the 35503
criminal records check or the administrator's representative; 35504

(3) The administrator of any other facility, agency, or 35505
program that provides direct care to older adults that is owned or 35506
operated by the same entity that owns or operates the hospice care 35507
program; 35508

(4) A court, hearing officer, or other necessary individual 35509
involved in a case dealing with a denial of employment of the 35510
applicant or dealing with employment or unemployment benefits of 35511
the applicant; 35512

(5) Any person to whom the report is provided pursuant to, 35513
and in accordance with, division (I)(1) or (2) of this section. 35514

(F) The ~~public director of health council~~ shall adopt rules 35515
in accordance with Chapter 119. of the Revised Code to implement 35516
this section. The rules shall specify circumstances under which a 35517
hospice care program may employ a person who has been convicted of 35518
or pleaded guilty to an offense listed or described in division 35519
(C)(1) of this section but meets personal character standards set 35520
by the ~~council~~ director. 35521

(G) The chief administrator of a hospice care program shall 35522
inform each individual, at the time of initial application for a 35523
position that involves providing direct care to an older adult, 35524
that the individual is required to provide a set of fingerprint 35525
impressions and that a criminal records check is required to be 35526
conducted if the individual comes under final consideration for 35527
employment. 35528

(H) In a tort or other civil action for damages that is 35529
brought as the result of an injury, death, or loss to person or 35530
property caused by an individual who a hospice care program 35531
employs in a position that involves providing direct care to older 35532

adults, all of the following shall apply: 35533

(1) If the program employed the individual in good faith and 35534
reasonable reliance on the report of a criminal records check 35535
requested under this section, the program shall not be found 35536
negligent solely because of its reliance on the report, even if 35537
the information in the report is determined later to have been 35538
incomplete or inaccurate; 35539

(2) If the program employed the individual in good faith on a 35540
conditional basis pursuant to division (C)(2) of this section, the 35541
program shall not be found negligent solely because it employed 35542
the individual prior to receiving the report of a criminal records 35543
check requested under this section; 35544

(3) If the program in good faith employed the individual 35545
according to the personal character standards established in rules 35546
adopted under division (F) of this section, the program shall not 35547
be found negligent solely because the individual prior to being 35548
employed had been convicted of or pleaded guilty to an offense 35549
listed or described in division (C)(1) of this section. 35550

(I)(1) The chief administrator of a hospice care program is 35551
not required to request that the superintendent of the bureau of 35552
criminal identification and investigation conduct a criminal 35553
records check of an applicant if the applicant has been referred 35554
to the program by an employment service that supplies full-time, 35555
part-time, or temporary staff for positions involving the direct 35556
care of older adults and both of the following apply: 35557

(a) The chief administrator receives from the employment 35558
service or the applicant a report of the results of a criminal 35559
records check regarding the applicant that has been conducted by 35560
the superintendent within the one-year period immediately 35561
preceding the applicant's referral; 35562

(b) The report of the criminal records check demonstrates 35563

that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the hospice care program chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a hospice care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant and may employ the applicant conditionally as described in this division, if the applicant has been referred to the program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment service and that states that the employment service has requested the superintendent to conduct a criminal records check regarding the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(1) of this section, that, as of the date set forth on the letter, the employment service had not received the results of the criminal records check, and that, when the employment service receives the results of the criminal records check, it promptly will send a copy of the results to the hospice care program. If a hospice care program employs an applicant conditionally in accordance with this division, the employment service, upon its receipt of the results of the criminal records check, promptly shall send a copy of the results to the hospice care program, and division (C)(2)(b) of this section applies

regarding the conditional employment. 35597

Sec. 3713.01. As used in sections 3713.01 to 3713.10 of the 35598
Revised Code: 35599

(A) "Person" has the same meaning as used in division (C) of 35600
section 1.59 of the Revised Code and also means any limited 35601
company, limited liability partnership, joint stock company, or 35602
other association. 35603

(B) "Bedding" means any upholstered furniture, any mattress, 35604
upholstered spring, comforter, bolster, pad, cushion, pillow, 35605
mattress protector, quilt, and any other upholstered article, to 35606
be used for sleeping, resting, or reclining purposes, and any 35607
glider, hammock, or other substantially similar article that is 35608
wholly or partly upholstered. 35609

(C) "Secondhand" means any article, or material, or portion 35610
thereof of which prior use has been made in any manner whatsoever. 35611

(D) "Remade, repaired, or renovated articles not for sale" 35612
means any article that is remade, repaired, or renovated for and 35613
is returned to the owner for the owner's own use. 35614

(E) "Sale," "sell," or "sold" shall, in the corresponding 35615
tense, mean sell, offer to sell, or deliver or consign in sale, or 35616
possess with intent to sell, or deliver in sale. 35617

(F) "Upholstered furniture" means any article of furniture 35618
wholly or partly stuffed or filled with material and that is used 35619
or intended for use for sitting, resting, or reclining purposes. 35620

(G) "Stuffed toy" means any article intended for use as a 35621
plaything or for an educational or recreational purpose that is 35622
wholly or partially stuffed with material. 35623

(H) "Tag" or "label" means any material prescribed by the 35624
superintendent of ~~labor~~ industrial compliance to be attached to an 35625
article that contains information required under this chapter. 35626

Sec. 3713.02. (A) Except as provided in section 3713.05 of 35627
the Revised Code, no person shall import, manufacture, renovate, 35628
wholesale, or reupholster stuffed toys or articles of bedding in 35629
this state without first registering to do so with the 35630
superintendent of ~~labor~~ industrial compliance in accordance with 35631
section 3713.05 of the Revised Code. 35632

(B) No person shall manufacture, offer for sale, sell, 35633
deliver, or possess for the purpose of manufacturing, selling, or 35634
delivering, an article of bedding or a stuffed toy that is not 35635
labeled in accordance with section 3713.08 of the Revised Code. 35636

(C) No person shall manufacture, offer for sale, sell, 35637
deliver, or possess for the purpose of manufacturing, selling, or 35638
delivering, an article of bedding or a stuffed toy that is falsely 35639
labeled. 35640

(D) No person shall sell or offer for sale any secondhand 35641
article of bedding or any secondhand stuffed toy that has not been 35642
sanitized in accordance with section 3713.08 of the Revised Code. 35643

(E) The possession of any article of bedding or stuffed toy 35644
in the course of business by a person required to obtain 35645
registration under this chapter, or by that person's agent or 35646
servant shall be prima-facie evidence of the person's intent to 35647
sell the article of bedding or stuffed toy. 35648

Sec. 3713.03. The superintendent of ~~labor~~ industrial 35649
compliance in the department of commerce shall administer and 35650
enforce this chapter. 35651

Sec. 3713.04. (A) In accordance with Chapter 119. of the 35652
Revised Code, the superintendent of ~~labor~~ industrial compliance 35653
shall: 35654

(1) Adopt rules pertaining to the definition, name, and 35655

description of materials necessary to carry out this chapter; 35656

(2) Determine the testing standards, fees, and charges to be 35657
paid for making any test or analysis required pursuant to section 35658
3713.08 of the Revised Code. 35659

(B) In accordance with Chapter 119. of the Revised Code, the 35660
superintendent may adopt rules regarding the following: 35661

(1) Establishing an initial application fee or an annual 35662
registration renewal fee not more than fifty per cent higher than 35663
the fees set forth in section 4713.05 of the Revised Code; 35664

(2) Establishing standards, on a reciprocal basis, for the 35665
acceptance of labels and laboratory analyses from other states 35666
where the labeling requirements and laboratory analysis standards 35667
are substantially equal to the requirements of this state, 35668
provided the other state extends similar reciprocity to labels and 35669
laboratory analysis conducted under this chapter; 35670

(3) Any other rules necessary to administer and carry out 35671
this chapter. 35672

(C) The superintendent may do any of the following: 35673

(1) Issue administrative orders, conduct hearings, and take 35674
all actions necessary under the authority of Chapter 119. of the 35675
Revised Code for the administration of this chapter. The authority 35676
granted under this division shall include the authority to 35677
suspend, revoke, or deny registration under this chapter. 35678

(2) Establish and maintain facilities within the department 35679
of commerce to make tests and analysis of materials used in the 35680
manufacture of bedding and stuffed toys. The superintendent also 35681
may designate established laboratories in various sections of the 35682
state that are qualified to make these tests. If the 35683
superintendent exercises this authority, the superintendent shall 35684
adopt rules to determine the fees and charges to be paid for 35685

making the tests or analyses authorized under this section. 35686

(3) Exercise such other powers and duties as are necessary to 35687
carry out the purpose and intent of this chapter. 35688

Sec. 3713.05. (A) Applications to register to import, 35689
manufacture, renovate, wholesale, make, or reupholster stuffed 35690
toys or bedding in this state shall be made in writing on forms 35691
provided by the superintendent of ~~labor~~ industrial compliance. The 35692
application shall be accompanied by a registration fee of fifty 35693
dollars per person unless the applicant engages only in 35694
renovation, in which case the registration fee shall be 35695
thirty-five dollars. 35696

(B) Upon receipt of the application and the appropriate fee, 35697
the superintendent shall register the applicant and assign a 35698
registration number to the registrant. 35699

(C) Notwithstanding section 3713.02 of the Revised Code and 35700
division (A) of this section, the following are exempt from 35701
registration: 35702

(1) An organization described in section 501(c)(3) of the 35703
"Internal Revenue Code of 1986," and exempt from income tax under 35704
section 501(a) of that code and that is operated exclusively to 35705
provide recreation or social services; 35706

(2) A person who is not regularly engaged in the business of 35707
manufacturing, making, wholesaling, or importing stuffed toys but 35708
who manufactures or makes stuffed toys as a leisure pursuit and 35709
who sells one hundred or fewer stuffed toys within one calendar 35710
year; 35711

(3) A person who is not regularly engaged in the business of 35712
manufacturing, making, wholesaling, or importing quilts, 35713
comforters, pillows, or cushions, but who manufactures or makes 35714
these items as a leisure pursuit and who sells five or fewer 35715

quilts, ten or fewer comforters, or twenty or fewer pillows or 35716
cushions within one calendar year. 35717

(D) Notwithstanding division (C)(2) or (3) of this section, a 35718
person exempt under that division must attach a label to each 35719
stuffed toy that contains all of the following information: 35720

(1) The person's name and address; 35721

(2) A statement that the person is not registered by the 35722
state of Ohio; 35723

(3) A statement that the contents of the product have not 35724
been inspected. 35725

Sec. 3713.06. (A) Any person required to register under 35726
division (A) of section 3713.02 of the Revised Code who imports 35727
bedding or stuffed toys into this state for retail sale or use in 35728
this state and any person required to register under division (A) 35729
of section 3713.02 of the Revised Code who manufactures bedding or 35730
stuffed toys in this state for retail sale or use in this state 35731
shall submit a report to the superintendent of ~~labor~~ industrial 35732
compliance, in a form and manner prescribed by the superintendent. 35733
The form shall be submitted once every six months and shall show 35734
the total number of items of bedding or stuffed toys imported into 35735
this state or manufactured in this state. Each report shall be 35736
accompanied by a fee of four cents for each item of bedding or 35737
stuffed toy imported into this state or manufactured in this 35738
state. 35739

(B) Every importer, manufacturer, or wholesaler of stuffed 35740
toys or articles of bedding, and every mobile home and 35741
recreational vehicle dealer, conversion van dealer, secondhand 35742
dealer, and auction house shall retain records, designated by the 35743
superintendent in rule, for the time period established in rule. 35744

(C) Every importer, manufacturer, or wholesaler of stuffed 35745

toys or articles of bedding, and every mobile home and 35746
recreational vehicle dealer, conversion van dealer, secondhand 35747
dealer, and auction house shall make sufficient investigation of 35748
its records to ensure that the information reported to the 35749
superintendent under division (A) of this section is accurate. 35750

Sec. 3713.07. (A) Registration obtained under this chapter 35751
expires annually on the last day of the month in the month that 35752
the registration was obtained. The superintendent of ~~labor~~ 35753
industrial compliance shall renew the registration in accordance 35754
with Chapter 4745. of the Revised Code. 35755

(B) Failure on the part of any registrant to renew 35756
registration prior to its expiration, when notified as required in 35757
this section, shall not deprive the person of the right to renewal 35758
within the ninety days that follow expiration, but the fee to be 35759
paid for renewal after its expiration shall be one hundred dollars 35760
plus the standard registration fee for the registrant. 35761

(C) If a registrant fails to renew registration within ninety 35762
days of the date that it expired, the former registrant shall 35763
comply with the registration requirements under section 3713.05 of 35764
the Revised Code to obtain valid registration. 35765

Sec. 3713.08. (A) All persons required to register under 35766
division (A) of section 3713.02 of the Revised Code manufacturing, 35767
making, or wholesaling bedding or stuffed toys, or both, that are 35768
sold or offered for sale shall have the material content of their 35769
products tested and analyzed at an established laboratory 35770
designated by the superintendent of ~~labor~~ industrial compliance 35771
before the bedding or stuffed toys are sold or offered for sale. 35772

(B) Every stuffed toy or item of bedding sold or offered for 35773
sale shall have a label affixed to it that reports the contents of 35774
the stuffed toy or bedding material in conformity with 35775

requirements established by the superintendent, a registration number, and any other identifying information as required by the superintendent.

(C) The seller of any secondhand articles of bedding or stuffed toys shall sanitize all items in accordance with rules established by the superintendent prior to the sale of or the offering for sale of any secondhand articles.

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

(1) Persons who meet the qualifications of division (C)(2) or (3) of section 3713.05 of the Revised Code;

(2) The sale of furniture more than fifty years old;

(3) The sale of furniture from the home of the owner directly to the purchaser.

Sec. 3713.09. (A) The superintendent of ~~labor~~ industrial compliance may appoint inspectors and periodically inspect and investigate any establishment where bedding or stuffed toys are manufactured, made, remade, renovated, repaired, sanitized, sold, or offered for sale, or where previously used material is processed for use in the manufacture of bedding or stuffed toys.

(1) Each inspector shall make a written report to the superintendent of each examination and inspection complete with the inspector's findings and recommendations. Inspectors may place "off sale" any article of bedding or stuffed toy offered for sale, or found in the possession of any person with the intent to sell, in violation of section 3713.02 of the Revised Code. Inspectors shall perform other duties related to inspection and examination as prescribed by the superintendent.

(2) When articles are placed "off sale" under division (A)(1) of this section, they shall be tagged, and the tag shall not be removed except by an authorized representative of the division of

~~labor~~ industrial compliance after the violator demonstrates to the 35806
satisfaction of the superintendent proof of compliance with the 35807
requirements of section 3713.08 of the Revised Code. 35808

(B)(1) When an inspector has cause to believe that any 35809
bedding or stuffed toy is not tagged or labeled in accordance with 35810
section 3713.08 of the Revised Code, the inspector may open any 35811
seam of the bedding or stuffed toy in question to examine the 35812
material used or contained within it and take a reasonable amount 35813
of the material for testing and analysis and, if necessary, 35814
examine any and all purchase records in order to determine the 35815
contents or the kind of material used in the bedding or stuffed 35816
toy in question. An inspector may seize and hold evidence of any 35817
article of bedding, stuffed toy, or material manufactured, made, 35818
possessed, renovated, remade, or repaired, sold, or offered for 35819
sale contrary to this chapter. 35820

(2) Immediately after seizing articles believed to be in 35821
violation of this chapter, the inspector immediately shall report 35822
the seizure to the superintendent. The superintendent shall hold a 35823
hearing in accordance with Chapter 119. of the Revised Code or 35824
make a ruling in the matter. If the superintendent finds that the 35825
article of bedding, stuffed toy, or material is not in violation 35826
of this chapter, the superintendent shall order the item or items 35827
returned to the owner. If the superintendent finds a violation of 35828
this chapter, the superintendent may do either of the following: 35829

(a) Return the articles to the owner for proper treatment, 35830
tagging or labeling, or other action as ordered by the 35831
superintendent, subject to the requirement that the articles be 35832
reinspected at cost to the owner, prior to being sold or offered 35833
for sale; 35834

(b) Report the violation to the appropriate prosecuting 35835
attorney or city law director. 35836

(C) The superintendent, at reasonable times and upon 35837
reasonable notice, may examine or cause to be examined the records 35838
of any importer, manufacturer, or wholesaler of stuffed toys or 35839
articles of bedding, mobile home and recreational vehicle dealer, 35840
conversion van dealer, secondhand dealer, or auction house to 35841
determine compliance with this chapter. The superintendent may 35842
enter into contracts, pursuant to procedures prescribed by the 35843
superintendent, with persons to examine these records to determine 35844
compliance with this chapter. These persons may collect and remit 35845
to the superintendent any amounts due under this chapter. 35846

(D) Records audited pursuant to division (C) of this section 35847
are confidential and shall not be disclosed except as required by 35848
section 149.43 of the Revised Code, or as the superintendent finds 35849
necessary for the proper administration of this chapter. 35850

(E) In the case of any investigation or examination, or both, 35851
that requires investigation or examination outside of this state 35852
of any importer, manufacturer, or wholesaler of stuffed toys or 35853
articles of bedding, or of any mobile home or recreational vehicle 35854
dealer, conversion van dealer, secondhand dealer, or auction 35855
house, the superintendent may require the investigated or examined 35856
person to pay the actual expense of the investigation or 35857
examination. The superintendent shall provide an itemized 35858
statement of actual expenses to the investigated or examined 35859
person. 35860

(F) Whenever the superintendent has reason to believe, from 35861
the superintendent's own information, upon complaint, or 35862
otherwise, that any person has engaged in, is engaging in, or is 35863
about to engage in any practice prohibited by this chapter, or 35864
when the superintendent has reason to believe that it is necessary 35865
for public health and safety, the superintendent may do any of the 35866
following: 35867

(1) Investigate violations of this chapter, and for that 35868

purpose, may subpoena witnesses in connection with the 35869
investigation. The superintendent may make application to the 35870
appropriate court of common pleas for an order enjoining the 35871
violation of this chapter, and upon a showing by the 35872
superintendent that any registrant or person acting in a manner 35873
that requires registration has violated or is about to violate 35874
this chapter, an injunction, restraining order, or other order as 35875
may be appropriate shall be granted by the court. 35876

(2) Compel by subpoena the attendance of witnesses to testify 35877
in relation to any matter over which the superintendent has 35878
jurisdiction and that is the subject of inquiry and investigation 35879
by the superintendent, and require the production of any book, 35880
paper, or document pertaining to the matter. In case any person 35881
fails to file any statement or report, obey any subpoena, give 35882
testimony, or produce any books, records, or papers as required by 35883
a subpoena, the court of common pleas of any county in the state, 35884
upon application made to it by the superintendent, shall compel 35885
obedience by attachment proceedings for contempt. 35886

(3) Suspend or revoke the registration of any importer, 35887
manufacturer, or wholesaler of stuffed toys or articles of 35888
bedding, mobile home or recreational vehicle dealer, conversion 35889
van dealer, secondhand dealer, or auction house; 35890

(4) Submit evidence of the violation or violations to any 35891
city prosecutor, city director of law, or prosecuting attorney 35892
with authority to prosecute. If the city prosecutor, city director 35893
of law, or prosecuting attorney with authority to prosecute fails 35894
to prosecute, the superintendent shall submit the evidence to the 35895
attorney general who may proceed with the prosecution. 35896

Sec. 3713.10. All money collected under this chapter shall be 35897
deposited into the state treasury to the credit of the ~~labor~~ 35898
industrial compliance operating fund created under section 121.084 35899

of the Revised Code. 35900

Sec. 3714.073. (A) In addition to the fee levied under 35901
division (A)(1) of section 3714.07 of the Revised Code, beginning 35902
July 1, 2005, there is hereby levied on the disposal of 35903
construction and demolition debris at a construction and 35904
demolition debris facility that is licensed under this chapter or 35905
at a solid waste facility that is licensed under Chapter 3734. of 35906
the Revised Code the following fees: 35907

(1) A fee of twelve and one-half cents per cubic yard or 35908
twenty-five cents per ton, as applicable, the proceeds of which 35909
shall be deposited in the state treasury to the credit of the soil 35910
and water conservation district assistance fund created in section 35911
1515.14 of the Revised Code; 35912

(2) A fee of thirty-seven and one-half cents per cubic yard 35913
or seventy-five cents per ton, as applicable, the proceeds of 35914
which shall be deposited in the state treasury to the credit of 35915
the recycling and litter prevention fund created in section 35916
~~1502.02~~ 3736.03 of the Revised Code. 35917

(B) The owner or operator of a construction and demolition 35918
debris facility or a solid waste facility, as a trustee of the 35919
state, shall collect the fees levied under this section and remit 35920
the money from the fees in the manner that is established in 35921
divisions (A)(2) and (3) of section 3714.07 of the Revised Code 35922
for the fee that is levied under division (A)(1) of that section 35923
and may enter into an agreement for the quarterly payment of the 35924
fees in the manner established in division (B) of that section for 35925
the quarterly payment of the fee that is levied under division 35926
(A)(1) of that section. 35927

(C) The money that is collected from a construction and 35928
demolition debris facility or a solid waste facility and remitted 35929
to a board of health or the director of environmental protection, 35930

as applicable, pursuant to this section shall be transmitted by 35931
the board or director to the treasurer of state not later than 35932
forty-five days after the receipt of the money to be credited to 35933
the soil and water conservation district assistance fund or the 35934
recycling and litter prevention fund, as applicable. 35935

(D) This section does not apply to the disposal of 35936
construction and demolition debris at a solid waste facility that 35937
is licensed under Chapter 3734. of the Revised Code if the owner 35938
or operator of the facility chooses to collect fees on the 35939
disposal of the construction and demolition debris that are 35940
identical to the fees that are collected under Chapters 343. and 35941
3734. of the Revised Code on the disposal of solid wastes at that 35942
facility. 35943

(E) This section does not apply to the disposal of source 35944
separated materials that are exclusively composed of reinforced or 35945
nonreinforced concrete, asphalt, clay tile, building or paving 35946
brick, or building or paving stone at a construction and 35947
demolition debris facility that is licensed under this chapter 35948
when either of the following applies: 35949

(1) The materials are placed within the limits of 35950
construction and demolition debris placement at the facility as 35951
specified in the license issued to the facility under section 35952
3714.06 of the Revised Code, are not placed within the unloading 35953
zone of the facility, and are used as a fire prevention measure in 35954
accordance with rules adopted by the director under section 35955
3714.02 of the Revised Code. 35956

(2) The materials are not placed within the unloading zone of 35957
the facility or within the limits of construction and demolition 35958
debris placement at the facility as specified in the license 35959
issued to the facility under section 3714.06 of the Revised Code, 35960
but are used as fill material, either alone or in conjunction with 35961
clean soil, sand, gravel, or other clean aggregates, in legitimate 35962

fill operations for construction purposes at the facility or to 35963
bring the facility up to a consistent grade. 35964

Sec. 3715.01. (A) As used in this chapter: 35965

(1) ~~"Public health council" means the public health council~~ 35966
~~established by section 3701.33 of the Revised Code.~~ 35967

~~(2)~~ "Person" means an individual, partnership, corporation, 35968
or association. 35969

~~(3)~~(2) "Food" means: 35970

(a) Articles used for food or drink for humans or animals; 35971

(b) Chewing gum; 35972

(c) Articles used for components of any such articles. 35973

~~(4)~~(3) "Drug" means: 35974

(a) Articles recognized in the United States pharmacopoeia 35975
and national formulary, or any supplement to them; 35976

(b) Articles intended for use in the diagnosis, cure, 35977
mitigation, treatment, or prevention of disease in humans or 35978
animals; 35979

(c) Articles, other than food, intended to affect the 35980
structure or any function of the body of humans or other animals; 35981

(d) Articles intended for use as a component of any of the 35982
foregoing articles, other than devices or their components, parts, 35983
or accessories. 35984

~~(5)~~(4) "Device," except when used in division (B)(1) of this 35985
section and in division (A)(10) of section 3715.52, division (F) 35986
of section 3715.60, division (A)(5) of section 3715.64, and 35987
division (C) of section 3715.67 of the Revised Code, means any 35988
instrument, apparatus, implement, machine, contrivance, implant, 35989
in vitro reagent, or other similar or related article, including 35990

any component, part, or accessory, that is any of the following:	35991
(a) Recognized in the United States pharmacopoeia and national formulary, or any supplement to them;	35992 35993
(b) Intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease in humans or animals;	35994 35995 35996
(c) Intended to affect the structure or any function of the body of humans or animals, and that does not achieve any of its principal intended purposes through chemical action within or on the body of humans or animals and is not dependent upon being metabolized for the achievement of any of its principal intended purposes.	35997 35998 35999 36000 36001 36002
(6) <u>(5)</u> "Cosmetic" means:	36003
(a) Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance;	36004 36005 36006 36007
(b) Articles intended for use as a component of any such article, except that "cosmetic" does not include soap.	36008 36009
(7) <u>(6)</u> "Label" means a display of written, printed, or graphic matter upon the immediate container, exclusive of package liners, of any article.	36010 36011 36012
Any word, statement, or other information required by this chapter to appear on the label must appear on the outside container or wrapper, if any, of the retail package of the article, or the label must be easily legible through the outside container or wrapper.	36013 36014 36015 36016 36017
(8) <u>(7)</u> "Labeling" means all labels and other written, printed, or graphic matter:	36018 36019
(a) Upon an article or any of its containers or wrappers;	36020

(b) Accompanying such article. 36021

~~(9)~~(8) "Advertisement" means all representations disseminated 36022
in any manner or by any means, other than by labeling, for the 36023
purpose of inducing, or that are likely to induce, directly or 36024
indirectly, the purchase of food, drugs, devices, or cosmetics. 36025

~~(10)~~(9) "New drug" means: 36026

(a) Any drug the composition of which is such that the drug 36027
is not generally recognized among experts qualified by scientific 36028
training and experience to evaluate the safety of drugs, as safe 36029
for use under the conditions prescribed, recommended, or suggested 36030
in the labeling thereof; 36031

(b) Any drug the composition of which is such that the drug, 36032
as a result of investigation to determine its safety for use under 36033
such conditions, has become so recognized, but that has not, other 36034
than in an investigation, been used to a material extent or for a 36035
material time under such conditions. 36036

~~(11)~~(10) "Contaminated with filth" applies to any food, drug, 36037
device, or cosmetic that has not been protected as far as may be 36038
necessary by all reasonable means from dust, dirt, and all foreign 36039
or injurious substances. 36040

~~(12)~~(11) "Honey" means the nectar and saccharine exudation of 36041
plants that has been gathered, modified, and stored in a honeycomb 36042
by honeybees. 36043

~~(13)~~(12) "Finished dosage form" means the form of a drug that 36044
is, or is intended to be, dispensed or administered to humans or 36045
animals and requires no further manufacturing or processing other 36046
than packaging, reconstituting, or labeling. 36047

~~(14)~~(13)(a) "Manufacture" means the planting, cultivating, 36048
harvesting, processing, making, preparing, or otherwise engaging 36049
in any part of the production of a drug by propagating, 36050

compounding, converting, or processing, either directly or 36051
indirectly by extracting from substances of natural origin, or 36052
independently by means of chemical synthesis, or by a combination 36053
of extraction and chemical synthesis, and includes the following: 36054

(i) Any packaging or repackaging of the drug or labeling or 36055
relabeling of its container, the promotion and marketing of the 36056
drug, and other activities incident to production; 36057

(ii) The preparation and promotion of commercially available 36058
products from bulk compounds for resale by pharmacies, licensed 36059
health professionals authorized to prescribe drugs, or other 36060
persons. 36061

(b) "Manufacture" does not include the preparation, 36062
compounding, packaging, or labeling of a drug by a pharmacist as 36063
an incident to either of the following: 36064

(i) Dispensing a drug in the usual course of professional 36065
practice; 36066

(ii) Providing a licensed health professional authorized to 36067
prescribe drugs with a drug for the purpose of administering to 36068
patients or for using the drug in treating patients in the 36069
professional's office. 36070

~~(15)~~(14) "Dangerous drug" has the same meaning as in section 36071
4729.01 of the Revised Code. 36072

~~(16)~~(15) "Generically equivalent drug" means a drug that 36073
contains identical amounts of the identical active ingredients, 36074
but not necessarily containing the same inactive ingredients, that 36075
meets the identical compendial or other applicable standard of 36076
identity, strength, quality, and purity, including potency, and 36077
where applicable, content uniformity, disintegration times, or 36078
dissolution rates, as the prescribed brand name drug and the 36079
manufacturer or distributor holds, if applicable, either an 36080
approved new drug application or an approved abbreviated new drug 36081

application unless other approval by law or from the federal food 36082
and drug administration is required. 36083

No drug shall be considered a generically equivalent drug for 36084
the purposes of this chapter if it has been listed by the federal 36085
food and drug administration as having proven bioequivalence 36086
problems. 36087

~~(17)~~(16) "Licensed health professional authorized to 36088
prescribe drugs" and "prescriber" have the same meanings as in 36089
section 4729.01 of the Revised Code. 36090

~~(18)~~(17) "Home" means the primary residence occupied by the 36091
residence's owner, on the condition that the residence contains 36092
only one stove or oven used for cooking, which may be a double 36093
oven, designed for common residence usage and not for commercial 36094
usage, and that the stove or oven be operated in an ordinary 36095
kitchen within the residence. 36096

~~(19)~~(18) "Potentially hazardous food" means a food that is 36097
natural or synthetic, to which any of the following apply: 36098

(a) It has a pH level greater than 4.6 when measured at 36099
seventy-five degrees fahrenheit or twenty-four degrees celsius. 36100

(b) It has a water activity value greater than 0.85. 36101

(c) It requires temperature control because it is in a form 36102
capable of supporting the rapid and progressive growth of 36103
infectious or toxigenic microorganisms, the growth and toxin 36104
production of clostridium botulinum, or in the case of raw shell 36105
eggs, the growth of salmonella enteritidis. 36106

~~(20)~~(19) "Cottage food production operation" means a person 36107
who, in the person's home, produces food items that are not 36108
potentially hazardous foods, including bakery products, jams, 36109
jellies, candy, fruit butter, and similar products specified in 36110
rules adopted pursuant to section 3715.025 of the Revised Code. 36111

(B) For the purposes of sections 3715.52 to 3715.72 of the Revised Code: 36112
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(1) If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account, among other things, not only representations made or suggested by statement, word, design, device, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequence which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual. 36114
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(2) The provisions regarding the selling of food, drugs, devices, or cosmetics include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale; and the sale, dispensing, and giving of any such article, and the supplying or applying of any such articles in the conduct of any food, drug, or cosmetic establishment. The provisions do not prohibit a licensed health professional authorized to prescribe drugs from administering or personally furnishing a drug or device to a patient. 36127
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(3) The representation of a drug, in its labeling or advertisement, as an antiseptic is a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or other use that involves prolonged contact with the body. 36136
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(4) Whenever jurisdiction is vested in the director of agriculture or the state board of pharmacy, the jurisdiction of 36142
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the board shall be limited to the sale, offering for sale, giving 36144
away, delivery, or dispensing in any manner of drugs at the 36145
wholesale and retail levels or to the consumer and shall be 36146
exclusive in the case of such sale, offering for sale, giving 36147
away, delivery, or dispensing in any manner of drugs at the 36148
wholesale and retail levels or to the consumer in any place where 36149
prescriptions are dispensed or compounded. 36150

(5) To assist in effectuating the provisions of those 36151
sections, the director of agriculture or state board of pharmacy 36152
may request assistance or data from any government or private 36153
agency or individual. 36154

Sec. 3715.025. (A) A cottage food production operation shall 36155
not process acidified foods, low acid canned foods, or potentially 36156
hazardous foods. 36157

(B) The director of agriculture shall adopt rules in 36158
accordance with Chapter 119. of the Revised Code specifying the 36159
food items a cottage food production operation may produce that 36160
are in addition to the food items identified by name in division 36161
(A)~~(20)~~(19) of section 3715.01 of the Revised Code. The director 36162
shall not adopt rules that permit a cottage food production 36163
operation to produce any food that is a potentially hazardous 36164
food. 36165

Sec. 3715.60. Food is misbranded within the meaning of 36166
sections 3715.01, 3715.02, 3715.022, and 3715.52 to 3715.72 of the 36167
Revised Code, if: 36168

(A) Its labeling is false or misleading in any particular. 36169

(B) It is offered for sale under the name of another food. 36170

(C) Its container is so made, formed, or filled as to be 36171
misleading. 36172

(D) It is an imitation of another food, unless its label 36173
bears in type of uniform size and prominence, the word 36174
"imitation," and immediately thereafter the name of the food 36175
imitated. 36176

(E) When it is in package form, it does not bear a label 36177
containing: 36178

(1) The name and place of business of the manufacturer, 36179
packer, or distributor; 36180

(2) An accurate statement of the quantity of the contents in 36181
terms of weight, measure, or numerical count; provided, that 36182
reasonable variations shall be permitted, and exemptions as to 36183
small packages shall be established by rules adopted by the 36184
director of agriculture; 36185

(3) In the case of food subject to section 3715.023 of the 36186
Revised Code, the information specified in that section. 36187

(F) Any word, statement, or other information required by or 36188
under authority of sections 3715.01, 3715.02, and 3715.52 to 36189
3715.72 of the Revised Code, to appear on the label or labeling is 36190
not prominently placed thereon with such conspicuousness as 36191
compared with other words, statements, designs, or devices, in the 36192
labeling, and in such terms as to render it likely to be read and 36193
understood by the ordinary individual under customary conditions 36194
of purchase and use. 36195

(G) It purports to be, or is represented as, a food for which 36196
a definition and standard of identity have been prescribed by 36197
statute, or by any rule adopted under an existing statute, or by 36198
rule as provided by section 3715.02 of the Revised Code, unless: 36199

(1) It conforms to such definition and standard. 36200

(2) Its label bears the name of the food specified in the 36201
definition and standard, and, insofar as may be required by such 36202

statute or rules, the common names of optional ingredients, other than spices, flavoring, and coloring, present in such food.

(H) It purports to be or is represented as:

(1) A food for which a standard of quality has been prescribed by rule as provided by section 3715.02 of the Revised Code and its quality falls below the standard unless its label bears, in the manner and form that the rules specify, a statement that it falls below the standard;

(2) A food for which a standard or standards of fill of container have been prescribed by rule as provided by section 3715.02 of the Revised Code, and it falls below the standard of fill of container applicable thereto, unless its label bears, in the manner and form that the rules specify, a statement that it falls below the standard.

(I) It is not subject to the provisions of division (G) of this section, unless it bears labeling clearly giving:

(1) The common or usual name of the food, if any;

(2) In case it is fabricated from two or more ingredients, the common or usual name of each ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; provided, that, to the extent that compliance with the requirements of division (I)(2) of this section is impractical or results in deception or unfair competition, exemptions shall be established by rules adopted by the director; and provided that these requirements shall not apply to any carbonated beverage of which a full and correct statement of the ingredients, to the extent prescribed by division (I)(2) of this section, has been filed under oath with the director.

(J) It purports to be or is represented to be for special dietary uses, unless its label bears such information concerning

its vitamin, mineral, and other dietary properties as is provided 36234
by rules ~~proposed~~ adopted by the director ~~and adopted by the~~ 36235
~~public health council~~, as necessary, in order to fully inform 36236
purchasers as to its value for such uses. 36237

(K) It bears or contains any artificial flavoring, artificial 36238
coloring, or chemical preservative, unless it bears labeling 36239
stating that fact; provided, that to the extent that compliance 36240
with the requirements of this division is impracticable, 36241
exemptions shall be established by rules ~~proposed~~ adopted by the 36242
director ~~and adopted by the public health council~~. 36243

Sec. 3715.61. (A) Whenever the director of agriculture finds 36244
after investigation that the distribution in this state of any 36245
class of food may, by reason of contamination with microorganisms 36246
during manufacture, processing, or packing thereof in any 36247
locality, be injurious to health, and that such injurious nature 36248
cannot be adequately determined after such articles have entered 36249
commerce, and in such case only, ~~he~~ the director shall ~~propose~~ 36250
~~regulations for adoption by the public health council~~ adopt rules 36251
providing for the issuance, to manufacturers, processor, or 36252
packers of such class of food in such locality, of permits to 36253
which shall be attached such conditions governing the manufacture, 36254
processing, or packing of such class food, for such temporary 36255
period of time, as may be necessary to protect the public health; 36256
and after the effective date of such regulations, and during such 36257
temporary period, no person shall introduce or deliver for 36258
introduction into commerce any such food manufactured, processed, 36259
or packed by any such manufacturer, processor, or packer unless 36260
such manufacturer, processor, or packer holds a permit issued by 36261
the director as provided by such ~~regulations~~ rules. 36262

(B) The director is authorized to suspend immediately upon 36263
notice any permit issued under authority of this section if it is 36264

found that any of the conditions of the permit have been violated. 36265
The holder of a permit so suspended shall be privileged at any 36266
time to apply for the reinstatement of such permit, and the 36267
director shall, immediately after prompt hearing and on inspection 36268
of the establishment, reinstate such permit if it is found that 36269
adequate measures have been taken to comply with and maintain the 36270
conditions of the permit, as originally issued, or as amended. 36271

(C) The director shall have access to any factory or 36272
establishment, the operator of which holds a permit from the 36273
director for the purpose of ascertaining whether or not the 36274
conditions of the permit are being complied with, and denial of 36275
access for such inspection shall be ground for suspension of the 36276
permit until such access is freely given by the operator. 36277

Sec. 3715.62. Any poisonous or deleterious substance added to 36278
any food, except where such substance is required in the 36279
production thereof or cannot be avoided by good manufacturing 36280
practice, shall be unsafe for purposes of the application of 36281
division (B) of section 3715.59 of the Revised Code, but when such 36282
substance is so required or cannot be so avoided, the director of 36283
agriculture shall ~~propose regulations for adoption by the public~~ 36284
~~health council~~ adopt rules limiting the quantity therein or 36285
thereon to such extent as the director finds necessary for the 36286
protection of public health, and any quantity exceeding the limits 36287
so fixed shall also be deemed to be unsafe for purposes of the 36288
application of division (B) of section 3715.59 of the Revised 36289
Code. While such a regulation is in effect limiting the quantity 36290
of any such substance in the case of any food, such food shall 36291
not, by reason of bearing or containing any added amount of such 36292
substance, be considered to be adulterated within the meaning of 36293
division (A) of section 3715.59 of the Revised Code. In 36294
determining the quantity of such added substance to be tolerated 36295
in or on different articles of food, the director shall take into 36296

account the extent to which the use of such substance is required 36297
or cannot be avoided in the production of each such article and 36298
the other ways in which the consumer may be affected by the same 36299
or other poisonous or deleterious substances. 36300

Sec. 3715.68. (A) An advertisement of food, drug, device, or 36301
cosmetic is false if it is false or misleading in any particular. 36302

(B) For the purpose of sections 3715.01 and 3715.52 to 36303
3715.72 of the Revised Code, the advertisement of a drug or device 36304
representing it to have any effect in albuminuria, appendicitis, 36305
arteriosclerosis, blood poison, bone disease, Bright's disease, 36306
cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, 36307
erysipelas, gallstones, heart and vascular diseases, high blood 36308
pressure, mastoiditis, measles, meningitis, mumps, nephritis, 36309
otitis media, paralysis, pneumonia, poliomyelitis (infantile 36310
paralysis), prostate gland disorders, pyelitis, scarlet fever, 36311
sexual impotence, sinus infection, tuberculosis, tumors, typhoid, 36312
uremia, venereal disease, is also false, except that no 36313
advertisement not in violation of division (A) of this section is 36314
false under this division if it is disseminated only to members of 36315
the medical, dental, pharmaceutical, or veterinary profession, or 36316
appears only in the scientific periodicals of these professions; 36317
provided, that whenever the director of agriculture determines 36318
that an advance in medical science has made any type of 36319
self-medication safe as to any of the diseases named above, the 36320
director shall ~~propose regulations for adoption by the public~~ 36321
~~health council~~ adopt rules authorizing the advertisement of drugs 36322
having curative or therapeutic effect for such disease, subject to 36323
such conditions and restrictions as the director may deem 36324
necessary in the interests of public health; provided, that this 36325
division shall not be construed as indicating that self-medication 36326
for diseases other than those named in this section is safe or 36327
efficacious. 36328

Sec. 3716.01. As used in sections 3716.01 to 3716.07, 36329
inclusive, of the Revised Code: 36330

(A) "Department" means the department of health. 36331

(B) "Director" means the director of health. 36332

(C) "Person" includes an individual, partnership, 36333
corporation, or association. 36334

(D) "Hazardous substance" means any substance or mixture of 36335
substances which is toxic, corrosive, an irritant, strong 36336
sensitizer, flammable, or which generates pressure through 36337
decomposition, heat, or other means, if such substance or mixture 36338
of substances may cause substantial personal injury or illness 36339
during any customary or reasonably anticipated handling or use. 36340

(E) "Toxic" applies to any substance which has the inherent 36341
capacity to produce bodily injury to man through ingestion, 36342
inhalation, or absorption through any body surface. 36343

(F)(1) "Highly toxic" means any substance which falls within 36344
any of the following categories: 36345

(a) Produces death within fourteen days in half or more than 36346
half of a group of ten or more laboratory white rats each weighing 36347
between two hundred and three hundred grams, at a single dose of 36348
fifty milligrams or less per kilogram of body weight, when orally 36349
administered; 36350

(b) Produces death within fourteen days in half or more than 36351
half of a group of ten or more laboratory white rats each weighing 36352
between two hundred and three hundred grams, when inhaled 36353
continuously for a period of one hour or less at an atmospheric 36354
concentration of two hundred parts per million by volume or less 36355
of gas, vapor, mist, or dust provided such concentration is likely 36356
to be encountered by ~~man~~ a human being when the substance is used 36357
in any reasonably foreseeable manner; 36358

(c) Produces death within fourteen days in half or more than 36359
half of a group of ten or more rabbits tested in a dosage of two 36360
hundred milligrams or less per kilogram of body weight, when 36361
administered by continuous contact with the bare skin for 36362
twenty-four hours or less. 36363

(2) If the director finds that available data on human 36364
experience with any substance indicates results different from 36365
those obtained on animals in the above named dosages or 36366
concentrations, the human data shall take precedence. 36367

(G) "Corrosive" means any substance which in contact with 36368
living tissue will cause destruction of tissue by chemical action; 36369
but shall not refer to action on inanimate surfaces. 36370

(H) "Irritant" means any substance not corrosive within the 36371
meaning of division (G) of this section which on immediate, 36372
prolonged, or repeated contact with normal living tissue will 36373
induce a local inflammatory reaction. 36374

(I) "Strong sensitizer" means any substance which will cause 36375
on normal living tissue, through an allergic or photodynamic 36376
process, a hypersensitivity which becomes evident on reapplication 36377
of the same substance and which is designated as such by the 36378
director. Before designating any substance as a strong sensitizer, 36379
the director shall, after public hearing following due notice, 36380
find that the frequency of occurrence and severity of the reaction 36381
indicate a significant potential for causing hypersensitivity. 36382

(J) "Extremely flammable" applies to any substance which has 36383
a flash point at or below twenty degrees Fahrenheit as determined 36384
by the tagliabue open cut tester. 36385

(K) "Flammable" applies to any substance which has a flash 36386
point of above twenty degrees to and including eighty degrees 36387
Fahrenheit, as determined by the tagliabue open cut tester; except 36388
that the flammability of the contents of self-pressurized 36389

containers shall be determined by methods generally applicable to 36390
such containers and established by regulation of the ~~public health~~ 36391
~~council~~ director. 36392

(L) "Label" means a display of written, printed, or graphic 36393
matter upon or attached to the immediate package or container of 36394
any substance. Any word, statement, or other information required 36395
by sections 3716.01 to 3716.07, inclusive, of the Revised Code, to 36396
appear on the label must also appear (1) on the outside container 36397
or wrapper, if any, unless it is easily legible through the 36398
outside container or wrapper, and (2) on all accompanying 36399
literature where there are directions for use, written or 36400
otherwise. 36401

(M) "Immediate container" does not include package liners. 36402

(N) "Misbranded package" means any container of a hazardous 36403
substance intended or suitable for household use which fails to 36404
bear a label: 36405

(1) Which states conspicuously: 36406

(a) The name and place of business of the manufacturer, 36407
packer, or distributor; 36408

(b) The common or usual name, or the chemical name or the 36409
recognized generic name (not trade name only) of the hazardous 36410
substance or of each component which contributes substantially to 36411
its hazard; 36412

(c) The signal word "DANGER" on substances which are 36413
extremely flammable, corrosive, or which: 36414

(i) Produce death within fourteen days in half or more than 36415
half of a group of ten or more laboratory white rats each weighing 36416
between two hundred and three hundred grams, at a single dose of 36417
one gram or less per kilogram of body weight, when orally 36418
administered; 36419

(ii) Produce death within fourteen days in half or more than 36420
half of a group of ten or more laboratory white rats each weighing 36421
between two hundred and three hundred grams, when inhaled 36422
continuously for a period of one hour or less at an atmospheric 36423
concentration of two thousand parts per million by volume of gas, 36424
vapor, mist, or dust, provided such concentration is likely to be 36425
encountered by ~~man~~ a human being when the substances are used in 36426
any reasonably foreseeable manner; 36427

(iii) Produce death within fourteen days in half or more than 36428
half of a group of ten or more rabbits tested in a dosage of one 36429
gram or less per kilogram of body weight, when administered by 36430
continuous contact with the bare skin for twenty-four hours or 36431
less; 36432

(iv) If the director finds that available data on human 36433
experience with any substance indicates results different from 36434
those obtained on animals in the above named dosages or 36435
concentrations, ~~he~~ the director may require the use of the signal 36436
word "DANGER" on such substance or permit use of the signal word 36437
"WARNING" or "CAUTION" on such substance. 36438

(d) The signal word "WARNING" or "CAUTION" on all other 36439
hazardous substances; 36440

(e) An affirmative statement of the principal hazard or 36441
hazards, such as "Flammable," "Vapor Harmful," "Causes Burns," 36442
"Absorbed Through Skin," or similar wording descriptive of the 36443
hazard; 36444

(f) Precautionary measures describing the action to be 36445
followed or avoided; 36446

(g) Instructions, when necessary, for the first-aid treatment 36447
in case of contact or exposure, if the substance is hazardous 36448
through contact or exposure; 36449

(h) The word "poison" for any hazardous substance which is 36450

defined as "highly toxic" by division (F) of this section; 36451

(i) Instructions for handling and storage of packages which 36452
require special care in handling or storage; 36453

(j) The statement "Keep out of the reach of children," or its 36454
practical equivalent. 36455

(2) On which any statements required under division (N) (1) 36456
of this section are located prominently and are in the English 36457
language in legible type in contrast by typography, layout, or 36458
color with other printed matter on the label. 36459

The ~~public health council~~ director shall, by regulations, 36460
provide for minimum information which shall appear on the labels 36461
for small packages, which labels need not include all of the 36462
information required by this section. The director may permit less 36463
than the foregoing statement of the hazard or precautionary 36464
measures for labels of hazardous substances presenting only minor 36465
hazards; and the term "misbranded package" does not apply to 36466
packages of economic poisons subject to the "Federal Insecticide, 36467
Fungicide, and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 36468
135, nor to packages of foods, drugs, and cosmetics subject to the 36469
"Federal Food, Drug, and Cosmetic Act," nor to sections 3715.01 to 36470
3715.72, inclusive, of the Revised Code. 36471

Sec. 3716.03. The director of health shall: 36472

(A) ~~Propose and submit regulations for adoption by the public~~ 36473
~~health council, subject to sections 119.01 to 119.13, inclusive,~~ 36474
Adopt rules in accordance with Chapter 119. of the Revised Code, 36475
for the efficient enforcement of section 3716.02 of the Revised 36476
Code; 36477

(B) Conduct examinations, inspections, and investigations for 36478
the purpose of establishing such regulations, through such 36479
officers of the department of health or the boards of health, as 36480

he the director delegates; 36481

(C) Designate officers and employees to enter at reasonable 36482
times any factory, warehouse, or establishment in which hazardous 36483
substances are held, or to enter any vehicle being used to 36484
transport or hold such hazardous substance: 36485

(1) For the purpose of determining the nature of such 36486
substances; 36487

(2) To inspect or copy all records showing the movement of 36488
any such hazardous substance, or the holding thereof during or 36489
after such movement, and the quantity, shipper, and consignee 36490
thereof; provided, evidence obtained under this subdivision shall 36491
not be used in a criminal prosecution of the person from whom 36492
obtained; 36493

(D) Inspect and sample, upon tender of reasonable price for 36494
such sample, at reasonable times and within reasonable limits and 36495
in a reasonable manner, finished hazardous substances in retail 36496
packages and labeling thereon in such factory, warehouse, 36497
establishment, or vehicle. 36498

Sec. 3717.01. As used in this chapter: 36499

(A) "Ohio uniform food safety code" means the food safety and 36500
related standards adopted under section 3717.05 of the Revised 36501
Code. 36502

(B) "Food" means any raw, cooked, or processed edible 36503
substance used or intended for use in whole or in part for human 36504
consumption. "Food" includes ice, water or any other beverage, 36505
food ingredients, and chewing gum. 36506

(C) "Retail food establishment" means a premises or part of a 36507
premises where food is stored, processed, prepared, manufactured, 36508
or otherwise held or handled for retail sale. Except when 36509
expressly provided otherwise, "retail food establishment" includes 36510

a mobile retail food establishment, seasonal retail food establishment, and temporary retail food establishment. 36511
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As used in this division: 36513

(1) "Retail" means the sale of food to a person who is the ultimate consumer. 36514
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(2) "Prepared" means any action that affects a food, including receiving and maintaining it at the temperature at which it was received. 36516
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(D) "Seasonal retail food establishment" means a retail food establishment, other than a mobile retail food establishment, that is operated for not more than six months in a licensing period. 36519
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(E) "Temporary retail food establishment" means a retail food establishment that is operated at an event for not more than five consecutive days, except when operated for more than five consecutive days pursuant to division (E)(2) of section 3717.23 of the Revised Code. 36522
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(F) "Food service operation" means a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this division, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received. 36527
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Except when expressly provided otherwise, "food service operation" includes a catering food service operation, food delivery sales operation, mobile food service operation, seasonal food service operation, temporary food service operation, and vending machine location. 36536
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(G) "Catering food service operation" means a food service operation where food is prepared for serving at a function or event held at an off-premises site, for a charge determined on a per-function or per-event basis.

(H) "Food delivery sales operation" means a food service operation from which individual portions of food are ordered by a customer, prepared at another food service operation or a retail food establishment, and delivered to the customer by a person other than an employee of the food service operation or retail food establishment that prepared the food.

(I) "Mobile food service operation" means a food service operation that is operated from a movable vehicle, portable structure, or watercraft and that routinely changes location, except that if the operation remains at any one location for more than forty consecutive days, the operation is no longer a mobile food service operation. "Mobile food service operation" includes a food service operation that does not remain at any one location for more than forty consecutive days and serves, in a manner consistent with division (F) of this section, only frozen desserts; beverages, nuts, popcorn, candy, or similar confections; bakery products identified in section 911.01 of the Revised Code; or any combination of those items.

(J) "Seasonal food service operation" means a food service operation, other than a mobile food service operation, that is operated for not more than six months in a licensing period.

(K) "Temporary food service operation" means a food service operation that is operated at an event for not more than five consecutive days, except when operated for more than five consecutive days pursuant to division (E)(2) of section 3717.43 of the Revised Code.

(L) "Vending machine location" means an area or room where

one or more vending machines are installed and operated, except 36572
that if the machines within an area are separated by more than one 36573
hundred fifty feet, each area separated by that distance 36574
constitutes a separate vending machine location. As used in this 36575
division, "vending machine" means a self-service device that 36576
automatically dispenses on the insertion of currency, tokens, or 36577
similar means a predetermined unit serving of food, either in bulk 36578
or in package, without having to be replenished after each use. 36579

(M) "Board of health" means a board of health of a city or 36580
general health district or the authority having the duties of a 36581
board of health under section 3709.05 of the Revised Code. 36582

(N) "Government entity" means this state, a political 36583
subdivision of this state, another state, or a political 36584
subdivision or other local government body of another state. 36585

(O) "Licensor" means one of the following: 36586

(1) A board of health approved under section 3717.11 of the 36587
Revised Code; 36588

(2) The director of agriculture acting pursuant to section 36589
3717.11 of the Revised Code with respect to the licensing of 36590
retail food establishments; 36591

(3) The director of health acting pursuant to section 3717.11 36592
of the Revised Code with respect to the licensing of food service 36593
operations. 36594

(P) "Licensing period" means the first day of March to the 36595
last day of February of the next succeeding year. 36596

(Q) "Mobile retail food establishment" means a retail food 36597
establishment that is operated from a movable vehicle or other 36598
portable structure, and that routinely changes location, except 36599
that if the establishment operates from any one location for more 36600
than forty consecutive days, the establishment is no longer a 36601

mobile retail food establishment. 36602

(R) "Unprocessed," when used with respect to fruits and 36603
vegetables, means that the fruits and vegetables are not processed 36604
beyond merely rough trimming and rinsing. 36605

(S) "Cottage food production operation" has the same meaning 36606
as in division (A)~~(20)~~(19) of section 3715.01 of the Revised Code. 36607

Sec. 3717.04. The director of agriculture, ~~the public health~~ 36608
~~council~~, and the director of health have the exclusive power in 36609
this state to adopt rules regarding retail food establishments and 36610
food service operations. The rules adopted under this chapter 36611
shall be applied uniformly throughout this state. 36612

All rules adopted under this chapter shall be adopted in 36613
accordance with Chapter 119. of the Revised Code. Subject to the 36614
approval of the joint committee on agency rule review, portions of 36615
the rules may be adopted by referencing all or any part of any 36616
federal regulations pertaining to food safety. 36617

Sec. 3717.05. (A) The director of agriculture and the ~~public~~ 36618
director of health council shall adopt rules establishing 36619
standards for safe food handling and sanitation in retail food 36620
establishments and food service operations. The rules shall be 36621
compiled as the Ohio uniform food safety code, which shall be used 36622
by the licensors of retail food establishments and food service 36623
operations in ensuring the safe handling of food in this state. 36624
All scientific provisions of the Ohio uniform food safety code 36625
that are relevant to both retail food establishments and food 36626
service operations shall be adopted by the director of agriculture 36627
and the ~~public~~ director of health council with each other's 36628
concurrence. 36629

The Ohio uniform food safety code shall include the 36630
following: 36631

(1) Criteria for sanitation in retail food establishments and food service operations;	36632 36633
(2) Criteria for equipment in retail food establishments and food service operations;	36634 36635
(3) Criteria for reviewing the facility layout and equipment specifications of retail food establishments and food service operations;	36636 36637 36638
(4) A definition of "potentially hazardous" as it pertains to food in retail food establishments and to food in food service operations;	36639 36640 36641
(5) Criteria to be used in evaluating the primary business of a person or government entity for purposes of determining whether the person or entity should be licensed as a retail food establishment or food service operation.	36642 36643 36644 36645
(B)(1) Except as provided in division (B)(2) of this section, if a model food code is established by the United States food and drug administration, the Ohio uniform food safety code shall be based on the most current version of the food and drug administration's model food code. If the food and drug administration adopts, modifies, or rescinds a provision in the model food code, not later than twelve months after the administration's action, the director of agriculture and public <u>director of health council</u> shall adopt, amend, or rescind provisions in the Ohio uniform food safety code to ensure that it continues to conform with the model food code.	36646 36647 36648 36649 36650 36651 36652 36653 36654 36655 36656
(2) The Ohio uniform food safety code may contain or omit provisions that do not correspond to the food and drug administration's model food code if the director of agriculture or the public <u>director of health council</u> , with each other's concurrence, determines either of the following:	36657 36658 36659 36660 36661
(a) That rules can be adopted under this chapter that provide	36662

protection at least as effective as that which would be provided 36663
by basing the rules on the model food code; 36664

(b) That local conditions warrant the adoption of standards 36665
that are different from the model food code. 36666

Sec. 3717.07. (A) For purposes of establishing a licensing 36667
fee under sections 3717.25 and 3717.45 of the Revised Code, the 36668
director of agriculture and the ~~public~~ director of health council 36669
shall adopt rules establishing uniform methodologies for use in 36670
calculating the costs of licensing retail food establishments in 36671
the categories specified by the director of agriculture and the 36672
costs of licensing food service operations in the categories 36673
specified by the ~~council~~ director of health. In adopting the 36674
rules, the director of agriculture and the ~~public~~ director of 36675
health ~~council~~ shall consider any recommendations received from 36676
advisory boards or other entities representing the interests of 36677
retail food establishments and food service operations. 36678

(B) The rules shall include provisions that do all of the 36679
following: 36680

(1) Provide for calculations to be made according to fiscal 36681
years rather than licensing periods; 36682

(2) Limit the direct costs that may be attributed to the use 36683
of sanitarians by establishing appropriate statewide averages that 36684
may not be exceeded; 36685

(3) Limit the indirect costs that may be included in the 36686
calculation of fees to an amount that does not exceed thirty per 36687
cent of the cost of the licensing program; 36688

(4) Provide for a proportionate reduction in the fees to be 36689
charged if a licensor included anticipated costs in the 36690
immediately preceding calculation of licensing fees and the total 36691
amount of the anticipated costs was not incurred; 36692

(5) Provide for a proportionate reduction in the fees to be charged if it is discovered through an audit by the auditor of state or through any other means that the licensor has charged or is charging a licensing fee that exceeds the amount that should have been charged;

(6) Provide for a twenty per cent reduction in the fees to be charged when the reduction is imposed as a penalty under division (C) of section 3717.071 of the Revised Code;

(7) With regard to any fees charged for licensing vending machine locations, the rules shall prohibit a licensor from increasing fees by a percentage of increase over the previous year's fee that exceeds the percentage of increase in the consumer price index for all urban consumers (United States city average, all items), prepared by the United States department of labor, bureau of labor statistics, for the immediately preceding calendar year.

Sec. 3717.45. (A) A licensor may charge fees for issuing and renewing food service operation licenses. Any licensing fee charged shall be used solely for the administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to food service operations.

Any licensing fee charged under this section shall be based on the licensor's costs of regulating food service operations, as determined according to the uniform methodologies established under section 3717.07 of the Revised Code. If the licensor is a board of health, a fee may be disapproved by the district advisory council in the case of a general health district or the legislative authority of the city in the case of a city health district. A disapproved fee shall not be charged by the board of health.

Except when a licensing fee is established as an emergency

measure, the licensor shall hold a public hearing regarding the 36724
proposed fee. At least twenty days prior to holding a public 36725
hearing, the licensor shall give written notice of the hearing to 36726
each person or government entity holding a food service operation 36727
license that may be affected by the proposed fee. The notice shall 36728
be mailed to the last known address of the licensee and shall 36729
specify the date, time, and place of the hearing and the amount of 36730
the proposed fee. On request, the licensor shall provide the 36731
completed uniform methodology used in the calculation of the 36732
licensor's costs and the proposed fee. 36733

(B) In addition to licensing fees, a licensor may charge fees 36734
for the following: 36735

(1) Review of facility layout and equipment specifications 36736
pertaining to food service operations, other than mobile and 36737
temporary food service operations, or similar reviews conducted 36738
for vending machine locations; 36739

(2) Any necessary collection and bacteriological examination 36740
of samples from food service operations, or similar services 36741
specified in rules adopted under this chapter by the ~~public~~ 36742
director of health council; 36743

(3) Attendance at a course of study offered by the licensor 36744
in food protection as it pertains to food service operations, if 36745
the course is approved under section 3717.09 of the Revised Code. 36746

(C)(1) The ~~public health council~~ director may determine by 36747
rule an amount to be collected from applicants for food service 36748
operation licenses for use ~~by the director of health~~ in 36749
administering and enforcing the provisions of this chapter and the 36750
rules adopted under it applicable to food service operations. 36751
Licensors shall collect the amount prior to issuing an applicant's 36752
new or renewed license. If a licensing fee is charged under this 36753
section, the licensor shall collect the amount at the same time 36754

the fee is collected. Licensors are not required to provide notice 36755
or hold public hearings regarding amounts to be collected. 36756

(2) A licensor shall certify the amount collected under 36757
division (C)(1) of this section and transmit the amount to the 36758
treasurer of state according to the following schedule: 36759

(a) For amounts received by the licensor on or after the 36760
first day of January but not later than the thirty-first day of 36761
March, transmit the amounts not later than the fifteenth day of 36762
May; 36763

(b) For amounts received by the licensor on or after the 36764
first day of April but not later than the thirtieth day of June, 36765
transmit the amounts not later than the fifteenth day of August; 36766

(c) For amounts received by the licensor on or after the 36767
first day of July but not later than the thirtieth day of 36768
September, transmit the amounts not later than the fifteenth day 36769
of November; 36770

(d) For amounts received by the licensor on or after the 36771
first day of October but not later than the thirty-first day of 36772
December, transmit the amounts not later than the fifteenth day of 36773
February of the following year. 36774

(3) All amounts received under division (C)(2) of this 36775
section shall be deposited into the general operations fund 36776
created in section 3701.83 of the Revised Code. The director shall 36777
use the amounts solely for the administration and enforcement of 36778
the provisions of this chapter and the rules adopted under it 36779
applicable to food service operations. 36780

~~(4) The director may submit recommendations to the public 36781
health council regarding the amounts collected under division 36782
(C)(1) of this section. When making recommendations, the director 36783
shall submit a report stating the current and projected expenses 36784
of administering and enforcing the provisions of this chapter and 36785~~

~~the rules adopted under it applicable to food service operations 36786
and the total of all amounts that have been deposited in the 36787
general operations fund pursuant to division (C)(3) of this 36788
section. The director may include in the report any 36789
recommendations for modifying the department's administration and 36790
enforcement of the provisions of this chapter and the rules 36791
adopted under it applicable to food service operations. 36792~~

Sec. 3717.51. Pursuant to section 3717.04 of the Revised 36794
Code, the ~~public~~ director of health council shall adopt rules 36795
regarding food service operations, as follows: 36796

(A) Licensing categories for food service operations and 36797
licensing requirements for each category; 36798

(B) Standards and procedures, including a schedule of 36799
frequency, for conducting inspections of food service operations; 36800

(C) Standards and procedures for conducting investigations of 36801
complaints pertaining to food service operations; 36802

(D) Procedures to be used by the director of health in 36803
approving courses of study for persons seeking certification in 36804
food protection, standards that must be met to receive and 36805
maintain the director's approval, and procedures for withdrawing 36806
the director's approval of a course if the standards for approval 36807
are no longer being met; 36808

(E) Standards for the provision of assistance to choking 36809
victims; 36810

(F) Any other matter the ~~council~~ director considers relevant 36811
to the administration and enforcement of the provisions of this 36812
chapter applicable to food service operations. 36813

Sec. 3718.02. (A) The ~~public~~ director of health council, in 36814
accordance with Chapter 119. of the Revised Code, shall adopt, and 36815

subsequently may amend and rescind, rules of general application 36816
throughout the state to administer this chapter. Rules adopted 36817
under division (A) of this section shall do at least all of the 36818
following: 36819

(1) Require that the appropriate board of health approve or 36820
disapprove the installation, operation, and alteration of a sewage 36821
treatment system if it is not connected to a sanitary sewerage 36822
system; 36823

(2) Require a board of health, or other person as established 36824
by rule, to conduct a site evaluation for any proposed 36825
installation of a sewage treatment system; 36826

(3) Prescribe standards for the siting, design, installation, 36827
operation, monitoring, maintenance, and abandonment of sewage 36828
treatment systems that may be used in this state and for the 36829
progressive or incremental alteration or repair of an existing 36830
sewage treatment system or the progressive or incremental 36831
installation of a new system to replace an existing sewage 36832
treatment system. The rules shall be adopted so as to establish a 36833
preference for the repair of an existing sewage treatment system, 36834
when technically and economically feasible, rather than its 36835
replacement with a new system. The standards shall include at a 36836
minimum all of the following: 36837

(a) Soil absorption specifications and vertical separation 36838
distances. 36839

(i) Soil absorption specifications established in rules shall 36840
include standards regarding the sizing of sewage treatment systems 36841
in use in the state. 36842

(ii) In establishing soil absorption specifications and 36843
vertical separation distances, the rules shall identify those soil 36844
conditions that present a low or moderate risk of inadequate 36845

treatment or dispersal of sewage from sewage treatment systems. 36846
For low and moderate risk conditions, the required vertical 36847
separation distance shall not exceed eighteen inches except as 36848
authorized pursuant to rules adopted under divisions 36849
(A)(3)(a)(iii) and (iv) of this section. 36850

In addition, the rules shall identify those soil conditions 36851
that present a high risk of inadequate treatment or dispersal of 36852
sewage. For such high risk conditions, the vertical separation 36853
distance shall be set at a depth from twenty-four to thirty-six 36854
inches and shall not be lowered unless a reduction of vertical 36855
separation is granted in accordance with rules adopted under 36856
division (A)(3)(a)(iii) of this section. 36857

(iii) The rules shall establish options to be utilized by a 36858
board of health when approving the reductions of or compliance 36859
with vertical separation distances that are established in rules 36860
adopted under division (A)(3)(a)(ii) of this section. The options 36861
for a board of health in providing such approval shall include, 36862
but not be limited to: the use where deemed appropriate for a 36863
particular site of subsurface interceptor drains, perimeter 36864
drains, or engineered drainage; pretreatment of sewage; or soil 36865
elevation. 36866

(iv) The rules shall provide that a board of health may 36867
petition the director to increase the vertical separation 36868
distances required for sewage treatment systems in the applicable 36869
health district or a portion of the district when conditions 36870
present a high risk of inadequate treatment or dispersal of 36871
sewage. The rules also shall provide that the director may approve 36872
such a request upon a demonstration by the board of health that 36873
unusual or unique local conditions relating to terrain, bedrock, 36874
water table, soil fragments, or soil textures require the 36875
establishment of greater vertical separation distances within the 36876
jurisdiction of the board of health or a portion thereof. If, 36877

under the rules, the director of health approves a greater 36878
vertical separation distance, a board of health still may approve 36879
a reduction of that vertical separation distance for an individual 36880
sewage treatment system pursuant to rules adopted under division 36881
(A)(3)(a)(iii) of this section. Further, if, under the rules, the 36882
director approves a greater vertical separation distance, a person 36883
who is denied permission by a board of health to install or 36884
replace a sewage treatment system as a result of the director's 36885
approval may request a hearing in accordance with section 3718.11 36886
of the Revised Code. 36887

(b) Specifications for the quality of treated sewage effluent 36888
from household sewage treatment systems that is applied to soil on 36889
the property where a household sewage treatment system is located. 36890
The specifications established in the rules for the quality of 36891
effluent from discharging systems shall comply with discharge 36892
requirements imposed by the national pollutant discharge 36893
elimination system permit program established under section 36894
6111.03 of the Revised Code and rules adopted under it. 36895

(c) Requirements for the reasonable maintenance of a system 36896
according to maintenance requirements approved by the director of 36897
health as recommended by the sewage treatment system technical 36898
advisory committee or according to accepted standards and 36899
practices established in rules, as applicable. The requirements 36900
may include standards for service contracts or other arrangements 36901
that assure regular maintenance and upkeep of the system. In 36902
determining the reasonableness of a maintenance requirement, the 36903
director shall consider a manufacturer's maintenance requirements 36904
as well as all other maintenance alternatives. 36905

(4) Prescribe procedures for notification to boards of health 36906
of the approval of a sewage treatment system or components of a 36907
system by the director of health under section 3718.04 of the 36908
Revised Code; 36909

(5) Prescribe criteria and procedures under which boards of health shall issue installation permits, operation permits, and alteration permits for sewage treatment systems. The rules shall require as a condition of an installation permit that the installer of a system must warrant that the system was installed in accordance with all applicable rules and design requirements. In addition, the rules shall require a board of health, not later than sixty days after the issuance of an installation, operation, or alteration permit, to notify the director that the permit was issued. The rules shall require the notification to be in a format prescribed by the director and to include information related to the issuance of the permit. With the assistance of the department of health, a board of health, to the extent practicable, shall computerize the process of the issuance of permits for sewage treatment systems.

(6) Require a board of health to inspect a sewage treatment system not later than twelve months after its installation to ensure that the system is operating properly. The rules shall require a board of health, not later than sixty days after the inspection, to certify to the director on a form provided by the director that the inspection was performed.

(7) Require each board of health to develop a program for the administration of maintenance requirements established in rules adopted under division (A)(3)(c) of this section. The rules shall include requirements and procedures under which a person may demonstrate the required maintenance of a system in lieu of having an inspection conducted when an inspection otherwise is required. The rules shall require a board of health to provide written notice to a person that is demonstrating maintenance of a system in lieu of an inspection that if proof of the required maintenance of the system is not provided as required by rules, the system is subject to inspection by the board and the reasonable cost of the

inspection must be paid by the person. The rules shall authorize a board of health to inspect any sewage treatment system if there is a good-faith complaint regarding the system, there is probable cause for the inspection, or proof of the required maintenance of the system has not been provided as required by rules. In addition, the rules shall authorize a board of health to inspect a sewage treatment system without prior notice in any instance in which the board has probable cause to believe that the system is endangering or threatening to endanger public health. The rules shall require that the reasonable costs for sewage effluent testing or evaluation be paid by the owner of a sewage treatment system that is being investigated. Further, the rules shall establish a methodology for determining the reasonable costs of an inspection in accordance with section 3709.09 of the Revised Code. The rules shall allow, but shall not require, a board of health to continue an inspection program that was established by the board prior to the effective date of the rules, provided that the program authorizes a person to demonstrate the required maintenance of a system in lieu of an inspection.

(8) Require a board of health to register installers, service providers, and septage haulers that perform work within the health district; prescribe criteria and procedures for the registration; and prescribe criteria for a demonstration of competency as a part of the registration. The rules shall establish uniform statewide bonding requirements or other financial security requirements for installers, service providers, and septage haulers as a condition of registration within any health district. The rules shall establish a methodology by which the required amount of a bond or other security may be calculated for each installer, service provider, and septage hauler. The methodology, at a minimum, shall consider the number of systems installed or serviced and the type of system installed or serviced by an installer, service provider, or septage hauler on an annual basis. The rules shall provide that

no board of health shall require an additional or different bond 36975
or security requirement as a condition of registration beyond the 36976
bonding and security requirements established in the rules adopted 36977
under division (A)(8) of this section. 36978

The rules shall establish a cost methodology for determining 36979
the fee for the registration of an installer, service provider, or 36980
septage hauler in any health district. 36981

(9) Prescribe requirements for the collection, 36982
transportation, disposal, and land application of domestic septage 36983
in this state from a sewage treatment system; 36984

(10) Require boards of health to maintain records that are 36985
determined necessary to ascertain compliance with this chapter and 36986
the rules adopted under it; 36987

(11) Require the manufacturer of a sewage treatment system 36988
that is authorized for use in this state in rules adopted under 36989
this section or that is approved for use in this state under 36990
section 3718.04 of the Revised Code to provide instructions for 36991
the operation and maintenance of the system. The rules shall 36992
provide that a board of health may require a copy of a 36993
manufacturer's instructions for the operation and maintenance of a 36994
system to be filed with the board prior to the installation and 36995
use of the system in the health district in which the board has 36996
jurisdiction. In addition, the rules shall require a board of 36997
health and a manufacturer to provide a copy of the operation and 36998
maintenance instructions, if available, when a board of health or 36999
a manufacturer receives a written request for instructions. 37000

(12) Prescribe criteria for the provision of written evidence 37001
of compliance with rules pertaining to sewage treatment for 37002
purposes of sections 711.05 and 711.10 of the Revised Code; 37003

(13) Pursuant to divisions (A)(1) and (3) of this section, 37004
prescribe standards for the siting, design, installation, 37005

operation, monitoring, maintenance, and abandonment of small flow 37006
on-site sewage treatment systems that may be used in this state; 37007

(14) Prescribe minimum criteria and procedures under which 37008
boards of health may establish household sewage treatment district 37009
management programs for the purpose of providing a responsive 37010
approach toward preventing or solving sewage treatment problems 37011
resulting from household sewage treatment systems within the 37012
districts established under the program. For purposes of division 37013
(A)(14) of this section, a board of health may enter into a 37014
contract with any entity to administer a household sewage 37015
treatment district management program. 37016

(15) Prescribe standards for the use of subsurface 37017
interceptor drains, perimeter drains, and engineered drainage to 37018
remove or divert any subsurface water from an area to be used for 37019
soil absorption of sewage in the soil of a sewage treatment 37020
system; 37021

(16) Prescribe standards for the inspection of septage 37022
hauling truck tanks by boards of health, including, but not 37023
limited to, tank seal safety specifications; 37024

(17) Establish standards and testing methods to ensure that 37025
all septic tanks, other disposal component tanks, dosing tanks, 37026
pump vaults, household sewage treatment disposal system holding 37027
tanks and privy vaults, or other applicable sewage disposal system 37028
components manufactured after ~~the effective date of this section~~ 37029
September 17, 2010, and used in this state are watertight and 37030
structurally sound; 37031

(18) Require a board of health to give notice and an 37032
opportunity for a hearing, pursuant to section 3718.11 of the 37033
Revised Code, to an affected property owner regarding any of the 37034
following: 37035

(a) The denial of an installation, operation, or alteration 37036

permit for a sewage treatment system; 37037

(b) The imposition of a condition on the installation of a 37038
sewage treatment system; 37039

(c) The required replacement of a sewage treatment system; 37040

(d) Any other final order or decision of a board of health 37041
that is made under this chapter concerning which a property owner 37042
is claiming to be aggrieved or adversely affected. 37043

The rules also shall establish procedures for giving such 37044
notice and for conducting the hearing required in rules adopted 37045
under division (A)(18) of this section. 37046

(19) Prescribe standards for the regulation of gray water 37047
recycling systems; 37048

(20) Prohibit a sewage treatment system from causing a public 37049
health nuisance; 37050

(21) Define economic impact for purposes of division (B) of 37051
this section and section 3718.022 of the Revised Code. 37052

The ~~council~~ director may adopt other rules under division (A) 37053
of this section that ~~it~~ the director determines are necessary to 37054
implement this chapter and to protect the public health and 37055
welfare. 37056

At least sixty days prior to adopting a rule under division 37057
(A) of this section, the ~~council~~ director shall provide boards of 37058
health and any other interested parties an opportunity to comment 37059
on the rule. 37060

(B)(1) In accordance with section 3709.20 or 3709.21 of the 37061
Revised Code, as applicable, and subject to review by and approval 37062
of the director under division (C) of section 3718.05 of the 37063
Revised Code, a board of health may adopt rules necessary for the 37064
public health providing for more stringent standards than those 37065
established in rules ~~of the public health council~~ adopted by the 37066

director under division (A) of this section. In proposing or 37067
adopting the rules, a board of health shall consider and document 37068
the economic impact of the rules on property owners within the 37069
applicable health district. 37070

(2) A board that intends to adopt rules shall notify the 37071
department of health of the proposed rules and submit a copy of 37072
the proposed rules and the documentation of the economic impact of 37073
the rules at least ninety days prior to the proposed date of 37074
adoption. The director shall approve or disapprove any such 37075
proposed rule within ninety days after receiving a copy of the 37076
proposed rule from the board of health. 37077

(3) In reviewing a proposed rule, the director shall approve 37078
the rule if all of the following apply: 37079

(a) The proposed rule is not in conflict with this chapter or 37080
rules adopted under it. 37081

(b) The proposed rule is authorized by division (B) of this 37082
section. 37083

(c) The proposed rule is no less stringent than rules adopted 37084
by the ~~public health council~~ director. 37085

(d) Unless otherwise authorized by this chapter or rules 37086
adopted under it, the proposed rule does not require design 37087
changes to a sewage treatment system, or component thereof, that 37088
differ from a design authorized in rules adopted under division 37089
(A) of this section, including rules adopted under division (A)(1) 37090
or (A)(3)(a)(iii) or (iv) of this section, or approved by the 37091
director under section 3718.04 of the Revised Code. 37092

(e) The proposed rule does not require operation or 37093
maintenance procedures for a sewage treatment system that conflict 37094
with operation or maintenance procedures authorized in rules 37095
adopted under division (A) of this section, including rules 37096
adopted under division (A)(1) or (A)(3)(a)(iii) or (iv) of this 37097

section, or approved by the director under section 3718.04 of the Revised Code. 37098
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(4) If a board of health fails to submit a proposed rule to the director or fails to demonstrate that the board has considered the economic impact of the proposed rule, the rule shall have no force or effect and is not enforceable. 37100
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Sec. 3718.021. (A) A board of health may regulate the siting, design, installation, operation, monitoring, maintenance, and abandonment of small flow on-site sewage treatment systems in accordance with rules adopted by the ~~public~~ director of health council under division (A)(13) of section 3718.02 of the Revised Code. If a board of health chooses to regulate small flow on-site sewage treatment systems, the board first shall send written notification to the director of health and the director of environmental protection. 37104
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(B) If a board of health chooses to regulate small flow on-site sewage treatment systems under division (A) of this section and later determines that it no longer wants to regulate those systems, the board shall notify the director of health and the director of environmental protection. Upon the receipt of the notification by the director of environmental protection, the board of health shall cease regulating small flow on-site sewage treatment systems, and the environmental protection agency shall regulate those systems. 37113
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(C) If after a survey conducted under section 3718.07 of the Revised Code the director of health finds that a board of health that has chosen to regulate small flow on-site sewage treatment systems is not complying with the rules adopted under division (A)(13) of section 3718.02 of the Revised Code, the director shall notify the director of environmental protection and the board of health. Upon receipt of the notification, the board shall cease 37122
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regulating small flow on-site sewage treatment systems, and the 37129
environmental protection agency shall regulate those systems. 37130

Sec. 3718.022. Notwithstanding any provision in this chapter 37131
to the contrary, in adopting rules under division (A) of section 37132
3718.02 of the Revised Code, the ~~public director of health council~~ 37133
shall consider the economic impact of the rules on property 37134
owners, the state of available technology, and the nature and 37135
economics of the available ~~alteratives~~ alternatives. 37136

Sec. 3718.05. The director of health shall do all of the 37137
following: 37138

(A) Administer and enforce this chapter and the rules ~~of the~~ 37139
~~public health council~~ adopted under it; 37140

(B) Examine records of boards of health, in accordance with 37141
rules adopted by the ~~council~~ director, that are determined 37142
necessary to ascertain compliance with this chapter and rules 37143
adopted under it; 37144

(C) Review and approve or disapprove rules proposed by boards 37145
of health under division (B) of section 3718.02 of the Revised 37146
Code. The director shall not disapprove a proposed rule unless the 37147
director determines that the proposed rule conflicts with this 37148
chapter or rules adopted under division (A) of section 3718.02 of 37149
the Revised Code ~~by the public health council~~ or fails to promote 37150
public health or environmental protection. If the director 37151
disapproves a proposed rule, the director shall provide a written 37152
explanation of the director's disapproval to the board of health 37153
that proposed the rule. 37154

(D) Survey boards of health as required by section 3718.07 of 37155
the Revised Code; 37156

(E) Develop with the sewage treatment system technical 37157
advisory committee standards, guidelines, and protocols for use by 37158

the director in approving or disapproving a sewage treatment 37159
system under section 3718.04 of the Revised Code and an 37160
application form for use by applicants for that approval, 37161
including identification of the information that must be included 37162
with the form; 37163

(F) Provide instructions on the operation and maintenance of 37164
a sewage treatment system. The director shall provide the 37165
operation and maintenance instructions on the department of 37166
health's web site. In addition, the director shall provide a copy 37167
of the operation and maintenance instructions when the director 37168
receives a written request for the instructions. 37169

(G) Develop educational programs, in conjunction with boards 37170
of health, to educate owners of sewage treatment systems regarding 37171
the proper operation and maintenance of those systems. 37172

Sec. 3718.06. (A)~~(1)~~ A board of health shall establish fees 37173
in accordance with section 3709.09 of the Revised Code for the 37174
purpose of carrying out its duties under this chapter and rules 37175
adopted under it, including fees for installation permits, 37176
operation permits, and alteration permits issued by the board. All 37177
fees so established and collected by the board shall be deposited 37178
in a special fund of the district to be used exclusively by the 37179
board in carrying out those duties. 37180

~~(2)~~(B) In accordance with Chapter 119. of the Revised Code, 37181
the ~~public director of health council~~ may establish by rule a fee 37182
to be collected from applicants for installation permits and 37183
alteration permits issued under rules adopted under this chapter. 37184
The director of health shall use not more than seventy-five per 37185
cent of the proceeds from that fee for administering and enforcing 37186
this chapter and the rules adopted under it by the ~~council~~ 37187
director. The director shall use not less than twenty-five per 37188
cent of the proceeds from that fee to establish a program in 37189

cooperation with boards of health to fund installation and 37190
evaluation of sewage treatment system new technology pilot 37191
projects through grants or other agreements. In the selection of 37192
pilot projects, the director shall consult with the sewage 37193
treatment system technical advisory committee. A board of health 37194
shall collect and transmit the fee to the director pursuant to 37195
section 3709.092 of the Revised Code. 37196

~~(B) The director may submit recommendations to the public 37197
health council regarding the amount of the fee collected under 37198
division (A)(2) of this section for installation and alteration 37199
permits. When making the recommendations, the director shall 37200
submit a report stating the current and projected expenses of 37201
administering and enforcing this chapter and the rules adopted 37202
under it and of the sewage treatment system new technology pilot 37203
projects program established under this section and the total of 37204
all money that has been deposited to the credit of the general 37205
operations fund under division (A)(2) of this section. The 37206
director may include in the report any recommendations for 37207
modifying the requirements established under this chapter and the 37208
rules adopted under it by the council. 37209~~

Sec. 3718.07. The director of health shall survey each city 37211
and general health district at least once every three years to 37212
determine whether there is substantial compliance with the 37213
requirements of this chapter pertaining to health districts and 37214
the applicable rules adopted by the ~~public health council~~ director 37215
under this chapter. Upon determining that there is substantial 37216
compliance, the director shall place the district on an approved 37217
list. The director may resurvey an approved district if it is 37218
determined by the director to be necessary and may remove from the 37219
list a district that is found not to be substantially complying 37220
with the requirements of this chapter pertaining to health 37221
districts and the applicable rules. 37222

If the director determines that a district is not eligible to be placed on the approved list or to continue on the list after a resurvey, the director shall certify that determination to the board of health, and the director shall carry out the duties of the unapproved health district under this chapter and the applicable rules adopted under it within the district or shall contract with an approved health district to conduct those duties until the unapproved district is placed on or returned to the approved list. The director or the contracting district shall have within the unapproved district the authority to exercise powers and perform duties granted to or imposed on the board under this chapter and the applicable rules adopted under it.

Until the unapproved district is placed on or returned to the approved list, the director or the contracting district shall collect all fees payable to the board of health under this chapter and all such fees previously paid to the unapproved district that have not been expended or encumbered. The director shall deposit those fees in the state treasury to the credit of a special fund, which is hereby created, to be used by the director for the purpose of carrying out the duties of the unapproved health district under this chapter and the applicable rules adopted under it. A contracting district shall deposit those fees to the credit of its fund created under section 3718.06 of the Revised Code to be used by the district for the purpose of carrying out the duties of the unapproved district under this chapter and the applicable rules adopted under it. The director or contracting district shall repay to the unapproved district any balance remaining in the applicable fund from all sources when the unapproved district is placed on or returned to the approved list by the director.

If a health district is removed from the approved list under this section and the board of health of the district is regulating small flow on-site sewage treatment systems in the district under

section 3718.021 of the Revised Code, the director of 37255
environmental protection shall regulate those systems in that 37256
district in accordance with division (C) of that section. 37257

Sec. 3718.09. (A) A board of health may issue, modify, 37258
suspend, or revoke enforcement orders to a registration or permit 37259
holder or other person directing the holder or person to abate a 37260
violation of this chapter, any rule adopted or order issued under 37261
it, or a condition of a registration or permit issued under it 37262
within a specified, reasonable time. If an order issued under this 37263
division is neglected or disregarded, the applicable board of 37264
health may proceed in accordance with section 3707.02 of the 37265
Revised Code. 37266

(B) The health commissioner or the commissioner's designated 37267
representative, without prior notice or hearing and in accordance 37268
with ~~the rules of~~ adopted by the public director of health 37269
~~council~~, may issue an emergency order requiring any action 37270
necessary to meet a public health emergency or to prevent or abate 37271
an imminent and substantial threat to surface water or ground 37272
water regarding domestic septage management or regarding a sewage 37273
treatment system that is being operated in a manner that does not 37274
comply with this chapter or rules adopted under it. A person to 37275
whom such an emergency order is issued immediately shall comply 37276
with the order. A person so ordered may apply to the issuer of the 37277
order for a hearing, which shall be held as soon as possible, but 37278
not later than twenty days after the issuer's receipt of the 37279
application for a hearing. 37280

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 37281
3721.99 of the Revised Code: 37282

(1)(a) "Home" means an institution, residence, or facility 37283
that provides, for a period of more than twenty-four hours, 37284

whether for a consideration or not, accommodations to three or 37285
more unrelated individuals who are dependent upon the services of 37286
others, including a nursing home, residential care facility, home 37287
for the aging, and a veterans' home operated under Chapter 5907. 37288
of the Revised Code. 37289

(b) "Home" also means both of the following: 37290

(i) Any facility that a person, as defined in section 3702.51 37291
of the Revised Code, proposes for certification as a skilled 37292
nursing facility or nursing facility under Title XVIII or XIX of 37293
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 37294
as amended, and for which a certificate of need, other than a 37295
certificate to recategorize hospital beds as described in section 37296
~~3702.522~~ 3702.521 of the Revised Code or division (R)(7)(d) of the 37297
version of section 3702.51 of the Revised Code in effect 37298
immediately prior to April 20, 1995, has been granted to the 37299
person under sections 3702.51 to 3702.62 of the Revised Code after 37300
August 5, 1989; 37301

(ii) A county home or district home that is or has been 37302
licensed as a residential care facility. 37303

(c) "Home" does not mean any of the following: 37304

(i) Except as provided in division (A)(1)(b) of this section, 37305
a public hospital or hospital as defined in section 3701.01 or 37306
5122.01 of the Revised Code; 37307

(ii) A residential facility ~~for mentally ill persons~~ as 37308
defined ~~under~~ in section 5119.22 of the Revised Code; 37309

(iii) A residential facility as defined in section 5123.19 of 37310
the Revised Code; 37311

(iv) ~~An adult care facility as defined in section 5119.70 of~~ 37312
~~the Revised Code;~~ 37313

~~(v)~~ An alcohol or drug addiction program as defined in 37314

section 3793.01 of the Revised Code;	37315
(vi) (v) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	37316 37317
(vii) (vi) A facility providing services under contract with the department of developmental disabilities under section 5123.18 of the Revised Code unless section 5123.192 of the Revised Code makes the facility subject to the requirements of this chapter;	37318 37319 37320 37321
(viii) (vii) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	37322 37323 37324
(ix) (viii) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program established under Title XVIII of the "Social Security Act" or the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;	37325 37326 37327 37328 37329 37330 37331 37332 37333 37334
(x) (ix) A county home or district home that has never been licensed as a residential care facility.	37335 37336
(2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent, grandparent, child, grandchild, brother, sister, niece, nephew, aunt, uncle, or as the child of an aunt or uncle.	37337 37338 37339 37340 37341
(3) "Mental impairment" does not mean mental illness as defined in section 5122.01 of the Revised Code or mental retardation as defined in section 5123.01 of the Revised Code.	37342 37343 37344

(4) "Skilled nursing care" means procedures that require technical skills and knowledge beyond those the untrained person possesses and that are commonly employed in providing for the physical, mental, and emotional needs of the ill or otherwise incapacitated. "Skilled nursing care" includes, but is not limited to, the following:	37345 37346 37347 37348 37349 37350
(a) Irrigations, catheterizations, application of dressings, and supervision of special diets;	37351 37352
(b) Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;	37353 37354 37355
(c) Special procedures contributing to rehabilitation;	37356
(d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;	37357 37358 37359
(e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.	37360 37361 37362
(5)(a) "Personal care services" means services including, but not limited to, the following:	37363 37364
(i) Assisting residents with activities of daily living;	37365
(ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;	37366 37367 37368
(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.	37369 37370 37371 37372
(b) "Personal care services" does not include "skilled nursing care" as defined in division (A)(4) of this section. A	37373 37374

facility need not provide more than one of the services listed in 37375
division (A)(5)(a) of this section to be considered to be 37376
providing personal care services. 37377

(6) "Nursing home" means a home used for the reception and 37378
care of individuals who by reason of illness or physical or mental 37379
impairment require skilled nursing care and of individuals who 37380
require personal care services but not skilled nursing care. A 37381
nursing home is licensed to provide personal care services and 37382
skilled nursing care. 37383

(7) "Residential care facility" means a home that provides 37384
either of the following: 37385

(a) Accommodations for seventeen or more unrelated 37386
individuals and supervision and personal care services for three 37387
or more of those individuals who are dependent on the services of 37388
others by reason of age or physical or mental impairment; 37389

(b) Accommodations for three or more unrelated individuals, 37390
supervision and personal care services for at least three of those 37391
individuals who are dependent on the services of others by reason 37392
of age or physical or mental impairment, and, to at least one of 37393
those individuals, any of the skilled nursing care authorized by 37394
section 3721.011 of the Revised Code. 37395

(8) "Home for the aging" means a home that provides services 37396
as a residential care facility and a nursing home, except that the 37397
home provides its services only to individuals who are dependent 37398
on the services of others by reason of both age and physical or 37399
mental impairment. 37400

The part or unit of a home for the aging that provides 37401
services only as a residential care facility is licensed as a 37402
residential care facility. The part or unit that may provide 37403
skilled nursing care beyond the extent authorized by section 37404
3721.011 of the Revised Code is licensed as a nursing home. 37405

(9) "County home" and "district home" mean a county home or district home operated under Chapter 5155. of the Revised Code. 37406
37407

(B) The ~~public~~ director of health council may further 37408
classify homes. For the purposes of this chapter, any residence, 37409
institution, hotel, congregate housing project, or similar 37410
facility that meets the definition of a home under this section is 37411
such a home regardless of how the facility holds itself out to the 37412
public. 37413

(C) For purposes of this chapter, personal care services or 37414
skilled nursing care shall be considered to be provided by a 37415
facility if they are provided by a person employed by or 37416
associated with the facility or by another person pursuant to an 37417
agreement to which neither the resident who receives the services 37418
nor the resident's sponsor is a party. 37419

(D) Nothing in division (A)(4) of this section shall be 37420
construed to permit skilled nursing care to be imposed on an 37421
individual who does not require skilled nursing care. 37422

Nothing in division (A)(5) of this section shall be construed 37423
to permit personal care services to be imposed on an individual 37424
who is capable of performing the activity in question without 37425
assistance. 37426

(E) Division (A)(1)(c)~~(ix)~~(viii) of this section does not 37427
prohibit a facility, infirmary, or other entity described in that 37428
division from seeking licensure under sections 3721.01 to 3721.09 37429
of the Revised Code or certification under Title XVIII or XIX of 37430
the "Social Security Act." However, such a facility, infirmary, or 37431
entity that applies for licensure or certification must meet the 37432
requirements of those sections or titles and the rules adopted 37433
under them and obtain a certificate of need from the director of 37434
health under section 3702.52 of the Revised Code. 37435

(F) Nothing in this chapter, or rules adopted pursuant to it, 37436

shall be construed as authorizing the supervision, regulation, or 37437
control of the spiritual care or treatment of residents or 37438
patients in any home who rely upon treatment by prayer or 37439
spiritual means in accordance with the creed or tenets of any 37440
recognized church or religious denomination. 37441

Sec. 3721.011. (A) In addition to providing accommodations, 37442
supervision, and personal care services to its residents, a 37443
residential care facility may do the following: 37444

(1) Provide the following skilled nursing care to its 37445
residents: 37446

(a) Supervision of special diets; 37447

(b) Application of dressings, in accordance with rules 37448
adopted under section 3721.04 of the Revised Code; 37449

(c) Subject to division (B)(1) of this section, 37450
administration of medication. 37451

(2) Subject to division (C) of this section, provide other 37452
skilled nursing care on a part-time, intermittent basis for not 37453
more than a total of one hundred twenty days in a twelve-month 37454
period; 37455

(3) Provide skilled nursing care for more than one hundred 37456
twenty days in a twelve-month period to a resident when the 37457
requirements of division (D) of this section are met. 37458

A residential care facility may not admit or retain an 37459
individual requiring skilled nursing care that is not authorized 37460
by this section. A residential care facility may not provide 37461
skilled nursing care beyond the limits established by this 37462
section. 37463

(B)(1) A residential care facility may admit or retain an 37464
individual requiring medication, including biologicals, only if 37465
the individual's personal physician has determined in writing that 37466

the individual is capable of self-administering the medication or 37467
the facility provides for the medication to be administered to the 37468
individual by a home health agency certified under Title XVIII of 37469
the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C. 1395, as 37470
amended; a hospice care program licensed under Chapter 3712. of 37471
the Revised Code; or a member of the staff of the residential care 37472
facility who is qualified to perform medication administration. 37473
Medication may be administered in a residential care facility only 37474
by the following persons authorized by law to administer 37475
medication: 37476

(a) A registered nurse licensed under Chapter 4723. of the 37477
Revised Code; 37478

(b) A licensed practical nurse licensed under Chapter 4723. 37479
of the Revised Code who holds proof of successful completion of a 37480
course in medication administration approved by the board of 37481
nursing and who administers the medication only at the direction 37482
of a registered nurse or a physician authorized under Chapter 37483
4731. of the Revised Code to practice medicine and surgery or 37484
osteopathic medicine and surgery; 37485

(c) A medication aide certified under Chapter 4723. of the 37486
Revised Code; 37487

(d) A physician authorized under Chapter 4731. of the Revised 37488
Code to practice medicine and surgery or osteopathic medicine and 37489
surgery. 37490

(2) In assisting a resident with self-administration of 37491
medication, any member of the staff of a residential care facility 37492
may do the following: 37493

(a) Remind a resident when to take medication and watch to 37494
ensure that the resident follows the directions on the container; 37495

(b) Assist a resident by taking the medication from the 37496
locked area where it is stored, in accordance with rules adopted 37497

pursuant to section 3721.04 of the Revised Code, and handing it to 37498
the resident. If the resident is physically unable to open the 37499
container, a staff member may open the container for the resident. 37500

(c) Assist a physically impaired but mentally alert resident, 37501
such as a resident with arthritis, cerebral palsy, or Parkinson's 37502
disease, in removing oral or topical medication from containers 37503
and in consuming or applying the medication, upon request by or 37504
with the consent of the resident. If a resident is physically 37505
unable to place a dose of medicine to the resident's mouth without 37506
spilling it, a staff member may place the dose in a container and 37507
place the container to the mouth of the resident. 37508

(C) Except as provided in division (D) of this section, a 37509
residential care facility may admit or retain individuals who 37510
require skilled nursing care beyond the supervision of special 37511
diets, application of dressings, or administration of medication, 37512
only if the care will be provided on a part-time, intermittent 37513
basis for not more than a total of one hundred twenty days in any 37514
twelve-month period. In accordance with Chapter 119. of the 37515
Revised Code, the ~~public director of health council~~ shall adopt 37516
rules specifying what constitutes the need for skilled nursing 37517
care on a part-time, intermittent basis. The ~~council~~ director 37518
shall adopt rules that are consistent with rules pertaining to 37519
home health care adopted by the director of job and family 37520
services for the medicaid program established under Chapter 5111. 37521
of the Revised Code. Skilled nursing care provided pursuant to 37522
this division may be provided by a home health agency certified 37523
under Title XVIII of the "Social Security Act," a hospice care 37524
program licensed under Chapter 3712. of the Revised Code, or a 37525
member of the staff of a residential care facility who is 37526
qualified to perform skilled nursing care. 37527

A residential care facility that provides skilled nursing 37528
care pursuant to this division shall do both of the following: 37529

(1) Evaluate each resident receiving the skilled nursing care 37530
at least once every seven days to determine whether the resident 37531
should be transferred to a nursing home; 37532

(2) Meet the skilled nursing care needs of each resident 37533
receiving the care. 37534

(D)(1) A residential care facility may admit or retain an 37535
individual who requires skilled nursing care for more than one 37536
hundred twenty days in any twelve-month period only if the 37537
facility has entered into a written agreement with each of the 37538
following: 37539

(a) The individual or individual's sponsor; 37540

(b) The individual's personal physician; 37541

(c) Unless the individual's personal physician oversees the 37542
skilled nursing care, the provider of the skilled nursing care; 37543

(d) If the individual is a hospice patient as defined in 37544
section 3712.01 of the Revised Code, a hospice care program 37545
licensed under Chapter 3712. of the Revised Code. 37546

(2) The agreement required by division (D)(1) of this section 37547
shall include all of the following provisions: 37548

(a) That the individual will be provided skilled nursing care 37549
in the facility only if a determination has been made that the 37550
individual's needs can be met at the facility; 37551

(b) That the individual will be retained in the facility only 37552
if periodic redeterminations are made that the individual's needs 37553
are being met at the facility; 37554

(c) That the redeterminations will be made according to a 37555
schedule specified in the agreement; 37556

(d) If the individual is a hospice patient, that the 37557
individual has been given an opportunity to choose the hospice 37558
care program that best meets the individual's needs; 37559

(e) Unless the individual is a hospice patient, that the individual's personal physician has determined that the skilled nursing care the individual needs is routine.

(E) Notwithstanding any other provision of this chapter, a residential care facility in which residents receive skilled nursing care pursuant to this section is not a nursing home.

Sec. 3721.02. (A) As used in this section, "residential facility" means a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(B) The director of health shall license homes and establish procedures to be followed in inspecting and licensing homes. The director may inspect a home at any time. Each home shall be inspected by the director at least once prior to the issuance of a license and at least once every fifteen months thereafter. The state fire marshal or a township, municipal, or other legally constituted fire department approved by the marshal shall also inspect a home prior to issuance of a license, at least once every fifteen months thereafter, and at any other time requested by the director. A home does not have to be inspected prior to issuance of a license by the director, state fire marshal, or a fire department if ownership of the home is assigned or transferred to a different person and the home was licensed under this chapter immediately prior to the assignment or transfer. The director may enter at any time, for the purposes of investigation, any institution, residence, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is operating as a nursing home, residential care facility, or home for the aging without a valid license required by section 3721.05 of the Revised Code or, in the case of a county

home or district home, is operating despite the revocation of its 37591
residential care facility license. The director may delegate the 37592
director's authority and duties under this chapter to any 37593
division, bureau, agency, or official of the department of health. 37594

~~(B)~~(C) A single facility may be licensed both as a nursing 37595
home pursuant to this chapter and as ~~an adult care~~ a residential 37596
facility pursuant to ~~Chapter 5119.~~ section 5119.22 of the Revised 37597
Code if the director determines that the part or unit to be 37598
licensed as a nursing home can be maintained separate and discrete 37599
from the part or unit to be licensed as ~~an adult care~~ a 37600
residential facility. 37601

~~(C)~~(D) In determining the number of residents in a home for 37602
the purpose of licensing, the director shall consider all the 37603
individuals for whom the home provides accommodations as one group 37604
unless one of the following is the case: 37605

(1) The home is a home for the aging, in which case all the 37606
individuals in the part or unit licensed as a nursing home shall 37607
be considered as one group, and all the individuals in the part or 37608
unit licensed as a rest home shall be considered as another group. 37609

(2) The home is both a nursing home and ~~an adult care~~ a 37610
residential facility. In that case, all the individuals in the 37611
part or unit licensed as a nursing home shall be considered as one 37612
group, and all the individuals in the part or unit licensed as an 37613
adult care facility shall be considered as another group. 37614

(3) The home maintains, in addition to a nursing home or 37615
residential care facility, a separate and discrete part or unit 37616
that provides accommodations to individuals who do not require or 37617
receive skilled nursing care and do not receive personal care 37618
services from the home, in which case the individuals in the 37619
separate and discrete part or unit shall not be considered in 37620
determining the number of residents in the home if the separate 37621

and discrete part or unit is in compliance with the Ohio basic 37622
building code established by the board of building standards under 37623
Chapters 3781. and 3791. of the Revised Code and the home permits 37624
the director, on request, to inspect the separate and discrete 37625
part or unit and speak with the individuals residing there, if 37626
they consent, to determine whether the separate and discrete part 37627
or unit meets the requirements of this division. 37628

~~(D)~~(E)(1) The director of health shall charge the following 37629
application fee and annual renewal licensing and inspection fee 37630
for each fifty persons or part thereof of a home's licensed 37631
capacity: 37632

(a) For state fiscal year 2010, two hundred twenty dollars; 37633

(b) For state fiscal year 2011, two hundred seventy dollars; 37634

(c) For each state fiscal year thereafter, three hundred 37635
twenty dollars. 37636

(2) All fees collected by the director for the issuance or 37637
renewal of licenses shall be deposited into the state treasury to 37638
the credit of the general operations fund created in section 37639
3701.83 of the Revised Code for use only in administering and 37640
enforcing this chapter and rules adopted under it. 37641

~~(E)~~(F)(1) Except as otherwise provided in this section, the 37642
results of an inspection or investigation of a home that is 37643
conducted under this section, including any statement of 37644
deficiencies and all findings and deficiencies cited in the 37645
statement on the basis of the inspection or investigation, shall 37646
be used solely to determine the home's compliance with this 37647
chapter or another chapter of the Revised Code in any action or 37648
proceeding other than an action commenced under division (I) of 37649
section 3721.17 of the Revised Code. Those results of an 37650
inspection or investigation, that statement of deficiencies, and 37651
the findings and deficiencies cited in that statement shall not be 37652

used in any court or in any action or proceeding that is pending 37653
in any court and are not admissible in evidence in any action or 37654
proceeding unless that action or proceeding is an appeal of an 37655
action by the department of health under this chapter or is an 37656
action by any department or agency of the state to enforce this 37657
chapter or another chapter of the Revised Code. 37658

(2) Nothing in division (E)(1) of this section prohibits the 37659
results of an inspection or investigation conducted under this 37660
section from being used in a criminal investigation or 37661
prosecution. 37662

Sec. 3721.03. (A) As used in this section, "person" has the 37663
same meaning as in section 1.59 of the Revised Code. 37664

(B) The director of health shall enforce the provisions of 37665
sections 3721.01 to 3721.13 and 3721.99 of the Revised Code and 37666
may issue orders to secure compliance with the provisions of these 37667
sections and the rules adopted under them. The director may hold 37668
hearings, issue subpoenas, compel testimony, and make 37669
adjudications. 37670

The director may issue an order revoking a license in the 37671
event the director finds, upon hearing or opportunity afforded 37672
pursuant to Chapter 119. of the Revised Code, that any of the 37673
following apply to a person, county home, or district home 37674
licensed under section 3721.07 of the Revised Code: 37675

(1) Has violated any of the provisions of Chapter 3721. of 37676
the Revised Code or rules adopted by the ~~public health council~~ 37677
director under it; 37678

(2) Has violated any order issued by the director; 37679

(3) Is not, or any of its principals are not suitable, 37680
morally or financially to operate such an institution; 37681

(4) Is not furnishing humane, kind, and adequate treatment 37682

and care; 37683

(5) Has had a long-standing pattern of violations of this 37684
chapter or the rules adopted under it that has caused physical, 37685
emotional, mental, or psychosocial harm to one or more residents. 37686

Upon the issuance of any order of revocation, the person 37687
whose license is revoked, or the county home or district home that 37688
has its license revoked, may appeal in accordance with Chapter 37689
119. of the Revised Code. 37690

(C) Once the director notifies a person, county home, or 37691
district home licensed to operate a home that the license may be 37692
revoked or issues any order under this section, the person, county 37693
home, or district home shall not assign or transfer to another 37694
person or entity the right to operate the home. This prohibition 37695
shall remain in effect until proceedings under Chapter 119. of the 37696
Revised Code concerning the order or license revocation have been 37697
concluded or the director notifies the person, county home, or 37698
district home that the prohibition has been lifted. 37699

If a license is revoked under this section, the former 37700
license holder shall not assign or transfer or consent to 37701
assignment or transfer of the right to operate the home. Any 37702
attempted assignment or transfer to another person or entity is 37703
void. 37704

On revocation of a license, the former licensee shall take 37705
all necessary steps to cease operation of the home. 37706

The director of health shall not accept a certificate of need 37707
application under section 3702.52 of the Revised Code regarding a 37708
home if the license to operate the home has been revoked under 37709
this section. 37710

Sec. 3721.032. The state fire marshal shall enforce all 37711
statutes and rules pertaining to fire safety in homes and shall 37712

adopt rules pertaining to fire safety in homes as the marshal 37713
determines necessary. The rules adopted by the marshal shall be in 37714
addition to those fire safety rules that the board of building 37715
standards and the ~~public director of health council~~ are empowered 37716
to adopt. In the event of a dispute between the marshal and 37717
another officer having responsibilities under sections 3721.01 to 37718
3721.09 of the Revised Code with respect to the interpretation or 37719
application of a specific fire safety statute or rule, the 37720
interpretation of the marshal shall prevail. 37721

Sec. 3721.04. (A) The ~~public director of health council~~ shall 37722
adopt and publish rules governing the operation of homes, which 37723
shall have uniform application throughout the state, and shall 37724
prescribe standards for homes with respect to, but not limited to, 37725
the following matters: 37726

(1) The minimum space requirements for occupants and 37727
equipping of the buildings in which homes are housed so as to 37728
ensure healthful, safe, sanitary, and comfortable conditions for 37729
all residents, so long as they are not inconsistent with Chapters 37730
3781. and 3791. of the Revised Code or with any rules adopted by 37731
the board of building standards and by the state fire marshal; 37732

(2) The number and qualifications of personnel, including 37733
management and nursing staff, for each class of home, and the 37734
qualifications of nurse aides, as defined in section 3721.21 of 37735
the Revised Code, used by long-term care facilities, as defined in 37736
that section; 37737

(3) The medical, rehabilitative, and recreational services to 37738
be provided by each class of home; 37739

(4) Dietetic services, including but not limited to 37740
sanitation, nutritional adequacy, and palatability of food; 37741

(5) The personal and social services to be provided by each 37742

class of home;	37743
(6) The business and accounting practices to be followed and the type of patient and business records to be kept by such homes;	37744 37745
(7) The operation of adult day-care programs provided by and on the same site as homes licensed under this chapter;	37746 37747
(8) The standards and procedures to be followed by residential care facilities in admitting and retaining a resident who requires the application of dressings, including requirements for charting and evaluating on a weekly basis;	37748 37749 37750 37751
(9) The requirements for conducting weekly evaluations of residents receiving skilled nursing care in residential care facilities.	37752 37753 37754
(B) The public health council <u>director</u> may adopt whatever additional rules are necessary to carry out or enforce the provisions of sections 3721.01 to 3721.09 and 3721.99 of the Revised Code.	37755 37756 37757 37758
(C) The following apply to the public health council <u>director</u> when adopting rules under division (A)(1) of this section regarding the equipping of the buildings in which homes are housed:	37759 37760 37761 37762
(1) The rules shall not require that each resident sleeping room, or a percentage of the resident sleeping rooms, have a bathtub or shower that is directly accessible from or exclusively for the room.	37763 37764 37765 37766
(2) The rules shall require that the privacy and dignity of residents be protected when the residents are transported to and from bathing facilities, prepare for bathing, and bathe.	37767 37768 37769
(D) The following apply to the public health council <u>director</u> when adopting rules under division (A)(2) of this section regarding the number and qualifications of personnel in homes:	37770 37771 37772

(1) When adopting rules applicable to residential care facilities, the ~~public health council~~ director shall take into consideration the effect that the following may have on the number of personnel needed:

(a) Provision of personal care services;

(b) Provision of part-time, intermittent skilled nursing care pursuant to division (C) of section 3721.011 of the Revised Code;

(c) Provision of skilled nursing care to residents pursuant to division (D) of section 3721.011 of the Revised Code.

(2) When adopting rules applicable to nursing homes, the ~~public health council~~ director shall require each nursing home to do both of the following:

(a) Have sufficient direct care staff on each shift to meet the needs of the residents in an appropriate and timely manner;

(b) Have the following individuals provide a minimum daily average of two and one-half hours of direct care per resident:

(i) Registered nurses, including registered nurses who perform administrative and supervisory duties;

(ii) Licensed practical nurses, including licensed practical nurses who perform administrative and supervisory duties;

(iii) Nurse aides.

(3) The rules prescribing qualifications of nurse aides used by long-term care facilities, as those terms are defined in section 3721.21 of the Revised Code, shall be no less stringent than the requirements, guidelines, and procedures established by the United States secretary of health and human services under ~~sections~~ section 1819 ~~and 1919~~ of the "Social Security Act," ~~49~~ 101 Stat. ~~620 1330-160 (1935 1987)~~, 42 U.S.C. ~~301 1395i-3~~, as amended, and section 1919 of the "Social Security Act," 101 Stat. 1330-182 (1987), 42 U.S.C. 1396r, as amended.

(E) The following apply to the director when adopting rules under division (A)(2) of this section regarding the number and qualifications of personnel in nursing homes or rules under division (A)(5) of this section regarding social services to be provided by nursing homes: 37803
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(1) The rules shall not prescribe the number of individuals licensed as social workers under Chapter 4757. of the Revised Code that a nursing home with one hundred twenty or fewer beds must employ. 37808
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(2) The rules shall require each nursing home with more than one hundred twenty beds to employ on a full-time basis one individual licensed as a social worker under Chapter 4757. of the Revised Code. 37812
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(3) The rules shall require each nursing home to offer its residents medically related social services that assist the residents in attaining or maintaining their highest practicable physical, mental, and psychosocial well-being. 37816
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Sec. 3721.07. Every person desiring to operate a home and the superintendent or administrator of each county home or district home for which a license as a residential care facility is sought shall apply for a license to the director of health. The director shall issue a license for the home, if after investigation of the applicant and, if required by section 3721.02 of the Revised Code, inspection of the home, the following requirements or conditions are satisfied or complied with: 37820
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(A) The applicant has not been convicted of a felony or a crime involving moral turpitude; 37828
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(B) The applicant is not violating any of the rules ~~made~~ adopted by the ~~public~~ director of health council or any order issued by the director ~~of health~~; 37830
37831
37832

(C) The applicant has not had a license to operate the home 37833
revoked pursuant to section 3721.03 of the Revised Code because of 37834
any act or omission that jeopardized a resident's health, welfare, 37835
or safety nor has the applicant had a long-standing pattern of 37836
violations of this chapter or rules adopted under it that caused 37837
physical, emotional, mental, or psychosocial harm to one or more 37838
residents. 37839

(D) The buildings in which the home is housed have been 37840
approved by the state fire marshal or a township, municipal, or 37841
other legally constituted fire department approved by the marshal. 37842
In the approval of a home such agencies shall apply standards 37843
prescribed by the board of building standards, and by the state 37844
fire marshal, and by section 3721.071 of the Revised Code. 37845

(E) The applicant, if it is an individual, or the principal 37846
participants, if it is an association or a corporation, is or are 37847
suitable financially and morally to operate a home; 37848

(F) The applicant is equipped to furnish humane, kind, and 37849
adequate treatment and care; 37850

(G) The home does not maintain or contain: 37851

(1) Facilities for the performance of major surgical 37852
procedures; 37853

(2) Facilities for providing therapeutic radiation; 37854

(3) An emergency ward; 37855

(4) A clinical laboratory unless it is under the supervision 37856
of a clinical pathologist who is a licensed physician in this 37857
state; 37858

(5) Facilities for radiological examinations unless such 37859
examinations are performed only by a person licensed to practice 37860
medicine, surgery, or dentistry in this state. 37861

(H) The home does not accept or treat outpatients, except 37862

upon the written orders of a physician licensed in this state, 37863
maternity cases, boarding children, and does not house transient 37864
guests, other than participants in an adult day-care program, for 37865
twenty-four hours or less; 37866

(I) The home is in compliance with sections 3721.28 and 37867
3721.29 of the Revised Code. 37868

When the director issues a license, the license shall remain 37869
in effect until revoked by the director or voided at the request 37870
of the applicant; provided, there shall be an annual renewal fee 37871
payable during the month of January of each calendar year. Any 37872
licensed home that does not pay its renewal fee in January shall 37873
pay, beginning the first day of February, a late fee of one 37874
hundred dollars for each week or part thereof that the renewal fee 37875
is not paid. If either the renewal fee or the late fee is not paid 37876
by the fifteenth day of February, the director may, in accordance 37877
with Chapter 119. of the Revised Code, revoke the home's license. 37878

If, under division (B)(5) of section 3721.03 of the Revised 37879
Code, the license of a person has been revoked or the license of a 37880
county home or district home to operate as a residential care 37881
facility has been revoked, the director of health shall not issue 37882
a license to the person or home at any time. A person whose 37883
license is revoked, and a county home or district home that has 37884
its license as a residential care facility revoked other than 37885
under division (B)(5) of section 3721.03 of the Revised Code, for 37886
any reason other than nonpayment of the license renewal fee or 37887
late fees shall not be issued a new license under this chapter 37888
until a period of one year following the date of revocation has 37889
elapsed. 37890

Any applicant who is denied a license may appeal in 37891
accordance with Chapter 119. of the Revised Code. 37892

Sec. 3721.071. The buildings in which a home is housed shall 37893

be equipped with both an automatic fire extinguishing system and 37894
fire alarm system. Such systems shall conform to standards set 37895
forth in the regulations of the board of building standards and 37896
the state fire marshal. 37897

The time for compliance with the requirements imposed by this 37898
section shall be January 1, 1975, except that the date for 37899
compliance with the automatic fire extinguishing requirements is 37900
extended to January 1, 1976, provided the buildings of the home 37901
are otherwise in compliance with fire safety laws and regulations 37902
and: 37903

(A) The home within thirty days after August 4, 1975, files a 37904
written plan with the state fire marshal's office that: 37905

(1) Outlines the interim safety procedures which shall be 37906
carried out to reduce the possibility of a fire; 37907

(2) Provides evidence that the home has entered into an 37908
agreement for a fire safety inspection to be conducted not less 37909
than monthly by a qualified independent safety engineer consultant 37910
or a township, municipal, or other legally constituted fire 37911
department, or by a township or municipal fire prevention officer; 37912

(3) Provides verification that the home has entered into a 37913
valid contract for the installation of an automatic fire 37914
extinguishing system or fire alarm system, or both, as required to 37915
comply with this section; 37916

(4) Includes a statement regarding the expected date for the 37917
completion of the fire extinguishing system or fire alarm system, 37918
or both. 37919

(B) Inspections by a qualified independent safety engineer 37920
consultant or a township, municipal, or other legally constituted 37921
fire department, or by a township or municipal fire prevention 37922
officer are initiated no later than sixty days after August 4, 37923
1975, and are conducted no less than monthly thereafter, and 37924

reports of the consultant, fire department, or fire prevention 37925
officer identifying existing hazards and recommended corrective 37926
actions are submitted to the state fire marshal, the division of 37927
~~labor~~ industrial compliance in the department of commerce, and the 37928
department of health. 37929

It is the express intent of the general assembly that the 37930
department of job and family services shall terminate payments 37931
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 37932
42 U.S.C. 301, as amended, to those homes which do not comply with 37933
the requirements of this section for the submission of a written 37934
fire safety plan and the deadline for entering into contracts for 37935
the installation of systems. 37936

Sec. 3721.121. (A) As used in this section: 37937

(1) "Adult day-care program" means a program operated 37938
pursuant to rules adopted by the ~~public~~ director of health council 37939
under section 3721.04 of the Revised Code and provided by and on 37940
the same site as homes licensed under this chapter. 37941

(2) "Applicant" means a person who is under final 37942
consideration for employment with a home or adult day-care program 37943
in a full-time, part-time, or temporary position that involves 37944
providing direct care to an older adult. "Applicant" does not 37945
include a person who provides direct care as a volunteer without 37946
receiving or expecting to receive any form of remuneration other 37947
than reimbursement for actual expenses. 37948

(3) "Criminal records check" ~~and "older adult" have~~ has the 37949
same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 37950

(4) "Home" means a home as defined in section 3721.10 of the 37951
Revised Code. 37952

(5) "Older adult" means a person age sixty or older. 37953

(B)(1) Except as provided in division (I) of this section, 37954

the chief administrator of a home or adult day-care program shall 37955
request that the superintendent of the bureau of criminal 37956
identification and investigation conduct a criminal records check 37957
~~with respect to~~ of each applicant. If an applicant for whom a 37958
criminal records check request is required under this division 37959
does not present proof of having been a resident of this state for 37960
the five-year period immediately prior to the date the criminal 37961
records check is requested or provide evidence that within that 37962
five-year period the superintendent has requested information 37963
about the applicant from the federal bureau of investigation in a 37964
criminal records check, the chief administrator shall request that 37965
the superintendent obtain information from the federal bureau of 37966
investigation as part of the criminal records check of the 37967
applicant. Even if an applicant for whom a criminal records check 37968
request is required under this division presents proof of having 37969
been a resident of this state for the five-year period, the chief 37970
administrator may request that the superintendent include 37971
information from the federal bureau of investigation in the 37972
criminal records check. 37973

(2) A person required by division (B)(1) of this section to 37974
request a criminal records check shall do both of the following: 37975

(a) Provide to each applicant for whom a criminal records 37976
check request is required under that division a copy of the form 37977
prescribed pursuant to division (C)(1) of section 109.572 of the 37978
Revised Code and a standard fingerprint impression sheet 37979
prescribed pursuant to division (C)(2) of that section, and obtain 37980
the completed form and impression sheet from the applicant; 37981

(b) Forward the completed form and impression sheet to the 37982
superintendent of the bureau of criminal identification and 37983
investigation. 37984

(3) An applicant provided the form and fingerprint impression 37985
sheet under division (B)(2)(a) of this section who fails to 37986

complete the form or provide fingerprint impressions shall not be 37987
employed in any position for which a criminal records check is 37988
required by this section. 37989

(C)(1) Except as provided in rules adopted by the director of 37990
health in accordance with division (F) of this section and subject 37991
to division (C)(2) of this section, no home or adult day-care 37992
program shall employ a person in a position that involves 37993
providing direct care to an older adult if the person has been 37994
convicted of or pleaded guilty to any of the following: 37995

(a) A violation of section 2903.01, 2903.02, 2903.03, 37996
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 37997
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 37998
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 37999
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 38000
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 38001
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 38002
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 38003
2925.22, 2925.23, or 3716.11 of the Revised Code. 38004

(b) A violation of an existing or former law of this state, 38005
any other state, or the United States that is substantially 38006
equivalent to any of the offenses listed in division (C)(1)(a) of 38007
this section. 38008

(2)(a) A home or an adult day-care program may employ 38009
conditionally an applicant for whom a criminal records check 38010
request is required under division (B) of this section prior to 38011
obtaining the results of a criminal records check regarding the 38012
individual, provided that the home or program shall request a 38013
criminal records check regarding the individual in accordance with 38014
division (B)(1) of this section not later than five business days 38015
after the individual begins conditional employment. In the 38016
circumstances described in division (I)(2) of this section, a home 38017
or adult day-care program may employ conditionally an applicant 38018

who has been referred to the home or adult day-care program by an 38019
employment service that supplies full-time, part-time, or 38020
temporary staff for positions involving the direct care of older 38021
adults and for whom, pursuant to that division, a criminal records 38022
check is not required under division (B) of this section. 38023

(b) A home or adult day-care program that employs an 38024
individual conditionally under authority of division (C)(2)(a) of 38025
this section shall terminate the individual's employment if the 38026
results of the criminal records check requested under division (B) 38027
of this section or described in division (I)(2) of this section, 38028
other than the results of any request for information from the 38029
federal bureau of investigation, are not obtained within the 38030
period ending thirty days after the date the request is made. 38031
Regardless of when the results of the criminal records check are 38032
obtained, if the results indicate that the individual has been 38033
convicted of or pleaded guilty to any of the offenses listed or 38034
described in division (C)(1) of this section, the home or program 38035
shall terminate the individual's employment unless the home or 38036
program chooses to employ the individual pursuant to division (F) 38037
of this section. Termination of employment under this division 38038
shall be considered just cause for discharge for purposes of 38039
division (D)(2) of section 4141.29 of the Revised Code if the 38040
individual makes any attempt to deceive the home or program about 38041
the individual's criminal record. 38042

(D)(1) Each home or adult day-care program shall pay to the 38043
bureau of criminal identification and investigation the fee 38044
prescribed pursuant to division (C)(3) of section 109.572 of the 38045
Revised Code for each criminal records check conducted pursuant to 38046
a request made under division (B) of this section. 38047

(2) A home or adult day-care program may charge an applicant 38048
a fee not exceeding the amount the home or program pays under 38049
division (D)(1) of this section. A home or program may collect a 38050

fee only if both of the following apply: 38051

(a) The home or program notifies the person at the time of 38052
initial application for employment of the amount of the fee and 38053
that, unless the fee is paid, the person will not be considered 38054
for employment; 38055

(b) The medical assistance program established under Chapter 38056
5111. of the Revised Code does not reimburse the home or program 38057
the fee it pays under division (D)(1) of this section. 38058

(E) The report of any criminal records check conducted 38059
pursuant to a request made under this section is not a public 38060
record for the purposes of section 149.43 of the Revised Code and 38061
shall not be made available to any person other than the 38062
following: 38063

(1) The individual who is the subject of the criminal records 38064
check or the individual's representative; 38065

(2) The chief administrator of the home or program requesting 38066
the criminal records check or the administrator's representative; 38067

(3) The administrator of any other facility, agency, or 38068
program that provides direct care to older adults that is owned or 38069
operated by the same entity that owns or operates the home or 38070
program; 38071

(4) A court, hearing officer, or other necessary individual 38072
involved in a case dealing with a denial of employment of the 38073
applicant or dealing with employment or unemployment benefits of 38074
the applicant; 38075

(5) Any person to whom the report is provided pursuant to, 38076
and in accordance with, division (I)(1) or (2) of this section; 38077

(6) The board of nursing for purposes of accepting and 38078
processing an application for a medication aide certificate issued 38079
under Chapter 4723. of the Revised Code. 38080

(F) In accordance with section 3721.11 of the Revised Code, 38081
the director of health shall adopt rules to implement this 38082
section. The rules shall specify circumstances under which a home 38083
or adult day-care program may employ a person who has been 38084
convicted of or pleaded guilty to an offense listed or described 38085
in division (C)(1) of this section but meets personal character 38086
standards set by the director. 38087

(G) The chief administrator of a home or adult day-care 38088
program shall inform each individual, at the time of initial 38089
application for a position that involves providing direct care to 38090
an older adult, that the individual is required to provide a set 38091
of fingerprint impressions and that a criminal records check is 38092
required to be conducted if the individual comes under final 38093
consideration for employment. 38094

(H) In a tort or other civil action for damages that is 38095
brought as the result of an injury, death, or loss to person or 38096
property caused by an individual who a home or adult day-care 38097
program employs in a position that involves providing direct care 38098
to older adults, all of the following shall apply: 38099

(1) If the home or program employed the individual in good 38100
faith and reasonable reliance on the report of a criminal records 38101
check requested under this section, the home or program shall not 38102
be found negligent solely because of its reliance on the report, 38103
even if the information in the report is determined later to have 38104
been incomplete or inaccurate; 38105

(2) If the home or program employed the individual in good 38106
faith on a conditional basis pursuant to division (C)(2) of this 38107
section, the home or program shall not be found negligent solely 38108
because it employed the individual prior to receiving the report 38109
of a criminal records check requested under this section; 38110

(3) If the home or program in good faith employed the 38111

individual according to the personal character standards 38112
established in rules adopted under division (F) of this section, 38113
the home or program shall not be found negligent solely because 38114
the individual prior to being employed had been convicted of or 38115
pleaded guilty to an offense listed or described in division 38116
(C)(1) of this section. 38117

(I)(1) The chief administrator of a home or adult day-care 38118
program is not required to request that the superintendent of the 38119
bureau of criminal identification and investigation conduct a 38120
criminal records check of an applicant if the applicant has been 38121
referred to the home or program by an employment service that 38122
supplies full-time, part-time, or temporary staff for positions 38123
involving the direct care of older adults and both of the 38124
following apply: 38125

(a) The chief administrator receives from the employment 38126
service or the applicant a report of the results of a criminal 38127
records check regarding the applicant that has been conducted by 38128
the superintendent within the one-year period immediately 38129
preceding the applicant's referral; 38130

(b) The report of the criminal records check demonstrates 38131
that the person has not been convicted of or pleaded guilty to an 38132
offense listed or described in division (C)(1) of this section, or 38133
the report demonstrates that the person has been convicted of or 38134
pleaded guilty to one or more of those offenses, but the home or 38135
adult day-care program chooses to employ the individual pursuant 38136
to division (F) of this section. 38137

(2) The chief administrator of a home or adult day-care 38138
program is not required to request that the superintendent of the 38139
bureau of criminal identification and investigation conduct a 38140
criminal records check of an applicant and may employ the 38141
applicant conditionally as described in this division, if the 38142
applicant has been referred to the home or program by an 38143

employment service that supplies full-time, part-time, or 38144
temporary staff for positions involving the direct care of older 38145
adults and if the chief administrator receives from the employment 38146
service or the applicant a letter from the employment service that 38147
is on the letterhead of the employment service, dated, and signed 38148
by a supervisor or another designated official of the employment 38149
service and that states that the employment service has requested 38150
the superintendent to conduct a criminal records check regarding 38151
the applicant, that the requested criminal records check will 38152
include a determination of whether the applicant has been 38153
convicted of or pleaded guilty to any offense listed or described 38154
in division (C)(1) of this section, that, as of the date set forth 38155
on the letter, the employment service had not received the results 38156
of the criminal records check, and that, when the employment 38157
service receives the results of the criminal records check, it 38158
promptly will send a copy of the results to the home or adult 38159
day-care program. If a home or adult day-care program employs an 38160
applicant conditionally in accordance with this division, the 38161
employment service, upon its receipt of the results of the 38162
criminal records check, promptly shall send a copy of the results 38163
to the home or adult day-care program, and division (C)(2)(b) of 38164
this section applies regarding the conditional employment. 38165

Sec. 3721.13. (A) The rights of residents of a home shall 38166
include, but are not limited to, the following: 38167

(1) The right to a safe and clean living environment pursuant 38168
to the medicare and medicaid programs and applicable state laws 38169
and ~~regulations prescribed~~ rules adopted by the public director of 38170
health ~~council~~; 38171

(2) The right to be free from physical, verbal, mental, and 38172
emotional abuse and to be treated at all times with courtesy, 38173
respect, and full recognition of dignity and individuality; 38174

(3) Upon admission and thereafter, the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care consistent with the program for which the resident contracted. This care shall be provided without regard to considerations such as race, color, religion, national origin, age, or source of payment for care.

(4) The right to have all reasonable requests and inquiries responded to promptly;

(5) The right to have clothes and bed sheets changed as the need arises, to ensure the resident's comfort or sanitation;

(6) The right to obtain from the home, upon request, the name and any specialty of any physician or other person responsible for the resident's care or for the coordination of care;

(7) The right, upon request, to be assigned, within the capacity of the home to make the assignment, to the staff physician of the resident's choice, and the right, in accordance with the rules and written policies and procedures of the home, to select as the attending physician a physician who is not on the staff of the home. If the cost of a physician's services is to be met under a federally supported program, the physician shall meet the federal laws and regulations governing such services.

(8) The right to participate in decisions that affect the resident's life, including the right to communicate with the physician and employees of the home in planning the resident's treatment or care and to obtain from the attending physician complete and current information concerning medical condition, prognosis, and treatment plan, in terms the resident can reasonably be expected to understand; the right of access to all information in the resident's medical record; and the right to give or withhold informed consent for treatment after the

consequences of that choice have been carefully explained. When 38206
the attending physician finds that it is not medically advisable 38207
to give the information to the resident, the information shall be 38208
made available to the resident's sponsor on the resident's behalf, 38209
if the sponsor has a legal interest or is authorized by the 38210
resident to receive the information. The home is not liable for a 38211
violation of this division if the violation is found to be the 38212
result of an act or omission on the part of a physician selected 38213
by the resident who is not otherwise affiliated with the home. 38214

(9) The right to withhold payment for physician visitation if 38215
the physician did not visit the resident; 38216

(10) The right to confidential treatment of personal and 38217
medical records, and the right to approve or refuse the release of 38218
these records to any individual outside the home, except in case 38219
of transfer to another home, hospital, or health care system, as 38220
required by law or rule, or as required by a third-party payment 38221
contract; 38222

(11) The right to privacy during medical examination or 38223
treatment and in the care of personal or bodily needs; 38224

(12) The right to refuse, without jeopardizing access to 38225
appropriate medical care, to serve as a medical research subject; 38226

(13) The right to be free from physical or chemical 38227
restraints or prolonged isolation except to the minimum extent 38228
necessary to protect the resident from injury to self, others, or 38229
to property and except as authorized in writing by the attending 38230
physician for a specified and limited period of time and 38231
documented in the resident's medical record. Prior to authorizing 38232
the use of a physical or chemical restraint on any resident, the 38233
attending physician shall make a personal examination of the 38234
resident and an individualized determination of the need to use 38235
the restraint on that resident. 38236

Physical or chemical restraints or isolation may be used in 38237
an emergency situation without authorization of the attending 38238
physician only to protect the resident from injury to self or 38239
others. Use of the physical or chemical restraints or isolation 38240
shall not be continued for more than twelve hours after the onset 38241
of the emergency without personal examination and authorization by 38242
the attending physician. The attending physician or a staff 38243
physician may authorize continued use of physical or chemical 38244
restraints for a period not to exceed thirty days, and at the end 38245
of this period and any subsequent period may extend the 38246
authorization for an additional period of not more than thirty 38247
days. The use of physical or chemical restraints shall not be 38248
continued without a personal examination of the resident and the 38249
written authorization of the attending physician stating the 38250
reasons for continuing the restraint. 38251

If physical or chemical restraints are used under this 38252
division, the home shall ensure that the restrained resident 38253
receives a proper diet. In no event shall physical or chemical 38254
restraints or isolation be used for punishment, incentive, or 38255
convenience. 38256

(14) The right to the pharmacist of the resident's choice and 38257
the right to receive pharmaceutical supplies and services at 38258
reasonable prices not exceeding applicable and normally accepted 38259
prices for comparably packaged pharmaceutical supplies and 38260
services within the community; 38261

(15) The right to exercise all civil rights, unless the 38262
resident has been adjudicated incompetent pursuant to Chapter 38263
2111. of the Revised Code and has not been restored to legal 38264
capacity, as well as the right to the cooperation of the home's 38265
administrator in making arrangements for the exercise of the right 38266
to vote; 38267

(16) The right of access to opportunities that enable the 38268

resident, at the resident's own expense or at the expense of a 38269
third-party payer, to achieve the resident's fullest potential, 38270
including educational, vocational, social, recreational, and 38271
habilitation programs; 38272

(17) The right to consume a reasonable amount of alcoholic 38273
beverages at the resident's own expense, unless not medically 38274
advisable as documented in the resident's medical record by the 38275
attending physician or unless contradictory to written admission 38276
policies; 38277

(18) The right to use tobacco at the resident's own expense 38278
under the home's safety rules and under applicable laws and rules 38279
of the state, unless not medically advisable as documented in the 38280
resident's medical record by the attending physician or unless 38281
contradictory to written admission policies; 38282

(19) The right to retire and rise in accordance with the 38283
resident's reasonable requests, if the resident does not disturb 38284
others or the posted meal schedules and upon the home's request 38285
remains in a supervised area, unless not medically advisable as 38286
documented by the attending physician; 38287

(20) The right to observe religious obligations and 38288
participate in religious activities; the right to maintain 38289
individual and cultural identity; and the right to meet with and 38290
participate in activities of social and community groups at the 38291
resident's or the group's initiative; 38292

(21) The right upon reasonable request to private and 38293
unrestricted communications with the resident's family, social 38294
worker, and any other person, unless not medically advisable as 38295
documented in the resident's medical record by the attending 38296
physician, except that communications with public officials or 38297
with the resident's attorney or physician shall not be restricted. 38298
Private and unrestricted communications shall include, but are not 38299

limited to, the right to:	38300
(a) Receive, send, and mail sealed, unopened correspondence;	38301
(b) Reasonable access to a telephone for private communications;	38302 38303
(c) Private visits at any reasonable hour.	38304
(22) The right to assured privacy for visits by the spouse, or if both are residents of the same home, the right to share a room within the capacity of the home, unless not medically advisable as documented in the resident's medical record by the attending physician;	38305 38306 38307 38308 38309
(23) The right upon reasonable request to have room doors closed and to have them not opened without knocking, except in the case of an emergency or unless not medically advisable as documented in the resident's medical record by the attending physician;	38310 38311 38312 38313 38314
(24) The right to retain and use personal clothing and a reasonable amount of possessions, in a reasonably secure manner, unless to do so would infringe on the rights of other residents or would not be medically advisable as documented in the resident's medical record by the attending physician;	38315 38316 38317 38318 38319
(25) The right to be fully informed, prior to or at the time of admission and during the resident's stay, in writing, of the basic rate charged by the home, of services available in the home, and of any additional charges related to such services, including charges for services not covered under the medicare or medicaid program. The basic rate shall not be changed unless thirty days' notice is given to the resident or, if the resident is unable to understand this information, to the resident's sponsor.	38320 38321 38322 38323 38324 38325 38326 38327
(26) The right of the resident and person paying for the care to examine and receive a bill at least monthly for the resident's	38328 38329

care from the home that itemizes charges not included in the basic 38330
rates; 38331

(27)(a) The right to be free from financial exploitation; 38332

(b) The right to manage the resident's own personal financial 38333
affairs, or, if the resident has delegated this responsibility in 38334
writing to the home, to receive upon written request at least a 38335
quarterly accounting statement of financial transactions made on 38336
the resident's behalf. The statement shall include: 38337

(i) A complete record of all funds, personal property, or 38338
possessions of a resident from any source whatsoever, that have 38339
been deposited for safekeeping with the home for use by the 38340
resident or the resident's sponsor; 38341

(ii) A listing of all deposits and withdrawals transacted, 38342
which shall be substantiated by receipts which shall be available 38343
for inspection and copying by the resident or sponsor. 38344

(28) The right of the resident to be allowed unrestricted 38345
access to the resident's property on deposit at reasonable hours, 38346
unless requests for access to property on deposit are so 38347
persistent, continuous, and unreasonable that they constitute a 38348
nuisance; 38349

(29) The right to receive reasonable notice before the 38350
resident's room or roommate is changed, including an explanation 38351
of the reason for either change. 38352

(30) The right not to be transferred or discharged from the 38353
home unless the transfer is necessary because of one of the 38354
following: 38355

(a) The welfare and needs of the resident cannot be met in 38356
the home. 38357

(b) The resident's health has improved sufficiently so that 38358
the resident no longer needs the services provided by the home. 38359

(c) The safety of individuals in the home is endangered. 38360

(d) The health of individuals in the home would otherwise be 38361
endangered. 38362

(e) The resident has failed, after reasonable and appropriate 38363
notice, to pay or to have the medicare or medicaid program pay on 38364
the resident's behalf, for the care provided by the home. A 38365
resident shall not be considered to have failed to have the 38366
resident's care paid for if the resident has applied for medicaid, 38367
unless both of the following are the case: 38368

(i) The resident's application, or a substantially similar 38369
previous application, has been denied by the county department of 38370
job and family services. 38371

(ii) If the resident appealed the denial pursuant to division 38372
(C) of section 5101.35 of the Revised Code, the director of job 38373
and family services has upheld the denial. 38374

(f) The home's license has been revoked, the home is being 38375
closed pursuant to section 3721.08, sections 5111.35 to 5111.62, 38376
or section 5155.31 of the Revised Code, or the home otherwise 38377
ceases to operate. 38378

(g) The resident is a recipient of medicaid, and the home's 38379
participation in the medicaid program is involuntarily terminated 38380
or denied. 38381

(h) The resident is a beneficiary under the medicare program, 38382
and the home's participation in the medicare program is 38383
involuntarily terminated or denied. 38384

(31) The right to voice grievances and recommend changes in 38385
policies and services to the home's staff, to employees of the 38386
department of health, or to other persons not associated with the 38387
operation of the home, of the resident's choice, free from 38388
restraint, interference, coercion, discrimination, or reprisal. 38389

This right includes access to a residents' rights advocate, and 38390
the right to be a member of, to be active in, and to associate 38391
with persons who are active in organizations of relatives and 38392
friends of nursing home residents and other organizations engaged 38393
in assisting residents. 38394

(32) The right to have any significant change in the 38395
resident's health status reported to the resident's sponsor. As 38396
soon as such a change is known to the home's staff, the home shall 38397
make a reasonable effort to notify the sponsor within twelve 38398
hours. 38399

(B) A sponsor may act on a resident's behalf to assure that 38400
the home does not deny the residents' rights under sections 38401
3721.10 to 3721.17 of the Revised Code. 38402

(C) Any attempted waiver of the rights listed in division (A) 38403
of this section is void. 38404

Sec. 3721.21. As used in sections 3721.21 to 3721.34 of the 38405
Revised Code: 38406

(A) "Long-term care facility" means either of the following: 38407

(1) A nursing home as defined in section 3721.01 of the 38408
Revised Code, ~~other than a nursing home or part of a nursing home~~ 38409
~~certified as an intermediate care facility for the mentally~~ 38410
~~retarded under Title XIX of the "Social Security Act," 49 Stat.~~ 38411
~~620 (1935), 42 U.S.C.A. 301, as amended;~~ 38412

(2) A facility or part of a facility that is certified as a 38413
skilled nursing facility or a nursing facility under Title XVIII 38414
or XIX of the "Social Security Act." 38415

(B) "Residential care facility" has the same meaning as in 38416
section 3721.01 of the Revised Code. 38417

(C) "Abuse" means knowingly causing physical harm or 38418
recklessly causing serious physical harm to a resident by physical 38419

contact with the resident or by use of physical or chemical 38420
restraint, medication, or isolation as punishment, for staff 38421
convenience, excessively, as a substitute for treatment, or in 38422
amounts that preclude habilitation and treatment. 38423

(D) "Neglect" means recklessly failing to provide a resident 38424
with any treatment, care, goods, or service necessary to maintain 38425
the health or safety of the resident when the failure results in 38426
serious physical harm to the resident. "Neglect" does not include 38427
allowing a resident, at the resident's option, to receive only 38428
treatment by spiritual means through prayer in accordance with the 38429
tenets of a recognized religious denomination. 38430

(E) "Misappropriation" means depriving, defrauding, or 38431
otherwise obtaining the real or personal property of a resident by 38432
any means prohibited by the Revised Code, including violations of 38433
Chapter 2911. or 2913. of the Revised Code. 38434

(F) "Resident" includes a resident, patient, former resident 38435
or patient, or deceased resident or patient of a long-term care 38436
facility or a residential care facility. 38437

(G) "Physical restraint" has the same meaning as in section 38438
3721.10 of the Revised Code. 38439

(H) "Chemical restraint" has the same meaning as in section 38440
3721.10 of the Revised Code. 38441

(I) "Nursing and nursing-related services" means the personal 38442
care services and other services not constituting skilled nursing 38443
care that are specified in rules the ~~public~~ director of health 38444
~~council~~ shall adopt in accordance with Chapter 119. of the Revised 38445
Code. 38446

(J) "Personal care services" has the same meaning as in 38447
section 3721.01 of the Revised Code. 38448

(K)(1) Except as provided in division (K)(2) of this section, 38449

"nurse aide" means an individual who provides nursing and nursing-related services to residents in a long-term care facility, either as a member of the staff of the facility for monetary compensation or as a volunteer without monetary compensation.

(2) "Nurse aide" does not include either of the following:

(a) A licensed health professional practicing within the scope of the professional's license;

(b) An individual providing nursing and nursing-related services in a religious nonmedical health care institution, if the individual has been trained in the principles of nonmedical care and is recognized by the institution as being competent in the administration of care within the religious tenets practiced by the residents of the institution.

(L) "Licensed health professional" means all of the following:

(1) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;

(2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;

(3) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;

(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;

(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;

(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	38480 38481
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	38482 38483
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	38484 38485
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	38486 38487
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	38488 38489
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	38490 38491
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	38492 38493
(14) A professional counselor or professional clinical counselor licensed under Chapter 4757. of the Revised Code.	38494 38495
(M) "Religious nonmedical health care institution" means an institution that meets or exceeds the conditions to receive payment under the medicare program established under Title XVIII of the "Social Security Act" for inpatient hospital services or post-hospital extended care services furnished to an individual in a religious nonmedical health care institution, as defined in section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395x(ss)(1), as amended.	38496 38497 38498 38499 38500 38501 38502 38503
(N) "Competency evaluation program" means a program through which the competency of a nurse aide to provide nursing and nursing-related services is evaluated.	38504 38505 38506
(O) "Training and competency evaluation program" means a program of nurse aide training and evaluation of competency to provide nursing and nursing-related services.	38507 38508 38509

Sec. 3721.28. (A)(1) Each nurse aide used by a long-term care 38510
facility on a full-time, temporary, per diem, or other basis on 38511
July 1, 1989, shall be provided by the facility a competency 38512
evaluation program approved by the director of health under 38513
division (A) of section 3721.31 of the Revised Code or conducted 38514
by ~~him~~ the director under division (C) of that section. Each 38515
long-term care facility using a nurse aide on July 1, 1989, shall 38516
provide the nurse aide the preparation necessary to complete the 38517
competency evaluation program by January 1, 1990. 38518

(2) Each nurse aide used by a long-term care facility on a 38519
full-time, temporary, per diem, or other basis on January 1, 1990, 38520
who either was not used by the facility on July 1, 1989, or was 38521
used by the facility on July 1, 1989, but had not successfully 38522
completed a competency evaluation program by January 1, 1990, 38523
shall be provided by the facility a competency evaluation program 38524
approved by the director under division (A) of section 3721.31 of 38525
the Revised Code or conducted by ~~him~~ the director under division 38526
(C) of that section. Each long-term care facility using a nurse 38527
aide described in division (A)(2) of this section shall provide 38528
the nurse aide the preparation necessary to complete the 38529
competency evaluation program by October 1, 1990, and shall assist 38530
the nurse aide in registering for the program. 38531

(B) Effective June 1, 1990, no long-term care facility shall 38532
use an individual as a nurse aide for more than four months unless 38533
the individual is competent to provide the services ~~he~~ the 38534
individual is to provide, the facility has received from the nurse 38535
aide registry established under section 3721.32 of the Revised 38536
Code the information concerning the individual provided through 38537
the registry, and one of the following is the case: 38538

(1) The individual was used by a facility as a nurse aide on 38539
a full-time, temporary, per diem, or other basis at any time 38540

during the period commencing July 1, 1989, and ending January 1, 38541
1990, and successfully completed, not later than October 1, 1990, 38542
a competency evaluation program approved by the director under 38543
division (A) of section 3721.31 of the Revised Code or conducted 38544
by ~~him~~ the director under division (C) of that section. 38545

(2) The individual has successfully completed a training and 38546
competency evaluation program approved by the director under 38547
division (A) of section 3721.31 of the Revised Code or conducted 38548
by ~~him~~ the director under division (C) of that section or has met 38549
the conditions specified in division (F) of this section and, in 38550
addition, if the training and competency evaluation program or the 38551
training, instruction, or education the individual completed in 38552
meeting the conditions specified in division (F) of this section 38553
was conducted by or in a long-term care facility, or if the 38554
director pursuant to division (E) of section 3721.31 of the 38555
Revised Code so requires, the individual has successfully 38556
completed a competency evaluation program conducted by the 38557
director. 38558

(3) Prior to July 1, 1989, if the long-term care facility is 38559
certified as a skilled nursing facility or a nursing facility 38560
under Title XVIII or XIX of the "Social Security Act," 49 Stat. 38561
620 (1935), 42 U.S.C.A. 301, as amended, or prior to January 1, 38562
1990, if the facility is not so certified, the individual 38563
completed a program that the director determines included a 38564
competency evaluation component no less stringent than the 38565
competency evaluation programs approved by ~~him~~ the director under 38566
division (A) of section 3721.31 of the Revised Code or conducted 38567
by ~~him~~ the director under division (C) of that section, and was 38568
otherwise comparable to the training and competency evaluation 38569
programs being approved by the director under division (A) of that 38570
section. 38571

(4) The individual is listed in a nurse aide registry 38572

maintained by another state and that state certifies that its 38573
program for training and evaluation of competency of nurse aides 38574
complies with Titles XVIII and XIX of the "Social Security Act" 38575
and regulations adopted thereunder. 38576

(5) Prior to July 1, 1989, the individual was found competent 38577
to serve as a nurse aide after the completion of a course of nurse 38578
aide training of at least one hundred hours' duration. 38579

(6) The individual is enrolled in a prelicensure program of 38580
nursing education approved by the board of nursing or by an agency 38581
of another state that regulates nursing education, has provided 38582
the long-term care facility with a certificate from the program 38583
indicating that the individual has successfully completed the 38584
courses that teach basic nursing skills including infection 38585
control, safety and emergency procedures, and personal care, and 38586
has successfully completed a competency evaluation program 38587
conducted by the director under division (C) of section 3721.31 of 38588
the Revised Code. 38589

(7) The individual has the equivalent of twelve months or 38590
more of full-time employment in the preceding five years as a 38591
hospital aide or orderly and has successfully completed a 38592
competency evaluation program conducted by the director under 38593
division (C) of section 3721.31 of the Revised Code. 38594

(C) Effective June 1, 1990, no long-term care facility shall 38595
continue for longer than four months to use as a nurse aide an 38596
individual who previously met the requirements of division (B) of 38597
this section but since most recently doing so has not performed 38598
nursing and nursing-related services for monetary compensation for 38599
twenty-four consecutive months, unless the individual successfully 38600
completes additional training and competency evaluation by 38601
complying with divisions (C)(1) and (2) of this section: 38602

(1) Doing one of the following: 38603

(a) Successfully completing a training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code or conducted by ~~him~~ the director under division (C) of that section;

(b) Successfully completing a training and competency evaluation program described in division (B)(4) of this section;

(c) Meeting the requirements specified in division (B)(6) or (7) of this section.

(2) If the training and competency evaluation program completed under division (C)(1)(a) of this section was conducted by or in a long-term care facility, or if the director pursuant to division (E) of section 3721.31 of the Revised Code so requires, successfully completing a competency evaluation program conducted by the director.

(D)(1) The four-month periods provided for in divisions (B) and (C) of this section include any time, on or after June 1, 1990, that an individual is used as a nurse aide on a full-time, temporary, per diem, or any other basis by the facility or any other long-term care facility.

(2) During the four-month period provided for in division (B) of this section, during which a long-term care facility may, subject to division (E) of this section, use as a nurse aide an individual who does not have the qualifications specified in divisions (B)(1) to (7) of this section, a facility shall require the individual to comply with divisions (D)(2)(a) and (b) of this section:

(a) Participate in one of the following:

(i) If the individual has successfully completed a training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code, and the program was conducted by or in a long-term care facility, or the

director pursuant to division (E) of section 3721.31 of the Revised Code so requires, a competency evaluation program conducted by the director;

(ii) If the individual is enrolled in a prelicensure program of nursing education described in division (B)(6) of this section and has completed or is working toward completion of the courses described in that division, or the individual has the experience described in division (B)(7) of this section, a competency evaluation program conducted by the director;

(iii) A training and competency evaluation program approved by the director under division (A) of section 3721.31 of the Revised Code or conducted by ~~him~~ the director under division (C) of that section.

(b) If the individual participates in or has successfully completed a training and competency evaluation program under division (D)(2)(a)(iii) of this section that is conducted by or in a long-term care facility, or the director pursuant to division (E) of section 3721.31 of the Revised Code so requires, ~~participate~~ participate in a competency evaluation program conducted by the director.

(3) During the four-month period provided for in division (C) of this section, during which a long-term care facility may, subject to division (E) of this section, use as a nurse aide an individual who does not have the qualifications specified in divisions (C)(1) and (2) of this section, a facility shall require the individual to comply with divisions (D)(3)(a) and (b) of this section:

(a) Participate in one of the following:

(i) If the individual has successfully completed a training and competency evaluation program approved by the director, and the program was conducted by or in a long-term care facility, or

the director pursuant to division (E) of section 3721.31 of the Revised Code so requires, a competency evaluation program conducted by the director;

(ii) If the individual is enrolled in a prelicensure program of nursing education described in division (B)(6) of this section and has completed or is working toward completion of the courses described in that division, or the individual has the experience described in division (B)(7) of this section, a competency evaluation program conducted by the director;

(iii) A training and competency evaluation program approved or conducted by the director.

(b) If the individual participates in or has successfully completed a training and competency evaluation program under division (D)(3)(a)(iii) of this section that is conducted by or in a long-term care facility, or the director pursuant to division (E) of section 3721.31 of the Revised Code so requires, participate in a competency evaluation program conducted by the director.

(E) A long-term care facility shall not permit an individual used by the facility as a nurse aide while participating in a training and competency evaluation program to provide nursing and nursing-related services unless both of the following are the case:

(1) The individual has completed the number of hours of training that ~~he must complete~~ be completed prior to providing services to residents as prescribed by rules that shall be adopted by the director in accordance with Chapter 119. of the Revised Code;

(2) The individual is under the personal supervision of a registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code.

(F) An individual shall be considered to have satisfied the requirement, under division (B)(2) of this section, of having successfully completed a training and competency evaluation program conducted or approved by the director, if the individual meets both of the following conditions:

(1) The individual, as of July 1, 1989, completed at least sixty hours divided between skills training and classroom instruction in the topic areas described in divisions (B)(1) to (8) of section 3721.30 of the Revised Code;

(2) The individual received, as of that date, at least the difference between seventy-five hours and the number of hours actually spent in training and competency evaluation in supervised practical nurse aide training or regular in-service nurse aide education.

(G) The ~~public health council~~ director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying persons, in addition to the director, who may establish competence of nurse aides under division (B)(5) of this section, and establishing criteria for determining whether an individual meets the conditions specified in division (F) of this section.

(H) The rules adopted pursuant to divisions (E)(1) and (G) of this section shall be no less stringent than the requirements, guidelines, and procedures established by the United States secretary of health and human services under sections 1819 and 1919 of the "Social Security Act."

Sec. 3721.29. In addition to competency evaluation programs and training and competency evaluation programs required by this chapter, each long-term care facility shall provide both of the following to each nurse aide it uses:

(A) An orientation program that includes at least an

explanation of the organizational structure of the facility, its 38727
policies and procedures, its philosophy of care, a description of 38728
its resident population, and an enumeration of its employee rules; 38729

(B) Regular performance review and in-service education to 38730
assure that individuals working in the facility as nurse aides are 38731
competent to perform the nursing and nursing-related services they 38732
perform. In-service education shall include training for nurse 38733
aides providing nursing and nursing-related services to residents 38734
and patients with cognitive impairments. 38735

The ~~public~~ director of health council shall adopt rules to 38736
implement the purposes of this section. The rules shall be no less 38737
stringent than the requirements, guidelines, and procedures 38738
established by the United States secretary of health and human 38739
services under sections 1819 and 1919 of the "Social Security 38740
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended. 38741

Sec. 3721.50. As used in sections 3721.50 to 3721.58 of the 38742
Revised Code: 38743

(A) "Bed surrender" means the following: 38744

(1) In the case of a nursing home, the removal of a bed from 38745
a nursing home's licensed capacity in a manner that reduces the 38746
total licensed capacity of all nursing homes; 38747

(2) In the case of a hospital, the removal of a hospital bed 38748
from registration under section 3701.07 of the Revised Code as a 38749
skilled nursing facility bed or long-term care bed in a manner 38750
that reduces the total number of hospital beds registered under 38751
that section as skilled nursing facility beds or long-term care 38752
beds. 38753

(B) "Change of operator" means an entering operator becoming 38754
the operator of a nursing home or hospital in the place of the 38755
existing operator. 38756

(1) Actions that constitute a change of operator include the following:	38757 38758
(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;	38759 38760 38761
(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing home or hospital to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing home or hospital is also transferred;	38762 38763 38764 38765 38766
(c) A lease of the nursing home or hospital to the entering operator or the exiting operator's termination of the exiting operator's lease;	38767 38768 38769
(d) If the exiting operator is a partnership, dissolution of the partnership;	38770 38771
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	38772 38773
(i) The change in composition does not cause the partnership's dissolution under state law.	38774 38775
(ii) The partners agree that the change in composition does not constitute a change in operator.	38776 38777
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	38778 38779 38780 38781
(2) The following, alone, do not constitute a change of operator:	38782 38783
(a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions;	38784 38785 38786

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

(C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital.

(D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the effective date of a change of operator.

(E) "Exiting operator" means an operator that will cease to be the operator of a nursing home or hospital on the effective date of a change of operator.

(F) "Franchise permit fee rate" means the following:

(1) For fiscal year 2012, eleven dollars and forty-seven cents;

(2) For fiscal year 2013 and each fiscal year thereafter, eleven dollars and sixty-seven cents.

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located:

(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds;

(2) Beds licensed as nursing home beds under section 3721.02

or 3721.09 of the Revised Code. 38817

(I) "Indirect guarantee percentage" means the percentage 38818
specified in section 1903(w)(4)(C)(ii) of the "Social Security 38819
Act," 120 Stat. 2994 (2006), 42 U.S.C. 1396b(w)(4)(C)(ii) that is 38820
to be used in determining whether a class of providers is 38821
indirectly held harmless for any portion of the costs of a 38822
broad-based health-care-related tax. If the indirect guarantee 38823
percentage changes during a fiscal year, the indirect guarantee 38824
percentage is the following: 38825

(1) For the part of the fiscal year before the change takes 38826
effect, the percentage in effect before the change; 38827

(2) For the part of the fiscal year beginning with the date 38828
the indirect guarantee percentage changes, the new percentage. 38829

~~(J) "Inpatient days" means all days during which a resident 38830
of a nursing facility, regardless of payment source, occupies a 38831
bed in the nursing facility that is included in the facility's 38832
certified capacity under Title XIX. Therapeutic or hospital leave 38833
days for which payment is made under section 5111.26 of the 38834
Revised Code are considered inpatient days proportionate to the 38835
percentage of the facility's per resident per day rate paid for 38836
those days. 38837~~

~~(K) "Medicaid" has the same meaning as in section 5111.01 of 38838
the Revised Code. 38839~~

~~(L) "Medicaid day" means all days during which a resident who 38840
is a medicaid recipient occupies a bed in a nursing facility that 38841
is included in the facility's certified capacity under Title XIX. 38842
Therapeutic or hospital leave days for which payment is made under 38843
section 5111.26 of the Revised Code are considered medicaid days 38844
proportionate to the percentage of the nursing facility's per 38845
resident per day rate for those days. 38846~~

~~(M)~~(K) "Medicare" means the program established by Title 38847

XVIII. 38848

~~(N)~~(L) "Nursing facility" has the same meaning as in section 38849
5111.20 of the Revised Code. 38850

~~(O)~~(M)(1) "Nursing home" means all of the following: 38851

(a) A nursing home licensed under section 3721.02 or 3721.09 38852
of the Revised Code, including any part of a home for the aging 38853
licensed as a nursing home; 38854

(b) A facility or part of a facility, other than a hospital, 38855
that is certified as a skilled nursing facility under Title XVIII; 38856

(c) A nursing facility, other than a portion of a hospital 38857
certified as a nursing facility. 38858

(2) "Nursing home" does not include ~~any~~ either of the 38859
following: 38860

(a) A county home, county nursing home, or district home 38861
operated pursuant to Chapter 5155. of the Revised Code; 38862

(b) A nursing home maintained and operated by the department 38863
of veterans services under section 5907.01 of the Revised Code; 38864

~~(c) A nursing home or part of a nursing home licensed under 38865
section 3721.02 or 3721.09 of the Revised Code that is certified 38866
as an intermediate care facility for the mentally retarded under 38867
Title XIX. 38868~~

~~(P)~~(N) "Operator" means the person or government entity 38869
responsible for the daily operating and management decisions for a 38870
nursing home or hospital. 38871

~~(Q)~~(O) "Title XIX" means Title XIX of the "Social Security 38872
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 38873

~~(R)~~(P) "Title XVIII" means Title XVIII of the "Social 38874
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 38875

Sec. 3721.51. The department of job and family services shall 38876
do all of the following: 38877

(A) Subject to sections 3721.512, 3721.513, and 3721.531 of 38878
the Revised Code and divisions (C) and (D) of this section and for 38879
the purposes specified in section 3721.56 of the Revised Code, 38880
determine an annual franchise permit fee on each nursing home in 38881
an amount equal to the franchise permit fee rate multiplied by the 38882
product of the following: 38883

(1) The number of beds licensed as nursing home beds, plus 38884
any other beds certified as skilled nursing facility beds under 38885
Title XVIII or nursing facility beds under Title XIX on the first 38886
day of May of the calendar year in which the fee is determined 38887
pursuant to division (A) of section 3721.53 of the Revised Code; 38888

(2) The number of days in the fiscal year beginning on the 38889
first day of July of the calendar year in which the fee is 38890
determined pursuant to division (A) of section 3721.53 of the 38891
Revised Code. 38892

(B) Subject to sections 3721.512, 3721.513, and 3721.531 of 38893
the Revised Code and divisions (C) and (D) of this section and for 38894
the purposes specified in section 3721.56 of the Revised Code, 38895
determine an annual franchise permit fee on each hospital in an 38896
amount equal to the franchise permit fee rate multiplied by the 38897
product of the following: 38898

(1) The number of beds registered pursuant to section 3701.07 38899
of the Revised Code as skilled nursing facility beds or long-term 38900
care beds, plus any other beds licensed as nursing home beds under 38901
section 3721.02 or 3721.09 of the Revised Code, on the first day 38902
of May of the calendar year in which the fee is determined 38903
pursuant to division (A) of section 3721.53 of the Revised Code; 38904

(2) The number of days in the fiscal year beginning on the 38905

first day of July of the calendar year in which the fee is 38906
determined pursuant to division (A) of section 3721.53 of the 38907
Revised Code. 38908

(C) If the total amount of the franchise permit fee assessed 38909
under divisions (A) and (B) of this section for a fiscal year 38910
exceeds the indirect guarantee percentage of the actual net 38911
patient revenue for all nursing homes and hospital long-term care 38912
units for that fiscal year and seventy-five per cent or more of 38913
the combined total number of nursing homes and hospital long-term 38914
care units receive enhanced medicaid payments or other state 38915
payments equal to seventy-five per cent or more of their total 38916
franchise permit fee assessments, do both of the following: 38917

(1) Recalculate the assessments under divisions (A) and (B) 38918
of this section using a per bed per day rate equal to the indirect 38919
guarantee percentage of actual net patient revenue for all nursing 38920
homes and hospital long-term care units for that fiscal year; 38921

(2) Refund the difference between the amount of the franchise 38922
permit fee assessed for that fiscal year under divisions (A) and 38923
(B) of this section and the amount recalculated under division 38924
(C)(1) of this section as a credit against the assessments imposed 38925
under divisions (A) and (B) of this section for the subsequent 38926
fiscal year. 38927

(D) If the United States centers for medicare and medicaid 38928
services determines that the franchise permit fee established by 38929
sections 3721.50 to 3721.58 of the Revised Code is an 38930
impermissible health care-related tax under section 1903(w) of the 38931
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 38932
amended, take all necessary actions to cease implementation of 38933
sections 3721.50 to 3721.58 of the Revised Code in accordance with 38934
rules adopted under section 3721.58 of the Revised Code. 38935

Sec. 3723.06. (A) The director of health shall license radon 38936

testers, mitigation specialists, and mitigation contractors. Each 38937
applicant for a license shall submit a completed application to 38938
the director on a form the director shall prescribe and furnish. 38939

(B) In accordance with rules adopted ~~by the public health~~ 38940
~~council~~ under section 3723.09 of the Revised Code, the director 38941
shall issue the appropriate license to each applicant that pays 38942
the license fee prescribed by the ~~council~~ director, meets the 38943
licensing criteria established by the ~~council~~ director, and 38944
complies with any other licensing and training requirements 38945
established by the ~~council~~ director. An individual, business 38946
entity, or government entity may hold more than one license issued 38947
under this section, but a separate application is required for 38948
each license. 38949

(C) Notwithstanding division (B) of this section, the 38950
director shall issue a radon mitigation contractor license on 38951
request to the holder of a radon mitigation specialist license if 38952
the license holder is the owner or chief stockholder of a business 38953
entity for which ~~he~~ the license holder is the only individual who 38954
will work as a radon mitigation specialist. The licensing criteria 38955
and any other licensing and training requirements the individual 38956
was required to meet to qualify for the radon mitigation 38957
specialist license are hereby deemed to satisfy any and all 38958
criteria and requirements for a radon mitigation contractor 38959
license. A license issued under this division shall expire at the 38960
same time as the individual's radon mitigation specialist license. 38961
No license fee shall be imposed for a license issued under this 38962
division. 38963

(D) A license issued under this section expires biennially 38964
and may be renewed by the director in accordance with criteria and 38965
procedures established ~~by the public health council~~ in rules 38966
adopted under section 3723.09 of the Revised Code and on payment 38967
of the license renewal fee prescribed ~~by the council~~ in those 38968

rules. 38969

(E) In accordance with Chapter 119. of the Revised Code, the 38970
director may do either of the following: 38971

(1) Refuse to issue a license to an individual, business 38972
entity, or government entity that does not meet the requirements 38973
of this chapter or the rules adopted under it or has been in 38974
violation of those requirements; 38975

(2) Suspend, revoke, or refuse to renew the license of an 38976
individual, business entity, or government entity that is or has 38977
been in violation of the requirements of this chapter or the rules 38978
adopted under it. 38979

Sec. 3723.07. The director of health shall approve all of the 38980
following: 38981

(A) Licensure training courses for radon testers and 38982
mitigation specialists; 38983

(B) Training courses for employees of mitigation contractors; 38984

(C) Radon laboratories. 38985

Each applicant for approval shall submit a completed 38986
application to the director on a form the director shall prescribe 38987
and furnish. 38988

In accordance with rules adopted ~~by the public health council~~ 38989
under section 3723.09 of the Revised Code, the director shall 38990
issue the appropriate approval to each applicant that pays the 38991
approval fee prescribed by the ~~council~~ director and meets the 38992
criteria for approval established by the ~~council~~ director. 38993

In accordance with Chapter 119. of the Revised Code, the 38994
director may refuse to issue an approval and may revoke or suspend 38995
an approval issued under this section if the operator of the 38996
course or laboratory fails to meet the criteria established by the 38997

~~public health council~~ director. 38998

Sec. 3723.09. (A) To protect the health of individuals 38999
inhabiting, occupying, or frequenting buildings, the ~~public~~ 39000
director of health council shall adopt rules to implement the 39001
requirements of this chapter. All rules adopted under this section 39002
shall be adopted in accordance with Chapter 119. of the Revised 39003
Code. 39004

(B) The ~~public health council~~ director shall adopt rules 39005
establishing criteria and procedures ~~to be followed by the~~ 39006
~~director of health in~~ for issuing and renewing licenses under 39007
section 3723.06 of the Revised Code to radon testers, mitigation 39008
specialists, and mitigation contractors. The rules may require 39009
that all applicants for licensure as a radon tester or mitigation 39010
specialist pass an examination. If an examination is required, the 39011
rules may require applicants to pass an examination conducted by 39012
the department or an appropriate examination conducted by the 39013
United States environmental protection agency. 39014

(C) The ~~public health council~~ director shall adopt rules 39015
establishing criteria and procedures ~~to be followed by the~~ 39016
~~director of health in~~ for approving training courses under section 39017
3723.07 of the Revised Code. The rules may require that 39018
participants in training courses pass an examination conducted by 39019
the operator of the course and may require that the examinations 39020
be approved by the director ~~of health~~. 39021

(D) The ~~public health council~~ director shall adopt rules 39022
establishing criteria and procedures ~~to be followed by the~~ 39023
~~director of health in~~ for approving radon laboratories under 39024
section 3723.07 of the Revised Code. 39025

(E) The ~~public health council~~ director shall adopt rules 39026
establishing reasonable fees for licenses, license renewals, radon 39027
laboratory approvals, and training course approvals. 39028

(F) The ~~public health council~~ director shall adopt rules 39029
establishing standards to be followed by licensed radon testers, 39030
mitigation specialists, and mitigation contractors for the 39031
prevention of hazards to the public health, including standards 39032
for worker protection, record keeping, and training of employees 39033
of licensed radon mitigation contractors. 39034

(G) The ~~public health council~~ director shall adopt rules 39035
establishing procedures to be followed by any individual, business 39036
entity, or government entity licensed by another state to practice 39037
as a radon tester, mitigation specialist, or mitigation contractor 39038
in providing notice to the director of health prior to commencing 39039
practice in this state pursuant to section 3723.03 of the Revised 39040
Code. 39041

(H) The ~~public health council~~ director may adopt rules that 39042
require licensed radon testers and mitigation specialists to 39043
report to the director ~~of health~~, by street address, radon test 39044
results that indicate the presence of radon at a level considered 39045
to be dangerous as determined by the ~~council~~ director. The rules 39046
may require the reporting of screening measurements, follow-up 39047
measurements, post-mitigation measurements, and, if it is known 39048
that radon mitigation has been performed, the methods of 39049
mitigation that were used. Any information required to be reported 39050
to the director under these rules is not a public record under 39051
section 149.43 of the Revised Code, and shall not be released 39052
except in aggregate statistical form. 39053

Sec. 3725.02. (A) No person other than a hospital shall 39054
collect plasma, regardless of the use for which the plasma is 39055
intended, except at a plasmapheresis center holding a current, 39056
valid certificate of approval issued by the director of health. 39057

Whoever violates this division is guilty of a misdemeanor of 39058
the fourth degree. 39059

(B) The ~~public health council~~ director shall adopt such rules 39060
as are necessary to carry out this chapter. 39061

Sec. 3727.01. (A) As used in this section, "health 39062
maintenance organization" means a public or private organization 39063
organized under the law of any state that is qualified under 39064
section 1310(d) of Title XIII of the "Public Health Service Act," 39065
87 Stat. 931 (1973), 42 U.S.C. 300e-9, or that does all of the 39066
following: 39067

(1) Provides or otherwise makes available to enrolled 39068
participants health care services including at least the following 39069
basic health care services: usual physician services, 39070
hospitalization, laboratory, x-ray, emergency and preventive 39071
service, and out-of-area coverage; 39072

(2) Is compensated, except for copayments, for the provision 39073
of basic health care services to enrolled participants by a 39074
payment that is paid on a periodic basis without regard to the 39075
date the health care services are provided and that is fixed 39076
without regard to the frequency, extent, or kind of health service 39077
actually provided; 39078

(3) Provides physician services primarily in either of the 39079
following ways: 39080

(a) Directly through physicians who are either employees or 39081
partners of the organization; 39082

(b) Through arrangements with individual physicians or one or 39083
more groups of physicians organized on a group-practice or 39084
individual-practice basis. 39085

(B) As used in this chapter: 39086

(1) "Children's hospital" ~~has the same meaning as in section~~ 39087
~~3702.51 of the Revised Code~~ means any of the following: 39088

(a) A hospital registered under section 3701.07 of the 39089

Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age; 39090
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(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age; 39094
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(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (B)(1)(a) of this section. 39101
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(2) "Hospital" means an institution classified as a hospital under section 3701.07 of the Revised Code in which are provided to inpatients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care for a continuous period longer than twenty-four hours or a hospital operated by a health maintenance organization. "Hospital" does not include a facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, the office of any private licensed health care professional, whether organized for individual or group practice, or a clinic that provides ambulatory patient services and where patients are not regularly admitted as inpatients. "Hospital" also does not include an institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a 39105
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national accrediting organization, exempt from federal income 39122
taxation under section 501 of the Internal Revenue Code of 1986, 39123
100 Stat. 2085, 26 U.S.C.A. 1, as amended, and providing 39124
twenty-four hour nursing care pursuant to the exemption in 39125
division (E) of section 4723.32 of the Revised Code from the 39126
licensing requirements of Chapter 4723. of the Revised Code. 39127

(3) "Joint commission" means the commission formerly known as 39128
the joint commission on accreditation of healthcare organizations 39129
or the joint commission on accreditation of hospitals. 39130

Sec. 3727.42. (A) Every hospital shall compile and make 39131
available for inspection by the public a price information list 39132
containing the information specified in division (B) of this 39133
section and shall periodically update the list to maintain current 39134
information. The price information list shall be compiled and made 39135
available in a format that complies with the electronic 39136
transaction standards and code sets adopted by the United States 39137
secretary of health and human services under 42 U.S.C. 1320d-2. 39138

(B) Each price information list required by division (A) of 39139
this section shall contain all of the following information: 39140

(1) The usual and customary room and board charges for each 39141
level of care within the hospital, including but not limited to 39142
private rooms, semiprivate rooms, other multiple patient rooms, 39143
and intensive care and other specialty units; 39144

(2) Rates charged for nursing care, if the hospital charges 39145
separately for nursing care; 39146

(3) The usual and customary charges, stated separately for 39147
inpatients and outpatients if different charges are imposed, for 39148
any of the following services provided by the hospital: 39149

(a) The thirty most common x-ray and radiological procedures; 39150

(b) The thirty most common laboratory procedures; 39151

(c) Emergency room services;	39152
(d) Operating room services;	39153
(e) Delivery room services;	39154
(f) Physical, occupational, and pulmonary therapy services;	39155
(g) Any other services designated as high volume services by a rule which shall be adopted by the public <u>director of health</u> council .	39156 39157 39158
(4) The hospital's billing policies, including whether the hospital charges interest on an amount not paid in full by any person or government entity and the interest rate charged;	39159 39160 39161
(5) Whether or not the charges listed include fees for the services of hospital-based anesthesiologists, radiologists, pathologists, and emergency room physicians and, if a charge does not include such fees, how such fee information can be obtained.	39162 39163 39164 39165
(C) Every hospital shall do all of the following with the price information list required by this section:	39166 39167
(1) At the time of admission, or as soon as practical thereafter, inform each patient of the availability of the list and on request provide the patient with a free copy of the list;	39168 39169 39170
(2) On request, provide a paper copy of the list to any person or governmental agency, subject to payment of a reasonable fee for copying and processing;	39171 39172 39173
(3) Make the list available free of charge on the hospital's internet web site.	39174 39175
Sec. 3729.01. As used in this chapter:	39176
(A) "Camp operator" means the operator of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp.	39177 39178 39179

(B) "Campsite user" means a person who enters into a campsite use agreement with a camp operator for the use of a campsite at a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp.

(C) "Combined park-camp" means any tract of land upon which a combination of five or more self-contained recreational vehicles or portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the park facilities. A tract of land that is subdivided for lease or other contract of the individual lots is a combined park-camp if a combination of five or more recreational vehicles or portable camping units are placed on it for recreation, vacation, or business purposes.

"Combined park-camp" does not include any tract of land used solely as a temporary park-camp or solely as a manufactured home park.

(D) "Dependent recreational vehicle" means a recreational vehicle other than a self-contained recreational vehicle. "Dependent recreational vehicle" includes a park model.

(E) "Development" means any artificial change to improved or unimproved real estate, including, without limitation, buildings or structures, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, and the construction, expansion, or substantial alteration of a recreational vehicle park, recreation camp, or combined park-camp, for which plan review is required under division (A) of section 3729.03 of the Revised Code. "Development" does not include the building, construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code is applicable.

(F) "Director of health" means the director of health or the director's authorized representative.

(J) "Manufactured home park" has the same meaning as in section ~~3733.01~~ 4781.01 of the Revised Code. 39241
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(K) "One-hundred-year flood" means a flood having a one per cent chance of being equaled or exceeded in any given year. 39243
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(L) "One-hundred-year flood plain" means that portion of a flood plain inundated by a one-hundred-year flood. 39245
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(M) "Operator" means the person who has responsible charge of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp and who is licensed under this chapter. 39247
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(N) "Park model" means a recreational vehicle that meets the American national standard institute standard A119.5(1988) for park trailers, is built on a single chassis, has a gross trailer area of not more than four hundred square feet when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for operation of installed features and appliances. 39250
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(O) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes this state, any political subdivision of this state, and any other state or local body of this state. 39257
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(P) "Portable camping units" means dependent recreational vehicles, tents, portable sleeping equipment, and similar camping equipment used for travel, recreation, vacation, or business purposes. 39261
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(Q) "Recreation camp" means any tract of land upon which five or more portable camping units are placed and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the camp. A tract of land that is subdivided for lease or other contract of the individual lots is a recreation camp if five or more portable camping units are placed on it for recreation, vacation, or 39265
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business purposes. 39272

"Recreation camp" does not include any tract of land used 39273
solely for the storage or display for sale of dependent 39274
recreational vehicles, solely as a temporary park-camp, or solely 39275
as a manufactured home park. 39276

(R) "Recreational vehicle" has the same meaning as in section 39277
4501.01 of the Revised Code. 39278

(S) "Recreational vehicle park" means any tract of land used 39279
for parking five or more self-contained recreational vehicles and 39280
includes any roadway, building, structure, vehicle, or enclosure 39281
used or intended for use as part of the park facilities and any 39282
tract of land that is subdivided for lease or other contract of 39283
the individual lots for the express or implied purpose of placing 39284
self-contained recreational vehicles for recreation, vacation, or 39285
business purposes. 39286

"Recreational vehicle park" does not include any tract of 39287
land used solely for the storage or display for sale of 39288
self-contained recreational vehicles, solely as a temporary 39289
park-camp, or solely as a manufactured home park. 39290

(T) "Self-contained recreational vehicle" means a 39291
recreational vehicle that can operate independent of connections 39292
to sewer and water and has plumbing fixtures or appliances all of 39293
which are connected to sewage holding tanks located within the 39294
vehicle. "Self-contained recreational vehicle" includes a park 39295
model. 39296

(U) "Substantially alter" means a change in the layout or 39297
design of a recreational vehicle park, recreation camp, combined 39298
park-camp, or temporary park-camp, including, without limitation, 39299
the movement of utilities or changes in established streets, lots, 39300
or sites or in other facilities. 39301

(V) "Temporary park-camp" means any tract of land used for a 39302

period not to exceed a total of twenty-one days per calendar year 39303
for the purpose of parking five or more recreational vehicles, 39304
dependent recreational vehicles, or portable camping units, or any 39305
combination thereof, for one or more periods of time that do not 39306
exceed seven consecutive days or parts thereof. 39307

(W) "Tract" means a contiguous area of land that consists of 39308
one or more parcels, lots, or sites that have been separately 39309
surveyed regardless of whether the individual parcels, lots, or 39310
sites have been recorded and regardless of whether the one or more 39311
parcels, lots, or sites are under common or different ownership. 39312

Sec. 3729.02. (A) The ~~public director of health council~~, 39313
subject to Chapter 119. of the Revised Code, shall adopt rules of 39314
uniform application throughout the state governing the review of 39315
plans and issuance of licenses for and the location, layout, 39316
construction, drainage, sanitation, safety, and operation of 39317
recreational vehicle parks, recreation camps, and combined 39318
park-camps. The rules shall not apply to the construction, 39319
erection, or manufacture of any building to which section 3781.06 39320
of the Revised Code is applicable. 39321

(B) The ~~public health council~~ director, subject to Chapter 39322
119. of the Revised Code, shall adopt rules of uniform application 39323
throughout the state governing the review of plans and issuance of 39324
licenses for and the layout, sanitation, safety, and operation of 39325
temporary park-camps. The rules shall not apply to the 39326
construction, erection, or manufacture of any building to which 39327
section 3781.06 of the Revised Code is applicable. 39328

Sec. 3729.03. (A) No person shall cause development to occur 39329
within any portion of a recreational vehicle park, recreation 39330
camp, or combined park-camp until the plans for the development 39331
have been submitted to and reviewed and approved by the director 39332

of health. This division does not require that plans be submitted 39333
to the director for approval for the replacement of recreational 39334
vehicles or portable camping units on previously approved sites in 39335
a recreational vehicle park, recreation camp, or combined 39336
park-camp when no development is to occur in connection with the 39337
replacement. Within thirty days after receipt of the plans, all 39338
supporting documents and materials required to complete the 39339
review, and the applicable plan review fee established under 39340
division (D) of this section, the director shall approve or 39341
disapprove the plans. 39342

(B) Any person aggrieved by the director's disapproval of a 39343
set of plans under division (A) of this section may request a 39344
hearing on the matter within thirty days after receipt of the 39345
director's notice of the disapproval. The hearing shall be held in 39346
accordance with Chapter 119. of the Revised Code. Thereafter, the 39347
disapproval may be appealed in the manner provided in section 39348
119.12 of the Revised Code. 39349

(C) The director shall establish a system by which 39350
development occurring within a recreational vehicle park, 39351
recreation camp, or combined park-camp is inspected or verified in 39352
accordance with rules adopted under division (A) of section 39353
3729.02 of the Revised Code to ensure that the development 39354
complies with the plans approved under division (A) of this 39355
section. 39356

(D) The ~~public health council~~ director shall establish fees 39357
for reviewing plans under division (A) of this section and 39358
conducting inspections under division (C) of this section. 39359

(E) The director shall charge the appropriate fees 39360
established under division (D) of this section for reviewing plans 39361
under division (A) of this section and conducting inspections 39362
under division (C) of this section. All such plan review and 39363
inspection fees received by the director shall be transmitted to 39364

the treasurer of state and shall be credited to the general 39365
operations fund created in section 3701.83 of the Revised Code. 39366
Moneys so credited to the fund shall be used only for the purpose 39367
of administering and enforcing this chapter and rules adopted 39368
under it. 39369

(F) Plan approvals issued under this section do not 39370
constitute an exemption from the land use and building 39371
requirements of the political subdivision in which the 39372
recreational vehicle park, recreation camp, or combined park-camp 39373
is or is to be located. 39374

Sec. 3729.04. (A) No person shall cause development to occur 39375
within any portion of a recreational vehicle park, recreation 39376
camp, combined park-camp, or temporary park-camp that is located 39377
within a one-hundred-year flood plain in a municipal corporation 39378
unless the person first obtains a permit therefor from the 39379
municipal corporation in accordance with the flood plain 39380
management ordinance of the municipal corporation. 39381

(B) No person shall cause development to occur within any 39382
portion of a recreational vehicle park, recreation camp, combined 39383
park-camp, or temporary park-camp that is located within a 39384
one-hundred-year flood plain in an unincorporated area unless the 39385
person first obtains a permit therefor from the board of county 39386
commissioners of the county in which the development is to occur 39387
in accordance with the flood plain management resolution of the 39388
county adopted under section 307.37 of the Revised Code. 39389

(C) If development for which a permit is required under 39390
division (A) or (B) of this section is to occur on a site where a 39391
recreational vehicle or portable camping unit is or is to be 39392
located, the owner of the recreational vehicle or portable camping 39393
unit and the operator of the recreational vehicle park, recreation 39394
camp, or combined park-camp shall jointly obtain the permit. Each 39395

of the persons to whom a permit is jointly issued is responsible 39396
for compliance with the provisions of the approved permit that are 39397
applicable to that person. 39398

If development for which a permit is required under division 39399
(A) or (B) of this section is to occur within a temporary 39400
park-camp on a site where a recreational vehicle or portable 39401
camping unit is or is to be located, the owner of the temporary 39402
park-camp shall obtain the permit. 39403

(D) Fees established by a municipal corporation or county for 39404
the issuance of permits under division (A) or (B) of this section 39405
are not subject to regulation by the ~~public director of health~~ 39406
~~council~~. 39407

Sec. 3729.07. The licensor of a recreational vehicle park, 39408
recreation camp, or combined park-camp may charge a fee for an 39409
annual license to operate such a park, camp, or park-camp. In the 39410
case of a temporary park-camp, the licensor may charge a fee for a 39411
license to operate the temporary park-camp for the period 39412
specified in division (A) of section 3729.05 of the Revised Code. 39413
The fees for both types of licenses shall be determined in 39414
accordance with section 3709.09 of the Revised Code and shall 39415
include the cost of licensing and all inspections. 39416

Except for the fee for a temporary park-camp license, the fee 39417
also shall include any additional amount determined by rule of the 39418
~~public director of health council~~, which shall be collected and 39419
transmitted by the board of health to the director ~~of health~~ 39420
pursuant to section 3709.092 of the Revised Code and used only for 39421
the purpose of administering and enforcing this chapter and rules 39422
adopted under it. The portion of any fee retained by the board of 39423
health shall be paid into a special fund and used only for the 39424
purpose of administering and enforcing this chapter and rules 39425
adopted under it. 39426

Sec. 3729.08. The licensor of the health district in which a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp is or is to be located, in accordance with Chapter 119. of the Revised Code, may refuse to grant, may suspend, or may revoke any license granted to any person for failure to comply with this chapter or with any rule adopted by the ~~public director of health council~~ public director of health under section 3729.02 of the Revised Code.

Sec. 3730.10. (A) ~~Not later than ninety days after the effective date of this section, the public~~ The director of health ~~council~~ shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the implementation and enforcement of this chapter. The rules shall include all of the following:

(1) Safety and sanitation standards and procedures to be followed to prevent the transmission of infectious diseases during the performance of tattooing and body piercing procedures;

(2) Standards and procedures to be followed for appropriate disinfection and sterilization of all invasive equipment or parts of equipment used in tattooing procedures, body piercing procedures, and ear piercing procedures performed with an ear piercing gun;

(3) Procedures for suspending and revoking approvals under section 3730.05 of the Revised Code.

(B) The rules adopted under division (A)(1) of this section shall establish universal blood and body fluid precautions to be used by any individual who performs tattooing or body piercing procedures. The precautions shall include all of the following:

(1) The appropriate use of hand washing;

(2) The handling and disposal of all needles and other sharp instruments used in tattooing or body piercing procedures;

(3) The wearing and disposal of gloves and other protective garments and devices. 39457
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(C) The rules adopted under division (A) of this section may include standards and procedures to be followed by a business that offers tattooing or body piercing services to ensure that the individuals who perform tattooing or body piercing procedures for the business are adequately trained to perform the procedures properly. 39459
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Sec. 3733.41. As used in sections 3733.41 to 3733.49 of the Revised Code: 39465
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(A) "Agricultural labor camp" means one or more buildings or structures, trailers, tents, or vehicles, together with any land appertaining thereto, established, operated, or used as temporary living quarters for two or more families or five or more persons intending to engage in or engaged in agriculture or related food processing, whether occupancy is by rent, lease, or mutual agreement. "Agricultural labor camp" does not include a hotel or motel, or a manufactured home park regulated pursuant to ~~section 3733.01~~ sections 4781.26 to 4781.52 of the Revised Code, and rules adopted thereunder. 39467
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(B) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code or an authorized representative of the board of health. 39477
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(C) "Director" means the director of ~~the department of~~ health or the authorized representative of the director of health. 39482
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(D) "Licensor" means the director of health. 39484

(E) "Person" means the state, any political subdivision, public or private corporation, partnership, association, trust, 39485
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individual, or other entity. 39487

~~(F) "Public health council" means the public health council 39488
as created by section 3701.33 of the Revised Code. 39489~~

Sec. 3733.42. The ~~public~~ director of health council, subject 39490
to sections 119.01 to 119.13 of the Revised Code, shall adopt 39491
rules having a uniform application throughout the state, governing 39492
the issuance of licenses, location, layout, construction, approval 39493
of plans, sanitation, safety, operation, use, and maintenance of 39494
agricultural labor camps. The rules shall establish minimum 39495
standards of habitability with which a licensee shall comply in 39496
operating an agricultural labor camp. The rules shall establish, 39497
beyond minimum standards of habitability, additional standards of 39498
habitability for those camps and shall establish priorities for 39499
those additional standards with which a licensee may ~~voluntary~~ 39500
voluntarily comply. 39501

In addition to meeting the requirements of section 119.03 of 39502
the Revised Code, the director of health shall mail a notice of 39503
the date, time, and place of any hearing on the adoption, 39504
amendment, or rescission of such rules and the full text of the 39505
proposed rule, amendment, or rule to be rescinded, at least thirty 39506
days prior to the hearing date, to all persons currently 39507
authorized or licensed to operate camps by the department of 39508
health, or authorized or licensed to operate camps in the previous 39509
calendar year. 39510

Sec. 3734.01. As used in this chapter: 39511

(A) "Board of health" means the board of health of a city or 39512
general health district or the authority having the duties of a 39513
board of health in any city as authorized by section 3709.05 of 39514
the Revised Code. 39515

(B) "Director" means the director of environmental 39516

protection. 39517

(C) "Health district" means a city or general health district 39518
as created by or under authority of Chapter 3709. of the Revised 39519
Code. 39520

(D) "Agency" means the environmental protection agency. 39521

(E) "Solid wastes" means such unwanted residual solid or 39522
semisolid material as results from industrial, commercial, 39523
agricultural, and community operations, excluding earth or 39524
material from construction, mining, or demolition operations, or 39525
other waste materials of the type that normally would be included 39526
in demolition debris, nontoxic fly ash and bottom ash, including 39527
at least ash that results from the combustion of coal and ash that 39528
results from the combustion of coal in combination with scrap 39529
tires where scrap tires comprise not more than fifty per cent of 39530
heat input in any month, spent nontoxic foundry sand, and slag and 39531
other substances that are not harmful or inimical to public 39532
health, and includes, but is not limited to, garbage, scrap tires, 39533
combustible and noncombustible material, street dirt, and debris. 39534
"Solid wastes" does not include any material that is an infectious 39535
waste or a hazardous waste. 39536

(F) "Disposal" means the discharge, deposit, injection, 39537
dumping, spilling, leaking, emitting, or placing of any solid 39538
wastes or hazardous waste into or on any land or ground or surface 39539
water or into the air, except if the disposition or placement 39540
constitutes storage or treatment or, if the solid wastes consist 39541
of scrap tires, the disposition or placement constitutes a 39542
beneficial use or occurs at a scrap tire recovery facility 39543
licensed under section 3734.81 of the Revised Code. 39544

(G) "Person" includes the state, any political subdivision 39545
and other state or local body, the United States and any agency or 39546
instrumentality thereof, and any legal entity defined as a person 39547

under section 1.59 of the Revised Code. 39548

(H) "Open burning" means the burning of solid wastes in an 39549
open area or burning of solid wastes in a type of chamber or 39550
vessel that is not approved or authorized in rules adopted by the 39551
director under section 3734.02 of the Revised Code or, if the 39552
solid wastes consist of scrap tires, in rules adopted under 39553
division (V) of this section or section 3734.73 of the Revised 39554
Code, or the burning of treated or untreated infectious wastes in 39555
an open area or in a type of chamber or vessel that is not 39556
approved in rules adopted by the director under section 3734.021 39557
of the Revised Code. 39558

(I) "Open dumping" means the depositing of solid wastes into 39559
a body or stream of water or onto the surface of the ground at a 39560
site that is not licensed as a solid waste facility under section 39561
3734.05 of the Revised Code or, if the solid wastes consist of 39562
scrap tires, as a scrap tire collection, storage, monocell, 39563
monofill, or recovery facility under section 3734.81 of the 39564
Revised Code; the depositing of solid wastes that consist of scrap 39565
tires onto the surface of the ground at a site or in a manner not 39566
specifically identified in divisions (C)(2) to (5), (7), or (10) 39567
of section 3734.85 of the Revised Code; the depositing of 39568
untreated infectious wastes into a body or stream of water or onto 39569
the surface of the ground; or the depositing of treated infectious 39570
wastes into a body or stream of water or onto the surface of the 39571
ground at a site that is not licensed as a solid waste facility 39572
under section 3734.05 of the Revised Code. 39573

(J) "Hazardous waste" means any waste or combination of 39574
wastes in solid, liquid, semisolid, or contained gaseous form that 39575
in the determination of the director, because of its quantity, 39576
concentration, or physical or chemical characteristics, may do 39577
either of the following: 39578

(1) Cause or significantly contribute to an increase in 39579

mortality or an increase in serious irreversible or incapacitating
reversible illness; 39580
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(2) Pose a substantial present or potential hazard to human 39582
health or safety or to the environment when improperly stored, 39583
treated, transported, disposed of, or otherwise managed. 39584

"Hazardous waste" includes any substance identified by 39585
regulation as hazardous waste under the "Resource Conservation and 39586
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 39587
amended, and does not include any substance that is subject to the 39588
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 39589
amended. 39590

(K) "Treat" or "treatment," when used in connection with 39591
hazardous waste, means any method, technique, or process designed 39592
to change the physical, chemical, or biological characteristics or 39593
composition of any hazardous waste; to neutralize the waste; to 39594
recover energy or material resources from the waste; to render the 39595
waste nonhazardous or less hazardous, safer to transport, store, 39596
or dispose of, or amenable for recovery, storage, further 39597
treatment, or disposal; or to reduce the volume of the waste. When 39598
used in connection with infectious wastes, "treat" or "treatment" 39599
means any method, technique, or process designed to render the 39600
wastes noninfectious, including, without limitation, steam 39601
sterilization and incineration, or, in the instance of wastes 39602
identified in division (R)(7) of this section, to substantially 39603
reduce or eliminate the potential for the wastes to cause 39604
lacerations or puncture wounds. 39605

(L) "Manifest" means the form used for identifying the 39606
quantity, composition, origin, routing, and destination of 39607
hazardous waste during its transportation from the point of 39608
generation to the point of disposal, treatment, or storage. 39609

(M) "Storage," when used in connection with hazardous waste, 39610

means the holding of hazardous waste for a temporary period in 39611
such a manner that it remains retrievable and substantially 39612
unchanged physically and chemically and, at the end of the period, 39613
is treated; disposed of; stored elsewhere; or reused, recycled, or 39614
reclaimed in a beneficial manner. When used in connection with 39615
solid wastes that consist of scrap tires, "storage" means the 39616
holding of scrap tires for a temporary period in such a manner 39617
that they remain retrievable and, at the end of that period, are 39618
beneficially used; stored elsewhere; placed in a scrap tire 39619
monocell or monofill facility licensed under section 3734.81 of 39620
the Revised Code; processed at a scrap tire recovery facility 39621
licensed under that section or a solid waste incineration or 39622
energy recovery facility subject to regulation under this chapter; 39623
or transported to a scrap tire monocell, monofill, or recovery 39624
facility, any other solid waste facility authorized to dispose of 39625
scrap tires, or a facility that will beneficially use the scrap 39626
tires, that is located in another state and is operating in 39627
compliance with the laws of the state in which the facility is 39628
located. 39629

(N) "Facility" means any site, location, tract of land, 39630
installation, or building used for incineration, composting, 39631
sanitary landfilling, or other methods of disposal of solid wastes 39632
or, if the solid wastes consist of scrap tires, for the 39633
collection, storage, or processing of the solid wastes; for the 39634
transfer of solid wastes; for the treatment of infectious wastes; 39635
or for the storage, treatment, or disposal of hazardous waste. 39636

(O) "Closure" means the time at which a hazardous waste 39637
facility will no longer accept hazardous waste for treatment, 39638
storage, or disposal, the time at which a solid waste facility 39639
will no longer accept solid wastes for transfer or disposal or, if 39640
the solid wastes consist of scrap tires, for storage or 39641
processing, or the effective date of an order revoking the permit 39642

for a hazardous waste facility or the registration certificate, 39643
permit, or license for a solid waste facility, as applicable. 39644
"Closure" includes measures performed to protect public health or 39645
safety, to prevent air or water pollution, or to make the facility 39646
suitable for other uses, if any, including, but not limited to, 39647
the removal of processing residues resulting from solid wastes 39648
that consist of scrap tires; the establishment and maintenance of 39649
a suitable cover of soil and vegetation over cells in which 39650
hazardous waste or solid wastes are buried; minimization of 39651
erosion, the infiltration of surface water into such cells, the 39652
production of leachate, and the accumulation and runoff of 39653
contaminated surface water; the final construction of facilities 39654
for the collection and treatment of leachate and contaminated 39655
surface water runoff, except as otherwise provided in this 39656
division; the final construction of air and water quality 39657
monitoring facilities, except as otherwise provided in this 39658
division; the final construction of methane gas extraction and 39659
treatment systems; or the removal and proper disposal of hazardous 39660
waste or solid wastes from a facility when necessary to protect 39661
public health or safety or to abate or prevent air or water 39662
pollution. With regard to a solid waste facility that is a scrap 39663
tire facility, "closure" includes the final construction of 39664
facilities for the collection and treatment of leachate and 39665
contaminated surface water runoff and the final construction of 39666
air and water quality monitoring facilities only if those actions 39667
are determined to be necessary. 39668

(P) "Premises" means either of the following: 39669

(1) Geographically contiguous property owned by a generator; 39670

(2) Noncontiguous property that is owned by a generator and 39671
connected by a right-of-way that the generator controls and to 39672
which the public does not have access. Two or more pieces of 39673
property that are geographically contiguous and divided by public 39674

or private right-of-way or rights-of-way are a single premises. 39675

(Q) "Post-closure" means that period of time following 39676
closure during which a hazardous waste facility is required to be 39677
monitored and maintained under this chapter and rules adopted 39678
under it, including, without limitation, operation and maintenance 39679
of methane gas extraction and treatment systems, or the period of 39680
time after closure during which a scrap tire monocell or monofill 39681
facility licensed under section 3734.81 of the Revised Code is 39682
required to be monitored and maintained under this chapter and 39683
rules adopted under it. 39684

(R) "Infectious wastes" includes all of the following 39685
substances or categories of substances: 39686

(1) Cultures and stocks of infectious agents and associated 39687
biologicals, including, without limitation, specimen cultures, 39688
cultures and stocks of infectious agents, wastes from production 39689
of biologicals, and discarded live and attenuated vaccines; 39690

(2) Laboratory wastes that were, or are likely to have been, 39691
in contact with infectious agents that may present a substantial 39692
threat to public health if improperly managed; 39693

(3) Pathological wastes, including, without limitation, human 39694
and animal tissues, organs, and body parts, and body fluids and 39695
excreta that are contaminated with or are likely to be 39696
contaminated with infectious agents, removed or obtained during 39697
surgery or autopsy or for diagnostic evaluation, provided that, 39698
with regard to pathological wastes from animals, the animals have 39699
or are likely to have been exposed to a zoonotic or infectious 39700
agent; 39701

(4) Waste materials from the rooms of humans, or the 39702
enclosures of animals, that have been isolated because of 39703
diagnosed communicable disease that are likely to transmit 39704
infectious agents. Such waste materials from the rooms of humans 39705

do not include any wastes of patients who have been placed on 39706
blood and body fluid precautions under the universal precaution 39707
system established by the centers for disease control in the 39708
public health service of the United States department of health 39709
and human services, except to the extent specific wastes generated 39710
under the universal precautions system have been identified as 39711
infectious wastes by rules adopted under division (R)(8) of this 39712
section. 39713

(5) Human and animal blood specimens and blood products that 39714
are being disposed of, provided that, with regard to blood 39715
specimens and blood products from animals, the animals were or are 39716
likely to have been exposed to a zoonotic or infectious agent. 39717
"Blood products" does not include patient care waste such as 39718
bandages or disposable gowns that are lightly soiled with blood or 39719
other body fluids unless those wastes are soiled to the extent 39720
that the generator of the wastes determines that they should be 39721
managed as infectious wastes. 39722

(6) Contaminated carcasses, body parts, and bedding of 39723
animals that were intentionally exposed to infectious agents from 39724
zoonotic or human diseases during research, production of 39725
biologicals, or testing of pharmaceuticals, and carcasses and 39726
bedding of animals otherwise infected by zoonotic or infectious 39727
agents that may present a substantial threat to public health if 39728
improperly managed; 39729

(7) Sharp wastes used in the treatment, diagnosis, or 39730
inoculation of human beings or animals or that have, or are likely 39731
to have, come in contact with infectious agents in medical, 39732
research, or industrial laboratories, including, without 39733
limitation, hypodermic needles and syringes, scalpel blades, and 39734
glass articles that have been broken; 39735

(8) Any other waste materials generated in the diagnosis, 39736
treatment, or immunization of human beings or animals, in research 39737

pertaining thereto, or in the production or testing of 39738
biologicals, that the ~~public director of health council created in~~ 39739
~~section 3701.33 of the Revised Code~~, by rules adopted in 39740
accordance with Chapter 119. of the Revised Code, identifies as 39741
infectious wastes after determining that the wastes present a 39742
substantial threat to human health when improperly managed because 39743
they are contaminated with, or are likely to be contaminated with, 39744
infectious agents. 39745

(S) "Infectious agent" means a type of microorganism, 39746
helminth, or virus that causes, or significantly contributes to 39747
the cause of, increased morbidity or mortality of human beings. 39748

(T) "Zoonotic agent" means a type of microorganism, helminth, 39749
or virus that causes disease in vertebrate animals and that is 39750
transmissible to human beings and causes or significantly 39751
contributes to the cause of increased morbidity or mortality of 39752
human beings. 39753

(U) "Solid waste transfer facility" means any site, location, 39754
tract of land, installation, or building that is used or intended 39755
to be used primarily for the purpose of transferring solid wastes 39756
that were generated off the premises of the facility from vehicles 39757
or containers into other vehicles for transportation to a solid 39758
waste disposal facility. "Solid waste transfer facility" does not 39759
include any facility that consists solely of portable containers 39760
that have an aggregate volume of fifty cubic yards or less nor any 39761
facility where legitimate recycling activities are conducted. 39762

(V) "Beneficially use" means to use a scrap tire in a manner 39763
that results in a commodity for sale or exchange or in any other 39764
manner authorized as a beneficial use in rules adopted by the 39765
director in accordance with Chapter 119. of the Revised Code. 39766

(W) "Commercial car," "commercial tractor," "farm machinery," 39767
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 39768

the same meanings as in section 4501.01 of the Revised Code. 39769

(X) "Construction equipment" means road rollers, traction 39770
engines, power shovels, power cranes, and other equipment used in 39771
construction work, or in mining or producing or processing 39772
aggregates, and not designed for or used in general highway 39773
transportation. 39774

(Y) "Motor vehicle salvage dealer" has the same meaning as in 39775
section 4738.01 of the Revised Code. 39776

(Z) "Scrap tire" means an unwanted or discarded tire. 39777

(AA) "Scrap tire collection facility" means any facility that 39778
meets all of the following qualifications: 39779

(1) The facility is used for the receipt and storage of whole 39780
scrap tires from the public prior to their transportation to a 39781
scrap tire storage, monocell, monofill, or recovery facility 39782
licensed under section 3734.81 of the Revised Code; a solid waste 39783
incineration or energy recovery facility subject to regulation 39784
under this chapter; a premises within the state where the scrap 39785
tires will be beneficially used; or a scrap tire storage, 39786
monocell, monofill, or recovery facility, any other solid waste 39787
disposal facility authorized to dispose of scrap tires, or a 39788
facility that will beneficially use the scrap tires, that is 39789
located in another state, and that is operating in compliance with 39790
the laws of the state in which the facility is located. 39791

(2) The facility exclusively stores scrap tires in portable 39792
containers. 39793

(3) The aggregate storage of the portable containers in which 39794
the scrap tires are stored does not exceed five thousand cubic 39795
feet. 39796

(BB) "Scrap tire monocell facility" means an individual site 39797
within a solid waste landfill that is used exclusively for the 39798

environmentally sound storage or disposal of whole scrap tires or 39799
scrap tires that have been shredded, chipped, or otherwise 39800
mechanically processed. 39801

(CC) "Scrap tire monofill facility" means an engineered 39802
facility used or intended to be used exclusively for the storage 39803
or disposal of scrap tires, including at least facilities for the 39804
submergence of whole scrap tires in a body of water. 39805

(DD) "Scrap tire recovery facility" means any facility, or 39806
portion thereof, for the processing of scrap tires for the purpose 39807
of extracting or producing usable products, materials, or energy 39808
from the scrap tires through a controlled combustion process, 39809
mechanical process, or chemical process. "Scrap tire recovery 39810
facility" includes any facility that uses the controlled 39811
combustion of scrap tires in a manufacturing process to produce 39812
process heat or steam or any facility that produces usable heat or 39813
electric power through the controlled combustion of scrap tires in 39814
combination with another fuel, but does not include any solid 39815
waste incineration or energy recovery facility that is designed, 39816
constructed, and used for the primary purpose of incinerating 39817
mixed municipal solid wastes and that burns scrap tires in 39818
conjunction with mixed municipal solid wastes, or any tire 39819
retreading business, tire manufacturing finishing center, or tire 39820
adjustment center having on the premises of the business a single, 39821
covered scrap tire storage area at which not more than four 39822
thousand scrap tires are stored. 39823

(EE) "Scrap tire storage facility" means any facility where 39824
whole scrap tires are stored prior to their transportation to a 39825
scrap tire monocell, monofill, or recovery facility licensed under 39826
section 3734.81 of the Revised Code; a solid waste incineration or 39827
energy recovery facility subject to regulation under this chapter; 39828
a premises within the state where the scrap tires will be 39829
beneficially used; or a scrap tire storage, monocell, monofill, or 39830

recovery facility, any other solid waste disposal facility 39831
authorized to dispose of scrap tires, or a facility that will 39832
beneficially use the scrap tires, that is located in another 39833
state, and that is operating in compliance with the laws of the 39834
state in which the facility is located. 39835

(FF) "Used oil" means any oil that has been refined from 39836
crude oil, or any synthetic oil, that has been used and, as a 39837
result of that use, is contaminated by physical or chemical 39838
impurities. "Used oil" includes only those substances identified 39839
as used oil by the United States environmental protection agency 39840
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 39841
U.S.C.A. 6901a, as amended. 39842

(GG) "Accumulated speculatively" has the same meaning as in 39843
rules adopted by the director under section 3734.12 of the Revised 39844
Code. 39845

Sec. 3734.131. (A)(1) Except as provided in divisions (D)(1) 39846
and (2) of this section, no person shall transport any solid 39847
wastes from outside this state to a solid waste facility in this 39848
state unless that person has first irrevocably consented in 39849
writing to the jurisdiction of the courts of this state and 39850
service of process in this state, including, without limitation, 39851
summonses and subpoenas, for any civil or criminal proceeding 39852
arising out of or relating to the wastes that are shipped to a 39853
facility in this state. 39854

(2) The original of the consent-to-jurisdiction document 39855
shall be legible and shall be filed with the director of 39856
environmental protection on a form provided by the director. A 39857
legible copy of the completed document shall be filed with the 39858
owner or operator of each solid waste facility to which the wastes 39859
are transported. A consent-to-jurisdiction document applies only 39860
to shipments into this state of wastes described in division 39861

(A)(1) of this section. 39862

(3) All consent-to-jurisdiction documents required under 39863
division (A)(1) or (3) of this section shall be refiled during the 39864
month of December, 1995, and during the month of December of every 39865
fourth year thereafter. Except as provided in division (D)(1) of 39866
this section, after December 31, 1995, or after the thirty-first 39867
day of December of every fourth year thereafter, whichever is 39868
applicable, no person shall continue to transport any solid wastes 39869
from outside this state to a solid waste facility in this state 39870
unless the person refiles with the director and the owner or 39871
operator of each facility to which the wastes are transported 39872
consent-to-jurisdiction documents, in the manner prescribed in 39873
division (A)(2) of this section, during the month of December next 39874
preceding the period for which the refiled document is required. 39875

(4) If the address of a person changes from that listed on 39876
the current consent-to-jurisdiction document filed under division 39877
(A)(1) or (3) of this section, the person shall file amended 39878
consent-to-jurisdiction documents containing the new address with 39879
the director and the owner or operator of each facility to which 39880
the wastes are transported. 39881

(5)(a) Except as provided in division (D)(1) of this section, 39882
no person identified in divisions (D)(2)(a) to (d) of this section 39883
shall transport any solid wastes from outside this state to a 39884
solid waste facility in this state unless the person has first 39885
filed a notification and authorization document naming the 39886
person's agent who is authorized to accept service of process in 39887
this state, including, without limitation, summonses and 39888
subpoenas, for any civil or criminal proceeding arising out of or 39889
relating to the wastes that are shipped to a facility in this 39890
state. 39891

The original of the notification and authorization document 39892
shall be legible and shall be filed with the director on a form 39893

provided by the director. A legible copy of the completed document 39894
shall be filed with the owner or operator of each solid waste 39895
facility to which the wastes are transported. 39896

(b) All notification and authorization documents required 39897
under division (A)(5) of this section shall be refiled during the 39898
month of December, 1995, and during the month of December of every 39899
fourth year thereafter. Except as provided in division (D)(1) of 39900
this section, after December 31, 1995, or after the thirty-first 39901
day of December of every fourth year thereafter, whichever is 39902
applicable, no person identified in divisions (D)(2)(a) to (d) of 39903
this section shall continue to transport any solid wastes from 39904
outside this state to a solid waste facility in this state unless 39905
the person refiles with the director and the owner or operator of 39906
each facility to which the wastes are transported notification and 39907
authorization documents, in the manner prescribed in division 39908
(A)(5)(a) of this section, during the month of December next 39909
preceding the period for which the refiled document is required. 39910

(c) If a person's agent or the address of a person's agent 39911
changes from that listed on the current notification and 39912
authorization document filed under division (A)(5)(a) or (b) of 39913
this section, the person shall file amended notification and 39914
authorization documents containing the name and address of the new 39915
agent or the agent's new address with the director and the owner 39916
or operator of each facility to which the wastes are transported. 39917

(B) A person who enters this state pursuant to a summons, 39918
subpoena, or other form of process authorized by this section is 39919
not subject to arrest or the service of process, whether civil or 39920
criminal, in connection with other matters that arose before his 39921
entrance into this state pursuant to the summons, subpoena, or 39922
other form of process authorized by this section. 39923

(C)(1) Except as provided in division (D)(1) of this section, 39924
no owner, operator, or employee of a solid waste facility shall 39925

accept for treatment, transfer, storage, or disposal at the 39926
facility any solid wastes from outside the boundaries of this 39927
state unless the facility has received a copy of the 39928
consent-to-jurisdiction document or notification and authorization 39929
document required under this section and applicable to the wastes. 39930

(2) The owner or operator of a solid waste facility shall 39931
keep the consent-to-jurisdiction documents and the notification 39932
and authorization documents filed with him under this section at 39933
the facility in such a location and manner that they are readily 39934
accessible to the director or his authorized representative, and 39935
the board of health having jurisdiction over the facility and its 39936
authorized representative, for the purposes of sections 3734.07 39937
and 3734.10 of the Revised Code. 39938

(D)(1) Divisions (A), (B), and (C) of this section do not 39939
apply to the transportation, transfer, or disposal of solid wastes 39940
from residential premises located less than ten miles outside the 39941
boundaries of this state. 39942

(2) Divisions (A)(1) to (4) of this section do not apply to 39943
any of the following: 39944

(a) A corporation incorporated under the laws of this state 39945
that has appointed a statutory agent pursuant to section 1701.07 39946
of the Revised Code; 39947

(b) A foreign corporation licensed to transact business in 39948
this state that has appointed a designated agent pursuant to 39949
section 1703.041 of the Revised Code; 39950

(c) A ~~nonresident~~ motor carrier ~~that has designated an agent~~ 39951
~~pursuant to, as defined in~~ section ~~4919.77~~ 4923.01 of the Revised 39952
Code, that is a nonresident; 39953

(d) Any other person who is a resident of this state. 39954

Sec. 3734.15. (A) No person shall transport hazardous waste 39955

anywhere in this state unless ~~he~~ the person has first registered 39956
with and obtained a uniform permit from the public utilities 39957
commission in accordance with ~~section 4905.80~~ Chapter 4921. of the 39958
Revised Code. 39959

For the purposes of this section, "registered transporter" 39960
means any person who is registered with and has received a uniform 39961
permit from the public utilities commission pursuant to ~~section~~ 39962
~~4905.80~~ Chapter 4921. of the Revised Code. 39963

(B) A registered transporter of hazardous waste shall be 39964
responsible for the safe delivery of any hazardous waste that ~~he~~ 39965
the registered transporter transports from such time as ~~he~~ the 39966
registered transporter obtains the waste until ~~he~~ the registered 39967
transporter delivers it to a treatment, storage, or disposal 39968
facility specified in division (F) of section 3734.02 of the 39969
Revised Code, as recorded on the manifest required in division (B) 39970
of section 3734.12 of the Revised Code. Any registered transporter 39971
who violates this chapter or any rule adopted under the chapter 39972
while transporting hazardous waste shall be liable for any damage 39973
or injury caused by the violation and for the costs of rectifying 39974
the violation and conditions caused by the violation. 39975

(C) No person who generates hazardous waste shall cause the 39976
waste to be transported by any person who is not a registered 39977
transporter. No person shall accept for treatment, storage, or 39978
disposal any hazardous waste from an unregistered transporter. Any 39979
person who is requested to accept such waste for treatment, 39980
storage, or disposal shall notify the director, the board of 39981
health in ~~his~~ the person's location, and the public utilities 39982
commission of the request. 39983

If a generator causes an unregistered transporter to 39984
transport the hazardous waste, the generator of the waste, the 39985
transporter, and any person who accepts the waste for treatment, 39986
storage, or disposal shall be jointly and severally liable for any 39987

damage or injury caused by the handling of the waste and for the 39988
costs of rectifying their violation and conditions caused by their 39989
violation. 39990

Sec. 3734.51. There is hereby created within the 39991
environmental protection agency the solid waste management 39992
advisory council consisting of the directors of environmental 39993
protection, and development, ~~and natural resources~~, or their 39994
designees, as members ex officio, one member of the senate to be 39995
appointed by the president of the senate, one member of the house 39996
of representatives to be appointed by the speaker of the house of 39997
representatives, and fourteen members to be appointed by the 39998
governor with the advice and consent of the senate. Of the 39999
appointed members, one shall be an employee of a health district 40000
whose duties include enforcement of the solid waste provisions of 40001
this chapter, two shall represent the interests of counties, two 40002
shall represent the interests of municipal corporations, two shall 40003
represent the interests of townships, one shall represent the 40004
interests of county solid waste management districts, one shall 40005
represent the interests of joint solid waste management districts, 40006
one shall represent the interests of industrial generators of 40007
solid wastes, one shall be from the private recycling industry, 40008
one shall be from the private solid waste management industry, one 40009
shall be from a statewide environmental advocacy organization, and 40010
one shall represent the public. ~~Within ninety days after June 24,~~ 40011
~~1988, the governor shall make the initial appointments to the~~ 40012
~~advisory council. Of those initial appointments, six shall be for~~ 40013
~~a term ending June 24, 1989, and six shall be for a term ending~~ 40014
~~June 24, 1990. The governor shall make the initial appointments to~~ 40015
~~the advisory council of the members representing county and joint~~ 40016
~~solid waste management districts within ninety days after the~~ 40017
~~effective date of this amendment. Of the initial appointments of~~ 40018
~~the members representing solid waste management districts, one~~ 40019

shall be for a term ending June 24, 1993, and one shall be for a 40020
term ending June 24, 1994. Thereafter, terms Terms of office shall 40021
be for two years with each term ending on the same day of the same 40022
month as did the term that it succeeds. Each member shall hold 40023
office from the date of ~~his~~ appointment until the end of the term 40024
for which ~~he~~ the member was appointed. Members may be reappointed. 40025
Vacancies shall be filled in the manner provided for original 40026
appointments. Any member appointed to fill a vacancy occurring 40027
prior to the expiration of the term for which ~~his~~ the member's 40028
predecessor was appointed shall hold office for the remainder of 40029
that term. A member shall continue in office subsequent to the 40030
expiration of ~~his~~ the member's term or until a period of sixty 40031
days has elapsed, whichever occurs first. 40032

The advisory council shall hold at least four regular 40033
quarterly meetings each year. Special meetings may be held at the 40034
behest of the ~~chairman~~ chairperson or a majority of the members. 40035
The director of environmental protection shall serve as ~~chairman~~ 40036
chairperson of the advisory council. The advisory council annually 40037
shall select from among its members a vice-~~chairman~~ chairperson 40038
and a secretary to keep a record of its proceedings. A majority 40039
vote of the members of the advisory council is necessary to take 40040
action on any matter. 40041

Serving as an appointed member of the advisory council does 40042
not constitute holding a public office or position of employment 40043
under the laws of this state and does not constitute grounds for 40044
removal of public officers or employees from their offices or 40045
positions of employment. The governor may remove an appointed 40046
member of the advisory council at any time for misfeasance, 40047
nonfeasance, or malfeasance in office. 40048

Appointed members of the advisory council shall serve without 40049
compensation for attending council meetings. Members of the 40050
advisory council shall be reimbursed for their actual and 40051

necessary expenses incurred in the performance of their duties as 40052
members of the council from moneys appropriated to the 40053
environmental protection agency for administration and enforcement 40054
of the solid waste provisions of this chapter. 40055

The advisory council shall do all of the following: 40056

(A) Advise and assist the director of environmental 40057
protection with preparation of the state solid waste management 40058
plan and periodic revisions to the plan under section 3734.50 of 40059
the Revised Code; 40060

(B) Approve or disapprove the draft state solid waste 40061
management plan and periodic revisions prior to adoption of the 40062
plan under section 3734.50 of the Revised Code; 40063

(C) Annually review implementation of the state solid waste 40064
management plan and the solid waste management plans of county and 40065
joint solid waste management districts approved or ordered to be 40066
implemented under section 3734.521 or 3734.55 of the Revised Code 40067
or amendments to those plans approved or ordered to be implemented 40068
under section 3734.521 or 3734.56 of the Revised Code, and report 40069
its findings to the director. 40070

Sec. 3734.55. (A) Upon completion of its draft solid waste 40071
management plan under section 3734.54 of the Revised Code, the 40072
solid waste management policy committee of a county or joint solid 40073
waste management district shall send a copy of the draft plan to 40074
the director of environmental protection for preliminary review 40075
and comment. Within forty-five days after receiving the draft 40076
plan, the director shall provide the committee with a written, 40077
nonbinding advisory opinion regarding the draft plan and any 40078
recommended changes to it that the director considers necessary to 40079
effect its approval. After receipt of the director's written 40080
opinion, the committee may make such revisions to the draft plan 40081
based on the director's opinion as it considers appropriate. Upon 40082

receipt of the director's opinion and after making any such 40083
revisions to the draft plan, the committee shall prepare and 40084
publish in at least one newspaper of general circulation within 40085
the county or joint district a public notice that describes the 40086
draft plan, specifies the location where it is available for 40087
review, and establishes a period of thirty days for comments 40088
concerning the draft plan. The committee shall send written notice 40089
of the draft plan to adjacent county and joint districts and shall 40090
make it available for review by those districts, by the board of 40091
county commissioners of each county forming the district, by all 40092
municipal corporations and townships within the county or joint 40093
district, and by the public. The committee also shall send written 40094
notice of the plan to the director and to the fifty industrial, 40095
commercial, or institutional generators of solid wastes within the 40096
district that generate the largest quantities of solid wastes, as 40097
determined by the board, and their local trade associations. The 40098
board shall make good faith efforts to identify those generators 40099
within the district and their local trade associations, but the 40100
nonprovision of notice under this division to a particular 40101
industrial, commercial, or institutional generator or local trade 40102
association does not invalidate the proceedings under this 40103
section. All such written notices shall include the date, time, 40104
and location of the public hearing; the dates when the comment 40105
period begins and ends; and a description of the plan that 40106
includes, without limitation, the proposed amount of the fees to 40107
be levied under the plan pursuant to division (B) of section 40108
3734.57 or division (A) of section 3734.573 of the Revised Code, 40109
if any, and an indication as to whether the provision required to 40110
be included in the plan under division (E)(1) of section 3734.53 40111
of the Revised Code authorizes the board of county commissioners 40112
or directors of the district to establish, or precludes the board 40113
from establishing, facility designations under section 343.014 of 40114
the Revised Code. Within fifteen days after expiration of the 40115

comment period, the committee shall conduct a public hearing 40116
concerning the draft plan and, at least fifteen days before the 40117
hearing, shall publish in at least one newspaper of general 40118
circulation within the county or joint district a notice 40119
containing the time and place of the hearing and the location 40120
where the draft plan is available for review. 40121

(B) After the public hearing, the committee may modify the 40122
draft plan based upon the public's comments and shall adopt or 40123
reject it by a majority vote. Within thirty days after adoption of 40124
the draft plan, the committee shall deliver a copy of it to the 40125
board of county commissioners of each county forming the district 40126
and to the legislative authority of each municipal corporation and 40127
township under the jurisdiction of the district. Within ninety 40128
days after receiving a copy of the draft plan adopted by the 40129
committee, each such board and legislative authority shall approve 40130
or disapprove the draft plan, by ordinance or resolution, and 40131
deliver a copy of the ordinance or resolution to the committee. 40132

The solid waste management policy committee of a county 40133
district or a joint district formed by two or three counties shall 40134
declare the draft plan to be ratified as the solid waste 40135
management plan of the district upon determining that the board of 40136
county commissioners of each county forming the district has 40137
approved the draft plan and that the legislative authorities of a 40138
combination of municipal corporations and townships with a 40139
combined population within the county or joint district comprising 40140
at least sixty per cent of the total population of the district 40141
have approved the draft plan, provided that in the case of a 40142
county district, that combination shall include the municipal 40143
corporation having the largest population within the boundaries of 40144
the district, and provided further that in the case of a joint 40145
district formed by two or three counties, that combination shall 40146
include for each county forming the joint district the municipal 40147

corporation having the largest population within the boundaries of 40148
both the county in which the municipal corporation is located and 40149
the joint district. The solid waste management policy committee of 40150
a joint district formed by four or more counties shall declare the 40151
draft plan to be ratified as the solid waste management plan of 40152
the joint district upon determining that the boards of county 40153
commissioners of a majority of the counties forming the district 40154
have approved the draft plan; that, in each of a majority of the 40155
counties forming the joint district, the draft plan has been 40156
approved by the municipal corporation having the largest 40157
population within the county and the joint district; and that the 40158
legislative authorities of a combination of municipal corporations 40159
and townships with a combined population within the joint district 40160
comprising at least sixty per cent of the total population of the 40161
joint district have approved the draft plan. 40162

For the purposes of this division and division (C)(2) of this 40163
section, only the population of the unincorporated area of a 40164
township shall be considered. For the purpose of determining the 40165
largest municipal corporation within each county under this 40166
division and division (C)(2) of this section, a municipal 40167
corporation that is located in more than one solid waste 40168
management district, but that is under the jurisdiction of one 40169
county or joint solid waste management district in accordance with 40170
division (A) of section 3734.52 of the Revised Code shall be 40171
considered to be within the boundaries of the county in which a 40172
majority of the population of the municipal corporation resides. 40173

(C)(1) Upon ratification of the draft plan under division (B) 40174
of this section, the committee shall submit it to the director for 40175
review and approval for compliance with the requirements of 40176
divisions (A), (B), (D), and (E)(1) of section 3734.53 of the 40177
Revised Code. The director, by order, shall approve or disapprove 40178
the plan within ninety days after its submission. The director 40179

shall include with an order disapproving a plan a statement 40180
outlining the deficiencies in the plan and directing the committee 40181
to submit, within ninety days after issuance of the order, a 40182
revised plan that remedies those deficiencies, except that if the 40183
committee, by resolution, requests an extension of the time for 40184
submission of a revised plan, the director, for good cause shown, 40185
may grant one such extension for a period of not more than sixty 40186
additional days. 40187

(2) Within sixty days after issuance of the order 40188
disapproving its plan, the committee shall prepare a draft revised 40189
plan, adopt a draft revised plan by a majority vote, and deliver a 40190
copy of the draft revised plan to the board of county 40191
commissioners of each county forming the district and to the 40192
legislative authority of each municipal corporation and township 40193
under the jurisdiction of the district. Within twenty-one days 40194
after the delivery of the draft revised plan, each such board and 40195
legislative authority shall approve or disapprove the draft 40196
revised plan, by ordinance or resolution, and deliver a copy of 40197
the ordinance or resolution to the committee. In the case of a 40198
county district or a joint district formed by two or three 40199
counties, the committee shall declare the draft revised plan to be 40200
ratified as the solid waste management plan of the county or joint 40201
district upon determining that the board of county commissioners 40202
of each county forming the district has approved the draft revised 40203
plan and that the legislative authorities of a combination of 40204
municipal corporations and townships with a combined population 40205
within the district comprising at least sixty per cent of the 40206
total population of the district have approved the draft revised 40207
plan, provided that in the case of a county district, that 40208
combination shall include the municipal corporation having the 40209
largest population within the boundaries of the district, and 40210
provided further that in the case of a joint district formed by 40211
two or three counties, that combination shall include for each 40212

county forming the joint district the municipal corporation having 40213
the largest population within the boundaries of both the county in 40214
which the municipal corporation is located and the joint district. 40215
In the case of a joint district formed by four or more counties, 40216
the committee shall declare the draft revised plan to be ratified 40217
as the solid waste management plan of the joint district upon 40218
determining that the boards of county commissioners of a majority 40219
of the counties forming the district have approved the draft 40220
revised plan; that, in each of a majority of the counties forming 40221
the joint district, the draft revised plan has been approved by 40222
the municipal corporation having the largest population within the 40223
county and the joint district; and that the legislative 40224
authorities of a combination of municipal corporations and 40225
townships with a combined population within the joint district 40226
comprising at least sixty per cent of the total population of the 40227
joint district have approved the draft revised plan. Upon 40228
ratification of the draft revised plan, the committee shall submit 40229
it to the director for approval in accordance with division (C)(1) 40230
of this section. The director, by order, shall approve or 40231
disapprove the draft revised plan within thirty days after 40232
receiving it. 40233

(3) Notwithstanding section 119.06 of the Revised Code, the 40234
director may approve or disapprove a plan or revised plan 40235
submitted under division (C)(1) or (2) of this section by issuance 40236
of a final order that is effective upon issuance, without the 40237
necessity to hold any adjudication hearing in connection with the 40238
order and without issuance of a proposed action under section 40239
3745.07 of the Revised Code. In any appeal taken under section 40240
3745.04 of the Revised Code pertaining to the director's 40241
disapproval of the solid waste management plan or revised plan of 40242
a county or joint district, the solid waste management policy 40243
committee of the county or joint district and the director shall 40244
be the parties. Upon a showing by the policy committee that there 40245

is a substantial likelihood that it will prevail on the merits, 40246
the environmental review appeals commission, within thirty days 40247
after filing of the notice of appeal under that section and 40248
pending final determination of the appeal, may grant temporary 40249
relief from the director's order disapproving the district's plan, 40250
including the issuance of appropriate orders to the director to 40251
refrain from acting under division (D) of this section. 40252

(4) After approval of the plan or revised plan by the 40253
director, the board of county commissioners of a county district 40254
or board of directors of a joint district shall implement the plan 40255
in compliance with the implementation schedule contained in the 40256
approved plan. 40257

The committee annually shall review implementation of the 40258
plan approved under this section or section 3734.521 of the 40259
Revised Code and subsequent amended plans approved under section 40260
3734.521 or 3734.56 of the Revised Code and report its findings 40261
and recommendations regarding implementation of the plan to the 40262
board of county commissioners or board of directors of the 40263
district. 40264

(D) If the director finds that a county or joint solid waste 40265
management district has failed to obtain approval of its solid 40266
waste management plan within eighteen months after the applicable 40267
date prescribed for submission of its plan under division (A) of 40268
section 3734.54 of the Revised Code or within twenty-four months 40269
after that date if the date for submission was extended under that 40270
division, the director shall prepare a solid waste management plan 40271
for the county or joint district that complies with divisions (A) 40272
and (D) of section 3734.53 of the Revised Code. The plan shall not 40273
contain any of the provisions required or authorized to be 40274
included in plans submitted by districts under division (B), (C), 40275
or (E) of that section. Upon completion of the plan, the director 40276
shall issue an order in accordance with Chapter 3745. of the 40277

Revised Code directing the board of county commissioners or board of directors of the district to implement the plan in compliance with the implementation schedule contained in it.

Within thirty days after the effective date of the order to implement the plan, the board of county commissioners or board of directors of the district shall determine whether the solid waste management policy committee of the district should continue to exist to monitor implementation of the plan or for the purposes of division (B) of section 3734.57 or section 3734.574 of the Revised Code. The board, by resolution, may abolish the committee if it determines that the committee is not necessary for any of those purposes. If the board of county commissioners or directors of a district that has so abolished the policy committee of the district finds that it is necessary or appropriate for the district to consider levying fees under section 3734.574 of the Revised Code, the board shall reestablish and convene the policy committee to initiate proceedings to levy the fees. If the fees are levied, the policy committee shall continue to exist for as long as the district is levying the fees. If, after a policy committee is convened to initiate proceedings to levy those fees, the fees are not levied or are abolished under section 3734.574 of the Revised Code, the board, by resolution, may abolish the committee if it determines that the committee is not necessary to monitor implementation of the plan.

(E) If the director finds that the board of county commissioners or the board of directors of a district has materially failed to implement the district's plan or amended plan approved under division (C) of this section or section 3734.521 or 3734.56 of the Revised Code, or prepared and ordered to be implemented under division (D) of this section or section 3734.521 or 3734.56 of the Revised Code, in compliance with the implementation schedule contained in the plan or amended plan, the

director shall issue an enforcement order under division (A) of 40310
section 3734.13 of the Revised Code directing the board to comply 40311
with the implementation schedule in the plan or amended plan 40312
within a specified, reasonable time. If the director finds that 40313
the board of county commissioners or directors of a district for 40314
which the provision included in the district's initial or amended 40315
plan approved under section 3734.521, 3734.55, or 3734.56 of the 40316
Revised Code pursuant to division (E)(1) or (2)(b) or (c) of 40317
section 3734.53 of the Revised Code, or an amendment to the 40318
district's approved initial or amended plan adopted and ratified 40319
under division (F) of section 3734.56 of the Revised Code, 40320
precludes the board from establishing facility designations under 40321
section 343.014 of the Revised Code has initiated proceedings to 40322
establish facility designations in violation of that section and 40323
the district's initial or amended plan, the director shall issue 40324
an enforcement order under division (A) of section 3734.13 of the 40325
Revised Code directing the board, at the board's discretion, to 40326
either abandon the proceedings or suspend them until after the 40327
board has adopted and obtained ratification of an amendment to the 40328
district's initial or amended plan under division (F) of section 40329
3734.56 of the Revised Code that authorizes the board to establish 40330
facility designations under section 343.014 of the Revised Code. 40331
If the director finds that a board of county commissioners or 40332
directors of a district for which the provision included in the 40333
district's initial or amended plan approved under section 40334
3734.521, 3734.55, or 3734.56 of the Revised Code pursuant to 40335
division (E)(1) or (2)(b) or (c) of section 3734.53 of the Revised 40336
Code, or an amendment to the district's approved initial or 40337
amended plan adopted and ratified under division (F) of section 40338
3734.56 of the Revised Code, authorizes the board to establish 40339
facility designations under section 343.014 of the Revised Code 40340
has established facility designations under section 343.014 of the 40341
Revised Code or continued facility designations under section 40342

343.015 of the Revised Code and subsequently has initiated 40343
proceedings to terminate any such facility designations in 40344
violation of section 343.014 of the Revised Code and the 40345
district's initial or amended plan, the director shall issue an 40346
enforcement order under division (A) of section 3734.13 of the 40347
Revised Code directing the board, at the board's discretion, to 40348
either abandon the proceedings or adopt and obtain ratification of 40349
an amendment to the district's initial or amended plan under 40350
division (F) of section 3734.56 of the Revised Code that precludes 40351
the board from establishing facility designations under section 40352
343.014 of the Revised Code. 40353

(F) The director shall maintain a record of the county and 40354
joint solid waste management district solid waste management plans 40355
and amended plans that the director has approved or ordered to be 40356
implemented under this section, section 3734.521, and section 40357
3734.56 of the Revised Code. ~~Upon determining that each county 40358
within the state is subject to such a plan or amended plan, the 40359
director shall notify the chief of recycling and litter prevention 40360
in the department of natural resources of that fact. 40361~~

(G)(1) As used in divisions (C)(4), (D)(1) and (2), and (E) 40362
of this section and section 3734.521 of the Revised Code, any 40363
reference to a board of county commissioners of a county or a 40364
board of directors of a joint solid waste management district is 40365
deemed to include the board of trustees of a regional solid waste 40366
management authority formed under section 343.011 of the Revised 40367
Code. 40368

(2) As used in this section and sections 3734.521 and 3734.57 40369
of the Revised Code, "deliver" includes mailing as well as 40370
delivery by a means other than mailing. 40371

Sec. 3734.79. (A) Except as provided in division (B) of this 40372
section, each application for a permit submitted under sections 40373

3734.76 to 3734.78 of the Revised Code shall be accompanied by a 40374
nonrefundable application fee of four hundred dollars that shall 40375
be credited to the scrap tire management fund created in section 40376
3734.82 of the Revised Code. If a permit is issued, the amount of 40377
the application fee paid shall be deducted from the amount of the 40378
applicable permit fee due under division ~~(G)~~(R) of section 3745.11 40379
of the Revised Code. 40380

(B) Division (A) of this section does not apply to an 40381
application for a permit for a scrap tire storage facility 40382
submitted under section 3734.76 of the Revised Code if the owner 40383
or operator of the facility or proposed facility is a motor 40384
vehicle salvage dealer licensed under Chapter 4738. of the Revised 40385
Code. 40386

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 40387
facility license issued under section 3734.81 of the Revised Code 40388
shall be in accordance with the following schedule: 40389

Daily Design	Annual	
Input Capacity	License	
(Tons)	Fee	
1 or less	\$ 100	40393
2 to 25	500	40394
26 to 50	1,000	40395
51 to 100	1,500	40396
101 to 200	2,500	40397
201 to 500	3,500	40398
501 or more	5,500	40399

For the purpose of determining the applicable license fee 40400
under this division, the daily design input capacity shall be the 40401
quantity of scrap tires the facility is designed to process daily 40402
as set forth in the registration certificate or permit for the 40403
facility, and any modifications to the permit, if applicable, 40404

issued under section 3734.78 of the Revised Code. 40405

(B) The annual fee for a scrap tire monocell or monofill 40406
facility license shall be in accordance with the following 40407
schedule: 40408

Authorized Maximum	Annual	
Daily Waste Receipt	License	
(Tons)	Fee	
100 or less	\$ 5,000	40412
101 to 200	12,500	40413
201 to 500	30,000	40414
501 or more	60,000	40415

For the purpose of determining the applicable license fee 40416
under this division, the authorized maximum daily waste receipt 40417
shall be the maximum amount of scrap tires the facility is 40418
authorized to receive daily that is established in the permit for 40419
the facility, and any modification to that permit, issued under 40420
section 3734.77 of the Revised Code. 40421

(C)(1) Except as otherwise provided in division (C)(2) of 40422
this section, the annual fee for a scrap tire storage facility 40423
license shall equal one thousand dollars times the number of acres 40424
on which scrap tires are to be stored at the facility during the 40425
license year, as set forth on the application for the annual 40426
license, except that the total annual license fee for any such 40427
facility shall not exceed three thousand dollars. 40428

(2) The annual fee for a scrap tire storage facility license 40429
for a storage facility that is owned or operated by a motor 40430
vehicle salvage dealer licensed under Chapter 4738. of the Revised 40431
Code is one hundred dollars. 40432

(D)(1) Except as otherwise provided in division (D)(2) of 40433
this section, the annual fee for a scrap tire collection facility 40434
license is two hundred dollars. 40435

(2) The annual fee for a scrap tire collection facility license for a collection facility that is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code is fifty dollars.

(E) Except as otherwise provided in divisions (C)(2) and (D)(2) of this section, the same fees apply to private operators and to the state and its political subdivisions and shall be paid within thirty days after the issuance of a license. The fees include the cost of licensing, all inspections, and other costs associated with the administration of the scrap tire provisions of this chapter and rules adopted under them. Each license shall specify that it is conditioned upon payment of the applicable fee to the board of health or the director of environmental protection, as appropriate, within thirty days after the issuance of the license.

(F) The board of health shall retain fifteen thousand dollars of each license fee collected by the board under division (B) of this section, or the entire amount of any such fee that is less than fifteen thousand dollars, and the entire amount of each license fee collected by the board under divisions (A), (C), and (D) of this section. The moneys retained shall be paid into a special fund, which is hereby created in each health district, and used solely to administer and enforce the scrap tire provisions of this chapter and rules adopted under them. The remainder, if any, of each license fee collected by the board under division (B) of this section shall be transmitted to the director within forty-five days after receipt of the fee.

(G) The director shall transmit the moneys received by the director from license fees collected under division (B) of this section to the treasurer of state to be credited to the scrap tire management fund, which is hereby created in the state treasury. The fund shall consist of all federal moneys received by the

environmental protection agency for the scrap tire management 40468
program; all grants, gifts, and contributions made to the director 40469
for that program; and all other moneys that may be provided by law 40470
for that program. The director shall use moneys in the fund as 40471
follows: 40472

(1) Expend amounts determined necessary by the director to 40473
implement, administer, and enforce the scrap tire provisions of 40474
this chapter and rules adopted under them; 40475

(2) During each fiscal year, request the director of budget 40476
and management to, and the director of budget and management 40477
shall, transfer one million dollars to the scrap tire grant fund 40478
created in section ~~1502.12~~ 3734.822 of the Revised Code for 40479
supporting market development activities for scrap tires and 40480
synthetic rubber from tire manufacturing processes and tire 40481
recycling processes. In addition, during a fiscal year, the 40482
director of environmental protection may request the director of 40483
budget and management to, and the director of budget and 40484
management shall, transfer up to an additional five hundred 40485
thousand dollars to the scrap tire grant fund for scrap tire 40486
amnesty events and scrap tire cleanup events. 40487

(3) After the expenditures and transfers are made under 40488
divisions (G)(1) and (2) of this section, expend the balance of 40489
the money in the scrap tire management fund remaining in each 40490
fiscal year to conduct removal actions under section 3734.85 of 40491
the Revised Code and to provide grants to boards of health under 40492
section 3734.042 of the Revised Code. 40493

Sec. ~~1502.12~~ 3734.822. (A) There is hereby created in the 40494
state treasury the scrap tire grant fund, consisting of moneys 40495
transferred to the fund under section 3734.82 of the Revised Code. 40496
~~The chief of the division of recycling and litter prevention, with~~ 40497
~~the approval of the director of natural resources, environmental~~ 40498

protection may make grants from the fund for the following 40499
purposes: 40500

(1) Supporting market development activities for scrap tires 40501
and synthetic rubber from tire manufacturing processes and tire 40502
recycling processes; 40503

(2) Supporting scrap tire amnesty and cleanup events 40504
sponsored by solid waste management districts. 40505

Grants awarded under division (A)(1) of this section may be 40506
awarded to individuals, businesses, and entities certified under 40507
division (A) of section ~~1502.04~~ 3736.04 of the Revised Code. 40508

(B) Projects and activities that are eligible for grants 40509
under division (A)(1) of this section shall be evaluated for 40510
funding using, at a minimum, the following criteria: 40511

(1) The degree to which a proposed project contributes to the 40512
increased use of scrap tires generated in this state; 40513

(2) The degree of local financial support for a proposed 40514
project; 40515

(3) The technical merit and quality of a proposed project. 40516

Sec. 3735.37. A metropolitan housing authority shall keep an 40517
accurate account of all its activities and of all receipts and 40518
expenditures and make an annual report ~~thereof to the director of~~ 40519
development of these publicly available. All moneys received in 40520
excess of operating expenditures shall be devoted to the payment 40521
of interest and sinking fund charges for the retirement of 40522
indebtedness, whether secured by mortgage or otherwise, and from 40523
the excess there shall be set aside such fund as the authority 40524
deems proper for the purpose of covering repairs, depreciation, 40525
and reserves. Whatever balance then remains shall be applied to 40526
the reduction of rentals thereafter falling due. 40527

Sec. 1502.01 <u>3736.01</u>. As used in this chapter:	40528
(A) "Litter" means garbage, trash, waste, rubbish, ashes,	40529
cans, bottles, wire, paper, cartons, boxes, automobile parts,	40530
furniture, glass, or anything else of an unsightly or unsanitary	40531
nature thrown, dropped, discarded, placed, or deposited by a	40532
person on public property, on private property not owned by the	40533
person, or in or on waters of the state unless one of the	40534
following applies:	40535
(1) The person has been directed to do so by a public	40536
official as part of a litter collection drive.	40537
(2) The person has thrown, dropped, discarded, placed, or	40538
deposited the material in a receptacle in a manner that prevented	40539
its being carried away by the elements.	40540
(3) The person has been issued a permit or license covering	40541
the material pursuant to Chapter 3734. or 6111. of the Revised	40542
Code.	40543
(B) "Recycling" means the process of collecting, sorting,	40544
cleansing, treating, and reconstituting waste or other discarded	40545
materials for the purpose of recovering and reusing the materials.	40546
(C) "Agency of the state" includes, but is not limited to, an	40547
"agency" subject to Chapter 119. of the Revised Code and a "state	40548
university or college" as defined in section 3345.12 of the	40549
Revised Code.	40550
(D) "Source reduction" means activities that decrease the	40551
initial production of waste materials at their point of origin.	40552
(E) "Enterprise" means a business with its principal place of	40553
business in this state and that proposes to engage in research and	40554
development or recycling in this state.	40555
(F) "Research and development" means inquiry,	40556
experimentation, or demonstration to advance basic scientific or	40557

technical knowledge or the application, adaptation, or use of 40558
existing or newly discovered scientific or technical knowledge 40559
regarding recycling, source reduction, or litter prevention. 40560

(G) "Recyclables" means waste materials that are collected, 40561
separated, or processed and used as raw materials or products. 40562

(H) "Recycling market development" means activities that 40563
stimulate the demand for recycled products, provide for a 40564
consistent supply of recyclables to meet the needs of recycling 40565
industries, or both. 40566

(I) "Solid waste management districts" means solid waste 40567
management districts established under Chapter 343. of the Revised 40568
Code. 40569

(J) "Synthetic rubber" means produced or extended rubber and 40570
products made from a synthetic rubber base material originating 40571
from petrochemical feedstocks, including scrap tires, tire molds, 40572
automobile engine belts, brake pads and hoses, weather stripping, 40573
fittings, electrical insulation, and other molded objects and 40574
parts. 40575

Sec. ~~1502.03~~ 3736.02. (A) The ~~chief director of the division~~ 40576
~~of recycling and litter prevention~~ environmental protection shall 40577
establish and implement statewide source reduction, recycling, 40578
recycling market development, and litter prevention programs that 40579
are consistent with the state solid waste management plan adopted 40580
under section 3734.50 of the Revised Code. The programs shall 40581
include all of the following: 40582

(1) The assessment of waste generation within the state and 40583
implementation of source reduction practices; 40584

(2) The implementation of recycling and recycling market 40585
development activities and projects, including all of the 40586
following: 40587

(a) Collection of recyclables;	40588
(b) Separation of recyclables;	40589
(c) Processing of recyclables;	40590
(d) Facilitation and encouragement of the use of recyclables and products made with recyclables;	40591 40592
(e) Education and training concerning recycling and products manufactured with recyclables;	40593 40594
(f) Public awareness campaigns to promote recycling;	40595
(g) Other activities and projects that promote recycling and recycling market development.	40596 40597
(3) Litter prevention assistance to enforce antilitter laws, educate the public, and stimulate collection and containment of litter;	40598 40599 40600
(4) Research and development regarding source reduction, recycling, and litter prevention, including, without limitation, research and development regarding materials or products manufactured with recyclables.	40601 40602 40603 40604
(B) The chief, with the approval of the director of natural resources, may enter into contracts or other agreements and may execute any instruments necessary or incidental to the discharge of the chief's <u>director's</u> responsibilities under this chapter.	40605 40606 40607 40608
Sec. 1502.02 3736.03. (A) There is hereby created in the department of natural resources the division of recycling and litter prevention to be headed by the chief of recycling and litter prevention.	40609 40610 40611 40612
(B) There is hereby created in the state treasury the recycling and litter prevention fund, consisting of moneys distributed to it from fees, including the fee levied under division (A)(2) of section 3714.073 of the Revised Code, gifts,	40613 40614 40615 40616

donations, grants, reimbursements, and other sources, including 40617
investment earnings. 40618

~~(C)(B)~~ The chief director of ~~recycling and litter prevention~~ 40619
environmental protection shall do all of the following: 40620

(1) Use moneys credited to the fund exclusively for the 40621
purposes set forth in sections ~~1502.03~~ 3736.02, ~~1502.04~~ 3736.04, 40622
3736.05, and ~~1502.05~~ 3745.014 of the Revised Code, with particular 40623
emphasis on programs relating to recycling; 40624

(2) ~~Expend for administration of the division not more than~~ 40625
~~ten per cent of any fiscal year's appropriation to the division,~~ 40626
~~excluding the amount assessed to the division for direct and~~ 40627
~~indirect central support charges;~~ 40628

~~(3)~~ Require recipients of grants under section ~~1502.05~~ 40629
3736.05 of the Revised Code, as a condition of receiving and 40630
retaining them, to do all of the following: 40631

(a) Create a separate account for the grants and any cash 40632
donations received that qualify for the donor credit allowed by 40633
section 5733.064 of the Revised Code; 40634

(b) Make expenditures from the account exclusively for the 40635
purposes for which the grants were received; 40636

(c) Use any auditing and accounting practices the ~~chief~~ 40637
director considers necessary regarding the account; 40638

(d) Report to the ~~chief~~ director information regarding the 40639
amount and donor of cash donations received as described by 40640
section 5733.064 of the Revised Code; 40641

(e) Use grants received to supplement and not to replace any 40642
existing funding for such purposes. 40643

~~(4)(3)~~ Report to the tax commissioner information the ~~chief~~ 40644
director receives pursuant to division ~~(C)(3)(B)(2)(d)~~ of this 40645
section. 40646

~~Sec. 1502.04~~ 3736.04. There is hereby created within the 40647
~~division of recycling and litter prevention~~ environmental 40648
protection agency the recycling and litter prevention advisory 40649
council consisting of thirteen members. The speaker of the house 40650
of representatives shall appoint one member of the house of 40651
representatives to the council, and the president of the senate 40652
shall appoint one member of the senate to the council. If the 40653
president of the senate belongs to the same political party as the 40654
speaker of the house of representatives, the president shall 40655
appoint a member of the senate who belongs to a different 40656
political party as recommended by the minority leader of the 40657
senate. ~~The speaker of the house of representatives and the~~ 40658
~~president of the senate shall make their initial appointments to~~ 40659
~~the council within sixty days after July 20, 1994.~~ Each member 40660
appointed by the speaker of the house of representatives or the 40661
president of the senate shall serve for a term of office of three 40662
years. The appropriate appointing authority may fill any vacancy 40663
occurring during the term of any member whom the appointing 40664
authority has appointed to the advisory council. 40665

The remaining eleven members shall be appointed by the 40666
governor with the advice and consent of the senate and shall be 40667
persons with knowledge of or experience in recycling or litter 40668
prevention programs. The council shall have broad-based 40669
representation of interests including agriculture, labor, the 40670
environment, manufacturing, wholesale and retail industry, and the 40671
public. One of the business members shall be from the commercial 40672
recycling industry, and another shall be from an industry required 40673
to pay taxes under section 5733.065 of the Revised Code. The 40674
director of ~~natural resources~~ environmental protection shall not 40675
be a member of the council. ~~The governor shall make initial~~ 40676
~~appointments to the council within thirty days after October 20,~~ 40677
~~1987. Of the governor's initial appointments to the council, five~~ 40678

~~shall be for a term of one year, and six shall be for a term of~~ 40679
~~two years. Thereafter, terms~~ Terms of office shall be for three 40680
years. Each member appointed by the governor shall hold office 40681
from the date of the member's appointment until the end of the 40682
term for which the member was appointed. In the event of death, 40683
removal, resignation, or incapacity of a member of the council 40684
appointed by the governor, the governor, with the advice and 40685
consent of the senate, shall appoint a successor who shall hold 40686
office for the remainder of the term for which the successor's 40687
predecessor was appointed. A member shall continue in office 40688
subsequent to the expiration date of the member's term until the 40689
member's successor takes office, or until a period of sixty days 40690
has elapsed, whichever occurs first. The governor at any time may 40691
remove any of the governor's appointees from the council for 40692
misfeasance, nonfeasance, or malfeasance in office. 40693

Members of the council may be reappointed. 40694

The council shall hold at least four regular quarterly 40695
meetings each year. Special meetings may be held at the behest of 40696
the chairperson or a majority of the members. The council annually 40697
shall select from among its members a chairperson, a 40698
vice-chairperson, and a secretary to keep a record of its 40699
proceedings. 40700

A majority vote of the members of the council is necessary to 40701
take action ~~in~~ on any matter. 40702

A member of the council shall serve without compensation for 40703
attending council meetings, but shall be reimbursed for all 40704
traveling, hotel, and other ordinary and necessary expenses 40705
incurred in the performance of the member's work as a member of 40706
the council. 40707

Membership on the council does not constitute holding a 40708
public office or position of employment under the laws of this 40709

state and does not constitute grounds for removal of public 40710
officers or employees from their offices or positions of 40711
employment. 40712

The council shall do all of the following: 40713

(A) ~~In conjunction with the chief of recycling and litter~~ 40714
~~prevention and with~~ With the approval of the director of ~~natural~~ 40715
~~resources~~ environmental protection, establish criteria by which to 40716
certify, and certify, agencies of the state, municipal 40717
corporations with a population of more than fifty thousand, 40718
counties, and solid waste management districts as eligible to 40719
receive grants under section ~~1502.05~~ 3736.05 of the Revised Code; 40720

(B) ~~In conjunction with the chief and with~~ With the approval 40721
of the director, establish criteria by which to certify, and 40722
certify, political subdivisions for receipt of special grants for 40723
activities or projects that are intended to accomplish the 40724
purposes of any of the programs established under section ~~1502.03~~ 40725
3736.02 of the Revised Code; 40726

(C) Advise the ~~chief~~ director in carrying out the ~~chief's~~ 40727
director's duties under this chapter. 40728

Sec. ~~1502.05~~ 3736.05. (A) The ~~chief~~ director of ~~recycling and~~ 40729
~~litter prevention~~ environmental protection, pursuant to division 40730
(A) of section ~~1502.04~~ 3736.04 of the Revised Code ~~and with the~~ 40731
~~approval of the director of natural resources~~, may make grants 40732
from the recycling and litter prevention fund created in section 40733
~~1502.02~~ 3736.03 of the Revised Code to accomplish the purposes of 40734
the programs established under section ~~1502.03~~ 3736.02 of the 40735
Revised Code. 40736

(B) Except as provided in division (C) of this section, ~~the~~ 40737
~~chief, with the approval of~~ the director, may require any eligible 40738
applicant certified by the recycling and litter prevention 40739

advisory council under division (A) of section ~~1502.04~~ 3736.04 of 40740
the Revised Code that applies for a grant for an activity or 40741
project that is intended to further the purposes of any program 40742
established under division (A)(1), (2), or (4) of section ~~1502.03~~ 40743
3736.02 of the Revised Code to provide a matching contribution of 40744
not more than fifty per cent of the grant. 40745

(C) Notwithstanding division (B) of this section, any grant 40746
awarded under division (A) of this section to foster cooperative 40747
research and development regarding recycling or the cooperative 40748
establishment or expansion of private recycling facilities or 40749
programs shall be made in conjunction with a contribution to the 40750
project by a cooperating enterprise that maintains or proposes to 40751
maintain a relevant research and development or recycling facility 40752
or program in this state or by an agency of the state, provided 40753
that funding provided by a state agency shall not be provided from 40754
general revenue funds appropriated by the general assembly. No 40755
grant made under division (A) of this section for the purposes 40756
described in this division shall exceed the contribution made by 40757
the cooperating enterprise or state agency. The ~~chief~~ director may 40758
consider cooperating contributions in the form of state of the art 40759
new equipment or in other forms if the ~~chief~~ director determines 40760
that the contribution is essential to the successful 40761
implementation of the project. 40762

Grants made under division (A) of this section for the 40763
purposes described in this division shall be made in such form and 40764
conditioned on such terms as the ~~chief~~ director considers to be 40765
appropriate. 40766

(D)(1) The ~~chief, with the approval of the~~ director, may 40767
require any eligible applicant certified by the recycling and 40768
litter prevention advisory council under division (A) of section 40769
~~1502.04~~ 3736.04 of the Revised Code that applies for a grant that 40770
is intended to further the purposes of the program established 40771

under division (A)(3) of section ~~1502.03~~ 3736.02 of the Revised Code, except any eligible applicant that is or is located in a county that has a per capita income equal to or below ninety per cent of the median county per capita income of the state as determined by the ~~chief~~ director using the most recently available figures from the United States census bureau, to provide a matching contribution as follows:

(a) Up to ten per cent of the grant from any eligible applicant that is or is located in a county that has a per capita income above ninety per cent of the median county per capita income of the state, but equal to or below one hundred per cent of the median county per capita income of the state;

(b) Up to twenty per cent of the grant from any eligible applicant that is or is located in a county that has a per capita income above the median county per capita income of the state.

(2) If the eligible applicant is a joint solid waste management district or is filing a joint application on behalf of two or more counties, the matching contribution required under division (D)(1) of this section shall be the average of the matching contributions of all of the counties covered by the application as determined in accordance with that division. The matching contribution of a county that has a per capita income equal to or below ninety per cent of the median county per capita income of the state shall be included as zero in calculating the average matching contribution.

(E) ~~After receiving notice from the~~ The director ~~of environmental protection that each county within the state is subject to the solid waste management plan of a solid waste management district, the~~ chief shall ensure that not less than fifty per cent of the moneys distributed as grants under this section shall be expended for the purposes of recycling and recycling market development.

(F) No information that is submitted to, acquired by, or exchanged with employees of the environmental protection agency who administer or provide services under this section and that is submitted, acquired, or exchanged in order to obtain a grant pursuant to division (A) of this section shall be used in any manner for the purpose of the enforcement of any requirement established in an environmental law or used as evidence in any judicial or administrative enforcement proceeding unless that information reveals a clear and immediate danger to the environment or to the health, safety, or welfare of the public.

(G) Nothing in this section confers immunity on persons from enforcement that is based on information that is obtained by the director or the director's authorized representatives who are not employees of the agency who administer or provide services under this section.

(H) As used in this section, "environmental law" means a law that is administered by the environmental protection agency.

Sec. ~~1502.06~~ 3736.06. (A) Agencies of the state certified pursuant to section ~~1502.04~~ 3736.04 of the Revised Code as eligible to receive a grant shall designate an employee as the liaison with the ~~chief~~ director of ~~recycling and litter prevention~~ environmental protection to cooperate with ~~him~~ the director in carrying out ~~his~~ the director's duties under this chapter.

(B) The executive and legislative authorities of municipal corporations, counties, and townships and the boards of park commissioners of township park districts created under section 511.18 of the Revised Code, boards of park commissioners of park districts created under section 1545.04 of the Revised Code, and boards of education of city, exempted village, local, and joint vocational school districts may participate in the programs established under section ~~1502.03~~ 3736.02 of the Revised Code.

Sec. ~~1502.07~~ 3736.07. No person, agency of the state, 40835
municipal corporation, county, or township shall sell or offer for 40836
sale any beer or mixed beverages as defined in section 4301.01 of 40837
the Revised Code, or any soft drink as defined in section 913.22 40838
of the Revised Code, in a metal container that is so designed that 40839
it may be opened by removing from the container a part of the 40840
container without using a separate opener. However, nothing in 40841
this section prohibits the sale or offering for sale of a 40842
container the only detachable part of which is a piece of tape or 40843
other similar adhesive material. 40844

Sec. ~~1502.99~~ 3736.99. Whoever violates section ~~1502.07~~ 40845
3736.07 of the Revised Code is guilty of a minor misdemeanor. Each 40846
day of violation constitutes a separate offense. 40847

Sec. 3737.83. The fire marshal shall, as part of the state 40848
fire code, adopt rules to: 40849

(A) Establish minimum standards of performance for fire 40850
protection equipment and fire fighting equipment; 40851

(B) Establish minimum standards of training, fix minimum 40852
qualifications, and require certificates for all persons who 40853
engage in the business for profit of installing, testing, 40854
repairing, or maintaining fire protection equipment; 40855

(C) Provide for the issuance of certificates required under 40856
division (B) of this section and establish the fees to be charged 40857
for such certificates. A certificate shall be granted, renewed, or 40858
revoked according to rules the fire marshal shall adopt. 40859

(D) Establish minimum standards of flammability for consumer 40860
goods in any case where the federal government or any department 40861
or agency thereof has established, or may from time to time 40862
establish standards of flammability for consumer goods. The 40863

standards established by the fire marshal shall be identical to 40864
the minimum federal standards. 40865

In any case where the federal government or any department or 40866
agency thereof, establishes standards of flammability for consumer 40867
goods subsequent to the adoption of a flammability standard by the 40868
fire marshal, standards previously adopted by the fire marshal 40869
shall not continue in effect to the extent such standards are not 40870
identical to the minimum federal standards. 40871

With respect to the adoption of minimum standards of 40872
flammability, this division shall supersede any authority granted 40873
a political subdivision by any other section of the Revised Code. 40874

(E) Establish minimum standards pursuant to section 5104.05 40875
of the Revised Code for fire prevention and fire safety in child 40876
day-care centers and in type A family day-care homes, as defined 40877
in section 5104.01 of the Revised Code. 40878

~~(F) Establish minimum standards for fire prevention and 40879
safety an adult group home seeking licensure as an adult care 40880
facility must meet under section 5119.71 of the Revised Code. The 40881
fire marshal shall adopt the rules under this division in 40882
consultation with the directors of mental health and aging and 40883
interested parties designated by the directors of mental health 40884
and aging. 40885~~

Sec. 3737.841. As used in this section and section 3737.842 40886
of the Revised Code: 40887

(A) "Public occupancy" means all of the following: 40888

(1) Any state correctional institution as defined in section 40889
2967.01 of the Revised Code and any county, multicounty, 40890
municipal, or municipal-county jail or workhouse; 40891

(2) Any hospital as defined in section 3727.01 of the Revised 40892
Code, any hospital licensed by the department of mental health 40893

under section 5119.20 of the Revised Code, and any institution, 40894
hospital, or other place established, controlled, or supervised by 40895
the department of mental health under Chapter 5119. of the Revised 40896
Code; 40897

(3) Any nursing home, residential care facility, or home for 40898
the aging as defined in section 3721.01 of the Revised Code and 40899
any ~~adult care residential~~ residential facility ~~as defined in~~ licensed under 40900
section ~~5119.70~~ 5119.22 of the Revised Code that provides 40901
accommodations, supervision, and personal care services for three 40902
to sixteen unrelated adults; 40903

(4) Any child day-care center and any type A family day-care 40904
home as defined in section 5104.01 of the Revised Code; 40905

(5) Any public auditorium or stadium; 40906

(6) Public assembly areas of hotels and motels containing 40907
more than ten articles of seating furniture. 40908

(B) "Sell" includes sell, offer or expose for sale, barter, 40909
trade, deliver, give away, rent, consign, lease, possess for sale, 40910
or dispose of in any other commercial manner. 40911

(C) Except as provided in division (D) of this section, 40912
"seating furniture" means any article of furniture, including 40913
children's furniture, that can be used as a support for an 40914
individual, or an individual's limbs or feet, when sitting or 40915
resting in an upright or reclining position and that either: 40916

(1) Is made with loose or attached cushions or pillows; 40917

(2) Is stuffed or filled in whole or in part with any filling 40918
material; 40919

(3) Is or can be stuffed or filled in whole or in part with 40920
any substance or material, concealed by fabric or any other 40921
covering. 40922

"Seating furniture" includes the cushions or pillows 40923

belonging to or forming a part of the furniture, the structural 40924
unit, and the filling material and its container or covering. 40925

(D) "Seating furniture" does not include, except if intended 40926
for use by children or in facilities designed for the care or 40927
treatment of humans, any of the following: 40928

(1) Cushions or pads intended solely for outdoor use; 40929

(2) Any article with a smooth surface that contains no more 40930
than one-half inch of filling material, if that article does not 40931
have an upholstered horizontal surface meeting an upholstered 40932
vertical surface; 40933

(3) Any article manufactured solely for recreational use or 40934
physical fitness purposes, including weight-lifting benches, 40935
gymnasium mats or pads, and sidehorses. 40936

(E) "Filling material" means cotton, wool, kapok, feathers, 40937
down, hair, liquid, or any other natural or artificial material or 40938
substance that is used or can be used as stuffing in seating 40939
furniture. 40940

Sec. 3742.01. As used in this chapter: 40941

(A) "Board of health" means the board of health of a city or 40942
general health district or the authority having the duties of a 40943
board of health under section 3709.05 of the Revised Code. 40944

(B) "Child care facility" means each area of any of the 40945
following in which child care, as defined in section 5104.01 of 40946
the Revised Code, is provided to children under six years of age: 40947

(1) A child day-care center, type A family day-care home, or 40948
type B family day-care home as defined in section 5104.01 of the 40949
Revised Code; 40950

(2) A type C family day-care home authorized to provide child 40951
care by Sub. H.B. 62 of the 121st general assembly, as amended by 40952

Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 40953
of the 123rd general assembly; 40954

(3) A preschool program or school child program as defined in 40955
section 3301.52 of the Revised Code. 40956

(C) "Clearance examination" means an examination to determine 40957
whether the lead hazards in a residential unit, child care 40958
facility, or school have been sufficiently controlled. A clearance 40959
examination includes a visual assessment, collection, and analysis 40960
of environmental samples. 40961

(D) "Clearance technician" means a person, other than a 40962
licensed lead inspector or licensed lead risk assessor, who 40963
performs a clearance examination. 40964

(E) "Clinical laboratory" means a facility for the 40965
biological, microbiological, serological, chemical, 40966
immunohematological, hematological, biophysical, cytological, 40967
pathological, or other examination of substances derived from the 40968
human body for the purpose of providing information for the 40969
diagnosis, prevention, or treatment of any disease, or in the 40970
assessment or impairment of the health of human beings. "Clinical 40971
laboratory" does not include a facility that only collects or 40972
prepares specimens, or serves as a mailing service, and does not 40973
perform testing. 40974

(F) "Encapsulation" means the coating and sealing of surfaces 40975
with durable surface coating specifically formulated to be 40976
elastic, able to withstand sharp and blunt impacts, long-lasting, 40977
and resilient, while also resistant to cracking, peeling, algae, 40978
fungus, and ultraviolet light, so as to prevent any part of 40979
lead-containing paint from becoming part of house dust or 40980
otherwise accessible to children. 40981

(G) "Enclosure" means the resurfacing or covering of surfaces 40982
with durable materials such as wallboard or paneling, and the 40983

sealing or caulking of edges and joints, so as to prevent or 40984
control chalking, flaking, peeling, scaling, or loose 40985
lead-containing substances from becoming part of house dust or 40986
otherwise accessible to children. 40987

(H) "Environmental lead analytical laboratory" means a 40988
facility that analyzes air, dust, soil, water, paint, film, or 40989
other substances, other than substances derived from the human 40990
body, for the presence and concentration of lead. 40991

(I) "HEPA" means the designation given to a product, device, 40992
or system that has been equipped with a high-efficiency 40993
particulate air filter, which is a filter capable of removing 40994
particles of 0.3 microns or larger from air at 99.97 per cent or 40995
greater efficiency. 40996

(J) "Interim controls" means a set of measures designed to 40997
reduce temporarily human exposure or likely human exposure to lead 40998
hazards. Interim controls include specialized cleaning, repairs, 40999
painting, temporary containment, ongoing lead hazard maintenance 41000
activities, and the establishment and operation of management and 41001
resident education programs. 41002

(K)(1) "Lead abatement" means a measure or set of measures 41003
designed for the single purpose of permanently eliminating lead 41004
hazards. "Lead abatement" includes all of the following: 41005

(a) Removal of lead-based paint and lead-contaminated dust; 41006

(b) Permanent enclosure or encapsulation of lead-based paint; 41007

(c) Replacement of surfaces or fixtures painted with 41008
lead-based paint; 41009

(d) Removal or permanent covering of lead-contaminated soil; 41010

(e) Preparation, cleanup, and disposal activities associated 41011
with lead abatement. 41012

(2) "Lead abatement" does not include any of the following: 41013

(a) Preventive treatments performed pursuant to section 3742.41 of the Revised Code;	41014 41015
(b) Implementation of interim controls;	41016
(c) Activities performed by a property owner on a residential unit to which both of the following apply:	41017 41018
(i) It is a freestanding single-family home used as the property owner's private residence.	41019 41020
(ii) No child under six years of age who has lead poisoning resides in the unit.	41021 41022
(L) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.	41023 41024 41025 41026 41027
(M) "Lead abatement project" means one or more lead abatement activities that are conducted by a lead abatement contractor and are reasonably related to each other.	41028 41029 41030
(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.	41031 41032 41033
(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.	41034 41035 41036
(P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health, <u>as that level is established by rule of the public health council in rules adopted</u> under section 3742.50 of the Revised Code.	41037 41038 41039 41040 41041
(Q) "Lead-contaminated dust" means dust that contains an area or mass concentration of lead at or in excess of the level that is	41042 41043

hazardous to human health, ~~as that level is~~ established ~~by rule of~~ 41044
~~the public health council in rules adopted~~ under section 3742.50 41045
of the Revised Code. 41046

(R) "Lead-contaminated soil" means soil that contains lead at 41047
or in excess of the level that is hazardous to human health, ~~as~~ 41048
~~that level is~~ established ~~by rule of the public health council in~~ 41049
~~rules adopted~~ under section 3742.50 of the Revised Code. 41050

(S) "Lead hazard" means material that is likely to cause lead 41051
exposure and endanger an individual's health as determined by the 41052
~~public director of health council~~ in rules adopted under section 41053
3742.50 of the Revised Code. "Lead hazard" includes lead-based 41054
paint, lead-contaminated dust, lead-contaminated soil, and 41055
lead-contaminated water pipes. 41056

(T) "Lead inspection" means a surface-by-surface 41057
investigation to determine the presence of lead-based paint. The 41058
inspection shall use a sampling or testing technique approved by 41059
the ~~public health council~~ director in rules adopted ~~by the council~~ 41060
under section 3742.03 of the Revised Code. A licensed lead 41061
inspector or laboratory approved under section 3742.09 of the 41062
Revised Code shall certify in writing the precise results of the 41063
inspection. 41064

(U) "Lead inspector" means any individual who conducts a lead 41065
inspection, provides professional advice regarding a lead 41066
inspection, or prepares a report explaining the results of a lead 41067
inspection. 41068

(V) "Lead poisoning" means the level of lead in human blood 41069
that is hazardous to human health, as specified in rules adopted 41070
under section 3742.50 of the Revised Code. 41071

(W) "Lead risk assessment" means an on-site investigation to 41072
determine and report the existence, nature, severity, and location 41073
of lead hazards in a residential unit, child care facility, or 41074

school, including information gathering from the unit, facility, 41075
or school's current owner's knowledge regarding the age and 41076
painting history of the unit, facility, or school and occupancy by 41077
children under six years of age, visual inspection, limited wipe 41078
sampling or other environmental sampling techniques, and any other 41079
activity as may be appropriate. 41080

(X) "Lead risk assessor" means a person who is responsible 41081
for developing a written inspection, risk assessment, and analysis 41082
plan; conducting inspections for lead hazards in a residential 41083
unit, child care facility, or school; interpreting results of 41084
inspections and risk assessments; identifying hazard control 41085
strategies to reduce or eliminate lead exposures; and completing a 41086
risk assessment report. 41087

(Y) "Lead-safe renovation" means the supervision or 41088
performance of services for the general improvement of all or part 41089
of an existing structure, including a residential unit, child care 41090
facility, or school, when the services are supervised or performed 41091
by a lead-safe renovator. 41092

(Z) "Lead-safe renovator" means a person who has successfully 41093
completed a training program in lead-safe renovation approved 41094
under section 3742.47 of the Revised Code. 41095

(AA) "Manager" means a person, who may be the same person as 41096
the owner, responsible for the daily operation of a residential 41097
unit, child care facility, or school. 41098

(BB) "Permanent" means an expected design life of at least 41099
twenty years. 41100

(CC) "Replacement" means an activity that entails removing 41101
components such as windows, doors, and trim that have lead hazards 41102
on their surfaces and installing components free of lead hazards. 41103

(DD) "Residential unit" means a dwelling or any part of a 41104
building being used as an individual's private residence. 41105

(EE) "School" means a public or nonpublic school in which 41106
children under six years of age receive education. 41107

Sec. 3742.02. (A) No person shall do any of the following: 41108

(1) Violate any provision of this chapter or the rules 41109
adopted pursuant to it; 41110

(2) Apply or cause to be applied any lead-based paint on or 41111
inside a residential unit, child care facility, or school, unless 41112
the ~~public~~ director of health ~~council~~ has determined by rule under 41113
section 3742.50 of the Revised Code that no suitable substitute 41114
exists; 41115

(3) Interfere with an investigation conducted by the director 41116
of health or a board of health in accordance with section 3742.35 41117
of the Revised Code. 41118

(B) No person shall knowingly authorize or employ an 41119
individual to perform lead abatement on a residential unit, child 41120
care facility, or school unless the individual who will perform 41121
the lead abatement holds a valid license issued under section 41122
3742.05 of the Revised Code. 41123

(C) No person shall do any of the following when a 41124
residential unit, child care facility, or school is involved: 41125

(1) Perform a lead inspection without a valid lead inspector 41126
license issued under section 3742.05 of the Revised Code; 41127

(2) Perform a lead risk assessment or provide professional 41128
advice regarding lead abatement without a valid lead risk assessor 41129
license issued under section 3742.05 of the Revised Code; 41130

(3) Act as a lead abatement contractor without a valid lead 41131
abatement contractor's license issued under section 3742.05 of the 41132
Revised Code; 41133

(4) Act as a lead abatement project designer without a valid 41134

lead abatement project designer license issued under section	41135
3742.05 of the Revised Code;	41136
(5) Perform lead abatement without a valid lead abatement	41137
worker license issued under section 3742.05 of the Revised Code;	41138
(6) Effective one year after April 7, 2003, perform a	41139
clearance examination without a valid clearance technician license	41140
issued under section 3742.05 of the Revised Code, unless the	41141
person holds a valid lead inspector license or valid lead risk	41142
assessor license issued under that section;	41143
(7) Perform lead training for the licensing purposes of this	41144
chapter without a valid approval from the director of health under	41145
section 3742.08 of the Revised Code;	41146
(8) Perform interim controls without complying with 24 C.F.R.	41147
Part 35.	41148
Sec. 3742.03. The public <u>director of health council</u> shall	41149
adopt rules in accordance with Chapter 119. of the Revised Code	41150
for the administration and enforcement of sections 3742.01 to	41151
3742.19 and 3742.99 of the Revised Code. The rules shall specify	41152
all of the following:	41153
(A) Procedures to be followed by a lead abatement contractor,	41154
lead abatement project designer, lead abatement worker, lead	41155
inspector, or lead risk assessor licensed under section 3742.05 of	41156
the Revised Code for undertaking lead abatement activities and	41157
procedures to be followed by a clearance technician, lead	41158
inspector, or lead risk assessor in performing a clearance	41159
examination;	41160
(B)(1) Requirements for training and licensure, in addition	41161
to those established under section 3742.08 of the Revised Code, to	41162
include levels of training and periodic refresher training for	41163
each class of worker, and to be used for licensure under section	41164

3742.05 of the Revised Code. Except in the case of clearance 41165
technicians, these requirements shall include at least twenty-four 41166
classroom hours of training based on the Occupational Safety and 41167
Health Act training program for lead set forth in 29 C.F.R. 41168
1926.62. For clearance technicians, the training requirements to 41169
obtain an initial license shall not exceed six hours and the 41170
requirements for refresher training shall not exceed two hours 41171
every four years. In establishing the training and licensure 41172
requirements, the ~~public health council~~ director shall consider 41173
the core of information that is needed by all licensed persons, 41174
and establish the training requirements so that persons who would 41175
seek licenses in more than one area would not have to take 41176
duplicative course work. 41177

(2) Persons certified by the American board of industrial 41178
hygiene as a certified industrial hygienist or as an industrial 41179
hygienist-in-training, and persons registered as a sanitarian or 41180
sanitarian-in-training under Chapter 4736. of the Revised Code, 41181
shall be exempt from any training requirements for initial 41182
licensure established under this chapter, but shall be required to 41183
take any examinations for licensure required under section 3742.05 41184
of the Revised Code. 41185

(C) Fees for licenses issued under section 3742.05 of the 41186
Revised Code and for their renewal; 41187

(D) Procedures to be followed by lead inspectors, lead 41188
abatement contractors, environmental lead analytical laboratories, 41189
lead risk assessors, lead abatement project designers, and lead 41190
abatement workers to prevent public exposure to lead hazards and 41191
ensure worker protection during lead abatement projects; 41192

(E)(1) Record-keeping and reporting requirements for clinical 41193
laboratories, environmental lead analytical laboratories, lead 41194
inspectors, lead abatement contractors, lead risk assessors, lead 41195
abatement project designers, and lead abatement workers for lead 41196

abatement projects and record-keeping and reporting requirements	41197
for clinical laboratories, environmental lead analytical	41198
laboratories, and clearance technicians for clearance	41199
examinations;	41200
(2) Record-keeping and reporting requirements regarding lead	41201
poisoning for physicians, in addition to the requirements of	41202
section 3701.25 of the Revised Code;	41203
(3) Information that is required to be reported under rules	41204
based on divisions (E)(1) and (2) of this section and that is a	41205
medical record is not a public record under section 149.43 of the	41206
Revised Code and shall not be released, except in aggregate	41207
statistical form.	41208
(F) Environmental sampling techniques for use in collecting	41209
samples of air, water, dust, paint, and other materials;	41210
(G) Requirements for a respiratory protection plan prepared	41211
in accordance with section 3742.07 of the Revised Code;	41212
(H) Requirements under which a manufacturer of encapsulants	41213
must demonstrate evidence of the safety and durability of its	41214
encapsulants by providing results of testing from an independent	41215
laboratory indicating that the encapsulants meet the standards	41216
developed by the "E06.23.30 task group on encapsulants," which is	41217
the task group of the lead hazards associated with buildings	41218
subcommittee of the performance of buildings committee of the	41219
American society for testing and materials.	41220
Sec. 3742.04. (A) The director of health shall do all of the	41221
following:	41222
(1) Administer and enforce the requirements of sections	41223
3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules	41224
adopted pursuant to those sections;	41225
(2) Examine records and reports submitted by lead inspectors,	41226

lead abatement contractors, lead risk assessors, lead abatement 41227
project designers, lead abatement workers, and clearance 41228
technicians in accordance with section 3742.05 of the Revised Code 41229
to determine whether the requirements of this chapter are being 41230
met; 41231

(3) Examine records and reports submitted by physicians, 41232
clinical laboratories, and environmental lead analytical 41233
laboratories under section 3701.25 or 3742.09 of the Revised Code; 41234

(4) Issue approval to manufacturers of encapsulants that have 41235
done all of the following: 41236

(a) Submitted an application for approval to the director on 41237
a form prescribed by the director; 41238

(b) Paid the application fee established by the director; 41239

(c) Submitted results from an independent laboratory 41240
indicating that the manufacturer's encapsulants satisfy the 41241
requirements established in rules adopted under division (H) of 41242
section 3742.03 of the Revised Code; 41243

(d) Complied with rules adopted by the ~~public health council~~ 41244
director regarding durability and safety to workers and residents. 41245

(5) Establish liaisons and cooperate with the directors or 41246
agencies in states having lead abatement, licensing, 41247
accreditation, certification, and approval programs to promote 41248
consistency between the requirements of this chapter and those of 41249
other states in order to facilitate reciprocity of the programs 41250
among states; 41251

(6) Establish a program to monitor and audit the quality of 41252
work of lead inspectors, lead risk assessors, lead abatement 41253
project designers, lead abatement contractors, lead abatement 41254
workers, and clearance technicians. The director may refer 41255
improper work discovered through the program to the attorney 41256

general for appropriate action. 41257

(B) In addition to any other authority granted by this 41258
chapter, the director of health may do any of the following: 41259

(1) Employ persons who have received training from a program 41260
the director has determined provides the necessary background. The 41261
appropriate training may be obtained in a state that has an 41262
ongoing lead abatement program under which it conducts educational 41263
programs. 41264

(2) Cooperate with the United States environmental protection 41265
agency in any joint oversight procedures the agency may propose 41266
for laboratories that offer lead analysis services and are 41267
accredited under the agency's laboratory accreditation program; 41268

(3) Advise, consult, cooperate with, or enter into contracts 41269
or cooperative agreements with any person, government entity, 41270
interstate agency, or the federal government as the director 41271
considers necessary to fulfill the requirements of this chapter 41272
and the rules adopted under it. 41273

Sec. 3742.05. (A)(1) The director of health shall issue lead 41274
inspector, lead abatement contractor, lead risk assessor, lead 41275
abatement project designer, lead abatement worker, and clearance 41276
technician licenses. The director shall issue a license to an 41277
applicant who meets all of the following requirements: 41278

(a) Submits an application to the director on a form 41279
prescribed by the director; 41280

(b) Meets the licensing and training requirements established 41281
~~by the public health council~~ in rules adopted under section 41282
3742.03 of the Revised Code; 41283

(c) Successfully completes the licensing examination for the 41284
applicant's area of expertise administered under section 3742.08 41285
of the Revised Code and any training required by the director 41286

under that section;	41287
(d) Pays the license fee established by the public health council in rules adopted under section 3742.03 of the Revised Code;	41288 41289 41290
(e) Provides the applicant's social security number and any information the director may require to demonstrate the applicant's compliance with this chapter and the rules adopted under it.	41291 41292 41293 41294
(2) An individual may hold more than one license issued under this section, but a separate application is required for each license.	41295 41296 41297
(B) A license issued under this section expires two years after the date of issuance. The director shall renew a license in accordance with the standard renewal procedure set forth in Chapter 4745. of the Revised Code, if the licensee does all of the following:	41298 41299 41300 41301 41302
(1) Continues to meet the requirements of division (A) of this section;	41303 41304
(2) Demonstrates compliance with procedures to prevent public exposure to lead hazards and for worker protection during lead abatement projects established by rule in rules adopted by the public health council under section 3742.03 of the Revised Code;	41305 41306 41307 41308
(3) Meets the record-keeping and reporting requirements for lead abatement projects or clearance examinations established by rule in rules adopted by the public health council under section 3742.03 of the Revised Code;	41309 41310 41311 41312
(4) Pays the license renewal fee established by rule in rules adopted by the public health council under section 3742.03 of the Revised Code.	41313 41314 41315
(C) An individual licensed, certified, or otherwise approved	41316

under the law of another state to perform functions substantially 41317
similar to those of a lead inspector, lead abatement contractor, 41318
lead risk assessor, lead abatement project designer, lead 41319
abatement worker, or clearance technician may apply to the 41320
director of health for licensure in accordance with the procedures 41321
set forth in division (A) of this section. The director shall 41322
license an individual under this division on a determination that 41323
the standards for licensure, certification, or approval in that 41324
state are at least substantially equivalent to those established 41325
by this chapter and the rules adopted under it. The director may 41326
require an examination for licensure under this division. 41327

Sec. 3742.30. Each child at risk of lead poisoning shall 41328
undergo a blood lead screening test to determine whether the child 41329
has lead poisoning. The at-risk children shall undergo the test at 41330
times determined by rules the ~~public director of health council~~ 41331
shall adopt in accordance with Chapter 119. of the Revised Code 41332
that are consistent with the guidelines established by the centers 41333
for disease control and prevention in the public health service of 41334
the United States department of health and human services. The 41335
rules shall specify which children are at risk of lead poisoning. 41336

Neither this section nor the rules adopted under it affect 41337
the coverage of blood lead screening tests by any publicly funded 41338
health program, including the medicaid program established by 41339
Chapter 5111. of the Revised Code. Neither this section nor the 41340
rules adopted under it apply to a child if a parent of the child 41341
objects to the test on the grounds that the test conflicts with 41342
the parent's religious tenets and practices. 41343

Sec. 3742.47. (A) A person seeking approval of a training 41344
program in either essential maintenance practices or lead-safe 41345
renovation shall apply for approval to the director of health. The 41346
application shall be made on a form prescribed by the director and 41347

shall include the fee established under division (B) of this 41348
section. The director shall issue approval to the applicant if the 41349
applicant demonstrates to the satisfaction of the director that 41350
the training program will meet the following requirements and any 41351
other training program requirements established by rules adopted 41352
under section 3742.50 of the Revised Code: 41353

(1) Conducts the training program in a period of time that 41354
does not exceed six hours; 41355

(2) Administers an examination established by rule of the 41356
~~public health council~~ director at the end of the training program 41357
to each person who completes the training; 41358

(3) Grades each examination not later than one week after its 41359
completion and determines whether the person who took the 41360
examination received a passing score; 41361

(4) Not later than one week after the examination is 41362
completed provides written proof of training program completion to 41363
each person who completes the program and passes the examination. 41364

(B) The director of health shall establish an application fee 41365
for approving training programs under this section. The fee shall 41366
be reasonable and shall not exceed the expenses incurred in 41367
conducting the approval of training programs. An application fee 41368
submitted under division (A) of this section is nonrefundable. 41369

Sec. 3742.50. (A) The ~~public~~ director of health ~~council~~ shall 41370
adopt rules in accordance with Chapter 119. of the Revised Code 41371
establishing all of the following: 41372

(1) Procedures necessary for the development and operation of 41373
the child lead poisoning prevention program established under 41374
section 3742.31 of the Revised Code; 41375

(2) Standards and procedures for conducting investigations 41376

and risk assessments under sections 3742.35 and 3742.36 of the Revised Code; 41377
41378

(3) Standards and procedures for issuing lead hazard control orders under section 3742.37 of the Revised Code, including standards and procedures for determining appropriate deadlines for complying with lead hazard control orders; 41379
41380
41381
41382

(4) The level of lead in human blood that is hazardous to human health, consistent with the guidelines issued by the centers for disease control and prevention in the public health service of the United States department of health and human services; 41383
41384
41385
41386

(5) The level of lead in paint, dust, and soil that is hazardous to human health; 41387
41388

(6) Standards and procedures to be followed when implementing preventive treatments for the control of lead hazards pursuant to section 3742.41 of the Revised Code that are based on information from the United States environmental protection agency, department of housing and urban development, occupational safety and health administration, or other agencies with recommendations or guidelines regarding implementation of preventive treatments; 41389
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(7) Standards that must be met to pass a clearance examination; 41396
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(8) Procedures for approving under section 3742.47 of the Revised Code training programs in essential maintenance practices and lead-safe renovation and requirements, in addition to those specified in section 3742.47 of the Revised Code, that a program must meet to receive approval; 41398
41399
41400
41401
41402

(9) The examination to be administered by a training program approved under section 3742.47 of the Revised Code and the examination's passing score. 41403
41404
41405

(B) The ~~public health council~~ director shall establish 41406

procedures for revising its rules to ensure that the child lead 41407
poisoning prevention activities conducted under this chapter 41408
continue to meet the requirements necessary to obtain any federal 41409
funding available for those activities, including requirements 41410
established by the United States environmental protection agency, 41411
United States department of housing and urban development, or any 41412
other federal agency with jurisdiction over activities pertaining 41413
to child lead poisoning prevention. 41414

Sec. 3743.04. (A) The license of a manufacturer of fireworks 41415
is effective for one year beginning on the first day of December. 41416
The state fire marshal shall issue or renew a license only on that 41417
date and at no other time. If a manufacturer of fireworks wishes 41418
to continue manufacturing fireworks at the designated fireworks 41419
plant after its then effective license expires, it shall apply no 41420
later than the first day of October for a new license pursuant to 41421
section 3743.02 of the Revised Code. The state fire marshal shall 41422
send a written notice of the expiration of its license to a 41423
licensed manufacturer at least three months before the expiration 41424
date. 41425

(B) If, during the effective period of its licensure, a 41426
licensed manufacturer of fireworks wishes to construct, locate, or 41427
relocate any buildings or other structures on the premises of its 41428
fireworks plant, to make any structural change or renovation in 41429
any building or other structure on the premises of its fireworks 41430
plant, or to change the nature of its manufacturing of fireworks 41431
so as to include the processing of fireworks, the manufacturer 41432
shall notify the state fire marshal in writing. The state fire 41433
marshal may require a licensed manufacturer also to submit 41434
documentation, including, but not limited to, plans covering the 41435
proposed construction, location, relocation, structural change or 41436
renovation, or change in manufacturing of fireworks, if the state 41437
fire marshal determines the documentation is necessary for 41438

evaluation purposes in light of the proposed construction, 41439
location, relocation, structural change or renovation, or change 41440
in manufacturing of fireworks. 41441

Upon receipt of the notification and additional documentation 41442
required by the state fire marshal, the state fire marshal shall 41443
inspect the premises of the fireworks plant to determine if the 41444
proposed construction, location, relocation, structural change or 41445
renovation, or change in manufacturing of fireworks conforms to 41446
sections 3743.02 to 3743.08 of the Revised Code and the rules 41447
adopted by the state fire marshal pursuant to section 3743.05 of 41448
the Revised Code. The state fire marshal shall issue a written 41449
authorization to the manufacturer for the construction, location, 41450
relocation, structural change or renovation, or change in 41451
manufacturing of fireworks if the state fire marshal determines, 41452
upon the inspection and a review of submitted documentation, that 41453
the construction, location, relocation, structural change or 41454
renovation, or change in manufacturing of fireworks conforms to 41455
those sections and rules. Upon authorizing a change in 41456
manufacturing of fireworks to include the processing of fireworks, 41457
the state fire marshal shall make notations on the manufacturer's 41458
license and in the list of licensed manufacturers in accordance 41459
with section 3743.03 of the Revised Code. 41460

On or before June 1, 1998, a licensed manufacturer shall 41461
install, in every licensed building in which fireworks are 41462
manufactured, stored, or displayed and to which the public has 41463
access, interlinked fire detection, smoke exhaust, and smoke 41464
evacuation systems that are approved by the superintendent of 41465
~~labor~~ industrial compliance, and shall comply with floor plans 41466
showing occupancy load limits and internal circulation and egress 41467
patterns that are approved by the state fire marshal and 41468
superintendent, and that are submitted under seal as required by 41469
section 3791.04 of the Revised Code. Notwithstanding section 41470

3743.59 of the Revised Code, the construction and safety 41471
requirements established in this division are not subject to any 41472
variance, waiver, or exclusion. 41473

(C) The license of a manufacturer of fireworks authorizes the 41474
manufacturer to engage only in the following activities: 41475

(1) The manufacturing of fireworks on the premises of the 41476
fireworks plant as described in the application for licensure or 41477
in the notification submitted under division (B) of this section, 41478
except that a licensed manufacturer shall not engage in the 41479
processing of fireworks unless authorized to do so by its license. 41480

(2) To possess for sale at wholesale and sell at wholesale 41481
the fireworks manufactured by the manufacturer, to persons who are 41482
licensed wholesalers of fireworks, to out-of-state residents in 41483
accordance with section 3743.44 of the Revised Code, to residents 41484
of this state in accordance with section 3743.45 of the Revised 41485
Code, or to persons located in another state provided the 41486
fireworks are shipped directly out of this state to them by the 41487
manufacturer. A person who is licensed as a manufacturer of 41488
fireworks on June 14, 1988, also may possess for sale and sell 41489
pursuant to division (C)(2) of this section fireworks other than 41490
those the person manufactures. The possession for sale shall be on 41491
the premises of the fireworks plant described in the application 41492
for licensure or in the notification submitted under division (B) 41493
of this section, and the sale shall be from the inside of a 41494
licensed building and from no other structure or device outside a 41495
licensed building. At no time shall a licensed manufacturer sell 41496
any class of fireworks outside a licensed building. 41497

(3) Possess for sale at retail and sell at retail the 41498
fireworks manufactured by the manufacturer, other than 1.4G 41499
fireworks as designated by the state fire marshal in rules adopted 41500
pursuant to division (A) of section 3743.05 of the Revised Code, 41501
to licensed exhibitors in accordance with sections 3743.50 to 41502

3743.55 of the Revised Code, and possess for sale at retail and 41503
sell at retail the fireworks manufactured by the manufacturer, 41504
including 1.4G fireworks, to out-of-state residents in accordance 41505
with section 3743.44 of the Revised Code, to residents of this 41506
state in accordance with section 3743.45 of the Revised Code, or 41507
to persons located in another state provided the fireworks are 41508
shipped directly out of this state to them by the manufacturer. A 41509
person who is licensed as a manufacturer of fireworks on June 14, 41510
1988, may also possess for sale and sell pursuant to division 41511
(C)(3) of this section fireworks other than those the person 41512
manufactures. The possession for sale shall be on the premises of 41513
the fireworks plant described in the application for licensure or 41514
in the notification submitted under division (B) of this section, 41515
and the sale shall be from the inside of a licensed building and 41516
from no other structure or device outside a licensed building. At 41517
no time shall a licensed manufacturer sell any class of fireworks 41518
outside a licensed building. 41519

A licensed manufacturer of fireworks shall sell under 41520
division (C) of this section only fireworks that meet the 41521
standards set by the consumer product safety commission or by the 41522
American fireworks standard laboratories or that have received an 41523
EX number from the United States department of transportation. 41524

(D) The license of a manufacturer of fireworks shall be 41525
protected under glass and posted in a conspicuous place on the 41526
premises of the fireworks plant. Except as otherwise provided in 41527
this division, the license is not transferable or assignable. A 41528
license may be transferred to another person for the same 41529
fireworks plant for which the license was issued if the assets of 41530
the plant are transferred to that person by inheritance or by a 41531
sale approved by the state fire marshal. The license is subject to 41532
revocation in accordance with section 3743.08 of the Revised Code. 41533

(E) The state fire marshal shall not place the license of a 41534

manufacturer of fireworks in a temporarily inactive status while 41535
the holder of the license is attempting to qualify to retain the 41536
license. 41537

(F) Each licensed manufacturer of fireworks that possesses 41538
fireworks for sale and sells fireworks under division (C) of 41539
section 3743.04 of the Revised Code, or a designee of the 41540
manufacturer, whose identity is provided to the state fire marshal 41541
by the manufacturer, annually shall attend a continuing education 41542
program. The state fire marshal shall develop the program and the 41543
state fire marshal or a person or public agency approved by the 41544
state fire marshal shall conduct it. A licensed manufacturer or 41545
the manufacturer's designee who attends a program as required 41546
under this division, within one year after attending the program, 41547
shall conduct in-service training as approved by the state fire 41548
marshal for other employees of the licensed manufacturer regarding 41549
the information obtained in the program. A licensed manufacturer 41550
shall provide the state fire marshal with notice of the date, 41551
time, and place of all in-service training. For any program 41552
conducted under this division, the state fire marshal shall, in 41553
accordance with rules adopted by the state fire marshal under 41554
Chapter 119. of the Revised Code, establish the subjects to be 41555
taught, the length of classes, the standards for approval, and 41556
time periods for notification by the licensee to the state fire 41557
marshal of any in-service training. 41558

(G) A licensed manufacturer shall maintain comprehensive 41559
general liability insurance coverage in the amount and type 41560
specified under division (B)(2) of section 3743.02 of the Revised 41561
Code at all times. Each policy of insurance required under this 41562
division shall contain a provision requiring the insurer to give 41563
not less than fifteen days' prior written notice to the state fire 41564
marshal before termination, lapse, or cancellation of the policy, 41565
or any change in the policy that reduces the coverage below the 41566

minimum required under this division. Prior to canceling or 41567
reducing the amount of coverage of any comprehensive general 41568
liability insurance coverage required under this division, a 41569
licensed manufacturer shall secure supplemental insurance in an 41570
amount and type that satisfies the requirements of this division 41571
so that no lapse in coverage occurs at any time. A licensed 41572
manufacturer who secures supplemental insurance shall file 41573
evidence of the supplemental insurance with the state fire marshal 41574
prior to canceling or reducing the amount of coverage of any 41575
comprehensive general liability insurance coverage required under 41576
this division. 41577

(H) The state fire marshal shall adopt rules for the 41578
expansion or contraction of a licensed premises and for approval 41579
of such expansions or contractions. The boundaries of a licensed 41580
premises, including any geographic expansion or contraction of 41581
those boundaries, shall be approved by the state fire marshal in 41582
accordance with rules the state fire marshal adopts. If the 41583
licensed premises consists of more than one parcel of real estate, 41584
those parcels shall be contiguous unless an exception is allowed 41585
pursuant to division (I) of this section. 41586

(I)(1) A licensed manufacturer may expand its licensed 41587
premises within this state to include not more than two storage 41588
locations that are located upon one or more real estate parcels 41589
that are noncontiguous to the licensed premises as that licensed 41590
premises exists on the date a licensee submits an application as 41591
described below, if all of the following apply: 41592

(a) The licensee submits an application to the state fire 41593
marshal and an application fee of one hundred dollars per storage 41594
location for which the licensee is requesting approval. 41595

(b) The identity of the holder of the license remains the 41596
same at the storage location. 41597

(c) The storage location has received a valid certificate of zoning compliance as applicable and a valid certificate of occupancy for each building or structure at the storage location issued by the authority having jurisdiction to issue the certificate for the storage location, and those certificates permit the distribution and storage of fireworks regulated under this chapter at the storage location and in the buildings or structures. The storage location shall be in compliance with all other applicable federal, state, and local laws and regulations.

(d) Every building or structure located upon the storage location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, or any other buildings or structures on the licensed premises in accordance with the distances specified in the rules adopted by the state fire marshal pursuant to section 3743.05 of the Revised Code.

(e) Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or pleaded guilty to a felony under the laws of this state, any other state, or the United States, after September 29, 2005.

(f) The state fire marshal approves the application for expansion.

(2) The state fire marshal shall approve an application for expansion requested under division (I)(1) of this section if the state fire marshal receives the application fee and proof that the requirements of divisions (I)(1)(b) to (e) of this section are satisfied. The storage location shall be considered part of the original licensed premises and shall use the same distinct number assigned to the original licensed premises with any additional designations as the state fire marshal deems necessary in accordance with section 3743.03 of the Revised Code.

(J)(1) A licensee who obtains approval for the use of a storage location in accordance with division (I) of this section shall use the storage location exclusively for the following activities, in accordance with division (C) of this section:

(a) The packaging, assembling, or storing of fireworks, which shall only occur in buildings or structures approved for such hazardous uses by the building code official having jurisdiction for the storage location or, for 1.4G fireworks, in containers or trailers approved for such hazardous uses by the state fire marshal if such containers or trailers are not subject to regulation by the building code adopted in accordance with Chapter 3781. of the Revised Code. All such storage shall be in accordance with the rules adopted by the state fire marshal under division (G) of section 3743.05 of the Revised Code for the packaging, assembling, and storage of fireworks.

(b) Distributing fireworks to other parcels of real estate located on the manufacturer's licensed premises, to licensed wholesalers or other licensed manufacturers in this state or to similarly licensed persons located in another state or country;

(c) Distributing fireworks to a licensed exhibitor of fireworks pursuant to a properly issued permit in accordance with section 3743.54 of the Revised Code.

(2) A licensed manufacturer shall not engage in any sales activity, including the retail sale of fireworks otherwise permitted under division (C)(2) or (C)(3) of this section, or pursuant to section 3743.44 or 3743.45 of the Revised Code, at the storage location approved under this section.

(3) A storage location may not be relocated for a minimum period of five years after the storage location is approved by the state fire marshal in accordance with division (I) of this section.

(K) The licensee shall prohibit public access to the storage 41660
location. The state fire marshal shall adopt rules to describe the 41661
acceptable measures a manufacturer shall use to prohibit access to 41662
the storage site. 41663

Sec. 3743.06. In addition to conforming to the rules of the 41664
fire marshal adopted pursuant to section 3743.05 of the Revised 41665
Code, licensed manufacturers of fireworks shall operate their 41666
fireworks plants in accordance with the following: 41667

(A) Signs indicating that smoking is generally forbidden and 41668
trespassing is prohibited on the premises of a fireworks plant 41669
shall be posted on the premises in a manner determined by the fire 41670
marshal. 41671

(B) Reasonable precautions shall be taken to protect the 41672
premises of a fireworks plant from trespass, loss, theft, or 41673
destruction. Only persons employed by the manufacturer, authorized 41674
governmental personnel, and persons who have obtained permission 41675
from a member of the manufacturer's office to be on the premises, 41676
are to be allowed to enter and remain on the premises. 41677

(C) Smoking or the carrying of pipes, cigarettes, or cigars, 41678
matches, lighters, other flame-producing items, or open flame on, 41679
or the carrying of a concealed source of ignition into, the 41680
premises of a fireworks plant is prohibited, except that a 41681
manufacturer may permit smoking in specified lunchrooms or 41682
restrooms in buildings or other structures in which no 41683
manufacturing, handling, sales, or storage of fireworks takes 41684
place. "NO SMOKING" signs shall be posted on the premises as 41685
required by the fire marshal. 41686

(D) Fire and explosion prevention and other reasonable safety 41687
measures and precautions shall be implemented by a manufacturer. 41688

(E) Persons shall not be permitted to have in their 41689

possession or under their control, while they are on the premises 41690
of the fireworks plant, any intoxicating liquor, beer, or 41691
controlled substance, and they shall not be permitted to enter or 41692
remain on the premises if they are found to be under the influence 41693
of any intoxicating liquor, beer, or controlled substance. 41694

(F) A manufacturer shall conform to all building, safety, and 41695
zoning statutes, ordinances, rules, or other enactments that apply 41696
to the premises of its fireworks plant. 41697

(G) Each fireworks plant shall have at least one class 1 41698
magazine that is approved by the bureau of alcohol, tobacco, and 41699
firearms of the United States department of the treasury and that 41700
is otherwise in conformity with federal law. This division does 41701
not apply to fireworks plants existing on or before August 3, 41702
1931. 41703

(H) Awnings, tents, and canopies shall not be used as 41704
facilities for the sale or storage of fireworks. This division 41705
does not prohibit the use of an awning or canopy attached to a 41706
public access showroom for storing nonflammable shopping 41707
convenience items such as shopping carts or baskets or providing a 41708
shaded area for patrons waiting to enter the public sales area. 41709

(I) Fireworks may be stored in trailers if the trailers are 41710
properly enclosed, secured, and grounded and are separated from 41711
any structure to which the public is admitted by a distance that 41712
will, in the fire marshal's judgment, allow fire-fighting 41713
equipment to have full access to the structures on the licensed 41714
premises. Such trailers may be moved into closer proximity to any 41715
structure only to accept or discharge cargo for a period not to 41716
exceed forty-eight hours. Only two such trailers may be placed in 41717
such closer proximity at any one time. At no time may trailers be 41718
used for conducting sales of any class of fireworks, nor may 41719
members of the public have access to the trailers. 41720

Storage areas for fireworks that are in the same building 41721
where fireworks are displayed and sold to the public shall be 41722
separated from the areas to which the public has access by an 41723
appropriately rated fire wall. 41724

(J) A fire suppression system as defined in section 3781.108 41725
of the Revised Code may be turned off only for repair, drainage of 41726
the system to prevent damage by freezing during the period of 41727
time, approved by the fire marshal, that the facility is closed to 41728
all public access during winter months, or maintenance of the 41729
system. If any repair or maintenance is necessary during times 41730
when the facility is open for public access and business as 41731
approved by the fire marshal, the licensed manufacturer shall 41732
notify in advance the appropriate insurance company and fire chief 41733
or fire prevention officer regarding the nature of the maintenance 41734
or repair and the time when it will be performed. 41735

(K) If any fireworks item is removed from its original 41736
package or is manufactured with any fuse other than a safety fuse 41737
approved by the consumer product safety commission, then the item 41738
shall be covered completely by repackaging or bagging or it shall 41739
otherwise be covered so as to prevent ignition prior to sale. 41740

(L) A safety officer shall be present during regular business 41741
hours at a building open to the public during the period 41742
commencing fourteen days before, and ending two days after, each 41743
fourth day of July. The officer shall be highly visible, enforce 41744
this chapter and any applicable building codes to the extent the 41745
officer is authorized by law, and be one of the following: 41746

(1) A deputy sheriff; 41747

(2) A law enforcement officer of a municipal corporation, 41748
township, or township or joint police district; 41749

(3) A private uniformed security guard registered under 41750
section 4749.06 of the Revised Code. 41751

(M) All doors of all buildings on the licensed premises shall swing outward. 41752
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(N) All wholesale and commercial sales of fireworks shall be packaged, shipped, placarded, and transported in accordance with United States department of transportation regulations applicable to the transportation, and the offering for transportation, of hazardous materials. For purposes of this division, "wholesale and commercial sales" includes all sales for resale and any nonretail sale made in furtherance of a commercial enterprise. For purposes of enforcement of these regulations under section ~~4905.83~~ 4923.99 of the Revised Code, any sales transaction exceeding one thousand pounds shall be rebuttably presumed to be a wholesale or commercial sale. 41754
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Sec. 3743.19. In addition to conforming to the rules of the fire marshal adopted pursuant to section 3743.18 of the Revised Code, licensed wholesalers of fireworks shall conduct their business operations in accordance with the following: 41765
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(A) A wholesaler shall conduct its business operations from the location described in its application for licensure or in a notification submitted under division (B) of section 3743.17 of the Revised Code. 41769
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(B) Signs indicating that smoking is generally forbidden and trespassing is prohibited on the premises of a wholesaler shall be posted on the premises as determined by the fire marshal. 41773
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(C) Reasonable precautions shall be taken to protect the premises of a wholesaler from trespass, loss, theft, or destruction. 41776
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(D) Smoking or the carrying of pipes, cigarettes, or cigars, matches, lighters, other flame-producing items, or open flame on, or the carrying of a concealed source of ignition into, the 41779
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premises of a wholesaler is prohibited, except that a wholesaler 41782
may permit smoking in specified lunchrooms or restrooms in 41783
buildings or other structures in which no sales, handling, or 41784
storage of fireworks takes place. "NO SMOKING" signs shall be 41785
posted on the premises as required by the fire marshal. 41786

(E) Fire and explosion prevention and other reasonable safety 41787
measures and precautions shall be implemented by a wholesaler. 41788

(F) Persons shall not be permitted to have in their 41789
possession or under their control, while they are on the premises 41790
of a wholesaler, any intoxicating liquor, beer, or controlled 41791
substance, and they shall not be permitted to enter or remain on 41792
the premises if they are found to be under the influence of any 41793
intoxicating liquor, beer, or controlled substance. 41794

(G) A wholesaler shall conform to all building, safety, and 41795
zoning statutes, ordinances, rules, or other enactments that apply 41796
to its premises. 41797

(H) Each building used in the sale of fireworks shall be kept 41798
open to the public for at least four hours each day between the 41799
hours of eight a.m. and five p.m., five days of each week, every 41800
week of the year. Upon application from a licensed wholesaler, the 41801
fire marshal may waive any of the requirements of this division. 41802

(I) Awnings, tents, or canopies shall not be used as 41803
facilities for the storage or sale of fireworks. This division 41804
does not prohibit the use of an awning or canopy attached to a 41805
public access showroom for storing nonflammable shopping 41806
convenience items such as shopping carts or baskets or providing a 41807
shaded area for patrons waiting to enter the public sales area. 41808

(J) 1.4G fireworks may be stored in trailers if the trailers 41809
are properly enclosed, secured, and grounded and are separated 41810
from any structure to which the public is admitted by a distance 41811
that will, in the fire marshal's judgment, allow fire-fighting 41812

equipment to have full access to the structures on the licensed 41813
premises. Such trailers may be moved into closer proximity to any 41814
structure only to accept or discharge cargo for a period not to 41815
exceed forty-eight hours. Only two such trailers may be placed in 41816
such closer proximity at any one time. At no time may trailers be 41817
used for conducting sales of any class of fireworks nor may 41818
members of the public have access to the trailers. 41819

Storage areas for fireworks that are in the same building 41820
where fireworks are displayed and sold to the public shall be 41821
separated from the areas to which the public has access by an 41822
appropriately rated fire wall. If the licensee installs and 41823
properly maintains an early suppression fast response sprinkler 41824
system or equivalent fire suppression system as described in the 41825
fire code adopted by the fire marshal in accordance with section 41826
3737.82 of the Revised Code throughout the structure, a fire 41827
barrier wall may be substituted for a fire wall between the areas 41828
to which the public has access and the storage portions of the 41829
structure. 41830

(K) A fire suppression system as defined in section 3781.108 41831
of the Revised Code may be turned off only for repair, drainage of 41832
the system to prevent damage by freezing during the period of 41833
time, approved by the fire marshal under division (I) of this 41834
section, that the facility is closed to public access during 41835
winter months, or maintenance of the system. If any repair or 41836
maintenance is necessary during times when the facility is open 41837
for public access and business, the licensed wholesaler shall 41838
notify in advance the appropriate insurance company and fire chief 41839
or fire prevention officer regarding the nature of the maintenance 41840
or repair and the time when it will be performed. 41841

(L) If any fireworks item is removed from its original 41842
package or is manufactured with any fuse other than a fuse 41843
approved by the consumer product safety commission, then the item 41844

shall be covered completely by repackaging or bagging or it shall 41845
otherwise be covered so as to prevent ignition prior to sale. 41846

(M) A safety officer shall be present during regular business 41847
hours at a building open to the public during the period 41848
commencing fourteen days before, and ending two days after, each 41849
fourth day of July. The officer shall be highly visible, enforce 41850
this chapter and any applicable building codes to the extent the 41851
officer is authorized by law, and be one of the following: 41852

(1) A deputy sheriff; 41853

(2) A law enforcement officer of a municipal corporation, 41854
township, or township or joint police district; 41855

(3) A private uniformed security guard registered under 41856
section 4749.06 of the Revised Code. 41857

(N) All doors of all buildings on the licensed premises shall 41858
swing outward. 41859

(O) All wholesale and commercial sales of fireworks shall be 41860
packaged, shipped, placarded, and transported in accordance with 41861
United States department of transportation regulations applicable 41862
to the transportation, and the offering for transportation, of 41863
hazardous materials. For purposes of this division, "wholesale and 41864
commercial sales" includes all sales for resale and any nonretail 41865
sale made in furtherance of a commercial enterprise. For purposes 41866
of enforcement of these regulations under section ~~4905.83~~ 4923.99 41867
of the Revised Code, any sales transaction exceeding one thousand 41868
pounds shall be rebuttably presumed to be a wholesale or 41869
commercial sale. 41870

Sec. 3743.25. (A)(1) Except as described in division (A)(2) 41871
of this section, all retail sales of 1.4G fireworks by a licensed 41872
manufacturer or wholesaler shall only occur from an approved 41873
retail sales showroom on a licensed premises or from a 41874

representative sample showroom as described in this section on a 41875
licensed premises. For the purposes of this section, a retail sale 41876
includes the transfer of the possession of the 1.4G fireworks from 41877
the licensed manufacturer or wholesaler to the purchaser of the 41878
fireworks. 41879

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 41880
properly permitted exhibition shall occur in accordance with the 41881
provisions of the Revised Code and rules adopted by the state fire 41882
marshal under Chapter 119. of the Revised Code. Such rules shall 41883
specify, at a minimum, that the licensed exhibitor holds a license 41884
under section 3743.51 of the Revised Code, that the exhibitor 41885
possesses a valid exhibition permit issued in accordance with 41886
section 3743.54 of the Revised Code, and that the fireworks 41887
shipped are to be used at the specifically permitted exhibition. 41888

(B) All wholesale sales of fireworks by a licensed 41889
manufacturer or wholesaler shall only occur from a licensed 41890
premises to persons who intend to resell the fireworks purchased 41891
at wholesale. A wholesale sale by a licensed manufacturer or 41892
wholesaler may occur as follows: 41893

(1) The direct sale and shipment of fireworks to a person 41894
outside of this state; 41895

(2) From an approved retail sales showroom as described in 41896
this section; 41897

(3) From a representative sample showroom as described in 41898
this section; 41899

(4) By delivery of wholesale fireworks to a purchaser at a 41900
licensed premises outside of a structure or building on that 41901
premises. All other portions of the wholesale sales transaction 41902
may occur at any location on a licensed premises. 41903

(5) Any other method as described in rules adopted by the 41904
state fire marshal under Chapter 119. of the Revised Code. 41905

(C) A licensed manufacturer or wholesaler shall only sell 41906
1.4G fireworks from a representative sample showroom or a retail 41907
sales showroom. Each licensed premises shall only contain one 41908
sales structure. 41909

A representative sample showroom shall consist of a structure 41910
constructed and maintained in accordance with the nonresidential 41911
building code adopted under Chapter 3781. of the Revised Code and 41912
the fire code adopted under section 3737.82 of the Revised Code 41913
for a use and occupancy group that permits mercantile sales. A 41914
representative sample showroom shall not contain any pyrotechnics, 41915
pyrotechnic materials, fireworks, explosives, explosive materials, 41916
or any similar hazardous materials or substances. A representative 41917
sample showroom shall be used only for the public viewing of 41918
fireworks product representations, including paper materials, 41919
packaging materials, catalogs, photographs, or other similar 41920
product depictions. The delivery of product to a purchaser of 41921
fireworks at a licensed premises that has a representative sample 41922
structure shall not occur inside any structure on a licensed 41923
premises. Such product delivery shall occur on the licensed 41924
premises in a manner prescribed by rules adopted by the state fire 41925
marshal pursuant to Chapter 119. of the Revised Code. 41926

If a manufacturer or wholesaler elects to conduct sales from 41927
a retail sales showroom, the showroom structures, to which the 41928
public may have any access and in which employees are required to 41929
work, on all licensed premises, shall comply with the following 41930
safety requirements: 41931

(1) A fireworks showroom that is constructed or upon which 41932
expansion is undertaken on and after June 30, 1997, shall be 41933
equipped with interlinked fire detection, fire suppression, smoke 41934
exhaust, and smoke evacuation systems that are approved by the 41935
superintendent of ~~labor~~ industrial compliance in the department of 41936
commerce. 41937

(2) A fireworks showroom that first begins to operate on or after June 30, 1997, and to which the public has access for retail purposes shall not exceed five thousand square feet in floor area.

(3) A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the state fire marshal and superintendent showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the state fire marshal and superintendent.

(4) A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and superintendent, and that are submitted under seal as required by section 3791.04 of the Revised Code.

(D) The safety requirements established in division (C) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.

Sec. 3745.01. There is hereby created the environmental protection agency, headed by the director of environmental protection. The agency, under the supervision of the director, shall administer the laws pertaining to chemical emergency planning, community right-to-know, and toxic chemical release reporting; the cessation of chemical handling operations; the prevention, control, and abatement of air and water pollution; public water supply; comprehensive water resource management

planning; products that contain mercury as defined in section 41969
3734.61 of the Revised Code; and the disposal and treatment of 41970
solid wastes, infectious wastes, construction and demolition 41971
debris, hazardous waste, sewage, industrial waste, and other 41972
wastes. The director may do all of the following: 41973

(A) Provide such methods of administration, appoint such 41974
personnel, make such reports, and take such other action as may be 41975
necessary to comply with the requirements of the federal laws and 41976
regulations pertaining to chemical emergency planning, community 41977
right-to-know, and toxic chemical release reporting; air and water 41978
pollution control; public water supply; water resource planning; 41979
and waste disposal and treatment; 41980

(B) Procure by contract the temporary or intermittent 41981
services of experts or consultants, or organizations thereof, when 41982
those services are to be performed on a part-time or 41983
fee-for-service basis and do not involve the performance of 41984
administrative duties; 41985

(C) Advise, consult, cooperate, and enter into contracts or 41986
agreements, including consensual administrative order agreements, 41987
with any other agencies of the state, the federal government, 41988
other states, ~~and~~ interstate agencies, and persons and with 41989
affected groups, political subdivisions, and industries in 41990
furtherance of the purposes of this chapter and Chapters 3704., 41991
3714., 3734., 3751., 3752., 6109., and 6111. of the Revised Code; 41992

(D) Establish advisory boards in accordance with section 41993
121.13 of the Revised Code; 41994

(E) Accept on behalf of the state any grant, gift, or 41995
contribution made for toxic chemical release reporting, air or 41996
water pollution control, public water supply, water resource 41997
planning, waste disposal or treatment, or related purposes, and 41998
expend it for those purposes; 41999

(F) Make an annual report to the governor and the general assembly on activities and expenditures as well as recommendations for such additional legislation as the director considers appropriate to carry out the director's duties or accomplish the purposes of this section;

(G) Enter into environmental covenants in accordance with sections 5301.80 to 5301.92 of the Revised Code, and grant or accept easements or sell real property pursuant to section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code, as applicable.

The agency shall utilize the laboratory facilities of the department of health and other state institutions and agencies to the maximum extent that the utilization is practicable, economical, and technically satisfactory.

The director shall maintain and keep available for public inspection, at the director's principal office, a current register of all applications filed for permits, leases, licenses, variances, certificates, and approval of plans and specifications and of publicly owned treatment works pretreatment programs under the director's jurisdiction, hearings pending, the director's final action thereon, and the dates on which the filings, hearings, and final actions occur. The director shall maintain and keep available for public inspection at the director's principal office all plans, reports, and other documents required to be filed with the emergency response commission under Chapter 3750. of the Revised Code and rules adopted under it, and all reports and other documents required to be filed with the director under Chapter 3751. of the Revised Code and rules adopted under it, subject to the requirements of those chapters and rules adopted under them for the protection of trade secrets and confidential business information from disclosure to persons not authorized under those laws to receive trade secret or confidential business

information. 42032

Sec. 3745.05. (A) In hearing the appeal, if an adjudication 42033
hearing was conducted by the director of environmental protection 42034
in accordance with sections 119.09 and 119.10 of the Revised Code 42035
or conducted by a board of health, the environmental review 42036
appeals commission is confined to the record as certified to it by 42037
the director or the board of health, as applicable. The commission 42038
may grant a request for the admission of additional evidence when 42039
satisfied that such additional evidence is newly discovered and 42040
could not with reasonable diligence have been ascertained prior to 42041
the hearing before the director or the board, as applicable. If no 42042
adjudication hearing was conducted in accordance with sections 42043
119.09 and 119.10 of the Revised Code or conducted by a board of 42044
health, the commission shall conduct a hearing de novo on the 42045
appeal. 42046

For the purpose of conducting a de novo hearing, or where the 42047
commission has granted a request for the admission of additional 42048
evidence, the commission may require the attendance of witnesses 42049
and the production of written or printed materials. 42050

When conducting a de novo hearing, or when a request for the 42051
admission of additional evidence has been granted, the commission 42052
may, and at the request of any party it shall, issue subpoenas for 42053
witnesses or for books, papers, correspondence, memoranda, 42054
agreements, or other documents or records relevant or material to 42055
the inquiry directed to the sheriff of the counties where the 42056
witnesses or documents or records are found, which subpoenas shall 42057
be served and returned in the same manner as those allowed by the 42058
court of common pleas in criminal cases. 42059

(B) The fees of sheriffs shall be the same as those allowed 42060
by the court of common pleas in criminal cases. Witnesses shall be 42061
paid the fees and mileage provided for under section 119.094 of 42062

the Revised Code. The fee and mileage expenses incurred at the 42063
request of the appellant shall be paid in advance by the 42064
appellant, and the remainder of the expenses shall be paid out of 42065
funds appropriated for the expenses of the commission. 42066

(C) In case of disobedience or neglect of any subpoena served 42067
on any person, or the refusal of any witness to testify to any 42068
matter regarding which the witness may be lawfully interrogated, 42069
the court of common pleas of the county in which the disobedience, 42070
neglect, or refusal occurs, or any judge thereof, on application 42071
of the commission or any member thereof, may compel obedience by 42072
attachment proceedings for contempt as in the case of disobedience 42073
of the requirements of a subpoena issued from the court or a 42074
refusal to testify therein. 42075

(D) A witness at any hearing shall testify under oath or 42076
affirmation, which any member of the commission may administer. A 42077
witness, if the witness requests, shall be permitted to be 42078
accompanied, represented, and advised by an attorney, whose 42079
participation in the hearing shall be limited to the protection of 42080
the rights of the witness, and who may not examine or 42081
cross-examine witnesses. A witness shall be advised of the right 42082
to counsel before the witness is interrogated. 42083

(E) A ~~stenographic~~ record of the testimony and other evidence 42084
submitted shall be taken by an official court ~~shorthand~~ reporter. 42085
The record shall include all of the testimony and other evidence 42086
and the rulings on the admissibility thereof presented at the 42087
hearing. The commission shall pass upon the admissibility of 42088
evidence, but any party may at the time object to the admission of 42089
any evidence and except to the rulings of the commission thereon, 42090
and if the commission refuses to admit evidence the party offering 42091
same may make a proffer thereof, and such proffer shall be made a 42092
part of the record of such hearing. 42093

Any party may request the ~~stenographic~~ record of the hearing. 42094

Promptly after receiving such a request, the commission shall 42095
prepare and provide the ~~stenographic~~ record of the hearing to the 42096
party who requested it. The commission may charge a fee to the 42097
party who requested the ~~stenographic~~ record that does not exceed 42098
the cost to the commission for preparing and transcribing or 42099
transmitting it. 42100

(F) If, upon completion of the hearing, the commission finds 42101
that the action appealed from was lawful and reasonable, it shall 42102
make a written order affirming the action, or if the commission 42103
finds that the action was unreasonable or unlawful, it shall make 42104
a written order vacating or modifying the action appealed from. 42105

The commission shall issue a written order affirming, 42106
vacating, or modifying an action pursuant to the following 42107
schedule: 42108

(1) For an appeal that was filed with the commission before 42109
April 15, 2008, the commission shall issue a written order not 42110
later than December 15, 2009. 42111

(2) For all other appeals that have been filed with the 42112
commission as of October 15, 2009, the commission shall issue a 42113
written order not later than July 15, 2010. 42114

(3) For an appeal that is filed with the commission after 42115
October 15, 2009, the commission shall issue a written order not 42116
later than twelve months after the filing of the appeal with the 42117
commission. 42118

(G) Every order made by the commission shall contain a 42119
written finding by the commission of the facts upon which the 42120
order is based. Notice of the making of the order shall be given 42121
forthwith to each party to the appeal by mailing a certified copy 42122
thereof to each party by certified mail, with a statement of the 42123
time and method by which an appeal may be perfected. 42124

(H) The order of the commission is final unless vacated or 42125

modified upon judicial review. 42126

Sec. 3745.11. (A) Applicants for and holders of permits, 42127
licenses, variances, plan approvals, and certifications issued by 42128
the director of environmental protection pursuant to Chapters 42129
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 42130
to the environmental protection agency for each such issuance and 42131
each application for an issuance as provided by this section. No 42132
fee shall be charged for any issuance for which no application has 42133
been submitted to the director. 42134

(B) ~~Each person who is issued a permit to install prior to~~ 42135
~~July 1, 2003, pursuant to rules adopted under division (F) of~~ 42136
~~section 3704.03 of the Revised Code shall pay the fees specified~~ 42137
~~in the following schedules:~~ 42138

(1) Fuel burning equipment (boilers)		42139
Input capacity (maximum)		42140
(million British thermal units per hour)	Permit to install	42141
Greater than 0, but less than 10	\$ 200	42142
10 or more, but less than 100	400	42143
100 or more, but less than 300	800	42144
300 or more, but less than 500	1500	42145
500 or more, but less than 1000	2500	42146
1000 or more, but less than 5000	4000	42147
5000 or more	6000	42148

~~Units burning exclusively natural gas, number two fuel oil,~~ 42149
~~or both shall be assessed a fee that is one half of the applicable~~ 42150
~~amount established in division (F)(1) of this section.~~ 42151

(2) Incinerators		42152
Input capacity (pounds per hour)	Permit to install	42153
0 to 100	\$ 100	42154
101 to 500	400	42155

501 to 2000	750	42156
2001 to 20,000	1000	42157
more than 20,000	2500	42158
(3)(a) Process		42159
Process weight rate (pounds per hour)	Permit to install	42160
0 to 1000	\$ 200	42161
1001 to 5000	400	42162
5001 to 10,000	600	42163
10,001 to 50,000	800	42164
more than 50,000	1000	42165
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed.		42166
		42167
(b) Notwithstanding division (B)(3)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees established in division (B)(3)(c) of this section for a process used in any of the following industries, as identified by the applicable four digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1972, as revised:		42168
		42169
		42170
		42171
		42172
		42173
		42174
		42175
		42176
1211 Bituminous coal and lignite mining;		42177
1213 Bituminous coal and lignite mining services;		42178
1411 Dimension stone;		42179
1422 Crushed and broken limestone;		42180
1427 Crushed and broken stone, not elsewhere classified;		42181
1442 Construction sand and gravel;		42182
1446 Industrial sand;		42183
3281 Cut stone and stone products;		42184
3295 Minerals and earth, ground or otherwise treated.		42185

(c) The fees established in the following schedule apply to		42186
the issuance of a permit to install pursuant to rules adopted		42187
under division (F) of section 3704.03 of the Revised Code for a		42188
process listed in division (B)(3)(b) of this section:		42189
Process weight rate (pounds per hour)	Permit to install	42190
0 to 1000	\$ 200	42191
10,001 to 50,000	300	42192
50,001 to 100,000	400	42193
100,001 to 200,000	500	42194
200,001 to 400,000	600	42195
400,001 or more	700	42196
(4) Storage tanks		42197
Gallons (maximum useful capacity)	Permit to install	42198
0 to 20,000	\$ 100	42199
20,001 to 40,000	150	42200
40,001 to 100,000	200	42201
100,001 to 250,000	250	42202
250,001 to 500,000	350	42203
500,001 to 1,000,000	500	42204
1,000,001 or greater	750	42205
(5) Gasoline/fuel dispensing facilities		42206
For each gasoline/fuel dispensing	Permit to install	42207
facility	\$ 100	42208
(6) Dry cleaning facilities		42209
For each dry cleaning facility	Permit to install	42210
(includes all units at the facility)	\$ 100	42211
(7) Registration status		42212
For each source covered	Permit to install	42213
by registration status	\$ 75	42214
(C)(1) Except as otherwise provided in division (C)(2) of		42215
this section, beginning July 1, 1994, each person who owns or		42216

operates an air contaminant source and who is required to apply 42217
for and obtain a Title V permit under section 3704.036 of the 42218
Revised Code shall pay the fees set forth in this division ~~(C)(1)~~ 42219
~~of this section~~. For the purposes of ~~that~~ this division, total 42220
emissions of air contaminants may be calculated using engineering 42221
calculations, emissions factors, material balance calculations, or 42222
performance testing procedures, as authorized by the director. 42223

The following fees shall be assessed on the total actual 42224
emissions from a source in tons per year of the regulated 42225
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 42226
organic compounds, and lead: 42227

~~(a)~~(1) Fifteen dollars per ton on the total actual emissions 42228
of each such regulated pollutant during the period July through 42229
December 1993, to be collected no sooner than July 1, 1994; 42230

~~(b)~~(2) Twenty dollars per ton on the total actual emissions 42231
of each such regulated pollutant during calendar year 1994, to be 42232
collected no sooner than April 15, 1995; 42233

~~(e)~~(3) Twenty-five dollars per ton on the total actual 42234
emissions of each such regulated pollutant in calendar year 1995, 42235
and each subsequent calendar year, to be collected no sooner than 42236
the fifteenth day of April of the year next succeeding the 42237
calendar year in which the emissions occurred. 42238

The fees levied under this division ~~(C)(1)~~ ~~of this section~~ do 42239
not apply to that portion of the emissions of a regulated 42240
pollutant at a facility that exceed four thousand tons during a 42241
calendar year. 42242

~~(2)~~(C)(1) The fees assessed under division ~~(C)(1)~~(B) of this 42243
section are for the purpose of providing funding for the Title V 42244
permit program. 42245

~~(3)~~(2) The fees assessed under division ~~(C)(1)~~(B) of this 42246
section do not apply to emissions from any electric generating 42247

unit designated as a Phase I unit under Title IV of the federal
Clean Air Act prior to calendar year 2000. Those fees shall be
assessed on the emissions from such a generating unit commencing
in calendar year 2001 based upon the total actual emissions from
the generating unit during calendar year 2000 and shall continue
to be assessed each subsequent calendar year based on the total
actual emissions from the generating unit during the preceding
calendar year.

~~(4)~~(3) The director shall issue invoices to owners or
operators of air contaminant sources who are required to pay a fee
assessed under division ~~(C)~~(B) or (D) of this section. Any such
invoice shall be issued no sooner than the applicable date when
the fee first may be collected in a year under the applicable
division, shall identify the nature and amount of the fee
assessed, and shall indicate that the fee is required to be paid
within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(3) of this section,
from January 1, 1994, through December 31, 2003, each person who
owns or operates an air contaminant source; who is required to
apply for a permit to operate pursuant to rules adopted under
division (G), or a variance pursuant to division (H), of section
3704.03 of the Revised Code; and who is not required to apply for
and obtain a Title V permit under section 3704.036 of the Revised
Code shall pay a single fee based upon the sum of the actual
annual emissions from the facility of the regulated pollutants
particulate matter, sulfur dioxide, nitrogen oxides, organic
compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 50	\$ 75
50 or more, but less than 100	300

100 or more 700 42280

(2) Except as provided in division (D)(3) of this section, 42281
beginning January 1, 2004, each person who owns or operates an air 42282
contaminant source; who is required to apply for a permit to 42283
operate pursuant to rules adopted under division (G), or a 42284
variance pursuant to division (H), of section 3704.03 of the 42285
Revised Code; and who is not required to apply for and obtain a 42286
Title V permit under section 3704.03 of the Revised Code shall pay 42287
a single fee based upon the sum of the actual annual emissions 42288
from the facility of the regulated pollutants particulate matter, 42289
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 42290
accordance with the following schedule: 42291

Total tons per year		42292
of regulated pollutants	Annual fee	42293
emitted	per facility	42294
More than 0, but less than 10	\$ 100	42295
10 or more, but less than 50	200	42296
50 or more, but less than 100	300	42297
100 or more	700	42298

(3)(a) As used in division (D) of this section, "synthetic 42299
minor facility" means a facility for which one or more permits to 42300
install or permits to operate have been issued for the air 42301
contaminant sources at the facility that include terms and 42302
conditions that lower the facility's potential to emit air 42303
contaminants below the major source thresholds established in 42304
rules adopted under section 3704.036 of the Revised Code. 42305

(b) Beginning January 1, 2000, through June 30, 2014, each 42306
person who owns or operates a synthetic minor facility shall pay 42307
an annual fee based on the sum of the actual annual emissions from 42308
the facility of particulate matter, sulfur dioxide, nitrogen 42309
dioxide, organic compounds, and lead in accordance with the 42310
following schedule: 42311

Combined total tons		42312
per year of all regulated	Annual fee	42313
pollutants emitted	per facility	42314
Less than 10	\$ 170	42315
10 or more, but less than 20	340	42316
20 or more, but less than 30	670	42317
30 or more, but less than 40	1,010	42318
40 or more, but less than 50	1,340	42319
50 or more, but less than 60	1,680	42320
60 or more, but less than 70	2,010	42321
70 or more, but less than 80	2,350	42322
80 or more, but less than 90	2,680	42323
90 or more, but less than 100	3,020	42324
100 or more	3,350	42325

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall

increase the fees prescribed in division ~~(C)(1)~~(B) of this section 42345
by the percentage, if any, by which the consumer price index for 42346
the most recent calendar year ending before the beginning of a 42347
year exceeds the consumer price index for calendar year 1989. Upon 42348
calculating an increase in fees authorized by division (E)(1) of 42349
this section, the director shall compile revised fee schedules for 42350
the purposes of division ~~(C)(1)~~(B) of this section and shall make 42351
the revised schedules available to persons required to pay the 42352
fees assessed under that division and to the public. 42353

(2) For the purposes of division (E)(1) of this section: 42354

(a) The consumer price index for any year is the average of 42355
the consumer price index for all urban consumers published by the 42356
United States department of labor as of the close of the 42357
twelve-month period ending on the thirty-first day of August of 42358
that year. 42359

(b) If the 1989 consumer price index is revised, the director 42360
shall use the revision of the consumer price index that is most 42361
consistent with that for calendar year 1989. 42362

(F) Each person who is issued a permit to install pursuant to 42363
rules adopted under division (F) of section 3704.03 of the Revised 42364
Code on or after July 1, 2003, shall pay the fees specified in the 42365
following schedules: 42366

(1) Fuel-burning equipment (boilers, furnaces, or process 42367
heaters used in the process of burning fuel for the primary 42368
purpose of producing heat or power by indirect heat transfer) 42369
Input capacity (maximum) 42370
(million British thermal units per hour) Permit to install 42371
Greater than 0, but less than 10 \$ 200 42372
10 or more, but less than 100 400 42373
100 or more, but less than 300 1000 42374
300 or more, but less than 500 2250 42375

500 or more, but less than 1000	3750	42376
1000 or more, but less than 5000	6000	42377
5000 or more	9000	42378

Units burning exclusively natural gas, number two fuel oil, 42379
or both shall be assessed a fee that is one-half the applicable 42380
amount shown in division (F)(1) of this section. 42381

(2) Combustion turbines and stationary internal combustion 42382
engines designed to generate electricity 42383

Generating capacity (mega watts)	Permit to install	42384
0 or more, but less than 10	\$ 25	42385
10 or more, but less than 25	150	42386
25 or more, but less than 50	300	42387
50 or more, but less than 100	500	42388
100 or more, but less than 250	1000	42389
250 or more	2000	42390

(3) Incinerators 42391

Input capacity (pounds per hour)	Permit to install	42392
0 to 100	\$ 100	42393
101 to 500	500	42394
501 to 2000	1000	42395
2001 to 20,000	1500	42396
more than 20,000	3750	42397

(4)(a) Process 42398

Process weight rate (pounds per hour)	Permit to install	42399
0 to 1000	\$ 200	42400
1001 to 5000	500	42401
5001 to 10,000	750	42402
10,001 to 50,000	1000	42403
more than 50,000	1250	42404

In any process where process weight rate cannot be 42405
ascertained, the minimum fee shall be assessed. A boiler, furnace, 42406
combustion turbine, stationary internal combustion engine, or 42407

process heater designed to provide direct heat or power to a 42408
process not designed to generate electricity shall be assessed a 42409
fee established in division (F)(4)(a) of this section. A 42410
combustion turbine or stationary internal combustion engine 42411
designed to generate electricity shall be assessed a fee 42412
established in division (F)(2) of this section. 42413

(b) Notwithstanding division (F)(4)(a) of this section, any 42414
person issued a permit to install pursuant to rules adopted under 42415
division (F) of section 3704.03 of the Revised Code shall pay the 42416
fees set forth in division (F)(4)(c) of this section for a process 42417
used in any of the following industries, as identified by the 42418
applicable two-digit, three-digit, or four-digit standard 42419
industrial classification code according to the Standard 42420
Industrial Classification Manual published by the United States 42421
office of management and budget in the executive office of the 42422
president, 1987, as revised: 42423

Major group 10, metal mining; 42424

Major group 12, coal mining; 42425

Major group 14, mining and quarrying of nonmetallic minerals; 42426

Industry group 204, grain mill products; 42427

2873 Nitrogen fertilizers; 42428

2874 Phosphatic fertilizers; 42429

3281 Cut stone and stone products; 42430

3295 Minerals and earth, ground or otherwise treated; 42431

4221 Grain elevators (storage only); 42432

5159 Farm related raw materials; 42433

5261 Retail nurseries and lawn and garden supply stores. 42434

(c) The fees set forth in the following schedule apply to the 42435
issuance of a permit to install pursuant to rules adopted under 42436

division (F) of section 3704.03 of the Revised Code for a process		42437
identified in division (F)(4)(b) of this section:		42438
Process weight rate (pounds per	Permit to install	42439
hour)		
0 to 10,000	\$ 200	42440
10,001 to 50,000	400	42441
50,001 to 100,000	500	42442
100,001 to 200,000	600	42443
200,001 to 400,000	750	42444
400,001 or more	900	42445
(5) Storage tanks		42446
Gallons (maximum useful capacity)	Permit to install	42447
0 to 20,000	\$ 100	42448
20,001 to 40,000	150	42449
40,001 to 100,000	250	42450
100,001 to 500,000	400	42451
500,001 or greater	750	42452
(6) Gasoline/fuel dispensing facilities		42453
For each gasoline/fuel		42454
dispensing facility (includes all	Permit to install	42455
units at the facility)	\$ 100	42456
(7) Dry cleaning facilities		42457
For each dry cleaning		42458
facility (includes all units	Permit to install	42459
at the facility)	\$ 100	42460
(8) Registration status		42461
For each source covered	Permit to install	42462
by registration status	\$ 75	42463
(G) An owner or operator who is responsible for an asbestos		42464
demolition or renovation project pursuant to rules adopted under		42465
section 3704.03 of the Revised Code shall pay the fees set forth		42466

in the following schedule: 42467

Action	Fee	
Each notification	\$75	42468
Asbestos removal	\$3/unit	42469
Asbestos cleanup	\$4/cubic yard	42470

For purposes of this division, "unit" means any combination of 42471
linear feet or square feet equal to fifty. 42472

(H) A person who is issued an extension of time for a permit 42473
to install an air contaminant source pursuant to rules adopted 42474
under division (F) of section 3704.03 of the Revised Code shall 42475
pay a fee equal to one-half the fee originally assessed for the 42476
permit to install under this section, except that the fee for such 42477
an extension shall not exceed two hundred dollars. 42478

(I) A person who is issued a modification to a permit to 42479
install an air contaminant source pursuant to rules adopted under 42480
section 3704.03 of the Revised Code shall pay a fee equal to 42481
one-half of the fee that would be assessed under this section to 42482
obtain a permit to install the source. The fee assessed by this 42483
division only applies to modifications that are initiated by the 42484
owner or operator of the source and shall not exceed two thousand 42485
dollars. 42486

(J) Notwithstanding division ~~(B)~~ (F) of this section, a 42487
person who applies for or obtains a permit to install pursuant to 42488
rules adopted under division (F) of section 3704.03 of the Revised 42489
Code after the date actual construction of the source began shall 42490
pay a fee for the permit to install that is equal to twice the fee 42491
that otherwise would be assessed under the applicable division 42492
unless the applicant received authorization to begin construction 42493
under division (W) of section 3704.03 of the Revised Code. This 42494
division only applies to sources for which actual construction of 42495
the source begins on or after July 1, 1993. The imposition or 42496
payment of the fee established in this division does not preclude 42497
42498

the director from taking any administrative or judicial 42499
enforcement action under this chapter, Chapter 3704., 3714., 42500
3734., or 6111. of the Revised Code, or a rule adopted under any 42501
of them, in connection with a violation of rules adopted under 42502
division (F) of section 3704.03 of the Revised Code. 42503

As used in this division, "actual construction of the source" 42504
means the initiation of physical on-site construction activities 42505
in connection with improvements to the source that are permanent 42506
in nature, including, without limitation, the installation of 42507
building supports and foundations and the laying of underground 42508
pipework. 42509

(K) ~~Fifty~~ (1) Money received under division (B) of this 42510
section shall be deposited in the state treasury to the credit of 42511
the Title V clean air fund created in section 3704.035 of the 42512
Revised Code. Annually, fifty cents per ton of each fee assessed 42513
under division ~~(C)~~(B) of this section on actual emissions from a 42514
source and received by the environmental protection agency 42515
pursuant to that division shall be ~~deposited into~~ transferred 42516
using an interstate transfer voucher to the state treasury to the 42517
credit of the small business assistance fund created in section 42518
3706.19 of the Revised Code. ~~The remainder of the moneys In~~ 42519
addition, annually, the amount of money necessary for the 42520
operation of the office of ombudsperson as determined under 42521
division (B) of that section shall be transferred to the state 42522
treasury to the credit of the small business ombudsperson fund 42523
created by that section. 42524

(2) Money received by the division pursuant to that division 42525
and moneys received by the agency pursuant to divisions (D), (F), 42526
(G), (H), (I), and (J) of this section shall be deposited in the 42527
state treasury to the credit of the non-Title V clean air fund 42528
created in section 3704.035 of the Revised Code. 42529

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 42530

or (c) of this section, a person issued a water discharge permit 42531
or renewal of a water discharge permit pursuant to Chapter 6111. 42532
of the Revised Code shall pay a fee based on each point source to 42533
which the issuance is applicable in accordance with the following 42534
schedule: 42535

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	42537
1,001 to 5000	100	42538
5,001 to 50,000	200	42539
50,001 to 100,000	300	42540
100,001 to 300,000	525	42541
over 300,000	750	42542

(b) Notwithstanding the fee schedule specified in division 42543
(L)(1)(a) of this section, the fee for a water discharge permit 42544
that is applicable to coal mining operations regulated under 42545
Chapter 1513. of the Revised Code shall be two hundred fifty 42546
dollars per mine. 42547

(c) Notwithstanding the fee schedule specified in division 42548
(L)(1)(a) of this section, the fee for a water discharge permit 42549
for a public discharger identified by I in the third character of 42550
the permittee's NPDES permit number shall not exceed seven hundred 42551
fifty dollars. 42552

(2) A person applying for a plan approval for a wastewater 42553
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 42554
of the Revised Code shall pay a fee of one hundred dollars plus 42555
sixty-five one-hundredths of one per cent of the estimated project 42556
cost through June 30, 2014, and one hundred dollars plus 42557
two-tenths of one per cent of the estimated project cost on and 42558
after July 1, 2014, except that the total fee shall not exceed 42559
fifteen thousand dollars through June 30, 2014, and five thousand 42560
dollars on and after July 1, 2014. The fee shall be paid at the 42561
time the application is submitted. 42562

(3) A person issued a modification of a water discharge permit shall pay a fee equal to one-half the fee that otherwise would be charged for a water discharge permit, except that the fee for the modification shall not exceed four hundred dollars.

(4) A person who has entered into an agreement with the director under section 6111.14 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons who have entered into agreements under that section, or who have applied for agreements, of the amount of the fee.

(5)(a)(i) Not later than January 30, 2012, and January 30, 2013, a person holding an NPDES discharge permit issued pursuant to Chapter 6111. of the Revised Code with an average daily discharge flow of five thousand gallons or more shall pay a nonrefundable annual discharge fee. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee established in division (L)(5)(a)(i) of this section shall consist of a twelve-month period beginning on the first day of January of the year preceding the date when the annual discharge fee is due. In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(5)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October

of the billing year, of the circumstances causing the cessation of discharge. 42595
42596

(iii) The annual discharge fee established in division 42597
(L)(5)(a)(i) of this section, except for the surcharge applicable 42598
to certain industrial facilities pursuant to division (L)(5)(c) of 42599
this section, shall be based upon the average daily discharge flow 42600
in gallons per day calculated using first day of May through 42601
thirty-first day of October flow data for the period two years 42602
prior to the date on which the fee is due. In the case of NPDES 42603
discharge permits for new sources, the fee shall be calculated 42604
using the average daily design flow of the facility until actual 42605
average daily discharge flow values are available for the time 42606
period specified in division (L)(5)(a)(iii) of this section. The 42607
annual discharge fee may be prorated for a new source as described 42608
in division (L)(5)(a)(ii) of this section. 42609

(b) An NPDES permit holder that is a public discharger shall 42610
pay the fee specified in the following schedule: 42611

Average daily discharge flow	Fee due by January 30, 2012, and January 30, 2013	
5,000 to 49,999	\$ 200	42612
50,000 to 100,000	500	42613
100,001 to 250,000	1,050	42614
250,001 to 1,000,000	2,600	42615
1,000,001 to 5,000,000	5,200	42616
5,000,001 to 10,000,000	10,350	42617
10,000,001 to 20,000,000	15,550	42618
20,000,001 to 50,000,000	25,900	42619
50,000,001 to 100,000,000	41,400	42620
100,000,001 or more	62,100	42621

Public dischargers owning or operating two or more publicly 42622

owned treatment works serving the same political subdivision, as 42627
"treatment works" is defined in section 6111.01 of the Revised 42628
Code, and that serve exclusively political subdivisions having a 42629
population of fewer than one hundred thousand shall pay an annual 42630
discharge fee under division (L)(5)(b) of this section that is 42631
based on the combined average daily discharge flow of the 42632
treatment works. 42633

(c) An NPDES permit holder that is an industrial discharger, 42634
other than a coal mining operator identified by P in the third 42635
character of the permittee's NPDES permit number, shall pay the 42636
fee specified in the following schedule: 42637

Average daily	Fee due by	
discharge flow	January 30,	
	2012, and	
	January 30, 2013	
5,000 to 49,999	\$ 250	42642
50,000 to 250,000	1,200	42643
250,001 to 1,000,000	2,950	42644
1,000,001 to 5,000,000	5,850	42645
5,000,001 to 10,000,000	8,800	42646
10,000,001 to 20,000,000	11,700	42647
20,000,001 to 100,000,000	14,050	42648
100,000,001 to 250,000,000	16,400	42649
250,000,001 or more	18,700	42650

In addition to the fee specified in the above schedule, an 42651
NPDES permit holder that is an industrial discharger classified as 42652
a major discharger during all or part of the annual discharge fee 42653
billing year specified in division (L)(5)(a)(ii) of this section 42654
shall pay a nonrefundable annual surcharge of seven thousand five 42655
hundred dollars not later than January 30, 2012, and not later 42656
than January 30, 2013. Any person who fails to pay the surcharge 42657
at that time shall pay an additional amount that equals ten per 42658

cent of the amount of the surcharge. 42659

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 42660
section, a public discharger identified by I in the third 42661
character of the permittee's NPDES permit number and an industrial 42662
discharger identified by I, J, L, V, W, X, Y, or Z in the third 42663
character of the permittee's NPDES permit number shall pay a 42664
nonrefundable annual discharge fee of one hundred eighty dollars 42665
not later than January 30, 2012, and not later than January 30, 42666
2013. Any person who fails to pay the fee at that time shall pay 42667
an additional amount that equals ten per cent of the required fee. 42668

(6) Each person obtaining a national pollutant discharge 42669
elimination system general or individual permit for municipal 42670
storm water discharge shall pay a nonrefundable storm water 42671
discharge fee of one hundred dollars per square mile of area 42672
permitted. The fee shall not exceed ten thousand dollars and shall 42673
be payable on or before January 30, 2004, and the thirtieth day of 42674
January of each year thereafter. Any person who fails to pay the 42675
fee on the date specified in division (L)(6) of this section shall 42676
pay an additional amount per year equal to ten per cent of the 42677
annual fee that is unpaid. 42678

(7) The director shall transmit all moneys collected under 42679
division (L) of this section to the treasurer of state for deposit 42680
into the state treasury to the credit of the surface water 42681
protection fund created in section 6111.038 of the Revised Code. 42682

(8) As used in division (L) of this section: 42683

(a) "NPDES" means the federally approved national pollutant 42684
discharge elimination system program for issuing, modifying, 42685
revoking, reissuing, terminating, monitoring, and enforcing 42686
permits and imposing and enforcing pretreatment requirements under 42687
Chapter 6111. of the Revised Code and rules adopted under it. 42688

(b) "Public discharger" means any holder of an NPDES permit 42689

identified by P in the second character of the NPDES permit number 42690
assigned by the director. 42691

(c) "Industrial discharger" means any holder of an NPDES 42692
permit identified by I in the second character of the NPDES permit 42693
number assigned by the director. 42694

(d) "Major discharger" means any holder of an NPDES permit 42695
classified as major by the regional administrator of the United 42696
States environmental protection agency in conjunction with the 42697
director. 42698

(M) Through June 30, 2014, a person applying for a license or 42699
license renewal to operate a public water system under section 42700
6109.21 of the Revised Code shall pay the appropriate fee 42701
established under this division at the time of application to the 42702
director. Any person who fails to pay the fee at that time shall 42703
pay an additional amount that equals ten per cent of the required 42704
fee. The director shall transmit all moneys collected under this 42705
division to the treasurer of state for deposit into the drinking 42706
water protection fund created in section 6109.30 of the Revised 42707
Code. 42708

Except as provided in division (M)(4) of this section, fees 42709
required under this division shall be calculated and paid in 42710
accordance with the following schedule: 42711

(1) For the initial license required under ~~division (A)(1) of~~ 42712
section 6109.21 of the Revised Code for any public water system 42713
that is a community water system as defined in section 6109.01 of 42714
the Revised Code, and for each license renewal required for such a 42715
system prior to January 31, 2014, the fee is: 42716

Number of service connections	Fee amount	
Not more than 49	\$ 112	42718
50 to 99	176	42719
Number of service connections	Average cost per connection	42720

100 to 2,499	\$ 1.92	42721
2,500 to 4,999	1.48	42722
5,000 to 7,499	1.42	42723
7,500 to 9,999	1.34	42724
10,000 to 14,999	1.16	42725
15,000 to 24,999	1.10	42726
25,000 to 49,999	1.04	42727
50,000 to 99,999	.92	42728
100,000 to 149,999	.86	42729
150,000 to 199,999	.80	42730
200,000 or more	.76	42731

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under ~~division (A)(2) of~~ section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, 2014, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	42745
150 to 299	176	42746
300 to 749	384	42747
750 to 1,499	628	42748
1,500 to 2,999	1,268	42749
3,000 to 7,499	2,816	42750
7,500 to 14,999	5,510	42751

15,000 to 22,499	9,048	42753
22,500 to 29,999	12,430	42754
30,000 or more	16,820	42755

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under ~~division (A)(3) of~~ section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, 2014, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	42768
2	112	42769
3	176	42770
4	278	42771
5	568	42772
System designated as using a surface water source	792	42774

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(N)(1) A person applying for a plan approval for a public

water supply system under section 6109.07 of the Revised Code 42784
shall pay a fee of one hundred fifty dollars plus thirty-five 42785
hundredths of one per cent of the estimated project cost, except 42786
that the total fee shall not exceed twenty thousand dollars 42787
through June 30, 2014, and fifteen thousand dollars on and after 42788
July 1, 2014. The fee shall be paid at the time the application is 42789
submitted. 42790

(2) A person who has entered into an agreement with the 42791
director under division (A)(2) of section 6109.07 of the Revised 42792
Code shall pay an administrative service fee for each plan 42793
submitted under that section for approval that shall not exceed 42794
the minimum amount necessary to pay administrative costs directly 42795
attributable to processing plan approvals. The director annually 42796
shall calculate the fee and shall notify all persons that have 42797
entered into agreements under that division, or who have applied 42798
for agreements, of the amount of the fee. 42799

(3) Through June 30, 2014, the following fee, on a per survey 42800
basis, shall be charged any person for services rendered by the 42801
state in the evaluation of laboratories and laboratory personnel 42802
for compliance with accepted analytical techniques and procedures 42803
established pursuant to Chapter 6109. of the Revised Code for 42804
determining the qualitative characteristics of water: 42805

microbiological		42806
MMO-MUG	\$2,000	42807
MF	2,100	42808
MMO-MUG and MF	2,550	42809
organic chemical	5,400	42810
trace metals	5,400	42811
standard chemistry	2,800	42812
limited chemistry	1,550	42813

On and after July 1, 2014, the following fee, on a per survey 42814
basis, shall be charged any such person: 42815

microbiological	\$ 1,650	42816
organic chemicals	3,500	42817
trace metals	3,500	42818
standard chemistry	1,800	42819
limited chemistry	1,000	42820

The fee for those services shall be paid at the time the request
for the survey is made. Through June 30, 2014, an individual
laboratory shall not be assessed a fee under this division more
than once in any three-year period unless the person requests the
addition of analytical methods or analysts, in which case the
person shall pay eighteen hundred dollars for each additional
survey requested.

As used in division (N)(3) of this section:

(a) "MF" means microfiltration.

(b) "MMO" means minimal medium ONPG.

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this
division to the treasurer of state for deposit into the drinking
water protection fund created in section 6109.30 of the Revised
Code.

(O) Any person applying to the director ~~for to take an~~
examination for certification as an operator of a water supply
system or wastewater system under Chapter 6109. or 6111. of the
Revised Code that is administered by the director, at the time the
application is submitted, shall pay ~~an application fee of~~
~~forty five dollars through November 30, 2014, and twenty five~~
~~dollars on and after December 1, 2014. Upon approval from the~~
~~director that the applicant is eligible to take the examination~~
~~therefor, the applicant shall pay~~ a fee in accordance with the
following schedule through November 30, 2014:

Class A operator	\$35 <u>80</u>	42847
Class I operator	60 <u>105</u>	42848
Class II operator	75 <u>120</u>	42849
Class III operator	85 <u>130</u>	42850
Class IV operator	100 <u>145</u>	42851

On and after December 1, 2014, the applicant shall pay a fee 42852
in accordance with the following schedule: 42853

Class A operator	\$25 <u>50</u>	42854
Class I operator	\$45 <u>70</u>	42855
Class II operator	55 <u>80</u>	42856
Class III operator	65 <u>90</u>	42857
Class IV operator	75 <u>100</u>	42858

Any person applying to the director for certification as an 42859
operator of a water supply system or wastewater system who has 42860
passed an examination administered by an examination provider 42861
approved by the director shall pay a certification fee of 42862
forty-five dollars. 42863

A person shall pay a biennial certification renewal fee for 42864
each applicable class of certification in accordance with the 42865
following schedule: 42866

Class A operator	\$25	42867
Class I operator	35	42868
Class II operator	45	42869
Class III operator	55	42870
Class IV operator	65	42871

If a certification renewal fee is received by the director 42872
more than thirty days, but not more than one year after the 42873
expiration date of the certification, the person shall pay a 42874
certification renewal fee in accordance with the following 42875
schedule: 42876

Class A operator	\$45	42877
Class I operator	55	42878

Class II operator	65	42879
Class III operator	75	42880
Class IV operator	85	42881

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as

provided in section 5709.212 of the Revised Code. 42911

(Q) Except as otherwise provided in division (R) of this 42912
section, a person issued a permit by the director for a new solid 42913
waste disposal facility other than an incineration or composting 42914
facility, a new infectious waste treatment facility other than an 42915
incineration facility, or a modification of such an existing 42916
facility that includes an increase in the total disposal or 42917
treatment capacity of the facility pursuant to Chapter 3734. of 42918
the Revised Code shall pay a fee of ten dollars per thousand cubic 42919
yards of disposal or treatment capacity, or one thousand dollars, 42920
whichever is greater, except that the total fee for any such 42921
permit shall not exceed eighty thousand dollars. A person issued a 42922
modification of a permit for a solid waste disposal facility or an 42923
infectious waste treatment facility that does not involve an 42924
increase in the total disposal or treatment capacity of the 42925
facility shall pay a fee of one thousand dollars. A person issued 42926
a permit to install a new, or modify an existing, solid waste 42927
transfer facility under that chapter shall pay a fee of two 42928
thousand five hundred dollars. A person issued a permit to install 42929
a new or to modify an existing solid waste incineration or 42930
composting facility, or an existing infectious waste treatment 42931
facility using incineration as its principal method of treatment, 42932
under that chapter shall pay a fee of one thousand dollars. The 42933
increases in the permit fees under this division resulting from 42934
the amendments made by Amended Substitute House Bill 592 of the 42935
117th general assembly do not apply to any person who submitted an 42936
application for a permit to install a new, or modify an existing, 42937
solid waste disposal facility under that chapter prior to 42938
September 1, 1987; any such person shall pay the permit fee 42939
established in this division as it existed prior to June 24, 1988. 42940
In addition to the applicable permit fee under this division, a 42941
person issued a permit to install or modify a solid waste facility 42942
or an infectious waste treatment facility under that chapter who 42943

fails to pay the permit fee to the director in compliance with 42944
division (V) of this section shall pay an additional ten per cent 42945
of the amount of the fee for each week that the permit fee is 42946
late. 42947

Permit and late payment fees paid to the director under this 42948
division shall be credited to the general revenue fund. 42949

(R)(1) A person issued a registration certificate for a scrap 42950
tire collection facility under section 3734.75 of the Revised Code 42951
shall pay a fee of two hundred dollars, except that if the 42952
facility is owned or operated by a motor vehicle salvage dealer 42953
licensed under Chapter 4738. of the Revised Code, the person shall 42954
pay a fee of twenty-five dollars. 42955

(2) A person issued a registration certificate for a new 42956
scrap tire storage facility under section 3734.76 of the Revised 42957
Code shall pay a fee of three hundred dollars, except that if the 42958
facility is owned or operated by a motor vehicle salvage dealer 42959
licensed under Chapter 4738. of the Revised Code, the person shall 42960
pay a fee of twenty-five dollars. 42961

(3) A person issued a permit for a scrap tire storage 42962
facility under section 3734.76 of the Revised Code shall pay a fee 42963
of one thousand dollars, except that if the facility is owned or 42964
operated by a motor vehicle salvage dealer licensed under Chapter 42965
4738. of the Revised Code, the person shall pay a fee of fifty 42966
dollars. 42967

(4) A person issued a permit for a scrap tire monocell or 42968
monofill facility under section 3734.77 of the Revised Code shall 42969
pay a fee of ten dollars per thousand cubic yards of disposal 42970
capacity or one thousand dollars, whichever is greater, except 42971
that the total fee for any such permit shall not exceed eighty 42972
thousand dollars. 42973

(5) A person issued a registration certificate for a scrap 42974

tire recovery facility under section 3734.78 of the Revised Code 42975
shall pay a fee of one hundred dollars. 42976

(6) A person issued a permit for a scrap tire recovery 42977
facility under section 3734.78 of the Revised Code shall pay a fee 42978
of one thousand dollars. 42979

(7) In addition to the applicable registration certificate or 42980
permit fee under divisions (R)(1) to (6) of this section, a person 42981
issued a registration certificate or permit for any such scrap 42982
tire facility who fails to pay the registration certificate or 42983
permit fee to the director in compliance with division (V) of this 42984
section shall pay an additional ten per cent of the amount of the 42985
fee for each week that the fee is late. 42986

(8) The registration certificate, permit, and late payment 42987
fees paid to the director under divisions (R)(1) to (7) of this 42988
section shall be credited to the scrap tire management fund 42989
created in section 3734.82 of the Revised Code. 42990

(S)(1) Except as provided by divisions (L), (M), (N), (O), 42991
(P), and (S)(2) of this section, division (A)(2) of section 42992
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 42993
and rules adopted under division (T)(1) of this section, any 42994
person applying for a registration certificate under section 42995
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 42996
variance, or plan approval under Chapter 3734. of the Revised Code 42997
shall pay a nonrefundable fee of fifteen dollars at the time the 42998
application is submitted. 42999

Except as otherwise provided, any person applying for a 43000
permit, variance, or plan approval under Chapter 6109. or 6111. of 43001
the Revised Code shall pay a nonrefundable fee of one hundred 43002
dollars at the time the application is submitted through June 30, 43003
2014, and a nonrefundable fee of fifteen dollars at the time the 43004
application is submitted on and after July 1, 2014. Except as 43005

provided in division (S)(3) of this section, through June 30, 43006
2014, any person applying for a national pollutant discharge 43007
elimination system permit under Chapter 6111. of the Revised Code 43008
shall pay a nonrefundable fee of two hundred dollars at the time 43009
of application for the permit. On and after July 1, 2014, such a 43010
person shall pay a nonrefundable fee of fifteen dollars at the 43011
time of application. 43012

In addition to the application fee established under division 43013
(S)(1) of this section, any person applying for a national 43014
pollutant discharge elimination system general storm water 43015
construction permit shall pay a nonrefundable fee of twenty 43016
dollars per acre for each acre that is permitted above five acres 43017
at the time the application is submitted. However, the per acreage 43018
fee shall not exceed three hundred dollars. In addition, any 43019
person applying for a national pollutant discharge elimination 43020
system general storm water industrial permit shall pay a 43021
nonrefundable fee of one hundred fifty dollars at the time the 43022
application is submitted. 43023

The director shall transmit all moneys collected under 43024
division (S)(1) of this section pursuant to Chapter 6109. of the 43025
Revised Code to the treasurer of state for deposit into the 43026
drinking water protection fund created in section 6109.30 of the 43027
Revised Code. 43028

The director shall transmit all moneys collected under 43029
division (S)(1) of this section pursuant to Chapter 6111. of the 43030
Revised Code and under division (S)(3) of this section to the 43031
treasurer of state for deposit into the surface water protection 43032
fund created in section 6111.038 of the Revised Code. 43033

If a registration certificate is issued under section 43034
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 43035
the application fee paid shall be deducted from the amount of the 43036
registration certificate fee due under division (R)(1), (2), or 43037

(5) of this section, as applicable. 43038

If a person submits an electronic application for a 43039
registration certificate, permit, variance, or plan approval for 43040
which an application fee is established under division (S)(1) of 43041
this section, the person shall pay the applicable application fee 43042
as expeditiously as possible after the submission of the 43043
electronic application. An application for a registration 43044
certificate, permit, variance, or plan approval for which an 43045
application fee is established under division (S)(1) of this 43046
section shall not be reviewed or processed until the applicable 43047
application fee, and any other fees established under this 43048
division, are paid. 43049

(2) Division (S)(1) of this section does not apply to an 43050
application for a registration certificate for a scrap tire 43051
collection or storage facility submitted under section 3734.75 or 43052
3734.76 of the Revised Code, as applicable, if the owner or 43053
operator of the facility or proposed facility is a motor vehicle 43054
salvage dealer licensed under Chapter 4738. of the Revised Code. 43055

(3) A person applying for coverage under a national pollutant 43056
discharge elimination system general discharge permit for 43057
household sewage treatment systems shall pay the following fees: 43058

(a) A nonrefundable fee of two hundred dollars at the time of 43059
application for initial permit coverage; 43060

(b) A nonrefundable fee of one hundred dollars at the time of 43061
application for a renewal of permit coverage. 43062

(T) The director may adopt, amend, and rescind rules in 43063
accordance with Chapter 119. of the Revised Code that do all of 43064
the following: 43065

(1) Prescribe fees to be paid by applicants for and holders 43066
of any license, permit, variance, plan approval, or certification 43067
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 43068

the Revised Code that are not specifically established in this 43069
section. The fees shall be designed to defray the cost of 43070
processing, issuing, revoking, modifying, denying, and enforcing 43071
the licenses, permits, variances, plan approvals, and 43072
certifications. 43073

The director shall transmit all moneys collected under rules 43074
adopted under division (T)(1) of this section pursuant to Chapter 43075
6109. of the Revised Code to the treasurer of state for deposit 43076
into the drinking water protection fund created in section 6109.30 43077
of the Revised Code. 43078

The director shall transmit all moneys collected under rules 43079
adopted under division (T)(1) of this section pursuant to Chapter 43080
6111. of the Revised Code to the treasurer of state for deposit 43081
into the surface water protection fund created in section 6111.038 43082
of the Revised Code. 43083

(2) Exempt the state and political subdivisions thereof, 43084
including education facilities or medical facilities owned by the 43085
state or a political subdivision, or any person exempted from 43086
taxation by section 5709.07 or 5709.12 of the Revised Code, from 43087
any fee required by this section; 43088

(3) Provide for the waiver of any fee, or any part thereof, 43089
otherwise required by this section whenever the director 43090
determines that the imposition of the fee would constitute an 43091
unreasonable cost of doing business for any applicant, class of 43092
applicants, or other person subject to the fee; 43093

(4) Prescribe measures that the director considers necessary 43094
to carry out this section. 43095

(U) When the director reasonably demonstrates that the direct 43096
cost to the state associated with the issuance of a permit to 43097
install, license, variance, plan approval, or certification 43098
exceeds the fee for the issuance or review specified by this 43099

section, the director may condition the issuance or review on the 43100
payment by the person receiving the issuance or review of, in 43101
addition to the fee specified by this section, the amount, or any 43102
portion thereof, in excess of the fee specified under this 43103
section. The director shall not so condition issuances for which 43104
~~fees are~~ a fee is prescribed in ~~divisions (B)(7) and~~ division 43105
(L)(1)(b) of this section. 43106

(V) Except as provided in divisions (L), (M), and (P) of this 43107
section or unless otherwise prescribed by a rule of the director 43108
adopted pursuant to Chapter 119. of the Revised Code, all fees 43109
required by this section are payable within thirty days after the 43110
issuance of an invoice for the fee by the director or the 43111
effective date of the issuance of the license, permit, variance, 43112
plan approval, or certification. If payment is late, the person 43113
responsible for payment of the fee shall pay an additional ten per 43114
cent of the amount due for each month that it is late. 43115

(W) As used in this section, "fuel-burning equipment," 43116
"fuel-burning equipment input capacity," "incinerator," 43117
"incinerator input capacity," "process," "process weight rate," 43118
"storage tank," "gasoline dispensing facility," "dry cleaning 43119
facility," "design flow discharge," and "new source treatment 43120
works" have the meanings ascribed to those terms by applicable 43121
rules or standards adopted by the director under Chapter 3704. or 43122
6111. of the Revised Code. 43123

(X) As used in divisions (B), ~~(C)~~, (D), (E), (F), (H), (I), 43124
and (J) of this section, and in any other provision of this 43125
section pertaining to fees paid pursuant to Chapter 3704. of the 43126
Revised Code: 43127

(1) "Facility," "federal Clean Air Act," "person," and "Title 43128
V permit" have the same meanings as in section 3704.01 of the 43129
Revised Code. 43130

(2) "Title V permit program" means the following activities	43131
as necessary to meet the requirements of Title V of the federal	43132
Clean Air Act and 40 C.F.R. part 70, including at least:	43133
(a) Preparing and adopting, if applicable, generally	43134
applicable rules or guidance regarding the permit program or its	43135
implementation or enforcement;	43136
(b) Reviewing and acting on any application for a Title V	43137
permit, permit revision, or permit renewal, including the	43138
development of an applicable requirement as part of the processing	43139
of a permit, permit revision, or permit renewal;	43140
(c) Administering the permit program, including the	43141
supporting and tracking of permit applications, compliance	43142
certification, and related data entry;	43143
(d) Determining which sources are subject to the program and	43144
implementing and enforcing the terms of any Title V permit, not	43145
including any court actions or other formal enforcement actions;	43146
(e) Emission and ambient monitoring;	43147
(f) Modeling, analyses, or demonstrations;	43148
(g) Preparing inventories and tracking emissions;	43149
(h) Providing direct and indirect support to small business	43150
stationary sources to determine and meet their obligations under	43151
the federal Clean Air Act pursuant to the small business	43152
stationary source technical and environmental compliance	43153
assistance program required by section 507 of that act and	43154
established in sections 3704.18, 3704.19, and 3706.19 of the	43155
Revised Code.	43156
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	43157
of this section, each sewage sludge facility shall pay a	43158
nonrefundable annual sludge fee equal to three dollars and fifty	43159
cents per dry ton of sewage sludge, including the dry tons of	43160

sewage sludge in materials derived from sewage sludge, that the 43161
sewage sludge facility treats or disposes of in this state. The 43162
annual volume of sewage sludge treated or disposed of by a sewage 43163
sludge facility shall be calculated using the first day of January 43164
through the thirty-first day of December of the calendar year 43165
preceding the date on which payment of the fee is due. 43166

(2)(a) Except as provided in division (Y)(2)(d) of this 43167
section, each sewage sludge facility shall pay a minimum annual 43168
sewage sludge fee of one hundred dollars. 43169

(b) The annual sludge fee required to be paid by a sewage 43170
sludge facility that treats or disposes of exceptional quality 43171
sludge in this state shall be thirty-five per cent less per dry 43172
ton of exceptional quality sludge than the fee assessed under 43173
division (Y)(1) of this section, subject to the following 43174
exceptions: 43175

(i) Except as provided in division (Y)(2)(d) of this section, 43176
a sewage sludge facility that treats or disposes of exceptional 43177
quality sludge shall pay a minimum annual sewage sludge fee of one 43178
hundred dollars. 43179

(ii) A sewage sludge facility that treats or disposes of 43180
exceptional quality sludge shall not be required to pay the annual 43181
sludge fee for treatment or disposal in this state of exceptional 43182
quality sludge generated outside of this state and contained in 43183
bags or other containers not greater than one hundred pounds in 43184
capacity. 43185

A thirty-five per cent reduction for exceptional quality 43186
sludge applies to the maximum annual fees established under 43187
division (Y)(3) of this section. 43188

(c) A sewage sludge facility that transfers sewage sludge to 43189
another sewage sludge facility in this state for further treatment 43190
prior to disposal in this state shall not be required to pay the 43191

annual sludge fee for the tons of sewage sludge that have been 43192
transferred. In such a case, the sewage sludge facility that 43193
disposes of the sewage sludge shall pay the annual sludge fee. 43194
However, the facility transferring the sewage sludge shall pay the 43195
one-hundred-dollar minimum fee required under division (Y)(2)(a) 43196
of this section. 43197

In the case of a sewage sludge facility that treats sewage 43198
sludge in this state and transfers it out of this state to another 43199
entity for disposal, the sewage sludge facility in this state 43200
shall be required to pay the annual sludge fee for the tons of 43201
sewage sludge that have been transferred. 43202

(d) A sewage sludge facility that generates sewage sludge 43203
resulting from an average daily discharge flow of less than five 43204
thousand gallons per day is not subject to the fees assessed under 43205
division (Y) of this section. 43206

(3) No sewage sludge facility required to pay the annual 43207
sludge fee shall be required to pay more than the maximum annual 43208
fee for each disposal method that the sewage sludge facility uses. 43209
The maximum annual fee does not include the additional amount that 43210
may be charged under division (Y)(5) of this section for late 43211
payment of the annual sludge fee. The maximum annual fee for the 43212
following methods of disposal of sewage sludge is as follows: 43213

(a) Incineration: five thousand dollars; 43214

(b) Preexisting land reclamation project or disposal in a 43215
landfill: five thousand dollars; 43216

(c) Land application, land reclamation, surface disposal, or 43217
any other disposal method not specified in division (Y)(3)(a) or 43218
(b) of this section: twenty thousand dollars. 43219

(4)(a) In the case of an entity that generates sewage sludge 43220
or a sewage sludge facility that treats sewage sludge and 43221
transfers the sewage sludge to an incineration facility for 43222

disposal, the incineration facility, and not the entity generating 43223
the sewage sludge or the sewage sludge facility treating the 43224
sewage sludge, shall pay the annual sludge fee for the tons of 43225
sewage sludge that are transferred. However, the entity or 43226
facility generating or treating the sewage sludge shall pay the 43227
one-hundred-dollar minimum fee required under division (Y)(2)(a) 43228
of this section. 43229

(b) In the case of an entity that generates sewage sludge and 43230
transfers the sewage sludge to a landfill for disposal or to a 43231
sewage sludge facility for land reclamation or surface disposal, 43232
the entity generating the sewage sludge, and not the landfill or 43233
sewage sludge facility, shall pay the annual sludge fee for the 43234
tons of sewage sludge that are transferred. 43235

(5) Not later than the first day of April of the calendar 43236
year following March 17, 2000, and each first day of April 43237
thereafter, the director shall issue invoices to persons who are 43238
required to pay the annual sludge fee. The invoice shall identify 43239
the nature and amount of the annual sludge fee assessed and state 43240
the first day of May as the deadline for receipt by the director 43241
of objections regarding the amount of the fee and the first day of 43242
July as the deadline for payment of the fee. 43243

Not later than the first day of May following receipt of an 43244
invoice, a person required to pay the annual sludge fee may submit 43245
objections to the director concerning the accuracy of information 43246
regarding the number of dry tons of sewage sludge used to 43247
calculate the amount of the annual sludge fee or regarding whether 43248
the sewage sludge qualifies for the exceptional quality sludge 43249
discount established in division (Y)(2)(b) of this section. The 43250
director may consider the objections and adjust the amount of the 43251
fee to ensure that it is accurate. 43252

If the director does not adjust the amount of the annual 43253
sludge fee in response to a person's objections, the person may 43254

appeal the director's determination in accordance with Chapter 43255
119. of the Revised Code. 43256

Not later than the first day of June, the director shall 43257
notify the objecting person regarding whether the director has 43258
found the objections to be valid and the reasons for the finding. 43259
If the director finds the objections to be valid and adjusts the 43260
amount of the annual sludge fee accordingly, the director shall 43261
issue with the notification a new invoice to the person 43262
identifying the amount of the annual sludge fee assessed and 43263
stating the first day of July as the deadline for payment. 43264

Not later than the first day of July, any person who is 43265
required to do so shall pay the annual sludge fee. Any person who 43266
is required to pay the fee, but who fails to do so on or before 43267
that date shall pay an additional amount that equals ten per cent 43268
of the required annual sludge fee. 43269

(6) The director shall transmit all moneys collected under 43270
division (Y) of this section to the treasurer of state for deposit 43271
into the surface water protection fund created in section 6111.038 43272
of the Revised Code. The moneys shall be used to defray the costs 43273
of administering and enforcing provisions in Chapter 6111. of the 43274
Revised Code and rules adopted under it that govern the use, 43275
storage, treatment, or disposal of sewage sludge. 43276

(7) Beginning in fiscal year 2001, and every two years 43277
thereafter, the director shall review the total amount of moneys 43278
generated by the annual sludge fees to determine if that amount 43279
exceeded six hundred thousand dollars in either of the two 43280
preceding fiscal years. If the total amount of moneys in the fund 43281
exceeded six hundred thousand dollars in either fiscal year, the 43282
director, after review of the fee structure and consultation with 43283
affected persons, shall issue an order reducing the amount of the 43284
fees levied under division (Y) of this section so that the 43285
estimated amount of moneys resulting from the fees will not exceed 43286

six hundred thousand dollars in any fiscal year. 43287

If, upon review of the fees under division (Y)(7) of this 43288
section and after the fees have been reduced, the director 43289
determines that the total amount of moneys collected and 43290
accumulated is less than six hundred thousand dollars, the 43291
director, after review of the fee structure and consultation with 43292
affected persons, may issue an order increasing the amount of the 43293
fees levied under division (Y) of this section so that the 43294
estimated amount of moneys resulting from the fees will be 43295
approximately six hundred thousand dollars. Fees shall never be 43296
increased to an amount exceeding the amount specified in division 43297
(Y)(7) of this section. 43298

Notwithstanding section 119.06 of the Revised Code, the 43299
director may issue an order under division (Y)(7) of this section 43300
without the necessity to hold an adjudicatory hearing in 43301
connection with the order. The issuance of an order under this 43302
division is not an act or action for purposes of section 3745.04 43303
of the Revised Code. 43304

(8) As used in division (Y) of this section: 43305

(a) "Sewage sludge facility" means an entity that performs 43306
treatment on or is responsible for the disposal of sewage sludge. 43307

(b) "Sewage sludge" means a solid, semi-solid, or liquid 43308
residue generated during the treatment of domestic sewage in a 43309
treatment works as defined in section 6111.01 of the Revised Code. 43310
"Sewage sludge" includes, but is not limited to, scum or solids 43311
removed in primary, secondary, or advanced wastewater treatment 43312
processes. "Sewage sludge" does not include ash generated during 43313
the firing of sewage sludge in a sewage sludge incinerator, grit 43314
and screenings generated during preliminary treatment of domestic 43315
sewage in a treatment works, animal manure, residue generated 43316
during treatment of animal manure, or domestic septage. 43317

(c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications:	43318 43319
(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	43320 43321
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	43322 43323
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	43324 43325
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	43326 43327
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	43328 43329 43330
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	43331 43332 43333
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	43334 43335 43336 43337 43338
(g) "Land reclamation" means the returning of disturbed land to productive use.	43339 43340
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	43341 43342 43343 43344
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed	43345 43346 43347

device. 43348

(j) "Incineration facility" includes all incinerators owned 43349
or operated by the same entity and located on a contiguous tract 43350
of land. Areas of land are considered to be contiguous even if 43351
they are separated by a public road or highway. 43352

(k) "Annual sludge fee" means the fee assessed under division 43353
(Y)(1) of this section. 43354

(l) "Landfill" means a sanitary landfill facility, as defined 43355
in rules adopted under section 3734.02 of the Revised Code, that 43356
is licensed under section 3734.05 of the Revised Code. 43357

(m) "Preexisting land reclamation project" means a 43358
property-specific land reclamation project that has been in 43359
continuous operation for not less than five years pursuant to 43360
approval of the activity by the director and includes the 43361
implementation of a community outreach program concerning the 43362
activity. 43363

Sec. 3745.112. During the month of August 1997, and 43364
biennially thereafter, the director of environmental protection 43365
shall enter into a contract for the performance of an independent 43366
evaluation of the Title V permit program to be conducted under the 43367
supervision of an independent certified public accountant. The 43368
evaluation shall review the finances, operations, revenues, costs, 43369
and expenditures of the Title V permit program under section 43370
3704.036 of the Revised Code and the Title V clean air fund 43371
created in section 3704.035 of the Revised Code. The findings of 43372
each such evaluation shall be set forth in a written report that 43373
shall include, without limitation, all of the following: 43374

(A) A review and analysis of all expenditures from the Title 43375
V clean air fund for the Title V permit program; 43376

(B) A review and analysis of all costs incurred by the 43377

environmental protection agency designated by the director to be 43378
costs of the Title V permit program; 43379

(C) A review and analysis of all expenditures from the Title 43380
V clean air fund for costs not designated by the director as costs 43381
of the Title V permit program; 43382

(D) A review and analysis of the adequacy of the fees 43383
assessed under division ~~(C)~~(B) of section 3745.11 for meeting the 43384
costs of the Title V permit program during the period reviewed by 43385
the evaluation. 43386

Upon completion of the written report of each evaluation 43387
required by this section, the director shall provide copies of the 43388
report to the governor and the general assembly and shall make 43389
copies of it available to the public. 43390

The reasonable and necessary expenses for conducting an 43391
evaluation required under this section are hereby deemed to be 43392
reasonable costs to administer the Title V permit program and 43393
shall be paid from moneys credited to the Title V clean air fund 43394
arising from the fees assessed under division ~~(C)~~(B) of section 43395
3745.11 of the Revised Code. 43396

Sec. 3748.04. The ~~public~~ director of health council, in 43397
accordance with Chapter 119. of the Revised Code, shall adopt and 43398
may amend or rescind rules doing all of the following: 43399

(A) Listing types of radioactive material for which licensure 43400
by its handler is required and types of radiation-generating 43401
equipment for which registration by its handler is required, and 43402
establishing requirements governing them. Rules adopted under 43403
division (A) of this section shall be compatible with applicable 43404
federal regulations and shall establish all of the following, 43405
without limitation: 43406

(1) Requirements governing both of the following: 43407

(a) The licensing and inspection of handlers of radioactive material. Standards established in rules adopted under division (A)(1)(a) of this section regarding byproduct material or any activity that results in the production of that material, to the extent practicable, shall be equivalent to or more stringent than applicable standards established by the United States nuclear regulatory commission.

(b) The registration and inspection of handlers of radiation-generating equipment. Standards established in rules adopted under division (A)(1)(b) of this section, to the extent practicable, shall be equivalent to applicable standards established by the food and drug administration in the United States department of health and human services.

(2) Identification of and requirements governing possession and use of specifically licensed and generally licensed quantities of radioactive material as either sealed sources or unsealed sources;

(3) A procedure for the issuance of and the frequency of renewal of the licenses of handlers of radioactive material, other than a license for a facility for the disposal of low-level radioactive waste, and of the certificates of registration of handlers of radiation-generating equipment;

(4) Procedures for suspending and revoking the licenses of handlers of radioactive material and the certificates of registration of handlers of radiation-generating equipment;

(5) Criteria to be used by the director of health in amending the license of a handler of radioactive material or the certificate of registration of a handler of radiation-generating equipment subsequent to its issuance;

(6) Criteria for achieving and maintaining compliance with this chapter and rules adopted under it by licensees and

registrants;	43439
(7) Criteria governing environmental monitoring of licensed and registered activities to assess compliance with this chapter and rules adopted under it;	43440 43441 43442
(8) Fees for both of the following:	43443
(a) The licensing of handlers, other than facilities for the disposal of low-level radioactive waste, of radioactive material;	43444 43445
(b) The registration of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.	43446 43447 43448
(9) A fee schedule for both of the following that includes fees for reviews, conducted during an inspection, of shielding plans or the adequacy of shielding:	43449 43450 43451
(a) The inspection of handlers of radioactive material;	43452
(b) The inspection of handlers, other than facilities that are, or are operated by, medical practitioners or medical-practitioner groups, of radiation-generating equipment.	43453 43454 43455
(B)(1) Identifying sources of radiation, circumstances of possession, use, or disposal of sources of radiation, and levels of radiation that constitute an unreasonable or unnecessary risk to human health or the environment;	43456 43457 43458 43459
(2) Establishing requirements for the achievement and maintenance of compliance with standards for the receipt, possession, use, storage, installation, transfer, servicing, and disposal of sources of radiation to prevent levels of radiation that constitute an unreasonable or unnecessary risk to human health or the environment;	43460 43461 43462 43463 43464 43465
(3) Requiring the maintenance of records on the receipt, use, storage, transfer, and disposal of radioactive material and on the radiological safety aspects of the use and maintenance of	43466 43467 43468

radiation-generating equipment. 43469

In adopting rules under divisions (A) and (B) of this 43470
section, the ~~council~~ director shall use standards no less 43471
stringent than the "suggested state regulations for control of 43472
radiation" prepared by the conference of radiation control program 43473
directors, inc., and regulations adopted by the United States 43474
nuclear regulatory commission, the United States environmental 43475
protection agency, and the United States department of health and 43476
human services and shall consider reports of the national council 43477
on radiation protection and measurement and the relevant standards 43478
of the American national standards institute. 43479

(C) Establishing fees, procedures, and requirements for 43480
certification as a radiation expert, including all of the 43481
following, without limitation: 43482

(1) Minimum training and experience requirements; 43483

(2) Procedures for applying for certification; 43484

(3) Procedures for review of applications and issuance of 43485
certificates; 43486

(4) Procedures for suspending and revoking certification. 43487

(D) Establishing a schedule for inspection of sources of 43488
radiation and their shielding and surroundings; 43489

(E) Establishing the responsibilities of a radiation expert; 43490

(F) Establishing criteria for quality assurance programs for 43491
licensees of radioactive material and registrants of 43492
radiation-generating equipment; 43493

(G) Establishing fees to be paid by any facility that, on 43494
September 8, 1995, holds a license from the United States nuclear 43495
regulatory commission in order to provide moneys necessary for the 43496
transfer of licensing and other regulatory authority from the 43497
commission to the state pursuant to section 3748.03 of the Revised 43498

Code. Rules adopted under this division shall stipulate that fees 43499
so established do not apply to any functions dealing specifically 43500
with a facility for the disposal of low-level radioactive waste. 43501
Fees collected under this division shall be deposited into the 43502
state treasury to the credit of the general operations fund 43503
created in section 3701.83 of the Revised Code. The fees shall be 43504
used solely to administer and enforce this chapter and rules 43505
adopted under it. 43506

(H) Establishing fees to be collected annually from 43507
generators of low-level radioactive waste, which shall be based 43508
upon the volume and radioactivity of the waste generated and the 43509
costs of administering low-level radioactive waste management 43510
activities under this chapter and rules adopted under it. All fees 43511
collected under this division shall be deposited into the state 43512
treasury to the credit of the general operations fund created in 43513
section 3701.83 of the Revised Code. The fees shall be used solely 43514
to administer and enforce this chapter and rules adopted under it. 43515
Any fee required under this division that ~~has not been paid within~~ 43516
~~ninety days~~ remains unpaid on the ninety-first day after the 43517
original invoice date shall be assessed ~~at two times~~ an additional 43518
amount equal to ten per cent of the original ~~invoiced~~ fee. ~~Any fee~~ 43519
~~that has not been paid within one hundred eighty days after the~~ 43520
~~invoice date shall be assessed at five times the original invoiced~~ 43521
~~fee.~~ 43522

(I) Establishing requirements governing closure, 43523
decontamination, decommissioning, reclamation, and long-term 43524
surveillance and care of a facility licensed under this chapter 43525
and rules adopted under it. Rules adopted under division (I) of 43526
this section shall include, without limitation, all of the 43527
following: 43528

(1) Standards and procedures to ensure that a licensee 43529
prepares a decommissioning funding plan that provides an adequate 43530

financial guaranty to permit the completion of all requirements 43531
governing the closure, decontamination, decommissioning, and 43532
reclamation of sites, structures, and equipment used in 43533
conjunction with a licensed activity; 43534

(2) For licensed activities where radioactive material that 43535
will require surveillance or care is likely to remain at the site 43536
after the licensed activities cease, as indicated in the 43537
application for the license submitted under section 3748.07 of the 43538
Revised Code, standards and procedures to ensure that the licensee 43539
prepares an additional decommissioning funding plan for long-term 43540
surveillance and care, before termination of the license, that 43541
provides an additional adequate financial guaranty as necessary to 43542
provide for that surveillance and care; 43543

(3) For the purposes of the decommissioning funding plans 43544
required in rules adopted under divisions (I)(1) and (2) of this 43545
section, the types of acceptable financial guaranties, which shall 43546
include bonds issued by fidelity or surety companies authorized to 43547
do business in the state, certificates of deposit, deposits of 43548
government securities, irrevocable letters or lines of credit, 43549
trust funds, escrow accounts, or other similar types of 43550
arrangements, but shall not include any arrangement that 43551
constitutes self-insurance; 43552

(4) A requirement that the decommissioning funding plans 43553
required in rules adopted under divisions (I)(1) and (2) of this 43554
section contain financial guaranties in amounts sufficient to 43555
ensure compliance with any standards established by the United 43556
States nuclear regulatory commission, or by the state if it has 43557
become an agreement state pursuant to section 3748.03 of the 43558
Revised Code, pertaining to closure, decontamination, 43559
decommissioning, reclamation, and long-term surveillance and care 43560
of licensed activities and sites of licensees. 43561

Standards established in rules adopted under division (I) of 43562

this section regarding any activity that resulted in the 43563
production of byproduct material, as defined in division (A)(2) of 43564
section 3748.01 of the Revised Code, to the extent practicable, 43565
shall be equivalent to or more stringent than standards 43566
established by the United States nuclear regulatory commission for 43567
sites at which ores were processed primarily for their source 43568
material content and at which byproduct material, as defined in 43569
division (A)(2) of section 3748.01 of the Revised Code, is 43570
deposited. 43571

(J) Establishing criteria governing inspections of a facility 43572
for the disposal of low-level radioactive waste, including, 43573
without limitation, the establishment of a resident inspector 43574
program at such a facility; 43575

(K) Establishing requirements and procedures governing the 43576
filing of complaints under section 3748.16 of the Revised Code, 43577
including, without limitation, those governing intervention in a 43578
hearing held under division (B)(3) of that section. 43579

Sec. 3748.05. (A) The director of health shall do all of the 43580
following: 43581

(1) Administer and enforce this chapter and the rules adopted 43582
under it; 43583

(2) Collect and make available information relating to 43584
sources of radiation; 43585

(3) Ensure the review of plans and specifications, submitted 43586
in accordance with rules adopted by the ~~public health council~~ 43587
director, for the control of radiation that constitutes an 43588
unreasonable or unnecessary risk to human health or the 43589
environment; 43590

(4) Review reports of quality assurance audits performed by 43591
certified radiation experts under this chapter and the rules 43592

adopted under it; 43593

(5) Ensure that programs for the control of sources of 43594
radiation are developed with due regard for compatibility with 43595
federal programs for the regulation of byproduct, source, and 43596
special nuclear materials; 43597

(6) In accordance with Chapter 119. of the Revised Code, 43598
adopt, and subsequently may amend and rescind, rules providing for 43599
the administrative assessment and collection of monetary penalties 43600
for failure by any facility licensed under this chapter and rules 43601
adopted under it to comply with this chapter and those rules. The 43602
director may require the submission of compliance schedules and 43603
other related information. Any orders issued or payments or other 43604
requirements imposed pursuant to rules adopted under division 43605
(A)(6) of this section shall not affect any civil or criminal 43606
enforcement proceeding brought under this chapter or any other 43607
provision of state or local law. Moneys collected as 43608
administrative penalties imposed pursuant to rules adopted under 43609
division (A)(6) of this section shall be deposited in the state 43610
treasury to the credit of the general operations fund created in 43611
section 3701.83 of the Revised Code. The moneys shall be used 43612
solely to administer and enforce this chapter and the rules 43613
adopted under it. 43614

(7) Maintain files of both of the following: 43615

(a) All license and registration applications, issuances, 43616
denials, amendments, renewals, suspensions, and revocations and 43617
any administrative or judicial action pertaining to them; 43618

(b) All rules adopted under this chapter, or proposed to be 43619
adopted, relating to the regulation of sources of radiation and 43620
proceedings on them. 43621

(B) The director may do any or all of the following: 43622

(1) Advise, consult, and cooperate with other agencies of the 43623

state, the federal government, other states, interstate agencies, 43624
political subdivisions, industries, and other affected groups in 43625
furtherance of the purposes of this chapter and the rules adopted 43626
under it; 43627

(2) Accept and administer grants from the federal government 43628
and from other sources, public or private, for carrying out any of 43629
the director's functions under this chapter and the rules adopted 43630
under it; 43631

(3) Encourage, participate in, or conduct studies, 43632
investigations, training, research, and demonstrations relating to 43633
the detection and control of radiation that constitutes an 43634
unreasonable or unnecessary risk to human health or the 43635
environment, the measurement of radiation, the evaluation of 43636
potential effects on health of cumulative or acute exposure to 43637
radiation, the development and improvement of methods to limit and 43638
reduce the generation of radioactive waste, and related problems 43639
as the director considers necessary or advisable; 43640

(4) In accordance with Chapter 119. of the Revised Code, 43641
adopt rules establishing criteria under which other agencies of 43642
the state or private entities may perform inspections of x-ray 43643
equipment at registered dental facilities at the request of the 43644
facility or pursuant to contract with the department; 43645

(5) Exercise all incidental powers necessary to carry out the 43646
purposes of this chapter and the rules adopted under it, 43647
including, without limitation, the issuance of orders. 43648

Sec. 3748.07. (A) Every facility that proposes to handle 43649
radioactive material or radiation-generating equipment for which 43650
licensure or registration, respectively, by its handler is 43651
required shall apply in writing to the director of health on forms 43652
prescribed and provided by the director for licensure or 43653
registration. Terms and conditions of licenses and certificates of 43654

registration may be amended in accordance with rules adopted under 43655
section 3748.04 of the Revised Code or orders issued by the 43656
director pursuant to section 3748.05 of the Revised Code. 43657

(B)(1) An applicant proposing to handle radioactive material 43658
shall pay for a license or renewal of a license the appropriate 43659
fee specified in rules adopted under section 3748.04 of the 43660
Revised Code and listed on an invoice provided by the director. 43661
The applicant shall pay the fee on receipt of the invoice. 43662

(2)(a) Except as provided in division (B)(2)(b) of this 43663
section, until fees are established in rules adopted under 43664
division (A)(8)(b) of section 3748.04 of the Revised Code, an 43665
applicant proposing to handle radiation-generating equipment shall 43666
pay for a certificate of registration or renewal of a certificate 43667
a biennial registration fee of two hundred sixty-two dollars. 43668

Except as provided in division (B)(2)(b) of this section, on 43669
and after the effective date of the rules in which fees are 43670
established under division (A)(8)(b) of section 3748.04 of the 43671
Revised Code, an applicant proposing to handle 43672
radiation-generating equipment shall pay for a certificate of 43673
registration or renewal of a certificate the appropriate fee 43674
established in those rules. 43675

The applicant shall pay the fees described in division 43676
(B)(2)(a) of this section at the time of applying for a 43677
certificate of registration or renewal of a certificate. 43678

(b) An applicant that is, or is operated by, a medical 43679
practitioner or medical-practitioner group and proposes to handle 43680
radiation-generating equipment shall pay for a certificate of 43681
registration or renewal of a certificate a biennial registration 43682
fee of two hundred sixty-two dollars. The applicant shall pay the 43683
fee at the time of applying for a certificate of registration or 43684
renewal of the certificate. 43685

(C) All fees collected under this section shall be deposited 43686
in the state treasury to the credit of the general operations fund 43687
created in section 3701.83 of the Revised Code. The fees shall be 43688
used solely to administer and enforce this chapter and rules 43689
adopted under it. 43690

(D) Any fee required under this section that ~~has not been~~ 43691
~~paid within ninety days~~ remains unpaid on the ninety-first day 43692
after the original invoice date shall be assessed at ~~two times an~~ 43693
additional amount equal to ten per cent of the original ~~invoiced~~ 43694
fee. ~~Any fee that has not been paid within one hundred eighty days~~ 43695
~~after the invoice date shall be assessed at five times the~~ 43696
~~original invoiced fee.~~ 43697

(E) The director shall grant a license or registration to any 43698
applicant who has paid the required fee and is in compliance with 43699
this chapter and rules adopted under it. 43700

(F) Except as provided in division (B)(2) of this section, 43701
licenses and certificates of registration shall be effective for 43702
the applicable period established in rules adopted under section 43703
3748.04 of the Revised Code. Licenses and certificates of 43704
registration shall be renewed in accordance with the renewal 43705
procedure established in rules adopted under section 3748.04 of 43706
the Revised Code. 43707

Sec. 3748.10. (A) As used in this section, "person" means any 43708
legal entity defined as a person under section 1.59 of the Revised 43709
Code, the state or any agency of the state, any political 43710
subdivision or agency of a political subdivision, and the United 43711
States or any agency or instrumentality of the United States other 43712
than the United States department of energy or the United States 43713
nuclear regulatory commission where state regulation of the 43714
treatment, recycling, storage, or disposal of low-level 43715
radioactive waste by either of those agencies is prohibited by 43716

federal law. 43717

(B) No person shall treat, recycle, store, or dispose of any 43718
low-level radioactive waste except at a facility that is licensed 43719
for treatment, recycling, storage, or disposal of that waste by 43720
the director of health under this chapter and rules adopted under 43721
it or, until the state becomes an agreement state pursuant to 43722
section 3748.03 of the Revised Code, by the United States nuclear 43723
regulatory commission under the "Atomic Energy Act of 1954," 68 43724
Stat. 919, 42 U.S.C.A. 2011, as amended, and regulations adopted 43725
under it regardless of whether the waste has been reclassified as 43726
"below regulatory concern" by the United States nuclear regulatory 43727
commission pursuant to any rule or standard adopted after January 43728
1, 1990. 43729

(C) Division (B) of this section does not apply to either of 43730
the following: 43731

(1) Any low-level radioactive waste that on or before January 43732
1, 1990, was authorized under the "Atomic Energy Act of 1954," 68 43733
Stat. 919, 42 U.S.C.A. 2011, as amended, and regulations adopted 43734
under it to be treated, recycled, stored, or disposed of at a 43735
facility that has not been licensed under that act and regulations 43736
adopted under it; 43737

(2) Any low-level radioactive waste that has received an 43738
exemption from the director of health under division (C)(2) of 43739
this section. If the United States nuclear regulatory commission 43740
declares its intent to institute a policy regarding the 43741
reclassification of waste as "below regulatory concern," the 43742
~~public health council~~ director, in consultation with the 43743
environmental protection agency, shall adopt rules in accordance 43744
with Chapter 119. of the Revised Code that govern the granting of 43745
such exemptions and that do at least all of the following: 43746

(a) Establish an application procedure to be followed by the 43747

generator of a low-level radioactive waste who wishes to obtain an exemption for that waste under division (C)(2) of this section;

(b) Require that in order to receive an exemption, a low-level radioactive waste shall have been reclassified as "below regulatory concern" by the United States nuclear regulatory commission after August 19, 1992. The rules adopted under division (C)(2)(b) of this section shall stipulate that such a reclassification does not automatically qualify a low-level radioactive waste for an exemption under division (C)(2) of this section.

(c) Require an applicant to demonstrate with clear and convincing evidence that the low-level radioactive waste that is the subject of the application does not present a higher radioactive hazard than any low-level radioactive waste to which division (C)(1) of this section applies and that treatment, recycling, storage, or disposal of the waste at a facility that has not been licensed by the director under this chapter and rules adopted under it or, until the state becomes an agreement state pursuant to section 3748.03 of the Revised Code, by the United States nuclear regulatory commission under the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended, and regulations adopted under it, will not harm public health or safety or the environment;

(d) Establish public notification procedures to be followed by the director for any public hearing held ~~by him~~ under division (C)(2) of this section.

The director shall review an application submitted ~~to him~~ under division (C)(2) of this section and shall hold a public hearing concerning the application before granting or denying the exemption requested. The director may grant an exemption to the low-level radioactive waste that is the subject of the application ~~if he determines~~ after determining that the generator has complied

with the rules adopted under division (C)(2)(a) of this section 43780
and that the waste satisfies the requirements established in the 43781
rules adopted under divisions (C)(2)(b) and (c) of this section. 43782
The director shall maintain a list of all low-level radioactive 43783
wastes to which ~~he~~ the director has granted such an exemption. 43784

Division (C)(2) of this section does not apply to any 43785
low-level radioactive waste generated at a nuclear power station. 43786

Sec. 3748.12. The director of health shall certify radiation 43787
experts pursuant to rules adopted under division (C) of section 43788
3748.04 of the Revised Code. The director shall issue a 43789
certificate to each person certified under this section. An 43790
individual certified by the director is qualified to develop, 43791
provide periodic review of, and conduct audits of the quality 43792
assurance program for sources of radiation for which such a 43793
program is required under division (A) of section 3748.13 of the 43794
Revised Code. 43795

The ~~public health council~~ director shall establish an 43796
application fee for applying for certification and a biennial 43797
certification renewal fee in rules adopted under division (C) of 43798
section 3748.04 of the Revised Code. A certificate issued under 43799
this section shall expire two years after the date of its 43800
issuance. To maintain certification, a radiation expert shall 43801
apply to the director for renewal of certification in accordance 43802
with the standard renewal procedures established in Chapter 4745. 43803
of the Revised Code. The certification renewal fee is not required 43804
for initial certification, but shall be paid for every renewal of 43805
certification. Fees collected under this section shall be 43806
deposited into the state treasury to the credit of the general 43807
operations fund created in section 3701.83 of the Revised Code. 43808
The fees shall be used solely to administer and enforce this 43809
chapter and rules adopted under it. Any fee required under this 43810

~~section that has not been paid within ninety days~~ remains unpaid 43811
~~on the ninety-first day~~ after the original invoice date shall be 43812
~~assessed at two times~~ an additional amount equal to ten per cent 43813
~~of the original invoiced fee. Any fee that has not been paid~~ 43814
~~within one hundred eighty days after the invoice date shall be~~ 43815
~~assessed at five times the original invoiced fee.~~ 43816

Sec. 3748.13. (A) The director of health shall inspect 43817
sources of radiation for which licensure or registration by the 43818
handler is required, and the sources' shielding and surroundings, 43819
according to the schedule established in rules adopted under 43820
division (D) of section 3748.04 of the Revised Code. In accordance 43821
with rules adopted under section 3748.04 of the Revised Code, the 43822
director shall inspect all records and operating procedures of 43823
handlers that install or service sources of radiation and all 43824
sources of radiation for which licensure of radioactive material 43825
or registration of radiation-generating equipment by the handler 43826
is required. The director may make other inspections upon 43827
receiving complaints or other evidence of a violation of this 43828
chapter or rules adopted under it. 43829

The director shall require any hospital registered under 43830
division (A) of section 3701.07 of the Revised Code to develop and 43831
maintain a quality assurance program for all sources of 43832
radiation-generating equipment. A certified radiation expert shall 43833
conduct oversight and maintenance of the program and shall file a 43834
report of audits of the program with the director on forms 43835
prescribed by the director. The audit reports shall become part of 43836
the inspection record. 43837

(B)(1) Except as provided in division (B)(2) of this section, 43838
a facility shall pay inspection fees for radioactive material and 43839
radiation-generating equipment according to the schedule and 43840
categories established in rules adopted under division (A)(9) of 43841

section 3748.04 of the Revised Code. 43842

(2) A facility that is, or is operated by, a medical 43843
practitioner or medical-practitioner group shall pay inspection 43844
fees for radiation-generating equipment according to the following 43845
schedule and categories: 43846

First dental x-ray tube \$ 155.00 43847

Each additional dental x-ray tube \$ 77.00 43848

at the same location

First medical x-ray tube \$ 307.00 43849

Each additional medical x-ray tube \$ 163.00 43850

at the same location

Each unit of ionizing \$ 610.00 43851

radiation-generating equipment

capable of operating at or above

250 kilovoltage peak

First nonionizing \$ 307.00 43852

radiation-generating equipment of

any kind

Each additional nonionizing \$ 163.00 43853

radiation-generating equipment of

any kind at the same location

(C)(1) Except as provided in division (C)(2) of this section, 43854
the fee for the inspection of a facility that proposes to handle 43855
radioactive material or radiation-generating equipment and is not 43856
licensed or registered, and for which no license or registration 43857
application is pending at the time of inspection, is four hundred 43858
seventy-four dollars plus the applicable fee specified in rules 43859
adopted under division (A)(9) of section 3748.04 of the Revised 43860
Code. 43861

(2) For a facility that is, or is operated by, a medical 43862
practitioner or medical-practitioner group and proposes to handle 43863
radiation-generating equipment, the fee for an inspection if the 43864

facility is not licensed or registered, and no license or 43865
registration is pending at the time of inspection, is four hundred 43866
seventy-four dollars plus the fee applicable under the schedule in 43867
division (B)(2) of this section. 43868

(D)(1) Except as provided in division (D)(2) of this section, 43869
for a facility that handles radioactive material or 43870
radiation-generating equipment, the fee for an inspection to 43871
determine whether violations cited in a previous inspection have 43872
been corrected is the amount specified in rules adopted under 43873
division (A)(9) of section 3748.04 of the Revised Code. 43874

(2) For a facility that is, or is operated by, a medical 43875
practitioner or medical-practitioner group and handles 43876
radiation-generating equipment, the fee for an inspection to 43877
determine whether violations cited in a previous inspection have 43878
been corrected is fifty per cent of the applicable fee under the 43879
schedule in division (B)(2) of this section. 43880

(E) The director may conduct a review of shielding plans or 43881
the adequacy of shielding on the request of a licensee or 43882
registrant or an applicant for licensure or registration or during 43883
an inspection when the director considers a review to be 43884
necessary. 43885

(1) Except as provided in division (E)(2) of this section, 43886
the fee for the review is the applicable amount specified in rules 43887
adopted under division (A)(9) of section 3748.04 of the Revised 43888
Code. 43889

(2) For a facility that is, or is operated by, a medical 43890
practitioner or medical-practitioner group and handles or proposes 43891
to handle radiation-generating equipment, the fee for the review 43892
is seven hundred sixty-two dollars for each room where a source of 43893
radiation is used and is in addition to any other fee applicable 43894
under the schedule in division (B)(2) of this section. 43895

(F) All fees shall be paid to the department of health no 43896
later than thirty days after the invoice for the fee is mailed. 43897
Fees shall be deposited in the general operations fund created in 43898
section 3701.83 of the Revised Code. The fees shall be used solely 43899
to administer and enforce this chapter and rules adopted under it. 43900

(G) Any fee required under this section that ~~has not been~~ 43901
~~paid within ninety days~~ remains unpaid on the ninety-first day 43902
after the original invoice date shall be assessed at ~~two times~~ an 43903
additional amount equal to ten per cent of the original ~~invoiced~~ 43904
fee. ~~Any fee that has not been paid within one hundred eighty days~~ 43905
~~after the invoice date shall be assessed at five times the~~ 43906
~~original invoiced fee.~~ 43907

(H) If the director determines that a board of health of a 43908
city or general health district is qualified to conduct 43909
inspections of radiation-generating equipment, the director may 43910
delegate to the board, by contract, the authority to conduct such 43911
inspections. In making a determination of the qualifications of a 43912
board of health to conduct those inspections, the director shall 43913
evaluate the credentials of the individuals who are to conduct the 43914
inspections of radiation-generating equipment and the radiation 43915
detection and measuring equipment available to them for that 43916
purpose. If a contract is entered into, the board shall have the 43917
same authority to make inspections of radiation-generating 43918
equipment as the director has under this chapter and rules adopted 43919
under it. The contract shall stipulate that only individuals 43920
approved by the director as qualified shall be permitted to 43921
inspect radiation-generating equipment under the contract's 43922
provisions. The contract shall provide for such compensation for 43923
services as is agreed to by the director and the board of health 43924
of the contracting health district. The director may reevaluate 43925
the credentials of the inspection personnel and their radiation 43926
detecting and measuring equipment as often as the director 43927

considers necessary and may terminate any contract with the board 43928
of health of any health district that, in the director's opinion, 43929
is not satisfactorily performing the terms of the contract. 43930

(I) The director may enter at all reasonable times upon any 43931
public or private property to determine compliance with this 43932
chapter and rules adopted under it. 43933

Sec. 3748.15. No facility shall violate or fail to comply 43934
with any duty imposed by this chapter, fail to pay any 43935
administrative penalty assessed in accordance with rules adopted 43936
under division (A)(6) of section 3748.05 of the Revised Code, or 43937
violate or fail to comply with any valid order ~~of~~ issued or rule 43938
adopted by the director of health ~~issued or rule of the public~~ 43939
~~health council adopted~~ under this chapter. Each day a violation 43940
continues is a separate offense. 43941

Sec. 3748.20. (A) The governor, with the advice and consent 43942
of the senate, shall appoint a radiation advisory council, which 43943
shall consist of the following members: 43944

(1) One individual who has recognized ability and credentials 43945
in the field of medical radiation physics; 43946

(2) One individual who has recognized ability and credentials 43947
in the field of health physics; 43948

(3) One individual holding the degree of doctor of medicine 43949
or doctor of osteopathy and licensed to practice medicine or 43950
surgery or osteopathic medicine and surgery, as applicable, under 43951
Chapter 4731. of the Revised Code who has recognized ability and 43952
credentials in the practice of radiology; 43953

(4) One individual who is licensed to practice dentistry 43954
under Chapter 4715. of the Revised Code; 43955

(5) One individual holding the degree of doctor of medicine 43956

and licensed to practice medicine or surgery under Chapter 4731. 43957
of the Revised Code who has recognized ability and credentials in 43958
the field of nuclear medicine; 43959

(6) One individual who has recognized ability and credentials 43960
in the field of public health or environmental science; 43961

(7) One individual licensed as a podiatrist under Chapter 43962
4731. of the Revised Code; 43963

(8) One individual licensed as a chiropractor under Chapter 43964
4734. of the Revised Code; 43965

(9) One individual who is a qualified radiation safety 43966
officer or radiation protection manager from a facility in this 43967
state that is licensed for the use of radiation materials; 43968

(10) One individual who has recognized ability and 43969
credentials in the field of radon measurement, mitigation, or 43970
health risk management; 43971

(11) One individual who is a member of a statewide consumer 43972
or environmental advocacy organization; 43973

(12) One individual representing the public; 43974

(13) One individual who has recognized ability and experience 43975
in the administration and enforcement of federal radiation 43976
protection regulations, who shall be a nonvoting member. 43977

The governor shall make the initial appointments to the 43978
council not later than December 7, 1995. Of the initial 43979
appointments, four shall be for a term of office of three years, 43980
four shall be for a term of office of four years, and four shall 43981
be for a term of office of five years. Thereafter, terms of office 43982
for the members of the council shall be five years with each term 43983
ending on the same day of the same month as did the term that it 43984
succeeds. Each member shall hold office from the date of the 43985
member's appointment until the end of the term for which the 43986

member was appointed. Members may be reappointed. Vacancies shall 43987
be filled in the manner provided for original appointment. Any 43988
member appointed to fill a vacancy occurring prior to the 43989
expiration of the term for which the member's predecessor was 43990
appointed shall hold office for the remainder of that term. A 43991
member shall continue in office subsequent to the expiration of 43992
the member's term or until a period of sixty days has elapsed, 43993
whichever occurs first. 43994

The council shall hold four regular quarterly meetings each 43995
year. Special meetings may be held at the request of the 43996
chairperson of the council or the director of health. The 43997
chairperson shall be selected annually by members of the council 43998
during the first meeting of the calendar year. Following each 43999
meeting, the chairperson shall submit a report to the director 44000
summarizing the activities, discussion, and recommendations of the 44001
council. Seven voting members of the council constitute a quorum. 44002

Members of the radiation advisory council shall receive a per 44003
diem compensation in an amount approved by the director and also 44004
shall be reimbursed for actual expenses incurred in the 44005
performance of their official duties. 44006

The department of health shall provide the council the 44007
administrative support necessary to execute its duties. 44008

(B) The radiation advisory council shall do all of the 44009
following: 44010

(1) Advise and consult with the ~~public health council~~ 44011
director in the development of rules ~~proposed for adoption to be~~ 44012
adopted under section 3748.04 of the Revised Code; 44013

(2) Advise and consult with the director concerning the 44014
administration, implementation, and enforcement of this chapter, 44015
including the implementation of the specific responsibilities 44016
delineated in section 3748.05 of the Revised Code; 44017

(3) Advise and consult with the director in the development 44018
of inspection criteria, procedures, and guidelines to be used in 44019
the radiation control program established under this chapter and 44020
rules adopted under it; 44021

(4) Prepare and submit to the director an annual report 44022
evaluating the department's administration of the radiation 44023
control program. 44024

(C) The council shall establish committees to focus on 44025
specific components of the radiation control program established 44026
under this chapter and rules adopted under it. Chairpersons of the 44027
committees shall be appointed by the chairperson of the council 44028
and shall be members of the council. Other members of the 44029
committees shall be appointed by the chairperson of the council 44030
and may include individuals who are not members of the council. 44031

The membership and responsibilities of each committee 44032
established under this division shall be subject to the approval 44033
of the director. Members of the committees shall be reimbursed for 44034
actual expenses incurred in the performance of their official 44035
duties. 44036

Committee reports shall be presented to the council at each 44037
regular meeting of the council. 44038

Sec. 3749.02. The ~~public~~ director of health council shall, 44039
subject to Chapter 119. of the Revised Code, adopt rules of 44040
general application throughout the state governing the issuance of 44041
licenses, approval of plans, layout, construction, sanitation, 44042
safety, and operation of public swimming pools, public spas, and 44043
special use pools. Such rules shall not be applied to the 44044
construction, erection, or manufacture of any building to which 44045
section 3781.06 of the Revised Code is applicable when the 44046
building or structure is either integral to or appurtenant to a 44047
public swimming pool, a public spa, or a special use pool. 44048

Sec. 3749.03. (A) No person shall construct or install, or 44049
renovate or otherwise substantially alter, a public swimming pool, 44050
public spa, or ~~special-use~~ special use pool after September 10, 44051
1987, until the plans for the pool or spa have been submitted to 44052
and approved by the director of health. Within thirty days of 44053
receipt of the plans, the director shall approve or disapprove 44054
them. The plans and approval required under this division do not 44055
apply to repairs or ordinary maintenance that does not 44056
substantially affect the manner of water recirculation or basic 44057
design of the public swimming pool, public spa, or ~~special-use~~ 44058
special use pool. 44059

Any person aggrieved by the director's disapproval of plans 44060
under this division may, within thirty days following receipt of 44061
the director's notice of disapproval, request a hearing on the 44062
matter. The hearing shall be held in accordance with Chapter 119. 44063
of the Revised Code and may be appealed in the manner provided in 44064
that chapter. 44065

(B) Prior to the issuance of a license to operate a newly 44066
constructed or altered public swimming pool, public spa, or 44067
~~special-use~~ special use pool, the director or a licensor 44068
authorized by the director shall verify that the construction or 44069
alterations are consistent with the plans submitted and approved 44070
under division (A) of this section. The director or licensor 44071
authorized by the director shall have two working days from the 44072
time notification is received that a public swimming pool, public 44073
spa, or ~~special-use~~ special use pool is ready for an inspection to 44074
verify the construction or alterations. 44075

(C) The (1) Except as provided in division (C)(2) of this 44076
section, the fees for the approval of plans are as follows: 44077

~~(1)~~(a) Five per cent of the total cost of the equipment and 44078
installation not to exceed two hundred seventy-five dollars for a 44079

public swimming pool, public spa, or ~~special-use~~ special use pool, 44080
or a combination thereof, that has less than two thousand square 44081
feet of surface area; 44082

~~(2)(b)~~ Five per cent of the total cost of the equipment and 44083
installation not to exceed five hundred fifty dollars for a public 44084
swimming pool, public spa, ~~special-use~~ special use pool, or a 44085
combination thereof, that has two thousand or more square feet of 44086
surface area. 44087

~~After December 31, 1992, the public health council~~ (2) The 44088
director may, by rule adopted in accordance with Chapter 119. of 44089
the Revised Code, increase the fees established by this section. 44090

(D) All plan approval fees shall be paid into the state 44091
treasury to the credit of the general operations fund created by 44092
section 3701.83 of the Revised Code. The fees shall be 44093
administered by the director and shall be used solely for the 44094
administration and enforcement of this chapter and the rules 44095
adopted thereunder. 44096

(E) Plan approvals issued under this section shall not 44097
constitute an exemption from the land use and building 44098
requirements of the political subdivision in which the public 44099
swimming pool, public spa, or ~~special-use~~ special use pool is or 44100
is to be located. 44101

Sec. 3749.04. (A) No person shall operate or maintain a 44102
public swimming pool, public spa, or ~~special-use~~ special use pool 44103
without a license issued by the licensor having jurisdiction. 44104

(B) Every person who intends to operate or maintain an 44105
existing public swimming pool, public spa, or ~~special-use~~ special 44106
use pool shall, during the month of April of each year, apply to 44107
the licensor having jurisdiction for a license to operate the pool 44108
or spa. Any person proposing to operate or maintain a new or 44109

otherwise unlicensed public swimming pool, public spa, or 44110
~~special-use~~ special use pool shall apply to the licensor having 44111
jurisdiction at least thirty days prior to the intended start of 44112
operation of the pool or spa. Within thirty days of receipt of an 44113
application for licensure of a public swimming pool, public spa, 44114
or ~~special-use~~ special use pool, the licensor shall process the 44115
application and either issue a license or otherwise respond to the 44116
applicant regarding the application. 44117

(C) Each license issued shall be effective from the date of 44118
issuance until the last day of May of the following year. 44119

(D) Each licensor administering and enforcing sections 44120
3749.01 to 3749.09 of the Revised Code and the rules adopted 44121
thereunder may establish licensing and inspection fees in 44122
accordance with section 3709.09 of the Revised Code, which shall 44123
not exceed the cost of licensing and inspecting public swimming 44124
pools, public spas, and ~~special-use~~ special use pools. 44125

(E) Except as provided in division (F) of this section and in 44126
division (B) of section 3749.07 of the Revised Code, all license 44127
fees collected by a licensor shall be deposited into a swimming 44128
pool fund, which is hereby created in each health district. The 44129
fees shall be used by the licensor solely for the purpose of 44130
administering and enforcing this chapter and the rules adopted 44131
under this chapter. 44132

(F) An annual license fee established under division (D) of 44133
this section shall include any additional amount determined by 44134
rule of the ~~public~~ director of health council, which the board of 44135
health shall collect and transmit to the director ~~of health~~ 44136
pursuant to section 3709.092 of the Revised Code. The amounts 44137
collected under this division shall be administered by the 44138
director of health and shall be used solely for the administration 44139
and enforcement of this chapter and the rules adopted under this 44140
chapter. 44141

Sec. 3752.06. (A) Unless the owner or operator of a reporting 44142
facility has submitted to the director of environmental protection 44143
in connection with the facility a notice of the temporary 44144
discontinuation of all regulated operations at the facility in 44145
compliance with division (A)(1) of section 3752.09 of the Revised 44146
Code, has submitted an application for a waiver in compliance with 44147
or been issued a waiver under division (A) of section 3752.10 of 44148
the Revised Code, or, pursuant to division (B) of this section, 44149
has been granted an extension of time for compliance with 44150
divisions (A)(4) to (6) of this section, and except as provided in 44151
division (C) of this section, the owner or operator, not later 44152
than ninety days after the cessation of all regulated operations 44153
at the facility, shall do all of the following: 44154

(1) Submit to the director a copy of the most recent 44156
emergency and hazardous chemical inventory form for the facility 44157
submitted to the emergency response commission in accordance with 44158
section 3750.08 of the Revised Code accompanied by a statement 44159
indicating whether any asbestos-containing materials are present 44160
at the facility; 44161

(2) Submit to the director a copy of the current hazardous 44162
chemical list, or of each of the material safety data sheets, that 44163
the owner or operator is required to have on file with the 44164
commission under section 3750.07 of the Revised Code in connection 44165
with the facility; 44166

(3) Submit to the director a list of every stationary tank, 44167
vat, electrical transformer, and vessel of any type that contains 44168
or is contaminated with regulated substances and that is to remain 44169
at the facility; a precise description of the location of each; 44170
and an identification of the regulated substances that are in or 44171
contaminate each; 44172

(4) Drain or remove all regulated substances from each 44173
stationary vat, tank, electrical transformer, and vessel, and from 44174
all piping, that is to remain at the facility and do any or a 44175
combination of the following: 44176

(a) Transfer the regulated substances to another facility 44177
owned or operated by the owner or operator. If any regulated 44178
substances are transferred to another facility of the owner or 44179
operator located within this state, they shall be transferred to a 44180
facility that is operating. If any regulated substances are 44181
transferred to another facility of the owner or operator located 44182
outside this state, they shall be transferred in compliance with 44183
the applicable laws governing the receiving facility of the state 44184
in which the receiving facility is located. 44185

(b) Lawfully transfer ownership of the regulated substances 44186
to another person through sale or otherwise; 44187

(c) Cause the regulated substances to be transported off the 44188
premises of the facility and managed in compliance with the 44189
applicable provisions of Chapter 3734. of the Revised Code and 44190
rules adopted under that chapter; the "Toxic Substances Control 44191
Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, as amended, and 44192
regulations adopted under it; or the "Resource Conservation and 44193
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 44194
amended, and regulations adopted under it; or, if transported out 44195
of state, to be managed in compliance with the waste management 44196
laws of the state to which the regulated substances are 44197
transported. 44198

In the case of any regulated substance that also is a 44199
hazardous material identified or listed in regulations adopted 44200
under the "Hazardous Materials Transportation Act," 88 Stat. 2156 44201
(1975), 49 U.S.C.A. 1801, as amended, and that is to be 44202
transported off the premises of the facility, the owner or 44203
operator of the facility shall transport the regulated substance, 44204

or cause it to be transported, in compliance with the applicable 44205
rules adopted under ~~division (A) of section 4919.85, division (E)~~ 44206
~~of section 4921.04, division (C) of section 4923.03, or division~~ 44207
~~(C) of section 4923.20~~ Chapters 4905., 4921., and 4923. of the 44208
Revised Code. 44209

(5) Remove from the facility all debris, nonstationary 44210
equipment and furnishings, nonstationary containers, and motor 44211
vehicles and rolling stock that contain or are contaminated with a 44212
regulated substance and do any or a combination of the following: 44213

(a) Transfer the debris, equipment, furnishings, containers, 44214
and motor vehicles and rolling stock to another facility owned or 44215
operated by the owner or operator. If any such debris, equipment, 44216
furnishings, containers, or motor vehicles and rolling stock is 44217
transferred to another facility of the owner or operator located 44218
in this state, it shall be transferred to a facility that is 44219
operating. If any such debris, equipment, furnishings, containers, 44220
or motor vehicles and rolling stock is transferred to another 44221
facility of the owner or operator located outside this state, it 44222
only shall be transferred in compliance with the applicable laws 44223
governing the receiving facility of the state in which the 44224
receiving facility is located. 44225

(b) Lawfully transfer ownership of the debris, equipment, 44226
furnishings, containers, and motor vehicles and rolling stock to 44227
another person through sale or otherwise; 44228

(c) Cause the debris, equipment, furnishings, and containers 44229
to be transported off the premises of the facility and managed in 44230
compliance with the applicable provisions of Chapter 3734. of the 44231
Revised Code and rules adopted under that chapter; the "Toxic 44232
Substances Control Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, 44233
as amended, and regulations adopted under it; or the "Resource 44234
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 44235
6921, as amended, and regulations adopted under it; or, if 44236

transported out of state, to be managed in compliance with the 44237
waste management laws of the state to which the debris, equipment, 44238
furnishings, and containers are transported. 44239

(6) Make a written certification to the director that the 44240
actions required by divisions (A)(4) and (5) of this section have 44241
been completed in compliance with those divisions and any 44242
applicable rules adopted under section 3752.03 of the Revised 44243
Code. The certification shall be made on a form prescribed by the 44244
director and, in addition to the information required in division 44245
(A) of this section, shall include, without limitation, the 44246
owner's or operator's name and the address of the owner's or 44247
operator's principal office. 44248

(B) Upon the written request of the owner or operator of a 44249
facility who is subject to division (A) of this section, the 44250
director, at ~~his~~ the director's discretion, may extend the length 44251
of time required for compliance with divisions (A)(4) to (6) of 44252
this section for any period of time the director considers 44253
reasonable and necessary if the director finds from the request 44254
that either of the following applies: 44255

(1) The inability of the owner or operator to complete the 44256
required actions within the time prescribed in that division is 44257
due to circumstances that are temporary in nature and are beyond 44258
the control of the owner or operator; 44259

(2) The owner or operator, exercising reasonable diligence, 44260
is unable to complete the required actions within the time 44261
prescribed in that division due to facility size, operational 44262
complexity, or other such relevant factors. 44263

Upon making a decision on a request submitted under division 44264
(B) of this section, the director shall mail notice of ~~his~~ the 44265
decision to the owner or operator by certified mail, return 44266
receipt requested, and, if the request was approved, notice of the 44267

length of the extension. 44268

(C) An owner or operator of a reporting facility who is 44269
subject to this section is not required to perform the removal 44270
actions required by it or to make the certification required by 44271
division (A)(6) of this section with respect to hazardous waste 44272
stored, treated, or disposed of at the facility, or portion of the 44273
facility, for which the owner holds a valid hazardous waste 44274
facility installation and operation permit or renewal permit 44275
issued under section 3734.05 of the Revised Code or has obtained a 44276
generator identification number pursuant to rules adopted under 44277
section 3734.12 of the Revised Code. Instead, the owner shall 44278
comply with the applicable closure and post-closure care 44279
requirements established in rules adopted under section 3734.12 of 44280
the Revised Code. 44281

(D) No person shall fail to comply with any provision of 44282
division (A) of this section within the time required by that 44283
division and any extension of that time granted under division (B) 44284
of this section, as appropriate. 44285

Sec. 3769.28. The tax commissioner shall collect from each 44286
permit holder who conducts a pari-mutuel system of wagering where 44287
the wagering is less than five million dollars a sum of money 44288
equal to one-tenth of one per cent of the total amount wagered and 44289
where the wagering is five million dollars or more a sum of money 44290
equal to fifteen hundredths of one per cent of the total amount 44291
wagered during any horse-racing meeting for the purpose of 44292
providing operating revenue for the political subdivisions wherein 44293
such meetings are held. ~~Such moneys shall be collected by the~~ 44294
~~commissioner within~~ Within ten days after the close of ~~such a~~ 44295
~~meeting and shall be sent back to,~~ the permit holder ~~who paid the~~ 44296
~~tax. Such permit holder shall prepare and transmit to the tax~~ 44297
commissioner a final report showing the total amount wagered 44298

during the horse-racing meeting and any other information required 44299
by the commissioner relative to the tax levied by this section. 44300
The final report shall be signed by the permit holder or an 44301
authorized agent of the permit holder. The commissioner shall 44302
prescribe the form of the final report. 44303

The commissioner shall collect the tax due under this section 44304
on amounts wagered during a horse-racing meeting within ten days 44305
after the close of the meeting. The commissioner shall then 44306
immediately forward the ~~moneys~~ amount collected to the chief 44307
fiscal officers of the municipal corporations or townships in 44308
which such horse-racing meeting took place and in which any such 44309
facilities or accessory uses therefor were located. ~~Such moneys~~ 44310
The amount collected shall be divided equally between the 44311
municipal corporations or townships in which such horse-racing 44312
meeting took place and in which any facilities or accessory uses 44313
therefor were located. Such municipal corporations or townships 44314
may distribute a portion of the moneys so received to any 44315
adjoining political subdivision which incurs increased expenses 44316
because of such horse-racing meeting. 44317

This section shall not apply to any agricultural society 44318
which holds a horse-racing permit. 44319

The amount collected under this section from any one permit 44320
holder shall not exceed fifteen thousand dollars from any one 44321
horse-racing meeting in any calendar year. 44322

Sec. 3770.06. (A) There is hereby created the state lottery 44323
gross revenue fund, which shall be in the custody of the treasurer 44324
of state but shall not be part of the state treasury. All gross 44325
revenues received from sales of lottery tickets, fines, fees, and 44326
related proceeds in connection with the statewide lottery and all 44327
gross proceeds from statewide joint lottery games shall be 44328
deposited into the fund. The treasurer of state shall invest any 44329

portion of the fund not needed for immediate use in the same 44330
manner as, and subject to all provisions of law with respect to 44331
the investment of, state funds. The treasurer of state shall 44332
disburse money from the fund on order of the director of the state 44333
lottery commission or the director's designee. 44334

Except for gross proceeds from statewide joint lottery games, 44335
all revenues of the state lottery gross revenue fund that are not 44336
paid to holders of winning lottery tickets, that are not required 44337
to meet short-term prize liabilities, that are not credited to 44338
lottery sales agents in the form of bonuses, commissions, or 44339
reimbursements, that are not paid to financial institutions to 44340
reimburse those institutions for sales agent nonsufficient funds, 44341
and that are collected from sales agents for remittance to 44342
insurers under contract to provide sales agent bonding services 44343
shall be transferred to the state lottery fund, which is hereby 44344
created in the state treasury. In addition, all revenues of the 44345
state lottery gross revenue fund that represent the gross proceeds 44346
from the statewide joint lottery games and that are not paid to 44347
holders of winning lottery tickets, that are not required to meet 44348
short-term prize liabilities, that are not credited to lottery 44349
sales agents in the form of bonuses, commissions, or 44350
reimbursements, and that are not necessary to cover operating 44351
expenses associated with those games or to otherwise comply with 44352
the agreements signed by the governor that the director enters 44353
into under division (J) of section 3770.02 of the Revised Code or 44354
the rules the commission adopts under division (B)(5) of section 44355
3770.03 of the Revised Code shall be transferred to the state 44356
lottery fund. All investment earnings of the fund shall be 44357
credited to the fund. Moneys shall be disbursed from the fund 44358
pursuant to vouchers approved by the director. Total disbursements 44359
for monetary prize awards to holders of winning lottery tickets in 44360
connection with the statewide lottery and purchases of goods and 44361
services awarded as prizes to holders of winning lottery tickets 44362

shall be of an amount equal to at least fifty per cent of the 44363
total revenue accruing from the sale of lottery tickets. 44364

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 44365
there is hereby established in the state treasury the lottery 44366
profits education fund. Whenever, in the judgment of the director 44367
of ~~budget and management~~ the state lottery commission, the amount 44368
to the credit of the state lottery fund that does not represent 44369
proceeds from statewide joint lottery games is in excess of that 44370
needed to meet the maturing obligations of the commission and as 44371
working capital for its further operations, the director of the 44372
state lottery commission shall recommend the amount of the excess 44373
to be transferred to the lottery profits education fund, and the 44374
director of budget and management may transfer the excess to the 44375
lottery profits education fund in connection with the statewide 44376
lottery. In addition, whenever, in the judgment of the director of 44377
~~budget and management~~ the state lottery commission, the amount to 44378
the credit of the state lottery fund that represents proceeds from 44379
statewide joint lottery games equals the entire net proceeds of 44380
those games as described in division (B)(5) of section 3770.03 of 44381
the Revised Code and the rules adopted under that division, the 44382
director of the state lottery commission shall recommend the 44383
amount of the proceeds to be transferred to the lottery profits 44384
education fund, and the director of budget and management may 44385
transfer those proceeds to the lottery profits education fund. 44386
~~There shall also be credited to the fund any repayments of moneys~~ 44387
~~loaned from the educational excellence investment fund.~~ Investment 44388
earnings of the lottery profits education fund shall be credited 44389
to the fund. 44390

The lottery profits education fund shall be used solely for 44391
the support of elementary, secondary, vocational, and special 44392
education programs as determined in appropriations made by the 44393
general assembly, or as provided in applicable bond proceedings 44394

for the payment of debt service on obligations issued to pay costs 44395
of capital facilities, including those for a system of common 44396
schools throughout the state pursuant to section 2n of Article 44397
VIII, Ohio Constitution. When determining the availability of 44398
money in the lottery profits education fund, the director of 44399
budget and management may consider all balances and estimated 44400
revenues of the fund. 44401

(C) There is hereby established in the state treasury the 44402
deferred prizes trust fund. With the approval of the director of 44403
budget and management, an amount sufficient to fund annuity prizes 44404
shall be transferred from the state lottery fund and credited to 44405
the trust fund. The treasurer of state shall credit all earnings 44406
arising from investments purchased under this division to the 44407
trust fund. Within sixty days after the end of each fiscal year, 44408
the treasurer of state shall certify to the director of budget and 44409
management whether the actuarial amount of the trust fund is 44410
sufficient over the fund's life for continued funding of all 44411
remaining deferred prize liabilities as of the last day of the 44412
fiscal year just ended. Also, within that sixty days, the director 44413
of budget and management shall certify the amount of investment 44414
earnings necessary to have been credited to the trust fund during 44415
the fiscal year just ending to provide for such continued funding 44416
of deferred prizes. Any earnings credited in excess of the latter 44417
certified amount shall be transferred to the lottery profits 44418
education fund. 44419

To provide all or a part of the amounts necessary to fund 44420
deferred prizes awarded by the commission in connection with the 44421
statewide lottery, the treasurer of state, in consultation with 44422
the commission, may invest moneys contained in the deferred prizes 44423
trust fund which represents proceeds from the statewide lottery in 44424
obligations of the type permitted for the investment of state 44425
funds but whose maturities are thirty years or less. 44426

Notwithstanding the requirements of any other section of the 44427
Revised Code, to provide all or part of the amounts necessary to 44428
fund deferred prizes awarded by the commission in connection with 44429
statewide joint lottery games, the treasurer of state, in 44430
consultation with the commission, may invest moneys in the trust 44431
fund which represent proceeds derived from the statewide joint 44432
lottery games in accordance with the rules the commission adopts 44433
under division (B)(5) of section 3770.03 of the Revised Code. 44434
Investments of the trust fund are not subject to the provisions of 44435
division (A)(10) of section 135.143 of the Revised Code limiting 44436
to twenty-five per cent the amount of the state's total average 44437
portfolio that may be invested in debt interests and limiting to 44438
one-half of one per cent the amount that may be invested in debt 44439
interests of a single issuer. 44440

All purchases made under this division shall be effected on a 44441
delivery versus payment method and shall be in the custody of the 44442
treasurer of state. 44443

The treasurer of state may retain an investment advisor, if 44444
necessary. The commission shall pay any costs incurred by the 44445
treasurer of state in retaining an investment advisor. 44446

(D) The auditor of state shall conduct annual audits of all 44447
funds and any other audits as the auditor of state or the general 44448
assembly considers necessary. The auditor of state may examine all 44449
records, files, and other documents of the commission, and records 44450
of lottery sales agents that pertain to their activities as 44451
agents, for purposes of conducting authorized audits. 44452

The state lottery commission shall establish an internal 44453
audit program before the beginning of each fiscal year, subject to 44454
the approval of the auditor of state. At the end of each fiscal 44455
year, the commission shall prepare and submit an annual report to 44456
the auditor of state for the auditor of state's review and 44457
approval, specifying the internal audit work completed by the end 44458

of that fiscal year and reporting on compliance with the annual 44459
internal audit program. The form and content of the report shall 44460
be prescribed by the auditor of state under division (C) of 44461
section 117.20 of the Revised Code. 44462

(E) Whenever, in the judgment of the director of budget and 44463
management, an amount of net state lottery proceeds is necessary 44464
to be applied to the payment of debt service on obligations, all 44465
as defined in sections 151.01 and 151.03 of the Revised Code, the 44466
director shall transfer that amount directly from the state 44467
lottery fund or from the lottery profits education fund to the 44468
bond service fund defined in those sections. The provisions of 44469
this division are subject to any prior pledges or obligation of 44470
those amounts to the payment of bond service charges as defined in 44471
division (C) of section 3318.21 of the Revised Code, as referred 44472
to in division (B) of this section. 44473

Sec. 3781.03. (A) The state fire marshal, the fire chief of a 44474
municipal corporation that has a fire department, or the fire 44475
chief of a township that has a fire department shall enforce the 44476
provisions of this chapter and Chapter 3791. of the Revised Code 44477
that relate to fire prevention. 44478

(B) The superintendent of ~~labor~~ industrial compliance, or the 44479
building inspector or commissioner of buildings in a municipal 44480
corporation, county, or township in which the building department 44481
is certified by the board of building standards under section 44482
3781.10 of the Revised Code shall enforce in the jurisdiction of 44483
each entity all the provisions in this chapter and Chapter 3791. 44484
of the Revised Code and any rules adopted pursuant to those 44485
chapters that relate to the construction, arrangement, and 44486
erection of all buildings or parts of buildings, as defined in 44487
section 3781.06 of the Revised Code, including the sanitary 44488
condition of those buildings in relation to heating and 44489

ventilation. 44490

(C) The division of ~~labor~~ industrial compliance in the 44491
department of commerce, boards of health of health districts, 44492
certified departments of building inspection of municipal 44493
corporations, and county building departments that have authority 44494
to perform inspections pursuant to a contract under division 44495
(C)(1) of section 3703.01 of the Revised Code, subject to Chapter 44496
3703. of the Revised Code, shall enforce this chapter and Chapter 44497
3791. of the Revised Code and the rules adopted pursuant to those 44498
chapters that relate to plumbing. Building drains are considered 44499
plumbing for the purposes of enforcement of those chapters. 44500

(D)(1) In accordance with Chapter 3703. of the Revised Code, 44501
the department of the city engineer, in cities having such 44502
departments, the boards of health of health districts, or the 44503
sewer purveyor, as appropriate, shall have complete authority to 44504
supervise and regulate the entire sewerage and drainage system in 44505
the jurisdiction in which it is exercising the authority described 44506
in this division, including the building sewer and all laterals 44507
draining into the street sewers. 44508

(2) In accordance with Chapter 3703. of the Revised Code, the 44509
department of the city engineer, the boards of health of health 44510
districts, or the sewer purveyor, as appropriate, shall control 44511
and supervise the installation and construction of all drains and 44512
sewers that become a part of the sewerage system and shall issue 44513
all the necessary permits and licenses for the construction and 44514
installation of all building sewers and of all other lateral 44515
drains that empty into the main sewers. The department of the city 44516
engineer, the boards of health of health districts, and the sewer 44517
purveyor, as appropriate, shall keep a permanent record of the 44518
installation and location of every drain and sewer of the drainage 44519
and sewerage system of the jurisdiction in which it has exercised 44520
the authority described in this division. 44521

(E) This section does not exempt any officer or department 44522
from the obligation to enforce this chapter and Chapter 3791. of 44523
the Revised Code. 44524

Sec. 3781.06. (A)(1) Any building that may be used as a place 44525
of resort, assembly, education, entertainment, lodging, dwelling, 44526
trade, manufacture, repair, storage, traffic, or occupancy by the 44527
public, any residential building, and all other buildings or parts 44528
and appurtenances of those buildings erected within this state, 44529
shall be so constructed, erected, equipped, and maintained that 44530
they shall be safe and sanitary for their intended use and 44531
occupancy. 44532

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 44533
Revised Code shall be construed to limit the power of the ~~public~~ 44534
~~health council~~ manufactured homes commission to adopt rules of 44535
uniform application governing manufactured home parks pursuant to 44536
section ~~3733.02~~ 4781.26 of the Revised Code. 44537

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 44538
Code do not apply to either of the following: 44539

(1) Buildings or structures that are incident to the use for 44540
agricultural purposes of the land on which the buildings or 44541
structures are located, provided those buildings or structures are 44542
not used in the business of retail trade. For purposes of this 44543
division, a building or structure is not considered used in the 44544
business of retail trade if fifty per cent or more of the gross 44545
income received from sales of products in the building or 44546
structure by the owner or operator is from sales of products 44547
produced or raised in a normal crop year on farms owned or 44548
operated by the seller. 44549

(2) Existing single-family, two-family, and three-family 44550
detached dwelling houses for which applications have been 44551
submitted to the director of job and family services pursuant to 44552

section 5104.03 of the Revised Code for the purposes of operating 44553
type A family day-care homes as defined in section 5104.01 of the 44554
Revised Code. 44555

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 44556
Revised Code: 44557

(1) "Agricultural purposes" include agriculture, farming, 44558
dairying, pasturage, apiculture, horticulture, floriculture, 44559
viticulture, ornamental horticulture, olericulture, pomiculture, 44560
and animal and poultry husbandry. 44561

(2) "Building" means any structure consisting of foundations, 44562
walls, columns, girders, beams, floors, and roof, or a combination 44563
of any number of these parts, with or without other parts or 44564
appurtenances. 44565

(3) "Industrialized unit" means a building unit or assembly 44566
of closed construction fabricated in an off-site facility, that is 44567
substantially self-sufficient as a unit or as part of a greater 44568
structure, and that requires transportation to the site of 44569
intended use. "Industrialized unit" includes units installed on 44570
the site as independent units, as part of a group of units, or 44571
incorporated with standard construction methods to form a 44572
completed structural entity. "Industrialized unit" does not 44573
include a manufactured home as defined by division (C)(4) of this 44574
section or a mobile home as defined by division (O) of section 44575
4501.01 of the Revised Code. 44576

(4) "Manufactured home" means a building unit or assembly of 44577
closed construction that is fabricated in an off-site facility and 44578
constructed in conformance with the federal construction and 44579
safety standards established by the secretary of housing and urban 44580
development pursuant to the "Manufactured Housing Construction and 44581
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 44582
5403, and that has a permanent label or tag affixed to it, as 44583

specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the manufactured homes commission pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;

(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;

(d) The structure was manufactured after January 1, 1995;

(e) The structure is not located in a manufactured home park as defined by section ~~3733.01~~ 4781.01 of the Revised Code.

(7) "Safe," with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

(8) "Sanitary," with respect to a building, means it is free

from danger or hazard to the health of persons occupying or 44614
frequenting it or to that of the public, if such danger arises 44615
from the method or materials of its construction or from any 44616
equipment installed therein, for the purpose of lighting, heating, 44617
ventilating, or plumbing. 44618

(9) "Residential building" means a one-family, two-family, or 44619
three-family dwelling house, and any accessory structure 44620
incidental to that dwelling house. "Residential building" includes 44621
a one-family, two-family, or three-family dwelling house that is 44622
used as a model to promote the sale of a similar dwelling house. 44623
"Residential building" does not include an industrialized unit as 44624
defined by division (C)(3) of this section, a manufactured home as 44625
defined by division (C)(4) of this section, or a mobile home as 44626
defined by division (O) of section 4501.01 of the Revised Code. 44627

(10) "Nonresidential building" means any building that is not 44628
a residential building or a manufactured or mobile home. 44629

(11) "Accessory structure" means a structure that is attached 44630
to a residential building and serves the principal use of the 44631
residential building. "Accessory structure" includes, but is not 44632
limited to, a garage, porch, or screened-in patio. 44633

Sec. 3781.102. (A) Any county or municipal building 44634
department certified pursuant to division (E) of section 3781.10 44635
of the Revised Code as of September 14, 1970, and that, as of that 44636
date, was inspecting single-family, two-family, and three-family 44637
residences, and any township building department certified 44638
pursuant to division (E) of section 3781.10 of the Revised Code, 44639
is hereby declared to be certified to inspect single-family, 44640
two-family, and three-family residences containing industrialized 44641
units, and shall inspect the buildings or classes of buildings 44642
subject to division (E) of section 3781.10 of the Revised Code. 44643

(B) Each board of county commissioners may adopt, by 44644

resolution, rules establishing standards and providing for the 44645
licensing of electrical and heating, ventilating, and air 44646
conditioning contractors who are not required to hold a valid and 44647
unexpired license pursuant to Chapter 4740. of the Revised Code. 44648

Rules adopted by a board of county commissioners pursuant to 44649
this division may be enforced within the unincorporated areas of 44650
the county and within any municipal corporation where the 44651
legislative authority of the municipal corporation has contracted 44652
with the board for the enforcement of the county rules within the 44653
municipal corporation pursuant to section 307.15 of the Revised 44654
Code. The rules shall not conflict with rules adopted by the board 44655
of building standards pursuant to section 3781.10 of the Revised 44656
Code or by the department of commerce pursuant to Chapter 3703. of 44657
the Revised Code. This division does not impair or restrict the 44658
power of municipal corporations under Section 3 of Article XVIII, 44659
Ohio Constitution, to adopt rules concerning the erection, 44660
construction, repair, alteration, and maintenance of buildings and 44661
structures or of establishing standards and providing for the 44662
licensing of specialty contractors pursuant to section 715.27 of 44663
the Revised Code. 44664

A board of county commissioners, pursuant to this division, 44665
may require all electrical contractors and heating, ventilating, 44666
and air conditioning contractors, other than those who hold a 44667
valid and unexpired license issued pursuant to Chapter 4740. of 44668
the Revised Code, to successfully complete an examination, test, 44669
or demonstration of technical skills, and may impose a fee and 44670
additional requirements for a license to engage in their 44671
respective occupations within the jurisdiction of the board's 44672
rules under this division. 44673

(C) No board of county commissioners shall require any 44674
specialty contractor who holds a valid and unexpired license 44675
issued pursuant to Chapter 4740. of the Revised Code to 44676

successfully complete an examination, test, or demonstration of 44677
technical skills in order to engage in the type of contracting for 44678
which the license is held, within the unincorporated areas of the 44679
county and within any municipal corporation whose legislative 44680
authority has contracted with the board for the enforcement of 44681
county regulations within the municipal corporation, pursuant to 44682
section 307.15 of the Revised Code. 44683

(D) A board may impose a fee for registration of a specialty 44684
contractor who holds a valid and unexpired license issued pursuant 44685
to Chapter 4740. of the Revised Code before that specialty 44686
contractor may engage in the type of contracting for which the 44687
license is held within the unincorporated areas of the county and 44688
within any municipal corporation whose legislative authority has 44689
contracted with the board for the enforcement of county 44690
regulations within the municipal corporation, pursuant to section 44691
307.15 of the Revised Code, provided that the fee is the same for 44692
all specialty contractors who wish to engage in that type of 44693
contracting. If a board imposes such a fee, the board immediately 44694
shall permit a specialty contractor who presents proof of holding 44695
a valid and unexpired license and pays the required fee to engage 44696
in the type of contracting for which the license is held within 44697
the unincorporated areas of the county and within any municipal 44698
corporation whose legislative authority has contracted with the 44699
board for the enforcement of county regulations within the 44700
municipal corporation, pursuant to section 307.15 of the Revised 44701
Code. 44702

(E) The political subdivision associated with each municipal, 44703
township, and county building department the board of building 44704
standards certifies pursuant to division (E) of section 3781.10 of 44705
the Revised Code may prescribe fees to be paid by persons, 44706
political subdivisions, or any department, agency, board, 44707
commission, or institution of the state, for the acceptance and 44708

approval of plans and specifications, and for the making of 44709
inspections, pursuant to sections 3781.03 and 3791.04 of the 44710
Revised Code. 44711

(F) Each political subdivision that prescribes fees pursuant 44712
to division (E) of this section shall collect, on behalf of the 44713
board of building standards, fees equal to the following: 44714

(1) Three per cent of the fees the political subdivision 44715
collects in connection with nonresidential buildings; 44716

(2) One per cent of the fees the political subdivision 44717
collects in connection with residential buildings. 44718

(G)(1) The board shall adopt rules, in accordance with 44719
Chapter 119. of the Revised Code, specifying the manner in which 44720
the fee assessed pursuant to division (F) of this section shall be 44721
collected and remitted monthly to the board. The board shall pay 44722
the fees into the state treasury to the credit of the ~~labor~~ 44723
industrial compliance operating fund created in section 121.084 of 44724
the Revised Code. 44725

(2) All money credited to the ~~labor~~ industrial compliance 44726
operating fund under this division shall be used exclusively for 44727
the following: 44728

(a) Operating costs of the board; 44729

(b) Providing services, including educational programs, for 44730
the building departments that are certified by the board pursuant 44731
to division (E) of section 3781.10 of the Revised Code; 44732

(c) Paying the expenses of the residential construction 44733
advisory committee, including the expenses of committee members as 44734
provided in section 4740.14 of the Revised Code. 44735

(H) A board of county commissioners that adopts rules 44736
providing for the licensing of electrical and heating, 44737
ventilating, and air conditioning contractors, pursuant to 44738

division (B) of this section, may accept, for purposes of 44739
satisfying the requirements of rules adopted under that division, 44740
a valid and unexpired license issued pursuant to Chapter 4740. of 44741
the Revised Code that is held by an electrical or heating, 44742
ventilating, and air conditioning contractor, for the 44743
construction, replacement, maintenance, or repair of one-family, 44744
two-family, or three-family dwelling houses or accessory 44745
structures incidental to those dwelling houses. 44746

(I) A board of county commissioners shall not register a 44747
specialty contractor who is required to hold a license under 44748
Chapter 4740. of the Revised Code but does not hold a valid 44749
license issued under that chapter. 44750

(J) As used in this section, "specialty contractor" means a 44751
heating, ventilating, and air conditioning contractor, 44752
refrigeration contractor, electrical contractor, plumbing 44753
contractor, or hydronics contractor, as those contractors are 44754
described in Chapter 4740. of the Revised Code. 44755

Sec. 3781.11. (A) The rules of the board of building 44756
standards shall: 44757

(1) For nonresidential buildings, provide uniform minimum 44758
standards and requirements, and for residential buildings, provide 44759
standards and requirements that are uniform throughout the state, 44760
for construction and construction materials, including 44761
construction of industrialized units, to make residential and 44762
nonresidential buildings safe and sanitary as defined in section 44763
3781.06 of the Revised Code; 44764

(2) Formulate such standards and requirements, so far as may 44765
be practicable, in terms of performance objectives, so as to make 44766
adequate performance for the use intended the test of 44767
acceptability; 44768

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;

(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:

(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.

(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of ~~labor~~ industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(2) "Workshop or factory" includes manufacturing, mechanical, electrical, mercantile, art, and laundering establishments,

printing, telegraph, and telephone offices, railroad depots, and 44831
memorial buildings, but does not include hotels and tenement and 44832
apartment houses. 44833

Sec. 3781.112. (A) As used in this section, "secured 44834
facility" means any of the following: 44835

(1) A maternity ~~boardinghouse or lying-in hospital unit,~~ 44836
newborn care nursery, or maternity home licensed under ~~section~~ 44837
~~3711.02~~ Chapter 3711. of the Revised Code; 44838

(2) A pediatric intensive care unit subject to rules adopted 44839
by the director of health pursuant to section 3702.11 of the 44840
Revised Code; 44841

(3) A children's hospital, as defined in section ~~3702.51~~ 44842
3727.01 of the Revised Code; 44843

(4) A hospital that is licensed under section 5119.20 of the 44844
Revised Code to receive mentally ill persons; 44845

(5) The portion of a nursing home licensed under section 44846
3721.02 of the Revised Code or in accordance with section 3721.09 44847
of the Revised Code in which specialized care is provided to 44848
residents of the nursing home who have physical or mental 44849
conditions that require a resident to be restricted in the 44850
resident's freedom of movement for the health and safety of the 44851
resident, the staff attending the resident, or the general public. 44852

(B) A secured facility may take reasonable steps in 44853
accordance with rules the board of building standards adopts under 44854
division (A) of section 3781.10 of the Revised Code and in 44855
accordance with the state fire code the fire marshal adopts under 44856
section 3737.82 of the Revised Code, to deny egress to confine and 44857
protect patients or residents of the secured facility who are not 44858
capable of self-preservation. A secured facility that wishes to 44859
deny egress to those patients or residents may use delayed-egress 44860

doors and electronically coded doors to deny egress, on the 44861
condition that those doors are installed and used in accordance 44862
with rules the board of building standards adopts under division 44863
(A) of section 3781.10 of the Revised Code and in accordance with 44864
the state fire code the fire marshal adopts under section 3737.82 44865
of the Revised Code. A secured facility also may install 44866
controlled-egress locks, in compliance with rules the board of 44867
building standards adopts under division (A) section 3781.10 of 44868
the Revised Code and in compliance with the state fire code the 44869
fire marshal adopts under section 3737.82 of the Revised Code, in 44870
areas of the secured facility where patients or residents who have 44871
physical or mental conditions that would endanger the patients or 44872
residents, the staff attending the patients or residents, or the 44873
general public if those patients or residents are not restricted 44874
in their freedom of movement. A secured facility that uses 44875
delayed-egress doors and electronically coded doors, 44876
controlled-egress locks, or both, shall do both of the following: 44877

(1) Provide continuous, twenty-four-hour custodial care to 44878
the patients or residents of the facility; 44879

(2) Establish a system to evacuate patients or residents in 44880
the event of fire or other emergency. 44881

Sec. 3783.05. The board of building standards, in accordance 44882
with Chapters 119., 3781., and 3791. of the Revised Code, shall 44883
adopt, amend, or repeal such rules as may be reasonably necessary 44884
to administer this chapter. All fees collected by the board 44885
pursuant to this chapter shall be paid into the state treasury to 44886
the credit of the ~~labor~~ industrial compliance operating fund 44887
created in section 121.084 of the Revised Code. 44888

Sec. 3791.02. No owner, or person having the control as an 44889
officer or member of a board or committee or otherwise of any 44890

opera house, hall, theater, church, schoolhouse, college, academy, 44891
seminary, infirmary, sanitarium, children's home, hospital, 44892
medical institute, asylum, memorial building, armory, assembly 44893
hall, or other building for the assemblage or betterment of people 44894
shall fail to obey any order of the state fire marshal, boards of 44895
health of city and general health districts, the building 44896
inspector or commissioner in cities having a building inspection 44897
department, or the superintendent of ~~labor~~ industrial compliance 44898
in the department of commerce under Chapters 3781. and 3791. of 44899
the Revised Code or rules or regulations adopted pursuant thereto. 44900

Whoever violates this section shall be fined not more than 44901
one thousand dollars. 44902

Sec. 3791.04. (A)(1) Before beginning the construction, 44903
erection, or manufacture of any building to which section 3781.06 44904
of the Revised Code applies, including all industrialized units, 44905
the owner of that building, in addition to any other submission 44906
required by law, shall submit plans or drawings, specifications, 44907
and data prepared for the construction, erection, equipment, 44908
alteration, or addition that indicate the portions that have been 44909
approved pursuant to section 3781.12 of the Revised Code and for 44910
which no further approval is required, to the municipal, township, 44911
or county building department having jurisdiction unless one of 44912
the following applies: 44913

(a) If no municipal, township, or county building department 44914
certified for nonresidential buildings pursuant to division (E) of 44915
section 3781.10 of the Revised Code has jurisdiction, the owner 44916
shall make the submissions described in division (A)(1) of this 44917
section to the superintendent of ~~labor~~ industrial compliance. 44918

(b) If no certified municipal, township, or county building 44919
department certified for residential buildings pursuant to 44920
division (E) of section 3781.10 of the Revised Code has 44921

jurisdiction, the owner is not required to make the submissions 44922
described in division (A)(1) of this section. 44923

(2)(a) The seal of an architect registered under Chapter 44924
4703. of the Revised Code or an engineer registered under Chapter 44925
4733. of the Revised Code is required for any plans, drawings, 44926
specifications, or data submitted for approval, unless the plans, 44927
drawings, specifications, or data are permitted to be prepared by 44928
persons other than registered architects pursuant to division (C) 44929
or (D) of section 4703.18 of the Revised Code, or by persons other 44930
than registered engineers pursuant to division (C) or (D) of 44931
section 4733.18 of the Revised Code. 44932

(b) No seal is required for any plans, drawings, 44933
specifications, or data submitted for approval for any residential 44934
buildings, as defined in section 3781.06 of the Revised Code, or 44935
erected as industrialized one-, two-, or three-family units or 44936
structures within the meaning of "industrialized unit" as defined 44937
in section 3781.06 of the Revised Code. 44938

(c) No seal is required for approval of the installation of 44939
replacement equipment or systems that are similar in type or 44940
capacity to the equipment or systems being replaced. No seal is 44941
required for approval for any new construction, improvement, 44942
alteration, repair, painting, decorating, or other modification of 44943
any buildings or structures subject to sections 3781.06 to 3781.18 44944
and 3791.04 of the Revised Code if the proposed work does not 44945
involve technical design analysis, as defined by rule adopted by 44946
the board of building standards. 44947

(B) No owner shall proceed with the construction, erection, 44948
alteration, or equipment of any building until the plans or 44949
drawings, specifications, and data have been approved as this 44950
section requires, or the industrialized unit inspected at the 44951
point of origin. No plans or specifications shall be approved or 44952
inspection approval given unless the building represented would, 44953

if constructed, repaired, erected, or equipped, comply with 44954
Chapters 3781. and 3791. of the Revised Code and any rule made 44955
under those chapters. 44956

(C) The approval of plans or drawings and specifications or 44957
data pursuant to this section is invalid if construction, 44958
erection, alteration, or other work upon the building has not 44959
commenced within twelve months of the approval of the plans or 44960
drawings and specifications. One extension shall be granted for an 44961
additional twelve-month period if the owner requests at least ten 44962
days in advance of the expiration of the permit and upon payment 44963
of a fee not to exceed one hundred dollars. If in the course of 44964
construction, work is delayed or suspended for more than six 44965
months, the approval of plans or drawings and specifications or 44966
data is invalid. Two extensions shall be granted for six months 44967
each if the owner requests at least ten days in advance of the 44968
expiration of the permit and upon payment of a fee for each 44969
extension of not more than one hundred dollars. Before any work 44970
may continue on the construction, erection, alteration, or 44971
equipment of any building for which the approval is invalid, the 44972
owner of the building shall resubmit the plans or drawings and 44973
specifications for approval pursuant to this section. 44974

(D) Subject to section 3791.042 of the Revised Code, the 44975
board of building standards or the legislative authority of a 44976
municipal corporation, township, or county, by rule, may regulate 44977
the requirements for the submission of plans and specifications to 44978
the respective enforcing departments and for processing by those 44979
departments. The board of building standards or the legislative 44980
authority of a municipal corporation, township, or county may 44981
adopt rules to provide for the approval, subject to section 44982
3791.042 of the Revised Code, by the department having 44983
jurisdiction of the plans for construction of a foundation or any 44984
other part of a building or structure before the complete plans 44985

and specifications for the entire building or structure are 44986
submitted. When any plans are approved by the department having 44987
jurisdiction, the structure and every particular represented by 44988
and disclosed in those plans shall, in the absence of fraud or a 44989
serious safety or sanitation hazard, be conclusively presumed to 44990
comply with Chapters 3781. and 3791. of the Revised Code and any 44991
rule issued pursuant to those chapters, if constructed, altered, 44992
or repaired in accordance with those plans and any rule in effect 44993
at the time of approval. 44994

(E) The approval of plans and specifications, including 44995
inspection of industrialized units, under this section is a 44996
"license" and the failure to approve plans or specifications as 44997
submitted or to inspect the unit at the point of origin within 44998
thirty days after the plans or specifications are filed or the 44999
request to inspect the industrialized unit is made, the 45000
disapproval of plans and specifications, or the refusal to approve 45001
an industrialized unit following inspection at the point of origin 45002
is "an adjudication order denying the issuance of a license" 45003
requiring an "adjudication hearing" as provided by sections 119.07 45004
to 119.13 of the Revised Code and as modified by sections 3781.031 45005
and 3781.19 of the Revised Code. An adjudication order denying the 45006
issuance of a license shall specify the reasons for that denial. 45007

(F) The board of building standards shall not require the 45008
submission of site preparation plans or plot plans to the division 45009
of ~~labor~~ industrial compliance when industrialized units are used 45010
exclusively as one-, two-, or three-family dwellings. 45011

(G) Notwithstanding any procedures the board establishes, if 45012
the agency having jurisdiction objects to any portion of the plans 45013
or specifications, the owner or the owner's representative may 45014
request the agency to issue conditional approval to proceed with 45015
construction up to the point of the objection. Approval shall be 45016
issued only when the objection results from conflicting 45017

interpretations of the rules of the board of building standards 45018
rather than the application of specific technical requirements of 45019
the rules. Approval shall not be issued where the correction of 45020
the objection would cause extensive changes in the building design 45021
or construction. The giving of conditional approval is a 45022
"conditional license" to proceed with construction up to the point 45023
where the construction or materials objected to by the agency are 45024
to be incorporated into the building. No construction shall 45025
proceed beyond that point without the prior approval of the agency 45026
or another agency that conducts an adjudication hearing relative 45027
to the objection. The agency having jurisdiction shall specify its 45028
objections to the plans or specifications, which is an 45029
"adjudication order denying the issuance of a license" and may be 45030
appealed pursuant to sections 119.07 to 119.13 of the Revised Code 45031
and as modified by sections 3781.031 and 3781.19 of the Revised 45032
Code. 45033

(H) A certified municipal, township, or county building 45034
department having jurisdiction, or the superintendent, as 45035
appropriate, shall review any plans, drawings, specifications, or 45036
data described in this section that are submitted to it or to the 45037
superintendent. 45038

(I) No owner or persons having control as an officer, or as a 45039
member of a board or committee, or otherwise, of a building to 45040
which section 3781.06 of the Revised Code is applicable, and no 45041
architect, designer, engineer, builder, contractor, subcontractor, 45042
or any officer or employee of a municipal, township, or county 45043
building department shall violate this section. 45044

(J) Whoever violates this section shall be fined not more 45045
than five hundred dollars. 45046

Sec. 3791.05. No owner, lessee, agent, factor, architect, or 45047
contractor engaged in and having supervision or charge of the 45048

building, erection, or construction of a block, building, or 45049
structure, shall neglect or refuse to place or have placed upon 45050
the joists of each story thereof, as soon as joists are in 45051
position, counter floors of such quality and strength as to render 45052
perfectly safe the going to and from thereon of all mechanics, 45053
laborers, and other persons engaged upon the work of construction 45054
or supervision, or in placing materials for such construction. 45055

Whoever violates this section shall be fined not less than 45056
twenty-five nor more than two hundred dollars. 45057

Each day that such person neglects or refuses to have such 45058
counter floors so placed, after notice is given by a building 45059
inspector, a chief inspector, or deputy inspector of the city 45060
building inspection department in cities where such department is 45061
organized, or by the superintendent of ~~labor~~ industrial compliance 45062
of the state, in cities where such departments are not organized, 45063
or from a person whose life or personal safety may be endangered 45064
by such neglect or refusal, is a separate offense. 45065

Sec. 3791.07. (A) The board of building standards may 45066
establish such reasonable inspection fee schedules as it 45067
determines necessary or desirable relating to the inspection of 45068
all plans and specifications submitted for approval to the 45069
division of ~~labor~~ industrial compliance, and all industrialized 45070
units inspected at the point of origin and at the construction 45071
site of the building. The inspection fee schedule established 45072
shall bear some reasonable relationship to the cost of 45073
administering and enforcing the provisions of Chapters 3781. and 45074
3791. of the Revised Code. 45075

(B) In addition to the fee assessed in division (A) of this 45076
section, the board shall assess a fee of not more than five 45077
dollars for each application for acceptance and approval of plans 45078
and specifications and for making inspections pursuant to section 45079

3791.04 of the Revised Code. The board shall adopt rules, in 45080
accordance with Chapter 119. of the Revised Code, specifying the 45081
manner by which the superintendent of ~~labor~~ industrial compliance 45082
shall collect and remit to the board the fees assessed under this 45083
division and requiring that remittance of the fees be made at 45084
least quarterly. 45085

(C) Any person who fails to pay an inspection fee required 45086
for any inspection conducted by the department of commerce 45087
pursuant to Chapters 3781. and 3791. of the Revised Code, except 45088
for fees charged for the inspection of plans and specifications, 45089
within forty-five days after the inspection is conducted, shall 45090
pay a late payment fee equal to twenty-five per cent of the 45091
inspection fee. 45092

(D) The board shall pay the fees assessed under this section 45093
into the state treasury to the credit of the ~~labor~~ industrial 45094
compliance operating fund created in section 121.084 of the 45095
Revised Code. 45096

Sec. 3793.04. The department of alcohol and drug addiction 45097
services shall develop, administer, and revise as necessary a 45098
comprehensive statewide alcohol and drug addiction services plan 45099
for the implementation of this chapter. The plan shall emphasize 45100
abstinence from the use of alcohol and drugs of abuse as the 45101
primary goal of alcohol and drug addiction services. The council 45102
on alcohol ~~and~~, drug, and gambling addiction services shall advise 45103
the department in the development and implementation of the plan. 45104

The plan shall provide for the allocation and distribution of 45105
funds appropriated to the department by the general assembly for 45106
services furnished by alcohol and drug addiction programs under 45107
contract with boards of alcohol, drug addiction, and mental health 45108
services. The department shall exclude from the allocation and 45109
distribution any funds that are transferred to the department of 45110

job and family services to pay the nonfederal share of alcohol and 45111
drug addiction services covered by the medicaid program. 45112

The plan shall specify the methodology that the department 45113
will use for determining how the funds will be allocated and 45114
distributed. A portion of the funds shall be allocated on the 45115
basis of the ratio of the population of each alcohol, drug 45116
addiction, and mental health service district to the total 45117
population of the state as determined from the most recent federal 45118
census or the most recent official estimate made by the United 45119
States census bureau. 45120

The plan shall ensure that alcohol and drug addiction 45121
services of a high quality are accessible to, and responsive to 45122
the needs of, all persons, especially those who are members of 45123
underserved groups, including, but not limited to, African 45124
Americans, Hispanics, native Americans, Asians, juvenile and adult 45125
offenders, women, veterans, and persons with special services 45126
needs due to age or disability. The plan shall include a program 45127
to promote and protect the rights of those who receive services. 45128

To aid in formulating the plan and in evaluating the 45129
effectiveness and results of alcohol and drug addiction services, 45130
the department, in consultation with the department of mental 45131
health, shall establish and maintain an information system or 45132
systems. The department of alcohol and drug addiction services 45133
shall specify the information that must be provided by boards of 45134
alcohol, drug addiction, and mental health services and by alcohol 45135
and drug addiction programs for inclusion in the system. The 45136
department shall not collect any personal information from the 45137
boards except as required or permitted by state or federal law for 45138
purposes related to payment, health care operations, program and 45139
service evaluation, reporting activities, research, system 45140
administration, and oversight. 45141

In consultation with boards, programs, and persons receiving 45142

services, the department shall establish guidelines for the use of 45143
funds allocated and distributed under this section and for the 45144
boards' development of plans for services required by sections 45145
340.033 and 3793.05 of the Revised Code. 45146

In any fiscal year, the department shall spend, or allocate 45147
to boards, for methadone maintenance programs or any similar 45148
programs not more than eight per cent of the total amount 45149
appropriated to the department for the fiscal year. 45150

Sec. 3793.041. The department of alcohol and drug addiction 45151
services shall develop, administer, and revise as necessary a 45152
comprehensive statewide gambling addiction services plan. The 45153
council on alcohol, drug, and gambling addiction services shall 45154
advise the department in the development and implementation of the 45155
plan. 45156

The plan shall provide for allocation and distribution of 45157
funds from the problem casino gambling and addictions fund 45158
described in Section 6(C)(3)(g) of Article XV, Ohio Constitution, 45159
and any funding to be distributed by the department for problem 45160
gambling. 45161

The plan shall specify the methodology that the department 45162
will use for determining how the funds will be allocated and 45163
distributed. A portion of the funds shall be allocated on the 45164
basis of the ratio of the population of each alcohol, drug 45165
addiction, and mental health service district to the total 45166
population of the state as determined from the most recent federal 45167
census or the most recent official estimate made by the United 45168
States census bureau. 45169

The plan shall ensure that gambling addiction services of a 45170
high quality are accessible to, and responsive to the needs of, 45171
all persons, especially those who are members of underserved 45172
groups, including, but not limited to, African Americans, 45173

Hispanics, native Americans, Asians, juvenile and adult offenders, women, veterans, and persons with special services needs due to age or disability. The plan shall include a program to promote and protect the rights of those who receive services. 45174
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To aid in formulating the plan and in evaluating the effectiveness and results of gambling addiction services, the department, in consultation with the department of mental health, shall establish and maintain an information system or systems. The department of alcohol and drug addiction services shall specify the information that must be provided by boards of alcohol, drug addiction, and mental health services and by gambling addiction programs for inclusion in the system. The department shall not collect any personal information from the boards except as required or permitted by state or federal law for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight. 45178
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In consultation with boards, programs, and persons receiving services, the department shall establish guidelines for the use of funds allocated and distributed under this section. 45191
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Sec. 3793.09. (A) There is hereby created the council on alcohol ~~and~~, drug, and gambling addiction services which shall consist of the public officials specified in division (B) of this section, or their designees, and ~~thirteen~~ fourteen members appointed by the governor with the advice and consent of the senate. The members appointed by the governor shall be representatives of the following: boards of alcohol, drug addiction, and mental health services; the criminal and juvenile justice systems; ~~and~~ alcohol and drug addiction programs; and gambling addiction programs. At least four of the appointed members shall be persons who have received or are receiving 45194
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alcohol or drug addiction services or are parents or other 45205
relatives of such persons; of these at least two shall be women 45206
and at least one shall be a member of a minority ~~group~~. 45207

~~The governor shall make initial appointments to the council 45208
not later than thirty days after October 10, 1989. Of the initial 45209
appointments, six shall be for terms ending July 31, 1991, and 45210
seven shall be for terms ending July 31, 1992. Thereafter, terms 45211
group. At least one appointed member shall be an individual who 45212
has received or is receiving gambling addiction services. 45213~~

Terms of office shall be two years, with each term ending on 45214
the same day of the same month as the term it succeeds. Each 45215
member shall hold office from the date of the member's appointment 45216
until the end of the term for which the member was appointed. 45217
Members may be reappointed. Vacancies shall be filled in the same 45218
manner as original appointments. Any member appointed to fill a 45219
vacancy occurring prior to the expiration of the term for which 45220
the member's predecessor was appointed shall hold office as a 45221
member for the remainder of the term. A member shall continue in 45222
office subsequent to the expiration of the member's term until the 45223
member's successor takes office or until a period of sixty days 45224
has elapsed, whichever occurs first. 45225

(B) The directors of health, public safety, mental health, 45226
rehabilitation and correction, and youth services; the 45227
superintendents of public instruction and liquor control; the 45228
attorney general; the adjutant general; ~~and~~ the executive director 45229
of the division of criminal justice services in the department of 45230
public safety; the executive director of the casino control 45231
commission; the executive director of the lottery commission; and 45232
the executive director of the state racing commission shall be 45233
voting members of the council, except that any of these officials 45234
may designate an individual to serve in the official's place as a 45235
voting member of the council. The director of alcohol and drug 45236

addiction services shall serve as a nonvoting member of the 45237
council. 45238

(C) The governor shall annually appoint a chairperson from 45239
among the members of the council. The council shall meet quarterly 45240
and at other times the chairperson considers necessary. In 45241
addition to other duties specified in this chapter, the council 45242
shall review the development of the comprehensive statewide plan 45243
for alcohol and drug addiction services, the comprehensive 45244
statewide plan for gambling addiction services, revisions of ~~the~~ 45245
~~plan~~ those plans, and other actions taken to implement the 45246
purposes of this chapter by the department of alcohol and drug 45247
addiction services and shall act as an advisory council to the 45248
director of alcohol and drug addiction services. 45249

(D) Members of the council shall serve without compensation, 45250
but shall be paid actual and necessary expenses incurred in the 45251
performance of their duties. 45252

Sec. 3798.01. As used in this chapter: 45253

(A) "Approved health information exchange" means a health 45254
information exchange that has been approved or reapproved by the 45255
director of job and family services pursuant to the approval or 45256
reapproval process, as applicable, the director establishes in 45257
rules adopted under division (A) of section 3798.15 of the Revised 45258
Code. 45259

(B) "Covered entity," "disclosure," "health information," 45260
"individually identifiable health information," "protected health 45261
information," and "use" have the same meanings as in 45 C.F.R. 45262
160.103. 45263

(C) "Designated record set" has the same meaning as in 45 45264
C.F.R. 164.501. 45265

(D) "Health care component" and "hybrid entity" have the same 45266

meanings as in 45 C.F.R. 164.103. 45267

(E) "Health information exchange" means any person or governmental entity in this state that does both of the following: 45268

(1) Operates a technical infrastructure for the electronic movement of health information among covered entities; 45270

(2) Establishes and enforces policies governing the use of the technical infrastructure that is operated. 45272

(F) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E. 45274

(G) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner. 45278

(H) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the director of job and family services under section 3798.13 of the Revised Code. 45280

(I) "More stringent" has the same meaning as in 45 C.F.R. 160.202. 45285

(J) "Office of health transformation" means the office of health transformation created by executive order 2011-02K or a successor governmental entity responsible for health system oversight in this state. 45287

(K) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include 45291

the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's parent, legal guardian, or other person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor. 45297
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(L) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. 45304
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(M) "State agency" means any one or more of the following: 45308

(1) The department of aging; 45309

(2) The department of alcohol and drug addiction services; 45310

(3) The department of developmental disabilities; 45311

(4) The department of education; 45312

(5) The department of health; 45313

(6) The department of insurance; 45314

(7) The department of job and family services; 45315

(8) The department of mental health; 45316

(9) The department of rehabilitation and correction; 45317

(10) The department of youth services; 45318

(11) The bureau of workers' compensation; 45319

(12) The rehabilitation services commission; 45320

(13) The office of the attorney general; 45321

(14) A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information. 45322
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Sec. 3798.02. It is the intent of the general assembly in 45325
enacting this chapter to make the laws of this state governing the 45326
use and disclosure of protected health information by covered 45327
entities consistent with, but generally not more stringent than, 45328
the HIPAA privacy rule for the purpose of eliminating barriers to 45329
the adoption and use of electronic health records and health 45330
information exchanges. Therefore, it is also the general 45331
assembly's intent in enacting this chapter to supersede any 45332
judicial or administrative ruling issued in this state that is 45333
inconsistent with the provisions of this chapter. 45334

Sec. 3798.03. (A) Subject to division (B) of this section, a 45335
covered entity shall do both of the following: 45336

(1) If an individual's protected health information is 45337
maintained by the covered entity in a designated record set, 45338
provide the individual or the individual's personal representative 45339
with access to that information in a manner consistent with 45 45340
C.F.R. 164.524; 45341

(2) Implement and maintain appropriate administrative, 45342
technical, and physical safeguards to protect the privacy of 45343
protected health information in a manner consistent with 45 C.F.R. 45344
164.530(c). 45345

(B) If a covered entity is a hybrid entity, this section 45346
applies only to the health care component of the covered entity. 45347

Sec. 3798.04. A covered entity shall not do either of the 45348
following: 45349

(A) Use or disclose protected health information without an 45350
authorization that is valid under 45 C.F.R. 164.508 and, if 45351
applicable, 42 C.F.R. part 2, except when the use or disclosure is 45352
required or permitted without such authorization by Subchapter C 45353

of Subtitle A of Title 45 of the Code of Federal Regulations and, 45354
if applicable, 42 C.F.R. part 2; 45355

(B) Use or disclose protected health information in a manner 45356
that is not consistent with 45 C.F.R. 164.502. 45357

Sec. 3798.06. Including the circumstances described in 45358
division (A) of section 3798.04 of the Revised Code when a covered 45359
entity is otherwise permitted to disclose protected health 45360
information without an authorization that is valid under 45 C.F.R. 45361
164.508, a covered entity shall not disclose protected health 45362
information to a health information exchange without an 45363
authorization described in division (A) of section 3798.04 of the 45364
Revised Code unless all of the following are true: 45365

(A) The disclosure is to an approved health information 45366
exchange. 45367

(B) The covered entity is a party to a valid participation 45368
agreement with the approved health information exchange that meets 45369
the requirements of rules adopted under section 3798.16 of the 45370
Revised Code. 45371

(C) The disclosure is consistent with all procedures 45372
established by the approved health information exchange. 45373

(D) Prior to the disclosure, the covered entity furnishes to 45374
the individual or individual's personal representative a written 45375
notice that complies with rules adopted under division (A)(3) of 45376
section 3798.16 of the Revised Code. 45377

(E) The covered entity restricts disclosure consistent with 45378
other federal law, if any, governing the disclosure. 45379

(F) The covered entity restricts disclosure of protected 45380
health information concerning a minor relating to health care 45381
delivered to the minor in a manner that complies with laws of this 45382
state pertaining to the circumstances under which a minor may 45383

consent to the minor's own receipt of health care or make medical 45384
decisions on the minor's own behalf, including sections 2907.29, 45385
3709.241, 3719.012, 5120.172, and 5122.04 of the Revised Code, 45386
unless the minor authorizes the disclosure. 45387

(G) The covered entity restricts disclosure in a manner that 45388
is consistent with a written request from the individual or the 45389
individual's personal representative to restrict disclosure of all 45390
of the individual's protected health information. 45391

(H) The covered entity restricts disclosure in a manner that 45392
is consistent with a written request from the individual or the 45393
individual's personal representative concerning specific 45394
categories of protected health information to the extent that 45395
rules adopted pursuant to section 3798.16 of the Revised Code 45396
require the covered entity to comply with such a request. 45397

Sec. 3798.08. A covered entity that accesses or discloses 45398
protected health information in a manner that complies with 45399
section 3798.03 of the Revised Code and is not in violation of 45400
section 3798.04 or 3798.06 of the Revised Code is not liable in a 45401
civil action and is not subject to criminal prosecution or 45402
professional disciplinary action arising out of or relating to the 45403
access or disclosure. 45404

Sec. 3798.10. (A) Not later than six months after the 45405
effective date of this section, the director of job and family 45406
services, in consultation with the office of health 45407
transformation, shall prescribe by rules adopted in accordance 45408
with Chapter 119. of the Revised Code a standard authorization 45409
form for the use and disclosure of protected health information by 45410
covered entities in this state. The form shall meet all 45411
requirements specified in 45 C.F.R. 164.508 and, where applicable, 45412
42 C.F.R. part 2. 45413

(B) If a form the director prescribes under division (A) of this section is properly executed by an individual or the individual's personal representative, it shall be accepted by any person or governmental entity in this state as valid authorization for the use or disclosure of the individual's protected health information to the persons or governmental entities specified in the form. 45414
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(C) This section does not preclude a person or governmental entity from accepting as valid authorization for the use or disclosure of protected health information a form other than the form prescribed under division (A) of this section if the other form meets all requirements specified in 45 C.F.R. 164.508 and, if applicable, 42 C.F.R. part 2. 45421
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Sec. 3798.12. As used in this section, "agency" has the same meaning as in section 111.15 of the Revised Code. 45427
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(A) Except as provided in division (B) of this section, any of the following pertaining to the confidentiality, privacy, security, or privileged status of protected health information transacted, maintained in, or accessed through a health information exchange is unenforceable if it conflicts with this chapter: 45429
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(1) A section of the Revised Code that is not in this chapter; 45435
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(2) A rule as defined in section 119.01 of the Revised Code; 45437

(3) An internal management rule as defined in section 111.15 of the Revised Code; 45438
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(4) Guidance issued by an agency; 45440

(5) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code; 45441
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(6) Orders or regulations of a board of health of a general 45443

<u>health district made under section 3709.21 of the Revised Code;</u>	45444
<u>(7) An ordinance or resolution adopted by a political</u>	45445
<u>subdivision;</u>	45446
<u>(8) A professional code of ethics.</u>	45447
<u>(B) Division (A) of this section does not render</u>	45448
<u>unenforceable or restrict in any manner any of the following:</u>	45449
<u>(1) A provision of the Revised Code that on the effective</u>	45450
<u>date of this section requires a person or governmental entity to</u>	45451
<u>disclose protected health information to a state agency, political</u>	45452
<u>subdivision, or other governmental entity;</u>	45453
<u>(2) The confidential status of proceedings and records within</u>	45454
<u>the scope of a peer review committee of a health care entity as</u>	45455
<u>described in section 2305.252 of the Revised Code;</u>	45456
<u>(3) The confidential status of quality assurance program</u>	45457
<u>activities and quality assurance records as described in section</u>	45458
<u>5122.32 of the Revised Code;</u>	45459
<u>(4) The testimonial privilege established by division (B) of</u>	45460
<u>section 2317.02 of the Revised Code;</u>	45461
<u>(5) An item described in divisions (A)(1) to (8) of this</u>	45462
<u>section that governs any of the following:</u>	45463
<u>(a) The confidentiality, privacy, security, or privileged</u>	45464
<u>status of protected health information in the possession or</u>	45465
<u>custody of an agency;</u>	45466
<u>(b) The process for obtaining from a patient consent to the</u>	45467
<u>provision of health care or consent for participation in medical</u>	45468
<u>or other scientific research;</u>	45469
<u>(c) The process for determining whether an adult has a</u>	45470
<u>physical or mental impairment or an adult's capacity to make</u>	45471
<u>health care decisions for purposes of Chapter 5126. of the Revised</u>	45472
<u>Code;</u>	45473

(d) The process for determining whether a minor has been emancipated. 45474
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(6) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code. 45476
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Sec. 3798.13. The director of job and family services shall adopt rules for purposes of specifying the criteria a person who is mentally or physically disabled and who is under twenty-one years of age must meet to be considered a minor for purposes of sections 3798.06 and 3798.12 of the Revised Code. 45481
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Sec. 3798.14. The director of job and family services, in consultation with the office of health transformation, shall adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of establishing standards the director must use to approve regional and statewide health information exchanges operating in this state. The rules may include standards and procedures to be followed by a health information exchange regarding the following: 45486
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(A) Satisfaction of certification standards for health information exchanges established by federal statutes or regulations; 45493
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(B) Adherence to nationally recognized standards for interoperability; 45496
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(C) Access to and use and disclosure of protected health information maintained by or on an approved health information exchange; 45498
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(D) Demonstration of adequate financial resources to sustain continued operations in compliance with the rules adopted under this section; 45501
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<u>(E) Participation in outreach activities for individuals and covered entities;</u>	45504
	45505
<u>(F) Conduct of operations in a transparent manner to promote consumer confidence;</u>	45506
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<u>(G) Implementation of security breach notification procedures.</u>	45508
	45509
<u>Sec. 3798.15. (A) The director of job and family services, in consultation with the office of health transformation, shall adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of establishing processes for all of the following:</u>	45510
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<u>(1) A health information exchange to apply to the director for approval to operate as an approved health information exchange in this state and, at times specified by the director, reapproval of such status;</u>	45515
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<u>(2) The director to investigate and resolve concerns and complaints submitted to the director regarding an approved health information exchange;</u>	45519
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<u>(3) A health information exchange to apply for reconsideration of a decision the director makes under a process established under division (A)(1) or (2) of this section;</u>	45522
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<u>(4) Covered entities and approved health information exchanges to enter into participation agreements and enforce the terms of such agreements.</u>	45525
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<u>(B) Any decision the director makes in relation to a process established pursuant to rules adopted under division (A) of this section is not subject to appeal under Chapter 119. or any other provision of the Revised Code.</u>	45528
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<u>Sec. 3798.16. (A) The director of job and family services, in</u>	45532

consultation with the office of health transformation, shall adopt 45533
rules in accordance with Chapter 119. of the Revised Code for the 45534
purpose of specifying the content of agreements governing covered 45535
entities' participation in approved health information exchanges. 45536
At a minimum, the rules shall require the content of such 45537
participation agreements to include all of the following: 45538

(1) Procedures for a covered entity to disclose an 45539
individual's protected health information to an approved health 45540
information exchange; 45541

(2) Procedures for a covered entity to access an individual's 45542
protected health information from an approved health information 45543
exchange; 45544

(3) Subject to division (B) of this section, a written notice 45545
to be provided by a covered entity to an individual or the 45546
individual's personal representative prior to the covered entity's 45547
disclosure of the individual's protected health information to an 45548
approved health information exchange; 45549

(4) Documentation the covered entity must use to verify that 45550
a notice described in division (A)(3) of this section has been 45551
provided by the covered entity to an individual or the 45552
individual's personal representative prior to the disclosure of 45553
the individual's protected health information to an approved 45554
health information exchange; 45555

(5) Procedures for an individual or the individual's personal 45556
representative to submit to the covered entity a written request 45557
to place restrictions on the covered entity's disclosure of 45558
protected health information to the approved health information 45559
exchange; 45560

(6) The standards a covered entity must use to determine 45561
whether, and to what extent, to comply with a written request 45562

described in division (A)(5) of this section; 45563

(7) The purposes for which a covered entity may access and use protected health information from the approved health information exchange. 45564
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(B) With respect to the written notice described in division (A)(3) of this section, the rules may specify that the notice can be incorporated into the covered entity's notice of privacy practices required by 45 C.F.R. 164.520 and shall specify that the notice include the following statements: 45567
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(1) The individual's protected health information will be disclosed to the approved health information exchange to facilitate the provision of health care to the individual. 45572
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(2) The approved health information exchange maintains appropriate safeguards to protect the privacy and security of protected health information. 45575
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(3) Only authorized individuals may access and use protected health information from the approved health information exchange. 45578
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(4) The individual or the individual's personal representative has the right to request in writing that the covered entity do either or both of the following: 45580
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(a) Not disclose any of the individual's protected health information to the approved health information exchange; 45583
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(b) Not disclose specific categories of the individual's protected health information to the approved health information exchange. 45585
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(5) Any restrictions on the disclosure of protected health information an individual requests as described in either division (B)(4)(a) or (b) of this section may result in a health care provider not having access to information that is necessary for the provider to render appropriate care to the individual. 45588
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<u>(6) Any restrictions on the disclosure of protected health information an individual requests as described in division (B)(4)(a) of this section must be honored by the covered entity.</u>	45593
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<u>(7) Any restrictions on the disclosure of protected health information an individual requests as described in division (B)(4)(b) of this section must be honored if the restriction is consistent with rules adopted under this chapter.</u>	45596
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Sec. 4104.01. As used in sections 4104.01 to 4104.20 and section 4104.99 of the Revised Code:	45600
	45601
(A) "Board of building standards" or "board" means the board established by section 3781.07 of the Revised Code.	45602
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(B) "Superintendent" means the superintendent of labor <u>industrial compliance</u> created by section 121.04 of the Revised Code.	45604
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(C) "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use externally to itself by the direct application of heat from the combustion of fuels, or from electricity or nuclear energy. "Boiler" includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves.	45607
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(D) "Power boiler" means a boiler in which steam or other vapor (to be used externally to itself) is generated at a pressure of more than fifteen psig.	45615
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(E) "High pressure, high temperature water boiler" means a water heating boiler operating at pressures exceeding one hundred sixty psig or temperatures exceeding two hundred fifty degrees Fahrenheit.	45618
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(F) "Low pressure boiler" means a steam boiler operating at	45622

pressures not exceeding fifteen psig, or a hot water heating 45623
boiler operating at pressures not exceeding one hundred sixty psig 45624
or temperatures not exceeding two hundred fifty degrees 45625
Fahrenheit. 45626

(G) "Pressure vessel" means a container for the containment 45627
of pressure, either internal or external. This pressure may be 45628
obtained from an external source or by the application of heat 45629
from a direct or indirect source or any combination thereof. 45630

(H) "Process boiler" means a boiler to which all of the 45631
following apply: 45632

(1) The steam in the boiler is either generated or 45633
superheated, or both, under pressure or vacuum for use external to 45634
itself. 45635

(2) The source of heat for the boiler is in part or in whole 45636
from a process other than the boiler itself. 45637

(3) The boiler is part of a continuous processing unit, such 45638
as used in chemical manufacture or petroleum refining, other than 45639
a steam-generated process unit. 45640

(I) "Stationary steam engine" means an engine or turbine in 45641
which the mechanical force arising from the elasticity and 45642
expansion action of steam or from its property of rapid 45643
condensation or from a combination of the two is made available as 45644
a motive power. 45645

Sec. 4104.02. The board of building standards shall: 45646

(A) Formulate rules for the construction, installation, 45647
repair, conservation of energy, and operation of boilers and the 45648
construction and repair of pressure vessels and for ascertaining 45649
the safe working pressures to be carried on such boilers and 45650
pressure vessels and the qualification of inspectors of boilers 45651
and pressure vessels; 45652

(B) Prescribe tests, if it is considered necessary, to 45653
ascertain the qualities of materials used in the construction of 45654
boilers and pressure vessels; 45655

(C) Adopt rules regulating the construction and sizes of 45656
safety valves for boilers and pressure vessels of different sizes 45657
and pressures, for the construction, use, and location of fusible 45658
plugs, appliances for indicating the pressure of steam and level 45659
of water in the boiler or pressure vessels, and such other 45660
appliances as the board considers necessary to safety in operating 45661
boilers; 45662

(D) Establish reasonable fees for the performance of reviews, 45663
surveys, or audits of manufacturer's facilities by the division of 45664
~~labor~~ industrial compliance for certification by the American 45665
society of mechanical engineers and the national board of boiler 45666
and pressure vessel inspectors; 45667

(E) The definitions and rules adopted by the board for the 45668
construction, installation, repair, conservation of energy, and 45669
operation of boilers and the construction and repair of pressure 45670
vessels and for ascertaining the safe working pressures to be used 45671
on such boilers and pressure vessels shall be based upon and 45672
follow generally accepted engineering standards, formulae, and 45673
practices established and pertaining to boilers and pressure 45674
vessel construction, operation, and safety, and the board may, for 45675
this purpose, adopt existing published standards as well as 45676
amendments thereto subsequently published by the same authority. 45677

When a person desires to manufacture a special type of boiler 45678
or pressure vessel, the design of which is not covered by the 45679
rules of the board, the person shall submit drawings and 45680
specifications of such boiler or pressure vessel to the board for 45681
investigation, after which the board may permit its installation. 45682

The provisions of sections 119.03 and 119.11 of the Revised 45683

Code in particular, and the applicable provisions of Chapter 119. 45684
of the Revised Code in general, shall govern the proceedings of 45685
the board of building standards in adopting, amending, or 45686
rescinding rules pursuant to this section. 45687

Sec. 4104.06. (A) The inspection of boilers and their 45688
appurtenances and pressure vessels shall be made by the inspectors 45689
mentioned in sections 4104.07 to 4104.20 of the Revised Code. The 45690
superintendent of ~~labor~~ industrial compliance shall administer and 45691
enforce such sections and rules adopted by the board of building 45692
standards pursuant to section 4104.02 of the Revised Code. 45693

(B) The superintendent shall adopt, amend, and repeal rules 45694
exclusively for the issuance, renewal, suspension, and revocation 45695
of certificates of competency and certificates of operation, for 45696
conducting hearings in accordance with Chapter 119. of the Revised 45697
Code related to these actions, and for the inspection of boilers 45698
and their appurtenances, and pressure vessels. 45699

(C) Notwithstanding division (B) of this section, the 45700
superintendent shall not adopt rules relating to construction, 45701
maintenance, or repair of boilers and their appurtenances, or 45702
repair of pressure vessels. 45703

(D) The superintendent and each general inspector may enter 45704
any premises and any building or room at all reasonable hours to 45705
perform an examination or inspection. 45706

Sec. 4104.07. (A) An application for examination as an 45707
inspector of boilers and pressure vessels shall be in writing, 45708
accompanied by a fee of one hundred fifty dollars, upon a blank to 45709
be furnished by the superintendent of ~~labor~~ industrial compliance. 45710
Any moneys collected under this section shall be paid into the 45711
state treasury to the credit of the ~~labor~~ industrial compliance 45712
operating fund created in section 121.084 of the Revised Code. 45713

(B) The superintendent shall determine if an applicant meets 45714
all the requirements for examination in accordance with rules 45715
adopted by the board of building standards under section 4104.02 45716
of the Revised Code. An application shall be rejected which 45717
contains any willful falsification, or untruthful statements. 45718

(C) An applicant shall be examined by the superintendent, by 45719
a written examination, prescribed by the board, dealing with the 45720
construction, installation, operation, maintenance, and repair of 45721
boilers and pressure vessels and their appurtenances, and the 45722
applicant shall be accepted or rejected on the merits of the 45723
applicant's application and examination. 45724

(D) Upon a favorable report by the superintendent of the 45725
result of an examination, the superintendent shall immediately 45726
issue to the successful applicant a certificate of competency to 45727
that effect. 45728

Sec. 4104.08. (A) The director of commerce may appoint from 45729
the holders of certificates of competency provided for in section 45730
4104.07 of the Revised Code, general inspectors of boilers and 45731
pressure vessels. 45732

(B) Any company authorized to insure boilers and pressure 45733
vessels against explosion in this state may designate from holders 45734
of certificates of competency issued by the superintendent of 45735
~~labor~~ industrial compliance, or holders of certificates of 45736
competency or commissions issued by other states or nations whose 45737
examinations for certificates or commissions have been approved by 45738
the board of building standards, persons to inspect and stamp 45739
boilers and pressure vessels covered by the company's policies, 45740
and the superintendent shall issue to such persons commissions 45741
authorizing them to act as special inspectors. Special inspectors 45742
shall be compensated by the company designating them. 45743

(C) The director shall establish an annual fee to be charged 45744

by the superintendent for each certificate of competency or 45745
commission the superintendent issues. 45746

(D) The superintendent shall issue to each general or special 45747
inspector a commission to the effect that the holder thereof is 45748
authorized to inspect boilers and pressure vessels in this state. 45749

(E) No person shall be authorized to act as a general 45750
inspector or a special inspector who is directly or indirectly 45751
interested in the manufacture or sale of boilers or pressure 45752
vessels. 45753

Sec. 4104.09. The certificate of competency issued under 45754
section 4104.07 of the Revised Code or the commission provided for 45755
in section 4104.08 of the Revised Code may be revoked by the 45756
superintendent of ~~labor~~ industrial compliance for the incompetence 45757
or untrustworthiness of the holder thereof, or for willful 45758
falsification of any matter or statement contained in the holder's 45759
application or in a report of any inspection in accordance with 45760
Chapter 119. of the Revised Code. If a certificate or commission 45761
is lost or destroyed, a new certificate or commission shall be 45762
issued in its place without another examination. 45763
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Sec. 4104.10. All unfired pressure vessels, except unfired 45765
pressure vessels exempt under section 4104.04 of the Revised Code, 45766
shall be thoroughly inspected during fabrication and upon 45767
completion and shall not be operated until a copy of the 45768
manufacturers' data report, properly executed and signed by the 45769
inspector is filed in the office of the superintendent of ~~labor~~ 45770
industrial compliance. All unfired pressure vessels shall conform 45771
in every detail with applicable rules adopted by the board of 45772
building standards pursuant to section 4104.02 of the Revised 45773
Code. 45774

Sec. 4104.101. (A) No person shall install or make major repairs or modifications to any boiler without first registering to do so with the division of ~~labor~~ industrial compliance. 45775
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(B) No person shall make any installation or major repair or modification of any boiler without first obtaining a permit to do so from the division. The permit application form shall provide the name and address of the owner, location of the boiler, and type of repair or modification that will be made. The application permit fee shall be one hundred dollars. 45778
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(C) The superintendent of ~~labor~~ industrial compliance shall require annual registration of all contractors who install, make major repairs to, or modify any boiler. The board of building standards shall establish a reasonable fee to cover the cost of processing registrations. 45784
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Sec. 4104.12. All boilers, except boilers mentioned in section 4104.04 of the Revised Code, shall be inspected when installed and shall not be operated until an appropriate certificate of operation has been issued by the superintendent of ~~labor~~ industrial compliance. The certificate of operation required by this section shall not be issued for any boiler which has not been thoroughly inspected during construction and upon completion, by either a general or special inspector, and which does not conform in every detail with the rules adopted by the board of building standards and unless, upon completion, such boiler is distinctly stamped under such rules by such inspector. 45789
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Sec. 4104.15. (A) All certificates of inspection for boilers, issued prior to October 15, 1965, are valid and effective for the period set forth in such certificates unless sooner withdrawn by the superintendent of ~~labor~~ industrial compliance. The owner or user of any such boiler shall obtain an appropriate certificate of 45800
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operation for such boiler, and shall not operate such boiler, or 45805
permit it to be operated unless a certificate of operation has 45806
been obtained in accordance with section 4104.17 of the Revised 45807
Code. 45808

(B) If, upon making the internal and external inspection 45809
required under sections 4104.11, 4104.12, and 4104.13 of the 45810
Revised Code, the inspector finds the boiler to be in safe working 45811
order, with the fittings necessary to safety, and properly set up, 45812
upon the inspector's report to the superintendent, the 45813
superintendent shall issue to the owner or user thereof, or renew, 45814
upon application and upon compliance with sections 4104.17 and 45815
4104.18 of the Revised Code, a certificate of operation which 45816
shall state the maximum pressure at which the boiler may be 45817
operated, as ascertained by the rules of the board of building 45818
standards. Such certificates shall also state the name of the 45819
owner or user, the location, size, and number of each boiler, and 45820
the date of issuance, and shall be so placed as to be easily read 45821
in the engine room or boiler room of the plant where the boiler is 45822
located, except that the certificate of operation for a portable 45823
boiler shall be kept on the premises and shall be accessible at 45824
all times. 45825

(C) If an inspector at any inspection finds that the boiler 45826
or pressure vessel is not in safe working condition, or is not 45827
provided with the fittings necessary to safety, or if the fittings 45828
are improperly arranged, the inspector shall immediately notify 45829
the owner or user and person in charge of the boiler and shall 45830
report the same to the superintendent who may revoke, suspend, or 45831
deny the certificate of operation and not renew the same until the 45832
boiler or pressure vessel and its fittings are put in condition to 45833
insure safety of operation, and the owner or user shall not 45834
operate the boiler or pressure vessel, or permit it to be operated 45835
until such certificate has been granted or restored. 45836

(D) If the superintendent or a general boiler inspector finds 45837
that a pressure vessel or boiler or a part thereof poses an 45838
explosion hazard that reasonably can be regarded as posing an 45839
imminent danger of death or serious physical harm to persons, the 45840
superintendent or the general boiler inspector shall seal the 45841
pressure vessel or boiler and order, in writing, the operator or 45842
owner of the pressure vessel or boiler to immediately cease the 45843
pressure vessel's or boiler's operation. The order shall be 45844
effective until the nonconformities are eliminated, corrected, or 45845
otherwise remedied, or for a period of seventy-two hours from the 45846
time of issuance, whichever occurs first. During the 45847
seventy-two-hour period, the superintendent may request that the 45848
prosecuting attorney or city attorney of Franklin county or of the 45849
county in which the pressure vessel or boiler is located obtain an 45850
injunction restraining the operator or owner of the pressure 45851
vessel or boiler from continuing its operation after the 45852
seventy-two-hour period expires until the nonconformities are 45853
eliminated, corrected, or otherwise remedied. 45854

(E) Each boiler which has been inspected shall be assigned a 45855
number by the superintendent, which number shall be stamped on a 45856
nonferrous metal tag affixed to the boiler or its fittings by seal 45857
or otherwise. No person except an inspector shall deface or remove 45858
any such number or tag. 45859

(F) If the owner or user of any pressure vessel or boiler 45860
disagrees with the inspector as to the necessity for shutting down 45861
a pressure vessel or boiler or for making repairs or alterations 45862
in it, or taking any other measures for safety that are requested 45863
by an inspector, the owner or user may appeal from the decision of 45864
the inspector to the superintendent, who may, after such other 45865
inspection by a general inspector or special inspector as the 45866
superintendent deems necessary, decide the issue. 45867

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 45868

nor an inspection or report by any inspector, shall relieve the 45869
owner or user of a pressure vessel or boiler of the duty of using 45870
due care in the inspection, operation, and repair of the pressure 45871
vessel or boiler or of any liability for damages for failure to 45872
inspect, repair, or operate the pressure vessel or boiler safely. 45873

Sec. 4104.16. The owner or user of any boiler required by 45874
sections 4104.01 to 4104.20 of the Revised Code, to be inspected, 45875
shall immediately notify the superintendent of ~~labor~~ industrial 45876
compliance in case a defect affecting the safety of the boiler is 45877
discovered. 45878

The owner or user of any stationary boiler required by such 45879
sections to be inspected, who moves the same, shall report to the 45880
superintendent the new location of the boiler. Such boiler shall 45881
be inspected before it is again operated. 45882

Sec. 4104.17. Certificates of operation issued for boilers 45883
subject to inspection under Chapter 4104. of the Revised Code 45884
shall be issued and renewed in accordance with and at dates 45885
prescribed by rules and regulations adopted by the superintendent 45886
of ~~labor~~ industrial compliance. 45887

Sec. 4104.18. (A) The owner or user of a boiler required 45888
under section 4104.12 of the Revised Code to be inspected upon 45889
installation, and the owner or user of a boiler for which a 45890
certificate of inspection has been issued which is replaced with 45891
an appropriate certificate of operation, shall pay to the 45892
superintendent of ~~labor~~ industrial compliance a fee in the amount 45893
of fifty dollars for boilers subject to annual inspections under 45894
section 4104.11 of the Revised Code, one hundred dollars for 45895
boilers subject to biennial inspection under section 4104.13 of 45896
the Revised Code, one hundred fifty dollars for boilers subject to 45897
triennial inspection under section 4104.11 of the Revised Code, or 45898

two hundred fifty dollars for boilers subject to quinquennial inspection under section 4104.13 of the Revised Code. 45899
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(B) The fee for complete inspection during construction by a general inspector on boilers and pressure vessels manufactured within the state shall be thirty-five dollars per hour. Boiler and pressure vessel manufacturers other than those located in the state may secure inspection by a general inspector on work during construction, upon application to the superintendent, and upon payment of a fee of thirty-five dollars per hour, plus the necessary traveling and hotel expenses incurred by the inspector. 45901
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(C) The application fee for applicants for steam engineer, high pressure boiler operator, or low pressure boiler operator licenses is seventy-five dollars. The fee for each original or renewal steam engineer, high pressure boiler operator, or low pressure boiler operator license is fifty dollars. 45909
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(D) The director of commerce, subject to the approval of the controlling board, may establish fees in excess of the fees provided in divisions (A), (B), and (C) of this section. Any moneys collected under this section shall be paid into the state treasury to the credit of the ~~labor~~ industrial compliance operating fund created in section 121.084 of the Revised Code. 45914
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(E) Any person who fails to pay an invoiced renewal fee or an invoiced inspection fee required for any inspection conducted by the division of ~~labor~~ industrial compliance pursuant to this chapter within forty-five days of the invoice date shall pay a late payment fee equal to twenty-five per cent of the invoiced fee. 45920
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(F) In addition to the fees assessed in divisions (A) and (B) of this section, the board of building standards shall assess the owner or user a fee of three dollars and twenty-five cents for each certificate of operation or renewal thereof issued under 45926
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division (A) of this section and for each inspection conducted 45930
under division (B) of this section. The board shall adopt rules, 45931
in accordance with Chapter 119. of the Revised Code, specifying 45932
the manner by which the superintendent shall collect and remit to 45933
the board the fees assessed under this division and requiring that 45934
remittance of the fees be made at least quarterly. 45935

Sec. 4104.19. (A) Any person seeking a license to operate as 45936
a steam engineer, high pressure boiler operator, or low pressure 45937
boiler operator shall file a written application with the 45938
superintendent of ~~labor~~ industrial compliance on a form prescribed 45939
by the superintendent with the appropriate application fee as set 45940
forth in section 4104.18 of the Revised Code. The application 45941
shall contain information satisfactory to the superintendent to 45942
demonstrate that the applicant meets the requirements of division 45943
(B) of this section. The application shall be filed with the 45944
superintendent not more than sixty days and not less than thirty 45945
days before the license examination is offered. 45946

(B) To qualify to take the examination required to obtain a 45947
steam engineer, high pressure boiler operator, or low pressure 45948
boiler operator license, a person shall meet both of the following 45949
requirements: 45950

(1) Be at least eighteen years of age; 45951

(2) Have one year of experience in the operation of steam 45952
engines, high pressure boilers, or low pressure boilers as 45953
applicable to the type of license being sought, or a combination 45954
of experience and education for the type of license sought as 45955
determined to be acceptable by the superintendent. 45956

(C) No applicant shall qualify to take an examination or to 45957
renew a license if the applicant has violated this chapter or if 45958
the applicant has obtained or renewed a license issued under this 45959
chapter by fraud, misrepresentation, or deception. 45960

(D) The superintendent shall issue a license to each applicant who receives a passing score on the examination, as determined by the superintendent, for the license for which the applicant applied.

(E) The superintendent may select and contract with one or more persons to do all of the following relative to the examinations for a license to operate as a steam engineer, high pressure boiler operator, or low pressure boiler operator:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section;

(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;

(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure.

(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal.

(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter.

Sec. 4104.21. On receipt of a notice pursuant to section 45991
3123.43 of the Revised Code, the superintendent of ~~labor~~ 45992
industrial compliance shall comply with sections 3123.41 to 45993
3123.50 of the Revised Code and any applicable rules adopted under 45994
section 3123.63 of the Revised Code with respect to a certificate 45995
or license issued pursuant to this chapter. 45996

Sec. 4104.33. There is hereby created the historical boilers 45997
licensing board consisting of seven members, three of whom shall 45998
be appointed by the governor with the advice and consent of the 45999
senate. The governor shall make initial appointments to the board 46000
within ninety days after October 24, 2002. Of the initial members 46001
appointed by the governor, one shall be for a term ending three 46002
years after October 24, 2002, one shall be for a term ending four 46003
years after October 24, 2002, and one shall be for a term ending 46004
five years after October 24, 2002. Thereafter, terms of office 46005
shall be for five years, each term ending on the same day of the 46006
same month of the year as did the term that it succeeds. Of the 46007
three members the governor appoints, one member shall be an 46008
employee of the division of boiler inspection in the department of 46009
commerce; one member shall be an independent mechanical engineer 46010
who is not involved in selling or inspecting historical boilers; 46011
and one shall be an active member of an association that 46012
represents managers of fairs or festivals. 46013

Two members of the board shall be appointed by the president 46014
of the senate and two members of the board shall be appointed by 46015
the speaker of the house of representatives. The president and 46016
speaker shall make initial appointments to the board within ninety 46017
days after October 24, 2002. Of the initial members appointed by 46018
the president, one shall be for a term ending four years after 46019
October 24, 2002 and one shall be for a term ending five years 46020
after October 24, 2002. Of the initial members appointed by the 46021

speaker, one shall be for a term ending three years after October 46022
24, 2002 and one shall be for a term ending five years after 46023
October 24, 2002. Thereafter, terms of office shall be for five 46024
years, each term ending on the same day of the same month of the 46025
year as did the term that it succeeds. Of the four members 46026
appointed by the president and speaker, each shall own a 46027
historical boiler and also have at least ten years of experience 46028
in the operation of historical boilers, and each of these four 46029
members shall reside in a different region of the state. 46030

Each member shall hold office from the date of the member's 46031
appointment until the end of the term for which the member was 46032
appointed. Members may be reappointed. Vacancies shall be filled 46033
in the manner provided for initial appointments. Any member 46034
appointed to fill a vacancy occurring prior to the expiration date 46035
of the term for which the member's predecessor was appointed shall 46036
hold office as a member for the remainder of that term. A member 46037
shall continue in office subsequent to the expiration date of the 46038
member's term until the successor takes office or until a period 46039
of sixty days has elapsed, whichever occurs first. 46040

The members of the board, annually, shall elect, by majority 46041
vote, a chairperson from among their members. The board shall meet 46042
at least once annually and at other times at the call of the 46043
chairperson. Board members shall receive their actual and 46044
necessary expenses incurred in the discharge of their duties as 46045
board members. 46046

The superintendent of ~~labor~~ industrial compliance shall 46047
furnish office space, staff, and supplies to the board as the 46048
superintendent determines are necessary for the board to carry out 46049
its official duties under sections 4104.33 to 4104.37 of the 46050
Revised Code. 46051

Sec. 4104.42. (A) The owner of any power piping or process 46052

46053 piping system shall ensure that all of the following are performed
46054 in compliance with applicable sections of the B31 standards
46055 contained in the code for pressure piping, published by the
46056 American society of mechanical engineers:

(1) The design, fabrication, assembly, installation, testing, 46057
examination, and inspection of power and process piping systems; 46058

(2) Qualification of personnel and qualification of welding 46059
and brazing procedures; 46060

(3) The implementation of an inspection program. 46061

(B) The owner of a power piping or process piping system 46062
shall do both of the following: 46063

(1) Maintain for five years complete records documenting the 46064
design, examination, and testing of the piping system that include 46065
all of the following: 46066

(a) The specific edition of the code for pressure piping used 46067
in the design; 46068

(b) The design assumptions; 46069

(c) The calculations, piping material specifications, and 46070
construction documents for the piping; 46071

(d) The records of piping alterations; 46072

(e) The piping examination and inspection records. 46073

(2) Disclose the types and quantities of flammable, 46074
combustible, or hazardous materials proposed to be used in the 46075
facility to the building and fire code enforcement authorities who 46076
have inspection authority to enable those authorities to determine 46077
compliance with the rules the board of building standards adopts 46078
pursuant to section 3781.10 of the Revised Code and the rules the 46079
state fire marshal adopts pursuant to section 3737.82 of the 46080
Revised Code. 46081

(C) No person or state agency shall require that the records 46082
described in division (B)(1) of this section be submitted to the 46083
division of ~~labor~~ industrial compliance in the department of 46084
commerce or to a certified building department for approval. 46085

(D) Nothing in this section limits the application of 46086
Chapters 4703. and 4733. of the Revised Code. 46087

Sec. 4104.43. (A)(1) The board of building standards shall 46088
adopt rules establishing requirements for the design, 46089
installation, inspection of and design review procedure for 46090
building services piping. 46091

(2) The board of building standards shall adopt rules 46092
establishing requirements for the design, installation, inspection 46093
of and design review procedure for nonflammable medical gas, 46094
medical oxygen, and medical vacuum piping systems. 46095

(B) A municipal, township, or county building department 46096
certified under division (E) of section 3781.10 of the Revised 46097
Code shall enforce the rules the board adopts pursuant to division 46098
(A)(2) of this section if that building department requests and 46099
obtains special certification to enforce those rules. 46100

(C) In a health district where no municipal, township, or 46101
county building department is specially certified under division 46102
(B) of this section, an employee of the health district shall 46103
enforce the rules adopted pursuant to division (A)(2) of this 46104
section if both of the following conditions are satisfied: 46105

(1) The health district employee requests and obtains special 46106
certification by the board to enforce those rules. 46107

(2) The health district notifies the superintendent of the 46108
division of ~~labor~~ industrial compliance in the department of 46109
commerce that the health district's specially certified employee 46110
shall enforce those rules. 46111

(D) In a jurisdiction where enforcement authority as 46112
described in divisions (B) and (C) of this section does not exist, 46113
the superintendent of ~~labor~~ industrial compliance shall enforce 46114
the rules the board adopts pursuant to division (A)(2) of this 46115
section. 46116

Sec. 4104.44. All welding and brazing of metallic piping 46117
systems shall be performed in accordance with section IX of the 46118
boiler and pressure vessel code, published by the American society 46119
of mechanical engineers. The owner shall maintain, at the job 46120
site, the certified performance qualification records of all 46121
welders and brazers employed at the facility. The owner shall 46122
submit copies of all certified welding and brazing procedure 46123
specifications, procedure qualification records, and performance 46124
qualification records for building services piping for review to 46125
the superintendent of ~~labor~~ industrial compliance in the 46126
department of commerce in accordance with rules the superintendent 46127
adopts. The submission shall be accompanied by the fee the 46128
superintendent establishes. 46129

Sec. 4104.48. (A) No person shall violate sections 4104.41 to 46130
4104.48 of the Revised Code, fail to perform any duty lawfully 46131
enjoined in connection with those sections, or fail to comply with 46132
any order issued by the superintendent of ~~labor~~ industrial 46133
compliance or any judgment or decree issued by any court in 46134
connection with the enforcement of sections 4104.41 to 4104.48 of 46135
the Revised Code. 46136

(B) Every day during which a person violates sections 4104.41 46137
to 4104.48 of the Revised Code, fails to perform any duty lawfully 46138
enjoined in connection with those sections, or fails to comply 46139
with any order issued by the superintendent or any judgment or 46140
decree issued by any court in connection with the enforcement of 46141
sections 4104.41 to 4104.48 of the Revised Code constitutes a 46142

separate offense. 46143

Sec. 4105.01. As used in this chapter: 46144

(A) "Elevator" means a hoisting and lowering apparatus 46145
equipped with a car, cage, or platform which moves on or between 46146
permanent rails or guides and serves two or more fixed landings in 46147
a building or structure to which section 3781.06 of the Revised 46148
Code applies. "Elevator" includes dumb-waiters other than 46149
hand-powered dumb-waiters, escalators, ~~peoplelifts~~ manlifts, 46150
moving walks, of the endless belt type, other lifting or lowering 46151
apparatus permanently installed on or between rails or guides, and 46152
all equipment, machinery, and construction related to any 46153
elevator; but does not include construction hoists and other 46154
similar temporary lifting or lowering apparatuses, ski lifts, 46155
traveling, portable amusement rides or devices that are not 46156
affixed to a permanent foundation, or nonportable amusement rides 46157
or devices that are affixed to a permanent foundation. 46158

(B) "Passenger elevator" means an elevator that is designed 46159
to carry persons to its contract capacity. 46160

(C) "Freight elevator" means an elevator normally used for 46161
carrying freight and on which only the operator and employees in 46162
the pursuit of their duties, by the permission of the employer, 46163
are allowed to ride. 46164

(D) "Gravity elevator" means an elevator utilizing gravity to 46165
move. 46166

(E) "General inspector" means a state inspector examined and 46167
hired to inspect elevators and lifting apparatus for that state. 46168

(F) "Special inspector" means an inspector examined and 46169
commissioned by the superintendent of ~~labor~~ industrial compliance 46170
to inspect elevators and lifting apparatus in the state. 46171

(G) "Inspector" means either a general or special inspector. 46172

Sec. 4105.02. No person may act, either as a general 46173
inspector or as a special inspector, of elevators, unless the 46174
person holds a certificate of competency from the division of 46175
~~labor~~ industrial compliance. 46176

Application for examination as an inspector of elevators 46177
shall be in writing, accompanied by a fee to be established as 46178
provided in section 4105.17 of the Revised Code, and upon a blank 46179
to be furnished by the division, stating the school education of 46180
the applicant, a list of the applicant's employers, the 46181
applicant's period of employment, and the position held with each. 46182
An applicant shall also submit a letter from one or more of the 46183
applicant's previous employers certifying as to the applicant's 46184
character and experience. 46185

Applications shall be rejected which contain any willful 46186
falsification or untruthful statements. An applicant, if the 46187
division considers the applicant's history and experience 46188
sufficient, shall be examined by the superintendent of ~~labor~~ 46189
industrial compliance by a written examination dealing with the 46190
construction, installation, operation, maintenance, and repair of 46191
elevators and their appurtenances, and the applicant shall be 46192
accepted or rejected on the merits of the applicant's application 46193
and examination. 46194

The superintendent shall issue a certificate of competency in 46195
the inspection of elevators to any applicant found competent upon 46196
examination. A rejected applicant shall be entitled, after the 46197
expiration of ninety days and upon payment of an examination fee 46198
to be established as provided in section 4105.17 of the Revised 46199
Code, to another examination. Should an applicant fail to pass the 46200
prescribed examination on second trial, the applicant will not be 46201
permitted to be an applicant for another examination for a period 46202
of one year after the second examination. 46203

Sec. 4105.03. The superintendent of ~~labor~~ industrial compliance, with the consent of the director of commerce, shall hire an assistant who has at least ten years of experience in the construction, installation, maintenance, and repair of elevators and their appurtenances.

The superintendent, with the consent of the director, and in compliance with Chapter 124. of the Revised Code, may appoint and hire general inspectors of elevators from the holders of certificates of competency.

Sec. 4105.04. From the holders of certificates of competency in the inspection of elevators, any company that is authorized to insure elevators in the state, may designate persons to inspect elevators covered by such company's policies, and the department of public safety of any city and the clerk of any village may designate persons to inspect elevators in such city or village. Such persons shall, upon the payment of a fee to be established as provided in section 4105.17 of the Revised Code, have issued to them annually by the division of ~~labor~~ industrial compliance, commissions to serve as special inspectors of elevators in the state.

Sec. 4105.05. A commission to serve as a special inspector may be suspended or revoked by the superintendent of ~~labor~~ industrial compliance, for the incompetence or untrustworthiness of the holder thereof, or for the falsification of any matter or statement contained in the holder's application or in a report of any inspection.

Sec. 4105.06. If a certificate or commission issued under sections 4105.02 and 4105.04 of the Revised Code is lost or destroyed a new one shall be issued in its place by the division

of ~~labor~~ industrial compliance without another examination, upon 46233
the payment of a fee to be established as provided in section 46234
4105.07 of the Revised Code. 46235

Sec. 4105.09. The owner or user of any elevator shall 46236
register, with the division of ~~labor~~ industrial compliance, every 46237
elevator operated by the owner or user, giving the type, capacity, 46238
and description, name of manufacturer, and purpose for which each 46239
is used. Such registration shall be made on a form to be furnished 46240
by the division. 46241

Sec. 4105.11. The inspection of elevators shall be made by 46242
the inspectors authorized in sections 4105.03 and 4105.04 of the 46243
Revised Code, under the supervision of the superintendent of ~~labor~~ 46244
industrial compliance, and the superintendent shall enforce this 46245
chapter and any rules adopted pursuant thereto. 46246

Every inspector shall forward to the superintendent a full 46247
and complete report of each inspection made of any elevator and 46248
shall, on the day the inspection is completed, leave a copy of 46249
such report with the owner or operator of the elevator, or the 46250
owner's or operator's agent or representative. Such report shall 46251
indicate the exact condition of the elevator and shall list any 46252
and all of the provisions of this chapter and any rules adopted 46253
pursuant thereto, with which the elevator does not comply. Before 46254
attempting to enforce, by any remedy, civil or criminal, the 46255
provisions with which the inspected elevator does not comply, the 46256
chief shall issue an adjudication order within the meaning of 46257
Chapter 119. of the Revised Code. 46258

The approval of construction plans, or an application of 46259
specifications under section 4105.16 of the Revised Code is a 46260
license, and the failure to approve such plans or specifications 46261
by the chief within sixty days after they are filed is an 46262

adjudication order denying the issuance of a license. 46263

Every adjudication order shall specify what appliances, site 46264
preparations, additions, repairs, or alterations to any elevators, 46265
plans, materials, assemblages, or procedures are necessary for the 46266
same to comply with this chapter, or any rules adopted pursuant 46267
thereto. Such adjudication order shall be issued pursuant to 46268
Chapter 119. of the Revised Code and shall be effective without 46269
prior hearing, within thirty days after the receipt of such order, 46270
the owner of the elevator specified therein may appeal to the 46271
board of building appeals under section 3781.19 of the Revised 46272
Code. 46273

Notwithstanding the provisions of Chapter 119. of the Revised 46274
Code relating to adjudication hearings, a stenographic or 46275
mechanical record of the testimony and other evidence submitted 46276
before the board of building appeals shall be taken at the expense 46277
of the agency. A party adversely affected by an order issued 46278
following such adjudication hearing may appeal to the court of 46279
common pleas of the county in which the party is a resident or in 46280
which the elevator affected by such order is located. The court in 46281
such case shall not be confined to the record as certified to it 46282
by the agency, but any party may produce additional evidence and 46283
the court shall hear the matter upon such record and such 46284
additional evidence as is introduced by any party. The court shall 46285
not affirm the order of the agency unless the preponderance of the 46286
evidence before it supports the reasonableness and lawfulness of 46287
such order, and of any rules upon which the order of the agency is 46288
based in its application to the facts involved in the appeal. 46289

Failure to comply with the requirements of any order issued 46290
pursuant to this section or the continued operation of any 46291
elevator after it has been sealed pursuant to section 4105.21 of 46292
the Revised Code is hereby declared a public nuisance. 46293

Sec. 4105.12. (A) The superintendent of ~~labor~~ industrial compliance shall adopt, amend, and repeal rules exclusively for the issuance, renewal, suspension, and revocation of certificates of competency and certificates of operation, for the conduct of hearings related to these actions, and for the inspection of elevators.

(B) Notwithstanding division (A) of this section, the superintendent shall not adopt rules relating to construction, maintenance, and repair of elevators.

Sec. 4105.13. Every elevator shall be constructed, equipped, maintained, and operated, with respect to the supporting members, elevator car, shaftways, guides, cables, doors, and gates, safety stops and mechanism, electrical apparatus and wiring, mechanical apparatus, counterweights, and all other appurtenances, in accordance with state laws and rules as are authorized in respect thereto. Where reasonable safety is obtained without complying to the literal requirements of such rules as in cases of practical difficulty or unnecessary hardship, the literal requirements of such rules shall not be required. The superintendent of ~~labor~~ industrial compliance may permit the installation of vertical wheelchair lifts in public buildings to provide for handicapped accessibility where such lifts do not meet the literal requirements of the rules adopted by the board of building standards pursuant to section 4105.011 of the Revised Code, provided that reasonable safety may be obtained.

Sec. 4105.15. No certificate of operation for any elevator shall be issued by the director of commerce until such elevator has been inspected as required by this chapter. Certificates of operation shall be renewed by the owner or user of the elevator in accordance with rules adopted by the superintendent of ~~labor~~

industrial compliance pursuant to section 4105.12 of the Revised Code. 46324
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Sec. 4105.16. Before any new installation of an elevator of permanent nature is erected or before any existing elevator is removed to and installed in a different location, an application of specifications in duplicate shall be submitted to the division of ~~labor~~ industrial compliance giving such information concerning the construction, installation, and operation of said elevator as the division may require on forms to be furnished by the division, together with complete construction plans in duplicate. In all cases where any changes or repairs are made which alter its construction of classification, grade or rated lifting capacity, except when made pursuant to a report of an inspector, an application of specifications in duplicate shall be submitted to the division, containing such information, or approval, except in those municipal corporations which maintain their own elevator inspection departments, in which event such specifications shall be submitted to the elevator department of the municipal corporation for its approval, and if approved, a permit for the erection or repair of such elevator shall be issued by the municipal corporation. Upon approval of such application and construction plans, the superintendent of ~~labor~~ industrial compliance shall issue a permit for the erection or repair of such elevator. No new elevator shall be operated until completion in accordance with the approved plans and specifications, unless a temporary permit is granted by the division. 46326
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The final inspection, before operation, of a permanent, new or repaired elevator shall be made by a general inspector or a special inspector designated by the superintendent. 46350
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Sec. 4105.17. (A) The fee for each inspection, or attempted inspection that, due to no fault of a general inspector or the 46353
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division of ~~labor~~ industrial compliance, is not successfully 46355
completed, by a general inspector before the operation of a 46356
permanent new elevator prior to the issuance of a certificate of 46357
operation, before operation of an elevator being put back into 46358
service after a repair or after an adjudication under section 46359
4105.11 of the Revised Code, or as a result of the operation of 46360
section 4105.08 of the Revised Code and is an elevator required to 46361
be inspected under this chapter is one hundred twenty dollars plus 46362
ten dollars for each floor where the elevator stops. The 46363
superintendent of ~~labor~~ industrial compliance may assess an 46364
additional fee of one hundred twenty dollars plus ten dollars for 46365
each floor where an elevator stops for the reinspection of an 46366
elevator when a previous attempt to inspect that elevator has been 46367
unsuccessful through no fault of a general inspector or the 46368
division of ~~labor~~ industrial compliance. 46369

(B) The fee for each inspection, or attempted inspection, 46370
that due to no fault of the general inspector or the division, is 46371
not successfully completed by a general inspector before operation 46372
of a permanent new escalator or moving walk prior to the issuance 46373
of a certificate of operation, before operation of an escalator or 46374
moving walk being put back in service after a repair, or as a 46375
result of the operation of section 4105.08 of the Revised Code is 46376
three hundred dollars. The superintendent may assess an additional 46377
fee of one hundred fifty dollars for the reinspection of an 46378
escalator or moving walk when a previous attempt to inspect that 46379
escalator or moving walk has been unsuccessful through no fault of 46380
the general inspector or the division. 46381

(C) The fee for issuing or renewing a certificate of 46382
operation under section 4105.15 of the Revised Code for an 46383
elevator that is inspected every six months in accordance with 46384
division (A) of section 4105.10 of the Revised Code is two hundred 46385
twenty dollars plus twelve dollars for each floor where the 46386

elevator stops, except where the elevator has been inspected by a special inspector in accordance with section 4105.07 of the Revised Code.

(D) The fee for issuing or renewing a certificate of operation under section 4105.05 of the Revised Code for an elevator that is inspected every twelve months in accordance with division (A) of section 4105.10 of the Revised Code is fifty-five dollars plus ten dollars for each floor where the elevator stops, except where the elevator has been inspected by a special inspector in accordance with section 4105.07 of the Revised Code.

(E) The fee for issuing or renewing a certificate of operation under section 4105.15 of the Revised Code for an escalator or moving walk is three hundred dollars, except where the escalator or moving walk has been inspected by a special inspector in accordance section 4105.07 of the Revised Code.

(F) All other fees to be charged for any examination given or other service performed by the division pursuant to this chapter shall be prescribed by the director of commerce. The fees shall be reasonably related to the costs of such examination or other service.

(G) The director of commerce, subject to the approval of the controlling board, may establish fees in excess of the fees provided in divisions (A), (B), (C), (D), and (E) of this section. Any moneys collected under this section shall be paid into the state treasury to the credit of the ~~labor~~ industrial compliance operating fund created in section 121.084 of the Revised Code.

(H) Any person who fails to pay an inspection fee required for any inspection conducted by the division pursuant to this chapter within forty-five days after the inspection is conducted shall pay a late payment fee equal to twenty-five per cent of the inspection fee.

(I) In addition to the fees assessed in divisions (A), (B), 46418
(C), (D), and (E) of this section, the board of building standards 46419
shall assess a fee of three dollars and twenty-five cents for each 46420
certificate of operation or renewal thereof issued under divisions 46421
(A), (B), (C), (D), or (E) of this section and for each permit 46422
issued under section 4105.16 of the Revised Code. The board shall 46423
adopt rules, in accordance with Chapter 119. of the Revised Code, 46424
specifying the manner by which the superintendent shall collect 46425
and remit to the board the fees assessed under this division and 46426
requiring that remittance of the fees be made at least quarterly. 46427

(J) For purposes of this section: 46428

(1) "Escalator" means a power driven, inclined, continuous 46429
stairway used for raising or lowering passengers. 46430

(2) "Moving walk" means a passenger carrying device on which 46431
passengers stand or walk, with a passenger carrying surface that 46432
is uninterrupted and remains parallel to its direction of motion. 46433

Sec. 4105.191. Any person owning or operating any elevator 46434
subject to this chapter shall file a written report with the 46435
superintendent of ~~labor~~ industrial compliance within seventy-two 46436
hours after the occurrence of any accident involving such elevator 46437
which results in death or bodily injury to any person. 46438

Sec. 4105.20. No person shall violate any law relative to the 46439
operation, construction, maintenance, and repair of elevators. All 46440
fines collected for violation of this section shall be forwarded 46441
to the superintendent of ~~labor~~ industrial compliance, who shall 46442
pay them into the state treasury to the credit of the ~~labor~~ 46443
industrial compliance operating fund created in section 121.084 of 46444
the Revised Code. 46445

Sec. 4105.21. The superintendent of ~~labor~~ industrial 46446

compliance shall enforce this chapter. If the superintendent or a 46447
general inspector of elevators finds that an elevator or a part 46448
thereof does not afford reasonable safety as required by section 46449
4105.13 of the Revised Code, the superintendent or the general 46450
inspector may seal such elevator and post a notice thereon 46451
prohibiting further use of the elevator until the changes or 46452
alterations set forth in the notice have been made to the 46453
satisfaction of the superintendent or the inspector. The notice 46454
shall contain a statement that operators or passengers are subject 46455
to injury by its continued use, a description of the alteration or 46456
other change necessary to be made in order to secure safety of 46457
operation, date of such notice, name and signature of the 46458
superintendent or inspector issuing the notice. 46459

Sec. 4115.10. (A) No person, firm, corporation, or public 46460
authority that constructs a public improvement with its own 46461
forces, the total overall project cost of which is fairly 46462
estimated to be more than the amounts set forth in division (B) of 46463
section 4115.03 of the Revised Code, adjusted biennially by the 46464
director of commerce pursuant to section 4115.034 of the Revised 46465
Code, as appropriate, shall violate the wage provisions of 46466
sections 4115.03 to 4115.16 of the Revised Code, or suffer, 46467
permit, or require any employee to work for less than the rate of 46468
wages so fixed, or violate the provisions of section 4115.07 of 46469
the Revised Code. Any employee upon any public improvement, except 46470
an employee to whom or on behalf of whom restitution is made 46471
pursuant to division (C) of section 4115.13 of the Revised Code, 46472
who is paid less than the fixed rate of wages applicable thereto 46473
may recover from such person, firm, corporation, or public 46474
authority that constructs a public improvement with its own forces 46475
the difference between the fixed rate of wages and the amount paid 46476
to the employee and in addition thereto a sum equal to twenty-five 46477
per cent of that difference. The person, firm, corporation, or 46478

public authority who fails to pay the rate of wages so fixed also 46479
shall pay a penalty to the director of seventy-five per cent of 46480
the difference between the fixed rate of wages and the amount paid 46481
to the employees on the public improvement. The director shall 46482
deposit all moneys received from penalties paid to the director 46483
pursuant to this section into the ~~labor~~ industrial compliance 46484
operating fund. The director shall use the fund for the 46485
enforcement of sections 4115.03 to 4115.16 of the Revised Code. 46486
The employee may file suit for recovery within ninety days of the 46487
director's determination of a violation of sections 4115.03 to 46488
4115.16 of the Revised Code or is barred from further action under 46489
this division. Where the employee prevails in a suit, the employer 46490
shall pay the costs and reasonable attorney's fees allowed by the 46491
court. 46492

(B) Any employee upon any public improvement who is paid less 46493
than the prevailing rate of wages applicable thereto may file a 46494
complaint in writing with the director upon a form furnished by 46495
the director. The complaint shall include documented evidence to 46496
demonstrate that the employee was paid less than the prevailing 46497
wage in violation of this chapter. Upon receipt of a properly 46498
completed written complaint of any employee paid less than the 46499
prevailing rate of wages applicable, the director shall take an 46500
assignment of a claim in trust for the assigning employee and 46501
bring any legal action necessary to collect the claim. The 46502
employer shall pay the costs and reasonable attorney's fees 46503
allowed by the court if the employer is found in violation of 46504
sections 4115.03 to 4115.16 of the Revised Code. 46505

(C) If after investigation pursuant to section 4115.13 of the 46506
Revised Code, the director determines there is a violation of 46507
sections 4115.03 to 4115.16 of the Revised Code and a period of 46508
sixty days has elapsed from the date of the determination, and if: 46509

(1) No employee has brought suit pursuant to division (A) of 46510

this section; 46511

(2) No employee has requested that the director take an 46512
assignment of a wage claim pursuant to division (B) of this 46513
section. 46514

The director shall bring any legal action necessary to 46515
collect any amounts owed to employees and the director. The 46516
director shall pay over to the affected employees the amounts 46517
collected to which the affected employees are entitled under 46518
division (A) of this section. In any action in which the director 46519
prevails, the employer shall pay the costs and reasonable 46520
attorney's fees allowed by the court. 46521

(D) Where persons are employed and their rate of wages has 46522
been determined as provided in section 4115.04 of the Revised 46523
Code, no person, either for self or any other person, shall 46524
request, demand, or receive, either before or after the person is 46525
engaged, that the person so engaged pay back, return, donate, 46526
contribute, or give any part or all of the person's wages, salary, 46527
or thing of value, to any person, upon the statement, 46528
representation, or understanding that failure to comply with such 46529
request or demand will prevent the procuring or retaining of 46530
employment, and no person shall, directly or indirectly, aid, 46531
request, or authorize any other person to violate this section. 46532
This division does not apply to any agent or representative of a 46533
duly constituted labor organization acting in the collection of 46534
dues or assessments of such organization. 46535

(E) The director shall enforce sections 4115.03 to 4115.16 of 46536
the Revised Code. 46537

(F) For the purpose of supplementing existing resources and 46538
to assist in enforcing division (E) of this section, the director 46539
may contract with a person registered as a public accountant under 46540
Chapter 4701. of the Revised Code to conduct an audit of a person, 46541

firm, corporation, or public authority. 46542

(G) No contractor or subcontractor shall be responsible for 46543
the payment of the penalties provided in division (A) of this 46544
section resulting from a violation of sections 4115.03 to 4115.16 46545
of the Revised Code by its subcontractor, provided that the 46546
contractor or subcontractor has made a good faith effort to ensure 46547
that its subcontractor complied with the requirements of sections 46548
4115.03 to 4115.16 of the Revised Code. 46549

Sec. 4115.101. There is hereby created the prevailing wage 46550
custodial fund, which shall be in the custody of the treasurer of 46551
state but shall not be part of the state treasury. The director of 46552
commerce shall deposit to the fund all money paid by employers to 46553
the director that are held in trust for employees to whom 46554
prevailing wages are due and owing. The director shall make 46555
disbursements from the fund in accordance with this chapter to 46556
employees affected by violations of this chapter. If the director 46557
determines that any funds in the prevailing wage custodial fund 46558
are not returnable to employees as required under this section, 46559
then the director shall certify to the treasurer of state the 46560
amount of the funds that are not returnable. Upon the receipt of a 46561
certification from the director in accordance with this section, 46562
the treasurer of state shall transfer the certified amount of the 46563
funds from the prevailing wage custodial fund to the ~~labor~~ 46564
industrial compliance operating fund. 46565

Sec. 4121.123. (A) There is hereby created the workers' 46566
compensation board of directors nominating committee consisting of 46567
the following: 46568

(1) Three individuals who are members of affiliated employee 46569
organizations of the Ohio chapter of the American federation of 46570
labor-congress of industrial organizations, who are selected by 46571

the Ohio chapter of the American federation of labor-congress of 46572
industrial organizations and who, on account of their previous 46573
vocation, employment, or affiliations, can be classed as 46574
representative of employees who are members of an employee 46575
organization. Terms of office shall be for one year, with each 46576
term ending on the same day of the same month as did the term that 46577
it succeeds. 46578

(2) Two individuals who, on account of their previous 46579
vocation, employment, or affiliations, can be classed as 46580
representative of employees, one of whom shall be an injured 46581
worker with a valid, open, and active workers' compensation claim 46582
and at least one of these two representatives also shall represent 46583
employees who are not members of an employee organization. The 46584
president of the senate and the speaker of the house of 46585
representatives each shall appoint annually one of these members. 46586
The member who is an injured worker shall serve for a full term 46587
even if the member's workers' compensation claim is invalidated, 46588
closed, or inactivated during the member's term. 46589

(3) The chief executive officer, or the equivalent of the 46590
chief executive officer, of the Ohio chamber of commerce, the Ohio 46591
manufacturers' association, the Ohio self-insurers' association, 46592
the Ohio council of retail merchants, the national federation of 46593
independent business, and the Ohio farm bureau; 46594

(4) The director of development; 46595

(5) The president of the Ohio township association and the 46596
president of the Ohio county commissioners association, or, ~~in~~ if 46597
any of the following circumstances apply: 46598

(a) In the event of a vacancy in ~~the~~ either presidency, a 46599
designee appointed by the governing body authorized to appoint the 46600
president. A designee so appointed shall serve on the nominating 46601
committee only until the vacancy in the presidency is filled. 46602

(b) In the event that the president of the Ohio township association is unavailable, a designee selected by the president; 46603
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(c) In the event that the president of the Ohio county commissioners association is unavailable, a designee selected by the president. 46605
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(B) Each member appointed under divisions (A)(1) and (2) of 46608
this section shall hold office from the date of the member's 46609
appointment until the end of the term for which the member was 46610
appointed. Such members may be reappointed. Vacancies shall be 46611
filled in the manner provided for original appointments. Any such 46612
member appointed to fill a vacancy occurring prior to the 46613
expiration date of the term for which the member's predecessor was 46614
appointed shall hold office as a member for the remainder of that 46615
term. Such a member shall continue in office subsequent to the 46616
expiration date of the member's term until the member's successor 46617
takes office or until a period of sixty days has elapsed, 46618
whichever occurs first. 46619

(C) The nominating committee shall meet at the request of the 46620
governor or as the nominating committee determines appropriate in 46621
order to make recommendations to the governor for the appointment 46622
of members of the bureau of workers' compensation board of 46623
directors under section 4121.12 of the Revised Code. 46624

(D) The director of development shall serve as chairperson of 46625
the nominating committee and have no voting rights on matters 46626
coming before the nominating committee, except that the director 46627
may vote in the event of a tie vote of the nominating committee. 46628
Annually, the nominating committee shall select a secretary from 46629
among its members. The nominating committee may adopt by-laws 46630
governing its proceedings. 46631

(E) Members of the nominating committee shall be paid their 46632
reasonable and necessary expenses pursuant to section 126.31 of 46633

the Revised Code while engaged in the performance of their duties 46634
as members of the nominating committee. 46635

(F) The nominating committee shall: 46636

(1) Review and evaluate possible appointees for the board. In 46637
reviewing and evaluating possible appointees for the board, the 46638
nominating committee may accept comments from, cooperate with, and 46639
request information from any person. 46640

(2) Make recommendations to the governor for the appointment 46641
of members to the board as provided in division (C) of section 46642
4121.12 of the Revised Code. 46643

(G) The nominating committee may make recommendations to the 46644
general assembly concerning changes in legislation that will 46645
assist the nominating committee in the performance of its duties. 46646

Sec. 4121.30. (A) All rules governing the operating procedure 46647
of the bureau of workers' compensation and the industrial 46648
commission shall be adopted in accordance with Chapter 119. of the 46649
Revised Code, except that determinations of the bureau, district 46650
hearing officers, staff hearing officers, and the commission, with 46651
respect to an individual employee's claim to participate in the 46652
state insurance fund are governed only by Chapter 4123. of the 46653
Revised Code. 46654

The administrator of workers' compensation and commission 46655
shall proceed jointly, in accordance with Chapter 119. of the 46656
Revised Code, including a joint hearing, to adopt joint rules 46657
governing the operating procedures of the bureau and commission. 46658
~~The bureau shall publish the joint rules in a single publication.~~ 46659

(B) Upon submission to the bureau or the commission of a 46660
petition containing not less than fifteen hundred signatures of 46661
adult residents of the state, any individual may propose a rule 46662
for adoption, amendment, or rescission by the bureau or the 46663

commission. If, upon investigation, the bureau or commission is 46664
satisfied that the signatures upon the petition are valid, it 46665
shall proceed, in accordance with Chapter 119. of the Revised 46666
Code, to consider adoption, amendment, or rescission of the rule. 46667

(C) The administrator shall ~~publish~~ make available 46668
electronically all rules adopted by the bureau and the commission 46669
~~in a single publication~~ and shall make available in a timely 46670
manner ~~and at cost copies of~~ all rules adopted by the bureau and 46671
the commission that are currently in force. ~~For that purpose, the~~ 46672
~~administrator shall maintain a mailing list of all persons~~ 46673
~~requesting copies of the rules.~~ 46674

(D) The rule-making authority granted to the administrator 46675
under this section does not limit the commission's rule-making 46676
authority relative to its overall adjudicatory policy-making and 46677
management duties under this chapter and Chapters 4123., 4127., 46678
and 4131. of the Revised Code. The administrator shall not 46679
disregard any rule adopted by the commission, provided that the 46680
rule is within the commission's rule-making authority. 46681

Sec. 4123.20. The administrator of workers' compensation 46682
shall ~~cause to be printed, in proper form for distribution~~ make 46683
available electronically to the public, its classifications, 46684
rates, rules, and rules of procedure, and shall furnish the same 46685
to any person upon ~~application therefor, and the fact that the~~ 46686
~~classifications, rates, rules, and rules of procedure are printed~~ 46687
~~ready for distribution to all who apply for the same is a~~ 46688
~~sufficient publication of the same as required by this chapter~~ 46689
request. 46690

Sec. 4123.41. (A) By the first day of January of each year, 46691
the bureau of workers' compensation shall furnish to the county 46692
auditor of each county and the chief fiscal officer of each taxing 46693

district in a county and of each district activity and institution 46694
mentioned in section 4123.39 of the Revised Code forms containing 46695
the premium rates applicable to the county, district, district 46696
activity, or institution as an employer, on which to report the 46697
amount of money expended by the county, district, district 46698
activity, or institution during the previous twelve calendar 46699
months for the services of employees under this chapter. 46700

(B) Each county auditor and each fiscal officer of a 46701
district, district activity, and institution shall calculate on 46702
the form it receives from the bureau under division (A) of this 46703
section the premium due as its proper contribution to the public 46704
insurance fund and issue a warrant in favor of the bureau for the 46705
amount due from the county, district, district activity, or 46706
institution to the public insurance fund according to the 46707
following schedule: 46708

(1) On or before the fifteenth day of May of each year, no 46709
less than forty-five per cent of the amount due; 46710

(2) On or before the first day of September of each year, no 46711
less than the total amount due. 46712

(C) The legislative body of any county, district, district 46713
activity, or institution may reimburse the fund from which the 46714
~~contribution is~~ workers' compensation payments are made by 46715
transferring to the fund from any other fund of the county, 46716
district, district activity, or institution, the proportionate 46717
amount of the ~~contribution~~ payments that should be chargeable to 46718
the fund, whether the fund is derived from taxation or otherwise. 46719
The proportionate amount of the ~~contribution~~ payments chargeable 46720
to the fund may be based on payroll, relative exposure, relative 46721
loss experience, or any combination of these factors, as 46722
determined by the legislative body. ~~Within~~ 46723

(1) The workers' compensation program payments of any county, 46724

district, district activity, or institution may include any of the 46725
following: 46726

(a) All payments required by any bureau of workers' 46727
compensation rating plan; 46728

(b) Direct administrative costs incurred in the management of 46729
the county, district, district activity, or institution's workers' 46730
compensation program; 46731

(c) Indirect costs that are necessary and reasonable for the 46732
proper and efficient administration of the workers' compensation 46733
program as documented in a cost allocation plan. The indirect cost 46734
plan shall conform to the United States office of management and 46735
budget circular A-87 "cost principles for state and local 46736
governments," 2 C.F.R. 225, as most recently amended on May 10, 46737
2004. The plan shall not authorize payment from the fund of any 46738
general government expense required to carry out the overall 46739
governmental responsibilities. 46740

(2) Within sixty days before a legislative body changes the 46741
method used for calculating the proportionate amount of the 46742
~~contribution~~ payments chargeable to the fund, it shall notify, 46743
consult with, and give information supporting the change to any 46744
elected official affected by the change. A transfer made pursuant 46745
to division (B)(2) of this section is not subject to section 46746
5705.16 of the Revised Code. 46747

~~(C)~~(D) The bureau may investigate the correctness of the 46748
information provided by the county auditor and chief fiscal 46749
officer under division (B) of this section, and if the bureau 46750
determines at any time that the county, district, district 46751
activity, or institution has not reported the correct information, 46752
the administrator of workers' compensation may make deductions or 46753
additions as the facts warrant and take those facts into 46754
consideration in determining the current or future contributions 46755

to be made by the county, district, district activity, or 46756
institution. If the county, district, district activity, or 46757
institution does not furnish the report in the time required by 46758
this section, the administrator may fix the amount of contribution 46759
the county, district, district activity, or institution must make 46760
and certify that amount for payment. 46761

~~(D)~~(E) The administrator shall provide a discount to any 46762
county, district, district activity, or institution that pays its 46763
total amount due to the public insurance fund on or before the 46764
fifteenth day of May of each year as its proper contribution for 46765
premiums. The administrator shall base the discount provided under 46766
this division on the savings generated by the early payment to the 46767
public insurance fund. The administrator may provide the discount 46768
through a refund to the county, district, district activity, or 46769
institution or an offset against the future contributions due to 46770
the public insurance fund from the county, district, district 46771
activity, or institution. 46772

~~(E)~~(F) The administrator may impose an interest penalty for 46773
late payment of any amount due from a county, district, district 46774
activity, and institution at the interest rate established by the 46775
state tax commissioner pursuant to section 5703.47 of the Revised 46776
Code. 46777

Sec. 4163.07. (A)(1) Prior to transporting any high-level 46778
radioactive waste, spent nuclear fuel, transuranic waste, or any 46779
quantity of special nuclear material or by-product material that 46780
meets or exceeds the highway route controlled quantity, within, 46781
into, or through the state, the shipper of the material shall 46782
notify the executive director of the emergency management agency 46783
established under section 5502.22 of the Revised Code of the 46784
shipment. The notice shall be in writing and be sent by certified 46785
mail and shall include the name of the shipper; the name of the 46786

carrier; the type and quantity of the material; the transportation 46787
mode of the shipment; the proposed date and time of shipment of 46788
the material within, into, or through the state; and the starting 46789
point, termination or exit point, scheduled route, and each 46790
alternate route, if any, of the shipment. In order to constitute 46791
effective notification under division (A)(1) of this section, 46792
notification shall be received by the executive director at least 46793
four days prior to shipment within, into, or through the state. 46794

(2) The carrier or shipper of any shipment subject to 46795
division (A)(1) of this section shall immediately notify the 46796
executive director of any change in the date and time of the 46797
shipment or in the route of the shipment within, into, or through 46798
the state. 46799

(B) Upon receipt of a notice of any shipment of material that 46800
is subject to division (A)(1) of this section within, into, or 46801
through the state, the executive director of the emergency 46802
management agency shall immediately notify the director of public 46803
safety, the director of environmental protection, the director of 46804
health, the chairperson of the public utilities commission, and 46805
the county emergency management agency and sheriff of each county 46806
along the proposed route, or any alternate route, of the shipment. 46807

(C) The executive director of the emergency management agency 46808
shall not disclose to any person other than those persons 46809
enumerated in division (B) of this section any information 46810
pertaining to any shipment of special nuclear material or 46811
by-product material prior to the time that the shipment is 46812
completed. 46813

(D) This section does not apply to radioactive materials, 46814
other than by-products, shipped by or for the United States 46815
department of defense and United States department of energy for 46816
military or national defense purposes. Nothing in this section 46817
requires the disclosure of any defense information or restricted 46818

data as defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 46819
42 U.S.C. 2011, as amended. 46820

(E) No person shall transport or cause to be transported 46821
within, into, or through the state any material that is subject to 46822
division (A)(1) of this section without first providing the notice 46823
required in that division. 46824

(F) Whoever violates division (E) of this section, in 46825
addition to any penalty imposed under section 4163.99 of the 46826
Revised Code, is liable for a civil penalty in an amount not to 46827
exceed the following, as applicable: 46828

(1) Twenty-five thousand dollars for a motor carrier, as 46829
defined in section 4923.01 of the Revised Code; 46830

(2) Forty-five thousand dollars for the first cask designated 46831
for transport by rail and thirty thousand dollars for each 46832
additional cask designated for transport by rail that is shipped 46833
by the same person or entity in the same shipment. 46834

The attorney general, upon the request of the executive 46835
director of the emergency management agency, shall bring a civil 46836
action to collect the penalty. Fines collected pursuant to this 46837
section shall be deposited into the state treasury to the credit 46838
of the ~~radioactive waste~~ public utilities transportation safety 46839
fund created in section ~~4905.801~~ 4921.21 of the Revised Code. 46840

Sec. 4169.02. (A) For the purposes of regulating the 46841
construction, maintenance, mechanical operation, and inspection of 46842
passenger tramways that are associated with ski areas and of 46843
registering operators of passenger tramways in this state, there 46844
is hereby established in the division of ~~labor~~ industrial 46845
compliance in the department of commerce a ski tramway board to be 46846
appointed by the governor, with the advice and consent of the 46847
senate. The board shall consist of three members, one of whom 46848

shall be a public member who is an experienced skier and familiar 46849
with ski areas in this state, one of whom shall be a ski area 46850
operator actively engaged in the business of recreational skiing 46851
in this state, and one of whom shall be a professional engineer 46852
who is knowledgeable in the design or operation of passenger 46853
tramways. 46854

Of the initial appointments, one member shall be appointed 46855
for a term of one year, one for a term of two years, and one for a 46856
term of three years. The member appointed to the term beginning on 46857
July 1, 1996, shall be appointed to a term ending on June 30, 46858
1997; the member appointed to a term beginning on July 1, 1997, 46859
shall be appointed to a term ending on June 30, 1999; and the 46860
member appointed to a term beginning on July 1, 1998, shall be 46861
appointed to a term ending on June 30, 2001. Thereafter, each of 46862
the members shall be appointed for a term of six years. Each 46863
member shall hold office from the date of appointment until the 46864
end of the term for which the member was appointed. In the event 46865
of a vacancy, the governor, with the advice and consent of the 46866
senate, shall appoint a successor who shall hold office for the 46867
remainder of the term for which the successor's predecessor was 46868
appointed. A member shall continue in office subsequent to the 46869
expiration date of the member's term until the member's successor 46870
takes office or until a period of sixty days has elapsed, 46871
whichever occurs first. The board shall elect a chairperson from 46872
its members. 46873

The governor may remove any member of the board at any time 46874
for misfeasance, nonfeasance, or malfeasance in office after 46875
giving the member a copy of the charges against the member and an 46876
opportunity to be heard publicly in person or by counsel in the 46877
member's defense. Any such act of removal by the governor is 46878
final. A statement of the findings of the governor, the reason for 46879
the governor's action, and the answer, if any, of the member shall 46880

be filed by the governor with the secretary of state and shall be 46881
open to public inspection. 46882

Members of the board shall be paid two hundred fifty dollars 46883
for each meeting that the member attends, except that no member 46884
shall be paid or receive more than seven hundred fifty dollars for 46885
attending meetings during any calendar year. Each member shall be 46886
reimbursed for the member's actual and necessary expenses incurred 46887
in the performance of official board duties. The chairperson shall 46888
be paid two hundred fifty dollars annually in addition to any 46889
compensation the chairperson receives under this division for 46890
attending meetings and any other compensation the chairperson 46891
receives for serving on the board. 46892

The division shall provide the board with such offices and 46893
such clerical, professional, and other assistance as may be 46894
reasonably necessary for the board to carry on its work. The 46895
division shall maintain accurate copies of the board's rules as 46896
promulgated in accordance with division (B) of this section and 46897
shall keep all of the board's records, including business records, 46898
and inspection reports as well as its own records and reports. The 46899
cost of administering the board and conducting inspections shall 46900
be included in the budget of the division based on revenues 46901
generated by the registration fees established under section 46902
4169.03 of the Revised Code. 46903

(B) In accordance with Chapter 119. of the Revised Code, the 46904
board shall adopt and may amend or rescind rules relating to 46905
public safety in the construction, maintenance, mechanical 46906
operation, and inspection of passenger tramways. The rules shall 46907
be in accordance with established standards in the business of ski 46908
area operation, if any, and shall not discriminate in their 46909
application to ski area operators. 46910

No person shall violate the rules of the board. 46911

(C) The authority of the board shall not extend to any matter 46912
relative to the operation of a ski area other than the 46913
construction, maintenance, mechanical operation, and inspection of 46914
passenger tramways. 46915

(D) A majority of the board constitutes a quorum and may 46916
perform and exercise all the duties and powers devolving upon the 46917
board. 46918

Sec. 4169.03. (A) Before a passenger tramway operator may 46919
operate any passenger tramway in the state, the operator shall 46920
apply to the ski tramway board, on forms prepared by it, for 46921
registration by the board. The application shall contain an 46922
inventory of the passenger tramways that the applicant intends to 46923
operate and other information as the board may reasonably require 46924
and shall be accompanied by the following annual fees: 46925

- (1) Each aerial passenger tramway, five hundred dollars; 46926
- (2) Each skimobile, two hundred dollars; 46927
- (3) Each chair lift, two hundred dollars; 46928
- (4) Each J bar, T bar, or platter pull, one hundred dollars; 46929
- (5) Each rope tow, fifty dollars; 46930
- (6) Each wire rope tow, seventy-five dollars; 46931
- (7) Each conveyor, one hundred dollars. 46932

When an operator operates an aerial passenger tramway, a 46933
skimobile, or a chair lift during both a winter and summer season, 46934
the annual fee shall be one and one-half the above amount for the 46935
respective passenger tramway. 46936

(B) Upon payment of the appropriate annual fees in accordance 46937
with division (A) of this section, the board shall issue a 46938
registration certificate to the operator. Each certificate shall 46939
remain in force until the thirtieth day of September next ensuing. 46940

The board shall renew an operator's certificate in accordance with 46941
the standard renewal procedure in Chapter 4745. of the Revised 46942
Code upon payment of the appropriate annual fees. 46943

(C) Money received from the registration fees and from the 46944
fines collected pursuant to section 4169.99 of the Revised Code 46945
shall be paid into the state treasury to the credit of the ~~labor~~ 46946
industrial compliance operating fund created in section 121.084 of 46947
the Revised Code. 46948

(D) No person shall operate a passenger tramway in this state 46949
unless the person has been registered by the board. 46950

Sec. 4169.04. (A) The division of ~~labor~~ industrial compliance 46951
in the department of commerce shall make such inspection of the 46952
construction, maintenance, and mechanical operation of passenger 46953
tramways as the ski tramway board may reasonably require. The 46954
division may contract with other qualified engineers to make such 46955
inspection or may accept the inspection report by any qualified 46956
inspector of an insurance company authorized to insure passenger 46957
tramways in this state. 46958

(B) If, as the result of an inspection, an employee of the 46959
division or other agent with whom the division has contracted 46960
finds that a violation of the board's rules exists or a condition 46961
in passenger tramway construction, maintenance, or mechanical 46962
operation exists that endangers public safety, the employee or 46963
agent shall make an immediate report to the board for appropriate 46964
investigation and order. 46965

Sec. 4171.04. (A) Before a person may operate any roller 46966
skating rink in the state, the person shall: 46967

(1) Apply to the superintendent of ~~labor~~ industrial 46968
compliance in the department of commerce on forms designated by 46969
the superintendent for a certificate of registration; 46970

(2) Provide an inventory of all the roller skating rinks that the applicant intends to operate, and any other information the superintendent may reasonably require on the application;

(3) Include with the application a registration fee of twenty-five dollars for each roller skating rink to be operated by the applicant.

(B) Upon compliance with division (A) of this section, the superintendent shall issue a certificate of registration to the operator for each roller skating rink to be operated by the applicant. Each certificate shall remain in force as follows:

(1) Until the thirty-first day of December next ensuing; or

(2) For sixty days after the dissolution of a partnership.

(C) In case of the dissolution of a partnership by death, the surviving partner or partners may operate a roller skating rink pursuant to the certificate of registration obtained by the partnership in accordance with this chapter for a period of sixty days following dissolution. The heirs or representatives of deceased persons and receivers or trustees in bankruptcy appointed by any competent authority may operate under the certificate of registration of the person succeeded in possession.

(D) The superintendent shall renew an operator's certificate of registration in accordance with the standard license renewal procedure set forth in Chapter 4745. of the Revised Code upon payment of a renewal fee of twenty-five dollars for each roller skating rink to be operated by the applicant.

(E) Money received from the registration and renewal fees collected pursuant to this chapter shall be paid into the state treasury to the credit of the ~~labor~~ industrial compliance operating fund created in section 121.084 of the Revised Code.

Sec. 4301.30. (A) All fees collected by the division of

liquor control shall be deposited in the state treasury to the 47001
credit of the undivided liquor permit fund, which is hereby 47002
created, at the time prescribed under section 4301.12 of the 47003
Revised Code. Each payment shall be accompanied by a statement 47004
showing separately the amount collected for each class of permits 47005
in each municipal corporation and in each township outside the 47006
limits of any municipal corporation in such township. ~~An~~ 47007

(B)(1) An amount equal to forty-five per cent of the fund 47008
shall be paid from the fund into the state liquor regulatory fund, 47009
which is hereby created in the state treasury. The state liquor 47010
regulatory fund shall be used to pay the operating expenses of the 47011
division of liquor control in administering and enforcing Title 47012
XLIII of the Revised Code and the operating expenses of the liquor 47013
control commission. Investment earnings of the fund shall be 47014
credited to the fund. 47015

(2) Whenever, in the judgment of the director of budget and 47016
management, the amount of money that is in the state liquor 47017
regulatory fund is in excess of the amount that is needed to pay 47018
the operating expenses of the division in administering and 47019
enforcing Title XLIII of the Revised Code and the operating 47020
expenses of the commission, the director shall credit the excess 47021
amount to the general revenue fund. 47022

(C) Twenty per cent of the undivided liquor permit fund shall 47023
be paid into the statewide treatment and prevention fund, which is 47024
hereby created in the state treasury. This amount shall be 47025
appropriated by the general assembly, together with an amount 47026
equal to one and one-half per cent of the gross profit of the 47027
division of liquor control derived under division (B)(4) of 47028
section 4301.10 of the Revised Code, to the department of alcohol 47029
and drug addiction services. In planning for the allocation of and 47030
in allocating these amounts for the purposes of Chapter 3793. of 47031
the Revised Code, the department of alcohol and drug addiction 47032

services shall comply with the nondiscrimination provisions of 47033
Title VI of the Civil Rights Act of 1964, and any rules adopted 47034
under that act. 47035

(D) Thirty-five per cent of the undivided liquor permit fund 47036
shall be distributed by the superintendent of liquor control at 47037
quarterly calendar periods as follows: 47038

~~(A)~~(1) To each municipal corporation, the aggregate amount 47039
shown by the statements to have been collected from permits in the 47040
municipal corporation, for the use of the general fund of the 47041
municipal corporation; 47042

~~(B)~~(2) To each township, the aggregate amount shown by the 47043
statements to have been collected from permits in its territory, 47044
outside the limits of any municipal corporation located in the 47045
township, for the use of the general fund of the township, or for 47046
fire protection purposes, including buildings and equipment in the 47047
township or in an established fire district within the township, 47048
to the extent that the funds are derived from liquor permits 47049
within the territory comprising such fire district. 47050

(E) For the purpose of the distribution required by this 47051
section, E, H, and D permits covering boats or vessels are deemed 47052
to have been issued in the municipal corporation or township 47053
wherein the owner or operator of the vehicle, boat, vessel, or 47054
dining car equipment to which the permit relates has the owner's 47055
or operator's principal office or place of business within the 47056
state. 47057

(F) If the liquor control commission determines that the 47058
police or other officers of any municipal corporation or township 47059
entitled to share in ~~such~~ distributions under this section are 47060
refusing or culpably neglecting to enforce this chapter and 47061
Chapter 4303. of the Revised Code, or the penal laws of this state 47062
relating to the manufacture, importation, transportation, 47063

distribution, and sale of beer and intoxicating liquors, or if the prosecuting officer of a municipal corporation or a municipal court fails to comply with the request of the commission authorized by division (A)(4) of section 4301.10 of the Revised Code, the commission, by certified mail, may notify the chief executive officer of the municipal corporation or the board of township trustees of the township of the failure and require the immediate cooperation of the responsible officers of the municipal corporation or township with the division of liquor control in the enforcement of those chapters and penal laws. Within thirty days after the notice is served, the commission shall determine whether the requirement has been complied with. If the commission determines that the requirement has not been complied with, it may issue an order to the superintendent to withhold the distributive share of the municipal corporation or township until further order of the commission. This action of the commission is reviewable within thirty days thereafter in the court of common pleas of Franklin county.

(G) All fees collected by the division of liquor control from the issuance or renewal of B-2a and S permits, and paid by B-2a and S permit holders who do not also hold A-2 permits, shall be deposited in the state treasury to the credit of the state liquor control regulatory fund. Once during each fiscal year, an amount equal to fifty per cent of the fees collected shall be paid from the state liquor control regulatory fund into the general revenue fund.

Sec. 4301.42. For the purpose of providing revenue for the support of the state, a tax is hereby levied on the sale of beer in sealed bottles and cans having twelve ounces or less of liquid content, at the rate of fourteen one-hundredths of one cent on each ounce of liquid content or fractional part of each ounce of liquid content, and on such containers in excess of twelve ounces,

at the rate of eighty-four one-hundredths of one cent on each six 47096
ounces of liquid content or fractional part of each six ounces of 47097
liquid content. Sections 4307.01 to 4307.12 of the Revised Code 47098
apply in the administration of that tax. Manufacturers, bottlers, 47099
and canners of ~~and wholesale dealers in beer,~~ wholesale dealers in 47100
beer, and S permit holders have the duty to pay the tax imposed by 47101
this section and are entitled to the privileges in the manner 47102
provided in section 4303.33 of the Revised Code. 47103

Sec. 4303.22. Permit H may be issued for a fee of three 47104
hundred dollars to a for-hire motor carrier ~~by motor vehicle~~ who 47105
~~also~~ holds a license issued by the public utilities commission to 47106
transport beer, intoxicating liquor, and alcohol, or any of them, 47107
in this state for delivery or use in this state. This section does 47108
not prevent the division of liquor control from contracting with 47109
~~common or contract~~ for-hire motor carriers for the delivery or 47110
transportation of liquor for the division, and any ~~contract or~~ 47111
~~common~~ for-hire motor carrier so contracting with the division is 47112
eligible for an H permit. Manufacturers or wholesale distributors 47113
of beer or intoxicating liquor other than spirituous liquor who 47114
transport or deliver their own products to or from their premises 47115
licensed under this chapter and Chapter 4301. of the Revised Code 47116
by their own trucks as an incident to the purchase or sale of such 47117
beverages need not obtain an H permit. Carriers by rail shall 47118
receive an H permit upon application for it. 47119

This section does not prevent the division from issuing, upon 47120
the payment of the permit fee, an H permit to any person, 47121
partnership, firm, or corporation licensed by any other state to 47122
engage in the business of manufacturing and brewing or producing 47123
beer, wine, and mixed beverages or any person, partnership, firm, 47124
or corporation licensed by the United States or any other state to 47125
engage in the business of importing beer, wine, and mixed 47126

beverages manufactured outside the United States. The 47127
manufacturer, brewer, or importer of products manufactured outside 47128
the United States, upon the issuance of an H permit, may 47129
transport, ship, and deliver only its own products to holders of 47130
B-1 or B-5 permits in Ohio in motor trucks and equipment owned and 47131
operated by such class H permit holder. No H permit shall be 47132
issued by the division to such applicant until the applicant files 47133
with the division a liability insurance certificate or policy 47134
satisfactory to the division, in a sum of not less than one 47135
thousand nor more than five thousand dollars for property damage 47136
and for not less than five thousand nor more than fifty thousand 47137
dollars for loss sustained by reason of injury or death and with 47138
such other terms as the division considers necessary to adequately 47139
protect the interest of the public, having due regard for the 47140
number of persons and amount of property affected. The certificate 47141
or policy shall insure the manufacturer, brewer, or importer of 47142
products manufactured outside the United States against loss 47143
sustained by reason of the death of or injury to persons, and for 47144
loss of or damage to property, from the negligence of such class H 47145
permit holder in the operation of its motor vehicles or equipment 47146
in this state. 47147

Sec. 4303.33. (A) Every A-1 permit holder in this state, 47148
every bottler, importer, wholesale dealer, broker, producer, or 47149
manufacturer of beer outside this state and within the United 47150
States, and every B-1 permit holder and importer importing beer 47151
from any manufacturer, bottler, person, or group of persons 47152
however organized outside the United States for sale or 47153
distribution for sale in this state, on or before the eighteenth 47154
day of each month, shall make and file with the tax commissioner 47155
upon a form prescribed by the tax commissioner an advance tax 47156
payment in an amount estimated to equal the taxpayer's tax 47157
liability for the month in which the advance tax payment is made. 47158

If the advance tax payment credits claimed on the report are for 47159
advance tax payments received by the tax commissioner on or before 47160
the eighteenth day of the month covered by the report, the 47161
taxpayer is entitled to an additional credit of three per cent of 47162
the advance tax payment and a discount of three per cent shall be 47163
allowed the taxpayer at the time of filing the report if filed as 47164
provided in division (B) of this section on any amount by which 47165
the tax liability reflected in the report exceeds the advance tax 47166
payment estimate by not more than ten per cent. The additional 47167
three per cent credit and three per cent discount shall be in 47168
consideration for advancing the payment of the tax and other 47169
services performed by the permit holder and other taxpayers in the 47170
collection of the tax. 47171

"Advance tax payment credit" means credit for payments made 47172
by an A-1 or B-1 permit holder and any other persons during the 47173
period covered by a report which was made in anticipation of the 47174
tax liability required to be reported on that report. 47175

"Tax liability" as used in division (A) of this section means 47176
the total gross tax liability of an A-1 or B-1 permit holder and 47177
any other persons for the period covered by a report before any 47178
allowance for credits and discount. 47179

(B) Every A-1 permit holder in this state, every bottler, 47180
importer, wholesale dealer, broker, producer, or manufacturer of 47181
beer outside this state and within the United States, ~~and~~ every 47182
B-1 permit holder importing beer from any manufacturer, bottler, 47183
person, or group of persons however organized outside the United 47184
States, and every S permit holder, on or before the tenth day of 47185
each month, shall make and file a report for the preceding month 47186
upon a form prescribed by the tax commissioner which report shall 47187
show the amount of beer produced, sold, and distributed for sale 47188
in this state by the A-1 permit holder, sold and distributed for 47189
sale in this state by each manufacturer, bottler, importer, 47190

wholesale dealer, or broker outside this state and within the 47191
United States, ~~and~~ the amount of beer imported into this state 47192
from outside the United States and sold and distributed for sale 47193
in this state by the B-1 permit holder or importer, and the amount 47194
of beer sold in this state by the S permit holder. 47195

The report shall be filed by mailing it to the tax 47196
commissioner, together with payment of the tax levied by sections 47197
4301.42 and 4305.01 of the Revised Code shown to be due on the 47198
report after deduction of advance payment credits and any 47199
additional credits or discounts provided for under this section. 47200

(C)(1) Every A-2, A-4, B-2, B-2a, B-3, B-4, B-5, and S permit 47201
holder in this state, on or before the eighteenth day of each 47202
month, shall make and file a report with the tax commissioner upon 47203
a form prescribed by the tax commissioner which report shall show, 47204
on the report of each A-2, A-4, B-2a, and S permit holder the 47205
amount of wine, cider, and mixed beverages produced and sold, or 47206
sold in this state by each such A-2, A-4, B-2a, and S permit 47207
holder for the next preceding calendar month and such other 47208
information as the tax commissioner requires, and on the report of 47209
each such B-2, B-3, B-4, and B-5 permit holder the amount of wine, 47210
cider, and mixed beverages purchased from an importer, broker, 47211
wholesale dealer, producer, or manufacturer located outside this 47212
state and sold and distributed in this state by such B-2, B-3, 47213
B-4, and B-5 permit holder, for the next preceding calendar month 47214
and such other information as the tax commissioner requires. 47215

(2) Every such A-2, A-4, B-2, B-2a, B-3, B-4, B-5, and S 47216
permit holder in this state shall remit with the report the tax 47217
levied by sections 4301.43 and, if applicable, 4301.432 of the 47218
Revised Code less a discount thereon of three per cent of the 47219
total tax so levied and paid, provided the return is filed 47220
together with remittance of the amount of tax shown to be due 47221
thereon, within the time prescribed. Any permit holder or other 47222

persons who fail to file a report under this section, for each day 47223
the person so fails, may be required to forfeit and pay into the 47224
state treasury the sum of one dollar as revenue arising from the 47225
tax imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of 47226
the Revised Code, and that sum may be collected by assessment in 47227
the manner provided in section 4305.13 of the Revised Code. 47228

(3) If the tax commissioner determines that the quantity 47229
reported by a person does not warrant monthly reporting, the 47230
commissioner may authorize the filing of returns and the payment 47231
of the tax required by this section for periods longer than one 47232
month. 47233

(D) Every B-1 permit holder and importer in this state 47234
importing beer from any manufacturer, bottler, person, or group of 47235
persons however organized, outside the United States, if required 47236
by the tax commissioner shall post a bond payable to the state in 47237
such form and amount as the commissioner prescribes with surety to 47238
the satisfaction of the tax commissioner, conditioned upon the 47239
payment to the tax commissioner of taxes levied by sections 47240
4301.42 and 4305.01 of the Revised Code. 47241

(E) No such wine, beer, cider, or mixed beverages sold or 47242
distributed in this state shall be taxed more than once under 47243
sections 4301.42, 4301.43, and 4305.01 of the Revised Code. 47244

(F) As used in this section: 47245

(1) "Cider" has the same meaning as in section 4301.01 of the 47246
Revised Code. 47247

(2) "Wine" has the same meaning as in section 4301.01 of the 47248
Revised Code, except that "wine" does not include cider. 47249

(G) All money collected by the tax commissioner under this 47250
section shall be paid to the treasurer of state as revenue arising 47251
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 47252
4305.01 of the Revised Code. 47253

Sec. 4313.02. (A) The state may transfer to JobsOhio, and 47254
JobsOhio may accept the transfer of, all or a portion of the 47255
enterprise acquisition project for a transfer price payable by 47256
JobsOhio to the state. Any such transfer shall be treated as an 47257
absolute conveyance and true sale of the interest in the 47258
enterprise acquisition project purported to be conveyed for all 47259
purposes, and not as a pledge or other security interest. The 47260
characterization of any such transfer as a true sale and absolute 47261
conveyance shall not be negated or adversely affected by the 47262
acquisition or retention by the state of a residual or 47263
reversionary interest in the enterprise acquisition project, the 47264
participation of any state officer or employee as a member or 47265
officer of, or contracting for staff support to, JobsOhio or any 47266
subsidiary of JobsOhio, any regulatory responsibility of an 47267
officer or employee of the state, including the authority to 47268
collect amounts to be received in connection therewith, the 47269
retention of the state of any legal title to or interest in any 47270
portion of the enterprise acquisition project for the purpose of 47271
regulatory activities, or any characterization of JobsOhio or 47272
obligations of JobsOhio under accounting, taxation, or securities 47273
regulations, or any other reason whatsoever. An absolute 47274
conveyance and true sale or lease shall exist under this section 47275
regardless of whether JobsOhio has any recourse against the state 47276
or the treatment or characterization of the transfer as a 47277
financing for any purpose. Upon and following the transfer, the 47278
state shall not have any right, title, or interest in the 47279
enterprise acquisition project so transferred other than any 47280
residual interest that may be described in the transfer agreement 47281
pursuant to the following paragraph and division (D) of this 47282
section. Any determination of the fair market value of the 47283
enterprise acquisition project reflected in the transfer agreement 47284
shall be conclusive and binding on the state and JobsOhio. 47285

Any transfer of the enterprise acquisition project that is a 47286
lease or grant of a franchise shall be for a term not to exceed 47287
twenty-five years. Any transfer of the enterprise acquisition 47288
project that is an assignment and sale, conveyance, or other 47289
transfer shall contain a provision that the state shall have the 47290
option to have conveyed or transferred back to it, at no cost, the 47291
enterprise acquisition project, as it then exists, no later than 47292
twenty-five years after the original transfer authorized in the 47293
transfer agreement on such other terms as shall be provided in the 47294
transfer agreement. 47295

The exercise of the powers granted by this section will be 47296
for the benefit of the people of the state. All or any portion of 47297
the enterprise acquisition project transferred pursuant to the 47298
transfer agreement that would be exempt from real property taxes 47299
or assessments or real property taxes or assessments in the 47300
absence of such transfer shall, as it may from time to time exist 47301
thereafter, remain exempt from real property taxes or assessments 47302
levied by the state and its subdivisions to the same extent as if 47303
not transferred. The gross receipts and income of JobsOhio derived 47304
from the enterprise acquisition project shall be exempt from 47305
taxation levied by the state and its subdivisions, including, but 47306
not limited to, the taxes levied pursuant to Chapters 718., 5739., 47307
5741., 5747., and 5751. of the Revised Code. Any transfer from the 47308
state to JobsOhio of the enterprise acquisition project, or item 47309
included or to be included in the project, shall be exempt from 47310
the taxes levied pursuant to Chapters 5739. and 5741. of the 47311
Revised Code. 47312

(B) The proceeds of any transfer under division (A) of this 47313
section may be expended as provided in the transfer agreement for 47314
any one or more of the following purposes: 47315

(1) Funding, payment, or defeasance of outstanding bonds 47316
issued pursuant to Chapters 151. and 166. of the Revised Code and 47317

secured by pledged liquor profits as defined in section 151.40 of the Revised Code; 47318
47319

(2) Deposit into the general revenue fund; 47320

(3) Deposit into the clean Ohio revitalization fund created pursuant to section 122.658 of the Revised Code, the innovation Ohio loan fund created pursuant to section 166.16 of the Revised Code, the research and development loan fund created pursuant to section 166.20 of the Revised Code, the logistics and distribution infrastructure fund created pursuant to section 166.26 of the Revised Code, the advanced energy research and development fund created pursuant to section 3706.27 of the Revised Code, and the advanced energy research and development taxable fund created pursuant to section 3706.27 of the Revised Code; 47321
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(4) Conveyance to JobsOhio for the purposes for which it was created. 47331
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(C)(1) The state may covenant, pledge, and agree in the transfer agreement, with and for the benefit of JobsOhio, that it shall maintain statutory authority for the enterprise acquisition project and the revenues of the enterprise acquisition project and not otherwise materially impair any obligations supported by a pledge of revenues of the enterprise acquisition project. The transfer agreement may provide or authorize the manner for determining material impairment of the security for any such outstanding obligations, including by assessing and evaluating the revenues of the enterprise acquisition project. 47333
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(2) The director of budget and management, in consultation with the director of commerce, may, without need for any other approval, negotiate terms of any documents, including the transfer agreement, necessary to effect the transfer and the acceptance of the transfer of the enterprise acquisition project. The director of budget and management and the director of commerce shall 47343
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execute the transfer agreement on behalf of the state. The 47349
director of budget and management may also, without need for any 47350
other approval, retain or contract for the services of commercial 47351
appraisers, underwriters, investment bankers, and financial 47352
advisers, as are necessary in the judgment of the director of 47353
budget and management to effect the transfer agreement. Any 47354
transfer agreement may contain terms and conditions established by 47355
the state to carry out and effectuate the purposes of this 47356
section, including, without limitation, covenants binding the 47357
state in favor of JobsOhio. Any such transfer agreement shall be 47358
sufficient to effectuate the transfer without regard to any other 47359
laws governing other property sales or financial transactions by 47360
the state. The director of budget and management may create any 47361
funds or accounts, within or without the state treasury, as are 47362
needed for the transactions and activities authorized by this 47363
section. 47364

(3) The transfer agreement may authorize JobsOhio, in the 47365
ordinary course of doing business, to convey, lease, release, or 47366
otherwise dispose of any regular inventory or tangible personal 47367
property. Ownership of the interest in the enterprise acquisition 47368
project that is transferred to JobsOhio under this section and the 47369
transfer agreement shall be maintained in JobsOhio or a nonprofit 47370
entity the sole member of which is JobsOhio until the enterprise 47371
acquisition project is transferred back to the state pursuant to 47372
the second paragraph of division (A) and division (D) of this 47373
section. 47374

(D) The transfer agreement may authorize JobsOhio to fix, 47375
alter, and collect rentals and other charges for the use and 47376
occupancy of all or any portion of the enterprise acquisition 47377
project and to lease any portion of the enterprise acquisition 47378
project to the state, and shall include a contract with, or the 47379
granting of an option to, the state to have the enterprise 47380

acquisition project, as it then exists, transferred back to it 47381
without charge in accordance with the terms of the transfer 47382
agreement after retirement or redemption, or provision therefor, 47383
of all obligations supported by a pledge of spirituous liquor 47384
profits. 47385

(E) JobsOhio, the director of budget and management, and the 47386
director of commerce shall, subject to approval by the controlling 47387
board, enter into a contract, which may be part of the transfer 47388
agreement, for the continuing operation by the division of liquor 47389
control of spirituous liquor distribution and merchandising 47390
subject to standards for performance provided in that contract 47391
that may relate to or support division (C)(1) of this section. The 47392
contract shall establish other terms and conditions for the 47393
assignment of duties to, and the provision of advice, services, 47394
and other assistance by, the division of liquor control, including 47395
providing for the necessary staffing and payment by JobsOhio of 47396
appropriate compensation to the division for the performance of 47397
such duties and the provision of such advice, services, and other 47398
assistance. The division of liquor control shall manage and 47399
actively supervise the activities required or authorized under 47400
sections 4301.10 and 4301.17 of the Revised Code as those sections 47401
exist on ~~the effective date of this section~~ September 29, 2011, 47402
including, but not limited to, controlling the traffic in 47403
intoxicating liquor in this state and fixing the wholesale and 47404
retail prices at which the various classes, varieties, and brands 47405
of spirituous liquor are sold. 47406

(F) The transfer agreement shall require JobsOhio to pay for 47407
the operations of the division of liquor control with regard to 47408
the spirituous liquor merchandising operations of the division. 47409
The payments from JobsOhio shall be deposited into the state 47410
treasury to the credit of the liquor ~~control~~ operating services 47411
fund ~~created in section 4301.12 of the Revised Code, which is~~ 47412

hereby created in the state treasury. The fund shall be used to 47413
pay for the operations of the division specified in this division. 47414

(G) The transaction and transfer provided for under this 47415
section shall comply with all applicable provisions of the Ohio 47416
Constitution. 47417

Sec. 4501.01. As used in this chapter and Chapters 4503., 47418
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 47419
Revised Code, and in the penal laws, except as otherwise provided: 47420

(A) "Vehicles" means everything on wheels or runners, 47421
including motorized bicycles, but does not mean electric personal 47422
assistive mobility devices, vehicles that are operated exclusively 47423
on rails or tracks or from overhead electric trolley wires, and 47424
vehicles that belong to any police department, municipal fire 47425
department, or volunteer fire department, or that are used by such 47426
a department in the discharge of its functions. 47427

(B) "Motor vehicle" means any vehicle, including mobile homes 47428
and recreational vehicles, that is propelled or drawn by power 47429
other than muscular power or power collected from overhead 47430
electric trolley wires. "Motor vehicle" does not include utility 47431
vehicles as defined in division (VV) of this section, motorized 47432
bicycles, road rollers, traction engines, power shovels, power 47433
cranes, and other equipment used in construction work and not 47434
designed for or employed in general highway transportation, 47435
well-drilling machinery, ditch-digging machinery, farm machinery, 47436
and trailers that are designed and used exclusively to transport a 47437
boat between a place of storage and a marina, or in and around a 47438
marina, when drawn or towed on a public road or highway for a 47439
distance of no more than ten miles and at a speed of twenty-five 47440
miles per hour or less. 47441

(C) "Agricultural tractor" and "traction engine" mean any 47442
self-propelling vehicle that is designed or used for drawing other 47443

vehicles or wheeled machinery, but has no provisions for carrying 47444
loads independently of such other vehicles, and that is used 47445
principally for agricultural purposes. 47446

(D) "Commercial tractor," except as defined in division (C) 47447
of this section, means any motor vehicle that has motive power and 47448
either is designed or used for drawing other motor vehicles, or is 47449
designed or used for drawing another motor vehicle while carrying 47450
a portion of the other motor vehicle or its load, or both. 47451

(E) "Passenger car" means any motor vehicle that is designed 47452
and used for carrying not more than nine persons and includes any 47453
motor vehicle that is designed and used for carrying not more than 47454
fifteen persons in a ridesharing arrangement. 47455

(F) "Collector's vehicle" means any motor vehicle or 47456
agricultural tractor or traction engine that is of special 47457
interest, that has a fair market value of one hundred dollars or 47458
more, whether operable or not, and that is owned, operated, 47459
collected, preserved, restored, maintained, or used essentially as 47460
a collector's item, leisure pursuit, or investment, but not as the 47461
owner's principal means of transportation. "Licensed collector's 47462
vehicle" means a collector's vehicle, other than an agricultural 47463
tractor or traction engine, that displays current, valid license 47464
tags issued under section 4503.45 of the Revised Code, or a 47465
similar type of motor vehicle that displays current, valid license 47466
tags issued under substantially equivalent provisions in the laws 47467
of other states. 47468

(G) "Historical motor vehicle" means any motor vehicle that 47469
is over twenty-five years old and is owned solely as a collector's 47470
item and for participation in club activities, exhibitions, tours, 47471
parades, and similar uses, but that in no event is used for 47472
general transportation. 47473

(H) "Noncommercial motor vehicle" means any motor vehicle, 47474

including a farm truck as defined in section 4503.04 of the Revised Code, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

(I) "Bus" means any motor vehicle that has motor power and is designed and used for carrying more than nine passengers, except any motor vehicle that is designed and used for carrying not more than fifteen passengers in a ridesharing arrangement.

(J) "Commercial car" or "truck" means any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor.

(K) "Bicycle" means every device, other than a tricycle that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which any person may ride, and that has two tandem wheels, or one wheel in front and two wheels in the rear, or two wheels in the front and one wheel in the rear, any of which is more than fourteen inches in diameter.

(L) "Motorized bicycle" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.

(M) "Trailer" means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between

a local place of storage or supply and the farm when drawn or 47506
towed on a public road or highway at a speed greater than 47507
twenty-five miles per hour, and a vehicle that is designed and 47508
used exclusively to transport a boat between a place of storage 47509
and a marina, or in and around a marina, when drawn or towed on a 47510
public road or highway for a distance of more than ten miles or at 47511
a speed of more than twenty-five miles per hour. "Trailer" does 47512
not include a manufactured home or travel trailer. 47513

(N) "Noncommercial trailer" means any trailer, except a 47514
travel trailer or trailer that is used to transport a boat as 47515
described in division (B) of this section, but, where applicable, 47516
includes a vehicle that is used to transport a boat as described 47517
in division (M) of this section, that has a gross weight of no 47518
more than ten thousand pounds, and that is used exclusively for 47519
purposes other than engaging in business for a profit, such as the 47520
transportation of personal items for personal or recreational 47521
purposes. 47522

(O) "Mobile home" means a building unit or assembly of closed 47523
construction that is fabricated in an off-site facility, is more 47524
than thirty-five body feet in length or, when erected on site, is 47525
three hundred twenty or more square feet, is built on a permanent 47526
chassis, is transportable in one or more sections, and does not 47527
qualify as a manufactured home as defined in division (C)(4) of 47528
section 3781.06 of the Revised Code or as an industrialized unit 47529
as defined in division (C)(3) of section 3781.06 of the Revised 47530
Code. 47531

(P) "Semitrailer" means any vehicle of the trailer type that 47532
does not have motive power and is so designed or used with another 47533
and separate motor vehicle that in operation a part of its own 47534
weight or that of its load, or both, rests upon and is carried by 47535
the other vehicle furnishing the motive power for propelling 47536
itself and the vehicle referred to in this division, and includes, 47537

for the purpose only of registration and taxation under those 47538
chapters, any vehicle of the dolly type, such as a trailer dolly, 47539
that is designed or used for the conversion of a semitrailer into 47540
a trailer. 47541

(Q) "Recreational vehicle" means a vehicular portable 47542
structure that meets all of the following conditions: 47543

(1) It is designed for the sole purpose of recreational 47544
travel. 47545

(2) It is not used for the purpose of engaging in business 47546
for profit. 47547

(3) It is not used for the purpose of engaging in intrastate 47548
commerce. 47549

(4) It is not used for the purpose of commerce as defined in 47550
49 C.F.R. 383.5, as amended. 47551

(5) It is not regulated by the public utilities commission 47552
pursuant to Chapter ~~4919~~ 4905., 4921., or 4923. of the Revised 47553
Code. 47554

(6) It is classed as one of the following: 47555

(a) "Travel trailer" means a nonself-propelled recreational 47556
vehicle that does not exceed an overall length of thirty-five 47557
feet, exclusive of bumper and tongue or coupling, and contains 47558
less than three hundred twenty square feet of space when erected 47559
on site. "Travel trailer" includes a tent-type fold-out camping 47560
trailer as defined in section 4517.01 of the Revised Code. 47561

(b) "Motor home" means a self-propelled recreational vehicle 47562
that has no fifth wheel and is constructed with permanently 47563
installed facilities for cold storage, cooking and consuming of 47564
food, and for sleeping. 47565

(c) "Truck camper" means a nonself-propelled recreational 47566
vehicle that does not have wheels for road use and is designed to 47567

be placed upon and attached to a motor vehicle. "Truck camper" 47568
does not include truck covers that consist of walls and a roof, 47569
but do not have floors and facilities enabling them to be used as 47570
a dwelling. 47571

(d) "Fifth wheel trailer" means a vehicle that is of such 47572
size and weight as to be movable without a special highway permit, 47573
that has a gross trailer area of four hundred square feet or less, 47574
that is constructed with a raised forward section that allows a 47575
bi-level floor plan, and that is designed to be towed by a vehicle 47576
equipped with a fifth-wheel hitch ordinarily installed in the bed 47577
of a truck. 47578

(e) "Park trailer" means a vehicle that is commonly known as 47579
a park model recreational vehicle, meets the American national 47580
standard institute standard A119.5 (1988) for park trailers, is 47581
built on a single chassis, has a gross trailer area of four 47582
hundred square feet or less when set up, is designed for seasonal 47583
or temporary living quarters, and may be connected to utilities 47584
necessary for the operation of installed features and appliances. 47585

(R) "Pneumatic tires" means tires of rubber and fabric or 47586
tires of similar material, that are inflated with air. 47587

(S) "Solid tires" means tires of rubber or similar elastic 47588
material that are not dependent upon confined air for support of 47589
the load. 47590

(T) "Solid tire vehicle" means any vehicle that is equipped 47591
with two or more solid tires. 47592

(U) "Farm machinery" means all machines and tools that are 47593
used in the production, harvesting, and care of farm products, and 47594
includes trailers that are used to transport agricultural produce 47595
or agricultural production materials between a local place of 47596
storage or supply and the farm, agricultural tractors, threshing 47597
machinery, hay-baling machinery, corn shellers, hammermills, and 47598

machinery used in the production of horticultural, agricultural, 47599
and vegetable products. 47600

(V) "Owner" includes any person or firm, other than a 47601
manufacturer or dealer, that has title to a motor vehicle, except 47602
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 47603
includes in addition manufacturers and dealers. 47604

(W) "Manufacturer" and "dealer" include all persons and firms 47605
that are regularly engaged in the business of manufacturing, 47606
selling, displaying, offering for sale, or dealing in motor 47607
vehicles, at an established place of business that is used 47608
exclusively for the purpose of manufacturing, selling, displaying, 47609
offering for sale, or dealing in motor vehicles. A place of 47610
business that is used for manufacturing, selling, displaying, 47611
offering for sale, or dealing in motor vehicles shall be deemed to 47612
be used exclusively for those purposes even though snowmobiles or 47613
all-purpose vehicles are sold or displayed for sale thereat, even 47614
though farm machinery is sold or displayed for sale thereat, or 47615
even though repair, accessory, gasoline and oil, storage, parts, 47616
service, or paint departments are maintained thereat, or, in any 47617
county having a population of less than seventy-five thousand at 47618
the last federal census, even though a department in a place of 47619
business is used to dismantle, salvage, or rebuild motor vehicles 47620
by means of used parts, if such departments are operated for the 47621
purpose of furthering and assisting in the business of 47622
manufacturing, selling, displaying, offering for sale, or dealing 47623
in motor vehicles. Places of business or departments in a place of 47624
business used to dismantle, salvage, or rebuild motor vehicles by 47625
means of using used parts are not considered as being maintained 47626
for the purpose of assisting or furthering the manufacturing, 47627
selling, displaying, and offering for sale or dealing in motor 47628
vehicles. 47629

(X) "Operator" includes any person who drives or operates a 47630

motor vehicle upon the public highways. 47631

(Y) "Chauffeur" means any operator who operates a motor 47632
vehicle, other than a taxicab, as an employee for hire; or any 47633
operator whether or not the owner of a motor vehicle, other than a 47634
taxicab, who operates such vehicle for transporting, for gain, 47635
compensation, or profit, either persons or property owned by 47636
another. Any operator of a motor vehicle who is voluntarily 47637
involved in a ridesharing arrangement is not considered an 47638
employee for hire or operating such vehicle for gain, 47639
compensation, or profit. 47640

(Z) "State" includes the territories and federal districts of 47641
the United States, and the provinces of Canada. 47642

(AA) "Public roads and highways" for vehicles includes all 47643
public thoroughfares, bridges, and culverts. 47644

(BB) "Manufacturer's number" means the manufacturer's 47645
original serial number that is affixed to or imprinted upon the 47646
chassis or other part of the motor vehicle. 47647

(CC) "Motor number" means the manufacturer's original number 47648
that is affixed to or imprinted upon the engine or motor of the 47649
vehicle. 47650

(DD) "Distributor" means any person who is authorized by a 47651
motor vehicle manufacturer to distribute new motor vehicles to 47652
licensed motor vehicle dealers at an established place of business 47653
that is used exclusively for the purpose of distributing new motor 47654
vehicles to licensed motor vehicle dealers, except when the 47655
distributor also is a new motor vehicle dealer, in which case the 47656
distributor may distribute at the location of the distributor's 47657
licensed dealership. 47658

(EE) "Ridesharing arrangement" means the transportation of 47659
persons in a motor vehicle where the transportation is incidental 47660
to another purpose of a volunteer driver and includes ridesharing 47661

arrangements known as carpools, vanpools, and buspools. 47662

(FF) "Apportionable vehicle" means any vehicle that is used 47663
or intended for use in two or more international registration plan 47664
member jurisdictions that allocate or proportionally register 47665
vehicles, that is used for the transportation of persons for hire 47666
or designed, used, or maintained primarily for the transportation 47667
of property, and that meets any of the following qualifications: 47668

(1) Is a power unit having a gross vehicle weight in excess 47669
of twenty-six thousand pounds; 47670

(2) Is a power unit having three or more axles, regardless of 47671
the gross vehicle weight; 47672

(3) Is a combination vehicle with a gross vehicle weight in 47673
excess of twenty-six thousand pounds. 47674

"Apportionable vehicle" does not include recreational 47675
vehicles, vehicles displaying restricted plates, city pick-up and 47676
delivery vehicles, buses used for the transportation of chartered 47677
parties, or vehicles owned and operated by the United States, this 47678
state, or any political subdivisions thereof. 47679

(GG) "Chartered party" means a group of persons who contract 47680
as a group to acquire the exclusive use of a passenger-carrying 47681
motor vehicle at a fixed charge for the vehicle in accordance with 47682
the carrier's tariff, lawfully on file with the United States 47683
department of transportation, for the purpose of group travel to a 47684
specified destination or for a particular itinerary, either agreed 47685
upon in advance or modified by the chartered group after having 47686
left the place of origin. 47687

(HH) "International registration plan" means a reciprocal 47688
agreement of member jurisdictions that is endorsed by the American 47689
association of motor vehicle administrators, and that promotes and 47690
encourages the fullest possible use of the highway system by 47691
authorizing apportioned registration of fleets of vehicles and 47692

recognizing registration of vehicles apportioned in member 47693
jurisdictions. 47694

(II) "Restricted plate" means a license plate that has a 47695
restriction of time, geographic area, mileage, or commodity, and 47696
includes license plates issued to farm trucks under division (J) 47697
of section 4503.04 of the Revised Code. 47698

(JJ) "Gross vehicle weight," with regard to any commercial 47699
car, trailer, semitrailer, or bus that is taxed at the rates 47700
established under section 4503.042 or 4503.65 of the Revised Code, 47701
means the unladen weight of the vehicle fully equipped plus the 47702
maximum weight of the load to be carried on the vehicle. 47703

(KK) "Combined gross vehicle weight" with regard to any 47704
combination of a commercial car, trailer, and semitrailer, that is 47705
taxed at the rates established under section 4503.042 or 4503.65 47706
of the Revised Code, means the total unladen weight of the 47707
combination of vehicles fully equipped plus the maximum weight of 47708
the load to be carried on that combination of vehicles. 47709

(LL) "Chauffeured limousine" means a motor vehicle that is 47710
designed to carry nine or fewer passengers and is operated for 47711
hire on an hourly basis pursuant to a prearranged contract for the 47712
transportation of passengers on public roads and highways along a 47713
route under the control of the person hiring the vehicle and not 47714
over a defined and regular route. "Prearranged contract" means an 47715
agreement, made in advance of boarding, to provide transportation 47716
from a specific location in a chauffeured limousine at a fixed 47717
rate per hour or trip. "Chauffeured limousine" does not include 47718
any vehicle that is used exclusively in the business of funeral 47719
directing. 47720

(MM) "Manufactured home" has the same meaning as in division 47721
(C)(4) of section 3781.06 of the Revised Code. 47722

(NN) "Acquired situs," with respect to a manufactured home or 47723

a mobile home, means to become located in this state by the 47724
placement of the home on real property, but does not include the 47725
placement of a manufactured home or a mobile home in the inventory 47726
of a new motor vehicle dealer or the inventory of a manufacturer, 47727
remanufacturer, or distributor of manufactured or mobile homes. 47728

(OO) "Electronic" includes electrical, digital, magnetic, 47729
optical, electromagnetic, or any other form of technology that 47730
entails capabilities similar to these technologies. 47731

(PP) "Electronic record" means a record generated, 47732
communicated, received, or stored by electronic means for use in 47733
an information system or for transmission from one information 47734
system to another. 47735

(QQ) "Electronic signature" means a signature in electronic 47736
form attached to or logically associated with an electronic 47737
record. 47738

(RR) "Financial transaction device" has the same meaning as 47739
in division (A) of section 113.40 of the Revised Code. 47740

(SS) "Electronic motor vehicle dealer" means a motor vehicle 47741
dealer licensed under Chapter 4517. of the Revised Code whom the 47742
registrar of motor vehicles determines meets the criteria 47743
designated in section 4503.035 of the Revised Code for electronic 47744
motor vehicle dealers and designates as an electronic motor 47745
vehicle dealer under that section. 47746

(TT) "Electric personal assistive mobility device" means a 47747
self-balancing two non-tandem wheeled device that is designed to 47748
transport only one person, has an electric propulsion system of an 47749
average of seven hundred fifty watts, and when ridden on a paved 47750
level surface by an operator who weighs one hundred seventy pounds 47751
has a maximum speed of less than twenty miles per hour. 47752

(UU) "Limited driving privileges" means the privilege to 47753
operate a motor vehicle that a court grants under section 4510.021 47754

of the Revised Code to a person whose driver's or commercial 47755
driver's license or permit or nonresident operating privilege has 47756
been suspended. 47757

(VV) "Utility vehicle" means a self-propelled vehicle 47758
designed with a bed, principally for the purpose of transporting 47759
material or cargo in connection with construction, agricultural, 47760
forestry, grounds maintenance, lawn and garden, materials 47761
handling, or similar activities. "Utility vehicle" includes a 47762
vehicle with a maximum attainable speed of twenty miles per hour 47763
or less that is used exclusively within the boundaries of state 47764
parks by state park employees or volunteers for the operation or 47765
maintenance of state park facilities. 47766

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 47767
referred to in division (O) of section 4503.04, division (E) of 47768
section 4503.042, division (B) of section 4503.07, division (C)(1) 47769
of section 4503.10, division (D) of section 4503.182, division (A) 47770
of section 4503.19, division (D)(2) of section 4507.24, division 47771
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 47772
4505.111, 4506.08, 4506.09, 4507.23, 4508.05, ~~4923.12~~, and 5502.12 47773
of the Revised Code, and the taxes charged in section 4503.65 that 47774
are distributed in accordance with division (A)(2) of section 47775
4501.044 of the Revised Code unless otherwise designated by law, 47776
shall be deposited in the state treasury to the credit of the 47777
state highway safety fund, which is hereby created, and shall, 47778
after receipt of certifications from the commissioners of the 47779
sinking fund certifying that there are sufficient moneys to the 47780
credit of the highway obligations bond retirement fund created by 47781
section 5528.32 of the Revised Code to meet in full all payments 47782
of interest, principal, and charges for the retirement of highway 47783
obligations issued pursuant to Section 2i of Article VIII, Ohio 47784
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 47785
due and payable during the current calendar year, be used for the 47786

purpose of enforcing and paying the expenses of administering the 47787
law relative to the registration and operation of motor vehicles 47788
on the public roads or highways. Amounts credited to the fund may 47789
also be used to pay the expenses of administering and enforcing 47790
the laws under which such fees were collected. All investment 47791
earnings of the state highway safety fund shall be credited to the 47792
fund. 47793

Sec. 4503.031. (A)(1) If the registrar of motor vehicles 47794
determines that space is available at a deputy registrar's office, 47795
the clerk of the court of common pleas in the county where the 47796
deputy is located shall be given the opportunity to use the space 47797
for the purpose of carrying out the clerk's duties related to the 47798
titling of motor vehicles. Each clerk of the court of common pleas 47799
using space in a deputy registrar's office shall remit to the 47800
deputy a rental fee equal to the percentage of space occupied by 47801
the clerk in the deputy's office multiplied by the rental fee or 47802
mortgage cost paid for the entire deputy registrar's office plus a 47803
pro rata share of all utility costs. 47804

(2) If the clerk of the court of common pleas determines that 47805
space is available at any location at which the clerk has an 47806
office, the clerk shall inform the registrar of that fact and 47807
shall provide the registrar with all pertinent information about 47808
the available space. After giving due consideration to the 47809
locations of deputy registrar offices existing in the county in 47810
which the clerk of the court of common pleas is located, the 47811
registrar shall inform the appropriate deputy registrars, if any, 47812
of the available space of the clerk of the court of common pleas. 47813
Each such deputy registrar shall be given the opportunity to use 47814
the space for the purpose of carrying out the deputy registrar's 47815
duties. Each deputy registrar using space in the office of the 47816
clerk of a court of common pleas shall remit to the clerk a rental 47817
fee equal to the percentage of space occupied by the deputy 47818

registrar in the clerk's office multiplied by the rental fee or 47819
mortgage cost, if any, paid for the entire clerk's office plus a 47820
pro rata share of all utility costs. 47821

If no current deputy registrar elects to utilize the 47822
available space of the clerk of the court of common pleas, the 47823
registrar shall inform all persons who express an interest to the 47824
registrar in becoming a deputy registrar in that county of the 47825
available space of the clerk if the space in fact continues to be 47826
available. 47827

(3) A clerk of the court of common pleas and a deputy 47828
registrar may elect to occupy a location at which neither the 47829
clerk nor the deputy currently is an occupant. Any such 47830
arrangement is subject to the approval of the registrar, who shall 47831
give due consideration to all issues and aspects of the proposed 47832
arrangement, including security at the location and service to the 47833
public. 47834

(B) ~~The~~ When possible, as determined by the director of 47835
public safety and the registrar and the superintendent of the 47836
~~state highway patrol shall cooperate to the fullest extent~~ 47837
~~possible in locating,~~ a driver's license examination station shall 47838
be located at or near a deputy registrar's office. For each 47839
driver's license examination station located at a deputy 47840
registrar's office, the ~~superintendent of the state highway patrol~~ 47841
director shall remit to the deputy a rental fee equal to the 47842
percentage of space occupied for the driver's license examination 47843
station multiplied by the rental fee or mortgage cost paid for the 47844
entire deputy registrar's office plus a pro rata share of all 47845
utility costs. 47846

(C) During the regular business hours of deputy registrars, 47847
the registrar shall keep the central office open and sufficiently 47848
staffed to be able to respond to the technical needs of the 47849
deputies. 47850

(D) The registrar shall adopt rules to promote public 47851
information regarding motor vehicle registration. The rules shall 47852
include: 47853

(1) The operation by the registrar, during the regular 47854
business hours of deputy registrars, of a toll-free telephone 47855
number to give information and receive complaints; 47856

(2) The listing by the registrar, of each deputy registrar, 47857
together with the toll-free telephone number required under 47858
division (D)(1) of this section, in the local business and 47859
advertising telephone directory for the area served by the deputy, 47860
under the heading of the bureau of motor vehicles. 47861

Sec. 4503.061. (A) All manufactured and mobile homes shall be 47862
listed on either the real property tax list or the manufactured 47863
home tax list of the county in which the home has situs. Each 47864
owner shall follow the procedures in this section to identify the 47865
home to the county auditor of the county containing the taxing 47866
district in which the home has situs so that the auditor may place 47867
the home on the appropriate tax list. 47868

(B) When a manufactured or mobile home first acquires situs 47869
in this state and is subject to real property taxation pursuant to 47870
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 47871
owner shall present to the auditor of the county containing the 47872
taxing district in which the home has its situs the certificate of 47873
title for the home, together with proof that all taxes due have 47874
been paid and proof that a relocation notice was obtained for the 47875
home if required under this section. Upon receiving the 47876
certificate of title and the required proofs, the auditor shall 47877
place the home on the real property tax list and proceed to treat 47878
the home as other properties on that list. After the auditor has 47879
placed the home on the tax list of real and public utility 47880
property, the auditor shall deliver the certificate of title to 47881

the clerk of the court of common pleas that issued it pursuant to 47882
section 4505.11 of the Revised Code, and the clerk shall 47883
inactivate the certificate of title. 47884

(C)(1) When a manufactured or mobile home subject to a 47885
manufactured home tax is relocated to or first acquires situs in 47886
any county that has adopted a permanent manufactured home 47887
registration system, as provided in division (F) of this section, 47888
the owner, within thirty days after the home is relocated or first 47889
acquires situs under section 4503.06 of the Revised Code, shall 47890
register the home with the county auditor of the county containing 47891
the taxing district in which the home has its situs. For the first 47892
registration in each county of situs, the owner or vendee in 47893
possession shall present to the county auditor an Ohio certificate 47894
of title, certified copy of the certificate of title, or 47895
memorandum certificate of title as such are required by law, and 47896
proof, as required by the county auditor, that the home, if it has 47897
previously been occupied and is being relocated, has been 47898
previously registered, that all taxes due and required to be paid 47899
under division (H)(1) of this section before a relocation notice 47900
may be issued have been paid, and that a relocation notice was 47901
obtained for the home if required by division (H) of this section. 47902
If the owner or vendee does not possess the Ohio certificate of 47903
title, certified copy of the certificate of title, or memorandum 47904
certificate of title at the time the owner or vendee first 47905
registers the home in a county, the county auditor shall register 47906
the home without presentation of the document, but the owner or 47907
vendee shall present the certificate of title, certified copy of 47908
the certificate of title, or memorandum certificate of title to 47909
the county auditor within fourteen days after the owner or vendee 47910
obtains possession of the document. 47911

(2) When a manufactured or mobile home is registered for the 47912
first time in a county and when the total tax due has been paid as 47913

required by division (F) of section 4503.06 of the Revised Code or 47914
divisions (E) and (H) of this section, the county treasurer shall 47915
note by writing or by a stamp on the certificate of title, 47916
certified copy of certificate of title, or memorandum certificate 47917
of title that the home has been registered and that the taxes due, 47918
if any, have been paid for the preceding five years and for the 47919
current year. The treasurer shall then issue a certificate 47920
evidencing registration and a decal to be displayed on the street 47921
side of the home. The certificate is valid in any county in this 47922
state during the year for which it is issued. 47923

(3) For each year thereafter, the county treasurer shall 47924
issue a tax bill stating the amount of tax due under section 47925
4503.06 of the Revised Code, as provided in division (D)(6) of 47926
that section. When the total tax due has been paid as required by 47927
division (F) of that section, the county treasurer shall issue a 47928
certificate evidencing registration that shall be valid in any 47929
county in this state during the year for which the certificate is 47930
issued. 47931

(4) The permanent decal issued under this division is valid 47932
during the period of ownership, except that when a manufactured 47933
home is relocated in another county the owner shall apply for a 47934
new registration as required by this section and section 4503.06 47935
of the Revised Code. 47936

(D)(1) All owners of manufactured or mobile homes subject to 47937
the manufactured home tax being relocated to or having situs in a 47938
county that has not adopted a permanent registration system, as 47939
provided in division (F) of this section, shall register the home 47940
within thirty days after the home is relocated or first acquires 47941
situs under section 4503.06 of the Revised Code and thereafter 47942
shall annually register the home with the county auditor of the 47943
county containing the taxing district in which the home has its 47944
situs. 47945

(2) Upon the annual registration, the county treasurer shall 47946
issue a tax bill stating the amount of annual manufactured home 47947
tax due under section 4503.06 of the Revised Code, as provided in 47948
division (D)(6) of that section. When a manufactured or mobile 47949
home is registered and when the tax for the current one-half year 47950
has been paid as required by division (F) of that section, the 47951
county treasurer shall issue a certificate evidencing registration 47952
and a decal. The certificate and decal are valid in any county in 47953
this state during the year for which they are issued. The decal 47954
shall be displayed on the street side of the home. 47955

(3) For the first annual registration in each county of 47956
situs, the county auditor shall require the owner or vendee to 47957
present an Ohio certificate of title, certified copy of the 47958
certificate of title, or memorandum certificate of title as such 47959
are required by law, and proof, as required by the county auditor, 47960
that the manufactured or mobile home has been previously 47961
registered, if such registration was required, that all taxes due 47962
and required to be paid under division (H)(1) of this section 47963
before a relocation notice may be issued have been paid, and that 47964
a relocation notice was obtained for the home if required by 47965
division (H) of this section. If the owner or vendee does not 47966
possess the Ohio certificate of title, certified copy of the 47967
certificate of title, or memorandum certificate of title at the 47968
time the owner or vendee first registers the home in a county, the 47969
county auditor shall register the home without presentation of the 47970
document, but the owner or vendee shall present the certificate of 47971
title, certified copy of the certificate of title, or memorandum 47972
certificate of title to the county auditor within fourteen days 47973
after the owner or vendee obtains possession of the document. When 47974
the county treasurer receives the tax payment, the county 47975
treasurer shall note by writing or by a stamp on the certificate 47976
of title, certified copy of the certificate of title, or 47977
memorandum certificate of title that the home has been registered 47978

for the current year and that the manufactured home taxes due, if 47979
any, have been paid for the preceding five years and for the 47980
current year. 47981

(4) For subsequent annual registrations, the auditor may 47982
require the owner or vendee in possession to present an Ohio 47983
certificate of title, certified copy of the certificate of title, 47984
or memorandum certificate of title to the county treasurer upon 47985
payment of the manufactured home tax that is due. 47986

(E)(1) Upon the application to transfer ownership of a 47987
manufactured or mobile home for which manufactured home taxes are 47988
paid pursuant to division (C) of section 4503.06 of the Revised 47989
Code the clerk of the court of common pleas shall not issue any 47990
certificate of title that does not contain or have attached both 47991
of the following: 47992

(a) An endorsement of the county treasurer stating that the 47993
home has been registered for each year of ownership and that all 47994
manufactured home taxes imposed pursuant to section 4503.06 of the 47995
Revised Code have been paid or that no tax is due; 47996

(b) An endorsement of the county auditor that the 47997
manufactured home transfer tax imposed pursuant to section 322.06 47998
of the Revised Code and any fees imposed under division (G) of 47999
section 319.54 of the Revised Code have been paid. 48000

(2) If all the taxes have not been paid, the clerk shall 48001
notify the vendee to contact the county treasurer of the county 48002
containing the taxing district in which the home has its situs at 48003
the time of the proposed transfer. The county treasurer shall then 48004
collect all the taxes that are due for the year of the transfer 48005
and all previous years not exceeding a total of five years. The 48006
county treasurer shall distribute that part of the collection owed 48007
to the county treasurer of other counties if the home had its 48008
situs in another county during a particular year when the unpaid 48009

tax became due and payable. The burden to prove the situs of the 48010
home in the years that the taxes were not paid is on the 48011
transferor of the home. Upon payment of the taxes, the county 48012
auditor shall remove all remaining taxes from the manufactured 48013
home tax list and the delinquent manufactured home tax list, and 48014
the county treasurer shall release all liens for such taxes. The 48015
clerk of courts shall issue a certificate of title, free and clear 48016
of all liens for manufactured home taxes, to the transferee of the 48017
home. 48018

(3) Once the transfer is complete and the certificate of 48019
title has been issued, the transferee shall register the 48020
manufactured or mobile home pursuant to division (C) or (D) of 48021
this section with the county auditor of the county containing the 48022
taxing district in which the home remains after the transfer or, 48023
if the home is relocated to another county, with the county 48024
auditor of the county to which the home is relocated. The 48025
transferee need not pay the annual tax for the year of acquisition 48026
if the original owner has already paid the annual tax for that 48027
year. 48028

(F) The county auditor may adopt a permanent registration 48029
system and issue a permanent decal with the first registration as 48030
prescribed by the tax commissioner. 48031

(G) When any manufactured or mobile home required to be 48032
registered by this section is not registered, the county auditor 48033
shall impose a penalty of one hundred dollars upon the owner and 48034
deposit the amount to the credit of the county real estate 48035
assessment fund to be used to pay the costs of administering this 48036
section and section 4503.06 of the Revised Code. If unpaid, the 48037
penalty shall constitute a lien on the home and shall be added by 48038
the county auditor to the manufactured home tax list for 48039
collection. 48040

(H)(1) Except as otherwise provided in this division, before 48041

moving a manufactured or mobile home on public roads from one 48042
address within this state to another address within or outside 48043
this state, the owner of the home shall obtain a relocation 48044
notice, as provided by this section, from the auditor of the 48045
county in which the home is located if the home is currently 48046
subject to taxation pursuant to section 4503.06 of the Revised 48047
Code. The auditor shall charge five dollars for the notice, and 48048
deposit the amount to the credit of the county real estate 48049
assessment fund to be used to pay the costs of administering this 48050
section and section 4503.06 of the Revised Code. The auditor shall 48051
not issue a relocation notice unless all taxes owed on the home 48052
under section 4503.06 of the Revised Code that were first charged 48053
to the home during the period of ownership of the owner seeking 48054
the relocation notice have been paid. If the home is being moved 48055
by a new owner of the home or by a party taking repossession of 48056
the home, the auditor shall not issue a relocation notice unless 48057
all of the taxes due for the preceding five years and for the 48058
current year have been paid. A relocation notice issued by a 48059
county auditor is valid until the last day of December of the year 48060
in which it was issued. 48061

If the home is being moved by a sheriff, police officer, 48062
constable, bailiff, or manufactured home park operator, as defined 48063
in section ~~3733.01~~ 4781.01 of the Revised Code, or any agent of 48064
any of these persons, for purposes of removal from a manufactured 48065
home park and storage, sale, or destruction under section 1923.14 48066
of the Revised Code, the auditor shall issue a relocation notice 48067
without requiring payment of any taxes owed on the home under 48068
section 4503.06 of the Revised Code. 48069

(2) If a manufactured or mobile home is not yet subject to 48070
taxation under section 4503.06 of the Revised Code, the owner of 48071
the home shall obtain a relocation notice from the dealer of the 48072
home. Within thirty days after the manufactured or mobile home is 48073

purchased, the dealer of the home shall provide the auditor of the 48074
county in which the home is to be located written notice of the 48075
name of the purchaser of the home, the registration number or 48076
vehicle identification number of the home, and the address or 48077
location to which the home is to be moved. The county auditor 48078
shall provide to each manufactured and mobile home dealer, without 48079
charge, a supply of relocation notices to be distributed to 48080
purchasers pursuant to this section. 48081

(3) The notice shall be in the form of a one-foot square 48082
yellow sign with the words "manufactured home relocation notice" 48083
printed prominently on it. The name of the owner of the home, the 48084
home's registration number or vehicle identification number, the 48085
county and the address or location to which the home is being 48086
moved, and the county in which the notice is issued shall also be 48087
entered on the notice. 48088

(4) The relocation notice must be attached to the rear of the 48089
home when the home is being moved on a public road. Except as 48090
provided in divisions (H)(1) and (5) of this section, no person 48091
shall drive a motor vehicle moving a manufactured or mobile home 48092
on a public road from one address to another address within this 48093
state unless a relocation notice is attached to the rear of the 48094
home. 48095

(5) If the county auditor determines that a manufactured or 48096
mobile home has been moved without a relocation notice as required 48097
under this division, the auditor shall impose a penalty of one 48098
hundred dollars upon the owner of the home and upon the person who 48099
moved the home and deposit the amount to the credit of the county 48100
real estate assessment fund to pay the costs of administering this 48101
section and section 4503.06 of the Revised Code. If the home was 48102
relocated from one county in this state to another county in this 48103
state and the county auditor of the county to which the home was 48104
relocated imposes the penalty, that county auditor, upon 48105

collection of the penalty, shall cause an amount equal to the 48106
penalty to be transmitted from the county real estate assessment 48107
fund to the county auditor of the county from which the home was 48108
relocated, who shall deposit the amount to the credit of the 48109
county real estate assessment fund. If the penalty on the owner is 48110
unpaid, the penalty shall constitute a lien on the home and the 48111
auditor shall add the penalty to the manufactured home tax list 48112
for collection. If the county auditor determines that a dealer 48113
that has sold a manufactured or mobile home has failed to timely 48114
provide the information required under this division, the auditor 48115
shall impose a penalty upon the dealer in the amount of one 48116
hundred dollars. The penalty shall be credited to the county real 48117
estate assessment fund and used to pay the costs of administering 48118
this section and section 4503.06 of the Revised Code. 48119

(I) Whoever violates division (H)(4) of this section is 48120
guilty of a minor misdemeanor. 48121

Sec. 4503.062. (A) Every operator of a manufactured home 48122
court, or manufactured home park, as defined in section ~~3733.01~~ 48123
4781.01 of the Revised Code, or when there is no operator, every 48124
owner of property used for such purposes on which three or more 48125
manufactured or mobile homes are located, shall keep a register of 48126
all manufactured and mobile homes that make use of the court, 48127
park, or property. The register shall contain all of the 48128
following: 48129

- (1) The name of the owner and all inhabitants of each home; 48130
- (2) The ages of all inhabitants of each home; 48131
- (3) The permanent and temporary post office addresses of all 48132
inhabitants of each home; 48133
- (4) The license number of each home; 48134
- (5) The state issuing each such license; 48135

(6) The date of arrival and of departure of each home;	48136
(7) The make and model of each home, if known and if either of the following applies:	48137 48138
(a) The home enters the court, park, or property on or after January 1, 2003.	48139 48140
(b) Ownership of the home in the court or park, or on the property, is transferred on or after January 1, 2003.	48141 48142
(B) The register shall be open to inspection by the county auditor, the county treasurer, agents of the auditor or treasurer, and all law enforcement agencies at all times.	48143 48144 48145
(C) Any person who fails to comply with this section shall be fined not less than twenty-five nor more than one hundred dollars.	48146 48147
Sec. 4503.49. (A) As used in this section, "ambulance," "ambulette," "emergency medical service organization," "nonemergency medical service organization," and "nontransport vehicle" have the same meanings as in section 4766.01 of the Revised Code.	48148 48149 48150 48151 48152
(B) Each private emergency medical service organization and each private nonemergency medical service organization shall apply to the registrar of motor vehicles for the registration of any ambulance, ambulette, or nontransport vehicle it owns or leases. The application shall be accompanied by a copy of the certificate of licensure issued to the organization by the Ohio <u>state board of</u> <u>emergency</u> medical <u>and</u> transportation board <u>services</u> and the following fees:	48153 48154 48155 48156 48157 48158 48159 48160
(1) The regular license tax as prescribed under section 4503.04 of the Revised Code;	48161 48162
(2) Any local license tax levied under Chapter 4504. of the Revised Code;	48163 48164

(3) An additional fee of seven dollars and fifty cents. The 48165
additional fee shall be for the purpose of compensating the bureau 48166
of motor vehicles for additional services required to be performed 48167
under this section and shall be transmitted by the registrar to 48168
the treasurer of state for deposit in the state bureau of motor 48169
vehicles fund created by section 4501.25 of the Revised Code. 48170

(C) On receipt of a complete application, the registrar shall 48171
issue to the applicant the appropriate certificate of registration 48172
for the vehicle and do one of the following: 48173

(1) Issue a set of license plates with a validation sticker 48174
and a set of stickers to be attached to the plates as an 48175
identification of the vehicle's classification as an ambulance, 48176
ambulette, or nontransport vehicle; 48177

(2) Issue a validation sticker alone when so required by 48178
section 4503.191 of the Revised Code. 48179

Sec. 4503.81. As used in the bus taxation proration and 48180
reciprocity agreement authorized by section 4503.80 of the Revised 48181
Code, with reference to Ohio, "administrator" means the registrar 48182
of motor vehicles. 48183

The registrar may make such exemptions from the coverage of 48184
the agreement as may be appropriate and may make such changes in 48185
methods for the reporting of any information required to be 48186
furnished to this state pursuant to the agreement as, in ~~his~~ the 48187
registrar's judgment, are suitable; provided that any such 48188
exemptions or changes shall not be contrary to the purposes set 48189
forth in article I of the agreement and shall be made in order to 48190
permit the continuance of uniformity of practice among the 48191
contracting states with respect to buses. Any such exemption or 48192
change shall be made by rule adopted under Chapter 119. of the 48193
Revised Code. Unless otherwise provided in any statute withdrawing 48194
this state from participation in the agreement, the governor shall 48195

be the officer to give notice of withdrawal therefrom. 48196

The fees referred to in article IV (a) of the agreement shall 48197
include the fees provided in section 4503.04 of the Revised Code 48198
and the annual tax provided in section ~~4921.18~~ 4921.19 of the 48199
Revised Code. As to the state of Ohio, article V (d) shall mean 48200
that all fleets not subject to this compact shall continue to 48201
enjoy that reciprocity and those privileges extended by virtue of 48202
other provisions of the Revised Code. 48203

Nothing contained herein shall be construed so as to permit a 48204
fleet which is prorating under the laws of another state to avoid 48205
proration under this compact. 48206

The registrar of motor vehicles shall collect a fee of two 48207
dollars per bus for every bus registered under the provisions of 48208
article IV (a) for administration of the agreement, in addition to 48209
the fees provided in article IV (a). 48210

The registrar of motor vehicles shall assess the operator of 48211
buses registered under the provisions of article IV (a) the actual 48212
cost of ~~his~~ the registrar's auditing the accuracy of the fees paid 48213
by the operator in accordance with article IV (a). 48214

The registrar of motor vehicles may renounce the 48215
participation of this state in the bus taxation proration and 48216
reciprocity agreement under article VI of section 4503.80 of the 48217
Revised Code, ~~if he finds~~ after finding that further participation 48218
in the compact is not in the best interests of the state. The 48219
registrar shall set forth ~~his~~ the registrar's reasons in writing 48220
and serve notice of intention to renounce the compact upon the 48221
owner of each registered fleet. ~~He~~ The registrar shall then 48222
certify the renunciation to the governor. 48223

Sec. 4506.01. As used in this chapter: 48224

(A) "Alcohol concentration" means the concentration of 48225

alcohol in a person's blood, breath, or urine. When expressed as a	48226
percentage, it means grams of alcohol per the following:	48227
(1) One hundred milliliters of whole blood, blood serum, or	48228
blood plasma;	48229
(2) Two hundred ten liters of breath;	48230
(3) One hundred milliliters of urine.	48231
(B) "Commercial driver's license" means a license issued in	48232
accordance with this chapter that authorizes an individual to	48233
drive a commercial motor vehicle.	48234
(C) "Commercial driver's license information system" means	48235
the information system established pursuant to the requirements of	48236
the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat.	48237
3207-171, 49 U.S.C.A. App. 2701.	48238
(D) Except when used in section 4506.25 of the Revised Code,	48239
"commercial motor vehicle" means any motor vehicle designed or	48240
used to transport persons or property that meets any of the	48241
following qualifications:	48242
(1) Any combination of vehicles with a combined gross vehicle	48243
weight rating of twenty-six thousand one pounds or more, provided	48244
the gross vehicle weight rating of the vehicle or vehicles being	48245
towed is in excess of ten thousand pounds;	48246
(2) Any single vehicle with a gross vehicle weight rating of	48247
twenty-six thousand one pounds or more, or any such vehicle towing	48248
a vehicle having a gross vehicle weight rating that is not in	48249
excess of ten thousand pounds;	48250
(3) Any single vehicle or combination of vehicles that is not	48251
a class A or class B vehicle, but is designed to transport sixteen	48252
or more passengers including the driver;	48253
(4) Any school bus with a gross vehicle weight rating of less	48254
than twenty-six thousand one pounds that is designed to transport	48255

fewer than sixteen passengers including the driver;	48256
(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;	48257 48258
(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal motor carrier safety administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.	48259 48260 48261 48262 48263 48264
(E) "Controlled substance" means all of the following:	48265
(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;	48266 48267 48268
(2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;	48269 48270
(3) Any drug of abuse.	48271
(F) "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.	48272 48273 48274 48275 48276 48277 48278 48279 48280
(G) "Disqualification" means any of the following:	48281
(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;	48282 48283
(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or	48284 48285

local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;	48286 48287
(3) A determination by the federal motor carrier safety administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.	48288 48289 48290
(H) "Downgrade" means any of the following, as applicable:	48291
(1) A change in the commercial driver's license holder's self-certified status as described in division (A)(2) of section 4506.10 of the Revised Code;	48292 48293 48294
(2) A change to a lesser class of vehicle;	48295
(3) Removal of commercial driver's license privileges from the individual's driver's license.	48296 48297
(I) "Drive" means to drive, operate, or be in physical control of a motor vehicle.	48298 48299
(J) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.	48300 48301 48302
(K) "Driver's license" means a license issued by the bureau of motor vehicles that authorizes an individual to drive.	48303 48304
(L) "Drug of abuse" means any controlled substance, dangerous drug as defined in section 4729.01 of the Revised Code, or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.	48305 48306 48307 48308 48309
(M) "Electronic device" includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text.	48310 48311 48312
(N) "Eligible unit of local government" means a village, township, or county that has a population of not more than three thousand persons according to the most recent federal census.	48313 48314 48315

(O) "Employer" means any person, including the federal 48316
government, any state, and a political subdivision of any state, 48317
that owns or leases a commercial motor vehicle or assigns a person 48318
to drive such a motor vehicle. 48319

(P) "Endorsement" means an authorization on a person's 48320
commercial driver's license that is required to permit the person 48321
to operate a specified type of commercial motor vehicle. 48322

(Q) "Farm truck" means a truck controlled and operated by a 48323
farmer for use in the transportation to or from a farm, for a 48324
distance of not more than one hundred fifty miles, of products of 48325
the farm, including livestock and its products, poultry and its 48326
products, floricultural and horticultural products, and in the 48327
transportation to the farm, from a distance of not more than one 48328
hundred fifty miles, of supplies for the farm, including tile, 48329
fence, and every other thing or commodity used in agricultural, 48330
floricultural, horticultural, livestock, and poultry production, 48331
and livestock, poultry, and other animals and things used for 48332
breeding, feeding, or other purposes connected with the operation 48333
of the farm, when the truck is operated in accordance with this 48334
division and is not used in the operations of a ~~motor~~ 48335
~~transportation company or private~~ motor carrier, as defined in 48336
section 4923.01 of the Revised Code. 48337

(R) "Fatality" means the death of a person as the result of a 48338
motor vehicle accident occurring not more than three hundred 48339
sixty-five days prior to the date of death. 48340

(S) "Felony" means any offense under federal or state law 48341
that is punishable by death or specifically classified as a felony 48342
under the law of this state, regardless of the penalty that may be 48343
imposed. 48344

(T) "Foreign jurisdiction" means any jurisdiction other than 48345
a state. 48346

(U) "Gross vehicle weight rating" means the value specified 48347
by the manufacturer as the maximum loaded weight of a single or a 48348
combination vehicle. The gross vehicle weight rating of a 48349
combination vehicle is the gross vehicle weight rating of the 48350
power unit plus the gross vehicle weight rating of each towed 48351
unit. 48352

(V) "Hazardous materials" means any material that has been 48353
designated as hazardous under 49 U.S.C. 5103 and is required to be 48354
placarded under subpart F of 49 C.F.R. part 172 or any quantity of 48355
a material listed as a select agent or toxin in 42 C.F.R. part 73, 48356
as amended. 48357

(W) "Imminent hazard" means the existence of a condition that 48358
presents a substantial likelihood that death, serious illness, 48359
severe personal injury, or a substantial endangerment to health, 48360
property, or the environment may occur before the reasonably 48361
foreseeable completion date of a formal proceeding begun to lessen 48362
the risk of that death, illness, injury, or endangerment. 48363

(X) "Medical variance" means one of the following received by 48364
a driver from the federal motor carrier safety administration that 48365
allows the driver to be issued a medical certificate: 48366

(1) An exemption letter permitting operation of a commercial 48367
motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64; 48368

(2) A skill performance evaluation certificate permitting 48369
operation of a commercial motor vehicle pursuant to 49 C.F.R. 48370
391.49. 48371

(Y) "Motor vehicle" means a vehicle, machine, tractor, 48372
trailer, or semitrailer propelled or drawn by mechanical power 48373
used on highways, except that such term does not include a 48374
vehicle, machine, tractor, trailer, or semitrailer operated 48375
exclusively on a rail. 48376

(Z) "Out-of-service order" means a declaration by an 48377

authorized enforcement officer of a federal, state, local, 48378
Canadian, or Mexican jurisdiction declaring that a driver, 48379
commercial motor vehicle, or commercial motor carrier operation is 48380
out of service as defined in 49 C.F.R. 390.5. 48381

(AA) "Peace officer" has the same meaning as in section 48382
2935.01 of the Revised Code. 48383

(BB) "Portable tank" means a liquid or gaseous packaging 48384
designed primarily to be loaded onto or temporarily attached to a 48385
vehicle and equipped with skids, mountings, or accessories to 48386
facilitate handling of the tank by mechanical means. 48387

(CC) "Public safety vehicle" has the same meaning as in 48388
divisions (E)(1) and (3) of section 4511.01 of the Revised Code. 48389

(DD) "Recreational vehicle" includes every vehicle that is 48390
defined as a recreational vehicle in section 4501.01 of the 48391
Revised Code and is used exclusively for purposes other than 48392
engaging in business for profit. 48393

(EE) "Residence" means any person's residence determined in 48394
accordance with standards prescribed in rules adopted by the 48395
registrar. 48396

(FF) "School bus" has the same meaning as in section 4511.01 48397
of the Revised Code. 48398

(GG) "Serious traffic violation" means any of the following: 48399

(1) A conviction arising from a single charge of operating a 48400
commercial motor vehicle in violation of any provision of section 48401
4506.03 of the Revised Code; 48402

(2) A violation while operating a commercial motor vehicle of 48403
a law of this state, or any municipal ordinance or county or 48404
township resolution prohibiting texting while driving, or any 48405
other substantially similar law of another state or political 48406
subdivision of another state; 48407

(3) A conviction arising from the operation of any motor vehicle that involves any of the following:	48408 48409
(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;	48410 48411
(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;	48412 48413 48414
(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;	48415 48416 48417 48418
(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;	48419 48420 48421 48422 48423 48424 48425 48426
(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;	48427 48428 48429 48430 48431 48432
(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;	48433 48434 48435 48436 48437
(g) Violation of any other law of this state or an ordinance	48438

or resolution relating to traffic control, other than a parking 48439
violation, that is determined to be a serious traffic violation by 48440
the United States secretary of transportation and the director 48441
designates as such by rule. 48442

(HH) "State" means a state of the United States and includes 48443
the District of Columbia. 48444

(II) "Tank vehicle" means any commercial motor vehicle that 48445
is designed to transport any liquid and has a maximum capacity 48446
greater than one hundred nineteen gallons or is designed to 48447
transport gaseous materials and has a water capacity greater than 48448
one thousand pounds within a tank that is either permanently or 48449
temporarily attached to the vehicle or its chassis. "Tank vehicle" 48450
does not include any of the following: 48451

(1) Any portable tank having a rated capacity of less than 48452
one thousand gallons; 48453

(2) Tanks used exclusively as a fuel tank for the motor 48454
vehicle to which it is attached; 48455

(3) An empty storage container tank that is not designed for 48456
transportation and that is readily distinguishable from a 48457
transportation tank; 48458

(4) Ready-mix concrete mixers. 48459

(JJ) "Tester" means a person or entity acting pursuant to a 48460
valid agreement entered into pursuant to division (B) of section 48461
4506.09 of the Revised Code. 48462

(KK) "Texting" means manually entering alphanumeric text 48463
into, or reading text from, an electronic device. Texting includes 48464
short message service, e-mail, instant messaging, a command or 48465
request to access a world wide web page, or engaging in any other 48466
form of electronic text retrieval or entry, for present or future 48467
communication. Texting does not include the following: 48468

(1) Reading, selecting, or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device for the purpose of initiating or receiving a telephone call or using voice commands to initiate or receive a telephone call;

(2) Inputting, selecting, or reading information on a global positioning system or navigation system.

(LL) "Texting while driving" means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.

(MM) "United States" means the fifty states and the District of Columbia.

(NN) "Upgrade" means a change in the class of vehicles, endorsements, or self-certified status as described in division (A)(2) of section 4506.10 of the Revised Code, that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter;

(OO) "Vehicle" has the same meaning as in section 4511.01 of the Revised Code.

Sec. 4506.03. (A) Except as provided in divisions (B) and (C) of this section, the following shall apply:

(1) No person shall drive a commercial motor vehicle on a highway in this state unless the person holds, and has in the person's possession, a valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by

the registrar of motor vehicles, a valid examiner's commercial 48499
driving permit issued under section 4506.13 of the Revised Code, a 48500
valid restricted commercial driver's license and waiver for 48501
farm-related service industries issued under section 4506.24 of 48502
the Revised Code, or a valid commercial driver's license temporary 48503
instruction permit issued by the registrar and is accompanied by 48504
an authorized state driver's license examiner or tester or a 48505
person who has been issued and has in the person's immediate 48506
possession a current, valid commercial driver's license with 48507
proper endorsements for the motor vehicle being driven. 48508

(2) No person shall be issued a commercial driver's license 48509
until the person surrenders to the registrar of motor vehicles all 48510
valid licenses issued to the person by another jurisdiction 48511
recognized by this state. The registrar shall report the surrender 48512
of a license to the issuing authority, together with information 48513
that a license is now issued in this state. The registrar shall 48514
destroy any such license that is not returned to the issuing 48515
authority. 48516

(3) No person who has been a resident of this state for 48517
thirty days or longer shall drive a commercial motor vehicle under 48518
the authority of a commercial driver's license issued by another 48519
jurisdiction. 48520

(B) Nothing in division (A) of this section applies to any 48521
qualified person when engaged in the operation of any of the 48522
following: 48523

(1) A farm truck; 48524

(2) Fire equipment for a fire department, volunteer or 48525
nonvolunteer fire company, fire district, or joint fire district; 48526

(3) A public safety vehicle used to provide transportation or 48527
emergency medical service for ill or injured persons; 48528

(4) A recreational vehicle; 48529

(5) A commercial motor vehicle within the boundaries of an 48530
eligible unit of local government, if the person is employed by 48531
the eligible unit of local government and is operating the 48532
commercial motor vehicle for the purpose of removing snow or ice 48533
from a roadway by plowing, sanding, or salting, but only if either 48534
the employee who holds a commercial driver's license issued under 48535
this chapter and ordinarily operates a commercial motor vehicle 48536
for these purposes is unable to operate the vehicle, or the 48537
employing eligible unit of local government determines that a snow 48538
or ice emergency exists that requires additional assistance; 48539

(6) A vehicle operated for military purposes by any member or 48540
uniformed employee of the armed forces of the United States or 48541
their reserve components, including the Ohio national guard. This 48542
exception does not apply to United States reserve technicians. 48543

(7) A commercial motor vehicle that is operated for 48544
nonbusiness purposes. "Operated for nonbusiness purposes" means 48545
that the commercial motor vehicle is not used in commerce as 48546
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 48547
regulated by the public utilities commission pursuant to Chapter 48548
~~4919~~ 4905., 4921., or 4923. of the Revised Code. 48549

(8) A motor vehicle that is designed primarily for the 48550
transportation of goods and not persons, while that motor vehicle 48551
is being used for the occasional transportation of personal 48552
property by individuals not for compensation and not in the 48553
furtherance of a commercial enterprise; 48554

(9) A police SWAT team vehicle; 48555

(10) A police vehicle used to transport prisoners. 48556

(C) Nothing contained in division (B)(5) of this section 48557
shall be construed as preempting or superseding any law, rule, or 48558
regulation of this state concerning the safe operation of 48559
commercial motor vehicles. 48560

(D) Whoever violates this section is guilty of a misdemeanor 48561
of the first degree. 48562

Sec. 4506.22. (A) The director of public safety and the 48563
registrar of motor vehicles, subject to approval by the director, 48564
may, in accordance with Chapter 119. of the Revised Code, adopt 48565
any rules necessary to carry out this chapter. 48566

(B) The department of public safety may do all of the 48567
following: 48568

(1) Enter into or make any agreements, arrangements, or 48569
declarations necessary to carry out this chapter; 48570

(2) Charge a fee for all publications that is equal to the 48571
cost of printing the publications. 48572

(C) Nothing in this chapter shall be construed to restrict 48573
the authority of the public utilities commission specified in 48574
Chapters 4905., 4921. and 4923. of the Revised Code regarding 48575
safety rules applicable to motor carriers. 48576

Sec. 4506.25. (A) As used in this section, "commercial motor 48577
vehicle" means any self-propelled or towed vehicle used on public 48578
highways in intrastate or interstate commerce to transport 48579
passengers or property that meets any of the following 48580
specifications: 48581

(1) The vehicle has a gross vehicle weight rating or gross 48582
combination weight rating of ten thousand one pounds or more. 48583

(2) The vehicle is designed to transport sixteen or more 48584
passengers, including the driver. 48585

(3) The vehicle is used in the transportation of hazardous 48586
materials in a quantity requiring placarding under the regulations 48587
issued by the United States secretary of transportation under the 48588
"Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 48589

U.S.C.A. 1801, as amended. 48590

(B) The registrar of motor vehicles shall disqualify any 48591
person from operating a commercial motor vehicle who receives a 48592
notice of a conviction for violation of an out-of-service order 48593
issued under rules of the public utilities commission adopted 48594
pursuant to ~~section 4919.79, 4921.04~~ Chapter 4905., 4921., or 48595
~~4923.20~~ 4923. of the Revised Code, or a conviction for a violation 48596
of the same or similar laws of another state or jurisdiction 48597
applicable to vehicles in regulated commerce. 48598

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 48599
"motorized bicycle," "state," "owner," "operator," "chauffeur," 48600
and "highways" have the same meanings as in section 4501.01 of the 48601
Revised Code. 48602

"Driver's license" means a class D license issued to any 48603
person to operate a motor vehicle or motor-driven cycle, other 48604
than a commercial motor vehicle, and includes "probationary 48605
license," "restricted license," and any operator's or chauffeur's 48606
license issued before January 1, 1990. 48607

"Probationary license" means the license issued to any person 48608
between sixteen and eighteen years of age to operate a motor 48609
vehicle. 48610

"Restricted license" means the license issued to any person 48611
to operate a motor vehicle subject to conditions or restrictions 48612
imposed by the registrar of motor vehicles. 48613

"Commercial driver's license" means the license issued to a 48614
person under Chapter 4506. of the Revised Code to operate a 48615
commercial motor vehicle. 48616

"Commercial motor vehicle" has the same meaning as in section 48617
4506.01 of the Revised Code. 48618

"Motorized bicycle license" means the license issued under 48619

section 4511.521 of the Revised Code to any person to operate a motorized bicycle including a "probationary motorized bicycle license."

"Probationary motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person between fourteen and sixteen years of age to operate a motorized bicycle.

"Identification card" means a card issued under sections 4507.50 and 4507.51 of the Revised Code.

"Resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a permanent basis.

"Temporary resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a temporary basis.

(B) In the administration of this chapter and Chapter 4506. of the Revised Code, the registrar has the same authority as is conferred on the registrar by section 4501.02 of the Revised Code. Any act of an authorized deputy registrar of motor vehicles under direction of the registrar is deemed the act of the registrar.

To carry out this chapter, the registrar shall appoint such deputy registrars in each county as are necessary.

The registrar also shall provide at each place where an application for a driver's or commercial driver's license or identification card may be made the necessary equipment to take a color photograph of the applicant for such license or card as required under section 4506.11 or 4507.06 of the Revised Code, and to conduct the vision screenings required by section 4507.12 of the Revised Code, and equipment to laminate licenses, motorized bicycle licenses, and identification cards as required by sections 4507.13, 4507.52, and 4511.521 of the Revised Code.

The registrar shall assign one or more deputy registrars to any driver's license examining station operated under the supervision of the ~~state highway patrol~~ director of public safety, whenever the registrar considers such assignment possible. Space shall be provided in the driver's license examining station for any such deputy registrar so assigned. The deputy registrars shall not exercise the powers conferred by such sections upon the registrar, unless they are specifically authorized to exercise such powers by such sections.

(C) No agent for any insurance company, writing automobile insurance, shall be appointed deputy registrar, and any such appointment is void. No deputy registrar shall in any manner solicit any form of automobile insurance, nor in any manner advise, suggest, or influence any licensee or applicant for license for or against any kind or type of automobile insurance, insurance company, or agent, nor have the deputy registrar's office directly connected with the office of any automobile insurance agent, nor impart any information furnished by any applicant for a license or identification card to any person, except the registrar. This division shall not apply to any nonprofit corporation appointed deputy registrar.

(D) The registrar shall immediately remove a deputy registrar who violates the requirements of this chapter.

(E) The registrar shall periodically solicit bids and enter into a contract for the provision of laminating equipment and laminating materials to the registrar and all deputy registrars. The registrar shall not consider any bid that does not provide for the supplying of both laminating equipment and laminating materials. The laminating materials selected shall contain a security feature so that any tampering with the laminating material covering a license or identification card is readily apparent. In soliciting bids and entering into a contract for the

provision of laminating equipment and laminating materials, the 48683
registrar shall observe all procedures required by law. 48684

Sec. 4507.011. (A) Each deputy registrar assigned to a 48685
driver's license examining station by the registrar of motor 48686
vehicles as provided in section 4507.01 of the Revised Code shall 48687
remit to the ~~superintendent~~ director of the ~~state highway patrol~~ 48688
public safety a rental fee equal to the percentage of space 48689
occupied by the deputy registrar in the driver's license examining 48690
station multiplied by the rental fee paid for the entire driver's 48691
license examining station plus a pro rata share of all utility 48692
costs. All such moneys received by the ~~superintendent~~ director 48693
shall be deposited in the state treasury to the credit of the 48694
registrar rental fund, which is hereby created. The moneys in the 48695
fund shall be used by the ~~state highway patrol~~ department of 48696
public safety only to pay the rent and expenses of the driver's 48697
license examining stations. All investment earnings of the fund 48698
shall be credited to the fund. 48699

(B) Each deputy registrar assigned to a bureau of motor 48700
vehicles' location shall reimburse the registrar a monthly 48701
building rental fee, including applicable utility charges. All 48702
such moneys received by the registrar shall be deposited into the 48703
state bureau of motor vehicles fund created in section 4501.25 of 48704
the Revised Code. 48705

Sec. 4507.12. (A) Except as provided in division (C) of 48706
section 4507.10 of the Revised Code, each person applying for the 48707
renewal of a driver's license shall submit to a screening of the 48708
person's vision before the license may be renewed. The vision 48709
screening shall be conducted at the office of the deputy registrar 48710
receiving the application for license renewal. 48711

(B) When the results of a vision screening given under 48712

division (A) of this section indicate that the vision of the 48713
person examined meets the standards required for licensing, the 48714
deputy registrar may renew the person's driver's license at that 48715
time. 48716

(C) When the results of a vision screening given under 48717
division (A) of this section indicate that the vision of the 48718
person screened may not meet the standards required for licensing, 48719
the deputy registrar shall not renew the person's driver's license 48720
at that time but shall refer the person to a driver's license 48721
examiner appointed by the ~~superintendent~~ director of the ~~state~~ 48722
~~highway patrol~~ public safety under section ~~5503.21~~ 5502.05 of the 48723
Revised Code for a further examination of the person's vision. 48724
When a person referred to a driver's license examiner by a deputy 48725
registrar does not meet the vision standards required for 48726
licensing, the driver's license examiner shall retain the person's 48727
operator's or chauffeur's license and shall immediately notify the 48728
registrar of motor vehicles of that fact. No driver's license 48729
shall be issued to any such person, until the person's vision is 48730
corrected to meet the standards required for licensing and the 48731
person passes the vision screening required by this section. Any 48732
person who operates a motor vehicle on a highway, or on any public 48733
or private property used by the public for purposes of vehicular 48734
travel or parking, during the time the person's driver's license 48735
is held by a driver's license examiner under this division, shall 48736
be deemed to be operating a motor vehicle in violation of division 48737
(A) of section 4510.12 of the Revised Code. 48738

(D) The registrar shall adopt rules and shall provide any 48739
forms necessary to properly conduct vision screenings at the 48740
office of a deputy registrar. 48741

(E) No person conducting vision screenings under this section 48742
shall be personally liable for damages for injury or loss to 48743
persons or property and for death caused by the operation of a 48744

motor vehicle by any person whose driver's license was renewed by 48745
the deputy registrar under division (B) of this section. 48746

Sec. 4507.51. (A)(1) Every application for an identification 48747
card or duplicate shall be made on a form furnished by the 48748
registrar of motor vehicles, shall be signed by the applicant, and 48749
by the applicant's parent or guardian if the applicant is under 48750
eighteen years of age, and shall contain the following information 48751
pertaining to the applicant: name, date of birth, sex, general 48752
description including the applicant's height, weight, hair color, 48753
and eye color, address, and social security number. The 48754
application also shall state whether an applicant wishes to 48755
certify willingness to make an anatomical gift under section 48756
2108.05 of the Revised Code and shall include information about 48757
the requirements of sections 2108.01 to 2108.29 of the Revised 48758
Code that apply to persons who are less than eighteen years of 48759
age. The statement regarding willingness to make such a donation 48760
shall be given no consideration in the decision of whether to 48761
issue an identification card. Each applicant shall be photographed 48762
in color at the time of making application. 48763

(2)(a) The application also shall state whether the applicant 48764
has executed a valid durable power of attorney for health care 48765
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 48766
executed a declaration governing the use or continuation, or the 48767
withholding or withdrawal, of life-sustaining treatment pursuant 48768
to sections 2133.01 to 2133.15 of the Revised Code and, if the 48769
applicant has executed either type of instrument, whether the 48770
applicant wishes the identification card issued to indicate that 48771
the applicant has executed the instrument. 48772

(b) On and after October 7, 2009, the application also shall 48773
state whether the applicant is a veteran, active duty, or 48774
reservist of the armed forces of the United States and, if the 48775

applicant is such, whether the applicant wishes the identification 48776
card issued to indicate that the applicant is a veteran, active 48777
duty, or reservist of the armed forces of the United States by a 48778
military designation on the identification card. 48779

(3) The registrar or deputy registrar, in accordance with 48780
section 3503.11 of the Revised Code, shall register as an elector 48781
any person who applies for an identification card or duplicate if 48782
the applicant is eligible and wishes to be registered as an 48783
elector. The decision of an applicant whether to register as an 48784
elector shall be given no consideration in the decision of whether 48785
to issue the applicant an identification card or duplicate. 48786

(B) The application for an identification card or duplicate 48787
shall be filed in the office of the registrar or deputy registrar. 48788
Each applicant shall present documentary evidence as required by 48789
the registrar of the applicant's age and identity, and the 48790
applicant shall swear that all information given is true. An 48791
identification card issued by the department of rehabilitation and 48792
correction under section 5120.59 of the Revised Code or an 48793
identification card issued by the department of youth services 48794
under section 5139.511 of the Revised Code shall be sufficient 48795
documentary evidence under this division upon verification of the 48796
applicant's social security number by the registrar or a deputy 48797
registrar. Upon issuing an identification card under this section 48798
for a person who has been issued an identification card under 48799
section 5120.59 or section 5139.511 of the Revised Code, the 48800
registrar or deputy registrar shall destroy the identification 48801
card issued under section 5120.59 or section 5139.511 of the 48802
Revised Code. 48803

All applications for an identification card or duplicate 48804
shall be filed in duplicate, and if submitted to a deputy 48805
registrar, a copy shall be forwarded to the registrar. The 48806
registrar shall prescribe rules for the manner in which a deputy 48807

registrar is to file and maintain applications and other records. 48808
The registrar shall maintain a suitable, indexed record of all 48809
applications denied and cards issued or canceled. 48810

(C) In addition to any other information it contains, on and 48811
after the date that is fifteen months after ~~the effective date of~~ 48812
~~this amendment~~ April 7, 2009, the form furnished by the registrar 48813
of motor vehicles for an application for an identification card or 48814
duplicate shall inform applicants that the applicant must present 48815
a copy of the applicant's DD-214 or an equivalent document in 48816
order to qualify to have the card or duplicate indicate that the 48817
applicant is an honorably discharged veteran of the armed forces 48818
of the United States based on a request made pursuant to division 48819
(A)(2)(b) of this section. 48820

Sec. 4511.191. (A)(1) As used in this section: 48821

(a) "Physical control" has the same meaning as in section 48822
4511.194 of the Revised Code. 48823

(b) "Alcohol monitoring device" means any device that 48824
provides for continuous alcohol monitoring, any ignition interlock 48825
device, any immobilizing or disabling device other than an 48826
ignition interlock device that is constantly available to monitor 48827
the concentration of alcohol in a person's system, or any other 48828
device that provides for the automatic testing and periodic 48829
reporting of alcohol consumption by a person and that a court 48830
orders a person to use as a sanction imposed as a result of the 48831
person's conviction of or plea of guilty to an offense. 48832

(2) Any person who operates a vehicle, streetcar, or 48833
trackless trolley upon a highway or any public or private property 48834
used by the public for vehicular travel or parking within this 48835
state or who is in physical control of a vehicle, streetcar, or 48836
trackless trolley shall be deemed to have given consent to a 48837
chemical test or tests of the person's whole blood, blood serum or 48838

plasma, breath, or urine to determine the alcohol, drug of abuse, 48839
controlled substance, metabolite of a controlled substance, or 48840
combination content of the person's whole blood, blood serum or 48841
plasma, breath, or urine if arrested for a violation of division 48842
(A) or (B) of section 4511.19 of the Revised Code, section 48843
4511.194 of the Revised Code or a substantially equivalent 48844
municipal ordinance, or a municipal OVI ordinance. 48845

(3) The chemical test or tests under division (A)(2) of this 48846
section shall be administered at the request of a law enforcement 48847
officer having reasonable grounds to believe the person was 48848
operating or in physical control of a vehicle, streetcar, or 48849
trackless trolley in violation of a division, section, or 48850
ordinance identified in division (A)(2) of this section. The law 48851
enforcement agency by which the officer is employed shall 48852
designate which of the tests shall be administered. 48853

(4) Any person who is dead or unconscious, or who otherwise 48854
is in a condition rendering the person incapable of refusal, shall 48855
be deemed to have consented as provided in division (A)(2) of this 48856
section, and the test or tests may be administered, subject to 48857
sections 313.12 to 313.16 of the Revised Code. 48858

(5)(a) If a law enforcement officer arrests a person for a 48859
violation of division (A) or (B) of section 4511.19 of the Revised 48860
Code, section 4511.194 of the Revised Code or a substantially 48861
equivalent municipal ordinance, or a municipal OVI ordinance and 48862
if the person if convicted would be required to be sentenced under 48863
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 48864
Code, the law enforcement officer shall request the person to 48865
submit, and the person shall submit, to a chemical test or tests 48866
of the person's whole blood, blood serum or plasma, breath, or 48867
urine for the purpose of determining the alcohol, drug of abuse, 48868
controlled substance, metabolite of a controlled substance, or 48869
combination content of the person's whole blood, blood serum or 48870

plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and

sent to the registrar of motor vehicles and a court pursuant to 48903
section 4511.192 of the Revised Code in regard to a person who 48904
refused to take the designated chemical test, the registrar shall 48905
enter into the registrar's records the fact that the person's 48906
driver's or commercial driver's license or permit or nonresident 48907
operating privilege was suspended by the arresting officer under 48908
this division and that section and the period of the suspension, 48909
as determined under this section. The suspension shall be subject 48910
to appeal as provided in section 4511.197 of the Revised Code. The 48911
suspension shall be for whichever of the following periods 48912
applies: 48913

(a) Except when division (B)(1)(b), (c), or (d) of this 48914
section applies and specifies a different class or length of 48915
suspension, the suspension shall be a class C suspension for the 48916
period of time specified in division (B)(3) of section 4510.02 of 48917
the Revised Code. 48918

(b) If the arrested person, within six years of the date on 48919
which the person refused the request to consent to the chemical 48920
test, had refused one previous request to consent to a chemical 48921
test or had been convicted of or pleaded guilty to one violation 48922
of division (A) or (B) of section 4511.19 of the Revised Code or 48923
one other equivalent offense, the suspension shall be a class B 48924
suspension imposed for the period of time specified in division 48925
(B)(2) of section 4510.02 of the Revised Code. 48926

(c) If the arrested person, within six years of the date on 48927
which the person refused the request to consent to the chemical 48928
test, had refused two previous requests to consent to a chemical 48929
test, had been convicted of or pleaded guilty to two violations of 48930
division (A) or (B) of section 4511.19 of the Revised Code or 48931
other equivalent offenses, or had refused one previous request to 48932
consent to a chemical test and also had been convicted of or 48933
pleaded guilty to one violation of division (A) or (B) of section 48934

4511.19 of the Revised Code or other equivalent offenses, which 48935
violation or offense arose from an incident other than the 48936
incident that led to the refusal, the suspension shall be a class 48937
A suspension imposed for the period of time specified in division 48938
(B)(1) of section 4510.02 of the Revised Code. 48939

(d) If the arrested person, within six years of the date on 48940
which the person refused the request to consent to the chemical 48941
test, had refused three or more previous requests to consent to a 48942
chemical test, had been convicted of or pleaded guilty to three or 48943
more violations of division (A) or (B) of section 4511.19 of the 48944
Revised Code or other equivalent offenses, or had refused a number 48945
of previous requests to consent to a chemical test and also had 48946
been convicted of or pleaded guilty to a number of violations of 48947
division (A) or (B) of section 4511.19 of the Revised Code or 48948
other equivalent offenses that cumulatively total three or more 48949
such refusals, convictions, and guilty pleas, the suspension shall 48950
be for five years. 48951

(2) The registrar shall terminate a suspension of the 48952
driver's or commercial driver's license or permit of a resident or 48953
of the operating privilege of a nonresident, or a denial of a 48954
driver's or commercial driver's license or permit, imposed 48955
pursuant to division (B)(1) of this section upon receipt of notice 48956
that the person has entered a plea of guilty to, or that the 48957
person has been convicted after entering a plea of no contest to, 48958
operating a vehicle in violation of section 4511.19 of the Revised 48959
Code or in violation of a municipal OVI ordinance, if the offense 48960
for which the conviction is had or the plea is entered arose from 48961
the same incident that led to the suspension or denial. 48962

The registrar shall credit against any judicial suspension of 48963
a person's driver's or commercial driver's license or permit or 48964
nonresident operating privilege imposed pursuant to section 48965
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 48966

Revised Code for a violation of a municipal OVI ordinance, any 48967
time during which the person serves a related suspension imposed 48968
pursuant to division (B)(1) of this section. 48969

(C)(1) Upon receipt of the sworn report of the law 48970
enforcement officer who arrested a person for a violation of 48971
division (A) or (B) of section 4511.19 of the Revised Code or a 48972
municipal OVI ordinance that was completed and sent to the 48973
registrar and a court pursuant to section 4511.192 of the Revised 48974
Code in regard to a person whose test results indicate that the 48975
person's whole blood, blood serum or plasma, breath, or urine 48976
contained at least the concentration of alcohol specified in 48977
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 48978
Revised Code or at least the concentration of a listed controlled 48979
substance or a listed metabolite of a controlled substance 48980
specified in division (A)(1)(j) of section 4511.19 of the Revised 48981
Code, the registrar shall enter into the registrar's records the 48982
fact that the person's driver's or commercial driver's license or 48983
permit or nonresident operating privilege was suspended by the 48984
arresting officer under this division and section 4511.192 of the 48985
Revised Code and the period of the suspension, as determined under 48986
divisions (C)(1)(a) to (d) of this section. The suspension shall 48987
be subject to appeal as provided in section 4511.197 of the 48988
Revised Code. The suspension described in this division does not 48989
apply to, and shall not be imposed upon, a person arrested for a 48990
violation of section 4511.194 of the Revised Code or a 48991
substantially equivalent municipal ordinance who submits to a 48992
designated chemical test. The suspension shall be for whichever of 48993
the following periods applies: 48994

(a) Except when division (C)(1)(b), (c), or (d) of this 48995
section applies and specifies a different period, the suspension 48996
shall be a class E suspension imposed for the period of time 48997
specified in division (B)(5) of section 4510.02 of the Revised 48998

Code. 48999

(b) The suspension shall be a class C suspension for the 49000
period of time specified in division (B)(3) of section 4510.02 of 49001
the Revised Code if the person has been convicted of or pleaded 49002
guilty to, within six years of the date the test was conducted, 49003
one violation of division (A) or (B) of section 4511.19 of the 49004
Revised Code or one other equivalent offense. 49005

(c) If, within six years of the date the test was conducted, 49006
the person has been convicted of or pleaded guilty to two 49007
violations of a statute or ordinance described in division 49008
(C)(1)(b) of this section, the suspension shall be a class B 49009
suspension imposed for the period of time specified in division 49010
(B)(2) of section 4510.02 of the Revised Code. 49011

(d) If, within six years of the date the test was conducted, 49012
the person has been convicted of or pleaded guilty to more than 49013
two violations of a statute or ordinance described in division 49014
(C)(1)(b) of this section, the suspension shall be a class A 49015
suspension imposed for the period of time specified in division 49016
(B)(1) of section 4510.02 of the Revised Code. 49017

(2) The registrar shall terminate a suspension of the 49018
driver's or commercial driver's license or permit of a resident or 49019
of the operating privilege of a nonresident, or a denial of a 49020
driver's or commercial driver's license or permit, imposed 49021
pursuant to division (C)(1) of this section upon receipt of notice 49022
that the person has entered a plea of guilty to, or that the 49023
person has been convicted after entering a plea of no contest to, 49024
operating a vehicle in violation of section 4511.19 of the Revised 49025
Code or in violation of a municipal OVI ordinance, if the offense 49026
for which the conviction is had or the plea is entered arose from 49027
the same incident that led to the suspension or denial. 49028

The registrar shall credit against any judicial suspension of 49029

a person's driver's or commercial driver's license or permit or 49030
nonresident operating privilege imposed pursuant to section 49031
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 49032
Revised Code for a violation of a municipal OVI ordinance, any 49033
time during which the person serves a related suspension imposed 49034
pursuant to division (C)(1) of this section. 49035

(D)(1) A suspension of a person's driver's or commercial 49036
driver's license or permit or nonresident operating privilege 49037
under this section for the time described in division (B) or (C) 49038
of this section is effective immediately from the time at which 49039
the arresting officer serves the notice of suspension upon the 49040
arrested person. Any subsequent finding that the person is not 49041
guilty of the charge that resulted in the person being requested 49042
to take the chemical test or tests under division (A) of this 49043
section does not affect the suspension. 49044

(2) If a person is arrested for operating a vehicle, 49045
streetcar, or trackless trolley in violation of division (A) or 49046
(B) of section 4511.19 of the Revised Code or a municipal OVI 49047
ordinance, or for being in physical control of a vehicle, 49048
streetcar, or trackless trolley in violation of section 4511.194 49049
of the Revised Code or a substantially equivalent municipal 49050
ordinance, regardless of whether the person's driver's or 49051
commercial driver's license or permit or nonresident operating 49052
privilege is or is not suspended under division (B) or (C) of this 49053
section or Chapter 4510. of the Revised Code, the person's initial 49054
appearance on the charge resulting from the arrest shall be held 49055
within five days of the person's arrest or the issuance of the 49056
citation to the person, subject to any continuance granted by the 49057
court pursuant to section 4511.197 of the Revised Code regarding 49058
the issues specified in that division. 49059

(E) When it finally has been determined under the procedures 49060
of this section and sections 4511.192 to 4511.197 of the Revised 49061

Code that a nonresident's privilege to operate a vehicle within 49062
this state has been suspended, the registrar shall give 49063
information in writing of the action taken to the motor vehicle 49064
administrator of the state of the person's residence and of any 49065
state in which the person has a license. 49066

(F) At the end of a suspension period under this section, 49067
under section 4511.194, section 4511.196, or division (G) of 49068
section 4511.19 of the Revised Code, or under section 4510.07 of 49069
the Revised Code for a violation of a municipal OVI ordinance and 49070
upon the request of the person whose driver's or commercial 49071
driver's license or permit was suspended and who is not otherwise 49072
subject to suspension, cancellation, or disqualification, the 49073
registrar shall return the driver's or commercial driver's license 49074
or permit to the person upon the occurrence of all of the 49075
conditions specified in divisions (F)(1) and (2) of this section: 49076

(1) A showing that the person has proof of financial 49077
responsibility, a policy of liability insurance in effect that 49078
meets the minimum standards set forth in section 4509.51 of the 49079
Revised Code, or proof, to the satisfaction of the registrar, that 49080
the person is able to respond in damages in an amount at least 49081
equal to the minimum amounts specified in section 4509.51 of the 49082
Revised Code. 49083

(2) Subject to the limitation contained in division (F)(3) of 49084
this section, payment by the person to the registrar or an 49085
eligible deputy registrar of a license reinstatement fee of four 49086
hundred seventy-five dollars, which fee shall be deposited in the 49087
state treasury and credited as follows: 49088

(a) One hundred twelve dollars and fifty cents shall be 49089
credited to the statewide treatment and prevention fund created by 49090
section 4301.30 of the Revised Code. Money credited to the fund 49091
under this section shall be used for purposes identified in the 49092
comprehensive statewide alcohol and drug addiction services plan 49093

developed under section 3793.04 of the Revised Code. 49094

(b) Seventy-five dollars shall be credited to the reparations 49095
fund created by section 2743.191 of the Revised Code. 49096

(c) Thirty-seven dollars and fifty cents shall be credited to 49097
the indigent drivers alcohol treatment fund, which is hereby 49098
established in the state treasury. Except as otherwise provided in 49099
division (F)(2)(c) of this section, moneys in the fund shall be 49100
distributed by the department of alcohol and drug addiction 49101
services to the county indigent drivers alcohol treatment funds, 49102
the county juvenile indigent drivers alcohol treatment funds, and 49103
the municipal indigent drivers alcohol treatment funds that are 49104
required to be established by counties and municipal corporations 49105
pursuant to division (H) of this section, and shall be used only 49106
to pay the cost of an alcohol and drug addiction treatment program 49107
attended by an offender or juvenile traffic offender who is 49108
ordered to attend an alcohol and drug addiction treatment program 49109
by a county, juvenile, or municipal court judge and who is 49110
determined by the county, juvenile, or municipal court judge not 49111
to have the means to pay for the person's attendance at the 49112
program or to pay the costs specified in division (H)(4) of this 49113
section in accordance with that division. In addition, a county, 49114
juvenile, or municipal court judge may use moneys in the county 49115
indigent drivers alcohol treatment fund, county juvenile indigent 49116
drivers alcohol treatment fund, or municipal indigent drivers 49117
alcohol treatment fund to pay for the cost of the continued use of 49118
an alcohol monitoring device as described in divisions (H)(3) and 49119
(4) of this section. Moneys in the fund that are not distributed 49120
to a county indigent drivers alcohol treatment fund, a county 49121
juvenile indigent drivers alcohol treatment fund, or a municipal 49122
indigent drivers alcohol treatment fund under division (H) of this 49123
section because the director of alcohol and drug addiction 49124
services does not have the information necessary to identify the 49125

county or municipal corporation where the offender or juvenile 49126
offender was arrested may be transferred by the director of budget 49127
and management to the statewide treatment and prevention fund 49128
created by section 4301.30 of the Revised Code, upon certification 49129
of the amount by the director of alcohol and drug addiction 49130
services. 49131

(d) Seventy-five dollars shall be credited to the Ohio 49132
rehabilitation services commission established by section 3304.12 49133
of the Revised Code, to the services for rehabilitation fund, 49134
which is hereby established. The fund shall be used to match 49135
available federal matching funds where appropriate, and for any 49136
other purpose or program of the commission to rehabilitate people 49137
with disabilities to help them become employed and independent. 49138

(e) Seventy-five dollars shall be deposited into the state 49139
treasury and credited to the drug abuse resistance education 49140
programs fund, which is hereby established, to be used by the 49141
attorney general for the purposes specified in division (F)(4) of 49142
this section. 49143

(f) Thirty dollars shall be credited to the state bureau of 49144
motor vehicles fund created by section 4501.25 of the Revised 49145
Code. 49146

(g) Twenty dollars shall be credited to the trauma and 49147
emergency medical services ~~grants~~ fund created by section 4513.263 49148
of the Revised Code. 49149

(h) Fifty dollars shall be credited to the indigent drivers 49150
interlock and alcohol monitoring fund, which is hereby established 49151
in the state treasury. Moneys in the fund shall be distributed by 49152
the department of public safety to the county indigent drivers 49153
interlock and alcohol monitoring funds, the county juvenile 49154
indigent drivers interlock and alcohol monitoring funds, and the 49155
municipal indigent drivers interlock and alcohol monitoring funds 49156

that are required to be established by counties and municipal 49157
corporations pursuant to this section, and shall be used only to 49158
pay the cost of an immobilizing or disabling device, including a 49159
certified ignition interlock device, or an alcohol monitoring 49160
device used by an offender or juvenile offender who is ordered to 49161
use the device by a county, juvenile, or municipal court judge and 49162
who is determined by the county, juvenile, or municipal court 49163
judge not to have the means to pay for the person's use of the 49164
device. 49165

(3) If a person's driver's or commercial driver's license or 49166
permit is suspended under this section, under section 4511.196 or 49167
division (G) of section 4511.19 of the Revised Code, under section 49168
4510.07 of the Revised Code for a violation of a municipal OVI 49169
ordinance or under any combination of the suspensions described in 49170
division (F)(3) of this section, and if the suspensions arise from 49171
a single incident or a single set of facts and circumstances, the 49172
person is liable for payment of, and shall be required to pay to 49173
the registrar or an eligible deputy registrar, only one 49174
reinstatement fee of four hundred seventy-five dollars. The 49175
reinstatement fee shall be distributed by the bureau in accordance 49176
with division (F)(2) of this section. 49177

(4) The attorney general shall use amounts in the drug abuse 49178
resistance education programs fund to award grants to law 49179
enforcement agencies to establish and implement drug abuse 49180
resistance education programs in public schools. Grants awarded to 49181
a law enforcement agency under this section shall be used by the 49182
agency to pay for not more than fifty per cent of the amount of 49183
the salaries of law enforcement officers who conduct drug abuse 49184
resistance education programs in public schools. The attorney 49185
general shall not use more than six per cent of the amounts the 49186
attorney general's office receives under division (F)(2)(e) of 49187
this section to pay the costs it incurs in administering the grant 49188

program established by division (F)(2)(e) of this section and in 49189
providing training and materials relating to drug abuse resistance 49190
education programs. 49191

The attorney general shall report to the governor and the 49192
general assembly each fiscal year on the progress made in 49193
establishing and implementing drug abuse resistance education 49194
programs. These reports shall include an evaluation of the 49195
effectiveness of these programs. 49196

(5) In addition to the reinstatement fee under this section, 49197
if the person pays the reinstatement fee to a deputy registrar, 49198
the deputy registrar shall collect a service fee of ten dollars to 49199
compensate the deputy registrar for services performed under this 49200
section. The deputy registrar shall retain eight dollars of the 49201
service fee and shall transmit the reinstatement fee, plus two 49202
dollars of the service fee, to the registrar in the manner the 49203
registrar shall determine. 49204

(G) Suspension of a commercial driver's license under 49205
division (B) or (C) of this section shall be concurrent with any 49206
period of disqualification under section 3123.611 or 4506.16 of 49207
the Revised Code or any period of suspension under section 3123.58 49208
of the Revised Code. No person who is disqualified for life from 49209
holding a commercial driver's license under section 4506.16 of the 49210
Revised Code shall be issued a driver's license under Chapter 49211
4507. of the Revised Code during the period for which the 49212
commercial driver's license was suspended under division (B) or 49213
(C) of this section. No person whose commercial driver's license 49214
is suspended under division (B) or (C) of this section shall be 49215
issued a driver's license under Chapter 4507. of the Revised Code 49216
during the period of the suspension. 49217

(H)(1) Each county shall establish an indigent drivers 49218
alcohol treatment fund, each county shall establish a juvenile 49219
indigent drivers alcohol treatment fund, and each municipal 49220

corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (F) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of additional costs imposed under section 2949.094 of the Revised Code that are specified for deposit into a county, county juvenile, or municipal indigent drivers alcohol treatment fund by that section, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund. The portions of the fees paid under division (F) of this section that are to be so deposited shall be determined in accordance with division (H)(2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or of any prohibition contained in Chapter 4510. of the Revised Code, and that are required under section 4511.19 or any provision of Chapter 4510. of the Revised Code to be deposited into a county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund shall be deposited into the appropriate fund in accordance with the applicable division of the section or provision.

(2) That portion of the license reinstatement fee that is

paid under division (F) of this section and that is credited under 49254
that division to the indigent drivers alcohol treatment fund shall 49255
be deposited into a county indigent drivers alcohol treatment 49256
fund, a county juvenile indigent drivers alcohol treatment fund, 49257
or a municipal indigent drivers alcohol treatment fund as follows: 49258

(a) Regarding a suspension imposed under this section, that 49259
portion of the fee shall be deposited as follows: 49260

(i) If the fee is paid by a person who was charged in a 49261
county court with the violation that resulted in the suspension or 49262
in the imposition of the court costs, the portion shall be 49263
deposited into the county indigent drivers alcohol treatment fund 49264
under the control of that court; 49265

(ii) If the fee is paid by a person who was charged in a 49266
juvenile court with the violation that resulted in the suspension 49267
or in the imposition of the court costs, the portion shall be 49268
deposited into the county juvenile indigent drivers alcohol 49269
treatment fund established in the county served by the court; 49270

(iii) If the fee is paid by a person who was charged in a 49271
municipal court with the violation that resulted in the suspension 49272
or in the imposition of the court costs, the portion shall be 49273
deposited into the municipal indigent drivers alcohol treatment 49274
fund under the control of that court. 49275

(b) Regarding a suspension imposed under section 4511.19 of 49276
the Revised Code or under section 4510.07 of the Revised Code for 49277
a violation of a municipal OVI ordinance, that portion of the fee 49278
shall be deposited as follows: 49279

(i) If the fee is paid by a person whose license or permit 49280
was suspended by a county court, the portion shall be deposited 49281
into the county indigent drivers alcohol treatment fund under the 49282
control of that court; 49283

(ii) If the fee is paid by a person whose license or permit 49284

was suspended by a municipal court, the portion shall be deposited 49285
into the municipal indigent drivers alcohol treatment fund under 49286
the control of that court. 49287

(3) Expenditures from a county indigent drivers alcohol 49288
treatment fund, a county juvenile indigent drivers alcohol 49289
treatment fund, or a municipal indigent drivers alcohol treatment 49290
fund shall be made only upon the order of a county, juvenile, or 49291
municipal court judge and only for payment of the cost of an 49292
assessment or the cost of the attendance at an alcohol and drug 49293
addiction treatment program of a person who is convicted of, or 49294
found to be a juvenile traffic offender by reason of, a violation 49295
of division (A) of section 4511.19 of the Revised Code or a 49296
substantially similar municipal ordinance, who is ordered by the 49297
court to attend the alcohol and drug addiction treatment program, 49298
and who is determined by the court to be unable to pay the cost of 49299
the assessment or the cost of attendance at the treatment program 49300
or for payment of the costs specified in division (H)(4) of this 49301
section in accordance with that division. The alcohol and drug 49302
addiction services board or the board of alcohol, drug addiction, 49303
and mental health services established pursuant to section 340.02 49304
or 340.021 of the Revised Code and serving the alcohol, drug 49305
addiction, and mental health service district in which the court 49306
is located shall administer the indigent drivers alcohol treatment 49307
program of the court. When a court orders an offender or juvenile 49308
traffic offender to obtain an assessment or attend an alcohol and 49309
drug addiction treatment program, the board shall determine which 49310
program is suitable to meet the needs of the offender or juvenile 49311
traffic offender, and when a suitable program is located and space 49312
is available at the program, the offender or juvenile traffic 49313
offender shall attend the program designated by the board. A 49314
reasonable amount not to exceed five per cent of the amounts 49315
credited to and deposited into the county indigent drivers alcohol 49316
treatment fund, the county juvenile indigent drivers alcohol 49317

treatment fund, or the municipal indigent drivers alcohol 49318
treatment fund serving every court whose program is administered 49319
by that board shall be paid to the board to cover the costs it 49320
incurs in administering those indigent drivers alcohol treatment 49321
programs. 49322

In addition, upon exhaustion of moneys in the indigent 49323
drivers interlock and alcohol monitoring fund for the use of an 49324
alcohol monitoring device, a county, juvenile, or municipal court 49325
judge may use moneys in the county indigent drivers alcohol 49326
treatment fund, county juvenile indigent drivers alcohol treatment 49327
fund, or municipal indigent drivers alcohol treatment fund in the 49328
following manners: 49329

(a) If the source of the moneys was an appropriation of the 49330
general assembly, a portion of a fee that was paid under division 49331
(F) of this section, a portion of a fine that was specified for 49332
deposit into the fund by section 4511.193 of the Revised Code, or 49333
a portion of a fine that was paid for a violation of section 49334
4511.19 of the Revised Code or of a provision contained in Chapter 49335
4510. of the Revised Code that was required to be deposited into 49336
the fund, to pay for the continued use of an alcohol monitoring 49337
device by an offender or juvenile traffic offender, in conjunction 49338
with a treatment program approved by the department of alcohol and 49339
drug addiction services, when such use is determined clinically 49340
necessary by the treatment program and when the court determines 49341
that the offender or juvenile traffic offender is unable to pay 49342
all or part of the daily monitoring or cost of the device; 49343

(b) If the source of the moneys was a portion of an 49344
additional court cost imposed under section 2949.094 of the 49345
Revised Code, to pay for the continued use of an alcohol 49346
monitoring device by an offender or juvenile traffic offender when 49347
the court determines that the offender or juvenile traffic 49348
offender is unable to pay all or part of the daily monitoring or 49349

cost of the device. The moneys may be used for a device as 49350
described in this division if the use of the device is in 49351
conjunction with a treatment program approved by the department of 49352
alcohol and drug addiction services, when the use of the device is 49353
determined clinically necessary by the treatment program, but the 49354
use of a device is not required to be in conjunction with a 49355
treatment program approved by the department in order for the 49356
moneys to be used for the device as described in this division. 49357

(4) If a county, juvenile, or municipal court determines, in 49358
consultation with the alcohol and drug addiction services board or 49359
the board of alcohol, drug addiction, and mental health services 49360
established pursuant to section 340.02 or 340.021 of the Revised 49361
Code and serving the alcohol, drug addiction, and mental health 49362
district in which the court is located, that the funds in the 49363
county indigent drivers alcohol treatment fund, the county 49364
juvenile indigent drivers alcohol treatment fund, or the municipal 49365
indigent drivers alcohol treatment fund under the control of the 49366
court are more than sufficient to satisfy the purpose for which 49367
the fund was established, as specified in divisions (H)(1) to (3) 49368
of this section, the court may declare a surplus in the fund. If 49369
the court declares a surplus in the fund, the court may expend the 49370
amount of the surplus in the fund for: 49371

(a) Alcohol and drug abuse assessment and treatment of 49372
persons who are charged in the court with committing a criminal 49373
offense or with being a delinquent child or juvenile traffic 49374
offender and in relation to whom both of the following apply: 49375

(i) The court determines that substance abuse was a 49376
contributing factor leading to the criminal or delinquent activity 49377
or the juvenile traffic offense with which the person is charged. 49378

(ii) The court determines that the person is unable to pay 49379
the cost of the alcohol and drug abuse assessment and treatment 49380
for which the surplus money will be used. 49381

(b) All or part of the cost of purchasing alcohol monitoring devices to be used in conjunction with division (H)(3) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.

(5) For the purpose of determining as described in division (F)(2)(c) of this section whether an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program or whether an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination.

(6) The court shall identify and refer any alcohol and drug addiction program that is not certified under section 3793.06 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of alcohol and drug addiction services in order for the program to become a certified alcohol and drug addiction program. The department shall keep a record of applicant referrals received pursuant to this division and shall submit a report on the referrals each year to the general assembly. If a program interested in becoming certified makes an application to become certified pursuant to section 3793.06 of the Revised Code, the program is eligible to receive surplus funds as long as the application is pending with the department. The department of alcohol and drug addiction services must offer technical assistance to the applicant. If the interested program withdraws the certification application, the department must notify the court, and the court shall not provide the interested program with any further surplus funds.

(7)(a) Each alcohol and drug addiction services board and

board of alcohol, drug addiction, and mental health services 49414
established pursuant to section 340.02 or 340.021 of the Revised 49415
Code shall submit to the department of alcohol and drug addiction 49416
services an annual report for each indigent drivers alcohol 49417
treatment fund in that board's area. 49418

(b) The report, which shall be submitted not later than sixty 49419
days after the end of the state fiscal year, shall provide the 49420
total payment that was made from the fund, including the number of 49421
indigent consumers that received treatment services and the number 49422
of indigent consumers that received an alcohol monitoring device. 49423
The report shall identify the treatment program and expenditure 49424
for an alcohol monitoring device for which that payment was made. 49425
The report shall include the fiscal year balance of each indigent 49426
drivers alcohol treatment fund located in that board's area. In 49427
the event that a surplus is declared in the fund pursuant to 49428
division (H)(4) of this section, the report also shall provide the 49429
total payment that was made from the surplus moneys and identify 49430
the treatment program and expenditure for an alcohol monitoring 49431
device for which that payment was made. The department may require 49432
additional information necessary to complete the comprehensive 49433
statewide alcohol and drug addiction services plan as required by 49434
section 3793.04 of the Revised Code. 49435

(c) If a board is unable to obtain adequate information to 49436
develop the report to submit to the department for a particular 49437
indigent drivers alcohol treatment fund, the board shall submit a 49438
report detailing the effort made in obtaining the information. 49439

(I)(1) Each county shall establish an indigent drivers 49440
interlock and alcohol monitoring fund and a juvenile indigent 49441
drivers interlock and alcohol treatment fund, and each municipal 49442
corporation in which there is a municipal court shall establish an 49443
indigent drivers interlock and alcohol monitoring fund. All 49444
revenue that the general assembly appropriates to the indigent 49445

drivers interlock and alcohol monitoring fund for transfer to a 49446
county indigent drivers interlock and alcohol monitoring fund, a 49447
county juvenile indigent drivers interlock and alcohol monitoring 49448
fund, or a municipal indigent drivers interlock and alcohol 49449
monitoring fund, all portions of license reinstatement fees that 49450
are paid under division (F)(2) of this section and that are 49451
credited under that division to the indigent drivers interlock and 49452
alcohol monitoring fund in the state treasury, and all portions of 49453
fines that are paid under division (G) of section 4511.19 of the 49454
Revised Code and that are credited by division (G)(5)(e) of that 49455
section to the indigent drivers interlock and alcohol monitoring 49456
fund in the state treasury shall be deposited in the appropriate 49457
fund in accordance with division (I)(2) of this section. 49458

(2) That portion of the license reinstatement fee that is 49459
paid under division (F) of this section and that portion of the 49460
fine paid under division (G) of section 4511.19 of the Revised 49461
Code and that is credited under either division to the indigent 49462
drivers interlock and alcohol monitoring fund shall be deposited 49463
into a county indigent drivers interlock and alcohol monitoring 49464
fund, a county juvenile indigent drivers interlock and alcohol 49465
monitoring fund, or a municipal indigent drivers interlock and 49466
alcohol monitoring fund as follows: 49467

(a) If the fee or fine is paid by a person who was charged in 49468
a county court with the violation that resulted in the suspension 49469
or fine, the portion shall be deposited into the county indigent 49470
drivers interlock and alcohol monitoring fund under the control of 49471
that court. 49472

(b) If the fee or fine is paid by a person who was charged in 49473
a juvenile court with the violation that resulted in the 49474
suspension or fine, the portion shall be deposited into the county 49475
juvenile indigent drivers interlock and alcohol monitoring fund 49476
established in the county served by the court. 49477

(c) If the fee or fine is paid by a person who was charged in a municipal court with the violation that resulted in the suspension, the portion shall be deposited into the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court.

Sec. 4511.78. (A) As used in this section:

(1) "Mass transit system" means any county transit system, regional transit authority, regional transit commission, municipally owned transportation system, mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, and any common passenger carrier ~~certified by the public utilities commission~~, that provides transportation for children to or from a school session or a school function.

(2) "Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons, but does not mean any school bus as defined in section 4511.01 of the Revised Code.

(B) Whenever a mass transit system transports children to or from a school session or school function, the mass transit system shall provide for:

(1) Periodic safety inspections of all buses used to provide transportation service. The inspections shall be based on rules adopted by the public utilities commission under Chapters 4921. and 4923. of the Revised Code to ensure the safety of operation of ~~motor transportation companies and private~~ motor carriers.

(2) The safety training of all drivers operating buses used to provide transportation service;

(3) The equipping of every bus with outside rear-view mirrors

meeting the motor carrier regulations for bus equipment adopted by 49508
the federal highway administration. No exclusions from this 49509
requirement granted under the federal regulations shall be 49510
considered exclusions for the purposes of this division. 49511

(C) Except as otherwise provided in this division, whoever 49512
violates this section is guilty of a minor misdemeanor. If, within 49513
one year of the offense, the offender previously has been 49514
convicted of or pleaded guilty to one predicate motor vehicle or 49515
traffic offense, whoever violates this section is guilty of a 49516
misdemeanor of the fourth degree. If, within one year of the 49517
offense, the offender previously has been convicted of two or more 49518
predicate motor vehicle or traffic offenses, whoever violates this 49519
section is guilty of a misdemeanor of the third degree. 49520

Sec. 4513.263. (A) As used in this section and in section 49521
4513.99 of the Revised Code: 49522

(1) "Automobile" means any commercial tractor, passenger car, 49523
commercial car, or truck that is required to be factory-equipped 49524
with an occupant restraining device for the operator or any 49525
passenger by regulations adopted by the United States secretary of 49526
transportation pursuant to the "National Traffic and Motor Vehicle 49527
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 49528

(2) "Occupant restraining device" means a seat safety belt, 49529
shoulder belt, harness, or other safety device for restraining a 49530
person who is an operator of or passenger in an automobile and 49531
that satisfies the minimum federal vehicle safety standards 49532
established by the United States department of transportation. 49533

(3) "Passenger" means any person in an automobile, other than 49534
its operator, who is occupying a seating position for which an 49535
occupant restraining device is provided. 49536

(4) "Commercial tractor," "passenger car," and "commercial 49537

car" have the same meanings as in section 4501.01 of the Revised Code. 49538
49539

(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code. 49540
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(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, but does not include a civil action for damages for breach of contract or another agreement between persons. 49543
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(B) No person shall do any of the following: 49550

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted; 49551
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(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device; 49557
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(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device; 49562
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(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form. 49566
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(C) Division (B)(3) of this section does not apply to a 49569
person who is required by section 4511.81 of the Revised Code to 49570
be secured in a child restraint device or booster seat. Division 49571
(B)(1) of this section does not apply to a person who is an 49572
employee of the United States postal service or of a newspaper 49573
home delivery service, during any period in which the person is 49574
engaged in the operation of an automobile to deliver mail or 49575
newspapers to addressees. Divisions (B)(1) and (3) of this section 49576
do not apply to a person who has an affidavit signed by a 49577
physician licensed to practice in this state under Chapter 4731. 49578
of the Revised Code or a chiropractor licensed to practice in this 49579
state under Chapter 4734. of the Revised Code that states that the 49580
person has a physical impairment that makes use of an occupant 49581
restraining device impossible or impractical. 49582

(D) Notwithstanding any provision of law to the contrary, no 49583
law enforcement officer shall cause an operator of an automobile 49584
being operated on any street or highway to stop the automobile for 49585
the sole purpose of determining whether a violation of division 49586
(B) of this section has been or is being committed or for the sole 49587
purpose of issuing a ticket, citation, or summons for a violation 49588
of that nature or causing the arrest of or commencing a 49589
prosecution of a person for a violation of that nature, and no law 49590
enforcement officer shall view the interior or visually inspect 49591
any automobile being operated on any street or highway for the 49592
sole purpose of determining whether a violation of that nature has 49593
been or is being committed. 49594

(E) All fines collected for violations of division (B) of 49595
this section, or for violations of any ordinance or resolution of 49596
a political subdivision that is substantively comparable to that 49597
division, shall be forwarded to the treasurer of state for deposit 49598
~~as follows:~~ 49599

~~(1) Eight per cent shall be deposited into the elementary 49600~~

~~school program fund, which is hereby created in the state 49601
treasury, and shall be used by the department of public safety to 49602
establish and administer elementary school programs that encourage 49603
seat safety belt use. 49604~~

~~(2) Two per cent shall be deposited into the occupational 49605
licensing and regulatory fund created by section 4743.05 of the 49606
Revised Code. 49607~~

~~(3) Thirty six per cent, plus into the state treasury to the 49608
credit of the trauma and emergency medical services fund, which is 49609
hereby created. In addition, sixty cents of each fee collected 49610
under sections 4501.34, 4503.26, 4505.14, 4506.08, and 4509.05, 49611
plus on and after October 1, 2009, sixty cents of each fee 49612
collected under sections 4505.14 and 4519.63 of the Revised Code 49613
as specified in those sections, plus the portion of the driver's 49614
license reinstatement fee described in division (F)(2)(g) of 49615
section 4511.191 of the Revised Code, plus all fees collected 49616
under section 4765.11 of the Revised Code, plus all fines imposed 49617
under section 4765.55 of the Revised Code, and plus five per cent 49618
of fines and moneys arising from bail forfeitures as directed by 49619
section 5503.04 of the Revised Code, also shall be deposited into 49620
the trauma and emergency medical services fund, which is hereby 49621
created in the state treasury, and. All money deposited into the 49622
trauma and emergency medical services fund shall be used by the 49623
department of public safety for the administration and operation 49624
of the division of emergency medical services and the state board 49625
of emergency medical and transportation services, ~~except that the~~ 49626
and by the state board of emergency medical services to make 49627
grants, in accordance with section 4765.07 of the Revised Code and 49628
rules the board adopts under section 4765.11 of the Revised Code. 49629
The director of budget and management may transfer excess money 49630
from the trauma and emergency medical services fund to the state 49631
highway safety fund if the director of public safety determines 49632~~

that the amount of money in the trauma and emergency medical 49633
services fund exceeds the amount required to cover such costs 49634
incurred by the emergency medical services agency and the grants 49635
made by the state board of emergency medical and transportation 49636
services and requests the director of budget and management to 49637
make the transfer. 49638

~~(4) Fifty four per cent shall be deposited into the trauma 49639
and emergency medical services grants fund, which is hereby 49640
created in the state treasury, and shall be used by the state 49641
board of emergency medical services to make grants, in accordance 49642
with section 4765.07 of the Revised Code and rules the board 49643
adopts under section 4765.11 of the Revised Code. 49644~~

(F)(1) Subject to division (F)(2) of this section, the 49645
failure of a person to wear all of the available elements of a 49646
properly adjusted occupant restraining device in violation of 49647
division (B)(1) or (3) of this section or the failure of a person 49648
to ensure that each minor who is a passenger of an automobile 49649
being operated by that person is wearing all of the available 49650
elements of a properly adjusted occupant restraining device in 49651
violation of division (B)(2) of this section shall not be 49652
considered or used by the trier of fact in a tort action as 49653
evidence of negligence or contributory negligence. But, the trier 49654
of fact may determine based on evidence admitted consistent with 49655
the Ohio Rules of Evidence that the failure contributed to the 49656
harm alleged in the tort action and may diminish a recovery of 49657
compensatory damages that represents noneconomic loss, as defined 49658
in section 2307.011 of the Revised Code, in a tort action that 49659
could have been recovered but for the plaintiff's failure to wear 49660
all of the available elements of a properly adjusted occupant 49661
restraining device. Evidence of that failure shall not be used as 49662
a basis for a criminal prosecution of the person other than a 49663
prosecution for a violation of this section; and shall not be 49664

admissible as evidence in a criminal action involving the person 49665
other than a prosecution for a violation of this section. 49666

(2) If, at the time of an accident involving a passenger car 49667
equipped with occupant restraining devices, any occupant of the 49668
passenger car who sustained injury or death was not wearing an 49669
available occupant restraining device, was not wearing all of the 49670
available elements of such a device, or was not wearing such a 49671
device as properly adjusted, then, consistent with the Rules of 49672
Evidence, the fact that the occupant was not wearing the available 49673
occupant restraining device, was not wearing all of the available 49674
elements of such a device, or was not wearing such a device as 49675
properly adjusted is admissible in evidence in relation to any 49676
claim for relief in a tort action to the extent that the claim for 49677
relief satisfies all of the following: 49678

(a) It seeks to recover damages for injury or death to the 49679
occupant. 49680

(b) The defendant in question is the manufacturer, designer, 49681
distributor, or seller of the passenger car. 49682

(c) The claim for relief against the defendant in question is 49683
that the injury or death sustained by the occupant was enhanced or 49684
aggravated by some design defect in the passenger car or that the 49685
passenger car was not crashworthy. 49686

(G)(1) Whoever violates division (B)(1) of this section shall 49687
be fined thirty dollars. 49688

(2) Whoever violates division (B)(3) of this section shall be 49689
fined twenty dollars. 49690

(3) Except as otherwise provided in this division, whoever 49691
violates division (B)(4) of this section is guilty of a minor 49692
misdemeanor. If the offender previously has been convicted of or 49693
pleaded guilty to a violation of division (B)(4) of this section, 49694
whoever violates division (B)(4) of this section is guilty of a 49695

misdemeanor of the third degree. 49696

Sec. 4513.50. As used in sections 4513.50 to 4513.53 of the 49697
Revised Code: 49698

(A)(1) "Bus" means any vehicle used for the transportation of 49699
passengers that meets at least one of the following: 49700

(a) Was originally designed by the manufacturer to transport 49701
more than fifteen passengers, including the driver; 49702

(b) Either the gross vehicle weight rating or the gross 49703
vehicle weight exceeds ten thousand pounds. 49704

(2) "Bus" does not include a church bus as defined in section 49705
4503.07 of the Revised Code or a school bus unless the church bus 49706
or school bus is used in the transportation of passengers ~~for hire~~ 49707
by a motor ~~transportation company or a common~~ carrier by motor 49708
~~vehicle or by a private motor carrier or contract carrier by motor~~ 49709
~~vehicle.~~ 49710

(3) "Bus" also does not include any of the following: 49711

(a) Any vehicle operated exclusively on a rail or rails; 49712

(b) A trolley bus operated by electric power derived from a 49713
fixed overhead wire furnishing local passenger transportation 49714
similar to street-railway service; 49715

(c) Vehicles owned or leased by government agencies or 49716
political subdivisions. 49717

(B)~~(1)~~ "Motor ~~transportation company~~" and "~~common~~ carrier by 49718
motor ~~vehicle~~" have has the same meanings meaning as in section 49719
~~4921.02~~ 4923.01 of the Revised Code. 49720

~~(2)~~ "~~Private motor carrier~~" and "~~contract carrier by motor~~ 49721
~~vehicle~~" have the same meanings as in section ~~4923.02~~ of the 49722
~~Revised Code.~~ 49723

Sec. 4561.21. (A) The director of transportation shall 49724
deposit all aircraft transfer fees in the state treasury to the 49725
credit of the general fund. 49726

(B) The director shall deposit all aircraft license taxes and 49727
fines in the state treasury to the credit of the airport 49728
assistance fund, which is hereby created. Money in the fund shall 49729
be used for maintenance and capital improvements to publicly owned 49730
airports, and the operating costs associated with the office of 49731
aviation. For maintenance and capital improvements to publicly 49732
owned airports, the director shall distribute the money to 49733
eligible recipients in accordance with such procedures, 49734
guidelines, and criteria as the director shall establish. 49735

Sec. 4731.22. (A) The state medical board, by an affirmative 49736
vote of not fewer than six of its members, may revoke or may 49737
refuse to grant a certificate to a person found by the board to 49738
have committed fraud during the administration of the examination 49739
for a certificate to practice or to have committed fraud, 49740
misrepresentation, or deception in applying for or securing any 49741
certificate to practice or certificate of registration issued by 49742
the board. 49743

(B) The board, by an affirmative vote of not fewer than six 49744
members, shall, to the extent permitted by law, limit, revoke, or 49745
suspend an individual's certificate to practice, refuse to 49746
register an individual, refuse to reinstate a certificate, or 49747
reprimand or place on probation the holder of a certificate for 49748
one or more of the following reasons: 49749

(1) Permitting one's name or one's certificate to practice or 49750
certificate of registration to be used by a person, group, or 49751
corporation when the individual concerned is not actually 49752
directing the treatment given; 49753

(2) Failure to maintain minimal standards applicable to the 49754
selection or administration of drugs, or failure to employ 49755
acceptable scientific methods in the selection of drugs or other 49756
modalities for treatment of disease; 49757

(3) Selling, giving away, personally furnishing, prescribing, 49758
or administering drugs for other than legal and legitimate 49759
therapeutic purposes or a plea of guilty to, a judicial finding of 49760
guilt of, or a judicial finding of eligibility for intervention in 49761
lieu of conviction of, a violation of any federal or state law 49762
regulating the possession, distribution, or use of any drug; 49763

(4) Willfully betraying a professional confidence. 49764

For purposes of this division, "willfully betraying a 49765
professional confidence" does not include providing any 49766
information, documents, or reports to a child fatality review 49767
board under sections 307.621 to 307.629 of the Revised Code and 49768
does not include the making of a report of an employee's use of a 49769
drug of abuse, or a report of a condition of an employee other 49770
than one involving the use of a drug of abuse, to the employer of 49771
the employee as described in division (B) of section 2305.33 of 49772
the Revised Code. Nothing in this division affects the immunity 49773
from civil liability conferred by that section upon a physician 49774
who makes either type of report in accordance with division (B) of 49775
that section. As used in this division, "employee," "employer," 49776
and "physician" have the same meanings as in section 2305.33 of 49777
the Revised Code. 49778

(5) Making a false, fraudulent, deceptive, or misleading 49779
statement in the solicitation of or advertising for patients; in 49780
relation to the practice of medicine and surgery, osteopathic 49781
medicine and surgery, podiatric medicine and surgery, or a limited 49782
branch of medicine; or in securing or attempting to secure any 49783
certificate to practice or certificate of registration issued by 49784
the board. 49785

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(13) A plea of guilty to, a judicial finding of guilt of, or 49817
a judicial finding of eligibility for intervention in lieu of 49818
conviction for, a misdemeanor involving moral turpitude; 49819

(14) Commission of an act involving moral turpitude that 49820
constitutes a misdemeanor in this state, regardless of the 49821
jurisdiction in which the act was committed; 49822

(15) Violation of the conditions of limitation placed by the 49823
board upon a certificate to practice; 49824

(16) Failure to pay license renewal fees specified in this 49825
chapter; 49826

(17) Except as authorized in section 4731.31 of the Revised 49827
Code, engaging in the division of fees for referral of patients, 49828
or the receiving of a thing of value in return for a specific 49829
referral of a patient to utilize a particular service or business; 49830

(18) Subject to section 4731.226 of the Revised Code, 49831
violation of any provision of a code of ethics of the American 49832
medical association, the American osteopathic association, the 49833
American podiatric medical association, or any other national 49834
professional organizations that the board specifies by rule. The 49835
state medical board shall obtain and keep on file current copies 49836
of the codes of ethics of the various national professional 49837
organizations. The individual whose certificate is being suspended 49838
or revoked shall not be found to have violated any provision of a 49839
code of ethics of an organization not appropriate to the 49840
individual's profession. 49841

For purposes of this division, a "provision of a code of 49842
ethics of a national professional organization" does not include 49843
any provision that would preclude the making of a report by a 49844
physician of an employee's use of a drug of abuse, or of a 49845
condition of an employee other than one involving the use of a 49846
drug of abuse, to the employer of the employee as described in 49847

division (B) of section 2305.33 of the Revised Code. Nothing in 49848
this division affects the immunity from civil liability conferred 49849
by that section upon a physician who makes either type of report 49850
in accordance with division (B) of that section. As used in this 49851
division, "employee," "employer," and "physician" have the same 49852
meanings as in section 2305.33 of the Revised Code. 49853

(19) Inability to practice according to acceptable and 49854
prevailing standards of care by reason of mental illness or 49855
physical illness, including, but not limited to, physical 49856
deterioration that adversely affects cognitive, motor, or 49857
perceptive skills. 49858

In enforcing this division, the board, upon a showing of a 49859
possible violation, may compel any individual authorized to 49860
practice by this chapter or who has submitted an application 49861
pursuant to this chapter to submit to a mental examination, 49862
physical examination, including an HIV test, or both a mental and 49863
a physical examination. The expense of the examination is the 49864
responsibility of the individual compelled to be examined. Failure 49865
to submit to a mental or physical examination or consent to an HIV 49866
test ordered by the board constitutes an admission of the 49867
allegations against the individual unless the failure is due to 49868
circumstances beyond the individual's control, and a default and 49869
final order may be entered without the taking of testimony or 49870
presentation of evidence. If the board finds an individual unable 49871
to practice because of the reasons set forth in this division, the 49872
board shall require the individual to submit to care, counseling, 49873
or treatment by physicians approved or designated by the board, as 49874
a condition for initial, continued, reinstated, or renewed 49875
authority to practice. An individual affected under this division 49876
shall be afforded an opportunity to demonstrate to the board the 49877
ability to resume practice in compliance with acceptable and 49878
prevailing standards under the provisions of the individual's 49879

certificate. For the purpose of this division, any individual who 49880
applies for or receives a certificate to practice under this 49881
chapter accepts the privilege of practicing in this state and, by 49882
so doing, shall be deemed to have given consent to submit to a 49883
mental or physical examination when directed to do so in writing 49884
by the board, and to have waived all objections to the 49885
admissibility of testimony or examination reports that constitute 49886
a privileged communication. 49887

(20) Except when civil penalties are imposed under section 49888
4731.225 or 4731.281 of the Revised Code, and subject to section 49889
4731.226 of the Revised Code, violating or attempting to violate, 49890
directly or indirectly, or assisting in or abetting the violation 49891
of, or conspiring to violate, any provisions of this chapter or 49892
any rule promulgated by the board. 49893

This division does not apply to a violation or attempted 49894
violation of, assisting in or abetting the violation of, or a 49895
conspiracy to violate, any provision of this chapter or any rule 49896
adopted by the board that would preclude the making of a report by 49897
a physician of an employee's use of a drug of abuse, or of a 49898
condition of an employee other than one involving the use of a 49899
drug of abuse, to the employer of the employee as described in 49900
division (B) of section 2305.33 of the Revised Code. Nothing in 49901
this division affects the immunity from civil liability conferred 49902
by that section upon a physician who makes either type of report 49903
in accordance with division (B) of that section. As used in this 49904
division, "employee," "employer," and "physician" have the same 49905
meanings as in section 2305.33 of the Revised Code. 49906

(21) The violation of section 3701.79 of the Revised Code or 49907
of any abortion rule adopted by the ~~public~~ director of health 49908
~~council~~ pursuant to section 3701.341 of the Revised Code; 49909

(22) Any of the following actions taken by an agency 49910
responsible for authorizing, certifying, or regulating an 49911

individual to practice a health care occupation or provide health 49912
care services in this state or another jurisdiction, for any 49913
reason other than the nonpayment of fees: the limitation, 49914
revocation, or suspension of an individual's license to practice; 49915
acceptance of an individual's license surrender; denial of a 49916
license; refusal to renew or reinstate a license; imposition of 49917
probation; or issuance of an order of censure or other reprimand; 49918

(23) The violation of section 2919.12 of the Revised Code or 49919
the performance or inducement of an abortion upon a pregnant woman 49920
with actual knowledge that the conditions specified in division 49921
(B) of section 2317.56 of the Revised Code have not been satisfied 49922
or with a heedless indifference as to whether those conditions 49923
have been satisfied, unless an affirmative defense as specified in 49924
division (H)(2) of that section would apply in a civil action 49925
authorized by division (H)(1) of that section; 49926

(24) The revocation, suspension, restriction, reduction, or 49927
termination of clinical privileges by the United States department 49928
of defense or department of veterans affairs or the termination or 49929
suspension of a certificate of registration to prescribe drugs by 49930
the drug enforcement administration of the United States 49931
department of justice; 49932

(25) Termination or suspension from participation in the 49933
medicare or medicaid programs by the department of health and 49934
human services or other responsible agency for any act or acts 49935
that also would constitute a violation of division (B)(2), (3), 49936
(6), (8), or (19) of this section; 49937

(26) Impairment of ability to practice according to 49938
acceptable and prevailing standards of care because of habitual or 49939
excessive use or abuse of drugs, alcohol, or other substances that 49940
impair ability to practice. 49941

For the purposes of this division, any individual authorized 49942

to practice by this chapter accepts the privilege of practicing in 49943
this state subject to supervision by the board. By filing an 49944
application for or holding a certificate to practice under this 49945
chapter, an individual shall be deemed to have given consent to 49946
submit to a mental or physical examination when ordered to do so 49947
by the board in writing, and to have waived all objections to the 49948
admissibility of testimony or examination reports that constitute 49949
privileged communications. 49950

If it has reason to believe that any individual authorized to 49951
practice by this chapter or any applicant for certification to 49952
practice suffers such impairment, the board may compel the 49953
individual to submit to a mental or physical examination, or both. 49954
The expense of the examination is the responsibility of the 49955
individual compelled to be examined. Any mental or physical 49956
examination required under this division shall be undertaken by a 49957
treatment provider or physician who is qualified to conduct the 49958
examination and who is chosen by the board. 49959

Failure to submit to a mental or physical examination ordered 49960
by the board constitutes an admission of the allegations against 49961
the individual unless the failure is due to circumstances beyond 49962
the individual's control, and a default and final order may be 49963
entered without the taking of testimony or presentation of 49964
evidence. If the board determines that the individual's ability to 49965
practice is impaired, the board shall suspend the individual's 49966
certificate or deny the individual's application and shall require 49967
the individual, as a condition for initial, continued, reinstated, 49968
or renewed certification to practice, to submit to treatment. 49969

Before being eligible to apply for reinstatement of a 49970
certificate suspended under this division, the impaired 49971
practitioner shall demonstrate to the board the ability to resume 49972
practice in compliance with acceptable and prevailing standards of 49973
care under the provisions of the practitioner's certificate. The 49974

demonstration shall include, but shall not be limited to, the 49975
following: 49976

(a) Certification from a treatment provider approved under 49977
section 4731.25 of the Revised Code that the individual has 49978
successfully completed any required inpatient treatment; 49979

(b) Evidence of continuing full compliance with an aftercare 49980
contract or consent agreement; 49981

(c) Two written reports indicating that the individual's 49982
ability to practice has been assessed and that the individual has 49983
been found capable of practicing according to acceptable and 49984
prevailing standards of care. The reports shall be made by 49985
individuals or providers approved by the board for making the 49986
assessments and shall describe the basis for their determination. 49987

The board may reinstate a certificate suspended under this 49988
division after that demonstration and after the individual has 49989
entered into a written consent agreement. 49990

When the impaired practitioner resumes practice, the board 49991
shall require continued monitoring of the individual. The 49992
monitoring shall include, but not be limited to, compliance with 49993
the written consent agreement entered into before reinstatement or 49994
with conditions imposed by board order after a hearing, and, upon 49995
termination of the consent agreement, submission to the board for 49996
at least two years of annual written progress reports made under 49997
penalty of perjury stating whether the individual has maintained 49998
sobriety. 49999

(27) A second or subsequent violation of section 4731.66 or 50000
4731.69 of the Revised Code; 50001

(28) Except as provided in division (N) of this section: 50002

(a) Waiving the payment of all or any part of a deductible or 50003
copayment that a patient, pursuant to a health insurance or health 50004

care policy, contract, or plan that covers the individual's 50005
services, otherwise would be required to pay if the waiver is used 50006
as an enticement to a patient or group of patients to receive 50007
health care services from that individual; 50008

(b) Advertising that the individual will waive the payment of 50009
all or any part of a deductible or copayment that a patient, 50010
pursuant to a health insurance or health care policy, contract, or 50011
plan that covers the individual's services, otherwise would be 50012
required to pay. 50013

(29) Failure to use universal blood and body fluid 50014
precautions established by rules adopted under section 4731.051 of 50015
the Revised Code; 50016

(30) Failure to provide notice to, and receive acknowledgment 50017
of the notice from, a patient when required by section 4731.143 of 50018
the Revised Code prior to providing nonemergency professional 50019
services, or failure to maintain that notice in the patient's 50020
file; 50021

(31) Failure of a physician supervising a physician assistant 50022
to maintain supervision in accordance with the requirements of 50023
Chapter 4730. of the Revised Code and the rules adopted under that 50024
chapter; 50025

(32) Failure of a physician or podiatrist to enter into a 50026
standard care arrangement with a clinical nurse specialist, 50027
certified nurse-midwife, or certified nurse practitioner with whom 50028
the physician or podiatrist is in collaboration pursuant to 50029
section 4731.27 of the Revised Code or failure to fulfill the 50030
responsibilities of collaboration after entering into a standard 50031
care arrangement; 50032

(33) Failure to comply with the terms of a consult agreement 50033
entered into with a pharmacist pursuant to section 4729.39 of the 50034
Revised Code; 50035

(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	50036 50037 50038 50039 50040 50041 50042 50043 50044
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for supervision of an acupuncturist;	50045 50046 50047
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	50048 50049 50050
(37) Assisting suicide as defined in section 3795.01 of the Revised Code;	50051 50052
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	50053 50054
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	50055 50056 50057
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	50058 50059 50060
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	50061 50062 50063 50064
(42) Failure to comply with the standards and procedures	50065

established in rules under section 4731.054 of the Revised Code 50066
for providing supervision, direction, and control of individuals 50067
at a pain management clinic; 50068

(43) Failure to comply with the requirements of section 50069
4729.79 of the Revised Code, unless the state board of pharmacy no 50070
longer maintains a drug database pursuant to section 4729.75 of 50071
the Revised Code; 50072

~~(41)~~(44) Failure to comply with the requirements of section 50073
2919.171 of the Revised Code or failure to submit to the 50074
department of health in accordance with a court order a complete 50075
report as described in section 2919.171 of the Revised Code. 50076

(C) Disciplinary actions taken by the board under divisions 50077
(A) and (B) of this section shall be taken pursuant to an 50078
adjudication under Chapter 119. of the Revised Code, except that 50079
in lieu of an adjudication, the board may enter into a consent 50080
agreement with an individual to resolve an allegation of a 50081
violation of this chapter or any rule adopted under it. A consent 50082
agreement, when ratified by an affirmative vote of not fewer than 50083
six members of the board, shall constitute the findings and order 50084
of the board with respect to the matter addressed in the 50085
agreement. If the board refuses to ratify a consent agreement, the 50086
admissions and findings contained in the consent agreement shall 50087
be of no force or effect. 50088

A telephone conference call may be utilized for ratification 50089
of a consent agreement that revokes or suspends an individual's 50090
certificate to practice. The telephone conference call shall be 50091
considered a special meeting under division (F) of section 121.22 50092
of the Revised Code. 50093

If the board takes disciplinary action against an individual 50094
under division (B) of this section for a second or subsequent plea 50095
of guilty to, or judicial finding of guilt of, a violation of 50096

section 2919.123 of the Revised Code, the disciplinary action 50097
shall consist of a suspension of the individual's certificate to 50098
practice for a period of at least one year or, if determined 50099
appropriate by the board, a more serious sanction involving the 50100
individual's certificate to practice. Any consent agreement 50101
entered into under this division with an individual that pertains 50102
to a second or subsequent plea of guilty to, or judicial finding 50103
of guilt of, a violation of that section shall provide for a 50104
suspension of the individual's certificate to practice for a 50105
period of at least one year or, if determined appropriate by the 50106
board, a more serious sanction involving the individual's 50107
certificate to practice. 50108

(D) For purposes of divisions (B)(10), (12), and (14) of this 50109
section, the commission of the act may be established by a finding 50110
by the board, pursuant to an adjudication under Chapter 119. of 50111
the Revised Code, that the individual committed the act. The board 50112
does not have jurisdiction under those divisions if the trial 50113
court renders a final judgment in the individual's favor and that 50114
judgment is based upon an adjudication on the merits. The board 50115
has jurisdiction under those divisions if the trial court issues 50116
an order of dismissal upon technical or procedural grounds. 50117

(E) The sealing of conviction records by any court shall have 50118
no effect upon a prior board order entered under this section or 50119
upon the board's jurisdiction to take action under this section 50120
if, based upon a plea of guilty, a judicial finding of guilt, or a 50121
judicial finding of eligibility for intervention in lieu of 50122
conviction, the board issued a notice of opportunity for a hearing 50123
prior to the court's order to seal the records. The board shall 50124
not be required to seal, destroy, redact, or otherwise modify its 50125
records to reflect the court's sealing of conviction records. 50126

(F)(1) The board shall investigate evidence that appears to 50127
show that a person has violated any provision of this chapter or 50128

any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, the board may administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board. Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that

the records sought are relevant to the alleged violation and 50161
material to the investigation. The subpoena may apply only to 50162
records that cover a reasonable period of time surrounding the 50163
alleged violation. 50164

On failure to comply with any subpoena issued by the board 50165
and after reasonable notice to the person being subpoenaed, the 50166
board may move for an order compelling the production of persons 50167
or records pursuant to the Rules of Civil Procedure. 50168

A subpoena issued by the board may be served by a sheriff, 50169
the sheriff's deputy, or a board employee designated by the board. 50170
Service of a subpoena issued by the board may be made by 50171
delivering a copy of the subpoena to the person named therein, 50172
reading it to the person, or leaving it at the person's usual 50173
place of residence. When the person being served is a person whose 50174
practice is authorized by this chapter, service of the subpoena 50175
may be made by certified mail, restricted delivery, return receipt 50176
requested, and the subpoena shall be deemed served on the date 50177
delivery is made or the date the person refuses to accept 50178
delivery. 50179

A sheriff's deputy who serves a subpoena shall receive the 50180
same fees as a sheriff. Each witness who appears before the board 50181
in obedience to a subpoena shall receive the fees and mileage 50182
provided for under section 119.094 of the Revised Code. 50183

(4) All hearings and investigations of the board shall be 50184
considered civil actions for the purposes of section 2305.252 of 50185
the Revised Code. 50186

(5) Information received by the board pursuant to an 50187
investigation is confidential and not subject to discovery in any 50188
civil action. 50189

The board shall conduct all investigations and proceedings in 50190
a manner that protects the confidentiality of patients and persons 50191

who file complaints with the board. The board shall not make 50192
public the names or any other identifying information about 50193
patients or complainants unless proper consent is given or, in the 50194
case of a patient, a waiver of the patient privilege exists under 50195
division (B) of section 2317.02 of the Revised Code, except that 50196
consent or a waiver of that nature is not required if the board 50197
possesses reliable and substantial evidence that no bona fide 50198
physician-patient relationship exists. 50199

The board may share any information it receives pursuant to 50200
an investigation, including patient records and patient record 50201
information, with law enforcement agencies, other licensing 50202
boards, and other governmental agencies that are prosecuting, 50203
adjudicating, or investigating alleged violations of statutes or 50204
administrative rules. An agency or board that receives the 50205
information shall comply with the same requirements regarding 50206
confidentiality as those with which the state medical board must 50207
comply, notwithstanding any conflicting provision of the Revised 50208
Code or procedure of the agency or board that applies when it is 50209
dealing with other information in its possession. In a judicial 50210
proceeding, the information may be admitted into evidence only in 50211
accordance with the Rules of Evidence, but the court shall require 50212
that appropriate measures are taken to ensure that confidentiality 50213
is maintained with respect to any part of the information that 50214
contains names or other identifying information about patients or 50215
complainants whose confidentiality was protected by the state 50216
medical board when the information was in the board's possession. 50217
Measures to ensure confidentiality that may be taken by the court 50218
include sealing its records or deleting specific information from 50219
its records. 50220

(6) On a quarterly basis, the board shall prepare a report 50221
that documents the disposition of all cases during the preceding 50222
three months. The report shall contain the following information 50223

for each case with which the board has completed its activities:	50224
(a) The case number assigned to the complaint or alleged violation;	50225 50226
(b) The type of certificate to practice, if any, held by the individual against whom the complaint is directed;	50227 50228
(c) A description of the allegations contained in the complaint;	50229 50230
(d) The disposition of the case.	50231
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	50232 50233 50234 50235
(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's certificate to practice without a prior hearing:	50236 50237 50238
(1) That there is clear and convincing evidence that an individual has violated division (B) of this section;	50239 50240
(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.	50241 50242
Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.	50243 50244 50245 50246 50247 50248 50249
The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12	50250 50251 50252 50253

of the Revised Code. If the individual subject to the summary 50254
suspension requests an adjudicatory hearing by the board, the date 50255
set for the hearing shall be within fifteen days, but not earlier 50256
than seven days, after the individual requests the hearing, unless 50257
otherwise agreed to by both the board and the individual. 50258

Any summary suspension imposed under this division shall 50259
remain in effect, unless reversed on appeal, until a final 50260
adjudicative order issued by the board pursuant to this section 50261
and Chapter 119. of the Revised Code becomes effective. The board 50262
shall issue its final adjudicative order within seventy-five days 50263
after completion of its hearing. A failure to issue the order 50264
within seventy-five days shall result in dissolution of the 50265
summary suspension order but shall not invalidate any subsequent, 50266
final adjudicative order. 50267

(H) If the board takes action under division (B)(9), (11), or 50268
(13) of this section and the judicial finding of guilt, guilty 50269
plea, or judicial finding of eligibility for intervention in lieu 50270
of conviction is overturned on appeal, upon exhaustion of the 50271
criminal appeal, a petition for reconsideration of the order may 50272
be filed with the board along with appropriate court documents. 50273
Upon receipt of a petition of that nature and supporting court 50274
documents, the board shall reinstate the individual's certificate 50275
to practice. The board may then hold an adjudication under Chapter 50276
119. of the Revised Code to determine whether the individual 50277
committed the act in question. Notice of an opportunity for a 50278
hearing shall be given in accordance with Chapter 119. of the 50279
Revised Code. If the board finds, pursuant to an adjudication held 50280
under this division, that the individual committed the act or if 50281
no hearing is requested, the board may order any of the sanctions 50282
identified under division (B) of this section. 50283

(I) The certificate to practice issued to an individual under 50284
this chapter and the individual's practice in this state are 50285

automatically suspended as of the date of the individual's second 50286
or subsequent plea of guilty to, or judicial finding of guilt of, 50287
a violation of section 2919.123 of the Revised Code, or the date 50288
the individual pleads guilty to, is found by a judge or jury to be 50289
guilty of, or is subject to a judicial finding of eligibility for 50290
intervention in lieu of conviction in this state or treatment or 50291
intervention in lieu of conviction in another jurisdiction for any 50292
of the following criminal offenses in this state or a 50293
substantially equivalent criminal offense in another jurisdiction: 50294
aggravated murder, murder, voluntary manslaughter, felonious 50295
assault, kidnapping, rape, sexual battery, gross sexual 50296
imposition, aggravated arson, aggravated robbery, or aggravated 50297
burglary. Continued practice after suspension shall be considered 50298
practicing without a certificate. 50299

The board shall notify the individual subject to the 50300
suspension by certified mail or in person in accordance with 50301
section 119.07 of the Revised Code. If an individual whose 50302
certificate is automatically suspended under this division fails 50303
to make a timely request for an adjudication under Chapter 119. of 50304
the Revised Code, the board shall do whichever of the following is 50305
applicable: 50306

(1) If the automatic suspension under this division is for a 50307
second or subsequent plea of guilty to, or judicial finding of 50308
guilt of, a violation of section 2919.123 of the Revised Code, the 50309
board shall enter an order suspending the individual's certificate 50310
to practice for a period of at least one year or, if determined 50311
appropriate by the board, imposing a more serious sanction 50312
involving the individual's certificate to practice. 50313

(2) In all circumstances in which division (I)(1) of this 50314
section does not apply, enter a final order permanently revoking 50315
the individual's certificate to practice. 50316

(J) If the board is required by Chapter 119. of the Revised 50317

Code to give notice of an opportunity for a hearing and if the 50318
individual subject to the notice does not timely request a hearing 50319
in accordance with section 119.07 of the Revised Code, the board 50320
is not required to hold a hearing, but may adopt, by an 50321
affirmative vote of not fewer than six of its members, a final 50322
order that contains the board's findings. In that final order, the 50323
board may order any of the sanctions identified under division (A) 50324
or (B) of this section. 50325

(K) Any action taken by the board under division (B) of this 50326
section resulting in a suspension from practice shall be 50327
accompanied by a written statement of the conditions under which 50328
the individual's certificate to practice may be reinstated. The 50329
board shall adopt rules governing conditions to be imposed for 50330
reinstatement. Reinstatement of a certificate suspended pursuant 50331
to division (B) of this section requires an affirmative vote of 50332
not fewer than six members of the board. 50333

(L) When the board refuses to grant a certificate to an 50334
applicant, revokes an individual's certificate to practice, 50335
refuses to register an applicant, or refuses to reinstate an 50336
individual's certificate to practice, the board may specify that 50337
its action is permanent. An individual subject to a permanent 50338
action taken by the board is forever thereafter ineligible to hold 50339
a certificate to practice and the board shall not accept an 50340
application for reinstatement of the certificate or for issuance 50341
of a new certificate. 50342

(M) Notwithstanding any other provision of the Revised Code, 50343
all of the following apply: 50344

(1) The surrender of a certificate issued under this chapter 50345
shall not be effective unless or until accepted by the board. A 50346
telephone conference call may be utilized for acceptance of the 50347
surrender of an individual's certificate to practice. The 50348
telephone conference call shall be considered a special meeting 50349

under division (F) of section 121.22 of the Revised Code. 50350
Reinstatement of a certificate surrendered to the board requires 50351
an affirmative vote of not fewer than six members of the board. 50352

(2) An application for a certificate made under the 50353
provisions of this chapter may not be withdrawn without approval 50354
of the board. 50355

(3) Failure by an individual to renew a certificate of 50356
registration in accordance with this chapter shall not remove or 50357
limit the board's jurisdiction to take any disciplinary action 50358
under this section against the individual. 50359

(N) Sanctions shall not be imposed under division (B)(28) of 50360
this section against any person who waives deductibles and 50361
copayments as follows: 50362

(1) In compliance with the health benefit plan that expressly 50363
allows such a practice. Waiver of the deductibles or copayments 50364
shall be made only with the full knowledge and consent of the plan 50365
purchaser, payer, and third-party administrator. Documentation of 50366
the consent shall be made available to the board upon request. 50367

(2) For professional services rendered to any other person 50368
authorized to practice pursuant to this chapter, to the extent 50369
allowed by this chapter and rules adopted by the board. 50370

(O) Under the board's investigative duties described in this 50371
section and subject to division (F) of this section, the board 50372
shall develop and implement a quality intervention program 50373
designed to improve through remedial education the clinical and 50374
communication skills of individuals authorized under this chapter 50375
to practice medicine and surgery, osteopathic medicine and 50376
surgery, and podiatric medicine and surgery. In developing and 50377
implementing the quality intervention program, the board may do 50378
all of the following: 50379

(1) Offer in appropriate cases as determined by the board an 50380

educational and assessment program pursuant to an investigation	50381
the board conducts under this section;	50382
(2) Select providers of educational and assessment services,	50383
including a quality intervention program panel of case reviewers;	50384
(3) Make referrals to educational and assessment service	50385
providers and approve individual educational programs recommended	50386
by those providers. The board shall monitor the progress of each	50387
individual undertaking a recommended individual educational	50388
program.	50389
(4) Determine what constitutes successful completion of an	50390
individual educational program and require further monitoring of	50391
the individual who completed the program or other action that the	50392
board determines to be appropriate;	50393
(5) Adopt rules in accordance with Chapter 119. of the	50394
Revised Code to further implement the quality intervention	50395
program.	50396
An individual who participates in an individual educational	50397
program pursuant to this division shall pay the financial	50398
obligations arising from that educational program.	50399
Sec. 4736.01. As used in this chapter:	50400
(A) "Environmental health science" means the aspect of public	50401
health science that includes, but is not limited to, the following	50402
bodies of knowledge: air quality, food quality and protection,	50403
hazardous and toxic substances, consumer product safety, housing,	50404
institutional health and safety, community noise control,	50405
radiation protection, recreational facilities, solid and liquid	50406
waste management, vector control, drinking water quality, milk	50407
sanitation, and rabies control.	50408
(B) "Sanitarian" means a person who performs for compensation	50409
educational, investigational, technical, or administrative duties	50410

requiring specialized knowledge and skills in the field of 50411
environmental health science. 50412

(C) "Registered sanitarian" means a person who is registered 50413
as a sanitarian in accordance with this chapter. 50414

(D) "Sanitarian-in-training" means a person who is registered 50415
as a sanitarian-in-training in accordance with this chapter. 50416

(E) "Practice of environmental health" means consultation, 50417
instruction, investigation, inspection, or evaluation by an 50418
employee of a city health district, a general health district, the 50419
environmental protection agency, the department of health, or the 50420
department of agriculture requiring specialized knowledge, 50421
training, and experience in the field of environmental health 50422
science, with the primary purpose of improving or conducting 50423
administration or enforcement under any of the following: 50424

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 50425
3733. of the Revised Code; 50426

(2) Chapter 3734. of the Revised Code as it pertains to solid 50427
waste; 50428

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 50429
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 50430

(4) Rules adopted under former section 3701.34 of the Revised 50431
Code pertaining to rabies control or swimming pools; 50432

(5) Rules adopted under section 3701.935 of the Revised Code 50433
for school health and safety network inspections and rules adopted 50434
under section 3707.26 of the Revised Code for sanitary 50435
inspections. 50436

"Practice of environmental health" does not include sampling, 50437
testing, controlling of vectors, reporting of observations, or 50438
other duties that do not require application of specialized 50439
knowledge and skills in environmental health science performed 50440

under the supervision of a registered sanitarian. 50441

The state board of sanitarian registration may further define 50442
environmental health science in relation to specific functions in 50443
the practice of environmental health through rules adopted by the 50444
board under Chapter 119. of the Revised Code. 50445

Sec. 4740.03. (A) The administrative section of the Ohio 50446
construction industry licensing board annually shall elect from 50447
among its members a chairperson and other officers as the board, 50448
by rule, designates. The chairperson shall preside over meetings 50449
of the administrative section or designate another member to 50450
preside in the chairperson's absence. The administrative section 50451
shall hold at least two regular meetings each year, but may meet 50452
at additional times as specified by rule, at the call of the 50453
chairperson, or upon the request of two or more members. A 50454
majority of the members of the administrative section constitutes 50455
a quorum for the transaction of all business. The administrative 50456
section may not take any action without the concurrence of at 50457
least three of its members. 50458

(B)(1) The administrative section shall employ a secretary, 50459
who is not a member of the board, to serve at the pleasure of the 50460
administrative section, and shall fix the compensation of the 50461
secretary. The secretary shall be in the unclassified civil 50462
service of the state. 50463

(2) The secretary shall do all of the following: 50464

(a) Keep or set standards for and delegate to another person 50465
the keeping of the minutes, books, and other records and files of 50466
the board and each section of the board; 50467

(b) Issue all licenses in the name of the board; 50468

(c) Send out all notices, including advance notices of 50469
meetings of the board and each section of the board, and attend to 50470

all correspondence of the board and each section of the board, 50471
under the direction of the administrative section; 50472

(d) Receive and deposit all fees payable pursuant to this 50473
chapter into the ~~labor~~ industrial compliance operating fund 50474
created pursuant to section 121.084 of the Revised Code; 50475

(e) Perform all other duties incidental to the office of the 50476
secretary or properly assigned to the secretary by the 50477
administrative section of the board. 50478

(3) Before entering upon the discharge of the duties of the 50479
secretary, the secretary shall file with the treasurer of state a 50480
bond in the sum of five thousand dollars, payable to the state, to 50481
ensure the faithful performance of the secretary's duties. The 50482
board shall pay the premium of the bond in the same manner as it 50483
pays other expenditures of the board. 50484

(C) Upon the request of the administrative section of the 50485
board, the director of commerce shall supply the board and its 50486
sections with personnel, office space, and supplies, as the 50487
director determines appropriate. The administrative section of the 50488
board shall employ any additional staff it considers necessary and 50489
appropriate. 50490

(D) The chairperson of the board or the secretary, or both, 50491
as authorized by the board, shall approve all vouchers of the 50492
board. 50493

Sec. 4740.11. The Ohio construction industry licensing board 50494
and its sections shall deposit all receipts and fines collected 50495
under this chapter into the state treasury to the credit of the 50496
~~labor~~ industrial compliance operating fund created in section 50497
121.084 of the Revised Code. 50498

Sec. 4740.14. (A) There is hereby created within the 50499
department of commerce the residential construction advisory 50500

committee consisting of nine persons the director of commerce 50501
appoints. The advisory committee shall be made up of the following 50502
members: 50503

(1) Three shall be general contractors who have recognized 50504
ability and experience in the construction of residential 50505
buildings. 50506

(2) Two shall be building officials who have experience 50507
administering and enforcing a residential building code. 50508

(3) One, chosen from a list of three names the Ohio fire 50509
chief's association submits, shall be from the fire service 50510
certified as a fire safety inspector who has at least ten years of 50511
experience enforcing fire or building codes. 50512

(4) One shall be a residential contractor who has recognized 50513
ability and experience in the remodeling and construction of 50514
residential buildings. 50515

(5) One shall be an architect registered pursuant to Chapter 50516
4703. of the Revised Code, with recognized ability and experience 50517
in the architecture of residential buildings. 50518

(6) One, chosen from a list of three names the Ohio municipal 50519
league submits to the director, shall be a mayor of a municipal 50520
corporation in which the Ohio residential building code is being 50521
enforced in the municipal corporation by a certified building 50522
department. 50523

(B) Terms of office shall be for three years, with each term 50524
ending on the date three years after the date of appointment. Each 50525
member shall hold office from the date of appointment until the 50526
end of the term for which the member was appointed. Vacancies 50527
shall be filled in the manner provided for initial appointments. 50528
Any member appointed to fill a vacancy in an unexpired term shall 50529
hold office for the remainder of that term. 50530

(C) The advisory committee shall do all of the following: 50531

(1) Recommend to the board of building standards a building 50532
code for residential buildings. The committee shall recommend a 50533
code that it may model on a residential building code a national 50534
model code organization issues, with adaptations necessary to 50535
implement the code in this state. If the board of building 50536
standards decides not to adopt a code the committee recommends, 50537
the committee shall revise the code and resubmit it until the 50538
board adopts a code the committee recommends as the state 50539
residential building code; 50540

(2) Advise the board regarding the establishment of standards 50541
for certification of building officials who enforce the state 50542
residential building code; 50543

(3) Assist the board in providing information and guidance to 50544
residential contractors and building officials who enforce the 50545
state residential building code; 50546

(4) Advise the board regarding the interpretation of the 50547
state residential building code; 50548

(5) Provide other assistance the committee considers 50549
necessary; 50550

(6) Provide the board with a written report of the 50551
committee's findings for each consideration required by division 50552
(D) of this section. 50553

(D) The committee shall not make its recommendation to the 50554
board pursuant to divisions (C)(1), (2), and (4) of this section 50555
until the advisory committee has considered all of the following: 50556

(1) The impact that the state residential building code may 50557
have upon the health, safety, and welfare of the public; 50558

(2) The economic reasonableness of the residential building 50559
code; 50560

(3) The technical feasibility of the residential building code; 50561
50562

(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing. 50563
50564

(E) The advisory committee may provide the board with any rule the committee recommends to update or amend the state residential building code or any rule that the committee recommends to update or amend the state residential building code after receiving a petition described in division (A)(2) of section 3781.12 of the Revised Code. 50565
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(F) Members of the advisory committee shall receive no salary for the performance of their duties as members, but shall receive their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee and shall receive a per diem for each day in attendance at an official meeting of the committee, to be paid from the ~~labor~~ industrial compliance operating fund in the state treasury, using fees collected in connection with residential buildings pursuant to division (F)(2) of section 3781.102 of the Revised Code and deposited in that fund. 50571
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(G) The advisory committee is not subject to divisions (A) and (B) of section 101.84 of the Revised Code. 50581
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Sec. 4743.05. Except as otherwise provided in sections 4701.20, 4723.062, 4723.082, ~~and~~ 4729.65, 4781.121, and 4781.28 of the Revised Code, all money collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4771., 4775., 4779., and 4781. of the Revised Code shall be paid into the state treasury to the credit of the occupational licensing and regulatory fund, which is hereby created for use in administering such chapters. 50583
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At the end of each quarter, the director of budget and management shall transfer from the occupational licensing and regulatory fund to the nurse education assistance fund created in section 3333.28 of the Revised Code the amount certified to the director under division (B) of section 4723.08 of the Revised Code.

At the end of each quarter, the director shall transfer from the occupational licensing and regulatory fund to the certified public accountant education assistance fund created in section 4701.26 of the Revised Code the amount certified to the director under division (H)(2) of section 4701.10 of the Revised Code.

Sec. 4763.05. (A)(1)(a) A person shall make application for an initial state-certified general real estate appraiser certificate, an initial state-certified residential real estate appraiser certificate, an initial state-licensed residential real estate appraiser license, or an initial state-registered real estate appraiser assistant registration in writing to the superintendent of real estate on a form the superintendent prescribes. The application shall include the address of the applicant's principal place of business and all other addresses at which the applicant currently engages in the business of preparing real estate appraisals and the address of the applicant's current residence. The superintendent shall retain the applicant's current residence address in a separate record which ~~shall~~ does not constitute a public record for purposes of section ~~149.03~~ 149.43 of the Revised Code. The application shall indicate whether the applicant seeks certification as a general real estate appraiser or as a residential real estate appraiser, licensure as a residential real estate appraiser, or registration as a real estate appraiser assistant and be accompanied by the prescribed examination and certification, registration, or licensure fees set forth in section 4763.09 of the Revised Code. The application also

shall include a pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter; and a statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter.

(b) Upon the filing of an application and payment of any examination and certification, registration, or licensure fees, the superintendent of real estate shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints in accordance with ~~division (A)(11)~~ of section 109.572 of the Revised Code. Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of real estate shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A)(1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or

license, and for current certificate holders, registrants, and 50656
licensees, at the time of renewal. 50657

(B) An applicant for an initial general real estate appraiser 50658
certificate, residential real estate appraiser certificate, or 50659
residential real estate appraiser license shall possess experience 50660
in real estate appraisal as the board prescribes by rule. In 50661
addition to any other information required by the board, the 50662
applicant shall furnish, under oath, a detailed listing of the 50663
appraisal reports or file memoranda for each year for which 50664
experience is claimed and, upon request of the superintendent or 50665
the board, shall make available for examination a sample of the 50666
appraisal reports prepared by the applicant in the course of the 50667
applicant's practice. 50668

(C) An applicant for an initial certificate, registration, or 50669
license shall be at least eighteen years of age, honest, truthful, 50670
and of good reputation and shall present satisfactory evidence to 50671
the superintendent that the applicant has successfully completed 50672
any education requirements the board prescribes by rule. 50673

(D) An applicant for an initial general real estate appraiser 50674
or residential real estate appraiser certificate or residential 50675
real estate appraiser license shall take and successfully complete 50676
a written examination in order to qualify for the certificate or 50677
license. 50678

The board shall prescribe the examination requirements by 50679
rule. 50680

(E)(1) A nonresident, natural person of this state who has 50681
complied with this section may obtain a certificate, registration, 50682
or license. The board shall adopt rules relating to the 50683
certification, registration, and licensure of a nonresident 50684
applicant whose state of residence the board determines to have 50685
certification, registration, or licensure requirements that are 50686

substantially similar to those set forth in this chapter and the rules adopted thereunder.

(2) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:

(a) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.

(b) The appraiser's business in this state is of a temporary nature.

(c) The appraiser registers with the board pursuant to this division.

An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.

The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year.

(3) In addition to any other information required to be submitted with the nonresident applicant's or appraiser's application for a certificate, registration, license, or temporary recognition of a certificate or license, each nonresident applicant or appraiser shall submit a statement consenting to the service of process upon the nonresident applicant or appraiser by means of delivering that process to the secretary of state if, in an action against the applicant, certificate holder, registrant,

or licensee arising from the applicant's, certificate holder's, 50718
registrant's, or licensee's activities as a certificate holder, 50719
registrant, or licensee, the plaintiff, in the exercise of due 50720
diligence, cannot effect personal service upon the applicant, 50721
certificate holder, registrant, or licensee. 50722

(F) The superintendent shall not issue a certificate, 50723
registration, or license to, or recognize on a temporary basis an 50724
appraiser from another state that is a corporation, partnership, 50725
or association. This prohibition shall not be construed to prevent 50726
a certificate holder or licensee from signing an appraisal report 50727
on behalf of a corporation, partnership, or association. 50728

(G) Every person licensed, registered, or certified under 50729
this chapter shall notify the superintendent, on a form provided 50730
by the superintendent, of a change in the address of the 50731
licensee's, registrant's, or certificate holder's principal place 50732
of business or residence within thirty days of the change. If a 50733
licensee's, registrant's, or certificate holder's license, 50734
registration, or certificate is revoked or not renewed, the 50735
licensee, registrant, or certificate holder immediately shall 50736
return the annual and any renewal certificate, registration, or 50737
license to the superintendent. 50738

(H)(1) The superintendent shall not issue a certificate, 50739
registration, or license to any person, or recognize on a 50740
temporary basis an appraiser from another state, who does not meet 50741
applicable minimum criteria for state certification, registration, 50742
or licensure prescribed by federal law or rule. 50743

(2) The superintendent shall not issue a general real estate 50744
appraiser certificate, residential real estate appraiser 50745
certificate, residential real estate appraiser license, or real 50746
estate appraiser assistant registration to any person who has been 50747
convicted of or pleaded guilty to any criminal offense involving 50748
theft, receiving stolen property, embezzlement, forgery, fraud, 50749

passing bad checks, money laundering, or drug trafficking, or any 50750
criminal offense involving money or securities, including a 50751
violation of an existing or former law of this state, any other 50752
state, or the United States that substantially is equivalent to 50753
such an offense. However, if the applicant has pleaded guilty to 50754
or been convicted of such an offense, the superintendent shall not 50755
consider the offense if the applicant has proven to the 50756
superintendent, by a preponderance of the evidence, that the 50757
applicant's activities and employment record since the conviction 50758
show that the applicant is honest, truthful, and of good 50759
reputation, and there is no basis in fact for believing that the 50760
applicant will commit such an offense again. 50761

Sec. 4765.02. (A)(1) There is hereby created the state board 50762
of emergency medical and transportation services within the 50763
division of emergency medical services of the department of public 50764
safety. The board shall consist of the members specified in this 50765
section who are residents of this state. The governor, with the 50766
advice and consent of the senate, shall appoint all members of the 50767
board, except the employee of the department of public safety 50768
designated by the director of public safety under this section to 50769
be a member of the board. In making the appointments, the governor 50770
shall appoint only members with background or experience in 50771
emergency medical services or trauma care and shall attempt to 50772
include members representing urban and rural areas, various 50773
geographical regions of the state, and various schools of 50774
training. 50775

~~One member of the board shall be a physician certified by the 50776
American board of emergency medicine or the American osteopathic 50777
board of emergency medicine who is active in the practice of 50778
emergency medicine and is actively involved with an emergency 50779
medical service organization. The governor shall appoint this 50780
member from among three persons nominated by the Ohio chapter of 50781~~

~~the American college of emergency physicians and three persons~~ 50782
~~nominated by the Ohio osteopathic association. (2) One member~~ 50783
shall be a physician certified by the American board of surgery or 50784
the American osteopathic board of surgery who is active in the 50785
practice of trauma surgery and is actively involved with emergency 50786
medical services. ~~The governor shall appoint this member from~~ 50787
~~among three persons nominated by the Ohio chapter of the American~~ 50788
college of surgeons and ~~three persons nominated by the Ohio~~ 50789
osteopathic association may recommend persons to the governor to 50790
be this member. One member shall be a physician certified by the 50791
American academy of pediatrics or American osteopathic board of 50792
pediatrics who is active in the practice of pediatric emergency 50793
medicine and actively involved with an emergency medical service 50794
organization. ~~The governor shall appoint this member from among~~ 50795
~~three persons nominated by the Ohio chapter of the American~~ 50796
academy of pediatrics may recommend persons to the governor to be 50797
this member. One member shall be the administrator of an adult or 50798
pediatric trauma center. ~~The governor shall appoint this member~~ 50799
~~from among three persons nominated by the OHA: the association for~~ 50800
hospitals and health systems, ~~three persons nominated by the Ohio~~ 50801
osteopathic association, ~~three persons nominated by the~~ 50802
association of Ohio children's hospitals, and ~~three persons~~ 50803
~~nominated by the health forum of Ohio~~ may recommend persons to the 50804
governor to be this member. One member shall be the administrator 50805
of a hospital that is not a trauma center. ~~The governor shall~~ 50806
~~appoint this member from among three persons nominated by OHA: the~~ 50807
association for hospitals and health systems, ~~three persons~~ 50808
~~nominated by the Ohio osteopathic association, three persons~~ 50809
~~nominated by the association of Ohio children's hospitals, and~~ 50810
~~three persons nominated by the health forum of Ohio~~ may recommend 50811
persons to the governor to be this member. One member shall be a 50812
registered nurse who is in the active practice of emergency 50813
nursing. ~~The governor shall appoint this member from among three~~ 50814

~~persons nominated by the Ohio nurses association and three persons~~ 50815
~~nominated by the Ohio state council of the emergency nurses~~ 50816
association may recommend persons to the governor to be this 50817
member. One member shall be the chief of a fire department that is 50818
also an emergency medical service organization in which more than 50819
fifty per cent of the persons who provide emergency medical 50820
services are full-time paid employees. The ~~governor shall appoint~~ 50821
~~this member from among three persons nominated by the Ohio fire~~ 50822
chiefs' association may recommend persons to the governor to be 50823
this member. One member shall be the chief of a fire department 50824
that is also an emergency medical service organization in which 50825
more than fifty per cent of the persons who provide emergency 50826
medical services are volunteers. The ~~governor shall appoint this~~ 50827
~~member from among three persons nominated by the Ohio fire chiefs'~~ 50828
association may recommend persons to the governor to be this 50829
member. One member shall be a person who is certified to teach 50830
under section 4765.23 of the Revised Code or, if the board has not 50831
yet certified persons to teach under that section, a person who is 50832
qualified to be certified to teach under that section. The 50833
~~governor shall appoint this member from among three persons~~ 50834
~~nominated by the Ohio emergency medical technician instructors~~ 50835
association and the Ohio instructor/coordinators' society may 50836
recommend persons to the governor to be this member. One member 50837
shall be an EMT-basic, and one member shall be an EMT-I, ~~and one~~ 50838
~~shall be a paramedic~~. The ~~governor shall appoint these members~~ 50839
~~from among three EMTs basic, three EMTs I, and three paramedics~~ 50840
~~nominated by the Ohio association of professional fire fighters~~ 50841
~~and three EMTs basic, three EMTs I, and three paramedics nominated~~ 50842
~~by, the northern Ohio fire fighters. One member shall be an~~ 50843
EMT basic, ~~one shall be an EMT I, and one shall be a paramedic~~ 50844
~~whom the governor shall appoint from among three EMTs basic, three~~ 50845
~~EMTs I, and three paramedics nominated by, the Ohio state~~ 50846
firefighter's association. ~~One member shall be a person whom the~~ 50847

~~governor shall appoint from among an EMT basic, an EMT I, and a
paramedic nominated by, and the Ohio association of emergency
medical services may recommend persons to the governor to be this
member. The governor shall appoint one One member ~~who is an
EMT basic, EMT I, or paramedic shall be~~ affiliated with an
emergency medical services organization. ~~One member shall be a
member of the Ohio ambulance association whom the governor shall
appoint from among three persons nominated by the Ohio ambulance
association.~~ One member shall be a physician certified by the
American board of surgery, American board of osteopathic surgery,
American osteopathic board of emergency medicine, or American
board of emergency medicine who is the chief medical officer of an
air medical agency and is currently active in providing emergency
medical services. ~~The governor shall appoint this member from
among three persons nominated by the Ohio association of air
medical services~~ may recommend persons to the governor to be this
member. One member shall be a consumer of emergency medical
services who is not associated with any public or private
emergency medical service organization. One member shall be a
representative of the commercial medical transportation industry.
The Ohio ambulance association may recommend persons to the
governor to be this member. One member shall be the owner or
operator of a private emergency medical service organization. Two
members shall be members of the Ohio association of critical care
transport, one member representing air-based services and the
other representing a ground-based mobile intensive care unit
organization. One member shall be the owner or operator of a
nonemergency medical service organization that provides ambulette
services only.~~

The governor, in the governor's discretion, may refuse to
appoint any of the persons ~~nominated~~ recommended by one or more
organizations under division (A)(2) of this section, except the
employee of the department of public safety designated by the

director of public safety under this section to be a member of the 50881
board. ~~In that event, the organization or organizations shall~~ 50882
~~continue to nominate the required number of persons until the~~ 50883
~~governor appoints to the board one or more of the persons~~ 50884
~~nominated by the organization or organizations.~~ 50885

The director of public safety shall designate an employee of 50886
the department of public safety to serve as a member of the board 50887
at the director's pleasure. This member shall serve as a liaison 50888
between the department and the division of emergency medical 50889
services in cooperation with the executive director of the board. 50890

~~Initial appointments to the board by the governor and the~~ 50891
~~director of public safety shall be made within ninety days after~~ 50892
~~November 12, 1992. Of the initial appointments by the governor,~~ 50893
~~five shall be for terms ending one year after November 12, 1992,~~ 50894
~~six shall be for terms ending two years after November 12, 1992,~~ 50895
~~and six shall be for terms ending three years after November 12,~~ 50896
~~1992. Within ninety days after the effective date of this~~ 50897
~~amendment, the governor shall appoint the member of the board who~~ 50898
~~is the chief medical officer of an air medical agency for an~~ 50899
~~initial term ending November 12, 2000. Thereafter, terms~~ 50900

(B) Terms of office of all members appointed by the governor 50901
shall be for three years, each term ending on the same day of the 50902
same month as did the term it succeeds. Each member shall hold 50903
office from the date of appointment until the end of the term for 50904
which the member was appointed. A member shall continue in office 50905
subsequent to the expiration date of the member's term until the 50906
member's successor takes office, or until a period of sixty days 50907
has elapsed, whichever occurs first. 50908

Each vacancy shall be filled in the same manner as the 50909
original appointment. A member appointed to fill a vacancy 50910
occurring prior to the expiration of the term for which the 50911
member's predecessor was appointed shall hold office for the 50912

remainder of the unexpired term. 50913

The term of a member shall expire if the member ceases to 50914
meet any of the requirements to be appointed as that member. The 50915
governor may remove any member from office for neglect of duty, 50916
malfeasance, misfeasance, or nonfeasance, after an adjudication 50917
hearing held in accordance with Chapter 119. of the Revised Code. 50918

(C) The members of the board shall serve without compensation 50919
but shall be reimbursed for their actual and necessary expenses 50920
incurred in carrying out their duties as board members. 50921

(D) The board shall organize by annually selecting a chair 50922
and vice-chair from among its members. The board may adopt bylaws 50923
to regulate its affairs. A majority of all members of the board 50924
shall constitute a quorum. No action shall be taken without the 50925
concurrence of a majority of all members of the board. The board 50926
shall meet at least four times annually and at the call of the 50927
chair. The chair shall call a meeting on the request of the 50928
executive director or the medical director of the board or on the 50929
written request of five members. The board shall maintain written 50930
or electronic records of its meetings. 50931

(E) Upon twenty-four hours' notice from a member of the 50932
board, the member's employer shall release the member from the 50933
member's employment duties to attend meetings of the full board. 50934
Nothing in this ~~paragraph~~ division requires the employer of a 50935
member of the board to compensate the member for time the member 50936
is released from employment duties under this paragraph, but any 50937
civil immunity, workers' compensation, disability, or similar 50938
coverage that applies to a member of the board as a result of the 50939
member's employment shall continue to apply while the member is 50940
released from employment duties under this paragraph. 50941

Sec. 4765.03. (A) The director of public safety shall appoint 50942
a full-time executive director for the state board of emergency 50943

medical and transportation services. The executive director shall 50944
be knowledgeable in emergency medical services and trauma care and 50945
shall serve at the pleasure of the director of public safety. The 50946
director of public safety shall appoint the executive director 50947
from among three persons nominated by the board. The director of 50948
public safety may refuse, for cause, to appoint any of the board's 50949
nominees. If the director fails to appoint any of the board's 50950
nominees, the board shall continue to nominate groups of three 50951
persons until the director does appoint one of the board's 50952
nominees. The executive director shall serve as the chief 50953
executive officer of the board and as the executive director of 50954
the division of emergency medical services. The executive director 50955
shall attend each meeting of the board, except the board may 50956
exclude the executive director from discussions concerning the 50957
employment or performance of the executive director or medical 50958
director of the board. The executive director shall give a surety 50959
bond to the state in such sum as the board determines, conditioned 50960
on the faithful performance of the duties of the executive 50961
director's office. The executive director shall receive a salary 50962
from the board and shall be reimbursed for actual and necessary 50963
expenses incurred in carrying out duties as executive director. 50964
50965

The executive director shall submit a report to the director 50966
of public safety at least every three months regarding the status 50967
of emergency medical services in this state. The executive 50968
director shall meet with the director of public safety at the 50969
director's request. 50970

(B) The board shall appoint a medical director, who shall 50971
serve at the pleasure of the board. The medical director shall be 50972
a physician certified by the American board of emergency medicine 50973
or the American osteopathic board of emergency medicine who is 50974
active in the practice of emergency medicine and has been actively 50975

involved with an emergency medical service organization for at 50976
least five years prior to being appointed. The board shall 50977
consider any recommendations for this appointment from the Ohio 50978
chapter of the American college of emergency physicians, the Ohio 50979
chapter of the American college of surgeons, the Ohio chapter of 50980
the American academy of pediatrics, the Ohio osteopathic 50981
association, and the Ohio state medical association. 50982

The medical director shall direct the executive director and 50983
advise the board with regard to adult and pediatric trauma and 50984
emergency medical services issues. The medical director shall 50985
attend each meeting of the board, except the board may exclude the 50986
medical director from discussions concerning the appointment or 50987
performance of the medical director or executive director of the 50988
board. The medical director shall be employed and paid by the 50989
board and shall be reimbursed for actual and necessary expenses 50990
incurred in carrying out duties as medical director. 50991

(C) The board may appoint employees as it determines 50992
necessary. The board shall prescribe the duties and titles of its 50993
employees. 50994

Sec. 4765.04. (A) The firefighter and fire safety inspector 50995
training committee of the state board of emergency medical and 50996
transportation services is hereby created and shall consist of the 50997
members of the board who are chiefs of fire departments, and the 50998
members of the board who are emergency medical technicians-basic, 50999
emergency medical technicians-intermediate, and emergency medical 51000
technicians-paramedic appointed from among persons nominated by 51001
the Ohio association of professional fire fighters or the northern 51002
Ohio fire fighters and from among persons nominated by the Ohio 51003
state firefighter's association. Each member of the committee, 51004
except the chairperson, may designate a person with fire 51005
experience to serve in that member's place. The members of the 51006

committee or their designees shall select a chairperson from among 51007
the members or their designees. 51008

The committee may conduct investigations in the course of 51009
discharging its duties under this chapter. In the course of an 51010
investigation, the committee may issue subpoenas. If a person 51011
subpoenaed fails to comply with the subpoena, the committee may 51012
authorize its chairperson to apply to the court of common pleas in 51013
the county where the person to be subpoenaed resides for an order 51014
compelling compliance in the same manner as compliance with a 51015
subpoena issued by the court is compelled. 51016

(B) The trauma committee of the state board of emergency 51017
medical and transportation services is hereby created and shall 51018
consist of the following members appointed by the director of 51019
public safety: 51020

(1) A physician who is certified by the American board of 51021
surgery or American osteopathic board of surgery and actively 51022
practices general trauma surgery, appointed from among three 51023
persons nominated by the Ohio chapter of the American college of 51024
surgeons, three persons nominated by the Ohio state medical 51025
association, and three persons nominated by the Ohio osteopathic 51026
association; 51027

(2) A physician who is certified by the American board of 51028
surgery or the American osteopathic board of surgery and actively 51029
practices orthopedic trauma surgery, appointed from among three 51030
persons nominated by the Ohio orthopedic society and three persons 51031
nominated by the Ohio osteopathic association; 51032

(3) A physician who is certified by the American board of 51033
neurological surgeons or the American osteopathic board of surgery 51034
and actively practices neurosurgery on trauma victims, appointed 51035
from among three persons nominated by the Ohio state neurological 51036
society and three persons nominated by the Ohio osteopathic 51037

association; 51038

(4) A physician who is certified by the American board of 51039
surgeons or American osteopathic board of surgeons and actively 51040
specializes in treating burn victims, appointed from among three 51041
persons nominated by the Ohio chapter of the American college of 51042
surgeons and three persons nominated by the Ohio osteopathic 51043
association; 51044

(5) A dentist who is certified by the American board of oral 51045
and maxillofacial surgery and actively practices oral and 51046
maxillofacial surgery, appointed from among three persons 51047
nominated by the Ohio dental association; 51048

(6) A physician who is certified by the American board of 51049
physical medicine and rehabilitation or American osteopathic board 51050
of rehabilitation medicine and actively provides rehabilitative 51051
care to trauma victims, appointed from among three persons 51052
nominated by the Ohio society of physical medicine and 51053
rehabilitation and three persons nominated by the Ohio osteopathic 51054
association; 51055

(7) A physician who is certified by the American board of 51056
surgery or American osteopathic board of surgery with special 51057
qualifications in pediatric surgery and actively practices 51058
pediatric trauma surgery, appointed from among three persons 51059
nominated by the Ohio chapter of the American academy of 51060
pediatrics and three persons nominated by the Ohio osteopathic 51061
association; 51062

(8) A physician who is certified by the American board of 51063
emergency medicine or American osteopathic board of emergency 51064
medicine, actively practices emergency medicine, and is actively 51065
involved in emergency medical services, appointed from among three 51066
persons nominated by the Ohio chapter of the American college of 51067
emergency physicians and three persons nominated by the Ohio 51068

osteopathic association; 51069

(9) A physician who is certified by the American board of 51070
pediatrics, American osteopathic board of pediatrics, or American 51071
board of emergency medicine, is sub-boarded in pediatric emergency 51072
medicine, actively practices pediatric emergency medicine, and is 51073
actively involved in emergency medical services, appointed from 51074
among three persons nominated by the Ohio chapter of the American 51075
academy of pediatrics, three persons nominated by the Ohio chapter 51076
of the American college of emergency physicians, and three persons 51077
nominated by the Ohio osteopathic association; 51078

(10) A physician who is certified by the American board of 51079
surgery, American osteopathic board of surgery, or American board 51080
of emergency medicine and is the chief medical officer of an air 51081
medical organization, appointed from among three persons nominated 51082
by the Ohio association of air medical services; 51083

(11) A coroner or medical examiner appointed from among three 51084
people nominated by the Ohio state coroners' association; 51085

(12) A registered nurse who actively practices trauma nursing 51086
at an adult or pediatric trauma center, appointed from among three 51087
persons nominated by the Ohio association of trauma nurse 51088
coordinators; 51089

(13) A registered nurse who actively practices emergency 51090
nursing and is actively involved in emergency medical services, 51091
appointed from among three persons nominated by the Ohio chapter 51092
of the emergency nurses' association; 51093

(14) The chief trauma registrar of an adult or pediatric 51094
trauma center, appointed from among three persons nominated by the 51095
alliance of Ohio trauma registrars; 51096

(15) The administrator of an adult or pediatric trauma 51097
center, appointed from among three persons nominated by OHA: the 51098
association for hospitals and health systems, three persons 51099

nominated by the Ohio osteopathic association, three persons 51100
nominated by the association of Ohio children's hospitals, and 51101
three persons nominated by the health forum of Ohio; 51102

(16) The administrator of a hospital that is not a trauma 51103
center and actively provides emergency care to adult or pediatric 51104
trauma patients, appointed from among three persons nominated by 51105
OHA: the association for hospitals and health systems, three 51106
persons nominated by the Ohio osteopathic association, three 51107
persons nominated by the association of Ohio children's hospitals, 51108
and three persons nominated by the health forum of Ohio; 51109

(17) The operator of an ambulance company that actively 51110
provides trauma care to emergency patients, appointed from among 51111
three persons nominated by the Ohio ambulance association; 51112

(18) The chief of a fire department that actively provides 51113
trauma care to emergency patients, appointed from among three 51114
persons nominated by the Ohio fire chiefs' association; 51115

(19) An EMT or paramedic who is certified under this chapter 51116
and actively provides trauma care to emergency patients, appointed 51117
from among three persons nominated by the Ohio association of 51118
professional firefighters, three persons nominated by the northern 51119
Ohio fire fighters, three persons nominated by the Ohio state 51120
firefighters' association, and three persons nominated by the Ohio 51121
association of emergency medical services; 51122

(20) A person who actively advocates for trauma victims, 51123
appointed from three persons nominated by the Ohio brain injury 51124
association and three persons nominated by the governor's council 51125
on people with disabilities; 51126

(21) A physician or nurse who has substantial administrative 51127
responsibility for trauma care provided in or by an adult or 51128
pediatric trauma center, appointed from among three persons 51129
nominated by OHA: the association for hospitals and health 51130

systems, three persons nominated by the Ohio osteopathic 51131
association, three persons nominated by the association of Ohio 51132
children's hospitals, and three persons nominated by the health 51133
forum of Ohio; 51134

(22) Three representatives of hospitals that are not trauma 51135
centers and actively provide emergency care to trauma patients, 51136
appointed from among three persons nominated by OHA: the 51137
association for hospitals and health systems, three persons 51138
nominated by the Ohio osteopathic association, three persons 51139
nominated by the association of Ohio children's hospitals, and 51140
three persons nominated by the health forum of Ohio. The 51141
representatives may be hospital administrators, physicians, 51142
nurses, or other clinical professionals. 51143

Members of the committee shall have substantial experience in 51144
the categories they represent, shall be residents of this state, 51145
and may be members of the state board of emergency medical and 51146
transportation services. In appointing members of the committee, 51147
the director shall attempt to include members representing urban 51148
and rural areas, various geographical areas of the state, and 51149
various schools of training. The director shall not appoint to the 51150
committee more than one member who is employed by or practices at 51151
the same hospital, health system, or emergency medical service 51152
organization. 51153

The director may refuse to appoint any of the persons 51154
nominated by an organization or organizations under this division. 51155
In that event, the organization or organizations shall continue to 51156
nominate the required number of persons until the director 51157
appoints to the committee one or more of the persons nominated by 51158
the organization or organizations. 51159

Initial appointments to the committee shall be made by the 51160
director not later than ninety days after November 3, 2000. 51161
Members of the committee shall serve at the pleasure of the 51162

director, except that any member of the committee who ceases to be 51163
qualified for the position to which the member was appointed shall 51164
cease to be a member of the committee. Vacancies on the committee 51165
shall be filled in the same manner as original appointments. 51166

The members of the committee shall serve without compensation 51167
but shall be reimbursed for actual and necessary expenses incurred 51168
in carrying out duties as members of the committee. 51169

The committee shall select a chairperson and vice-chairperson 51170
from among its members. A majority of all members of the committee 51171
shall constitute a quorum. No action shall be taken without the 51172
concurrence of a majority of all members of the committee. The 51173
committee shall meet at the call of the chair, upon written 51174
request of five members of the committee, and at the direction of 51175
the state board of emergency medical and transportation services. 51176
The committee shall not meet at times or locations that conflict 51177
with meetings of the board. The executive director and medical 51178
director of the state board of emergency medical and 51179
transportation services may participate in any meeting of the 51180
committee and shall do so at the request of the committee. 51181

The committee shall advise and assist the state board of 51182
emergency medical and transportation services in matters related 51183
to adult and pediatric trauma care and the establishment and 51184
operation of the state trauma registry. In matters relating to the 51185
state trauma registry, the board and the committee shall consult 51186
with trauma registrars from adult and pediatric trauma centers in 51187
the state. The committee may appoint a subcommittee to advise and 51188
assist with the trauma registry. The subcommittee may include 51189
persons with expertise relevant to the trauma registry who are not 51190
members of the board or committee. 51191

(C) The state board of emergency medical and transportation 51192
services may appoint other committees and subcommittees as it 51193
considers necessary. 51194

(D) The state board of emergency medical and transportation 51195
services, and any of its committees or subcommittees, may request 51196
assistance from any state agency. The board and its committees and 51197
subcommittees may permit persons who are not members of those 51198
bodies to participate in deliberations of those bodies, but no 51199
person who is not a member of the board shall vote on the board 51200
and no person who is not a member of a committee created under 51201
division (A) or (B) of this section shall vote on that committee. 51202

(E) Sections 101.82 to 101.87 of the Revised Code do not 51203
apply to the committees established under division (A) or (B) of 51204
this section. 51205

Sec. 4765.05. (A) As used in this section, "prehospital 51206
emergency medical services" means an emergency medical services 51207
system that provides medical services to patients who require 51208
immediate assistance, because of illness or injury, prior to their 51209
arrival at an emergency medical facility. 51210

(B) The state board of emergency medical and transportation 51211
services shall divide the state geographically into prehospital 51212
emergency medical services regions for purposes of overseeing the 51213
delivery of adult and pediatric prehospital emergency medical 51214
services. For each prehospital emergency medical services region, 51215
the state board of emergency medical and transportation services 51216
shall appoint either a physician to serve as the regional director 51217
or a physician advisory board to serve as the regional advisory 51218
board. The state board of emergency medical and transportation 51219
services shall specify the duties of each regional director and 51220
regional advisory board. Regional directors and members of 51221
regional advisory boards shall serve without compensation, but 51222
shall be reimbursed for actual and necessary expenses incurred in 51223
carrying out duties as regional directors and members of regional 51224
advisory boards. 51225

(C) Nothing in this section shall be construed to limit in 51226
any way the ability of a hospital to determine the market area of 51227
that hospital. 51228

Sec. 4765.06. (A) The state board of emergency medical and 51229
transportation services shall establish an emergency medical 51230
services incidence reporting system for the collection of 51231
information regarding the delivery of emergency medical services 51232
in this state and the frequency at which the services are 51233
provided. All emergency medical service organizations shall submit 51234
to the board any information that the board determines is 51235
necessary for maintaining the incidence reporting system. 51236

(B) The board shall establish a state trauma registry to be 51237
used for the collection of information regarding the care of adult 51238
and pediatric trauma victims in this state. The registry shall 51239
provide for the reporting of adult and pediatric trauma-related 51240
deaths, identification of adult and pediatric trauma patients, 51241
monitoring of adult and pediatric trauma patient care data, 51242
determination of the total amount of uncompensated adult and 51243
pediatric trauma care provided annually by each facility that 51244
provides care to trauma victims, and collection of any other 51245
information specified by the board. All persons designated by the 51246
board shall submit to the board any information it determines is 51247
necessary for maintaining the state trauma registry. At the 51248
request of the board any state agency possessing information 51249
regarding adult or pediatric trauma care shall provide the 51250
information to the board. The board shall maintain the state 51251
trauma registry in accordance with rules adopted under section 51252
4765.11 of the Revised Code. 51253

Rules relating to the state trauma registry adopted under 51254
this section and section 4765.11 of the Revised Code shall not 51255
prohibit the operation of other trauma registries and may provide 51256

for the reporting of information to the state trauma registry by 51257
or through other trauma registries in a manner consistent with 51258
information otherwise reported to the state trauma registry. Other 51259
trauma registries may report aggregate information to the state 51260
trauma registry, provided the information can be matched to the 51261
person that reported it. Information maintained by another trauma 51262
registry and reported to the state trauma registry in lieu of 51263
being reported directly to the state trauma registry is a public 51264
record and shall be maintained, made available to the public, held 51265
in confidence, risk adjusted, and not subject to discovery or 51266
introduction into evidence in a civil action as provided in 51267
section 149.43 of the Revised Code and this section. Any person 51268
who provides, maintains, or risk adjusts such information shall 51269
comply with this section and rules adopted under it in performing 51270
that function and has the same immunities with respect to that 51271
function as a person who performs that function with respect to 51272
the state trauma registry. 51273

(C) The board and any employee or contractor of the board or 51274
the department of public safety shall not make public information 51275
it receives under Chapter 4765. of the Revised Code that 51276
identifies or would tend to identify a specific recipient of 51277
emergency medical services or adult or pediatric trauma care. 51278

(D) Not later than two years after ~~the effective date of this~~ 51279
~~amendment~~ November 3, 2000, the board shall adopt and implement 51280
rules under section 4765.11 of the Revised Code that provide 51281
written standards and procedures for risk adjustment of 51282
information received by the board under Chapter 4765. of the 51283
Revised Code. The rules shall be developed in consultation with 51284
appropriate medical, hospital, and emergency medical service 51285
organizations and may provide for risk adjustment by a contractor 51286
of the board. Before risk adjustment standards and procedures are 51287
implemented, no member of the board and no employee or contractor 51288

of the board or the department of public safety shall make public 51289
information received by the board under Chapter 4765. of the 51290
Revised Code that identifies or would tend to identify a specific 51291
provider of emergency medical services or adult or pediatric 51292
trauma care. After risk adjustment standards and procedures are 51293
implemented, the board shall make public such information only on 51294
a risk adjusted basis. 51295

(E) The board shall adopt rules under section 4765.11 of the 51296
Revised Code that specify procedures for ensuring the 51297
confidentiality of information that is not to be made public under 51298
this section. The rules shall specify the circumstances in which 51299
deliberations of the persons performing risk adjustment functions 51300
under this section are not open to the public and records of those 51301
deliberations are maintained in confidence. Nothing in this 51302
section prohibits the board from making public statistical 51303
information that does not identify or tend to identify a specific 51304
recipient or provider of emergency medical services or adult or 51305
pediatric trauma care. 51306

(F) No provider that furnishes information to the board with 51307
respect to any patient the provider examined or treated shall, 51308
because of this furnishing, be deemed liable in damages to any 51309
person or be held to answer for betrayal of a professional 51310
confidence in the absence of willful or wanton misconduct. No such 51311
information shall be subject to introduction in evidence in any 51312
civil action against the provider. No provider that furnishes 51313
information to the board shall be liable for the misuse or 51314
improper release of the information by the board or any other 51315
person. 51316

No person who performs risk adjustment functions under this 51317
section shall, because of performing such functions, be held 51318
liable in a civil action for betrayal of professional confidence 51319
or otherwise in the absence of willful or wanton misconduct. 51320

Sec. 4765.07. (A) The state board of emergency medical and 51321
transportation services shall adopt rules under section 4765.11 of 51322
the Revised Code to establish and administer a grant program under 51323
which grants are distributed according to the following 51324
priorities: 51325

(1) First priority shall be given to emergency medical 51326
service organizations for the training of personnel, for the 51327
purchase of equipment and vehicles, and to improve the 51328
availability, accessibility, and quality of emergency medical 51329
services in this state. In this category, the board shall give 51330
priority to grants that fund training and equipping of emergency 51331
medical service personnel. 51332

(2) Second priority shall be given to entities that research, 51333
test, and evaluate medical procedures and systems related to adult 51334
and pediatric trauma care. 51335

(3) Third priority shall be given to entities that research 51336
the causes, nature, and effects of traumatic injuries, educate the 51337
public about injury prevention, and implement, test, and evaluate 51338
injury prevention strategies. 51339

(4) Fourth priority shall be given to entities that research, 51340
test, and evaluate procedures that promote the rehabilitation, 51341
retraining, and reemployment of adult or pediatric trauma victims 51342
and social service support mechanisms for adult or pediatric 51343
trauma victims and their families. 51344

(5) Fifth priority shall be given to entities that conduct 51345
research on, test, or evaluate one or more of the following: 51346

(a) Procedures governing the performance of emergency medical 51347
services in this state; 51348

(b) The training of emergency medical service personnel; 51349

(c) The staffing of emergency medical service organizations. 51350

(6) For grants distributed for the grant award years 51351
occurring not later than the award year ending June 30, 2017, 51352
sixth priority shall be given to entities that operate paramedic 51353
training programs and are seeking national accreditation of the 51354
programs. 51355

(B) To be eligible for a grant distributed pursuant to 51356
division (A)(6) of this section, an applicant for the grant shall 51357
meet all of the following conditions: 51358

(1) Hold a certificate of accreditation issued by the board 51359
under section 4765.17 of the Revised Code to operate a paramedic 51360
training program; 51361

(2) Be seeking initial national accreditation of the program 51362
from an accrediting organization approved by the board; 51363

(3) Apply for the national accreditation on or after February 51364
25, 2010. 51365

(C) The grant program shall be funded from the trauma and 51366
emergency medical services ~~grants~~ fund created by section 4513.263 51367
of the Revised Code. 51368

Sec. 4765.08. The state board of emergency medical and 51369
transportation services shall prepare a statewide emergency 51370
medical services plan and shall revise the plan as necessary. 51371

The board shall prepare a plan for the statewide regulation 51372
of emergency medical services during periods of disaster. The plan 51373
shall be consistent with the statewide emergency medical services 51374
plan required under this section and with the statewide emergency 51375
operations plan required under section 5502.22 of the Revised 51376
Code. The board shall submit the plan to the emergency management 51377
agency created under section 5502.22 of the Revised Code. The 51378
board shall cooperate with the agency in any other manner the 51379
agency considers necessary to develop and implement the statewide 51380

emergency operations plan. 51381

Sec. 4765.09. The state board of emergency medical and 51382
transportation services shall prepare recommendations for the 51383
operation of ambulance service organizations, air medical 51384
organizations, and emergency medical service organizations. Within 51385
thirty days following the preparation or modification of 51386
recommendations, the board shall notify the board of county 51387
commissioners of any county, the board of township trustees of any 51388
township, the board of trustees of any joint ambulance district, 51389
or the board of trustees of any joint emergency medical services 51390
district in which there exist ambulance service organizations, air 51391
medical organizations, or emergency medical service organizations 51392
of any board recommendations for the operation of such 51393
organizations. The recommendations shall include, but not be 51394
limited to: 51395

(A) The definition and classification of ambulances and 51396
medical aircraft; 51397

(B) The design, equipment, and supplies for ambulances and 51398
medical aircraft, including special equipment, supplies, training, 51399
and staffing required to assist pediatric and geriatric emergency 51400
victims; 51401

(C) The minimum number and type of personnel for the 51402
operation of ambulances and medical aircraft; 51403

(D) The communication systems necessary for the operation of 51404
ambulances and medical aircraft; 51405

(E) Reports to be made by persons holding certificates of 51406
accreditation or approval issued under section 4765.17 of the 51407
Revised Code and certificates to practice issued under section 51408
4765.30 of the Revised Code to ascertain compliance with this 51409
chapter and the rules and recommendations adopted thereunder and 51410

to ascertain the quantity and quality of ambulance service 51411
organizations, air medical organizations, and emergency medical 51412
service organizations throughout the state. 51413

Sec. 4765.10. (A) The state board of emergency medical and 51414
transportation services shall do all of the following: 51415

(1) Administer and enforce the provisions of this chapter and 51416
the rules adopted under it; 51417

(2) Approve, in accordance with procedures established in 51418
rules adopted under section 4765.11 of the Revised Code, 51419
examinations that demonstrate competence to have a certificate to 51420
practice renewed without completing a continuing education 51421
program; 51422

(3) Advise applicants for state or federal emergency medical 51423
services funds, review and comment on applications for these 51424
funds, and approve the use of all state and federal funds 51425
designated solely for emergency medical service programs unless 51426
federal law requires another state agency to approve the use of 51427
all such federal funds; 51428

(4) Serve as a statewide clearinghouse for discussion, 51429
inquiry, and complaints concerning emergency medical services; 51430

(5) Make recommendations to the general assembly on 51431
legislation to improve the delivery of emergency medical services; 51432

(6) Maintain a toll-free long distance telephone number 51433
through which it shall respond to questions about emergency 51434
medical services; 51435

(7) Work with appropriate state offices in coordinating the 51436
training of firefighters and emergency medical service personnel. 51437
Other state offices that are involved in the training of 51438
firefighters or emergency medical service personnel shall 51439
cooperate with the board and its committees and subcommittees to 51440

achieve this goal. 51441

(8) Provide a liaison to the state emergency operation center 51442
during those periods when a disaster, as defined in section 51443
5502.21 of the Revised Code, has occurred in this state and the 51444
governor has declared an emergency as defined in that section. 51445

(B) The board may do any of the following: 51446

(1) Investigate complaints concerning emergency medical 51447
services and emergency medical service organizations as it 51448
determines necessary; 51449

(2) Enter into reciprocal agreements with other states that 51450
have standards for accreditation of emergency medical services 51451
training programs and for certification of first responders, 51452
EMTs-basic, EMTs-I, paramedics, firefighters, or fire safety 51453
inspectors that are substantially similar to those established 51454
under this chapter and the rules adopted under it; 51455

(3) Establish a statewide public information system and 51456
public education programs regarding emergency medical services; 51457

(4) Establish an injury prevention program. 51458

Sec. 4765.101. (A) The state board of emergency medical and 51459
transportation services shall investigate any allegation that a 51460
person has violated this chapter or a rule adopted under it. 51461

Any person may submit to the board a written complaint 51462
regarding an alleged violation of this chapter or a rule adopted 51463
under it. In the absence of fraud or bad faith, no person 51464
submitting a complaint to the board or testifying in an 51465
adjudication hearing conducted in accordance with Chapter 119. of 51466
the Revised Code with regard to such an alleged violation shall be 51467
liable to any person in damages in a civil action as a result of 51468
submitting the complaint or providing testimony. 51469

(B) In investigating an allegation, the board may do any of 51470

the following: 51471

(1) Administer oaths; 51472

(2) Order the taking of depositions; 51473

(3) Issue subpoenas; 51474

(4) Compel the attendance of witnesses and production of 51475
books, accounts, papers, records, documents, and testimony. 51476

(C) A subpoena for patient record information shall not be 51477
issued without consultation with the attorney general's office and 51478
approval of the executive director of the board. Before issuance 51479
of a subpoena for patient record information, the executive 51480
director shall determine whether there is probable cause to 51481
believe that the complaint filed alleges a violation of this 51482
chapter or any rule adopted under it and that the records sought 51483
are relevant to the alleged violation and material to the 51484
investigation. The subpoena may apply only to records that cover a 51485
reasonable period of time surrounding the alleged violation. 51486

(D) On failure to comply with any subpoena issued by the 51487
board and after reasonable notice to the person being subpoenaed, 51488
the board may move, pursuant to the Rules of Civil Procedure, for 51489
an order compelling the production of persons or records. 51490

(E) A subpoena issued by the board may be served by a 51491
sheriff, the sheriff's deputy, or an investigator for the division 51492
of emergency medical services of the department of public safety. 51493
Service of a subpoena issued by the board may be made by 51494
delivering a copy of the subpoena to the person named in it, 51495
reading it to the person, or leaving it at the person's usual 51496
place of residence. When the person being served is an individual 51497
authorized by this chapter to practice emergency medical services, 51498
service of the subpoena may be made by certified mail, restricted 51499
delivery, return receipt requested, and the subpoena shall be 51500
deemed served on the date delivery is made or on the date that the 51501

person refuses to accept delivery. 51502

Sec. 4765.102. (A) As used in this section, "licensing 51503
agency" means any entity that has the authority pursuant to Title 51504
XLVII of the Revised Code to issue a license, and any other agency 51505
of this or another state, other than the Ohio supreme court, that 51506
has the authority to issue a license that authorizes an individual 51507
to engage in an occupation or profession. "Licensing agency" 51508
includes an administrative officer that has authority to issue a 51509
license that authorizes an individual to engage in an occupation 51510
or profession. 51511

(B) Except as provided in divisions (C) and (D) of this 51512
section and section 4765.111 of the Revised Code, all information 51513
the state board of emergency medical and transportation services 51514
receives pursuant to an investigation, including information 51515
regarding an alleged violation of this chapter or rules adopted 51516
under it or a complaint submitted under division (A) of section 51517
4765.101 of the Revised Code, is confidential, and is not subject 51518
to discovery in any civil action, during the course of the 51519
investigation and any adjudication proceedings that result from 51520
the investigation. Upon completion of the investigation and any 51521
resulting adjudication proceedings, the information is a matter of 51522
public record for purposes of section 149.43 of the Revised Code. 51523

(C) The board may release information otherwise made 51524
confidential by division (B) of this section to law enforcement 51525
officers or licensing agencies of this or another state that are 51526
prosecuting, adjudicating, or investigating the holder of a 51527
certificate issued under this chapter or a person who allegedly 51528
engaged in the unauthorized provision of emergency medical 51529
services. 51530

A law enforcement officer or licensing agency with 51531
information disclosed by the board under this division shall not 51532

divulge the information other than for the purpose of an 51533
adjudication by a court or licensing agency to which the subject 51534
of the adjudication is a party. 51535

(D) If an investigation conducted under section 4765.101 of 51536
the Revised Code requires a review of patient records, the 51537
investigation and proceedings related to it shall be conducted in 51538
such a manner as to protect patient confidentiality. The board 51539
shall not make public the name or any other identifying 51540
information about a patient unless proper consent is given in 51541
accordance with rules adopted by the board. If the patient is less 51542
than eighteen years of age, the board shall obtain consent from 51543
the patient's parent, guardian, or custodian. 51544

Sec. 4765.11. (A) The state board of emergency medical and 51545
transportation services shall adopt, and may amend and rescind, 51546
rules in accordance with Chapter 119. of the Revised Code and 51547
division (C) of this section that establish all of the following: 51548

(1) Procedures for its governance and the control of its 51549
actions and business affairs; 51550

(2) Standards for the performance of emergency medical 51551
services by first responders, emergency medical technicians-basic, 51552
emergency medical technicians-intermediate, and emergency medical 51553
technicians-paramedic; 51554

(3) Application fees for certificates of accreditation, 51555
certificates of approval, certificates to teach, and certificates 51556
to practice, which shall be deposited into the trauma and 51557
emergency medical services fund created in section 4513.263 of the 51558
Revised Code; 51559

(4) Criteria for determining when the application or renewal 51560
fee for a certificate to practice may be waived because an 51561
applicant cannot afford to pay the fee; 51562

(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;	51563 51564 51565 51566 51567 51568
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	51569 51570 51571
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	51572 51573 51574 51575
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	51576 51577
(9) Standards for certificates of accreditation and certificates of approval;	51578 51579
(10) Qualifications for certificates to teach;	51580
(11) Requirements for a certificate to practice;	51581
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	51582 51583 51584 51585 51586
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	51587 51588 51589 51590 51591
(14) Examinations for certificates to practice;	51592

(15) Procedures for administering examinations for certificates to practice;	51593 51594
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	51595 51596 51597 51598
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	51599 51600
(18) Procedures for approving the additional emergency medical services first responders are authorized by division (C) of section 4765.35 of the Revised Code to perform, EMTs-basic are authorized by division (C) of section 4765.37 of the Revised Code to perform, EMTs-I are authorized by division (B)(5) of section 4765.38 of the Revised Code to perform, and paramedics are authorized by division (B)(6) of section 4765.39 of the Revised Code to perform;	51601 51602 51603 51604 51605 51606 51607 51608
(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;	51609 51610 51611 51612
(20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code;	51613 51614 51615
(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;	51616 51617
(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel;	51618 51619 51620
(23) The manner in which a patient, or a patient's parent, guardian, or custodian may consent to the board releasing	51621 51622

identifying information about the patient under division (D) of 51623
section 4765.102 of the Revised Code; 51624

(24) Circumstances under which a training program or 51625
continuing education program, or portion of either type of 51626
program, may be taught by a person who does not hold a certificate 51627
to teach issued under section 4765.23 of the Revised Code; 51628

(25) Certification cycles for certificates issued under 51629
sections 4765.23 and 4765.30 of the Revised Code and certificates 51630
issued by the executive director of the state board of emergency 51631
medical and transportation services under section 4765.55 of the 51632
Revised Code that establish a common expiration date for all 51633
certificates. 51634

(B) The board may adopt, and may amend and rescind, rules in 51635
accordance with Chapter 119. of the Revised Code and division (C) 51636
of this section that establish the following: 51637

(1) Specifications of information that may be collected under 51638
the trauma system registry and incidence reporting system created 51639
under section 4765.06 of the Revised Code; 51640

(2) Standards and procedures for implementing any of the 51641
recommendations made by any committees of the board or under 51642
section 4765.04 of the Revised Code; 51643

(3) Requirements that a person must meet to receive a 51644
certificate to practice as a first responder pursuant to division 51645
(A)(2) of section 4765.30 of the Revised Code; 51646

(4) Any other rules necessary to implement this chapter. 51647

(C) In developing and administering rules adopted under this 51648
chapter, the state board of emergency medical and transportation 51649
services shall consult with regional directors and regional 51650
physician advisory boards created by section 4765.05 of the 51651
Revised Code and emphasize the special needs of pediatric and 51652

geriatric patients. 51653

(D) Except as otherwise provided in this division, before 51654
adopting, amending, or rescinding any rule under this chapter, the 51655
board shall submit the proposed rule to the director of public 51656
safety for review. The director may review the proposed rule for 51657
not more than sixty days after the date it is submitted. If, 51658
within this sixty-day period, the director approves the proposed 51659
rule or does not notify the board that the rule is disapproved, 51660
the board may adopt, amend, or rescind the rule as proposed. If, 51661
within this sixty-day period, the director notifies the board that 51662
the proposed rule is disapproved, the board shall not adopt, 51663
amend, or rescind the rule as proposed unless at least twelve 51664
members of the board vote to adopt, amend, or rescind it. 51665

This division does not apply to an emergency rule adopted in 51666
accordance with section 119.03 of the Revised Code. 51667

Sec. 4765.111. Except as provided in this section or sections 51668
4765.112 to 4765.116 of the Revised Code, the state board of 51669
emergency medical and transportation services shall conduct 51670
disciplinary proceedings regarding the holder of a certificate 51671
issued under this chapter in accordance with rules adopted by the 51672
board under section 4765.11 of the Revised Code. 51673

The board and a holder of a certificate are the parties to a 51674
hearing conducted under this chapter. Either party may submit a 51675
written request to the other party for a list of witnesses and 51676
copies of documents intended to be introduced at the hearing. The 51677
request shall be in writing and shall be served not less than 51678
thirty-seven days prior to the commencement of the hearing, unless 51679
the hearing officer or presiding board member grants an extension 51680
of time to make the request. Not later than thirty days before the 51681
hearing, the responding party shall provide the requested list of 51682
witnesses and copies of documents to the requesting party, unless 51683

the hearing officer or presiding board member grants an extension 51684
of time to provide the list and copies. 51685

Failure to timely provide a list or copies requested in 51686
accordance with this section shall result in exclusion from the 51687
hearing of the witnesses, testimony, or documents. 51688

Sec. 4765.112. (A) The state board of emergency medical and 51689
transportation services, by an affirmative vote of the majority of 51690
its members, may suspend without a prior hearing a certificate to 51691
practice issued under this chapter if the board determines that 51692
there is clear and convincing evidence that continued practice by 51693
the certificate holder presents a danger of immediate and serious 51694
harm to the public and that the certificate holder has done any of 51695
the following: 51696

(1) Furnished false, fraudulent, or misleading information to 51697
the board; 51698

(2) Engaged in activities that exceed those permitted by the 51699
individual's certificate; 51700

(3) In a court of this or any other state or federal court 51701
been convicted of, pleaded guilty to, or been the subject of a 51702
judicial finding of guilt of, a judicial finding of guilt 51703
resulting from a plea of no contest to, or a judicial finding of 51704
eligibility for intervention in lieu of conviction for, a felony 51705
or for a misdemeanor committed in the course of practice or 51706
involving gross immorality or moral turpitude. 51707

(B) Immediately following the decision to impose a summary 51708
suspension, the board, in accordance with section 119.07 of the 51709
Revised Code, shall issue a written order of suspension, cause it 51710
to be delivered to the certificate holder, and notify the 51711
certificate holder of the opportunity for a hearing. If timely 51712
requested by the certificate holder, a hearing shall be conducted 51713

in accordance with section 4765.115 of the Revised Code. 51714

Sec. 4765.113. If the state board of emergency medical and 51715
transportation services imposes a suspension on the basis of a 51716
conviction, judicial finding, or plea as described in division 51717
(A)(3) of section 4765.112 of the Revised Code that is overturned 51718
on appeal, the certificate holder, on exhaustion of the criminal 51719
appeal process, may file with the board a petition for 51720
reconsideration of the suspension along with appropriate court 51721
documents. On receipt of the petition and documents, the board 51722
shall reinstate the certificate holder's certificate to practice. 51723

Sec. 4765.114. (A) A certificate to practice emergency 51724
medical services issued under this chapter is automatically 51725
suspended on the certificate holder's conviction of, plea of 51726
guilty to, or judicial finding of guilt of any of the following: 51727
aggravated murder, murder, voluntary manslaughter, felonious 51728
assault, kidnapping, rape, sexual battery, gross sexual 51729
imposition, aggravated arson, aggravated burglary, aggravated 51730
robbery, or a substantially equivalent offense committed in this 51731
or another jurisdiction. Continued practice after the suspension 51732
is practicing without a certificate. 51733

(B) If the state board of emergency medical and 51734
transportation services has knowledge that an automatic suspension 51735
has occurred, it shall notify, in accordance with section 119.07 51736
of the Revised Code, the certificate holder of the suspension and 51737
of the opportunity for a hearing. If timely requested by the 51738
certificate holder, a hearing shall be conducted in accordance 51739
with section 4765.115 of the Revised Code. 51740

Sec. 4765.115. (A) A suspension order issued under section 51741
4765.112 or automatic suspension under section 4765.114 of the 51742
Revised Code is not subject to suspension by a court prior to a 51743

hearing under this section or during the pendency of any appeal 51744
filed under section 119.12 of the Revised Code. 51745

(B) A suspension order issued under section 4765.112 or 51746
automatic suspension under section 4765.114 of the Revised Code 51747
remains in effect, unless reversed by the state board of emergency 51748
medical and transportation services, until a final adjudication 51749
order issued by the board pursuant to this section becomes 51750
effective. 51751

(C) Hearings requested pursuant to section 4765.112 or 51752
4765.114 of the Revised Code shall be conducted under this section 51753
in accordance with Chapter 119. of the Revised Code. 51754

(D) A hearing under this section shall be held not later than 51755
forty-five days but not earlier than forty days after the 51756
certificate holder requests it, unless another date is agreed to 51757
by the certificate holder and the board. 51758

(E) After completion of an adjudication hearing, the board 51759
may adopt, by an affirmative vote of the majority of its members, 51760
a final adjudication order that imposes any of the following 51761
sanctions: 51762

(1) Suspension of the holder's certificate to practice; 51763

(2) Revocation of the holder's certificate to practice; 51764

(3) Issuance of a written reprimand; 51765

(4) A refusal to renew or a limitation on the holder's 51766
certificate to practice. 51767

The board shall issue its final adjudication order not later 51768
than forty-five days after completion of an adjudication hearing. 51769
If the board does not issue a final order within that time period, 51770
the suspension order is void, but any final adjudication order 51771
subsequently issued is not affected. 51772

(F) Any action taken by the board under this section 51773
resulting in a suspension from practice shall be accompanied by a 51774
written statement of the conditions under which the certificate to 51775
practice may be reinstated. Reinstatement of a certificate 51776
suspended under this section requires an affirmative vote by the 51777
majority of the members of the board. 51778

(G) When the board revokes or refuses to reinstate a 51779
certificate to practice, the board may specify that its action is 51780
permanent. An individual subject to permanent action taken by the 51781
board is forever ineligible to hold a certificate of the type 51782
revoked or refused, and the board shall not accept from the 51783
individual an application for reinstatement of the certificate or 51784
for a new certificate. 51785

Sec. 4765.116. If a certificate holder subject to a 51786
suspension order issued by the state board of emergency medical 51787
and transportation services under section 4765.112 or an automatic 51788
suspension order under section 4765.114 of the Revised Code fails 51789
to make a timely request for a hearing, the following apply: 51790

(A) In the case of a certificate holder subject to a summary 51791
suspension order, the board is not required to hold a hearing, but 51792
may adopt, by an affirmative vote of a majority of its members, a 51793
final order that contains the board's findings. In the final 51794
order, the board may order any of the sanctions listed in division 51795
(E) of section 4765.115 of the Revised Code. 51796

(B) In the case of a certificate holder subject to an 51797
automatic suspension order, the board may adopt, by an affirmative 51798
vote of a majority of its members, a final order that permanently 51799
revokes the holder's certificate to practice. 51800

Sec. 4765.12. (A) Not later than two years after ~~the~~ 51801
~~effective date of this section~~ November 3, 2000, the state board 51802

of emergency medical and transportation services shall develop and 51803
distribute guidelines for the care of trauma victims by emergency 51804
medical service personnel and for the conduct of peer review and 51805
quality assurance programs by emergency medical service 51806
organizations. The guidelines shall be consistent with the state 51807
trauma triage protocols adopted in rules under sections 4765.11 51808
and 4765.40 of the Revised Code and shall place emphasis on the 51809
special needs of pediatric and geriatric trauma victims. In 51810
developing the guidelines, the board shall consult with entities 51811
with interests in trauma and emergency medical services and shall 51812
consider any relevant guidelines adopted by national 51813
organizations, including the American college of surgeons, 51814
American college of emergency physicians, and American academy of 51815
pediatrics. The board shall distribute the guidelines, and 51816
amendments to the guidelines, to each emergency medical service 51817
organization, regional director, regional physician advisory 51818
board, certified emergency medical service instructor, and person 51819
who regularly provides medical direction to emergency medical 51820
service personnel in this state. 51821

(B) Not later than three years after ~~the effective date of~~ 51822
~~this section~~ November 3, 2000, each emergency medical service 51823
organization in this state shall implement ongoing peer review and 51824
quality assurance programs designed to improve the availability 51825
and quality of the emergency medical services it provides. The 51826
form and content of the programs shall be determined by each 51827
emergency medical service organization. In implementing the 51828
programs, each emergency medical service organization shall 51829
consider how to improve its ability to provide effective trauma 51830
care, particularly for pediatric and geriatric trauma victims, and 51831
shall take into account the trauma care guidelines developed by 51832
the state board of emergency medical and transportation services 51833
under this section. 51834

Information generated solely for use in a peer review or 51835
quality assurance program conducted on behalf of an emergency 51836
medical service organization is not a public record under section 51837
149.43 of the Revised Code. Such information, and any discussion 51838
conducted in the course of a peer review or quality assurance 51839
program conducted on behalf of an emergency medical service 51840
organization, is not subject to discovery in a civil action and 51841
shall not be introduced into evidence in a civil action against 51842
the emergency medical service organization on whose behalf the 51843
information was generated or the discussion occurred. 51844

No emergency medical service organization on whose behalf a 51845
peer review or quality assurance program is conducted, and no 51846
person who conducts such a program, because of performing such 51847
functions, shall be liable in a civil action for betrayal of 51848
professional confidence or otherwise in the absence of willful or 51849
wanton misconduct. 51850

Sec. 4765.15. A person seeking to operate an emergency 51851
medical services training program shall submit a completed 51852
application for accreditation to the state board of emergency 51853
medical and transportation services on a form the board shall 51854
prescribe and furnish. The application shall be accompanied by the 51855
appropriate application fee established in rules adopted under 51856
section 4765.11 of the Revised Code. 51857

A person seeking to operate an emergency medical services 51858
continuing education program shall submit a completed application 51859
for approval to the board on a form the board shall prescribe and 51860
furnish. The application shall be accompanied by the appropriate 51861
application fee established in rules adopted under section 4765.11 51862
of the Revised Code. 51863

The board shall administer the accreditation and approval 51864
processes pursuant to rules adopted under section 4765.11 of the 51865

Revised Code. In administering these processes, the board may 51866
authorize other persons to evaluate applications for accreditation 51867
or approval and may accept the recommendations made by those 51868
persons. 51869

The board may cause an investigation to be made into the 51870
accuracy of the information submitted in any application for 51871
accreditation or approval. If an investigation indicates that 51872
false, misleading, or incomplete information has been submitted to 51873
the board in connection with any application for accreditation or 51874
approval, the board shall conduct a hearing on the matter in 51875
accordance with Chapter 119. of the Revised Code. 51876

Sec. 4765.16. (A) All courses offered through an emergency 51877
medical services training program or an emergency medical services 51878
continuing education program, other than ambulance driving, shall 51879
be developed under the direction of a physician who specializes in 51880
emergency medicine. Each course that deals with trauma care shall 51881
be developed in consultation with a physician who specializes in 51882
trauma surgery. Except as specified by the state board of 51883
emergency medical and transportation services pursuant to rules 51884
adopted under section 4765.11 of the Revised Code, each course 51885
offered through a training program or continuing education program 51886
shall be taught by a person who holds the appropriate certificate 51887
to teach issued under section 4765.23 of the Revised Code. 51888

(B) A training program for first responders shall meet the 51889
standards established in rules adopted by the board under section 51890
4765.11 of the Revised Code. The program shall include courses in 51891
both of the following areas for at least the number of hours 51892
established by the board's rules: 51893

(1) Emergency victim care; 51894

(2) Reading and interpreting a trauma victim's vital signs. 51895

(C) A training program for emergency medical technicians-basic shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include courses in each of the following areas for at least the number of hours established by the board's rules:

- (1) Emergency victim care;
- (2) Reading and interpreting a trauma victim's vital signs;
- (3) Triage protocols for adult and pediatric trauma victims;
- (4) In-hospital training;
- (5) Clinical training;
- (6) Training as an ambulance driver.

Each operator of a training program for emergency medical technicians-basic shall allow any pupil in the twelfth grade in a secondary school who is at least seventeen years old and who otherwise meets the requirements for admission into such a training program to be admitted to and complete the program and, as part of the training, to ride in an ambulance with emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic. Each emergency medical service organization shall allow pupils participating in training programs to ride in an ambulance with emergency medical technicians-basic, advanced emergency medical technicians-intermediate, and emergency medical technicians-paramedic.

(D) A training program for emergency medical technicians-intermediate shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include, or require as a prerequisite, the training specified in division (C) of this section and courses in each of the following areas for at least the number of hours

established by the board's rules:	51926
(1) Recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to persons who suffer life-threatening allergic reactions, conducted in accordance with rules adopted by the board under section 4765.11 of the Revised Code;	51927 51928 51929 51930 51931 51932
(2) Venous access procedures;	51933
(3) Cardiac monitoring and electrical interventions to support or correct the cardiac function.	51934 51935
(E) A training program for emergency medical technicians-paramedic shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include, or require as a prerequisite, the training specified in divisions (C) and (D) of this section and courses in each of the following areas for at least the number of hours established by the board's rules:	51936 51937 51938 51939 51940 51941 51942
(1) Medical terminology;	51943
(2) Venous access procedures;	51944
(3) Airway procedures;	51945
(4) Patient assessment and triage;	51946
(5) Acute cardiac care, including administration of parenteral injections, electrical interventions, and other emergency medical services;	51947 51948 51949
(6) Emergency and trauma victim care beyond that required under division (C) of this section;	51950 51951
(7) Clinical training beyond that required under division (C) of this section.	51952 51953
(F) A continuing education program for first responders,	51954

EMTs-basic, EMTs-I, or paramedics shall meet the standards 51955
established in rules adopted by the board under section 4765.11 of 51956
the Revised Code. A continuing education program shall include 51957
instruction and training in subjects established by the board's 51958
rules for at least the number of hours established by the board's 51959
rules. 51960

Sec. 4765.17. (A) The state board of emergency medical and 51961
transportation services shall issue the appropriate certificate of 51962
accreditation or certificate of approval to an applicant who is of 51963
good reputation and meets the requirements of section 4765.16 of 51964
the Revised Code. The board shall grant or deny a certificate of 51965
accreditation or certificate of approval within one hundred twenty 51966
days of receipt of the application. The board may issue or renew a 51967
certificate of accreditation or certificate of approval on a 51968
provisional basis to an applicant who is of good reputation and is 51969
in substantial compliance with the requirements of section 4765.16 51970
of the Revised Code. The board shall inform an applicant receiving 51971
such a certificate of the conditions that must be met to complete 51972
compliance with section 4765.16 of the Revised Code. 51973

(B) Except as provided in division (C) of this section, a 51974
certificate of accreditation or certificate of approval is valid 51975
for up to five years and may be renewed by the board pursuant to 51976
procedures and standards established in rules adopted under 51977
section 4765.11 of the Revised Code. An application for renewal 51978
shall be accompanied by the appropriate renewal fee established in 51979
rules adopted under section 4765.11 of the Revised Code. 51980

(C) A certificate of accreditation or certificate of approval 51981
issued on a provisional basis is valid for the length of time 51982
established by the board. If the board finds that the holder of 51983
such a certificate has met the conditions it specifies under 51984
division (A) of this section, the board shall issue the 51985

appropriate certificate of accreditation or certificate of approval. 51986
51987

(D) A certificate of accreditation is valid only for the 51988
emergency medical services training program or programs for which 51989
it is issued. The holder of a certificate of accreditation may 51990
apply to operate additional training programs in accordance with 51991
rules adopted by the board under section 4765.11 of the Revised 51992
Code. Any additional training programs shall expire on the 51993
expiration date of the applicant's current certificate. A 51994
certificate of approval is valid only for the emergency medical 51995
services continuing education program for which it is issued. 51996
Neither is transferable. 51997

(E) The holder of a certificate of accreditation or a 51998
certificate of approval may offer courses at more than one 51999
location in accordance with rules adopted under section 4765.11 of 52000
the Revised Code. 52001

Sec. 4765.18. The state board of emergency medical and 52002
transportation services may suspend or revoke a certificate of 52003
accreditation or a certificate of approval issued under section 52004
4765.17 of the Revised Code for any of the following reasons: 52005

(A) Violation of this chapter or any rule adopted under it; 52006

(B) Furnishing of false, misleading, or incomplete 52007
information to the board; 52008

(C) The signing of an application or the holding of a 52009
certificate of accreditation by a person who has pleaded guilty to 52010
or has been convicted of a felony, or has pleaded guilty to or 52011
been convicted of a crime involving moral turpitude; 52012

(D) The signing of an application or the holding of a 52013
certificate of accreditation by a person who is addicted to the 52014
use of any controlled substance or has been adjudicated 52015

incompetent for that purpose by a court, as provided in section 52016
5122.301 of the Revised Code; 52017

(E) Violation of any commitment made in an application for a 52018
certificate of accreditation or certificate of approval; 52019

(F) Presentation to prospective students of misleading, 52020
false, or fraudulent information relating to the emergency medical 52021
services training program or emergency medical services continuing 52022
education program, employment opportunities, or opportunities for 52023
enrollment in accredited institutions of higher education after 52024
entering or completing courses offered by the operator of a 52025
program; 52026

(G) Failure to maintain in a safe and sanitary condition 52027
premises and equipment used in conducting courses of study; 52028

(H) Failure to maintain financial resources adequate for the 52029
satisfactory conduct of courses of study or to retain a sufficient 52030
number of certified instructors; 52031

(I) Discrimination in the acceptance of students upon the 52032
basis of race, color, religion, sex, or national origin. 52033

Sec. 4765.22. A person seeking a certificate to teach in an 52034
emergency medical services training program or an emergency 52035
medical services continuing education program shall submit a 52036
completed application for certification to the state board of 52037
emergency medical and transportation services on a form the board 52038
shall prescribe and furnish. The application shall be accompanied 52039
by the appropriate application fee established in rules adopted 52040
under section 4765.11 of the Revised Code. 52041

Sec. 4765.23. The state board of emergency medical and 52042
transportation services shall issue a certificate to teach in an 52043
emergency medical services training program or an emergency 52044
medical services continuing education program to any applicant who 52045

it determines meets the qualifications established in rules 52046
adopted under section 4765.11 of the Revised Code. The certificate 52047
shall indicate each type of instruction and training the 52048
certificate holder may teach under the certificate. 52049

A certificate to teach shall have a certification cycle 52050
established by the board and may be renewed by the board pursuant 52051
to rules adopted under section 4765.11 of the Revised Code. An 52052
application for renewal shall be accompanied by the appropriate 52053
renewal fee established in rules adopted under section 4765.11 of 52054
the Revised Code. 52055

The board may suspend or revoke a certificate to teach 52056
pursuant to rules adopted under section 4765.11 of the Revised 52057
Code. 52058

Sec. 4765.28. A person seeking a certificate to practice as a 52059
first responder, emergency medical technician-basic, emergency 52060
medical technician-intermediate, or emergency medical 52061
technician-paramedic shall submit a completed application for 52062
certification to the state board of emergency medical and 52063
transportation services on a form the board shall prescribe and 52064
furnish. Except as provided in division (B) of section 4765.29 of 52065
the Revised Code, the application shall include evidence that the 52066
applicant received the appropriate certificate of completion 52067
pursuant to section 4765.24 of the Revised Code. The application 52068
shall be accompanied by the appropriate application fee 52069
established in rules adopted under section 4765.11 of the Revised 52070
Code, unless the board waives the fee on determining pursuant to 52071
those rules that the applicant cannot afford to pay the fee. 52072

Sec. 4765.29. (A) The state board of emergency medical and 52073
transportation services shall provide for the examination of 52074
applicants for certification to practice as first responders, 52075

emergency medical technicians-basic, emergency medical 52076
technicians-intermediate, and emergency medical 52077
technicians-paramedic. The examinations shall be established by 52078
the board in rules adopted under section 4765.11 of the Revised 52079
Code. The board may administer the examinations or contract with 52080
other persons to administer the examinations. In either case, the 52081
examinations shall be administered pursuant to procedures 52082
established in rules adopted under section 4765.11 of the Revised 52083
Code and shall be offered at various locations in the state 52084
selected by the board. 52085

Except as provided in division (B) of this section, an 52086
applicant shall not be permitted to take an examination for the 52087
same certificate to practice more than three times since last 52088
receiving the certificate of completion pursuant to section 52089
4765.24 of the Revised Code that qualifies the applicant to take 52090
the examination unless the applicant receives another certificate 52091
of completion that qualifies the applicant to take the 52092
examination. 52093

(B) On request of an applicant who fails three examinations 52094
for the same certificate to practice, the board may direct the 52095
applicant to complete a specific portion of an accredited 52096
emergency medical services training program. If the applicant 52097
provides satisfactory proof to the board that the applicant has 52098
successfully completed that portion of the program, the applicant 52099
shall be permitted to take the examination. 52100

Sec. 4765.30. (A)(1) The state board of emergency medical and 52101
transportation services shall issue a certificate to practice as a 52102
first responder to an applicant who meets all of the following 52103
conditions: 52104

(a) Except as provided in division (A)(2) of this section, is 52105
a volunteer for a nonprofit emergency medical service organization 52106

or a nonprofit fire department;	52107
(b) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code;	52108 52109
(c) Passes the appropriate examination conducted under section 4765.29 of the Revised Code;	52110 52111
(d) Is not in violation of any provision of this chapter or the rules adopted under it;	52112 52113
(e) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	52114 52115
(2) The board may waive the requirement to be a volunteer for a nonprofit entity if the applicant meets other requirements established in rules adopted under division (B)(3) of section 4765.11 of the Revised Code relative to a person's eligibility to practice as a first responder.	52116 52117 52118 52119 52120
(B) The state board of emergency medical <u>and transportation</u> services shall issue a certificate to practice as an emergency medical technician-basic to an applicant who meets all of the following conditions:	52121 52122 52123 52124
(1) Holds a certificate of completion in emergency medical services training-basic issued in accordance with section 4765.24 of the Revised Code;	52125 52126 52127
(2) Passes the examination for emergency medical technicians-basic conducted under section 4765.29 of the Revised Code;	52128 52129 52130
(3) Is not in violation of any provision of this chapter or the rules adopted under it;	52131 52132
(4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	52133 52134
(C) The state board of emergency medical <u>and transportation</u> services shall issue a certificate to practice as an emergency	52135 52136

medical technician-intermediate or emergency medical 52137
technician-paramedic to an applicant who meets all of the 52138
following conditions: 52139

(1) Holds a certificate to practice as an emergency medical 52140
technician-basic; 52141

(2) Holds the appropriate certificate of completion issued in 52142
accordance with section 4765.24 of the Revised Code; 52143

(3) Passes the appropriate examination conducted under 52144
section 4765.29 of the Revised Code; 52145

(4) Is not in violation of any provision of this chapter or 52146
the rules adopted under it; 52147

(5) Meets any other certification requirements established in 52148
rules adopted under section 4765.11 of the Revised Code. 52149

(D) A certificate to practice shall have a certification 52150
cycle established by the board and may be renewed by the board 52151
pursuant to rules adopted under section 4765.11 of the Revised 52152
Code. Not later than sixty days prior to the expiration date of an 52153
individual's certificate to practice, the board shall notify the 52154
individual of the scheduled expiration. 52155

An application for renewal shall be accompanied by the 52156
appropriate renewal fee established in rules adopted under section 52157
4765.11 of the Revised Code, unless the board waives the fee on 52158
determining pursuant to those rules that the applicant cannot 52159
afford to pay the fee. Except as provided in division (B) of 52160
section 4765.31 of the Revised Code, the application shall include 52161
evidence of either of the following: 52162

(1) That the applicant received a certificate of completion 52163
from the appropriate emergency medical services continuing 52164
education program pursuant to section 4765.24 of the Revised Code; 52165

(2) That the applicant has successfully passed an examination 52166

that demonstrates the competence to have a certificate renewed 52167
without completing an emergency medical services continuing 52168
education program. The board shall approve such examinations in 52169
accordance with rules adopted under section 4765.11 of the Revised 52170
Code. 52171

(E) The board shall not require an applicant for renewal of a 52172
certificate to practice to take an examination as a condition of 52173
renewing the certificate. This division does not preclude the use 52174
of examinations by operators of approved emergency medical 52175
services continuing education programs as a condition for issuance 52176
of a certificate of completion in emergency medical services 52177
continuing education. 52178

Sec. 4765.31. (A) Except as provided in division (B) of this 52179
section, a first responder, emergency medical technician-basic, 52180
emergency medical technician-intermediate, and emergency medical 52181
technician-paramedic shall complete an emergency medical services 52182
continuing education program or pass an examination approved by 52183
the state board of emergency medical and transportation services 52184
under division (A) of section 4765.10 of the Revised Code prior to 52185
the expiration of the individual's certificate to practice. 52186
Completion of the continuing education requirements for EMTs-I or 52187
paramedics satisfies the continuing education requirements for 52188
renewing the certificate to practice as an EMT-basic held by an 52189
EMT-I or paramedic. 52190

(B)(1) An applicant for renewal of a certificate to practice 52191
may apply to the board, in writing, for an extension to complete 52192
the continuing education requirements established under division 52193
(A) of this section. The board may grant such an extension and 52194
determine the length of the extension. The board may authorize the 52195
applicant to continue to practice during the extension as if the 52196
certificate to practice had not expired. 52197

(2) An applicant for renewal of a certificate to practice may 52198
apply to the board, in writing, for an exemption from the 52199
continuing education requirements established under division (A) 52200
of this section. The board may exempt an individual or a group of 52201
individuals from all or any part of the continuing education 52202
requirements due to active military service, unusual circumstance, 52203
emergency, special hardship, or any other cause considered 52204
reasonable by the board. 52205

(C) Decisions of whether to grant an extension or exemption 52206
under division (B) of this section shall be made by the board 52207
pursuant to procedures established in rules adopted under section 52208
4765.11 of the Revised Code. 52209

Sec. 4765.32. A current, valid certificate of accreditation 52210
issued under the provisions of former section 3303.11 or 3303.23 52211
of the Revised Code shall remain valid until one year after the 52212
expiration date of the certificate as determined by the provisions 52213
of those sections and shall confer the same privileges and impose 52214
the same responsibilities and requirements as a certificate of 52215
accreditation issued by the state board of emergency medical and 52216
transportation services under section 4765.17 of the Revised Code. 52217

A certificate to practice as an emergency medical 52218
technician-ambulance that is valid on November 24, 1995, shall be 52219
considered a certificate to practice as an emergency medical 52220
technician-basic. A certificate to practice as an advanced 52221
emergency medical technician-ambulance that is valid on November 52222
24, 1995, shall be considered a certificate to practice as an 52223
emergency medical technician-intermediate. 52224

Sec. 4765.33. The state board of emergency medical and 52225
transportation services may suspend or revoke certificates to 52226
practice issued under section 4765.30 of the Revised Code, and may 52227

take other disciplinary action against first responders, emergency 52228
medical technicians-basic, emergency medical 52229
technicians-intermediate, and emergency medical 52230
technicians-paramedic pursuant to rules adopted under section 52231
4765.11 of the Revised Code. 52232

Sec. 4765.37. (A) An emergency medical technician-basic shall 52233
perform the emergency medical services described in this section 52234
in accordance with this chapter and any rules adopted under it by 52235
the state board of emergency medical and transportation services. 52236
52237

(B) An emergency medical technician-basic may operate, or be 52238
responsible for operation of, an ambulance and may provide 52239
emergency medical services to patients. In an emergency, an 52240
EMT-basic may determine the nature and extent of illness or injury 52241
and establish priority for required emergency medical services. An 52242
EMT-basic may render emergency medical services such as opening 52243
and maintaining an airway, giving positive pressure ventilation, 52244
cardiac resuscitation, electrical interventions with automated 52245
defibrillators to support or correct the cardiac function and 52246
other methods determined by the board, controlling of hemorrhage, 52247
treatment of shock, immobilization of fractures, bandaging, 52248
assisting in childbirth, management of mentally disturbed 52249
patients, initial care of poison and burn patients, and 52250
determining triage of adult and pediatric trauma victims. Where 52251
patients must in an emergency be extricated from entrapment, an 52252
EMT-basic may assess the extent of injury and render all possible 52253
emergency medical services and protection to the entrapped 52254
patient; provide light rescue services if an ambulance has not 52255
been accompanied by a specialized unit; and after extrication, 52256
provide additional care in sorting of the injured in accordance 52257
with standard emergency procedures. 52258

(C) An EMT-basic may perform any other emergency medical services approved pursuant to rules adopted under section 4765.11 of the Revised Code. The board shall determine whether the nature of any such service requires that an EMT-basic receive authorization prior to performing the service.

(D)(1) Except as provided in division (D)(2) of this section, if the board determines under division (C) of this section that a service requires prior authorization, the service shall be performed only pursuant to the written or verbal authorization of a physician or of the cooperating physician advisory board, or pursuant to an authorization transmitted through a direct communication device by a physician or registered nurse designated by a physician.

(2) If communications fail during an emergency situation or the required response time prohibits communication, an EMT-basic may perform services subject to this division, if, in the judgment of the EMT-basic, the life of the patient is in immediate danger. Services performed under these circumstances shall be performed in accordance with the protocols for triage of adult and pediatric trauma victims established in rules adopted under sections 4765.11 and 4765.40 of the Revised Code and any applicable protocols adopted by the emergency medical service organization with which the EMT-basic is affiliated.

Sec. 4765.38. (A) An emergency medical technician-intermediate shall perform the emergency medical services described in this section in accordance with this chapter and any rules adopted under it.

(B) An EMT-I may do any of the following:

(1) Establish and maintain an intravenous lifeline that has been approved by a cooperating physician or physician advisory board;

(2) Perform cardiac monitoring;	52290
(3) Perform electrical interventions to support or correct the cardiac function;	52291 52292
(4) Administer epinephrine;	52293
(5) Determine triage of adult and pediatric trauma victims;	52294
(6) Perform any other emergency medical services approved pursuant to rules adopted under section 4765.11 of the Revised Code.	52295 52296 52297
(C)(1) Except as provided in division (C)(2) of this section, the services described in division (B) of this section shall be performed by an EMT-I only pursuant to the written or verbal authorization of a physician or of the cooperating physician advisory board, or pursuant to an authorization transmitted through a direct communication device by a physician or registered nurse designated by a physician.	52298 52299 52300 52301 52302 52303 52304
(2) If communications fail during an emergency situation or the required response time prohibits communication, an EMT-I may perform any of the services described in division (B) of this section, if, in the judgment of the EMT-I, the life of the patient is in immediate danger. Services performed under these circumstances shall be performed in accordance with the protocols for triage of adult and pediatric trauma victims established in rules adopted under sections 4765.11 and 4765.40 of the Revised Code and any applicable protocols adopted by the emergency medical service organization with which the EMT-I is affiliated.	52305 52306 52307 52308 52309 52310 52311 52312 52313 52314
(D) In addition to, and in the course of, providing emergency medical treatment, an emergency medical technician-intermediate may withdraw blood as provided under sections 1547.11, 4506.17, and 4511.19 of the Revised Code. An emergency medical technician-intermediate shall withdraw blood in accordance with this chapter and any rules adopted under it by the state board of	52315 52316 52317 52318 52319 52320

emergency medical and transportation services. 52321

Sec. 4765.39. (A) An emergency medical technician-paramedic 52322
shall perform the emergency medical services described in this 52323
section in accordance with this chapter and any rules adopted 52324
under it. 52325

(B) A paramedic may do any of the following: 52326

(1) Perform cardiac monitoring; 52327

(2) Perform electrical interventions to support or correct 52328
the cardiac function; 52329

(3) Perform airway procedures; 52330

(4) Perform relief of pneumothorax; 52331

(5) Administer appropriate drugs and intravenous fluids; 52332

(6) Determine triage of adult and pediatric trauma victims; 52333

(7) Perform any other emergency medical services, including 52334
life support or intensive care techniques, approved pursuant to 52335
rules adopted under section 4765.11 of the Revised Code. 52336

(C)(1) Except as provided in division (C)(2) of this section, 52337
the services described in division (B) of this section shall be 52338
performed by a paramedic only pursuant to the written or verbal 52339
authorization of a physician or of the cooperating physician 52340
advisory board, or pursuant to an authorization transmitted 52341
through a direct communication device by a physician or registered 52342
nurse designated by a physician. 52343

(2) If communications fail during an emergency situation or 52344
the required response time prohibits communication, a paramedic 52345
may perform any of the services described in division (B) of this 52346
section, if, in the paramedic's judgment, the life of the patient 52347
is in immediate danger. Services performed under these 52348
circumstances shall be performed in accordance with the protocols 52349

for triage of adult and pediatric trauma victims established in 52350
rules adopted under sections 4765.11 and 4765.40 of the Revised 52351
Code and any applicable protocols adopted by the emergency medical 52352
service organization with which the paramedic is affiliated. 52353

(D) In addition to, and in the course of, providing emergency 52354
medical treatment, an emergency medical technician-paramedic may 52355
withdraw blood as provided under sections 1547.11, 4506.17, and 52356
4511.19 of the Revised Code. An emergency medical 52357
technician-paramedic shall withdraw blood in accordance with this 52358
chapter and any rules adopted under it by the state board of 52359
emergency medical and transportation services. 52360

Sec. 4765.40. (A)(1) Not later than two years after ~~the~~ 52361
~~effective date of this amendment~~ November 3, 2000, the state board 52362
of emergency medical and transportation services shall adopt rules 52363
under section 4765.11 of the Revised Code establishing written 52364
protocols for the triage of adult and pediatric trauma victims. 52365
The rules shall define adult and pediatric trauma in a manner that 52366
is consistent with section 4765.01 of the Revised Code, minimizes 52367
overtriage and undertriage, and emphasizes the special needs of 52368
pediatric and geriatric trauma patients. 52369

(2) The state triage protocols adopted under division (A) of 52370
this section shall require a trauma victim to be transported 52371
directly to an adult or pediatric trauma center that is qualified 52372
to provide appropriate adult or pediatric trauma care, unless one 52373
or more of the following exceptions applies: 52374

(a) It is medically necessary to transport the victim to 52375
another hospital for initial assessment and stabilization before 52376
transfer to an adult or pediatric trauma center; 52377

(b) It is unsafe or medically inappropriate to transport the 52378
victim directly to an adult or pediatric trauma center due to 52379
adverse weather or ground conditions or excessive transport time; 52380

(c) Transporting the victim to an adult or pediatric trauma center would cause a shortage of local emergency medical service resources; 52381
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(d) No appropriate adult or pediatric trauma center is able to receive and provide adult or pediatric trauma care to the trauma victim without undue delay; 52384
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(e) Before transport of a patient begins, the patient requests to be taken to a particular hospital that is not a trauma center or, if the patient is less than eighteen years of age or is not able to communicate, such a request is made by an adult member of the patient's family or a legal representative of the patient. 52387
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(3)(a) The state triage protocols adopted under division (A) of this section shall require trauma patients to be transported to an adult or pediatric trauma center that is able to provide appropriate adult or pediatric trauma care, but shall not require a trauma patient to be transported to a particular trauma center. The state triage protocols shall establish one or more procedures for evaluating whether an injury victim requires or would benefit from adult or pediatric trauma care, which procedures shall be applied by emergency medical service personnel based on the patient's medical needs. In developing state trauma triage protocols, the board shall consider relevant model triage rules and shall consult with the commission on minority health, regional directors, regional physician advisory boards, and appropriate medical, hospital, and emergency medical service organizations. 52392
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(b) Before the joint committee on agency rule review considers state triage protocols for trauma victims proposed by the state board of emergency medical and transportation services, or amendments thereto, the board shall send a copy of the proposal to the Ohio chapter of the American college of emergency physicians, the Ohio chapter of the American college of surgeons, the Ohio chapter of the American academy of pediatrics, OHA: the 52406
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association for hospitals and health systems, the Ohio osteopathic 52413
association, and the association of Ohio children's hospitals and 52414
shall hold a public hearing at which it must consider the 52415
appropriateness of the protocols to minimize overtriage and 52416
undertriage of trauma victims. 52417

(c) The board shall provide copies of the state triage 52418
protocols, and amendments to the protocols, to each emergency 52419
medical service organization, regional director, regional 52420
physician advisory board, certified emergency medical service 52421
instructor, and person who regularly provides medical direction to 52422
emergency medical service personnel in the state; to each medical 52423
service organization in other jurisdictions that regularly provide 52424
emergency medical services in this state; and to others upon 52425
request. 52426

(B)(1) The state board of emergency medical and 52427
transportation services shall approve regional protocols for the 52428
triage of adult and pediatric trauma victims, and amendments to 52429
such protocols, that are submitted to the board as provided in 52430
division (B)(2) of this section and provide a level of adult and 52431
pediatric trauma care comparable to the state triage protocols 52432
adopted under division (A) of this section. The board shall not 52433
otherwise approve regional triage protocols for trauma victims. 52434
The board shall not approve regional triage protocols for regions 52435
that overlap and shall resolve any such disputes by apportioning 52436
the overlapping territory among appropriate regions in a manner 52437
that best serves the medical needs of the residents of that 52438
territory. The trauma committee of the board shall have reasonable 52439
opportunity to review and comment on regional triage protocols and 52440
amendments to such protocols before the board approves or 52441
disapproves them. 52442

(2) Regional protocols for the triage of adult and pediatric 52443
trauma victims, and amendments to such protocols, shall be 52444

submitted in writing to the state board of emergency medical and 52445
transportation services by the regional physician advisory board 52446
or regional director, as appropriate, that serves a majority of 52447
the population in the region in which the protocols apply. Prior 52448
to submitting regional triage protocols, or an amendment to such 52449
protocols, to the state board of emergency medical and 52450
transportation services, a regional physician advisory board or 52451
regional director shall consult with each of the following that 52452
regularly serves the region in which the protocols apply: 52453

(a) Other regional physician advisory boards and regional 52454
directors; 52455

(b) Hospitals that operate an emergency facility; 52456

(c) Adult and pediatric trauma centers; 52457

(d) Professional societies of physicians who specialize in 52458
adult or pediatric emergency medicine or adult or pediatric trauma 52459
surgery; 52460

(e) Professional societies of nurses who specialize in adult 52461
or pediatric emergency nursing or adult or pediatric trauma 52462
surgery; 52463

(f) Professional associations or labor organizations of 52464
emergency medical service personnel; 52465

(g) Emergency medical service organizations and medical 52466
directors of such organizations; 52467

(h) Certified emergency medical service instructors. 52468

(3) Regional protocols for the triage of adult and pediatric 52469
trauma victims approved under division (B)(2) of this section 52470
shall require patients to be transported to a trauma center that 52471
is able to provide an appropriate level of adult or pediatric 52472
trauma care; shall not discriminate among trauma centers for 52473
reasons not related to a patient's medical needs; shall seek to 52474

minimize undertriage and overtriage; may include any of the 52475
exceptions in division (A)(2) of this section; and supersede the 52476
state triage protocols adopted under division (A) of this section 52477
in the region in which the regional protocols apply. 52478

(4) Upon approval of regional protocols for the triage of 52479
adult and pediatric trauma victims under division (B)(2) of this 52480
section, or an amendment to such protocols, the state board of 52481
emergency medical and transportation services shall provide 52482
written notice of the approval and a copy of the protocols or 52483
amendment to each entity in the region in which the protocols 52484
apply to which the board is required to send a copy of the state 52485
triage protocols adopted under division (A) of this section. 52486

(C)(1) The state board of emergency medical and 52487
transportation services shall review the state triage protocols 52488
adopted under division (A) of this section at least every three 52489
years to determine if they are causing overtriage or undertriage 52490
of trauma patients, and shall modify them as necessary to minimize 52491
overtriage and undertriage. 52492

(2) Each regional physician advisory board or regional 52493
director that has had regional triage protocols approved under 52494
division (B)(2) of this section shall review the protocols at 52495
least every three years to determine if they are causing 52496
overtriage or undertriage of trauma patients and shall submit an 52497
appropriate amendment to the state board, as provided in division 52498
(B) of this section, as necessary to minimize overtriage and 52499
undertriage. The state board shall approve the amendment if it 52500
will reduce overtriage or undertriage while complying with 52501
division (B) of this section, and shall not otherwise approve the 52502
amendment. 52503

(D) No provider of emergency medical services or person who 52504
provides medical direction to emergency medical service personnel 52505
in this state shall fail to comply with the state triage protocols 52506

adopted under division (A) of this section or applicable regional triage protocols approved under division (B)(2) of this section.

(E) The state board of emergency medical and transportation services shall adopt rules under section 4765.11 of the Revised Code that provide for enforcement of the state triage protocols adopted under division (A) of this section and regional triage protocols approved under division (B)(2) of this section, and for education regarding those protocols for emergency medical service organizations and personnel, regional directors and regional physician advisory boards, emergency medical service instructors, and persons who regularly provide medical direction to emergency medical service personnel in this state.

Sec. 4765.42. Each emergency medical service organization shall give notice of the name of its medical director or the names of the members of its cooperating physician advisory board to the state board of emergency medical and transportation services. The notice shall be made in writing.

Sec. 4765.48. The attorney general, the prosecuting attorney of the county, or the city director of law shall, upon complaint of the state board of emergency medical and transportation services, prosecute to termination or bring an action for injunction against any person violating this chapter or the rules adopted under it. The common pleas court in which an action for injunction is filed has the jurisdiction to grant injunctive relief upon a showing that the respondent named in the complaint is in violation of this chapter or the rules adopted under it.

Sec. 4765.49. (A) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic is not liable in damages in a civil action for injury, death, or loss to person or property

resulting from the individual's administration of emergency 52537
medical services, unless the services are administered in a manner 52538
that constitutes willful or wanton misconduct. A physician or 52539
registered nurse designated by a physician, who is advising or 52540
assisting in the emergency medical services by means of any 52541
communication device or telemetering system, is not liable in 52542
damages in a civil action for injury, death, or loss to person or 52543
property resulting from the individual's advisory communication or 52544
assistance, unless the advisory communication or assistance is 52545
provided in a manner that constitutes willful or wanton 52546
misconduct. Medical directors and members of cooperating physician 52547
advisory boards of emergency medical service organizations are not 52548
liable in damages in a civil action for injury, death, or loss to 52549
person or property resulting from their acts or omissions in the 52550
performance of their duties, unless the act or omission 52551
constitutes willful or wanton misconduct. 52552

(B) A political subdivision, joint ambulance district, joint 52553
emergency medical services district, or other public agency, and 52554
any officer or employee of a public agency or of a private 52555
organization operating under contract or in joint agreement with 52556
one or more political subdivisions, that provides emergency 52557
medical services, or that enters into a joint agreement or a 52558
contract with the state, any political subdivision, joint 52559
ambulance district, or joint emergency medical services district 52560
for the provision of emergency medical services, is not liable in 52561
damages in a civil action for injury, death, or loss to person or 52562
property arising out of any actions taken by a first responder, 52563
EMT-basic, EMT-I, or paramedic working under the officer's or 52564
employee's jurisdiction, or for injury, death, or loss to person 52565
or property arising out of any actions of licensed medical 52566
personnel advising or assisting the first responder, EMT-basic, 52567
EMT-I, or paramedic, unless the services are provided in a manner 52568
that constitutes willful or wanton misconduct. 52569

(C) A student who is enrolled in an emergency medical services training program accredited under section 4765.17 of the Revised Code or an emergency medical services continuing education program approved under that section is not liable in damages in a civil action for injury, death, or loss to person or property resulting from either of the following:

(1) The student's administration of emergency medical services or patient care or treatment, if the services, care, or treatment is administered while the student is under the direct supervision and in the immediate presence of an EMT-basic, EMT-I, paramedic, registered nurse, or physician and while the student is receiving clinical training that is required by the program, unless the services, care, or treatment is provided in a manner that constitutes willful or wanton misconduct;

(2) The student's training as an ambulance driver, unless the driving is done in a manner that constitutes willful or wanton misconduct.

(D) An EMT-basic, EMT-I, paramedic, or other operator, who holds a valid commercial driver's license issued pursuant to Chapter 4506. of the Revised Code or driver's license issued pursuant to Chapter 4507. of the Revised Code and who is employed by an emergency medical service organization that is not owned or operated by a political subdivision as defined in section 2744.01 of the Revised Code, is not liable in damages in a civil action for injury, death, or loss to person or property that is caused by the operation of an ambulance by the EMT-basic, EMT-I, paramedic, or other operator while responding to or completing a call for emergency medical services, unless the operation constitutes willful or wanton misconduct or does not comply with the precautions of section 4511.03 of the Revised Code. An emergency medical service organization is not liable in damages in a civil action for any injury, death, or loss to person or property that

is caused by the operation of an ambulance by its employee or 52602
agent, if this division grants the employee or agent immunity from 52603
civil liability for the injury, death, or loss. 52604

(E) An employee or agent of an emergency medical service 52605
organization who receives requests for emergency medical services 52606
that are directed to the organization, dispatches first 52607
responders, EMTs-basic, EMTs-I, or paramedics in response to those 52608
requests, communicates those requests to those employees or agents 52609
of the organization who are authorized to dispatch first 52610
responders, EMTs-basic, EMTs-I, or paramedics, or performs any 52611
combination of these functions for the organization, is not liable 52612
in damages in a civil action for injury, death, or loss to person 52613
or property resulting from the individual's acts or omissions in 52614
the performance of those duties for the organization, unless an 52615
act or omission constitutes willful or wanton misconduct. 52616

(F) A person who is performing the functions of a first 52617
responder, EMT-basic, EMT-I, or paramedic under the authority of 52618
the laws of a state that borders this state and who provides 52619
emergency medical services to or transportation of a patient in 52620
this state is not liable in damages in a civil action for injury, 52621
death, or loss to person or property resulting from the person's 52622
administration of emergency medical services, unless the services 52623
are administered in a manner that constitutes willful or wanton 52624
misconduct. A physician or registered nurse designated by a 52625
physician, who is licensed to practice in the adjoining state and 52626
who is advising or assisting in the emergency medical services by 52627
means of any communication device or telemetering system is not 52628
liable in damages in a civil action for injury, death, or loss to 52629
person or property resulting from the person's advisory 52630
communication or assistance, unless the advisory communication or 52631
assistance is provided in a manner that constitutes willful or 52632
wanton misconduct. 52633

(G) A person certified under section 4765.23 of the Revised Code to teach in an emergency medical services training program or emergency medical services continuing education program, and a person who teaches at the Ohio fire academy established under section 3737.33 of the Revised Code or in a fire service training program described in division (A) of section 4765.55 of the Revised Code, is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the person's acts or omissions in the performance of the person's duties, unless an act or omission constitutes willful or wanton misconduct.

(H) In the accreditation of emergency medical services training programs or approval of emergency medical services continuing education programs, the state board of emergency medical and transportation services and any person or entity authorized by the board to evaluate applications for accreditation or approval are not liable in damages in a civil action for injury, death, or loss to person or property resulting from their acts or omissions in the performance of their duties, unless an act or omission constitutes willful or wanton misconduct.

(I) A person authorized by an emergency medical service organization to review the performance of first responders, EMTs-basic, EMTs-I, and paramedics or to administer quality assurance programs is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the person's acts or omissions in the performance of the person's duties, unless an act or omission constitutes willful or wanton misconduct.

Sec. 4765.55. (A) The executive director of the state board of emergency medical and transportation services, with the advice and counsel of the firefighter and fire safety inspector training

committee of the state board of emergency medical and 52665
transportation services, shall assist in the establishment and 52666
maintenance by any state agency, or any county, township, city, 52667
village, school district, or educational service center of a fire 52668
service training program for the training of all persons in 52669
positions of any fire training certification level approved by the 52670
executive director, including full-time paid firefighters, 52671
part-time paid firefighters, volunteer firefighters, and fire 52672
safety inspectors in this state. The executive director, with the 52673
advice and counsel of the committee, shall adopt rules to regulate 52674
those firefighter and fire safety inspector training programs, and 52675
other training programs approved by the executive director. The 52676
rules may include, but need not be limited to, training 52677
curriculum, certification examinations, training schedules, 52678
minimum hours of instruction, attendance requirements, required 52679
equipment and facilities, basic physical requirements, and methods 52680
of training for all persons in positions of any fire training 52681
certification level approved by the executive director, including 52682
full-time paid firefighters, part-time paid firefighters, 52683
volunteer firefighters, and fire safety inspectors. The rules 52684
adopted to regulate training programs for volunteer firefighters 52685
shall not require more than thirty-six hours of training. 52686

The executive director, with the advice and counsel of the 52687
committee, shall provide for the classification and chartering of 52688
fire service training programs in accordance with rules adopted 52689
under division (B) of this section, and may take action against 52690
any chartered training program or applicant, in accordance with 52691
rules adopted under divisions (B)(4) and (5) of this section, for 52692
failure to meet standards set by the adopted rules. 52693

(B) The executive director, with the advice and counsel of 52694
the firefighter and fire safety inspector training committee of 52695
the state board of emergency medical and transportation services, 52696

shall adopt, and may amend or rescind, rules under Chapter 119. of 52697
the Revised Code that establish all of the following: 52698

(1) Requirements for, and procedures for chartering, the 52699
training programs regulated by this section; 52700

(2) Requirements for, and requirements and procedures for 52701
obtaining and renewing, an instructor certificate to teach the 52702
training programs and continuing education classes regulated by 52703
this section; 52704

(3) Requirements for, and requirements and procedures for 52705
obtaining and renewing, any of the fire training certificates 52706
regulated by this section; 52707

(4) Grounds and procedures for suspending, revoking, 52708
restricting, or refusing to issue or renew any of the certificates 52709
or charters regulated by this section, which grounds shall be 52710
limited to one of the following: 52711

(a) Failure to satisfy the education or training requirements 52712
of this section; 52713

(b) Conviction of a felony offense; 52714

(c) Conviction of a misdemeanor involving moral turpitude; 52715

(d) Conviction of a misdemeanor committed in the course of 52716
practice; 52717

(e) In the case of a chartered training program or applicant, 52718
failure to meet standards set by the rules adopted under this 52719
division. 52720

(5) Grounds and procedures for imposing and collecting fines, 52721
not to exceed one thousand dollars, in relation to actions taken 52722
under division (B)(4) of this section against persons holding 52723
certificates and charters regulated by this section, the fines to 52724
be deposited into the trauma and emergency medical services fund 52725
established under section 4513.263 of the Revised Code; 52726

(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities; 52727
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(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements; 52730
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(8) Certification cycles for which the certificates and charters regulated by this section are valid. 52732
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(C) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical and transportation services, shall issue or renew an instructor certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against an instructor certificate holder or applicant in accordance with rules adopted under division (B) of this section. The executive director, with the advice and counsel of the committee, shall charter or renew the charter of any training program that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against the holder of a charter in accordance with rules adopted under division (B) of this section. 52734
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(D) The executive director shall issue or renew a fire training certificate for a firefighter, a fire safety inspector, or another position of any fire training certification level approved by the executive director, to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section and may take disciplinary actions against a certificate holder or applicant in accordance with rules adopted under division (B) of this section. 52751
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(E) Certificates issued under this section shall be on a form 52759
prescribed by the executive director, with the advice and counsel 52760
of the firefighter and fire safety inspector training committee of 52761
the state board of emergency medical and transportation services. 52762

(F)(1) The executive director, with the advice and counsel of 52763
the firefighter and fire safety inspector training committee of 52764
the state board of emergency medical and transportation services, 52765
shall establish criteria for evaluating the standards maintained 52766
by other states and the branches of the United States military for 52767
firefighter, fire safety inspector, and fire instructor training 52768
programs, and other training programs recognized by the executive 52769
director, to determine whether the standards are equivalent to 52770
those established under this section and shall establish 52771
requirements and procedures for issuing a certificate to each 52772
person who presents proof to the executive director of having 52773
satisfactorily completed a training program that meets those 52774
standards. 52775

(2) The executive director, with the committee's advice and 52776
counsel, shall adopt rules establishing requirements and 52777
procedures for issuing a fire training certificate in lieu of 52778
completing a chartered training program. 52779

(G) Nothing in this section invalidates any other section of 52780
the Revised Code relating to the fire training academy. Section 52781
4765.11 of the Revised Code does not affect any powers and duties 52782
granted to the executive director under this section. 52783

Sec. 4765.56. On receipt of a notice pursuant to section 52784
3123.43 of the Revised Code, the state board of emergency medical 52785
and transportation services shall comply with sections 3123.41 to 52786
3123.50 of the Revised Code and any applicable rules adopted under 52787
section 3123.63 of the Revised Code with respect to a certificate 52788
to practice issued pursuant to this chapter. 52789

Sec. 4766.01. As used in this chapter:	52790
(A) "Advanced life support" means treatment described in section 4765.39 of the Revised Code that a paramedic is certified to perform.	52791 52792 52793
(B) "Air medical service organization" means an organization that furnishes, conducts, maintains, advertises, promotes, or otherwise engages in providing medical services with a rotorcraft air ambulance or fixed wing air ambulance.	52794 52795 52796 52797
(C) "Air medical transportation" means the transporting of a patient by rotorcraft air ambulance or fixed wing air ambulance with appropriately licensed and certified medical personnel.	52798 52799 52800
(D) "Ambulance" means any motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used to provide basic life support, intermediate life support, advanced life support, or mobile intensive care unit services and transportation upon the streets or highways of this state of persons who are seriously ill, injured, wounded, or otherwise incapacitated or helpless. "Ambulance" does not include air medical transportation or a vehicle designed and used solely for the transportation of nonstretcher-bound persons, whether hospitalized or handicapped or whether ambulatory or confined to a wheelchair.	52801 52802 52803 52804 52805 52806 52807 52808 52809 52810 52811
(E) "Ambulette" means a motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for transportation upon the streets or highways of this state of persons who require use of a wheelchair.	52812 52813 52814 52815
(F) "Basic life support" means treatment described in section 4765.37 of the Revised Code that an EMT-basic <u>EMT</u> is certified to perform.	52816 52817 52818
(G) "Disaster situation" means any condition or situation	52819

described by rule of the ~~Ohio~~ state board of emergency medical and 52820
transportation ~~board~~ services as a mass casualty, major emergency, 52821
natural disaster, or national emergency. 52822

(H) "Emergency medical service organization" means an 52823
organization that uses ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ advanced EMTs, or 52824
paramedics, or a combination of ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ advanced 52825
EMTs, and paramedics, to provide medical care to victims of 52826
illness or injury. An emergency medical service organization 52827
includes, but is not limited to, a commercial ambulance service 52828
organization, a hospital, and a funeral home. 52829

(I) "~~EMT-basic~~ EMT," "~~EMT-I~~ advanced EMT," and "paramedic" 52830
have the same meanings as in section 4765.01 of the Revised Code. 52831

(J) "Fixed wing air ambulance" means a fixed wing aircraft 52832
that is specifically designed, constructed, or modified and 52833
equipped and is intended to be used as a means of air medical 52834
transportation. 52835

(K) "Intermediate life support" means treatment described in 52836
section 4765.38 of the Revised Code that an ~~EMT-I~~ advanced EMT is 52837
certified to perform. 52838

(L) "Major emergency" means any emergency event that cannot 52839
be resolved through the use of locally available emergency 52840
resources. 52841

(M) "Mass casualty" means an emergency event that results in 52842
ten or more persons being injured, incapacitated, made ill, or 52843
killed. 52844

(N) "Medical emergency" means an unforeseen event affecting 52845
an individual in such a manner that a need for immediate care is 52846
created. 52847

(O) "Mobile intensive care unit" means an ambulance used only 52848
for maintaining specialized or intensive care treatment and used 52849

primarily for interhospital transports of patients whose 52850
conditions require care beyond the scope of a paramedic as 52851
provided in section 4765.39 of the Revised Code. 52852

(P)(1) "Nonemergency medical service organization" means a 52853
person that does both of the following: 52854

(a) Provides services to the public on a regular basis for 52855
the purpose of transporting individuals who require the use of a 52856
wheelchair or are confined to a wheelchair to receive health care 52857
services at health care facilities or health care practitioners' 52858
offices in nonemergency circumstances; 52859

(b) Provides the services for a fee, regardless of whether 52860
the fee is paid by the person being transported, a third party 52861
payer, as defined in section 3702.51 of the Revised Code, or any 52862
other person or government entity. 52863

(2) "Nonemergency medical service organization" does not 52864
include a health care facility, as defined in section 1751.01 of 52865
the Revised Code, that provides ambulette services only to 52866
patients of that facility. 52867

(Q) "Nontransport vehicle" means a motor vehicle operated by 52868
a licensed emergency medical service organization not as an 52869
ambulance, but as a vehicle for providing services in conjunction 52870
with the ambulances operated by the organization or other 52871
emergency medical service organizations. 52872

(R) "Patient" means any individual who as a result of illness 52873
or injury needs medical attention, whose physical or mental 52874
condition is such that there is imminent danger of loss of life or 52875
significant health impairment, who may be otherwise incapacitated 52876
or helpless as a result of a physical or mental condition, or 52877
whose physical condition requires the use of a wheelchair. 52878

(S) "Rotorcraft air ambulance" means a helicopter or other 52879
aircraft capable of vertical takeoffs, vertical landings, and 52880

hovering that is specifically designed, constructed, or modified 52881
and equipped and is intended to be used as a means of air medical 52882
transportation. 52883

Sec. 4766.03. (A) The ~~Ohio~~ state board of emergency medical 52884
and transportation board services shall adopt rules, in accordance 52885
with Chapter 119. of the Revised Code, implementing the 52886
requirements of this chapter. The rules shall include provisions 52887
relating to the following: 52888

(1) Requirements for an emergency medical service 52889
organization to receive a permit for an ambulance or nontransport 52890
vehicle; 52891

(2) Requirements for an emergency medical service 52892
organization to receive a license as a basic life-support, 52893
intermediate life-support, advanced life-support, or mobile 52894
intensive care unit organization; 52895

(3) Requirements for a nonemergency medical service 52896
organization to receive a permit for an ambulette vehicle; 52897

(4) Requirements for a nonemergency medical service 52898
organization to receive a license for an ambulette service; 52899

(5) Requirements for an air medical service organization to 52900
receive a permit for a rotorcraft air ambulance or fixed wing air 52901
ambulance; 52902

(6) Requirements for licensure of air medical service 52903
organizations; 52904

(7) Forms for applications and renewals of licenses and 52905
permits; 52906

(8) Requirements for record keeping of service responses made 52907
by licensed emergency medical service organizations; 52908

(9) Fee amounts for licenses and permits, and their renewals; 52909

(10) Inspection requirements for licensees' vehicles or aircraft, records, and physical facilities;	52910 52911
(11) Fee amounts for inspections of ambulances, ambulettes, rotorcraft air ambulances, fixed wing air ambulances, and nontransport vehicles;	52912 52913 52914
(12) Requirements for ambulances and nontransport vehicles used by licensed emergency medical service organizations, for ambulette vehicles used by licensed nonemergency medical service organizations, and for rotorcraft air ambulances or fixed wing air ambulances used by licensed air medical service organizations that specify for each type of vehicle or aircraft the types of equipment that must be carried, the communication systems that must be maintained, and the personnel who must staff the vehicle or aircraft;	52915 52916 52917 52918 52919 52920 52921 52922 52923
(13) The level of care each type of emergency medical service organization, nonemergency medical service organization, and air medical service organization is authorized to provide;	52924 52925 52926
(14) Eligibility requirements for employment as an ambulette driver, including grounds for disqualification due to the results of a motor vehicle law violation check, chemical test, or criminal records check. The rule may require that an applicant for employment as an ambulette driver provide a set of fingerprints to law enforcement authorities if the applicant comes under final consideration for employment.	52927 52928 52929 52930 52931 52932 52933
(15) Any other rules that the board determines necessary for the implementation and enforcement of this chapter.	52934 52935
(B) In the rules for ambulances and nontransport vehicles adopted under division (A)(12) of this section, the board may establish requirements that vary according to whether the emergency medical service organization using the vehicles is licensed as a basic life-support, intermediate life-support,	52936 52937 52938 52939 52940

advanced life-support, or mobile intensive care unit organization. 52941

(C) A mobile intensive care unit that is not dually certified 52942
to provide advanced life-support and meets the requirements of the 52943
rules adopted under this section is not required to carry 52944
immobilization equipment, including board splint kits, traction 52945
splints, backboards, backboard straps, cervical immobilization 52946
devices, cervical collars, stair chairs, folding cots, or other 52947
types of immobilization equipment determined by the board to be 52948
unnecessary for mobile intensive care units. 52949

A mobile intensive care unit is exempt from the emergency 52950
medical technician staffing requirements of section 4765.43 of the 52951
Revised Code when it is staffed by at least one physician or 52952
registered nurse and another person, designated by a physician, 52953
who holds a valid license or certificate to practice in a health 52954
care profession, and when at least one of the persons staffing the 52955
mobile intensive care unit is a registered nurse whose training 52956
meets or exceeds the training required for a paramedic. 52957

Sec. 4766.04. (A) Except as otherwise provided in this 52958
chapter, no person shall furnish, operate, conduct, maintain, 52959
advertise, engage in, or propose or profess to engage in the 52960
business or service in this state of transporting persons who are 52961
seriously ill, injured, or otherwise incapacitated or who require 52962
the use of a wheelchair or are confined to a wheelchair unless the 52963
person is licensed pursuant to this section. 52964

(B) To qualify for a license as a basic life-support, 52965
intermediate life-support, advanced life-support, or mobile 52966
intensive care unit organization, an emergency medical service 52967
organization shall do all of the following: 52968

(1) Apply for a permit for each ambulance and nontransport 52969
vehicle owned or leased as provided in section 4766.07 of the 52970
Revised Code; 52971

(2) Meet all requirements established in rules adopted by the ~~Ohio state board of emergency medical and transportation board~~ services regarding ambulances and nontransport vehicles, including requirements pertaining to equipment, communications systems, staffing, and level of care the particular organization is permitted to render;

(3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code;

(4) Meet all other requirements established under rules adopted by the board for the particular license.

(C) To qualify for a license to provide ambulette service, a nonemergency medical service organization shall do all of the following:

(1) Apply for a permit for each ambulette owned or leased as provided in section 4766.07 of the Revised Code;

(2) Meet all requirements established in rules adopted by the ~~Ohio state board of emergency medical and transportation board~~ services regarding ambulettes, including requirements pertaining to equipment, communication systems, staffing, and level of care the organization is permitted to render;

(3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code;

(4) Meet all other requirements established under rules adopted by the board for the license.

(D) To qualify for a license to provide air medical transportation, an air medical service organization shall do all of the following:

(1) Apply for a permit for each rotorcraft air ambulance and fixed wing air ambulance owned or leased as provided in section 4766.07 of the Revised Code;

(2) Meet all requirements established in rules adopted by the 53002
~~Ohio state board of emergency~~ medical ~~and~~ transportation ~~board~~ 53003
services regarding rotorcraft air ambulances and fixed wing air 53004
ambulances, including requirements pertaining to equipment, 53005
communication systems, staffing, and level of care the 53006
organization is permitted to render; 53007

(3) Maintain the appropriate type and amount of insurance as 53008
specified in section 4766.06 of the Revised Code; 53009

(4) Meet all other requirements established under rules 53010
adopted by the board for the license. 53011

(E) An emergency medical service organization that applies 53012
for a license as a basic life-support, intermediate life-support, 53013
advanced life-support, or mobile intensive care unit organization; 53014
a nonemergency medical service organization that applies for a 53015
license to provide ambulance service; or an air medical service 53016
organization that applies for a license to provide air medical 53017
transportation shall submit a completed application to the board, 53018
on a form provided by the board for each particular license, 53019
together with the appropriate fees established under section 53020
4766.05 of the Revised Code. The application form shall include 53021
all of the following: 53022

(1) The name and business address of the operator of the 53023
organization for which licensure is sought; 53024

(2) The name under which the applicant will operate the 53025
organization; 53026

(3) A list of the names and addresses of all officers and 53027
directors of the organization; 53028

(4) For emergency medical service organizations and 53029
nonemergency medical service organizations, a description of each 53030
vehicle to be used, including the make, model, year of 53031
manufacture, mileage, vehicle identification number, and the color 53032

scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's vehicle; 53033
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(5) For air medical service organizations using fixed wing air ambulances, a description of each aircraft to be used, including the make, model, year of manufacture, and aircraft hours on airframe; 53035
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(6) For air medical service organizations using rotorcraft air ambulances, a description of each aircraft to be used, including the make, model, year of manufacture, aircraft hours on airframe, aircraft identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's rotorcraft air ambulance; 53039
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(7) The location and description of each place from which the organization will operate; 53045
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(8) A description of the geographic area to be served by the applicant; 53047
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(9) Any other information the board, by rule, determines necessary. 53049
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(F) Within sixty days after receiving a completed application for licensure as a basic life-support, intermediate life-support, advanced life-support, or mobile intensive care unit organization; an ambulette service; or an air medical service organization, the board shall approve or deny the application. The board shall deny an application if it determines that the applicant does not meet the requirements of this chapter or any rules adopted under it. The board shall send notice of the denial of an application by certified mail to the applicant. The applicant may request a hearing within ten days after receipt of the notice. If the board receives a timely request, it shall hold a hearing in accordance with Chapter 119. of the Revised Code. 53051
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(G) If an applicant or licensee operates or plans to operate 53063

an organization in more than one location under the same or 53064
different identities, the applicant or licensee shall apply for 53065
and meet all requirements for licensure or renewal of a license, 53066
other than payment of a license fee or renewal fee, for operating 53067
the organization at each separate location. An applicant or 53068
licensee that operates or plans to operate under the same 53069
organization identity in separate locations shall pay only a 53070
single license fee. 53071

(H) An emergency medical service organization that wishes to 53072
provide ambulance services to the public must apply for a separate 53073
license under division (C) of this section. 53074

(I) Each license issued under this section and each permit 53075
issued under section 4766.07 of the Revised Code expires one year 53076
after the date of issuance and may be renewed in accordance with 53077
the standard renewal procedures of Chapter 4745. of the Revised 53078
Code. An application for renewal shall include the license or 53079
permit renewal fee established under section 4766.05 of the 53080
Revised Code. An applicant for renewal of a permit also shall 53081
submit to the board proof of an annual inspection of the vehicle 53082
or aircraft for which permit renewal is sought. The board shall 53083
renew a license if the applicant meets the requirements for 53084
licensure and shall renew a permit if the applicant and vehicle or 53085
aircraft meet the requirements to maintain a permit for that 53086
vehicle or aircraft. 53087

(J) Each licensee shall maintain accurate records of all 53088
service responses conducted. The records shall be maintained on 53089
forms prescribed by the board and shall contain information as 53090
specified by rule by the board. 53091

Sec. 4766.05. (A) The ~~Ohio~~ state board of emergency medical 53092
and transportation board services shall establish by rule a 53093
license fee, a permit fee for each ambulance, ambulance, 53094

rotorcraft air ambulance, fixed wing air ambulance, and 53095
nontransport vehicle owned or leased by the licensee that is or 53096
will be used as provided in section 4766.07 of the Revised Code, 53097
and fees for renewals of licenses and permits, taking into 53098
consideration the actual costs incurred by the board in carrying 53099
out its duties under this chapter. However, the fee for each 53100
license and each renewal of a license shall not exceed one hundred 53101
dollars, and the fee for each permit and each renewal of a permit 53102
shall not exceed one hundred dollars for each ambulance, 53103
rotorcraft air ambulance, fixed wing air ambulance, and 53104
nontransport vehicle. ~~The fee for each permit and each renewal of~~ 53105
~~a permit shall be twenty-five dollars for each ambulette for one~~ 53106
~~year after March 9, 2004. Thereafter, the board shall determine by~~ 53107
rule the fee, which shall not exceed fifty dollars, for each 53108
permit and each renewal of a permit for each ambulette. For 53109
purposes of establishing fees, "actual costs" includes the costs 53110
of salaries, expenses, inspection equipment, supervision, and 53111
program administration. 53112

(B) The board shall deposit all fees and other moneys 53113
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 53114
the Revised Code in the state treasury to the credit of the 53115
occupational licensing and regulatory fund, which is created by 53116
section 4743.05 of the Revised Code. All moneys from the fund 53117
shall be used solely for the salaries and expenses of the board 53118
incurred in implementing and enforcing this chapter. 53119

(C) The board, subject to the approval of the controlling 53120
board, may establish fees in excess of the maximum amounts allowed 53121
under division (A) of this section, but such fees shall not exceed 53122
those maximum amounts by more than fifty per cent. 53123

Sec. 4766.07. (A) Except as otherwise provided by rule of the 53124
~~Ohio state board of emergency medical and transportation board~~ 53125

services, each emergency medical service organization, 53126
nonemergency medical service organization, and air medical service 53127
organization subject to licensure under this chapter shall possess 53128
a valid permit for each ambulance, ambulette, rotorcraft air 53129
ambulance, fixed wing air ambulance, and nontransport vehicle it 53130
owns or leases that is or will be used by the licensee to perform 53131
the services permitted by the license. Each licensee and license 53132
applicant shall submit the appropriate fee and an application for 53133
a permit for each ambulance, ambulette, rotorcraft air ambulance, 53134
fixed wing air ambulance, and nontransport vehicle to the ~~Ohio~~ 53135
state board of emergency medical and transportation board services 53136
on forms provided by the board. The application shall include 53137
documentation that the vehicle or aircraft meets the appropriate 53138
standards set by the board, that the vehicle or aircraft has been 53139
inspected pursuant to division (C) of this section, that the 53140
permit applicant maintains insurance as provided in section 53141
4766.06 of the Revised Code, and that the vehicle or aircraft and 53142
permit applicant meet any other requirements established under 53143
rules adopted by the board. 53144

The ~~Ohio~~ state board of emergency medical and transportation 53145
board services may adopt rules in accordance with Chapter 119. of 53146
the Revised Code to authorize the temporary use of a vehicle or 53147
aircraft for which a permit is not possessed under this section in 53148
back-up or disaster situations. 53149

(B)(1) Within sixty days after receiving a completed 53150
application for a permit, the board shall issue or deny the 53151
permit. The board shall deny an application if it determines that 53152
the permit applicant, vehicle, or aircraft does not meet the 53153
requirements of this chapter and the rules adopted under it that 53154
apply to permits for ambulances, ambulettes, rotorcraft air 53155
ambulances, fixed wing air ambulances, and nontransport vehicles. 53156
The board shall send notice of the denial of an application by 53157

certified mail to the permit applicant. The permit applicant may 53158
request a hearing within ten days after receipt of the notice. If 53159
the board receives a timely request, it shall hold a hearing in 53160
accordance with Chapter 119. of the Revised Code. 53161

(2) If the board issues the vehicle permit for an ambulance, 53162
ambulette, or nontransport vehicle, it also shall issue a decal, 53163
in a form prescribed by rule, to be displayed on the rear window 53164
of the vehicle. The board shall not issue a decal until all of the 53165
requirements for licensure and permit issuance have been met. 53166

(3) If the board issues the aircraft permit for a rotorcraft 53167
air ambulance or fixed wing air ambulance, it also shall issue a 53168
decal, in a form prescribed by rule, to be displayed on the left 53169
fuselage aircraft window in a manner that complies with all 53170
applicable federal aviation regulations. The board shall not issue 53171
a decal until all of the requirements for licensure and permit 53172
issuance have been met. 53173

(C) In addition to any other requirements that the board 53174
establishes by rule, a licensee or license applicant applying for 53175
an initial vehicle or aircraft permit under division (A) of this 53176
section shall submit to the board the vehicle or aircraft for 53177
which the permit is sought. Thereafter, a licensee shall annually 53178
submit to the board each vehicle or aircraft for which a permit 53179
has been issued. 53180

(1) The board shall conduct a physical inspection of an 53181
ambulance, ambulette, or nontransport vehicle to determine its 53182
roadworthiness and compliance with standard motor vehicle 53183
requirements. 53184

(2) The board shall conduct a physical inspection of the 53185
medical equipment, communication system, and interior of an 53186
ambulance to determine the operational condition and safety of the 53187
equipment and the ambulance's interior and to determine whether 53188

the ambulance is in compliance with the federal requirements for 53189
ambulance construction that were in effect at the time the 53190
ambulance was manufactured, as specified by the general services 53191
administration in the various versions of its publication titled 53192
"federal specification for the star-of-life ambulance, 53193
KKK-A-1822." 53194

(3) The board shall conduct a physical inspection of the 53195
equipment, communication system, and interior of an ambulette to 53196
determine the operational condition and safety of the equipment 53197
and the ambulette's interior and to determine whether the 53198
ambulette is in compliance with state requirements for ambulette 53199
construction. The board shall determine by rule requirements for 53200
the equipment, communication system, interior, and construction of 53201
an ambulette. 53202

(4) The board shall conduct a physical inspection of the 53203
medical equipment, communication system, and interior of a 53204
rotorcraft air ambulance or fixed wing air ambulance to determine 53205
the operational condition and safety of the equipment and the 53206
aircraft's interior. 53207

(5) The board shall issue a certificate to the applicant for 53208
each vehicle or aircraft that passes the inspection and may assess 53209
a fee for each inspection, as established by the board. 53210

(6) The board shall adopt rules regarding the implementation 53211
and coordination of inspections. The rules may permit the board to 53212
contract with a third party to conduct the inspections required of 53213
the board under this section. 53214

Sec. 4766.08. (A) The ~~Ohio~~ state board of emergency medical 53215
and transportation board may services, pursuant to an adjudication 53216
conducted in accordance with Chapter 119. of the Revised Code, may 53217
suspend or revoke any license or permit or renewal thereof issued 53218
under this chapter for any one or combination of the following 53219

causes:	53220
(1) Violation of this chapter or any rule adopted thereunder;	53221
(2) Refusal to permit the board to inspect a vehicle or aircraft used under the terms of a permit or to inspect the records or physical facilities of a licensee;	53222 53223 53224
(3) Failure to meet the ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, and nontransport vehicle requirements specified in this chapter or the rules adopted thereunder;	53225 53226 53227 53228
(4) Violation of an order issued by the board;	53229
(5) Failure to comply with any of the terms of an agreement entered into with the board regarding the suspension or revocation of a license or permit or the imposition of a penalty under this section.	53230 53231 53232 53233
(B) If the board determines that the records, record-keeping procedures, or physical facilities of a licensee, or an ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, or nontransport vehicle for which a valid permit has been issued, do not meet the standards specified in this chapter and the rules adopted thereunder, the board shall notify the licensee of any deficiencies within thirty days of finding the deficiencies. If the board determines that the deficiencies exist and they remain uncorrected after thirty days, the board may suspend the license, vehicle permit, or aircraft permit. The licensee, notwithstanding the suspension under this division, may operate until all appeals have been exhausted.	53234 53235 53236 53237 53238 53239 53240 53241 53242 53243 53244 53245
(C) At the discretion of the board, a licensee whose license has been suspended or revoked under this section may be ineligible to be licensed under this chapter for a period of not more than three years from the date of the violation, provided that the	53246 53247 53248 53249

board shall make no determination on a period of ineligibility 53250
until all the licensee's appeals relating to the suspension or 53251
revocation have been exhausted. 53252

(D) The board may, in addition to any other action taken 53253
under this section and after a hearing conducted pursuant to 53254
Chapter 119. of the Revised Code, impose a penalty of not more 53255
than fifteen hundred dollars for any violation specified in this 53256
section. The attorney general shall institute a civil action for 53257
the collection of any such penalty imposed. 53258

Sec. 4766.09. This chapter does not apply to any of the 53259
following: 53260

(A) A person rendering services with an ambulance in the 53261
event of a disaster situation when licensees' vehicles based in 53262
the locality of the disaster situation are incapacitated or 53263
insufficient in number to render the services needed; 53264

(B) Any person operating an ambulance, ambulette, rotorcraft 53265
air ambulance, or fixed wing air ambulance outside this state 53266
unless receiving a person within this state for transport to a 53267
location within this state; 53268

(C) A publicly owned or operated emergency medical service 53269
organization and the vehicles it owns or leases and operates, 53270
except as provided in section 307.051, division (G) of section 53271
307.055, division (F) of section 505.37, division (B) of section 53272
505.375, and division (B)(3) of section 505.72 of the Revised 53273
Code; 53274

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 53275
wing air ambulance, or nontransport vehicle owned or leased and 53276
operated by the federal government; 53277

(E) A publicly owned and operated fire department vehicle; 53278

(F) Emergency vehicles owned by a corporation and operating 53279

only on the corporation's premises, for the sole use by that corporation;	53280 53281
(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;	53282 53283 53284
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	53285 53286 53287
(I) A public emergency medical service organization;	53288
(J) A fire department, rescue squad, or life squad comprised of volunteers who provide services without expectation of remuneration and do not receive payment for services other than reimbursement for expenses;	53289 53290 53291 53292
(K) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in section 4765.01 of the Revised Code;	53293 53294 53295
(L) Emergency medical service personnel who are regulated by the state board of emergency medical <u>and transportation</u> services under Chapter 4765. of the Revised Code;	53296 53297 53298
(M) Any of the following that operates a transit bus, as that term is defined in division (Q) of section 5735.01 of the Revised Code, unless the entity provides ambulette services that are reimbursed under the state medicaid plan:	53299 53300 53301 53302
(1) A public nonemergency medical service organization;	53303
(2) An urban or rural public transit system;	53304
(3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code.	53305 53306
(N)(1) An entity, to the extent it provides ambulette services, if the entity meets all of the following conditions:	53307 53308

(a) The entity is certified by the department of aging or the department's designee in accordance with section 173.391 of the Revised Code or operates under a contract or grant agreement with the department or the department's designee in accordance with section 173.392 of the Revised Code.

(b) The entity meets the requirements of section 4766.14 of the Revised Code.

(c) The entity does not provide ambulette services that are reimbursed under the state medicaid plan.

(2) A vehicle, to the extent it is used to provide ambulette services, if the vehicle meets both of the following conditions:

(a) The vehicle is owned by an entity that meets the conditions specified in division (N)(1) of this section.

(b) The vehicle does not provide ambulette services that are reimbursed under the state medicaid plan.

(O) A vehicle that meets both of the following criteria, unless the vehicle provides services that are reimbursed under the state medicaid plan:

(1) The vehicle was purchased with funds from a grant made by the United States secretary of transportation under 49 U.S.C. 5310;

(2) The department of transportation holds a lien on the vehicle.

Sec. 4766.10. This chapter does not invalidate any ordinance or resolution adopted by a municipal corporation that establishes standards for the licensure of emergency medical service organizations as basic life-support, intermediate life-support, or advanced life-support service organizations that have their principal places of business located within the limits of the municipal corporation, as long as the licensure standards meet or

exceed the standards established in this chapter and the rules 53339
adopted thereunder. 53340

Emergency medical service organizations licensed by a 53341
municipal corporation are subject to the jurisdiction of the ~~Ohio~~ 53342
state board of emergency medical and transportation board 53343
services, but the fees they pay to the board for licenses, 53344
permits, and renewals thereof shall not exceed fifty per cent of 53345
the fee amounts established by the board pursuant to section 53346
4766.03 of the Revised Code. The board may choose to waive the 53347
vehicle inspection requirements and inspection fees, but not the 53348
permit fees, for the vehicles of organizations licensed by a 53349
municipal corporation. 53350

Sec. 4766.11. (A) The ~~Ohio~~ state board of emergency medical 53351
and transportation board services may investigate alleged 53352
violations of this chapter or the rules adopted under it and may 53353
investigate any complaints received regarding alleged violations. 53354

In addition to any other remedies available and regardless of 53355
whether an adequate remedy at law exists, the board may apply to 53356
the court of common pleas in the county where a violation of any 53357
provision of this chapter or any rule adopted pursuant thereto is 53358
occurring for a temporary or permanent injunction restraining a 53359
person from continuing to commit that violation. On a showing that 53360
a person has committed a violation, the court shall grant the 53361
injunction. 53362

In conducting an investigation under this section, the board 53363
may issue subpoenas compelling the attendance and testimony of 53364
witnesses and the production of books, records, and other 53365
documents pertaining to the investigation. If a person fails to 53366
obey a subpoena from the board, the board may apply to the court 53367
of common pleas in the county where the investigation is being 53368

conducted for an order compelling the person to comply with the 53369
subpoena. On application by the board, the court shall compel 53370
obedience by attachment proceedings for contempt, as in the case 53371
of disobedience of the requirements of a subpoena from the court 53372
or a refusal to testify therein. 53373

(B) The ~~medical-transportation~~ board may suspend a license 53374
issued under this chapter without a prior hearing if it determines 53375
that there is evidence that the license holder is subject to 53376
action under this section and that there is clear and convincing 53377
evidence that continued operation by the license holder presents a 53378
danger of immediate and serious harm to the public. The 53379
chairperson and executive director of the board shall make a 53380
preliminary determination and describe the evidence on which they 53381
made their determination to the board members. The board by 53382
resolution may designate another board member to act in place of 53383
the chairperson or another employee to act in place of the 53384
executive director in the event that the chairperson or executive 53385
director is unavailable or unable to act. Upon review of the 53386
allegations, the board, by the affirmative vote of ~~at least four a~~ 53387
majority of its members, may suspend the license without a 53388
hearing. 53389

~~Any method of communication, including a telephone conference 53390
call, may be utilized for describing the evidence to the board 53391
members, for reviewing the allegations, and for voting on the 53392
suspension.~~ 53393

Immediately following the decision by the board to suspend a 53394
license under this division, the board shall issue a written order 53395
of suspension and cause it to be delivered in accordance with 53396
section 119.07 of the Revised Code. If the license holder subject 53397
to the suspension requests an adjudication hearing by the board, 53398
the date set for the adjudication shall be within fifteen days but 53399
not earlier than seven days after the request unless another date 53400

is agreed to by the license holder and the board. 53401

Any summary suspension imposed under this division remains in 53402
effect, unless reversed by the board, until a final adjudicative 53403
order issued by the board pursuant to this section and Chapter 53404
119. of the Revised Code becomes effective. The board shall issue 53405
its final adjudicative order not less than ninety days after 53406
completion of its adjudication hearing. Failure to issue the order 53407
by that day shall cause the summary suspension order to end, but 53408
such failure shall not affect the validity of any subsequent final 53409
adjudication order. 53410

Sec. 4766.12. If a county, township, joint ambulance 53411
district, or joint emergency medical services district chooses to 53412
have the ~~Ohio~~ state board of emergency medical and transportation 53413
~~board~~ services license its emergency medical service organizations 53414
and issue permits for its vehicles pursuant to this chapter, 53415
except as may be otherwise provided, all provisions of this 53416
chapter and all rules adopted by the board thereunder are fully 53417
applicable. However, a county, township, joint ambulance district, 53418
or joint emergency medical services district is not required to 53419
obtain any type of permit from the board for any of its 53420
nontransport vehicles. 53421

Sec. 4766.13. The ~~Ohio~~ state board of emergency medical and 53422
transportation ~~board~~ services, by endorsement, may license and 53423
issue vehicle permits to an emergency medical service organization 53424
or a nonemergency medical service organization that is regulated 53425
by another state. To qualify for a license and vehicle permits by 53426
endorsement, an organization must submit evidence satisfactory to 53427
the board that it has met standards in another state that are 53428
equal to or more stringent than the standards established by this 53429
chapter and the rules adopted under it. 53430

Sec. 4766.15. (A) An applicant for employment as an ambulette driver with an organization licensed pursuant to this chapter shall submit proof to the organization of, or give consent to the employer to obtain, all of the following:

(1)(a) A valid driver's license issued pursuant to Chapter 4506. or 4507. of the Revised Code, or its equivalent, if the applicant is a resident of another state;

(b) A recent certified abstract of the applicant's record of convictions for violations of motor vehicle laws provided by the registrar of motor vehicles pursuant to section 4509.05 of the Revised Code, or its equivalent, if the applicant is a resident of another state.

(2)(a) A certificate of completion of a course in first aid techniques offered by the American red cross or an equivalent organization;

(b) A certificate of completion of a course in cardiopulmonary resuscitation, or its equivalent, offered by an organization approved by the ~~Ohio~~ state board of emergency medical and transportation board services.

(3) The result of a chemical test or tests of the applicant's blood, breath, or urine conducted at a hospital or other institution approved by the board for the purpose of determining the alcohol, drug of abuse, controlled substance, or metabolite of a controlled substance content of the applicant's whole blood, blood serum or plasma, breath, or urine;

(4) The result of a criminal records check conducted by the bureau of criminal identification and investigation.

(B) An organization may employ an applicant on a temporary provisional basis pending the completion of all of the requirements of this section. The length of the provisional period

shall be determined by the board. 53461

(C) An organization licensed pursuant to this chapter shall 53462
use information received pursuant to this section to determine in 53463
accordance with rules adopted by the ~~Ohio~~ state board of emergency 53464
medical and transportation ~~board~~ services under section 4766.03 of 53465
the Revised Code whether an applicant is disqualified for 53466
employment. 53467

No applicant shall be accepted for permanent employment as an 53468
ambulette driver by an organization licensed pursuant to this 53469
chapter until all of the requirements of division (A) of this 53470
section have been met. 53471

Sec. 4766.22. (A) Not later than forty-five days after the 53472
end of each fiscal year, the ~~Ohio~~ state board of emergency medical 53473
and transportation ~~board~~ services shall submit a report to the 53474
governor and general assembly that provides all of the following 53475
information for that fiscal year: 53476

- (1) The number of each of the following the board issued: 53477
 - (a) Basic life-support organization licenses; 53478
 - (b) Intermediate life-support organization licenses; 53479
 - (c) Advanced life-support organization licenses; 53480
 - (d) Mobile intensive care unit organization licenses; 53481
 - (e) Ambulette service licenses; 53482
 - (f) Air medical service organization licenses; 53483
 - (g) Ambulance permits; 53484
 - (h) Nontransport vehicle permits; 53485
 - (i) Ambulette vehicle permits; 53486
 - (j) Rotorcraft air ambulance permits; 53487
 - (k) Fixed wing air ambulance permits. 53488

(2) The amount of fees the board collected for issuing and renewing each type of license and permit specified in division (A)(1) of this section;	53489 53490 53491
(3) The number of inspections the board or a third party on the board's behalf conducted in connection with each type of license and permit specified in division (A)(1) of this section and the amount of fees the board collected for the inspections;	53492 53493 53494 53495
(4) The number of complaints that were submitted to the board;	53496 53497
(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;	53498 53499
(6) The number of adjudication hearings the board held and the outcomes of the adjudications;	53500 53501
(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;	53502 53503
(8) Other information the board determines reflects the board's operations.	53504 53505
(B) The board shall post the annual report required by this section on its web site and make it available to the public on request.	53506 53507 53508
Sec. 4773.08. The public <u>director of health</u> council shall adopt rules to implement and administer this chapter. In adopting the rules, the council <u>director</u> shall consider any recommendations made by the radiation advisory council created under section 3701.93 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall not be less stringent than any applicable standards specified in 42 C.F.R. 75. The rules shall establish all of the following:	53509 53510 53511 53512 53513 53514 53515 53516
(A) Standards for licensing general x-ray machine operators, radiographers, radiation therapy technologists, and nuclear	53517 53518

medicine technologists;	53519
(B) Application and renewal fees for licenses issued under this chapter that do not exceed the cost incurred in issuing and renewing the licenses;	53520 53521 53522
(C) Standards for accreditation of educational programs and approval of continuing education programs in general x-ray machine operation, radiography, radiation therapy technology, and nuclear medicine technology;	53523 53524 53525 53526
(D) Fees for accrediting educational programs and approving continuing education programs in general x-ray machine operation, radiography, radiation therapy technology, and nuclear medicine technology that do not exceed the cost incurred in accrediting the educational programs;	53527 53528 53529 53530 53531
(E) Fees for issuing conditional licenses under section 4773.05 of the Revised Code that do not exceed the cost incurred in issuing the licenses;	53532 53533 53534
(F) Continuing education requirements that must be met to have a license renewed under section 4773.03 of the Revised Code;	53535 53536
(G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code;	53537 53538 53539
(H) Any other rules necessary for the implementation or administration of this chapter.	53540 53541
Sec. 4781.01. As used in this chapter:	53542
(A) "Industrialized unit" has the same meaning as in division (C)(3) of section 3781.06 of the Revised Code.	53543 53544
(B) "Installation" means any of the following:	53545
(1) The temporary or permanent construction of stabilization, support, and anchoring systems for manufactured housing;	53546 53547

(2) The placement and erection of a manufactured housing unit or components of a unit on a structural support system; 53548
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(3) The supporting, blocking, leveling, securing, anchoring, underpinning, or adjusting of any section or component of a manufactured housing unit; 53550
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(4) The joining or connecting of all sections or components of a manufactured housing unit. 53553
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(C) "Manufactured home" has the same meaning as in division (C)(4) of section 3781.06 of the Revised Code. 53555
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(D) "~~Manufactured home park" has the same meaning as in division (A) of section 3733.01 of the Revised Code~~ means any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. "Manufactured home park" does not include any of the following: 53557
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(1) A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp as defined in section 3729.01 of the Revised Code; 53565
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(2) A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority; 53568
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(3) A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation. 53572
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(E) "Manufactured housing" means manufactured homes and mobile homes. 53576
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(F) "Manufactured housing installer" means an individual who 53578
installs manufactured housing. 53579

(G) "Mobile home" has the same meaning as in division (O) of 53580
section 4501.01 of the Revised Code. 53581

(H) "Model standards" means the federal manufactured home 53582
installation standards established pursuant to 42 U.S.C. 5404. 53583

(I) "Permanent foundation" has the same meaning as in 53584
division (C)(5) of section 3781.06 of the Revised Code. 53585

(J) "Business" includes any activities engaged in by any 53586
person for the object of gain, benefit, or advantage either direct 53587
or indirect. 53588

(K) "Casual sale" means any transfer of a manufactured home 53589
or mobile home by a person other than a manufactured housing 53590
dealer, manufactured housing salesperson, or manufacturer to an 53591
ultimate consumer or a person who purchases the home for use as a 53592
residence. 53593

(L) "Engaging in business" means commencing, conducting, or 53594
continuing in business, or liquidating a business when the 53595
liquidator thereof holds self out to be conducting such business; 53596
making a casual sale or otherwise making transfers in the ordinary 53597
course of business when the transfers are made in connection with 53598
the disposition of all or substantially all of the transferor's 53599
assets is not engaging in business. 53600

(M) "Manufactured home park operator" ~~has the same meaning as~~ 53601
~~"operator" in section 3733.01 of the Revised Code or "park~~ 53602
operator" means the person who has responsible charge of a 53603
manufactured home park and who is licensed under sections 4781.26 53604
to 4781.35 of the Revised Code. 53605

(N) "Manufactured housing broker" means any person acting as 53606
a selling agent on behalf of an owner of a manufactured home or 53607

mobile home that is subject to taxation under section 4503.06 of the Revised Code. 53608
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(O) "Manufactured housing dealer" means any person engaged in the business of selling at retail, displaying, offering for sale, or dealing in manufactured homes or mobile homes. 53610
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(P) "Manufacturer" means a person who manufactures, assembles, or imports manufactured homes or mobile homes. 53613
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(Q) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a manufactured home or mobile home to an ultimate purchaser for use as a residence. 53615
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(R) "Salesperson" means any individual employed by a manufactured housing dealer or manufactured housing broker to sell, display, and offer for sale, or deal in manufactured homes or mobile homes for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties. 53619
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(S) "Ultimate purchaser" means, with respect to any new manufactured home, the first person, other than a manufactured housing dealer purchasing in the capacity of a manufactured housing dealer, who purchases such new manufactured home for purposes other than resale. 53625
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(T) "Tenant" means a person who is entitled under a rental agreement with a manufactured home park operator to occupy a manufactured home park lot and who does not own the home occupying the lot. 53630
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(U) "Owner" means a person who is entitled under a rental agreement with a manufactured home park operator to occupy a manufactured home park lot and who owns the home occupying the lot. 53634
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(V) "Resident" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others. "Resident" includes both tenants and owners. 53638
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(W) "Residential premises" means a lot located within a manufactured home park and the grounds, areas, and facilities contained within the manufactured home park for the use of residents generally or the use of which is promised to a resident. 53641
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(X) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties. 53645
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(Y) "Security deposit" means any deposit of money or property to secure performance by the resident under a rental agreement. 53649
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(Z) "Development" means any artificial change to improved or unimproved real estate, including, without limitation, buildings or structures, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, and the construction, expansion, or substantial alteration of a manufactured home park, for which plan review is required under division (A) of section 4781.31 of the Revised Code. "Development" does not include the building, construction, erection, or manufacture of any building to which section 3781.06 of the Revised Code is applicable. 53651
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(AA) "Flood" or "flooding" means either of the following: 53661

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from any of the following: 53662
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(a) The overflow of inland or tidal waters; 53664

(b) The unusual and rapid accumulation or runoff of surface waters from any source; 53665
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(c) Mudslides that are proximately caused by flooding as 53667

defined in division (AA)(1)(b) of this section and that are akin 53668
to a river of liquid and flowing mud on the surface of normally 53669
dry land areas, as when earth is carried by a current of water and 53670
deposited along the path of the current. 53671

(2) The collapse or subsidence of land along the shore of a 53672
lake or other body of water as a result of erosion or undermining 53673
that is caused by waves or currents of water exceeding anticipated 53674
cyclical levels or that is suddenly caused by an unusually high 53675
water level in a natural body of water, and that is accompanied by 53676
a severe storm, by an unanticipated force of nature, such as a 53677
flash flood, by an abnormal tidal surge, or by some similarly 53678
unusual and unforeseeable event, that results in flooding as 53679
defined in division (AA)(1)(a) of this section. 53680

(BB) "Flood plain" means the area adjoining any river, 53681
stream, watercourse, or lake that has been or may be covered by 53682
flood water. 53683

(CC) "One-hundred-year flood" means a flood having a one per 53684
cent chance of being equaled or exceeded in any given year. 53685

(DD) "One-hundred-year flood plain" means that portion of a 53686
flood plain inundated by a one-hundred-year flood. 53687

(EE) "Person" has the same meaning as in section 1.59 of the 53688
Revised Code and also includes this state, any political 53689
subdivision of this state, and any other state or local body of 53690
this state. 53691

(FF) "Substantial damage" means damage of any origin 53692
sustained by a manufactured or mobile home that is situated in a 53693
manufactured home park located in a flood plain when the cost of 53694
restoring the home to its condition before the damage occurred 53695
will equal or exceed fifty per cent of the market value of the 53696
home before the damage occurred. 53697

(GG) "Substantially alter" means a change in the layout or 53698

design of a manufactured home park, including, without limitation, 53699
the movement of utilities or changes in established streets, lots, 53700
or sites or in other facilities. In the case of manufactured home 53701
parks located within a one-hundred-year flood plain, 53702
"substantially alter" also includes changes in elevation resulting 53703
from the addition of fill, grading, or excavation that may affect 53704
flood plain management. 53705

(HH) "Tract" means a contiguous area of land that consists of 53706
one or more parcels, lots, or sites that have been separately 53707
surveyed regardless of whether the individual parcels, lots, or 53708
sites have been recorded and regardless of whether the one or more 53709
parcels, lots, or sites are under common or different ownership. 53710

Sec. 4781.02. (A) There is hereby created the manufactured 53711
homes commission which consists of nine members, with three 53712
members appointed by the governor, three members appointed by the 53713
president of the senate, and three members appointed by the 53714
speaker of the house of representatives. 53715

(B)(1) Commission members shall be residents of this state, 53716
except for members appointed pursuant to divisions (B)(3)(b) and 53717
(B)(4)(a) of this section. Members shall be selected from a list 53718
of persons the Ohio manufactured homes association, or any 53719
successor entity, recommends, except for appointments made 53720
pursuant to division (B)(2) of this section. 53721

(2) The governor shall appoint the following members: 53722

(a) One member to represent the board of building standards, 53723
who may be a member of the board or a board employee not in the 53724
classified civil service, with an initial term ending December 31, 53725
2007; 53726

~~(b) One member to represent the department of health, who may~~ 53727
~~be a department employee not in the classified civil service, with~~ 53728

an initial term ending December 31, 2005 who is registered as a 53729
sanitarian in accordance with Chapter 4736. of the Revised Code, 53730
has experience with the regulation of manufactured homes, and is 53731
an employee of a health district described in section 3709.01 of 53732
the Revised Code; 53733

(c) One member whose primary residence is a manufactured 53734
home, with an initial term ending December 31, 2006. 53735

(3) The president of the senate shall appoint the following 53736
members: 53737

(a) Two members who are manufactured housing installers who 53738
have been actively engaged in the installation of manufactured 53739
housing for the five years immediately prior to appointment, with 53740
the initial term of one installer ending December 31, 2007, and 53741
the initial term of the other installer ending December 31, 2005. 53742

(b) One member who manufactures manufactured homes in this 53743
state or who manufactures manufactured homes in another state and 53744
ships homes into this state, to represent manufactured home 53745
manufacturers, with an initial term ending December 31, 2006. 53746

(4) The speaker of the house of representatives shall appoint 53747
the following members: 53748

(a) One member who operates a manufactured or mobile home 53749
retail business in this state to represent manufactured housing 53750
dealers, with an initial term ending December 31, 2007; 53751

(b) One member who is a manufactured home park operator or is 53752
employed by an operator, with an initial term ending December 31, 53753
2005; 53754

(c) One member to represent the Ohio manufactured home 53755
association, or any successor entity, who may be the president or 53756
executive director of the association or the successor entity, 53757
with an initial term ending December 31, 2006. 53758

(C)(1) After the initial term, each term of office is for 53759
four years ending on the thirty-first day of December. A member 53760
holds office from the date of appointment until the end of the 53761
term. No member may serve more than two consecutive four-year 53762
terms. 53763

(2) Any member appointed to fill a vacancy that occurs prior 53764
to the expiration of a term continues in office for the remainder 53765
of that term. Any member continues in office subsequent to the 53766
expiration date of the term until the member's successor takes 53767
office or until sixty days have elapsed, which ever occurs first. 53768

(3) A vacancy on the commission does not impair the authority 53769
of the remaining members to exercise all of the commission's 53770
powers. 53771

(D)(1) The governor may remove any member from office for 53772
incompetence, neglect of duty, misfeasance, nonfeasance, 53773
malfeasance, or unprofessional conduct in office. 53774

(2) Vacancies shall be filled in the manner of the original 53775
appointment. 53776

Sec. 4781.04. (A) The manufactured homes commission shall 53777
adopt rules pursuant to Chapter 119. of the Revised Code to do all 53778
of the following: 53779

(1) Establish uniform standards that govern the installation 53780
of manufactured housing. Not later than one hundred eighty days 53781
after the secretary of the United States department of housing and 53782
urban development adopts model standards for the installation of 53783
manufactured housing or amends those standards, the commission 53784
shall amend its standards as necessary to be consistent with, and 53785
not less stringent than, the model standards for the design and 53786
installation of manufactured housing the secretary adopts or any 53787
manufacturers' standards that the secretary determines are equal 53788

to or not less stringent than the model standards. 53789

(2) Govern the inspection of the installation of manufactured 53790
housing. The rules shall specify that the commission, any building 53791
department or personnel of any department, ~~any licensor or~~ 53792
~~personnel of any licensor,~~ or any private third party, certified 53793
pursuant to section 4781.07 of the Revised Code shall conduct all 53794
inspections of the installation of manufactured housing located in 53795
manufactured home parks to determine compliance with the uniform 53796
installation standards the commission establishes pursuant to this 53797
section. 53798

~~As used in division (A)(2) of this section, "licensor" has~~ 53799
~~the same meaning as in section 3733.01 of the Revised Code.~~ 53800

(3) Govern the design, construction, installation, approval, 53801
and inspection of foundations and the base support systems for 53802
manufactured housing. The rules shall specify that the commission, 53803
any building department or personnel of any department, ~~any~~ 53804
~~licensor or personnel of any licensor,~~ or any private third party, 53805
certified pursuant to section 4781.07 of the Revised Code shall 53806
conduct all inspections of the installation, foundations, and base 53807
support systems of manufactured housing located in manufactured 53808
home parks to determine compliance with the uniform installation 53809
standards and foundation and base support system design the 53810
commission establishes pursuant to this section. 53811

~~As used in division (A)(3) of this section, "licensor" has~~ 53812
~~the same meaning as in section 3733.01 of the Revised Code.~~ 53813

(4) Govern the training, experience, and education 53814
requirements for manufactured housing installers, manufactured 53815
housing dealers, manufactured housing brokers, and manufactured 53816
housing salespersons; 53817

(5) Establish a code of ethics for manufactured housing 53818
installers; 53819

(6) Govern the issuance, revocation, and suspension of licenses to manufactured housing installers;	53820 53821
(7) Establish fees for the issuance and renewal of licenses, for conducting inspections to determine an applicant's compliance with this chapter and the rules adopted pursuant to it, and for the commission's expenses incurred in implementing this chapter;	53822 53823 53824 53825
(8) Establish conditions under which a licensee may enter into contracts to fulfill the licensee's responsibilities;	53826 53827
(9) Govern the investigation of complaints concerning any violation of this chapter or the rules adopted pursuant to it or complaints involving the conduct of any licensed manufactured housing installer or person installing manufactured housing without a license, licensed manufactured housing dealer, licensed manufactured housing broker, or manufactured housing salesperson;	53828 53829 53830 53831 53832 53833
(10) Establish a dispute resolution program for the timely resolution of warranty issues involving new manufactured homes, disputes regarding responsibility for the correction or repair of defects in manufactured housing, and the installation of manufactured housing. The rules shall provide for the timely resolution of disputes between manufacturers, manufactured housing dealers, and installers regarding the correction or repair of defects in manufactured housing that are reported by the purchaser of the home during the one-year period beginning on the date of installation of the home. The rules also shall provide that decisions made regarding the dispute under the program are not binding upon the purchaser of the home or the other parties involved in the dispute unless the purchaser so agrees in a written acknowledgement that the purchaser signs and delivers to the program within ten business days after the decision is issued.	53834 53835 53836 53837 53838 53839 53840 53841 53842 53843 53844 53845 53846 53847 53848
(11) Establish the requirements and procedures for the certification of building departments and building department	53849 53850

personnel pursuant to section 4781.07 of the Revised Code; 53851

(12) Establish fees to be charged to building departments and 53852
building department personnel applying for certification and 53853
renewal of certification pursuant to section 4781.07 of the 53854
Revised Code; 53855

(13) Develop a policy regarding the maintenance of records 53856
for any inspection authorized or conducted pursuant to this 53857
chapter. Any record maintained under division (A)(13) of this 53858
section shall be a public record under section 149.43 of the 53859
Revised Code. 53860

(14) Carry out any other provision of this chapter. 53861

(B) The manufactured homes commission shall do all of the 53862
following: 53863

(1) Prepare and administer a licensure examination to 53864
determine an applicant's knowledge of manufactured housing 53865
installation and other aspects of installation the commission 53866
determines appropriate; 53867

(2) Select, provide, or procure appropriate examination 53868
questions and answers for the licensure examination and establish 53869
the criteria for successful completion of the examination; 53870

(3) Prepare and distribute any application form this chapter 53871
requires; 53872

(4) Receive applications for licenses and renewal of licenses 53873
and issue licenses to qualified applicants; 53874

(5) Establish procedures for processing, approving, and 53875
disapproving applications for licensure; 53876

(6) Retain records of applications for licensure, including 53877
all application materials submitted and a written record of the 53878
action taken on each application; 53879

(7) Review the design and plans for manufactured housing 53880

installations, foundations, and support systems;	53881
(8) Inspect a sample of homes at a percentage the commission determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission adopts;	53882 53883 53884 53885 53886
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, manufactured housing dealer, manufactured housing broker, or manufactured housing salesperson;	53887 53888 53889 53890
(10) Determine appropriate disciplinary actions for violations of this chapter;	53891 53892
(11) Conduct audits and inquiries of manufactured housing installers, manufactured housing dealers, and manufactured housing brokers as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer, dealer, or broker during normal business hours.	53893 53894 53895 53896 53897 53898
(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity;	53899 53900 53901
(13) Perform any function or duty necessary to administer this chapter and the rules adopted pursuant to it.	53902 53903
<u>(C) Nothing in this section shall be construed to limit the authority of a board of health to enforce section 3701.344 or Chapters 3703., 3718., and 3781. of the Revised Code.</u>	53904 53905 53906
Sec. 4781.07. (A) Pursuant to rules the manufactured homes commission adopts, the commission may certify municipal, township, and county building departments and the personnel of those departments, licensors as defined in section 3733.01 of the	53907 53908 53909 53910

~~Revised Code and the personnel of those licensors,~~ or any private 53911
third party, to exercise the commission's enforcement authority, 53912
accept and approve plans and specifications for foundations, 53913
support systems and installations, and inspect manufactured 53914
housing foundations, support systems, and manufactured housing 53915
installations. Any certification is effective for three years. 53916

(B) Following an investigation and finding of facts that 53917
support its action, the commission may revoke or suspend 53918
certification. The commission may initiate an investigation on its 53919
own motion or the petition of a person affected by the enforcement 53920
or approval of plans. 53921

Sec. 4781.09. (A) The manufactured homes commission may deny, 53922
suspend, revoke, or refuse to renew the license of any 53923
manufactured home installer for any of the following reasons: 53924

(1) Failure to satisfy the requirements of section 4781.08 or 53925
4781.10 of the Revised Code; 53926

(2) Violation of this chapter or any rule adopted pursuant to 53927
it; 53928

(3) Making a material misstatement in an application for a 53929
license; 53930

(4) Installing manufactured housing without a license or 53931
without being under the supervision of a licensed manufactured 53932
housing installer; 53933

(5) Failure to appear for a hearing before the commission or 53934
to comply with any final adjudication order of the commission 53935
issued pursuant to this chapter; 53936

(6) Conviction of a felony or a crime involving moral 53937
turpitude; 53938

(7) Having had a license revoked, suspended, or denied by the 53939

commission during the preceding two years; 53940

(8) Having had a license revoked, suspended, or denied by 53941
another state or jurisdiction during the preceding two years; 53942

(9) Engaging in conduct in another state or jurisdiction that 53943
would violate this chapter if committed in this state. 53944

(10) Failing to provide written notification of an 53945
installation pursuant to division (D) of section 4781.11 of the 53946
Revised Code to a county treasurer or county auditor. 53947

(B)(1) Any person whose license or license application is 53948
revoked, suspended, denied, or not renewed or upon whom a civil 53949
penalty is imposed ~~pursuant to division (C) of this section~~ may 53950
request an adjudication hearing on the matter within thirty days 53951
after receipt of the notice of the action. The hearing shall be 53952
held in accordance with Chapter 119. of the Revised Code. 53953

(2) Any licensee or applicant may appeal an order made 53954
pursuant to an adjudication hearing in the manner provided in 53955
section 119.12 of the Revised Code. 53956

~~(C) As an alternative to suspending, revoking, or refusing to 53957
renew a manufactured housing installer's license, the commission 53958
may impose a civil penalty of not less than one hundred dollars or 53959
more than five hundred dollars per violation of this chapter or 53960
any rule adopted pursuant to it. The commission shall deposit 53961
penalties in the occupational licensing and regulatory fund 53962
pursuant to section 4743.05 of the Revised Code. 53963~~

~~(D) A person whose license is suspended, revoked, or not 53964
renewed may apply for a new license two years after the date on 53965
which the license was suspended, revoked, or not renewed. 53966~~

Sec. 4781.121. (A) The manufactured homes commission, 53967
pursuant to section 4781.04 of the Revised Code, may investigate 53968
any person who allegedly has committed a violation. If, after an 53969

investigation the commission determines that reasonable evidence exists that a person has committed a violation, within seven days after that determination, the commission shall send a written notice to that person in the same manner as prescribed in section 119.07 of the Revised Code for licensees, except that the notice shall specify that a hearing will be held and specify the date, time, and place of the hearing. 53970
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(B) The commission shall hold a hearing regarding the alleged violation in the same manner prescribed for an adjudication hearing under section 119.09 of the Revised Code. If the commission, after the hearing, determines that a violation has occurred, the commission, upon an affirmative vote of five of its members, may impose a fine not exceeding one thousand dollars per violation per day. The commission's determination is an order that the person may appeal in accordance with section 119.12 of the Revised Code. 53977
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(C) If the person who allegedly committed a violation fails to appear for a hearing, the commission may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the commission for a hearing. 53986
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(D) If the commission assesses a person a civil penalty for a violation and the person fails to pay that civil penalty within the time period prescribed by the commission pursuant to section 131.02 of the Revised Code, the commission shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty. 53990
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(E) The authority provided to the commission pursuant to this section, and any fine imposed under this section, shall be in addition to, and not in lieu of, all penalties and other remedies 53999
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provided in this chapter. Any fines collected pursuant to this 54002
section shall be used solely to administer and enforce this 54003
chapter and rules adopted under it. Any fees collected pursuant to 54004
this section shall be transmitted to the treasurer of state and 54005
shall be credited to the manufactured homes commission regulatory 54006
fund created in section 4781.54 of the Revised Code and the rules 54007
adopted thereunder. The fees shall be used only for the purpose of 54008
administering and enforcing sections 4781.26 to 4781.35 of the 54009
Revised Code and the rules adopted thereunder. 54010

(F) As used in this section, "violation" means a violation of 54011
section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant 54012
to section 4781.04, of the Revised Code. 54013

Sec. 4781.14. (A) ~~Except as provided in division (A)(3) of~~ 54014
~~section 3733.02 of the Revised Code, the state, through the~~ The 54015
manufactured homes commission, has exclusive authority to regulate 54016
manufactured home installers, the installation of manufactured 54017
housing, and manufactured housing foundations and support systems 54018
in ~~the~~ this state. By enacting this chapter, it is the intent of 54019
the general assembly to preempt municipal corporations and other 54020
political subdivisions from regulating and licensing manufactured 54021
housing installers and regulating and inspecting the installation 54022
of manufactured housing and manufactured housing foundations and 54023
support systems. 54024

(B) ~~Except as provided in division (A)(3) of section 3733.02~~ 54025
~~of the Revised Code, the~~ The manufactured homes commission has 54026
exclusive power to adopt rules of uniform application throughout 54027
the state governing installation of manufactured housing, the 54028
inspection of manufactured housing foundations and support 54029
systems, the inspection of the installation of manufactured 54030
housing, the training and licensing of manufactured housing 54031
installers, and the investigation of complaints concerning 54032

manufactured housing installers. 54033

(C) ~~Except as provided in division (A)(3) of section 3733.02~~ 54034
~~of the Revised Code, the~~ The rules the commission adopts pursuant 54035
to this chapter are the exclusive rules governing the installation 54036
of manufactured housing, the design, construction, and approval of 54037
foundations for manufactured housing, the licensure of 54038
manufactured home installers, and the fees charged for licensure 54039
of manufactured home installers. No political subdivision of the 54040
state or any department or agency of the state may establish any 54041
other standards governing the installation of manufactured 54042
housing, manufactured housing foundations and support systems, the 54043
licensure of manufactured housing installers, or fees charged for 54044
the licensure of manufactured housing installers. 54045

(D) Nothing in this section limits the authority of the 54046
attorney general to enforce Chapter 1345. of the Revised Code or 54047
to take any action permitted by the Revised Code against 54048
manufactured housing installers, retailers, or manufacturers. 54049

Sec. 4781.15. The remedies provided in ~~sections 4781.01 to~~ 54050
~~4781.14 of the Revised Code~~ this chapter are in addition to 54051
remedies otherwise available for the same conduct under state or 54052
local law. 54053

Sec. ~~3733.02~~ 4781.26. (A)(1) ~~The public health council~~ 54054
manufactured homes commission, subject to Chapter 119. of the 54055
Revised Code, shall adopt, and has the exclusive power to adopt, 54056
rules of uniform application throughout the state governing the 54057
review of plans, issuance of flood plain management permits, and 54058
issuance of licenses for manufactured home parks; the location, 54059
layout, density, construction, drainage, sanitation, safety, and 54060
operation of those parks; and notices of flood events concerning, 54061
and flood protection at, those parks. The rules pertaining to 54062

flood plain management shall be consistent with and not less 54063
stringent than the flood plain management criteria of the national 54064
flood insurance program adopted under the "National Flood 54065
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 54066
amended. The rules shall not apply to the construction, erection, 54067
or manufacture of any building to which section 3781.06 of the 54068
Revised Code is applicable. 54069

~~(2)(B)~~ The rules pertaining to manufactured home parks 54070
constructed after June 30, 1971, shall specify that each home must 54071
be placed on its lot to provide not less than fifteen feet between 54072
the side of one home and the side of another home, ten feet 54073
between the end of one home and the side of another home, and five 54074
feet between the ends of two homes placed end to end. 54075

~~(3)(C)~~ The manufactured homes commission shall determine 54076
compliance with the installation, blocking, tiedown, foundation, 54077
and base support system standards for manufactured housing located 54078
in manufactured home parks adopted by the commission pursuant to 54079
section 4781.04 of the Revised Code. All inspections of the 54080
installation, blocking, tiedown, foundation, and base support 54081
systems of manufactured housing in a manufactured home park that 54082
the ~~department of health or a licenser~~ commission conducts shall 54083
be conducted by a person ~~who has completed an installation~~ 54084
~~training course approved by~~ the manufactured homes commission 54085
certifies pursuant to ~~division (B)(12) of section 4781.04~~ 4781.07 54086
of the Revised Code. 54087

~~As used in division (A)(3) of this section, "manufactured~~ 54088
~~housing" has the same meaning as in section 4781.01 of the Revised~~ 54089
~~Code.~~ 54090

~~(B) The public health council, in accordance with Chapter~~ 54091
~~119. of the Revised Code, shall adopt rules of uniform application~~ 54092
~~throughout the state establishing requirements and procedures in~~ 54093
~~accordance with which the director of health may authorize~~ 54094

~~licensors for the purposes of sections 3733.022 and 3733.025 of
the Revised Code. The rules shall include at least provisions
under which a licensor may enter into contracts for the purpose of
fulfilling the licensor's responsibilities under either or both of
those sections.~~

(D) The manufactured homes commission may enter into
contracts for the purpose of fulfilling the commission's annual
inspection responsibilities for manufactured home parks under this
chapter. Boards of health of city or general health districts
shall have the right of first refusal for those contracts.

Sec. ~~3733.03~~ 4781.27. (A)(1) On or after the first day of
December, but before the first day of January of the next year,
every person who intends to operate a manufactured home park shall
procure a license to operate the park for the next year from the
~~licensor~~ manufactured homes commission. If the applicable license
fee prescribed under section ~~3733.04~~ 4781.28 of the Revised Code
is not received by the ~~licensor~~ commission by the close of
business on the last day of December, the applicant for the
license shall pay a penalty equal to twenty-five per cent of the
applicable license fee. The penalty shall accompany the license
fee. If the last day of December is not a business day, the
penalty attaches upon the close of business on the next business
day.

(2) No manufactured home park shall be maintained or operated
in this state without a license.

(3) No person who has received a license, upon the sale or
disposition of the manufactured home park, may have the license
transferred to the new operator. A person shall obtain a separate
license to operate each manufactured home park.

(B) Before a license is initially issued and annually
thereafter, or more often if necessary, the ~~licensor~~ commission

shall cause each manufactured home park to be inspected ~~relative~~ 54126
~~to~~ for compliance with sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 54127
of the Revised Code and the rules adopted under those sections. A 54128
record shall be made of each inspection on a form prescribed by 54129
the ~~director of health~~ commission. 54130

(C) Each person applying for an initial license to operate a 54131
manufactured home park shall provide acceptable proof to the 54132
~~director~~ commission that adequate fire protection will be provided 54133
and that applicable fire codes will be adhered to in the 54134
construction and operation of the park. 54135

Sec. ~~3733.04~~ 4781.28. The ~~licensor of a manufactured home~~ 54136
~~park~~ manufactured homes commission may charge a fee for an annual 54137
license to operate ~~such a~~ manufactured home park. The fee for a 54138
license shall be determined in accordance with section ~~3709.09~~ 54139
4781.26 of the Revised Code and shall include the cost of 54140
licensing and all inspections. 54141

~~The fee also shall include any additional amount determined~~ 54142
~~by rule of the public health council, which shall be collected and~~ 54143
~~transmitted by the board of health to the director of health~~ 54144
~~pursuant to section 3709.092 of the Revised Code and used only for~~ 54145
~~the purpose of administering and enforcing sections 3733.01 to~~ 54146
~~3733.08 of the Revised Code and the rules adopted under those~~ 54147
~~sections. The portion of any fee retained by the board of health~~ 54148
Any fees collected shall be paid into a special fund transmitted 54149
to the treasurer of state and shall be credited to the 54150
manufactured homes commission regulatory fund created in section 54151
4781.54 of the Revised Code and used only for the purpose of 54152
administering and enforcing sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 54153
4781.35 of the Revised Code and the rules adopted thereunder. 54154

Sec. ~~3733.05~~ 4781.29. The ~~licensor of the health district in~~ 54155

~~which a manufactured home park is or is to be located, in~~ 54156
~~accordance with Chapter 119. of the Revised Code, manufactured~~ 54157
~~homes commission may refuse to grant, may suspend, or may revoke~~ 54158
~~any license granted to any person for failure to comply with~~ 54159
~~sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code or~~ 54160
~~with any rule adopted by the public health council under section~~ 54161
~~~~3733.02~~ 4781.26 of the Revised Code.~~ 54162

**Sec. ~~3733.06~~ 4781.30.** (A) Upon a license being issued under 54163  
sections ~~3733.03~~ 4781.27 to ~~3733.05~~ 4781.29 of the Revised Code, 54164  
any operator shall have the right to rent or use each lot for the 54165  
parking or placement of a manufactured home or mobile home to be 54166  
used for human habitation without interruption for any period 54167  
coextensive with any license or consecutive licenses issued under 54168  
sections ~~3733.03~~ 4781.27 to ~~3733.05~~ 4781.29 of the Revised Code. 54169

(B) No operator of a manufactured home park shall sell 54170  
individual lots in a park for eight years following the issuance 54171  
of the initial license for the park unless, at the time of sale, 54172  
the park fulfills all platting and subdivision requirements 54173  
established by the political subdivision in which the park is 54174  
located, or the political subdivision has entered into an 54175  
agreement with the operator regarding platting and subdivision 54176  
requirements and the operator has fulfilled the terms of that 54177  
agreement. 54178

**Sec. ~~3733.07~~ 4781.301.** Fees authorized or charged under 54179  
sections ~~3733.021, 3733.022~~ 4781.31, 4781.32, and ~~3733.04~~ 4781.28 54180  
of the Revised Code are in lieu of all license and inspection fees 54181  
on or with respect to the operation or ownership of manufactured 54182  
home parks within this state, except that the licensor may charge 54183  
additional reasonable fees for the collection and bacteriological 54184  
examination of any necessary water samples taken from any such 54185  
park. 54186

~~Sec. 3733.021~~ 4781.31. (A) No person shall cause development 54187  
to occur within any portion of a manufactured home park until the 54188  
plans for the development have been submitted to and reviewed and 54189  
approved by the ~~director of health~~ manufactured homes commission. 54190  
This division does not require that plans be submitted to the 54191  
~~director~~ commission for approval for the replacement of 54192  
manufactured or mobile homes on previously approved lots in a 54193  
manufactured home park when no development is to occur in 54194  
connection with the replacement. Within thirty days after receipt 54195  
of the plans, all supporting documents and materials required to 54196  
complete the review, and the applicable plan review fee 54197  
established under division (D) of this section, the ~~director~~ 54198  
commission shall approve or disapprove the plans. 54199

(B) Any person aggrieved by the ~~director's~~ commission's 54200  
disapproval of a set of plans under division (A) of this section 54201  
may request a hearing on the matter within thirty days after 54202  
receipt of the ~~director's~~ commission's notice of the disapproval. 54203  
The hearing shall be held in accordance with Chapter 119. of the 54204  
Revised Code. Thereafter, the disapproval may be appealed in the 54205  
manner provided in section 119.12 of the Revised Code. 54206

(C) The ~~director~~ commission shall establish a system by which 54207  
development occurring within a manufactured home park is inspected 54208  
or verified in accordance with rules adopted under ~~division (A) of~~ 54209  
section ~~3733.02~~ 4781.26 of the Revised Code to ensure that the 54210  
development complies with the plans approved under division (A) of 54211  
this section. 54212

(D) The ~~public health council~~ commission shall establish fees 54213  
for reviewing plans under division (A) of this section and 54214  
conducting inspections under division (C) of this section. 54215

(E) The ~~director~~ commission shall charge the appropriate fees 54216  
established under division (D) of this section for reviewing plans 54217

under division (A) of this section and conducting inspections 54218  
under division (C) of this section. All such plan review and 54219  
inspection fees received by the ~~director~~ commission shall be 54220  
transmitted to the treasurer of state and shall be credited to the 54221  
~~general operations~~ occupational licensing and regulatory fund 54222  
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 54223  
credited to the fund shall be used only for the purpose of 54224  
administering and enforcing sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 54225  
4781.35 of the Revised Code and rules adopted under those 54226  
sections. 54227

(F) Plan approvals issued under this section do not 54228  
constitute an exemption from the land use and building 54229  
requirements of the political subdivision in which the 54230  
manufactured home park is or is to be located. 54231

**Sec. ~~3733.022~~ 4781.32.** (A) No person shall cause development 54232  
to occur or cause the replacement of a mobile or manufactured home 54233  
within any portion of a manufactured home park that is located 54234  
within a one-hundred-year flood plain unless the person first 54235  
obtains a permit from the ~~director of health or a licensor~~ 54236  
~~authorized by the director~~ manufactured homes commission. If the 54237  
development for which a permit is required under this division is 54238  
to occur on a lot where a mobile or manufactured home is or is to 54239  
be located, the owner of the home and the operator of the 54240  
manufactured home park shall jointly obtain the permit. Each of 54241  
the persons to whom a permit is jointly issued is responsible for 54242  
compliance with the provisions of the approved permit that are 54243  
applicable to that person. 54244

The ~~director or a licensor authorized by the director~~ 54245  
commission shall disapprove an application for a permit required 54246  
under this division unless the ~~director or the licensor~~ commission 54247  
finds that the proposed development or replacement of a mobile or 54248

manufactured home complies with the rules adopted under ~~division~~ 54249  
~~(A) of section 3733.02 4781.26~~ of the Revised Code. No permit is 54250  
required under this division for the construction, erection, or 54251  
manufacture of any building to which section 3781.06 of the 54252  
Revised Code applies. 54253

~~The director or a licensor authorized by the director~~ 54254  
commission may suspend or revoke a permit issued under this 54255  
division for failure to comply with the rules adopted under 54256  
~~division (A) of section 3733.02 4781.26~~ of the Revised Code 54257  
pertaining to flood plain management or for failure to comply with 54258  
the approved permit. 54259

Any person aggrieved by the disapproval, suspension, or 54260  
revocation of a permit under this division by the ~~director or by a~~ 54261  
~~licensor authorized by the director~~ commission may request a 54262  
hearing on the matter within thirty days after receipt of the 54263  
notice of the disapproval, suspension, or revocation. The hearing 54264  
shall be held in accordance with Chapter 119. of the Revised Code. 54265  
Thereafter, an appeal of the disapproval, suspension, or 54266  
revocation may be taken in the manner provided in section 119.12 54267  
of the Revised Code. 54268

(B) The ~~public health council~~ commission shall establish fees 54269  
for the issuance of permits under division (A) of this section and 54270  
for necessary inspections conducted to determine compliance with 54271  
those permits. 54272

(C) The ~~director or a licensor authorized by the director~~ 54273  
commission shall charge the appropriate fee established under 54274  
division (B) of this section for the issuance of a permit under 54275  
division (A) of this section or for conducting any necessary 54276  
inspection to determine compliance with the permit. If the 54277  
~~director~~ commission issues such a permit or conducts such an 54278  
inspection, the fee for the permit or inspection shall be 54279  
transmitted to the treasurer of state and shall be credited to the 54280



~~general operations occupational licensing and regulatory fund~~ 54281  
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 54282  
credited to the fund shall be used ~~by the director~~ only for the 54283  
purpose of administering and enforcing sections ~~3733.01~~ 4781.26 to 54284  
~~3733.08~~ 4781.35 of the Revised Code and rules adopted under those 54285  
sections. ~~If the licenser is a board of health, the permit or~~ 54286  
~~inspection fee shall be deposited to the credit of the special~~ 54287  
~~fund of the health district created in section 3733.04 of the~~ 54288  
~~Revised Code and shall be used only for the purpose set forth in~~ 54289  
~~that section.~~ 54290

**Sec. ~~3733.024~~ 4781.33.** (A) When a flood event affects a 54291  
manufactured home park, the operator of the manufactured home 54292  
park, in accordance with rules adopted under ~~division (A) of~~ 54293  
section ~~3733.02~~ 4781.26 of the Revised Code, shall notify the 54294  
~~licenser having jurisdiction of the occurrence of~~ manufactured 54295  
homes commission and the board of health having jurisdiction where 54296  
the flood event occurred within forty-eight hours after the end of 54297  
the flood event. The commission, after receiving notification, 54298  
shall immediately notify the board of health. 54299

~~No person shall fail to comply with this division.~~ 54300

~~(B) The licenser having jurisdiction where a flood event~~ 54301  
~~occurred that affected a manufactured home park shall notify the~~ 54302  
~~director of health of the occurrence of the flood event within~~ 54303  
~~twenty four hours after being notified of the flood event under~~ 54304  
~~division (A) of this section. Within forty eight hours after~~ After 54305  
~~being notified of such a flood event by a licenser, the director~~ 54306  
board of health shall cause an inspection to be made of the 54307  
manufactured home park named in the notice. The board of health 54308  
shall issue a report of the inspection to the commission within 54309  
ten days after the inspection is completed. 54310

~~Sec. 3733.025~~ 4781.34. (A) If a mobile or manufactured home 54311  
that is located in a flood plain is substantially damaged, the 54312  
owner of the home shall make all alterations, repairs, or changes 54313  
to the home, and the operator of the manufactured home park shall 54314  
make all alterations, repairs, or changes to the lot on which the 54315  
home is located, that are necessary to ensure compliance with the 54316  
flood plain management rules adopted under ~~division (A) of~~ section 54317  
~~3733.02~~ 4781.26 of the Revised Code. Such alterations, repairs, or 54318  
changes may include, without limitation, removal of the home or 54319  
other structures. 54320

No person shall fail to comply with this division. 54321

(B) No person shall cause to be performed any alteration, 54322  
repair, or change required by division (A) of this section unless 54323  
the person first obtains a permit from the ~~director of health or a~~ 54324  
~~licensor authorized by the director~~ manufactured homes commission. 54325  
~~The owner of the home and the operator of the manufactured home~~ 54326  
~~park shall jointly obtain the permit required by this division.~~ 54327  
~~Each of the persons to whom a permit is jointly issued is~~ 54328  
~~responsible for compliance with the provisions of the approved~~ 54329  
~~permit that are applicable to that person.~~ 54330

The ~~director or a licensor authorized by the director~~ 54331  
commission shall disapprove an application for a permit required 54332  
under this division unless the ~~director or the licensor~~ commission 54333  
finds that the proposed alteration, repair, or change complies 54334  
with the rules adopted under ~~division (A) of~~ section ~~3733.02~~ 54335  
4781.26 of the Revised Code. No permit is required under this 54336  
division for the construction, erection, or manufacture of any 54337  
building to which section 3781.06 of the Revised Code applies. 54338

The ~~director or a licensor authorized by the director~~ 54339  
commission may suspend or revoke a permit issued under this 54340  
division for failure to comply with the rules adopted under 54341

~~division (A) of section 3733.02 4781.26~~ of the Revised Code 54342  
pertaining to flood plain management or for failure to comply with 54343  
the approved permit for making alterations, repairs, or changes to 54344  
the lot on which the manufactured home is located. 54345

Any person aggrieved by the disapproval, suspension, or 54346  
revocation of a permit under this division by the ~~director or by a~~ 54347  
~~licensor authorized by the director~~ commission may request a 54348  
hearing on the matter within thirty days after receipt of the 54349  
notice of the disapproval, suspension, or revocation. The hearing 54350  
shall be held in accordance with Chapter 119. of the Revised Code. 54351  
Thereafter, an appeal of the disapproval, suspension, or 54352  
revocation may be taken in the manner provided in section 119.12 54353  
of the Revised Code and for necessary inspections conducted to 54354  
determine compliance with those permits. 54355

(C) The ~~public health council~~ commission shall establish fees 54356  
for the issuance of permits under division (B) of this section and 54357  
for necessary inspections conducted to determine compliance with 54358  
those permits for making alterations, repairs, or changes to the 54359  
lot on which the manufactured home is located. 54360

(D) The ~~director or a licensor authorized by the director~~ 54361  
commission shall charge the appropriate fee established under 54362  
division (C) of this section for the issuance of a permit under 54363  
division (B) of this section or for conducting any necessary 54364  
inspection to determine compliance with the permit. If the 54365  
~~director~~ commission issues such a permit or conducts such an 54366  
inspection, the fee for the permit or inspection shall be 54367  
transmitted to the treasurer of state and shall be credited to the 54368  
~~general operations~~ occupational licensing and regulatory fund 54369  
created in section ~~3701.83 4743.05~~ of the Revised Code. Moneys so 54370  
credited to the fund shall be used ~~by the director~~ only for the 54371  
purpose of administering and enforcing sections ~~3733.01 4781.26~~ to 54372  
~~3733.08 4781.35~~ of the Revised Code and rules adopted under those 54373

~~sections. If the licensor is a board of health, the permit or 54374  
inspection fee shall be deposited to the credit of the special 54375  
fund of the health district created in section 3733.04 of the 54376  
Revised Code and shall be used only for the purpose set forth in 54377  
that section. 54378~~

**Sec. ~~3733.08~~ 4781.35.** (A) No person shall violate sections 54379  
~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code or the 54380  
rules adopted thereunder. 54381

(B) The prosecuting attorney of the county, the city director 54382  
of law, or the attorney general, upon complaint of the ~~licensor or~~ 54383  
~~the director of health~~ manufactured homes commission, shall 54384  
prosecute to termination or bring an action for injunction against 54385  
any person violating sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 54386  
of the Revised Code or the rules adopted thereunder. 54387

**Sec. ~~3733.09~~ 4781.36.** (A) Subject to section ~~3733.091~~ 4781.37 54388  
of the Revised Code, a park operator shall not retaliate against a 54389  
resident by increasing the resident's rent, decreasing services 54390  
that are due to the resident, refusing to renew or threatening to 54391  
refuse to renew the rental agreement with the resident, or 54392  
bringing or threatening to bring an action for possession of the 54393  
resident's premises because: 54394

(1) The resident has complained to an appropriate 54395  
governmental agency of a violation of a building, housing, health, 54396  
or safety code that is applicable to the premises, and the 54397  
violation materially affects health and safety; 54398

(2) The resident has complained to the park operator of any 54399  
violation of section ~~3733.10~~ 4781.38 of the Revised Code; 54400

(3) The resident joined with other residents for the purpose 54401  
of negotiating or dealing collectively with the park operator on 54402  
any of the terms and conditions of a rental agreement. 54403

(B) If a park operator acts in violation of division (A) of this section, the resident may: 54404  
54405

(1) Use the retaliatory action of the park operator as a defense to an action by the park operator to recover possession of the premises; 54406  
54407  
54408

(2) Recover possession of the premises; 54409

(3) Terminate the rental agreement. 54410

In addition, the resident may recover from the park operator any actual damages together with reasonable attorneys fees. 54411  
54412

(C) Nothing in division (A) of this section prohibits a park operator from increasing the rent to reflect the cost of improvements installed by the park operator in or about the premises or to reflect an increase in other costs of operation of the premises. 54413  
54414  
54415  
54416  
54417

**Sec. ~~3733.091~~ 4781.37.** (A) Notwithstanding section ~~3733.09~~ 4781.36 of the Revised Code, a park operator may bring an action under Chapter 1923. of the Revised Code for possession of the premises if any of the following applies: 54418  
54419  
54420  
54421

(1) The resident is in default in the payment of rent. 54422

(2) The violation of the applicable building, housing, health, or safety code that the resident complained of was primarily caused by any act or lack of reasonable care by the resident, by any other person in the resident's household, or by anyone on the premises with the consent of the resident. 54423  
54424  
54425  
54426  
54427

(3) The resident is holding over the resident's term. 54428

(4) The resident is in violation of rules of the ~~public health council~~ manufactured homes commission adopted pursuant to section ~~3733.02~~ 4781.26 of the Revised Code or rules of the manufactured home park adopted pursuant to the rules of the ~~public~~ 54429  
54430  
54431  
54432

~~health council~~ commission. 54433

(5) The resident has been absent from the manufactured home 54434  
park for a period of thirty consecutive days prior to the 54435  
commencement of the action, and the resident's manufactured home, 54436  
mobile home, or recreational vehicle parked in the manufactured 54437  
home park has been left unoccupied for that thirty-day period, 54438  
without notice to the park operator and without payment of rent 54439  
due under the rental agreement. 54440

(B) The maintenance of an action by the park operator under 54441  
this section does not prevent the resident from recovering damages 54442  
for any violation by the park operator of the rental agreement or 54443  
of section ~~3733.10~~ 4781.38 of the Revised Code. 54444

**Sec. ~~3733.10~~ 4781.38.** (A) A park operator who is a party to a 54445  
rental agreement shall: 54446

(1) Comply with the requirements of all applicable building, 54447  
housing, health, and safety codes which materially affect health 54448  
and safety, and comply with rules of the ~~public health council~~ 54449  
manufactured homes commission; 54450

(2) Make all repairs and do whatever is reasonably necessary 54451  
to put and keep the premises in a fit and habitable condition; 54452

(3) Keep all common areas of the premises in a safe and 54453  
sanitary condition; 54454

(4) Maintain in good and safe working order and condition all 54455  
electrical and plumbing fixtures and appliances, and septic 54456  
systems, sanitary and storm sewers, refuse receptacles, and well 54457  
and water systems that are supplied or required to be supplied by 54458  
~~him~~ the park operator; 54459

(5) Not abuse the right of access conferred by division (B) 54460  
of section ~~3733.101~~ 4781.39 of the Revised Code; 54461

(6) Except in the case of emergency or if it is impracticable 54462

to do so, give the resident reasonable notice of ~~his~~ the park 54463  
operator's intent to enter onto the residential premises and enter 54464  
only at reasonable times. Twenty-four hours' notice shall be 54465  
presumed to be a reasonable notice in the absence of evidence to 54466  
the contrary. 54467

(B) If the park operator violates any provision of this 54468  
section, makes a lawful entry onto the residential premises in an 54469  
unreasonable manner, or makes repeated demands for entry otherwise 54470  
lawful which demands have the effect of harassing the resident, 54471  
the resident may recover actual damages resulting from the 54472  
violation, entry, or demands and injunctive relief to prevent the 54473  
recurrence of the conduct, and if ~~he~~ the resident obtains a 54474  
judgment, reasonable attorneys' fees, or terminate the rental 54475  
agreement. 54476

**Sec. ~~3733.101~~ 4781.39.** (A) A resident who is a party to a 54477  
rental agreement shall: 54478

(1) Keep that part of the premises that the resident occupies 54479  
and uses safe and sanitary; 54480

(2) Dispose of all rubbish, garbage, and other waste in a 54481  
clean, safe, and sanitary manner; 54482

(3) Comply with the requirements imposed on residents by all 54483  
applicable state and local housing, health, and safety codes, 54484  
rules of the ~~public health council~~ manufactured homes commission, 54485  
and rules of the manufactured home park; 54486

(4) Personally refrain, and forbid any other person who is on 54487  
the premises with the resident's permission, from intentionally or 54488  
negligently destroying, defacing, damaging, or removing any 54489  
fixture, appliance, or other part of the residential premises; 54490

(5) Conduct self and require other persons on the premises 54491  
with the resident's consent to conduct themselves in a manner that 54492

will not disturb the resident's neighbors' peaceful enjoyment of 54493  
the manufactured home park. 54494

(B) The resident shall not unreasonably withhold consent for 54495  
the park operator to enter the home to inspect utility 54496  
connections, or enter onto the premises in order to inspect the 54497  
premises, make ordinary, necessary, or agreed repairs, 54498  
decorations, alterations, or improvements, deliver parcels which 54499  
are too large for the resident's mail facilities, or supply 54500  
necessary or agreed services. 54501

(C) If the resident violates any provision of this section, 54502  
the park operator may recover any actual damages which result from 54503  
the violation and reasonable attorneys' fees. This remedy is in 54504  
addition to any right of the park operator to terminate the rental 54505  
agreement, to maintain an action for the possession of the 54506  
premises, or injunctive relief to compel access under division (B) 54507  
of this section. 54508

**Sec. ~~3733.11~~ 4781.40.** (A)(1) The park operator shall offer 54509  
each home owner a written rental agreement for a manufactured home 54510  
park lot for a term of one year or more that contains terms 54511  
essentially the same as any alternative month-to-month rental 54512  
agreement offered to current and prospective tenants and owners. 54513  
The park operator shall offer the minimum one-year rental 54514  
agreement to the owner prior to installation of the home in the 54515  
manufactured home park or, if the home is in the manufactured home 54516  
park, prior to the expiration of the owner's existing rental 54517  
agreement. 54518

(2) The park operator shall deliver the offer to the owner by 54519  
certified mail, return receipt requested, or in person. If the 54520  
park operator delivers the offer to the owner in person, the owner 54521  
shall complete a return showing receipt of the offer. If the owner 54522  
does not accept the offer, the park operator is discharged from 54523



any obligation to make any further such offers. If the owner 54524  
accepts the offer, the park operator shall, at the expiration of 54525  
each successive rental agreement, offer the owner another rental 54526  
agreement, for a term that is mutually agreed upon, and that 54527  
contains terms essentially the same as the alternative 54528  
month-to-month agreement. The park operator shall deliver 54529  
subsequent rental offers by ordinary mail or personal delivery. If 54530  
the park operator sells the manufactured home park to another 54531  
manufactured home park operator, the purchaser is bound by the 54532  
rental agreements entered into by the purchaser's predecessor. 54533

(3) If the park operator sells the manufactured home park for 54534  
a use other than as a manufactured home park, the park operator 54535  
shall give each tenant and owner a written notification by 54536  
certified mail, return receipt requested, or by handing it to the 54537  
tenant or owner in person. If the park operator delivers the 54538  
notification in person, the recipient shall complete a return 54539  
showing receipt of the notification. This notification shall 54540  
contain notice of the sale of the manufactured home park, and 54541  
notice of the date by which the tenant or owner shall vacate. The 54542  
date by which the tenant shall vacate shall be at least one 54543  
hundred twenty days after receipt of the written notification, and 54544  
the date by which the owner shall vacate shall be at least one 54545  
hundred eighty days after receipt of the written notification. 54546

(B) A park operator shall fully disclose in writing all fees, 54547  
charges, assessments, including rental fees, and rules prior to a 54548  
tenant or owner executing a rental agreement and assuming 54549  
occupancy in the manufactured home park. No fees, charges, 54550  
assessments, or rental fees so disclosed may be increased nor 54551  
rules changed by a park operator without specifying the date of 54552  
implementation of the changed fees, charges, assessments, rental 54553  
fees, or rules, which date shall be not less than thirty days 54554  
after written notice of the change and its effective date to all 54555

tenants or owners in the manufactured home park, and no fee, 54556  
charge, assessment, or rental fee shall be increased during the 54557  
term of any tenant's or owner's rental agreement. Failure on the 54558  
part of the park operator to fully disclose all fees, charges, or 54559  
assessments shall prevent the park operator from collecting the 54560  
undisclosed fees, charges, or assessments. If a tenant or owner 54561  
refuses to pay any undisclosed fees, charges, or assessments, the 54562  
refusal shall not be used by the park operator as a cause for 54563  
eviction in any court. 54564

(C) A park operator shall promulgate rules governing the 54565  
rental or occupancy of a lot in the manufactured home park. The 54566  
rules shall not be unreasonable, arbitrary, or capricious. A copy 54567  
of the rules and any amendments to them shall be delivered by the 54568  
park operator to the tenant or owner prior to signing the rental 54569  
agreement. A copy of the rules and any amendments to them shall be 54570  
posted in a conspicuous place upon the manufactured home park 54571  
grounds. 54572

(D) No park operator shall require an owner to purchase from 54573  
the park operator any personal property. The park operator may 54574  
determine by rule the style or quality of skirting, equipment for 54575  
tying down homes, manufactured or mobile home accessories, or 54576  
other equipment to be purchased by an owner from a vendor of the 54577  
owner's choosing, provided that the equipment is readily available 54578  
to the owner. Any such equipment shall be installed in accordance 54579  
with the manufactured home park rules. 54580

(E) No park operator shall charge any owner who chooses to 54581  
install an electric or gas appliance in a home an additional fee 54582  
solely on the basis of the installation, unless the installation 54583  
is performed by the park operator at the request of the owner, nor 54584  
shall the park operator restrict the installation, service, or 54585  
maintenance of the appliance, restrict the ingress or egress of 54586  
repairpersons to the manufactured home park for the purpose of 54587

installation, service, or maintenance of the appliance, nor 54588  
restrict the making of any interior improvement in a home, if the 54589  
installation or improvement is in compliance with applicable 54590  
building codes and other provisions of law and if adequate utility 54591  
services are available for the installation or improvement. 54592

(F) No park operator shall require a tenant to lease or an 54593  
owner to purchase a manufactured or mobile home from the park 54594  
operator or any specific person as a condition of or prerequisite 54595  
to entering into a rental agreement. 54596

(G) No park operator shall require an owner to use the 54597  
services of the park operator or any other specific person for 54598  
installation of the manufactured or mobile home on the residential 54599  
premises or for the performance of any service. 54600

(H) No park operator shall: 54601

(1) Deny any owner the right to sell the owner's manufactured 54602  
home within the manufactured home park if the owner gives the park 54603  
operator ten days' notice of the intention to sell the home; 54604

(2) Require the owner to remove the home from the 54605  
manufactured home park solely on the basis of the sale of the 54606  
home; 54607

(3) Unreasonably refuse to enter into a rental agreement with 54608  
a purchaser of a home located within the operator's manufactured 54609  
home park; 54610

(4) Charge any tenant or owner any fee, charge, or 54611  
assessment, including a rental fee, that is not set forth in the 54612  
rental agreement or, if the rental agreement is oral, is not set 54613  
forth in a written disclosure given to the tenant or owner prior 54614  
to the tenant or owner entering into a rental agreement; 54615

(5) Charge any owner any fee, charge, or assessment because 54616  
of the transfer of ownership of a home or because a home is moved 54617

out of or into the manufactured home park, except a charge for the 54618  
actual costs and expenses that are incurred by the park operator 54619  
in moving the home out of or into the manufactured home park, or 54620  
in installing the home in the manufactured home park and that have 54621  
not been reimbursed by another tenant or owner. 54622

(I) If the park operator violates any provision of divisions 54623  
(A) to (H) of this section, the tenant or owner may recover actual 54624  
damages resulting from the violation, and, if the tenant or owner 54625  
obtains a judgment, reasonable attorneys' fees, or terminate the 54626  
rental agreement. 54627

(J) No rental agreement shall require a tenant or owner to 54628  
sell, lease, or sublet the tenant's or owner's interest in the 54629  
rental agreement or the manufactured or mobile home that is or 54630  
will be located on the lot that is the subject of the rental 54631  
agreement to any specific person or through any specific person as 54632  
the person's agent. 54633

(K) No park operator shall enter into a rental agreement with 54634  
the owner of a manufactured or mobile home for the use of 54635  
residential premises, if the rental agreement requires the owner 54636  
of the home, as a condition to the owner's renting, occupying, or 54637  
remaining on the residential premises, to pay the park operator or 54638  
any other person specified in the rental agreement a fee or any 54639  
sum of money based on the sale of the home, unless the owner of 54640  
the home uses the park operator or other person as the owner's 54641  
agent in the sale of the home. 54642

(L) A park operator and a tenant or owner may include in a 54643  
rental agreement any terms and conditions, including any term 54644  
relating to rent, the duration of an agreement, and any other 54645  
provisions governing the rights and obligations of the parties 54646  
that are not inconsistent with or prohibited by sections 3733.09 54647  
to 3733.20 of the Revised Code or any other rule of law. 54648

(M) Notwithstanding any other provision of the Revised Code, 54649  
the owner of a manufactured or mobile home ~~that was previously~~ 54650  
~~titled by a dealer~~ may utilize the services of a manufactured ~~home~~ 54651  
housing dealer or broker licensed under Chapter 4517. of the 54652  
Revised Code or a person properly licensed under Chapter ~~4735-~~ 54653  
4781. of the Revised Code to sell or lease the home. 54654

**Sec. ~~3733.12~~ 4781.41.** (A) If a park operator fails to fulfill 54655  
any obligation imposed upon ~~him~~ the park operator by section 54656  
~~3733.10~~ 4781.38 of the Revised Code or by the rental agreement, or 54657  
the conditions of the premises are such that the resident 54658  
reasonably believes that a park operator has failed to fulfill any 54659  
such obligations, or a governmental agency has found that the 54660  
premises are not in compliance with building, housing, health, or 54661  
safety codes which apply to any condition of the residential 54662  
premises that could materially affect the health and safety of an 54663  
occupant, the resident may give notice in writing to the park 54664  
operator specifying the acts, omissions, or code violations that 54665  
constitute noncompliance with such provisions. The notice shall be 54666  
sent to the person or place where rent is normally paid. 54667

(B) If a park operator receives the notice described in 54669  
division (A) of this section and after receipt of the notice fails 54670  
to remedy the condition within a reasonable time, considering the 54671  
severity of the condition and the time necessary to remedy such 54672  
condition, or within thirty days, whichever is sooner, and if the 54673  
resident is current in rent payments due under the rental 54674  
agreement, the resident may do one of the following: 54675

(1) Deposit all rent that is due and thereafter becomes due 54676  
the park operator with the clerk of court of the municipal or 54677  
county court having jurisdiction in the territory in which the 54678  
residential premises are located; 54679

(2) Apply to the court for an order directing the park operator to remedy the condition. As part thereof, the resident may deposit rent pursuant to division (B)(1) of this section, and may apply for an order reducing the periodic rent due the park operator until such time as the park operator does remedy the condition, and may apply for an order to use the rent deposited to remedy the condition. In any order issued pursuant to this division, the court may require the resident to deposit rent with the clerk of court as provided in division (B)(1) of this section.

**Sec. ~~3733.121~~ 4781.42.** (A) Whenever a resident deposits rent with the clerk of a court as provided in section ~~3733.12~~ 4781.41 of the Revised Code, the clerk shall give written notice of this fact to the park operator and to ~~his~~ the park operator's agent, if any.

(B) The clerk shall place all rent deposited with ~~him~~ the clerk in a separate rent escrow account in the name of the clerk in a bank or building and loan association domiciled in this state.

(C) The clerk shall keep in a separate docket an account of each deposit, with the name and address of the resident, and the name and address of the park operator and of ~~his~~ the park operator's agent, if any.

(D) For ~~his~~ the clerk's costs, the clerk may charge a fee of one per cent of the amount of the rent deposited, which shall be assessed as court costs.

(E) All interest that has accrued on the rent deposited by the clerk of a county court under division (B) of this section shall be paid into the treasury of the political subdivision for which the clerk performs ~~his~~ the clerk's duties. All interest that has accrued on the rent deposited by the clerk of a municipal court under division (B) of this section shall be paid into the

city treasury as defined in division (B) of section 1901.03 of the Revised Code. 54711  
54712

**Sec. ~~3733.122~~ 4781.43.** (A) A park operator who receives notice that rent due ~~him~~ the park operator has been deposited with a clerk of court pursuant to section ~~3733.12~~ 4781.41 of the Revised Code, may: 54713  
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(1) Apply to the clerk of court for release of the rent on the ground that the condition contained in the notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised Code has been remedied. The clerk shall forthwith release the rent, less costs, to the park operator if the resident gives written notice to the clerk that the condition has been remedied. 54717  
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(2) Apply to the court for release of the rent on the grounds that the resident did not comply with the notice requirement of division (A) of section ~~3733.12~~ 4781.41 of the Revised Code, or that the resident was not current in rent payments due under the rental agreement at the time the resident initiated rent deposits with the clerk of courts under division (B)(1) of section ~~3733.12~~ 4781.41 of the Revised Code; 54723  
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(3) Apply to the court for release of the rent on the grounds that there was no violation of any obligation imposed upon the park operator by section ~~3733.10~~ 4781.38 of the Revised Code or by the rental agreement, or by any building, housing, health, or safety code, or that the condition contained in the notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised Code has been remedied. 54730  
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(B) The resident shall be named as a party to any action filed by the park operator under this section, and shall have the right to file an answer and counterclaim, as in other civil cases. A trial shall be held within sixty days of the date of filing of the park operator's complaint, unless for good cause shown the 54737  
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court grants a continuance. 54742

(C) If the court finds that there was no violation of any 54743  
obligation imposed upon the park operator by section ~~3733.10~~ 54744  
4781.38 of the Revised Code or by the rental agreement, or by any 54745  
building, housing, health, or safety code, or that the condition 54746  
contained in the notice given pursuant to division (A) of section 54747  
~~3733.12~~ 4781.41 of the Revised Code has been remedied, or that the 54748  
resident did not comply with the notice requirement of division 54749  
(A) of section ~~3733.12~~ 4781.41 of the Revised Code, or that the 54750  
resident was not current in rent payments at the time the resident 54751  
initiated rent deposits with the clerk of court under division 54752  
(B)(1) of section ~~3733.12~~ 4781.41 of the Revised Code, the court 54753  
shall order the release to the park operator of rent on deposit 54754  
with the clerk, less costs. 54755

(D) If the court finds that the condition contained in the 54756  
notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 54757  
of the Revised Code was the result of an act or omission of the 54758  
resident, or that the resident intentionally acted in bad faith in 54759  
proceeding under section ~~3733.12~~ 4781.41 of the Revised Code, the 54760  
resident shall be liable for damages caused to the park operator, 54761  
and for costs, together with reasonable attorneys' fees if the 54762  
resident intentionally acted in bad faith. 54763

**Sec. ~~3733.123~~ 4781.44.** (A) If a park operator brings an 54764  
action for the release of rent deposited with a clerk of court, 54765  
the court may, during the pendency of the action, upon application 54766  
of the park operator, release part of the rent on deposit for 54767  
payment of the periodic interest on a mortgage on the premises, 54768  
the periodic principal payments on a mortgage on the premises, the 54769  
insurance premiums for the premises, real estate taxes on the 54770  
premises, utility services, repairs, and other customary and usual 54771  
costs of operating the premises. 54772



(B) In determining whether to release rent for the payments 54773  
described in division (A) of this section, the court shall 54774  
consider the amount of rent the park operator receives from other 54775  
lots, the cost of operating these lots, and the costs which may be 54776  
required to remedy the condition contained in the notice given 54777  
pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised 54778  
Code. 54779

**Sec. ~~3733.13~~ 4781.45.** If a resident commits a material 54780  
violation of the rules of the manufactured home park, of the 54781  
~~public health council~~ manufactured homes commission, or of 54782  
applicable state and local health and safety codes, the park 54783  
operator may deliver a written notification of the violation to 54784  
the resident. The notification shall contain all of the following: 54785

(A) A description of the violation; 54786

(B) A statement that the rental agreement will terminate upon 54787  
a date specified in the written notice not less than thirty days 54788  
after receipt of the notice unless the resident remedies the 54789  
violation; 54790

(C) A statement that the violation was material and that if a 54791  
second material violation of any park or ~~public health council~~ 54792  
commission rule, or any health and safety code, occurs within six 54793  
months after the date of this notice, the rental agreement will 54794  
terminate immediately; 54795

(D) A statement that a defense available to termination of 54796  
the rental agreement for two material violations of park or ~~public~~ 54797  
~~health council~~ commission rules, or of health and safety codes, is 54798  
that the park rule is unreasonable, or that the park or ~~public~~ 54799  
~~health council~~ commission rule, or health or safety code, is not 54800  
being enforced against other manufactured home park residents, or 54801  
that the two violations were not willful and not committed in bad 54802  
faith. 54803

If the resident remedies the condition described in the notice, whether by repair, the payment of damages, or otherwise, the rental agreement shall not terminate. The park operator may terminate the rental agreement immediately if the resident commits a second material violation of the park or ~~public health council~~ commission rules, or of applicable state and local health and safety codes, subject to the defense that the park rule is unreasonable, that the park or ~~public health council~~ commission rule, or health or safety code, is not being enforced against other manufactured home park residents, or that the two violations were not willful and not committed in bad faith.

**Sec. ~~3733.14~~ 4781.46.** In any action under sections ~~3733.09~~ 4781.36 to ~~3733.20~~ 4781.52 of the Revised Code, any party may recover damages for the breach of contract or the breach of any duty that is imposed by law.

**Sec. ~~3733.15~~ 4781.47.** (A) No provision of sections ~~3733.09~~ 4781.36 to ~~3733.20~~ 4781.52 of the Revised Code may be modified or waived by any oral or written agreement except as provided in division (F) of this section.

(B) No warrant of attorney to confess judgment shall be recognized in any rental agreement or in any other agreement between a park operator and resident for the recovery of rent or damages to the residential premises.

(C) No agreement to pay the park operator's or resident's attorney fees shall be recognized in any rental agreement for residential premises or in any other agreement between a park operator and resident.

(D) No agreement by a resident to the exculpation or limitation of any liability of the park operator arising under law or to indemnify the park operator for that liability or its

related costs shall be recognized in any rental agreement or in any other agreement between a park operator and resident.

(E) A rental agreement, or the assignment, conveyance, trust deed, or security instrument of the park operator's interest in the rental agreement may not permit the receipt of rent free of the obligation to comply with section ~~3733.10~~ 4781.38 of the Revised Code.

(F) The park operator may agree to assume responsibility for fulfilling any duty or obligation imposed on a resident by section ~~3733.101~~ 4781.39 of the Revised Code.

**Sec. ~~3733.16~~ 4781.48.** (A) If the court as a matter of law finds a rental agreement, or any clause of it, to have been unconscionable at the time it was made, it may refuse to enforce the rental agreement or it may enforce the remainder of the rental agreement without the unconscionable clause, or it may so limit the application of any unconscionable clause as to avoid any unconscionable result.

(B) When it is claimed or appears to the court that the rental agreement, or any clause of it, may be unconscionable, the parties shall be afforded a reasonable opportunity to present evidence as to its setting, purpose, and effect to aid the court in making the determination.

**Sec. ~~3733.17~~ 4781.49.** (A) No park operator of residential premises shall initiate any act, including termination of utilities or services, exclusion from the premises, or threat of any unlawful act, against a resident, or a resident whose right to possession has terminated, for the purpose of recovering possession of residential premises, other than as provided in Chapters 1923., ~~3733.~~ 4781., and 5303. of the Revised Code.

(B) No park operator of residential premises shall seize the

furnishings or possessions of a resident, or of a resident whose right to possession was terminated, for the purpose of recovering rent payments, other than in accordance with an order issued by a court of competent jurisdiction.

(C) A park operator who violates this section is liable in a civil action for all damages caused to a resident, or to a resident whose right to possession has terminated, together with reasonable attorneys' fees.

**Sec. ~~3733.18~~ 4781.50.** (A) Any security deposit in excess of fifty dollars or one month's periodic rent, whichever is greater, shall bear interest on the excess at the rate of five per cent per annum if the resident remains in possession of the premises for six months or more, and shall be computed and paid annually by the park operator to the resident.

(B) Upon termination of the rental agreement any property or money held by the park operator as a security deposit may be applied to the payment of past due rent and to the payment of the amount of damages that the park operator has suffered by reason of the resident's noncompliance with section ~~3733.101~~ 4781.39 of the Revised Code or the rental agreement. Any deduction from the security deposit shall be itemized and identified by the park operator in a written notice delivered to the resident together with the amount due, within thirty days after termination of the rental agreement and delivery of possession. The resident shall provide the park operator in writing with a forwarding address or new address to which the written notice and amount due from the park operator may be sent. If the resident fails to provide the park operator with the forwarding or new address as required, the resident shall not be entitled to damages or attorneys' fees under division (C) of this section.

(C) If the park operator fails to comply with division (B) of

this section, the resident may recover the property and money due 54895  
~~him~~ the resident, together with damages in an amount equal to the 54896  
amount wrongfully withheld, and reasonable attorneys' fees. 54897

**Sec. ~~3733.19~~ 4781.51.** (A) Every written rental agreement for 54898  
residential premises shall contain the name and address of the 54899  
owner of the residential premises and the name and address of the 54900  
owner's agent, if any. If the owner or the owner's agent is a 54901  
corporation, partnership, limited partnership, association, trust, 54902  
or other entity, the address shall be the principal place of 54903  
business in the county in which the residential premises are 54904  
situated or if there is no place of business in such county then 54905  
its principal place of business in this state, and shall include 54906  
the name of the person in charge thereof. 54907

(B) If the rental agreement is oral, the park operator, at 54908  
the commencement of the term of occupancy, shall deliver to the 54909  
resident a written notice containing the information required in 54910  
division (A) of this section. 54911

(C) If the park operator fails to provide the notice of the 54912  
name and address of the owner and owner's agent, if any, as 54913  
required under division (A) or (B) of this section, the notices to 54914  
the park operator required under division (A) of sections ~~3733.12~~ 54915  
4781.41 and ~~3733.121~~ 4781.42 of the Revised Code are waived by the 54916  
park operator and the operator's agent. 54917

(D) Every written rental agreement for residential premises 54918  
shall contain the following notice in ten-point boldface type: 54919

"YOUR RIGHTS AS A RESIDENT AND YOUR MANUFACTURED HOME PARK 54920  
OPERATOR'S RIGHTS ARE PROTECTED BY SECTIONS ~~3733.09~~ 4781.36 TO 54921  
~~3733.20~~ 4781.52 OF THE REVISED CODE, WHICH REGULATE RENTAL 54922  
AGREEMENTS IN MANUFACTURED HOME PARKS." 54923

If the rental agreement is oral, the park operator, at the 54924

commencement of the term of occupancy, shall deliver the notice to 54925  
the resident in writing. 54926

**Sec. ~~3733.20~~ 4781.52.** No municipal corporation may adopt or 54927  
continue in existence any ordinance and no township may adopt or 54928  
continue in existence any resolution that is in conflict with 54929  
sections ~~3733.09~~ 4781.36 to ~~3733.20~~ 4781.52 of the Revised Code, 54930  
or that regulates those rights and obligations of parties to a 54931  
rental agreement that are regulated by sections ~~3733.09~~ 4781.36 to 54932  
~~3733.20~~ 4781.52 of the Revised Code. Sections ~~3733.09~~ 4781.36 to 54933  
~~3733.20~~ 4781.52 of the Revised Code do not preempt any housing, 54934  
building, health, or safety codes of any municipal corporation or 54935  
township. 54936

**Sec. 4781.54.** There is hereby created in the state treasury 54937  
the manufactured homes commission regulatory fund. The fund shall 54938  
consist of fees collected under section 4781.121 of the Revised 54939  
Code and fees paid under section 4781.28 of the Revised Code and 54940  
shall be used for the purposes described in those sections. 54941

**Sec. 4781.99.** (A) Whoever violates division (A) of section 54942  
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 54943  
first offense and shall be subject to a mandatory fine of one 54944  
hundred dollars. On a second offense, the person is guilty of a 54945  
misdemeanor of the first degree and shall be subject to a 54946  
mandatory fine of one thousand dollars. 54947

(B) Whoever violates section 4781.20 of the Revised Code is 54948  
guilty of a minor misdemeanor. 54949

(C) Whoever violates any of the following is guilty of a 54950  
misdemeanor of the fourth degree: 54951

(1) Division (B) or (C) of section 4781.16 of the Revised 54952  
Code; 54953

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| (2) Section 4781.22 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 54954                                                                                           |
| (3) Section 4781.23 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 54955                                                                                           |
| (4) Division (A) of section 4781.24 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 54956                                                                                           |
| (5) Section 4781.25 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 54957                                                                                           |
| <u>(6) Division (A) of section 4781.35 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 54958                                                                                           |
| <b>Sec. 4905.01.</b> As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 54959                                                                                           |
| (A) "Railroad" has the same meaning as in section 4907.02 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 54960<br>54961                                                                                  |
| (B) "Motor <del>transportation company</del> <u>carrier</u> " has the same meaning as in <del>sections 4905.03 and 4921.02</del> <u>section 4923.01</u> of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 54962<br>54963<br>54964                                                                         |
| (C) " <del>Trailer</del> <u>Motor vehicle</u> " and "public highway" have the same meanings as in section <del>4921.02</del> <u>4921.01</u> of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 54965<br>54966                                                                                  |
| (D) " <del>Private motor carrier</del> " and " <del>motor vehicle</del> " have the same meanings as in section <del>4923.02</del> of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 54967<br>54968                                                                                  |
| <del>(E)</del> "Ohio coal research and development costs" means all reasonable costs associated with a facility or project undertaken by a public utility for which a recommendation to allow the recovery of costs associated therewith has been made under division (B)(7) of section 1551.33 of the Revised Code, including, but not limited to, capital costs, such as costs of debt and equity; construction and operation costs; termination and retirement costs; costs of feasibility and marketing studies associated with the project; and the acquisition and delivery costs of Ohio coal used in the project, less any expenditures of grant moneys. | 54969<br>54970<br>54971<br>54972<br>54973<br>54974<br>54975<br>54976<br>54977<br>54978<br>54979 |
| <b>Sec. 4905.02.</b> <u>(A)</u> As used in this chapter, "public utility" includes every corporation, company, copartnership, person, or                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 54980<br>54981                                                                                  |

association, the lessees, trustees, or receivers of the foregoing, 54982  
defined in section 4905.03 of the Revised Code, including any 54983  
public utility that operates its utility not for profit, except 54984  
the following: 54985

~~(A)~~(1) An electric light company that operates its utility 54986  
not for profit; 54987

~~(B)~~(2) A public utility, other than a telephone company, that 54988  
is owned and operated exclusively by and solely for the utility's 54989  
customers, including any consumer or group of consumers 54990  
purchasing, delivering, storing, or transporting, or seeking to 54991  
purchase, deliver, store, or transport, natural gas exclusively by 54992  
and solely for the consumer's or consumers' own intended use as 54993  
the end user or end users and not for profit; 54994

~~(C)~~(3) A public utility that is owned or operated by any 54995  
municipal corporation; 54996

~~(D)~~(4) A railroad as defined in sections 4907.02 and 4907.03 54997  
of the Revised Code; 54998

~~(E)~~(5) Any provider, including a telephone company, with 54999  
respect to its provision of any of the following: 55000

~~(1)~~(a) Advanced services as defined in 47 C.F.R. 51.5; 55001

~~(2)~~(b) Broadband service, however defined or classified by 55002  
the federal communications commission; 55003

~~(3)~~(c) Information service as defined in the 55004  
"Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20); 55005

~~(4)~~(d) Subject to division (A) of section 4927.03 of the 55006  
Revised Code, internet protocol-enabled services as defined in 55007  
section 4927.01 of the Revised Code; 55008

~~(5)~~(e) Subject to division (A) of section 4927.03 of the 55009  
Revised Code, any telecommunications service as defined in section 55010  
4927.01 of the Revised Code to which both of the following apply: 55011



~~(a)(i)~~ The service was not commercially available on 55012  
September 13, 2010, the effective date of the amendment of this 55013  
section by S.B. 162 of the 128th general assembly. 55014

~~(b)(ii)~~ The service employs technology that became available 55015  
for commercial use only after September 13, 2010, the effective 55016  
date of the amendment of this section by S.B. 162 of the 128th 55017  
general assembly. 55018

(B)(1) "Public utility" includes a for-hire motor carrier 55019  
even if the carrier is operated in connection with an entity 55020  
described in division (A)(1), (2), (4), or (5) of this section. 55021

(2) Division (A) of this section shall not be construed to 55022  
relieve a private motor carrier, operated in connection with an 55023  
entity described in division (A)(1), (2), (4), or (5) of this 55024  
section, from compliance with any of the following: 55025

(a) Chapter 4923. of the Revised Code; 55026

(b) Hazardous-material regulation under section 4921.15 of 55027  
the Revised Code and division (H) of section 4921.19 of the 55028  
Revised Code, or rules adopted thereunder; 55029

(c) Rules governing unified carrier registration adopted 55030  
under section 4921.11 of the Revised Code. 55031

**Sec. 4905.03.** As used in this chapter~~+~~ 55032

~~(A) Any,~~ any person, firm, copartnership, voluntary 55033  
association, joint-stock association, company, or corporation, 55034  
wherever organized or incorporated, is: 55035

~~(1)(A)~~ A telephone company, when engaged in the business of 55036  
transmitting telephonic messages to, from, through, or in this 55037  
state; 55038

~~(2)(B)~~ A for-hire motor transportation company carrier, when 55039  
engaged in the business of ~~carrying and~~ transporting persons or 55040

~~property or the business of providing or furnishing such~~ 55041  
~~transportation service, for hire, in or by motor-propelled~~ 55042  
~~vehicles of any kind, including trailers, for the public in~~ 55043  
~~general, over any public street, road, or highway in this state~~ 55044  
~~vehicle for compensation, except as provided when engaged in any~~ 55045  
~~of the operations in intrastate commerce described in divisions~~ 55046  
~~(B)(1) to (8) of section 4921.02 4921.01 of the Revised Code, but~~ 55047  
~~including the carrier's agents, officers, and representatives, as~~ 55048  
~~well as employees responsible for hiring, supervising, training,~~ 55049  
~~assigning, or dispatching drivers and employees concerned with the~~ 55050  
~~installation, inspection, and maintenance of motor-vehicle~~ 55051  
~~equipment and accessories;~~ 55052

~~(3)(C)~~ An electric light company, when engaged in the 55053  
business of supplying electricity for light, heat, or power 55054  
purposes to consumers within this state, including supplying 55055  
electric transmission service for electricity delivered to 55056  
consumers in this state, but excluding a regional transmission 55057  
organization approved by the federal energy regulatory commission; 55058

~~(4)(D)~~ A gas company, when engaged in the business of 55059  
supplying artificial gas for lighting, power, or heating purposes 55060  
to consumers within this state or when engaged in the business of 55061  
supplying artificial gas to gas companies or to natural gas 55062  
companies within this state, but a producer engaged in supplying 55063  
to one or more gas or natural gas companies, only such artificial 55064  
gas as is manufactured by that producer as a by-product of some 55065  
other process in which the producer is primarily engaged within 55066  
this state is not thereby a gas company. All rates, rentals, 55067  
tolls, schedules, charges of any kind, or agreements between any 55068  
gas company and any other gas company or any natural gas company 55069  
providing for the supplying of artificial gas and for compensation 55070  
for the same are subject to the jurisdiction of the public 55071  
utilities commission. 55072

~~(5)~~(E) A natural gas company, when engaged in the business of 55073  
supplying natural gas for lighting, power, or heating purposes to 55074  
consumers within this state. Notwithstanding the above, neither 55075  
the delivery nor sale of Ohio-produced natural gas by a producer 55076  
or gatherer under a public utilities commission-ordered exemption, 55077  
adopted before, as to producers, or after, as to producers or 55078  
gatherers, January 1, 1996, or the delivery or sale of 55079  
Ohio-produced natural gas by a producer or gatherer of 55080  
Ohio-produced natural gas, either to a lessor under an oil and gas 55081  
lease of the land on which the producer's drilling unit is 55082  
located, or the grantor incident to a right-of-way or easement to 55083  
the producer or gatherer, shall cause the producer or gatherer to 55084  
be a natural gas company for the purposes of this section. 55085

All rates, rentals, tolls, schedules, charges of any kind, or 55086  
agreements between a natural gas company and other natural gas 55087  
companies or gas companies providing for the supply of natural gas 55088  
and for compensation for the same are subject to the jurisdiction 55089  
of the public utilities commission. The commission, upon 55090  
application made to it, may relieve any producer or gatherer of 55091  
natural gas, defined in this section as a gas company or a natural 55092  
gas company, of compliance with the obligations imposed by this 55093  
chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. 55094  
of the Revised Code, so long as the producer or gatherer is not 55095  
affiliated with or under the control of a gas company or a natural 55096  
gas company engaged in the transportation or distribution of 55097  
natural gas, or so long as the producer or gatherer does not 55098  
engage in the distribution of natural gas to consumers. 55099

Nothing in division ~~(A)~~~~(5)~~(E) of this section limits the 55100  
authority of the commission to enforce sections 4905.90 to 4905.96 55101  
of the Revised Code. 55102

~~(6)~~(F) A pipe-line company, when engaged in the business of 55103  
transporting natural gas, oil, or coal or its derivatives through 55104

pipes or tubing, either wholly or partly within this state; 55105

~~(7)~~(G) A water-works company, when engaged in the business of 55106  
supplying water through pipes or tubing, or in a similar manner, 55107  
to consumers within this state; 55108

~~(8)~~(H) A heating or cooling company, when engaged in the 55109  
business of supplying water, steam, or air through pipes or tubing 55110  
to consumers within this state for heating or cooling purposes; 55111

~~(9)~~(I) A messenger company, when engaged in the business of 55112  
supplying messengers for any purpose; 55113

~~(10)~~(J) A street railway company, when engaged in the 55114  
business of operating as a common carrier, a railway, wholly or 55115  
partly within this state, with one or more tracks upon, along, 55116  
above, or below any public road, street, alleyway, or ground, 55117  
within any municipal corporation, operated by any motive power 55118  
other than steam and not a part of an interurban railroad, whether 55119  
the railway is termed street, inclined-plane, elevated, or 55120  
underground railway; 55121

~~(11)~~(K) A suburban railroad company, when engaged in the 55122  
business of operating as a common carrier, whether wholly or 55123  
partially within this state, a part of a street railway 55124  
constructed or extended beyond the limits of a municipal 55125  
corporation, and not a part of an interurban railroad; 55126

~~(12)~~(L) An interurban railroad company, when engaged in the 55127  
business of operating a railroad, wholly or partially within this 55128  
state, with one or more tracks from one municipal corporation or 55129  
point in this state to another municipal corporation or point in 55130  
this state, whether constructed upon the public highways or upon 55131  
private rights-of-way, outside of municipal corporations, using 55132  
electricity or other motive power than steam power for the 55133  
transportation of passengers, packages, express matter, United 55134  
States mail, baggage, and freight. Such an interurban railroad 55135

company is included in the term "railroad" as used in section 55136  
4907.02 of the Revised Code. 55137

~~(13)~~(M) A sewage disposal system company, when engaged in the 55138  
business of sewage disposal services through pipes or tubing, and 55139  
treatment works, or in a similar manner, within this state. 55140

~~(B) "Motor propelled vehicle" means any automobile,~~ 55141  
~~automobile truck, motor bus, or any other self propelled vehicle~~ 55142  
~~not operated or driven upon fixed rails or tracks.~~ 55143

**Sec. 4905.05.** The jurisdiction, supervision, powers, and 55144  
duties of the public utilities commission extend to every public 55145  
utility and railroad, the plant or property of which lies wholly 55146  
within this state and when the property of a public utility or 55147  
railroad lies partly within and partly without this state to that 55148  
part of such plant or property which lies within this state; to 55149  
the persons or companies owning, leasing, or operating such public 55150  
utilities and railroads; to the records and accounts of the 55151  
business thereof done within this state; and to the records and 55152  
accounts of any companies which are part of an electric utility 55153  
holding company system exempt under section 3(a)(1) or (2) of the 55154  
"Public Utility Holding Company Act of 1935," 49 Stat. 803, 15 55155  
U.S.C. 79c, and the rules and regulations promulgated thereunder, 55156  
insofar as such records and accounts may in any way affect or 55157  
relate to the costs associated with the provision of electric 55158  
utility service by any public utility operating in this state and 55159  
part of such holding company system. 55160

Nothing in this section, or section 4905.06 or 4905.46 of the 55161  
Revised Code pertaining to regulation of holding companies, grants 55162  
the public utilities commission authority to regulate a holding 55163  
company or its subsidiaries which are organized under the laws of 55164  
another state, render no public utility service in the state of 55165  
Ohio, and are regulated as a public utility by the public 55166

utilities commission of another state or primarily by a federal 55167  
regulatory commission, nor do these grants of authority apply to 55168  
public utilities that are excepted from the definition of "public 55169  
utility" under divisions (A)(1) to ~~(C)~~(3) of section 4905.02 of 55170  
the Revised Code. 55171

**Sec. 4905.06.** The public utilities commission has general 55172  
supervision over all public utilities within its jurisdiction as 55173  
defined in section 4905.05 of the Revised Code, and may examine 55174  
such public utilities and keep informed as to their general 55175  
condition, capitalization, and franchises, and as to the manner in 55176  
which their properties are leased, operated, managed, and 55177  
conducted with respect to the adequacy or accommodation afforded 55178  
by their service, the safety and security of the public and their 55179  
employees, and their compliance with all laws, orders of the 55180  
commission, franchises, and charter requirements. The commission 55181  
has general supervision over all other companies referred to in 55182  
section 4905.05 of the Revised Code to the extent of its 55183  
jurisdiction as defined in that section, and may examine such 55184  
companies and keep informed as to their general condition and 55185  
capitalization, and as to the manner in which their properties are 55186  
leased, operated, managed, and conducted with respect to the 55187  
adequacy or accommodation afforded by their service, and their 55188  
compliance with all laws and orders of the commission, insofar as 55189  
any of such matters may relate to the costs associated with the 55190  
provision of electric utility service by public utilities in this 55191  
state which are affiliated or associated with such companies. The 55192  
commission, through the public utilities commissioners or 55193  
inspectors or employees of the commission authorized by it, may 55194  
enter in or upon, for purposes of inspection, any property, 55195  
equipment, building, plant, factory, office, apparatus, machinery, 55196  
device, and lines of any public utility. The power to inspect 55197  
includes the power to prescribe any rule or order that the 55198

commission finds necessary for protection of the public safety. In 55199  
order to assist the commission in the performance of its duties 55200  
under this chapter, authorized employees of the motor carrier 55201  
enforcement unit, created under section 5503.34 of the Revised 55202  
Code in the division of state highway patrol, of the department of 55203  
public safety may enter in or upon, for inspection purposes, any 55204  
motor vehicle of any ~~motor transportation company or private~~ motor 55205  
carrier ~~as defined in section 4923.02 of the Revised Code.~~ 55206

In order to inspect motor vehicles owned or operated by a 55207  
motor ~~transportation company~~ carrier engaged in the transportation 55208  
of persons, authorized employees of the motor carrier enforcement 55209  
unit, division of state highway patrol, of the department of 55210  
public safety may enter in or upon any property of any motor 55211  
~~transportation company, as defined in section 4921.02 of the~~ 55212  
~~Revised Code,~~ carrier engaged in the intrastate transportation of 55213  
persons. 55214

**Sec. 4905.402.** (A) As used in this section: 55215

(1) "Control" means the possession of the power to direct the 55216  
management and policies of a domestic telephone company or a 55217  
holding company of a domestic telephone company, or the management 55218  
and policies of a domestic electric utility or a holding company 55219  
of a domestic electric utility, through the ownership of voting 55220  
securities, by contract, or otherwise, but does not include the 55221  
power that results from holding an official position or the 55222  
possession of corporate office with the domestic company or 55223  
utility or the holding company. Control is presumed to exist if 55224  
any person, directly or indirectly, owns, controls, holds the 55225  
power to vote, or holds with the power to vote proxies that 55226  
constitute, twenty per cent or more of the total voting power of 55227  
the domestic company or utility or the holding company. 55228

(2) "Electric utility" has the same meaning as in section 55229

4928.07 of the Revised Code. 55230

(3) "Holding company" excludes any securities broker 55231  
performing the usual and customary broker's function. 55232

(4) "Telephone company" means any company described in 55233  
division (A)~~(1)~~ of section 4905.03 of the Revised Code that is a 55234  
public utility under section 4905.02 of the Revised Code and 55235  
provides basic local exchange service, as defined in section 55236  
4927.01 of the Revised Code. 55237

(B) No person shall acquire control, directly or indirectly, 55238  
of a domestic telephone company or a holding company controlling a 55239  
domestic telephone company or of a domestic electric utility or a 55240  
holding company controlling a domestic electric utility unless 55241  
that person obtains the prior approval of the public utilities 55242  
commission under this section. To obtain approval the person shall 55243  
file an application with the commission demonstrating that the 55244  
acquisition will promote public convenience and result in the 55245  
provision of adequate service for a reasonable rate, rental, toll, 55246  
or charge. The application shall contain such information as the 55247  
commission may require. If the commission considers a hearing 55248  
necessary, it may fix a time and place for hearing. If, after 55249  
review of the application and after any necessary hearing, the 55250  
commission is satisfied that approval of the application will 55251  
promote public convenience and result in the provision of adequate 55252  
service for a reasonable rate, rental, toll, or charge, the 55253  
commission shall approve the application and make such order as it 55254  
considers proper. If the commission fails to issue an order within 55255  
thirty days of the filing of the application, or within twenty 55256  
days of the conclusion of a hearing, if one is held, the 55257  
application shall be deemed approved by operation of law. 55258

(C) No domestic telephone company shall merge with another 55259  
domestic telephone company unless the merging companies obtain the 55260  
prior approval of the commission. An application seeking such 55261



approval shall be filed, processed, and decided in the manner 55262  
provided for an application under division (B) of this section. 55263

(D) The commission shall adopt such rules as it finds 55264  
necessary to carry out the provisions of this section. 55265

(E) If it appears to the commission or to any person that may 55266  
be adversely affected that any person is engaged in or about to 55267  
engage in any acts or practices that would violate division (B) or 55268  
(C) of this section or any provision of a rule adopted under this 55269  
section, the attorney general, when directed to do so by the 55270  
commission, or the person claiming to be adversely affected may 55271  
bring an action in any court of common pleas that has jurisdiction 55272  
and venue to enjoin such acts or practices and enforce compliance. 55273  
Upon a proper showing, the court shall grant, without bond, a 55274  
restraining order or temporary or permanent injunction. 55275

(F) The courts of this state have jurisdiction over every 55276  
person not a resident of or domiciled or authorized to do business 55277  
in this state that files, or is prohibited from acting without 55278  
first filing, an application under division (B) or (C) of this 55279  
section, and over all actions involving such person arising out of 55280  
violations of any provision of this section or of a rule adopted 55281  
under this section. The secretary of state shall be the agent for 55282  
service of process for any such person in any action, suit, or 55283  
proceeding arising out of such violations. Copies of all such 55284  
lawful process shall be served upon the secretary of state and 55285  
transmitted by certified mail, with return receipt requested, by 55286  
the secretary of state to such person at the person's last known 55287  
address. 55288

**Sec. 4905.54.** Every public utility or railroad and every 55289  
officer of a public utility or railroad shall comply with every 55290  
order, direction, and requirement of the public utilities 55291  
commission made under authority of this chapter and Chapters 55292

4901., 4903., 4907., and 4909., ~~4921., and 4923.~~ of the Revised 55293  
Code, so long as they remain in force. Except as otherwise 55294  
specifically provided in ~~sections 4905.83,~~ section 4905.95, 55295  
~~4919.99, 4921.99, and 4923.99~~ of the Revised Code, the public 55296  
utilities commission may assess a forfeiture of not more than ten 55297  
thousand dollars for each violation or failure against a public 55298  
utility or railroad that violates a provision of those chapters or 55299  
that after due notice fails to comply with an order, direction, or 55300  
requirement of the commission that was officially promulgated. 55301  
Each day's continuance of the violation or failure is a separate 55302  
offense. All forfeitures collected under this section shall be 55303  
credited to the general revenue fund. 55304

**Sec. 4905.57.** Except as otherwise specifically provided in 55305  
sections ~~4905.83,~~ 4905.96, ~~4919.99, 4921.99,~~ and 4923.99 of the 55306  
Revised Code, actions to recover forfeitures provided for in this 55307  
chapter and Chapters 4901., 4903., 4907., 4909., ~~4921.,~~ and 4923. 55308  
of the Revised Code shall be prosecuted in the name of the state 55309  
and may be brought in the court of common pleas of any county in 55310  
which the public utility ~~or,~~ railroad, or motor carrier is 55311  
located. Such actions shall be commenced and prosecuted by the 55312  
attorney general when ~~he~~ the attorney general is directed to do so 55313  
by the public utilities commission. Moneys recovered by such 55314  
actions shall be deposited in the state treasury to the credit of 55315  
the general revenue fund. 55316

**Sec. 4905.58.** All prosecutions against a railroad or an 55317  
officer, agent, or employee thereof, under Chapters 4901., 4903., 55318  
4905., 4907., and 4909., ~~4921., and 4923.~~ and other sections of 55319  
the Revised Code for penalties involving imprisonment shall be by 55320  
indictment. 55321

**Sec. 4905.80.** The policy of this state is to: 55322

(A) Regulate transportation by motor carriers so as to 55323  
recognize and preserve the inherent advantages of, and foster safe 55324  
conditions in, that transportation and among those carriers in the 55325  
public interest; 55326

(B) Promote safe and secure service by motor carriers, 55327  
without unjust discriminations, undue preferences or advantages, 55328  
and unfair or destructive competitive practices; 55329

(C) Improve the relations between, and coordinate 55330  
transportation by and regulation of, motor carriers and other 55331  
carriers; 55332

(D) Develop and preserve a highway transportation system 55333  
properly adapted to the needs of commerce and the state; 55334

(E) Cooperate with the federal government and the several 55335  
states, and the authorized officials thereof, and with any 55336  
organization of motor carriers in the administration and 55337  
enforcement of this chapter and Chapters 4901., 4903., 4907., 55338  
4909., 4921., and 4923. of the Revised Code. 55339

**Sec. 4905.81. The public utilities commission shall:** 55340

(A) Supervise and regulate each motor carrier; 55341

(B) Regulate the safety of operation of each motor carrier; 55342

(C) Adopt reasonable safety rules applicable to the highway 55343  
transportation of persons or property in interstate and intrastate 55344  
commerce by motor carriers; 55345

(D) Adopt safety rules applicable to the transportation and 55346  
offering for transportation of hazardous materials in interstate 55347  
and intrastate commerce by motor carriers. The rules shall not be 55348  
incompatible with the requirements of the United States department 55349  
of transportation. 55350

(E) Require the filing of reports and other data by motor 55351

carriers; 55352

(F) Adopt reasonable rules for the administration and 55353  
enforcement of this chapter and Chapters 4901., 4903., 4907., 55354  
4909., 4921., and 4923. of the Revised Code applying to each motor 55355  
carrier in this state; 55356

(G) Supervise and regulate motor carriers in all other 55357  
matters affecting the relationship between those carriers and the 55358  
public to the exclusion of all local authorities, except as 55359  
provided in this section. The commission, in the exercise of the 55360  
jurisdiction conferred upon it by this chapter and Chapters 4901., 55361  
4903., 4907., 4909., 4921., and 4923. of the Revised Code, may 55362  
adopt rules affecting motor carriers, notwithstanding the 55363  
provisions of any ordinance, resolution, license, or permit 55364  
enacted, adopted, or granted by any township, municipal 55365  
corporation, municipal corporation and county, or county. In case 55366  
of conflict between any such ordinance, resolution, license, or 55367  
permit, the order or rule of the commission shall prevail. Local 55368  
subdivisions may adopt reasonable local police rules within their 55369  
respective boundaries not inconsistent with those chapters and 55370  
rules adopted under them. 55371

The commission has jurisdiction to receive, hear, and 55372  
determine as a question of fact, upon complaint of any party or 55373  
upon its own motion, and upon not less than fifteen days' notice 55374  
of the time and place of the hearing and the matter to be heard, 55375  
whether any corporation, company, association, joint-stock 55376  
association, person, firm, or copartnership, or their lessees, 55377  
legal or personal representatives, trustees, or receivers or 55378  
trustees appointed by any court, is engaged as a motor carrier. 55379  
The finding of the commission on such a question is a final order 55380  
that may be reviewed as provided in section 4923.15 of the Revised 55381  
Code. 55382

Sec. 4905.84. (A) As used in this section: 55383

(1) "Telecommunications relay service" means intrastate 55384  
transmission services that provide the ability for an individual 55385  
who has a hearing or speech impairment to engage in a 55386  
communication by wire or radio with a hearing individual in a 55387  
manner that is functionally equivalent to the ability of an 55388  
individual who does not have a hearing or speech impairment to 55389  
communicate using voice communication services by wire or radio. 55390  
"Telecommunications relay service" includes services that enable 55391  
two-way communication between an individual who uses a 55392  
telecommunications device for the deaf or other nonvoice terminal 55393  
device and an individual who does not use such a device. 55394

(2) "TRS provider" means an entity selected by the public 55395  
utilities commission as the provider of telecommunications relay 55396  
service for this state as part of the commission's intrastate 55397  
telecommunications relay service program certified pursuant to 55398  
federal law. 55399

(B) For the sole purpose of funding telecommunications relay 55400  
service, the commission shall, not earlier than January 1, 2009, 55401  
impose on and collect from each service provider that is required 55402  
under federal law to provide its customers access to 55403  
telecommunications relay service an annual assessment to pay for 55404  
costs incurred by the TRS provider for providing such service in 55405  
Ohio. The commission shall determine the appropriate service 55406  
providers to be assessed the telecommunications relay service 55407  
costs, including telephone companies as defined in division (A)~~(1)~~ 55408  
of section 4905.03 of the Revised Code, commercial mobile radio 55409  
service providers, and providers of advanced services or internet 55410  
protocol-enabled services that are competitive with or 55411  
functionally equivalent to basic local exchange service as defined 55412  
in section 4927.01 of the Revised Code. 55413

(C) The assessment shall be allocated proportionately among 55414  
the appropriate service providers using a competitively neutral 55415  
formula established by the commission based on the number of 55416  
retail intrastate customer access lines or their equivalent. The 55417  
commission shall annually reconcile the funds collected with the 55418  
actual costs of providing telecommunications relay service when it 55419  
issues the assessment and shall either proportionately charge the 55420  
service providers for any amounts not sufficient to cover the 55421  
actual costs or proportionately credit amounts collected in excess 55422  
of the actual costs. The total amount assessed from all service 55423  
providers shall not exceed the total telecommunications relay 55424  
service costs. 55425

Each service provider that pays the assessment shall be 55426  
permitted to recover the cost of the assessment. The method of 55427  
recovery may include, but is not limited to, a customer billing 55428  
surcharge. 55429

The commission shall deposit the money collected in the 55430  
telecommunications relay service fund, which is hereby created in 55431  
the state treasury, and shall use the money in that fund solely to 55432  
compensate the TRS provider. 55433

(D) The commission shall take such measures as it considers 55434  
necessary to protect the confidentiality of information provided 55435  
to the commission pursuant to this section by service providers 55436  
required to pay the assessment. 55437

(E) The commission may assess a forfeiture of not more than 55438  
one thousand dollars on any service provider failing to comply 55439  
with this section. Each day's continuance of such failure is a 55440  
separate offense. The forfeiture shall be recovered in accordance 55441  
with sections 4905.55 to 4905.60 of the Revised Code. 55442

(F) The jurisdiction and authority granted to the commission 55443  
by this section is limited to the administration and enforcement 55444

of this section. The commission may adopt such rules as it finds 55445  
necessary to carry out this section. The commission shall adopt 55446  
rules under section 111.15 of the Revised Code to establish the 55447  
assessment amounts and procedures. 55448

**Sec. 4905.90.** As used in sections 4905.90 to 4905.96 of the 55449  
Revised Code: 55450

(A) "Contiguous property" includes, but is not limited to, a 55451  
manufactured home park as defined in section ~~3733.01~~ 4781.01 of 55452  
the Revised Code; a public or publicly subsidized housing project; 55453  
an apartment complex; a condominium complex; a college or 55454  
university; an office complex; a shopping center; a hotel; an 55455  
industrial park; and a race track. 55456

(B) "Gas" means natural gas, flammable gas, or gas which is 55457  
toxic or corrosive. 55458

(C) "Gathering lines" and the "gathering of gas" have the 55459  
same meaning as in the Natural Gas Pipeline Safety Act and the 55460  
rules adopted by the United States department of transportation 55461  
pursuant to the Natural Gas Pipeline Safety Act, including 49 55462  
C.F.R. part 192, as amended. 55463

(D) "Intrastate pipe-line transportation" has the same 55464  
meaning as in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1671, as 55465  
amended, but excludes the gathering of gas exempted by the Natural 55466  
Gas Pipeline Safety Act. 55467

(E) "Master-meter system" means a pipe-line system that 55468  
distributes gas within a contiguous property for which the system 55469  
operator purchases gas for resale to consumers, including tenants. 55470  
Such pipe-line system supplies consumers who purchase the gas 55471  
directly through a meter, or by paying rent, or by other means. 55472  
The term includes a master-meter system as defined in 49 C.F.R. 55473  
191.3, as amended. The term excludes a pipeline within a 55474

manufactured home, mobile home, or a building. 55475

(F) "Natural Gas Pipeline Safety Act" means the "Natural Gas 55476  
Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C.A. App. 1671 55477  
et seq., as amended. 55478

(G) "Operator" means any of the following: 55479

(1) A gas company or natural gas company as defined in 55480  
section 4905.03 of the Revised Code, except that division 55481  
~~(A)(5)~~(E) of that section does not authorize the public utilities 55482  
commission to relieve any producer of gas, as a gas company or 55483  
natural gas company, of compliance with sections 4905.90 to 55484  
4905.96 of the Revised Code or the pipe-line safety code created 55485  
under section 4905.91 of the Revised Code; 55486

(2) A pipe-line company, as defined in section 4905.03 of the 55487  
Revised Code, when engaged in the business of transporting gas by 55488  
pipeline; 55489

(3) A public utility that is excepted from the definition of 55490  
"public utility" under division ~~(B)(A)~~(2) or ~~(C)~~(3) of section 55491  
4905.02 of the Revised Code, when engaged in supplying or 55492  
transporting gas by pipeline within this state; 55493

(4) Any person that owns, operates, manages, controls, or 55494  
leases any of the following: 55495

(a) Intrastate pipe-line transportation facilities within 55496  
this state; 55497

(b) Gas gathering lines within this state which are not 55498  
exempted by the Natural Gas Pipeline Safety Act; 55499

(c) A master-meter system within this state. 55500

"Operator" does not include an ultimate consumer who owns a 55501  
service line, as defined in 49 C.F.R. 192.3, as amended, on the 55502  
real property of that ultimate consumer. 55503

(H) "Operator of a master-meter system" means a person 55504



described under division ~~(F)~~(G)(4)(c) of this section. An operator 55505  
of a master-meter system is not a public utility under section 55506  
4905.02 or a gas or natural gas company under section 4905.03 of 55507  
the Revised Code. 55508

(I) "Person" means: 55509

(1) In addition to those defined in division (C) of section 55510  
1.59 of the Revised Code, a joint venture or a municipal 55511  
corporation; 55512

(2) Any trustee, receiver, assignee, or personal 55513  
representative of persons defined in division ~~(H)~~(I)(1) of this 55514  
section. 55515

(J) "Safety audit" means the public utilities commission's 55516  
audit of the premises, pipe-line facilities, and the records, 55517  
maps, and other relevant documents of a master-meter system to 55518  
determine the operator's compliance with sections 4905.90 to 55519  
4905.96 of the Revised Code and the pipe-line safety code. 55520

(K) "Safety inspection" means any inspection, survey, or 55521  
testing of a master-meter system which is authorized or required 55522  
by sections 4905.90 to 4905.96 of the Revised Code and the 55523  
pipe-line safety code. The term includes, but is not limited to, 55524  
leak surveys, inspection of regulators and critical valves, and 55525  
monitoring of cathodic protection systems, where applicable. 55526

(L) "Safety-related condition" means any safety-related 55527  
condition defined in 49 C.F.R. 191.23, as amended. 55528

(M) "Total Mcfs of gas it supplied or delivered" means the 55529  
sum of the following volumes of gas that an operator supplied or 55530  
delivered, measured in units per one thousand cubic feet: 55531

(1) Residential sales; 55532

(2) Commercial and industrial sales; 55533

(3) Other sales to public authorities; 55534

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| (4) Interdepartmental sales;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 55535 |
| (5) Sales for resale;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 55536 |
| (6) Transportation of gas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 55537 |
| <b>Sec. 4907.01.</b> As used in sections 4907.01 to 4907.63 of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 55538 |
| (A) "Public utility" has the same meaning as in section 4905.02 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 55540 |
| (B) "Telephone company," "street railway company," and "interurban railroad company" have the same meanings as in section 4905.03 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 55541 |
| (C) "Railroad" has the same meaning as in section 4907.02 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 55542 |
| (D) "Public highway" has the same meaning as in <del>sections 4905.03 and 4921.02</del> <u>section 4921.01</u> of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 55543 |
| <b>Sec. 4907.02.</b> As used in Chapters 4901., 4903., 4905., 4907., 4909., <del>4921., 4923.,</del> and 4959. of the Revised Code, "railroad" includes any corporation, company, individual, or association of individuals, or its lessees, trustees, or receivers appointed by a court, which owns, operates, manages, or controls a railroad or part of a railroad as a common carrier in this state, or which owns, operates, manages, or controls any cars or other equipment used on such a railroad, or which owns, operates, manages, or controls any bridges, terminals, union depots, sidetracks, docks, wharves, or storage elevators used in connection with such a railroad, whether owned by such railroad or otherwise, and means and includes express companies, water transportation companies, freight-line companies, sleeping car companies, and interurban railroad companies, and all persons and associations of persons, whether incorporated or not, operating such agencies for public | 55544 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 55545 |
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use in the conveyance of persons or property within this state. 55564  
All duties required of, and penalties imposed upon, a railroad or 55565  
an officer or agent thereof insofar as they are applicable, are 55566  
required and imposed upon express companies, water transportation 55567  
companies, and interurban railroad companies, and upon their 55568  
officers and agents. 55569

The public utilities commission has the power of supervision 55570  
and control of express companies, water transportation companies, 55571  
and interurban railroad companies to the same extent as railroads. 55572

**Sec. 4907.04.** Chapters 4901., 4903., 4905., 4907., and 4909.~~7~~ 55573  
~~4921., 4923., and 4925.~~ of the Revised Code do not apply to street 55574  
and electric railways engaged solely in the transportation of 55575  
passengers within the limits of cities, or to other private 55576  
railroads not doing business as common carriers. 55577

**Sec. 4907.08.** The public utilities commission shall inquire 55578  
into any neglect or violation of the laws of this state by a 55579  
railroad doing business in this state, by its officers, agents, or 55580  
employees, or by any person operating a railroad. The commission 55581  
shall enforce Chapters 4901., 4903., 4905., 4907., 4909., ~~4921.,~~ 55582  
~~4923.,~~ and 4959. of the Revised Code, as well as all other laws 55583  
relating to railroads, and report violations thereof to the 55584  
attorney general. 55585

If, upon complaint or otherwise, the commission has reason to 55586  
believe that a railroad or any officer, agent, or employee of a 55587  
railroad has violated or is violating any law of this state, or if 55588  
it has reason to believe that differences have arisen between 55589  
citizens of the state and any railroad operating as a common 55590  
carrier within this state, it shall examine into the matter. 55591

**Sec. 4907.19.** The public utilities commission shall cause 55592  
blank forms to be prepared suitable for the purposes designated in 55593

Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., 4923., and~~ 55594  
~~4925.~~ of the Revised Code which shall conform as nearly as 55595  
practicable to the forms prescribed by the interstate commerce 55596  
commission, and, when necessary, furnish such blank forms to each 55597  
railroad. 55598

**Sec. 4907.28.** No railroad shall charge, demand, collect, or 55599  
receive a greater or less compensation for the transportation of 55600  
passengers or property, or for any service in connection 55601  
therewith, than is specified in the printed schedules referred to 55602  
in sections 4907.25 to 4907.27, ~~inclusive,~~ of the Revised Code, 55603  
including schedules of joint rates, as being then in force. The 55604  
rates, fares, and charges named in such schedules shall be the 55605  
lawful rates, fares, and charges until they are changed as 55606  
provided in Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921.,~~ 55607  
~~4923., and 4925.~~ of the Revised Code. 55608

**Sec. 4907.35.** If a railroad, or an agent or officer of a 55609  
railroad, by special rate, rebate, drawback, or by means of false 55610  
billing, false classification, false weighing, or other device, 55611  
charges, demands, collects, or receives, either directly or 55612  
indirectly, from any person, firm, or corporation, a greater or 55613  
less compensation for service rendered or to be rendered by such 55614  
railroad for the transportation of persons or property or any 55615  
service in connection therewith, than that prescribed in the 55616  
published tariffs then in force, or established as provided in 55617  
Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., 4923., and~~ 55618  
~~4925.~~ of the Revised Code, or a greater or less compensation than 55619  
it charges, demands, collects, or receives from any other person, 55620  
firm, or corporation for a like and contemporaneous service in the 55621  
transportation of a like kind of traffic, under substantially 55622  
similar circumstances and conditions, the railroad is guilty of 55623  
unjust discrimination, which is hereby prohibited. Upon conviction 55624

of unjust discrimination, such railroad shall forfeit and pay into 55625  
the state treasury not less than one hundred nor more than five 55626  
thousand dollars for each offense. 55627

No agent or officer of a railroad shall violate this section. 55628

**Sec. 4907.37.** No common carrier subject to Chapters 4901., 55629  
4903., 4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the 55630  
Revised Code shall make or give undue or unreasonable preference 55631  
or advantage to a particular person, company, firm, corporation, 55632  
or locality, or to any particular description of traffic, or 55633  
subject any particular person, company, firm, corporation, or 55634  
locality, or any particular description of traffic, to any undue 55635  
or unreasonable prejudice or disadvantage in any respect. 55636

**Sec. 4907.43.** When the tracks of a railroad and the tracks of 55637  
an interurban or suburban railway cross, connect, or intersect, 55638  
and such tracks are of the same gauge, the companies owning such 55639  
railroads may connect such tracks so as to admit the passage of 55640  
cars from one to the other with facility. 55641

If any such railroads fail to make such connection, upon 55642  
complaint of any party authorized by Chapters 4901., 4903., 4905., 55643  
4907., and 4909., ~~4921., 4923., and 4925.~~ of the Revised Code to 55644  
file complaint, the public utilities commission shall proceed to 55645  
hear and determine the same in a manner provided for making 55646  
investigations upon complaint. 55647

If upon such hearing the commission finds that it is 55648  
practicable and reasonably necessary to ~~accomodate~~ accommodate the 55649  
public, to connect such tracks and that when so connected it will 55650  
be practicable to transport cars over such railroad without 55651  
endangering the equipment, tracks, or appliances of either 55652  
company, the commission shall make an order requiring such 55653  
railroads to make connection. Such order shall describe the terms 55654

and conditions and shall apportion the cost of making such 55655  
connection between the railroads. 55656

When such connection is made, the railroads parties to it, 55657  
according to their respective powers, shall afford all reasonable 55658  
and proper facilities for the interchange of traffic between their 55659  
respective lines for forwarding and delivering passengers and 55660  
property, and without unreasonable delay or discrimination shall 55661  
transfer, switch, and deliver freight or passenger cars destine to 55662  
a point on its own or connecting lines. Precedence may be given to 55663  
livestock and perishable freight over other freight. Whenever a 55664  
derailing device is required at the intersection of any railroads 55665  
mentioned in this section, it shall be installed, maintained, and 55666  
operated as required by the commission, which may prescribe the 55667  
necessary rules and regulations for such operation, and designate 55668  
the companies that shall be responsible for the operation of such 55669  
derailing device. 55670

**Sec. 4907.49.** When two or more railroads cross a public 55671  
highway or street at a dangerous crossing, the expenses incurred 55672  
in the erection and maintenance of gates, bells, or other devices, 55673  
and of necessary gatekeepers or ~~flagmen~~ flaggers, and apportioned 55674  
by the public utilities commission as railroad expense, shall be 55675  
shared equally by the railroads. 55676

Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., and~~ 55677  
~~4923.~~ of the Revised Code do not prevent the use of automatic 55678  
bells or other mechanical devices by a railroad at a public 55679  
crossing not declared dangerous by the public utilities 55680  
commission, nor do they prevent state, county, township, or 55681  
municipal officials from entering into an agreement with a 55682  
railroad to pay all or part of the expense of erecting a warning 55683  
device. Any funds levied and made available for highways or street 55684  
purposes may be used to pay the public share of the cost under 55685

such an agreement. If a gate is erected or a ~~flagman~~ flagger is 55686  
stationed and maintained by a railroad, either alone or pursuant 55687  
to such an agreement, the gate or ~~flagman~~ flagger shall not be 55688  
abandoned nor an automatic bell or other mechanical device 55689  
substituted for the gate or ~~flagman~~ flagger, unless the commission 55690  
consents to the abandonment or substitution. 55691

**Sec. 4907.57.** All claims, charges, or demands against a 55692  
railroad for loss of or damage to property occurring while in the 55693  
custody of such railroad and unreasonable delay in transportation 55694  
and delivery, for overcharges upon a shipment, or for any other 55695  
service in violation of Chapters 4901., 4903., 4905., 4907., and 55696  
~~4909., 4921., 4923., and 4925.~~ of the Revised Code, if not paid 55697  
within sixty days from the date of the filing thereof with such 55698  
railroad, may be submitted to the public utilities commission by a 55699  
formal complaint. Such complaint shall be made upon blank forms 55700  
which the commission shall provide upon demand of the claimant. 55701

Such complaint shall be verified as petitions in civil 55702  
actions and may be accompanied by the sworn statements of any 55703  
witnesses who have knowledge of any fact material to the inquiry. 55704  
Upon the filing of such complaint the commission shall forthwith 55705  
cite the railroad to answer the complaint, and the citation shall 55706  
be accompanied with a brief statement of the claim. The answer of 55707  
the railroad shall be filed within three weeks from the service of 55708  
the citation and shall be verified as answers in civil cases, and 55709  
may be accompanied with the affidavits of any witnesses having 55710  
knowledge of facts material to the inquiry. 55711

The burden of proof shall be upon the railroad to show that 55712  
loss or damage to property was not due to its negligence. The 55713  
railroad to which property is delivered for shipment shall prima 55714  
facie be liable for loss or damage occurring to such property in 55715  
transit notwithstanding such property may be delivered to other 55716

railroads before reaching its destination. The claim referred to 55717  
in this section for loss of or damage to property may be made to 55718  
any carrier over whose lines the lost or damaged property was 55719  
consigned, and such claimant may at ~~his~~ the claimant's option join 55720  
all of such railroads as parties defendant in ~~his~~ the complaint 55721  
before said commission. The railroad shall furnish the claimant 55722  
with a copy of its answer and affidavits, and within two weeks 55723  
from the filing of such answers the claimant may file ~~his~~ a reply, 55724  
with affidavits in support thereof, verified as replies in civil 55725  
cases. At the expiration of said period of two weeks the 55726  
commission shall proceed summarily to examine the complaint, 55727  
answer, reply, and affidavits, and shall determine the existence 55728  
and validity of the claim presented. If the commission finds in 55729  
favor of the claimant it shall certify its findings to the clerk 55730  
of the court of common pleas of the county in which the claimant 55731  
resides or where the railroad or any of its offices is maintained. 55732

**Sec. 4907.59.** Upon request of the public utilities 55733  
commission, the attorney general or the prosecuting attorney of 55734  
the proper county shall aid in an investigation, prosecution, 55735  
hearing, or trial had under Chapters 4901., 4903., 4905., 4907., 55736  
and 4909., ~~4921., 4923., and 4925.~~ of the Revised Code, and shall 55737  
institute and prosecute necessary actions or proceedings for the 55738  
enforcement of such chapters and of other laws of this state 55739  
relating to railroads, and for the punishment of all violations of 55740  
such chapters and such other laws. 55741

**Sec. 4907.60.** If a railroad fails to perform a duty enjoined 55742  
upon it by Chapter 4901., 4903., 4905., 4907., 4909., ~~4921.,~~ 55743  
~~4923.,~~ or 4959. of the Revised Code, or does any act prohibited by 55744  
any of those chapters, for which failure or act no penalty or 55745  
forfeiture has been provided by law, or fails to obey a lawful 55746  
requirement or order made by the public utilities commission or 55747



order of any court upon application of the commission, the 55748  
railroad, except as otherwise specifically provided in ~~sections~~ 55749  
~~4905.83, section~~ 4905.95, ~~4919.99, 4921.99, and 4923.99~~ of the 55750  
Revised Code, shall forfeit into the state treasury not less than 55751  
one hundred nor more than ten thousand dollars for each violation 55752  
or failure. In construing and enforcing this section, the act, 55753  
omission, or failure of any officer, agent, or other person acting 55754  
for or employed by a railroad, while acting within the scope of 55755  
the officer's, agent's, or other person's employment, is the act, 55756  
omission, or failure of the railroad. 55757

**Sec. 4907.61.** Except as otherwise specifically provided in 55758  
sections ~~4905.83, 4905.96, 4919.99, 4921.99,~~ and 4923.99 of the 55759  
Revised Code, when the attorney general prosecutes an action for 55760  
the recovery of a forfeiture provided for in Chapter 4901., 4903., 55761  
4905., 4907., 4909., 4921., 4923., or 4959. of the Revised Code, 55762  
the attorney general may bring the action in the court of common 55763  
pleas of Franklin county or of any county having jurisdiction of 55764  
the defendant. 55765

**Sec. 4907.62.** If a railroad does, causes, or permits anything 55766  
prohibited by Chapters 4901., 4903., 4905., 4907., and 4909. 55767  
~~4921., 4923., and 4925.~~ of the Revised Code to be done, or omits 55768  
doing anything required to be done by such chapters, such railroad 55769  
is liable to the person, firm, or corporation injured thereby in 55770  
treble the amount of damages sustained in consequence of such 55771  
violation or omission. A recovery provided by this section shall 55772  
not affect a recovery by the state of the penalty prescribed for 55773  
such violation. 55774

**Sec. 4909.01.** As used in this chapter: 55775

(A) "Public utility" has the same meaning as in section 55776  
4905.02 of the Revised Code. 55777

(B) "Electric light company," "gas company," "natural gas company," "pipeline company," "water-works company," "sewage disposal system company," and "street railway company" have the same meanings as in section 4905.03 of the Revised Code.

(C) "Railroad" has the same meaning as in section 4907.02 of the Revised Code.

(D) "~~Motor transportation company~~ For-hire motor carrier" has the same meaning as in ~~sections 4905.03 and 4921.02~~ section 4921.01 of the Revised Code.

**Sec. 4909.02.** All regulations, practices, and service of railroad companies prescribed by the public utilities commission shall be in force and be prima-facie reasonable, unless suspended or found otherwise in an action brought for that purpose pursuant to Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., and 4923.~~ of the Revised Code, or until changed or modified by the commission.

**Sec. 4909.03.** All rates, fares, charges, classifications, and joint rates of railroad companies fixed by the public utilities commission shall be in force and be prima-facie lawful for two years from the day they take effect, or until changed or modified by the commission or by an order of a competent court in an action under Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., and 4923.~~ of the Revised Code.

**Sec. 4909.17.** No rate, joint rate, toll, classification, charge, or rental, no change in any rate, joint rate, toll, classification, charge, or rental, and no regulation or practice affecting any rate, joint rate, toll, classification, charge, or rental of a public utility shall become effective until the public utilities commission, by order, determines it to be just and reasonable, except as provided in this section and sections

4909.18, 4909.19, and 4909.191 of the Revised Code. Such sections 55808  
do not apply to any rate, joint rate, toll, classification, 55809  
charge, or rental, or any regulation or practice affecting the 55810  
same, of railroads, street and electric railways, for-hire motor 55811  
~~transportation companies~~ carriers, and pipe line companies. 55812

**Sec. 4909.22.** When passengers or property are transported 55813  
over two or more connecting railroads between points in this 55814  
state, and the railroad companies have made joint rates for the 55815  
transportation of such passengers or property, such rates and all 55816  
charges in connection therewith shall be just and reasonable. 55817  
Every unjust and unreasonable charge is prohibited. A less charge 55818  
by each of such railroads for its proportion of such joint rates 55819  
than is made locally between the same points on their respective 55820  
lines is not for that reason a violation of Chapters 4901., 4903., 55821  
4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the Revised 55822  
Code and does not render such railroads liable to any of the 55823  
penalties in such chapters. 55824

**Sec. 4909.24.** Upon complaint of a person, firm, corporation, 55825  
or association, of a mercantile, agricultural, or manufacturing 55826  
society, or of a body politic or municipal organization, that any 55827  
of the rates, fares, charges, or classifications, or any joint 55828  
rates are in any respect unreasonable or unjustly discriminatory, 55829  
or that any regulation or practice, affecting the transportation 55830  
of persons or property, or any service in connection therewith, 55831  
are in any respect unreasonable or unjustly discriminatory, or 55832  
that any service is inadequate, the public utilities commission 55833  
may notify the railroad complained of that complaint has been 55834  
made, and ten days after such notice proceed to investigate such 55835  
charges as provided in Chapters 4901., 4903., 4905., 4907., and 55836  
4909., ~~4921., 4923., and 4925.~~ of the Revised Code. Before making 55837  
such investigation, the commission shall give the railroad and the 55838

complainants ten days' notice of the time and place such matters 55839  
will be considered and determined, and such parties are entitled 55840  
to be heard and to have process to enforce the attendance of 55841  
witnesses. 55842

A railroad may make complaint with like effect as though made 55843  
by any person, firm, corporation, or association, ~~mercantile~~ 55844  
mercantile, agricultural, or manufacturing society, body politic, 55845  
or municipal organization. 55846

**Sec. 4909.28.** If, upon an investigation under Chapters 4901., 55847  
4903., 4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the 55848  
Revised Code, the public utilities commission finds that any 55849  
existing rate, fare, charge, or classification, any joint rate, or 55850  
any regulation or practice affecting the transportation of persons 55851  
or property, or service in connection therewith, is unreasonable 55852  
or unjustly discriminatory, or that any service is inadequate, it 55853  
shall determine and by order fix a reasonable rate, fare, charge, 55854  
classification, joint rate, regulation, practice, or service to be 55855  
imposed, observed, and followed in the future, in place of that so 55856  
found to be unreasonable, unjustly discriminatory, or inadequate. 55857  
A certified copy of each such order shall be delivered to an 55858  
officer or station agent of the railroad affected, and such order 55859  
shall of its own force take effect and become operative thirty 55860  
days after service. 55861

All railroads to which such order applies shall make such 55862  
changes in their schedules on file as are necessary to conform to 55863  
such order, and no change shall thereafter be made by any railroad 55864  
in any such rate, fare, or charge, or in any joint rate, without 55865  
the approval of the commission. 55866

**Sec. 4911.01.** As used in this chapter: 55867

(A) "Public utility" means every one as defined in divisions 55868

|                                                                                |       |
|--------------------------------------------------------------------------------|-------|
| (A) <del>(1), (3), (4), (5), (6), (7), (8)</del> , (C), (D), (E), (F), (G),    | 55869 |
| (H), and <del>(13)</del> (M) of section 4905.03 of the Revised Code, including | 55870 |
| all public utilities that operate their utilities not for profit,              | 55871 |
| except the following:                                                          | 55872 |
| (1) Electric light companies that operate their utilities not                  | 55873 |
| for profit;                                                                    | 55874 |
| (2) Public utilities, other than telephone companies, that                     | 55875 |
| are owned and operated exclusively by and solely for the                       | 55876 |
| utilities' customers;                                                          | 55877 |
| (3) Public utilities that are owned or operated by any                         | 55878 |
| municipal corporation;                                                         | 55879 |
| (4) Railroads as defined in sections 4907.02 and 4907.03 of                    | 55880 |
| the Revised Code.                                                              | 55881 |
| (B) "Residential consumer" means urban, suburban, and rural                    | 55882 |
| patrons of public utilities insofar as their needs for utility                 | 55883 |
| services are limited to their residence.                                       | 55884 |
| <br>                                                                           |       |
| <u>Sec. 4921.01. As used in this chapter:</u>                                  | 55885 |
| <u>(A) "Ambulance" has the same meaning as in section 4766.01 of</u>           | 55886 |
| <u>the Revised Code.</u>                                                       | 55887 |
| <u>(B) "For-hire motor carrier" means a person engaged in the</u>              | 55888 |
| <u>business of transporting persons or property by motor vehicle for</u>       | 55889 |
| <u>compensation, except when engaged in any of the following in</u>            | 55890 |
| <u>intrastate commerce:</u>                                                    | 55891 |
| <u>(1) The transportation of persons in taxicabs in the usual</u>              | 55892 |
| <u>taxicab service;</u>                                                        | 55893 |
| <u>(2) The transportation of pupils in school busses operating</u>             | 55894 |
| <u>to or from school sessions or school events;</u>                            | 55895 |
| <u>(3) The transportation of farm supplies to the farm or farm</u>             | 55896 |
| <u>products from farm to market or to food fabricating plants;</u>             | 55897 |

|                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <u>(4) The distribution of newspapers;</u>                                                                                                                                                                                                                                                                                                                                                           | 55898                                                       |
| <u>(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;</u>                                                                                                                                                                                                                                                                        | 55899<br>55900                                              |
| <u>(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;</u>                                                                                                                                                                                                                                                                                                           | 55901<br>55902                                              |
| <u>(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;</u>                                                                                                                                                                                                                                                                           | 55903<br>55904                                              |
| <u>(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose.</u>                                                                                                                                                          | 55905<br>55906<br>55907<br>55908                            |
| <u>"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories.</u>                                                                           | 55909<br>55910<br>55911<br>55912<br>55913                   |
| <u>Divisions (B)(1) to (8) of this section shall not be construed to relieve a person from compliance with hazardous-material regulation under section 4921.15 of the Revised Code and division (H) of section 4921.19 of the Revised Code, or rules adopted thereunder, or from compliance with rules governing unified carrier registration adopted under section 4921.11 of the Revised Code.</u> | 55914<br>55915<br>55916<br>55917<br>55918<br>55919<br>55920 |
| <u>(C) "Household goods" means personal effects and property used or to be used in a dwelling, excluding property moving from a factory or store.</u>                                                                                                                                                                                                                                                | 55921<br>55922<br>55923                                     |
| <u>(D) "Interstate commerce" means trade, traffic, or transportation in the United States that is any of the following:</u>                                                                                                                                                                                                                                                                          | 55924<br>55925                                              |
| <u>(1) Between a place in a state and a place outside of that state (including a place outside of the United States);</u>                                                                                                                                                                                                                                                                            | 55926<br>55927                                              |

(2) Between two places in a state through another state or a place outside of the United States; 55928  
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(3) Between two places in a state as part of trade, traffic, or transportation originating or terminating outside the state or the United States. 55930  
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(E) "Intrastate commerce" means any trade, traffic, or transportation in any state which is not described in the term "interstate commerce." 55933  
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(F) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of persons or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. 55936  
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(G) "Public highway" means any public street, road, or highway in this state, whether within or without the corporate limits of a municipal corporation. 55944  
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(H) "Ridesharing arrangement" means the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver, and includes ridesharing arrangements known as carpools, vanpools, and buspools. 55947  
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(I) "School bus" has the same meaning as in section 4511.01 of the Revised Code. 55951  
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(J) "Trailer" means any vehicle without motive power designed or used for carrying persons or property and for being drawn by a separate motor vehicle, including any vehicle of the trailer type, whether designed or used for carrying persons or property wholly on its own structure, or so designed or used that a part of its own weight or the weight of its load rests upon and is carried by 55953  
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such motor vehicle. 55959

Sec. 4921.03. (A) No for-hire motor carrier may operate in 55960  
intrastate commerce unless the carrier has a current and valid 55961  
certificate of public convenience and necessity. 55962

(B) The public utilities commission shall issue a certificate 55963  
of public convenience and necessity to any person who does all of 55964  
the following: 55965

(1) Files with the commission, in accordance with rules 55966  
adopted under section 4921.05 of the Revised Code, a complete and 55967  
accurate application that shall include a certification that (a) 55968  
the person understands and is in compliance with the applicable 55969  
service, operation, and safety laws of this state and (b) the 55970  
person meets the requirements of section 4921.09 of the Revised 55971  
Code; 55972

(2) Agrees to maintain accurate and current business and 55973  
insurance information with the commission, in accordance with the 55974  
commission's rules; 55975

(3) Has paid all applicable registration fees in accordance 55976  
with rules adopted under section 4921.11 of the Revised Code, all 55977  
applicable taxes under section 4921.19 of the Revised Code, and 55978  
any forfeitures imposed under section 4923.99 of the Revised Code. 55979

(C) The commission shall have no power to fix, alter, or 55980  
establish rates for the transportation of persons or property, nor 55981  
shall the commission have the power to require or accept the 55982  
filing of tariffs establishing such rates. 55983

(D) A for-hire motor carrier may, at any time after a 55984  
certificate of public convenience and necessity is granted or 55985  
refused, file a new application or supplement a former 55986  
application. 55987

(E) The commission may deny issuance of a certificate of 55988



public convenience and necessity for failure to comply with this 55989  
section or rules adopted under section 4921.05 of the Revised 55990  
Code. 55991

Sec. 4921.05. The public utilities commission shall adopt 55992  
rules prescribing the manner and form in which a person shall 55993  
apply for a certificate of public convenience and necessity under 55994  
section 4921.03 of the Revised Code. The rules shall include a 55995  
requirement that applications be made in writing on the blanks 55996  
furnished by the commission and contain any information and 55997  
certifications deemed necessary by the commission to carry out 55998  
this chapter. 55999

Sec. 4921.07. (A) The public utilities commission shall adopt 56000  
rules regarding procedures and timelines by which a certificate of 56001  
public convenience and necessity issued under section 4921.03 of 56002  
the Revised Code may be suspended. At a minimum, the rules shall 56003  
require suspension of a certificate if the for-hire motor carrier 56004  
does any of the following: 56005

(1) Fails to file a complete and accurate application for the 56006  
certificate under section 4921.03 of the Revised Code; 56007

(2) Fails to maintain accurate and current business and 56008  
insurance information with the commission; 56009

(3) Fails to maintain proper proof of insurance or proper 56010  
levels of insurance under section 4921.09 of the Revised Code; 56011

(4) Fails to pay all applicable registration fees in 56012  
accordance with rules adopted under section 4921.11 of the Revised 56013  
Code, all applicable taxes under section 4921.19 of the Revised 56014  
Code, and any forfeitures imposed under section 4923.99 of the 56015  
Revised Code; 56016

(5) Requests to suspend the carrier's operations. 56017

(B)(1) The commission shall adopt rules regarding procedures and timelines by which a certificate suspended under division (A) of this section may be revoked if the conditions giving rise to the suspension are not remedied. 56018  
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(2) The commission shall provide the carrier with written notice indicating the nature of the deficiency, a proposed effective date of the revocation, and the means by which the deficiency may be remedied. The carrier may correct the identified deficiency or submit evidence refuting the proposed revocation within sixty days from the date of the notice. The commission may extend the sixty-day period for good cause shown. The commission may revoke the certificate after the remedy period if the carrier has not provided sufficient evidence to remedy the deficiency. 56022  
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Sec. 4921.09. (A) No certificate of public convenience and necessity shall be issued by the public utilities commission to any for-hire motor carrier until the carrier has filed with the commission a liability insurance certificate, policy, or bond satisfactory to the commission, in the sum and with the provisions the commission considers necessary adequately to protect the interests of the public, having due regard for the number of persons and amount of property affected. The certificate, policy, or bond shall insure the carrier against loss sustained by reason of death or injuries to persons and for loss or damage to property resulting from the negligence of the carrier. 56031  
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(B) No certificate for the transportation of household goods shall be issued to a for-hire motor carrier pursuant to sections 4921.30 to 4921.38 of the Revised Code until it has filed with the commission a freight cargo insurance certificate, policy, or bond that the commission has determined to be adequate to protect the interests of the shipping public. 56042  
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(C) The Commission shall adopt rules to achieve the purposes 56048

of this section that are not incompatible with the requirements of 56049  
the United States department of transportation. The rules shall at 56050  
a minimum address all of the following: 56051

(1) The minimum levels of financial responsibility for each 56052  
type of for-hire motor carrier; 56053

(2) The form and type of documents to be filed with the 56054  
commission; 56055

(3) The manner by which documents may be filed with the 56056  
commission; 56057

(4) The timelines for filing documents with the commission. 56058

(D) If a certificate, policy, or bond required under division 56059  
(A) of this section is canceled during its term or lapses for any 56060  
reason, both of the following apply: 56061

(1) All operations under the certificate of public 56062  
convenience and necessity shall cease immediately, and further 56063  
operations shall not be conducted until a replacement is filed 56064  
with the commission under division (D)(2) of this section. 56065

(2) The commission shall require the company to replace the 56066  
certificate, policy, or bond with another that fully complies with 56067  
the requirements of this section. 56068

The certificate of public convenience and necessity shall be 56069  
reinstated only after a satisfactory insurance certificate, 56070  
policy, or bond has been filed with the commission. 56071

(E) To ensure minimum standards of protection of consumers' 56072  
household goods, the commission may adopt rules, not incompatible 56073  
with the requirements of the United States department of 56074  
transportation, governing requirements for cargo insurance for 56075  
for-hire motor carriers engaged in the transportation of household 56076  
goods over a public highway in this state. 56077

Sec. 4921.11. The public utilities commission shall adopt 56078  
rules applicable to registration pursuant to the unified carrier 56079  
registration plan, codified as 49 U.S.C. 14504a, and the rules, 56080  
procedures, and fee schedules adopted thereunder, in accordance 56081  
with division (G) of section 4921.19 of the Revised Code. 56082

Sec. 4921.13. (A) The public utilities commission shall adopt 56083  
rules applicable to the filing of annual update forms and the 56084  
payment of taxes by for-hire motor carriers. The rules shall not 56085  
be incompatible with the requirements of the United States 56086  
department of transportation. The rules shall at a minimum address 56087  
all of the following: 56088

(1) The information and certifications that must be provided 56089  
to the commission on an annual update form, including a 56090  
certification that the carrier continues to be in compliance with 56091  
the applicable laws of this state. 56092

(2) Documentation and information that must be provided 56093  
regarding proof of financial responsibility; 56094

(3) The form and manner in which taxes may be paid under 56095  
section 4921.19 of the Revised Code. 56096

(B) The rules may address any other information that the 56097  
commission determines is necessary to carry out this section. 56098

(C) A for-hire motor carrier shall not be issued a tax 56099  
receipt under division (C) of section 4921.19 of the Revised Code 56100  
until all of the following have been satisfied: 56101

(1) A complete and accurate annual update form has been filed 56102  
with the commission; 56103

(2) Proof of financial responsibility remains in effect; 56104

(3) All applicable registration fees in accordance with rules 56105  
adopted under section 4921.11 of the Revised Code, all applicable 56106

taxes under section 4921.19 of the Revised Code, and any 56107  
forfeitures imposed under section 4923.99 of the Revised Code have 56108  
been paid in full. 56109

Sec. 4921.15. (A) As used in sections 4921.15, 4921.16, and 56110  
4921.19 of the Revised Code: 56111

(1) "Uniform registration" has the same meaning as 56112  
"registration" as used in the final report submitted to the United 56113  
States secretary of transportation, pursuant to subsection (c) of 56114  
section 22 of the "Hazardous Materials Transportation Uniform 56115  
Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819. 56116

(2) "Uniform permit" has the same meaning as "permit" as used 56117  
in the final report submitted to the United States secretary of 56118  
transportation, pursuant to subsection (c) of section 22 of the 56119  
"Hazardous Materials Transportation Uniform Safety Act of 1990," 56120  
104 Stat. 3244, 49 U.S.C.A. App. 1819. 56121

(B)(1) The public utilities commission may adopt rules 56122  
applicable to the uniform registration and uniform permitting of 56123  
persons engaged in the highway transportation of hazardous 56124  
materials into, through, or within this state. The rules shall 56125  
include rules staggering the registration date for those persons 56126  
and reducing or extending, by no more than one year, the permit 56127  
renewal period for those persons. 56128

(2) For the purpose of minimizing filing requirements 56129  
regarding any background investigation required for the issuance 56130  
of a uniform permit as a carrier of hazardous wastes, the 56131  
commission shall accept from any applicant for the permit any 56132  
refiling of information the applicant has filed with the office of 56133  
the attorney general under section 3734.42 of the Revised Code or 56134  
any reference to that information if the refiled or referenced 56135  
information is on file with the office of the attorney general, is 56136  
accurate and timely for the commission's purposes under this 56137

section, and is supplemented by any additional information the 56138  
commission requires. The office of the attorney general, as 56139  
necessary for a background investigation, shall make accessible to 56140  
the commission any information referenced or refiled in an 56141  
application for a uniform permit as a carrier of hazardous wastes 56142  
that the attorney general determines may be disclosed in 56143  
accordance with section 3734.42 of the Revised Code. Nothing in 56144  
sections 4921.15, 4921.16, and division (H) of section 4921.19 of 56145  
the Revised Code affects any limitations under section 3734.42 of 56146  
the Revised Code on the disclosure of that information. 56147

(C) The commission, as necessary to implement the rules 56148  
adopted under division (B) of this section, may enter into 56149  
agreements, contracts, arrangements, or declarations with other 56150  
states and with the national repository, established pursuant to 56151  
the final report submitted to the United States secretary of 56152  
transportation, pursuant to subsection (c) of section 22 of the 56153  
"Hazardous Materials Transportation Uniform Safety Act of 1990," 56154  
104 Stat. 3244, 49 U.S.C.A. App. 1819. The agreements, contracts, 56155  
arrangements, or declarations shall include, but not be limited 56156  
to, the determination of a base state, the collection of uniform 56157  
registration fees, the frequency of distribution of uniform 56158  
registration fees, procedures for dispute resolution, and 56159  
protection of trade secrets and confidential business information. 56160

(D) No person shall knowingly falsify or fail to submit any 56161  
data, reports, records, or other information required to be 56162  
submitted to the commission pursuant to this section or a rule 56163  
adopted under it. For purposes of this division, a person acts 56164  
knowingly if either of the following applies: 56165

(1) The person has actual knowledge of the facts giving rise 56166  
to the violation. 56167

(2) A reasonable person acting in the circumstances and 56168  
exercising due care would have such knowledge. 56169

(E) After notice and opportunity for a hearing, the 56170  
commission, pursuant to criteria set forth in rules adopted under 56171  
division (B) of this section, may suspend, revoke, or deny the 56172  
uniform permit as a carrier of hazardous materials of any person 56173  
that has obtained or applied for such a uniform permit from the 56174  
commission pursuant to rules adopted under that division, or the 56175  
commission may order the suspension of the transportation of 56176  
hazardous materials into, through, or within this state by a 56177  
carrier that has obtained a uniform permit from another state that 56178  
has a reciprocity agreement with the commission pursuant to 56179  
division (C) of this section. 56180

(F)(1) The proceedings specified in division (E) of this 56181  
section are subject to and governed by Chapter 4903. of the 56182  
Revised Code, except as otherwise provided in this section. The 56183  
court of appeals of Franklin county has exclusive original 56184  
jurisdiction to review, modify, or vacate any order of the 56185  
commission suspending, revoking, or denying a uniform permit as a 56186  
carrier of hazardous materials of any person that has obtained or 56187  
applied for a uniform permit from the commission pursuant to rules 56188  
adopted under division (B) of this section, or any order of the 56189  
commission suspending the transportation of hazardous materials 56190  
into, through, or within this state by a carrier that has obtained 56191  
a uniform permit from another state that has a reciprocity 56192  
agreement with the commission under division (C) of this section. 56193  
The court of appeals shall hear and determine those appeals in the 56194  
same manner and under the same standards as the Ohio supreme court 56195  
hears and determines appeals under Chapter 4903. of the Revised 56196  
Code. The judgment of the court of appeals is final and conclusive 56197  
unless reversed, vacated, or modified on appeal. Such appeals may 56198  
be taken either by the commission or the person to whom the order 56199  
was issued and shall proceed as in the case of appeals in civil 56200  
actions as provided in Chapter 2505. of the Revised Code. 56201

(2) Section 4903.11 of the Revised Code does not apply to 56202  
appeals of any order of the commission suspending, revoking, or 56203  
denying a uniform permit of a person that has obtained or applied 56204  
for a uniform permit from the commission pursuant to rules adopted 56205  
under division (B) of this section, or of any order of the 56206  
commission suspending the transportation of hazardous materials 56207  
into, through, or within this state by a carrier that has obtained 56208  
a uniform permit from another state that has a reciprocity 56209  
agreement with the commission pursuant to division (C) of this 56210  
section. Any person to whom such an order is issued who wishes to 56211  
contest the order shall file, within sixty days after the entry of 56212  
the order upon the journal of the commission, a notice of appeal, 56213  
setting forth the order appealed from and the errors complained 56214  
of. The notice of appeal shall be served, unless waived, upon the 56215  
chairperson of the commission or, in the event of the 56216  
chairperson's absence, upon any public utilities commissioner, or 56217  
by leaving a copy at the office of the commission at Columbus. On 56218  
appeal, the court shall reverse, vacate, or modify the order if, 56219  
upon consideration of the record, the court is of the opinion that 56220  
the order was unlawful or unreasonable. 56221

**Sec. 4921.16.** (A) Information submitted to the public 56222  
utilities commission as part of a uniform registration 56223  
application, pursuant to rules adopted under division (B) of 56224  
section 4921.15 of the Revised Code, is a public record and is 56225  
subject to section 149.43 of the Revised Code. 56226

(B) Except for information related to corporate structure and 56227  
personnel, information that is submitted to the commission as part 56228  
of a uniform permit application, pursuant to rules adopted under 56229  
division (B) of section 4921.15 of the Revised Code, is a public 56230  
record and is subject to section 149.43 of the Revised Code. 56231  
Information that is related to corporate structure and personnel 56232  
that is submitted to the commission as part of a uniform permit 56233



application, pursuant to rules adopted under division (B) of 56234  
section 4921.15 of the Revised Code, is not a public record and is 56235  
not subject to section 149.43 of the Revised Code. Except as 56236  
provided in division (D) of this section, the commission shall not 56237  
disclose to any person any information that is related to 56238  
corporate structure and personnel that is submitted as part of a 56239  
uniform permit application. 56240

(C) Information that is submitted for any background 56241  
investigation for an application for a uniform permit as a carrier 56242  
of hazardous wastes is not a public record and is not subject to 56243  
section 149.43 of the Revised Code. Except as provided in division 56244  
(D) of this section, the commission shall not disclose to any 56245  
person any information submitted for any background investigation 56246  
for such an application. 56247

(D) The commission may disclose to its authorized employees 56248  
and to any federal agencies, state agencies of this state or 56249  
another state, local government agencies of this state or another 56250  
state, or the national repository established pursuant to the 56251  
final report submitted to the United States secretary of 56252  
transportation, pursuant to subsection (c) of section 22 of the 56253  
"Hazardous Materials Transportation Uniform Safety Act of 1990," 56254  
104 Stat. 3244, 49 U.S.C.A. App. 1819, any information submitted 56255  
to the commission as part of a uniform permit application that is 56256  
related to corporate structure and personnel or submitted for any 56257  
background investigation for an application for a uniform permit 56258  
as a carrier of hazardous wastes if all of the following 56259  
conditions are met: 56260

(1) The commission enters into a confidentiality agreement 56261  
with the employee, agency, or national repository under which that 56262  
employee or entity agrees not to disclose to any third party any 56263  
information related to corporate structure or personnel or any 56264  
information submitted as part of a background investigation unless 56265

the third party enters into a confidentiality agreement with the 56266  
commission consistent with this division. 56267

(2) The employee, agency, or national repository certifies to 56268  
the commission that it is not required by any state or federal law 56269  
to disclose any information related to corporate structure or 56270  
personnel or any information submitted as part of a background 56271  
investigation. 56272

(3) The federal agency, state or local government agency of 56273  
another state, or national repository irrevocably consents in 56274  
writing to the jurisdiction of the courts of this state and 56275  
service of process in this state, including, without limitation, 56276  
summonses and subpoenas, for any civil proceeding arising out of 56277  
an intentional disclosure of information in violation of this 56278  
division. 56279

(E) Any person who intentionally discloses information in 56280  
violation of division (D) of this section is liable to the owner 56281  
of the information for civil damages caused by the disclosure. 56282

**Sec. 4921.19.** (A) Every for-hire motor carrier operating in 56283  
this state shall, at the time of the issuance of a certificate of 56284  
public convenience and necessity under section 4921.03 of the 56285  
Revised Code, pay to the public utilities commission, for and on 56286  
behalf of the treasurer of state, the following taxes: 56287

(1) For each motor vehicle used for transporting persons, 56288  
thirty dollars; 56289

(2) For each commercial tractor, as defined in section 56290  
4501.01 of the Revised Code, used for transporting property, 56291  
thirty dollars; 56292

(3) For each other motor vehicle transporting property, 56293  
twenty dollars. 56294

(B) Every for-hire motor carrier operating in this state 56295

solely in intrastate commerce shall, annually between the first 56296  
day of May and the thirtieth day of June, pay to the commission, 56297  
for and on behalf of the treasurer of state, the following taxes: 56298

(1) For each motor vehicle used for transporting persons, 56299  
thirty dollars; 56300

(2) For each commercial tractor, as defined in section 56301  
4501.01 of the Revised Code, used for transporting property, 56302  
thirty dollars; 56303

(3) For each other motor vehicle transporting property, 56304  
twenty dollars. 56305

(C) After a for-hire motor carrier has paid the applicable 56306  
taxes under division (B) of this section and all requirements 56307  
under division (C) of section 4921.13 of the Revised Code have 56308  
been met, the commission shall issue the carrier a tax receipt. 56309  
The carrier shall carry a copy of the tax receipt in each motor 56310  
vehicle operated by the carrier. The carrier shall maintain the 56311  
original copy of the tax receipt at the carrier's primary place of 56312  
business. 56313

(D) A trailer used by a for-hire motor carrier shall not be 56314  
taxed under this section. 56315

(E) The annual tax levied by division (B) of this section 56316  
does not apply in those cases where the commission finds that the 56317  
movement of agricultural commodities or foodstuffs produced 56318  
therefrom requires a temporary and seasonal use of vehicular 56319  
equipment for a period of not more than ninety days. In such 56320  
event, the tax on the vehicular equipment shall be twenty-five per 56321  
cent of the annual tax levied by division (B) of this section. If 56322  
any vehicular equipment is used in excess of the ninety-day 56323  
period, the annual tax levied by this section shall be paid. 56324

(F) All taxes levied by division (B) of this section shall be 56325  
reckoned as from the beginning of the quarter in which the tax 56326

receipt is issued or as from when the use of equipment under any 56327  
existing tax receipt began. 56328

(G) The fees for unified carrier registration pursuant to 56329  
section 4921.11 of the Revised Code shall be identical to those 56330  
established by the unified carrier registration act board as 56331  
approved by the federal motor carrier safety administration for 56332  
each year. 56333

(H)(1) The fees for uniform registration and a uniform permit 56334  
as a carrier of hazardous materials pursuant to section 4921.15 of 56335  
the Revised Code shall consist of the following: 56336

(a) A processing fee of fifty dollars; 56337

(b) An apportioned per-truck registration fee, which shall be 56338  
calculated by multiplying the percentage of a registrant's 56339  
activity in this state times the percentage of the registrant's 56340  
business that is hazardous-materials-related, times the number of 56341  
vehicles owned or operated by the registrant, times a per-truck 56342  
fee determined by order of the commission following public notice 56343  
and an opportunity for comment. 56344

(i) The percentage of a registrant's activity in this state 56345  
shall be calculated by dividing the number of miles that the 56346  
registrant travels in this state under the international 56347  
registration plan, pursuant to section 4503.61 of the Revised 56348  
Code, by the number of miles that the registrant travels 56349  
nationwide under the international registration plan. Registrants 56350  
that operate solely within this state shall use one hundred per 56351  
cent as their percentage of activity. Registrants that do not 56352  
register their vehicles through the international registration 56353  
plan shall calculate activity in the state in the same manner as 56354  
that required by the international registration plan. 56355

(ii) The percentage of a registrant's business that is 56356  
hazardous-materials-related shall be calculated, for 56357

less-than-truckload shipments, by dividing the weight of all the 56358  
registrant's hazardous materials shipments by the total weight of 56359  
all shipments in the previous year. The percentage of a 56360  
registrant's business that is hazardous-materials-related shall be 56361  
calculated, for truckload shipments, by dividing the number of 56362  
shipments for which placarding, marking of the vehicle, or 56363  
manifesting, as appropriate, was required by regulations adopted 56364  
under sections 4 to 6 of the "Hazardous Materials Transportation 56365  
Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804, 56366  
by the total number of the registrant's shipments that transported 56367  
any kind of goods in the previous year. A registrant that 56368  
transports both less-than-truckload and truckload shipments of 56369  
hazardous materials shall calculate the percentage of business 56370  
that is hazardous-materials-related on a proportional basis. 56371

(iii) A registrant may utilize fiscal year, or calendar year, 56372  
or other current company accounting data, or other publicly 56373  
available information, in calculating the percentages required by 56374  
divisions (H)(1)(b)(i) and (ii) of this section. 56375

(2) The commission, after notice and opportunity for a 56376  
hearing, may assess each carrier a fee for any background 56377  
investigation required for the issuance, for the purpose of 56378  
section 3734.15 of the Revised Code, of a uniform permit as a 56379  
carrier of hazardous wastes and fees related to investigations and 56380  
proceedings for the denial, suspension, or revocation of a uniform 56381  
permit as a carrier of hazardous materials. The fees shall not 56382  
exceed the reasonable costs of the investigations and proceedings. 56383  
The fee for a background investigation for a uniform permit as a 56384  
carrier of hazardous wastes shall be six hundred dollars plus the 56385  
costs of obtaining any necessary information not included in the 56386  
permit application, to be calculated at the rate of thirty dollars 56387  
per hour, not exceeding six hundred dollars, plus any fees payable 56388  
to obtain necessary information. 56389

(I) The application fee for a certificate for the transportation of household goods issued pursuant to sections 4921.30 to 4921.38 of the Revised Code shall be based on the certificate holder's gross revenue, in the prior year, for the intrastate transportation of household goods. The commission shall establish, by order, ranges of gross revenue and the fee for each range. The fees shall be set in amounts sufficient to carry out the purposes of sections 4921.30 to 4921.38 and 4923.99 of the Revised Code and, to the extent necessary, the commission shall make changes to the fee structure to ensure that neither over nor under collection of the fees occurs. The fees shall also take into consideration the revenue generated from the assessment of forfeitures under section 4923.99 of the Revised Code regarding the consumer protection provisions applicable to for-hire motor carriers engaged in the transportation of household goods.

(J) The fees and taxes provided under this section shall be in addition to taxes, fees, and charges fixed and exacted by other sections of the Revised Code, except the assessments required by section 4905.10 of the Revised Code, but all fees, license fees, annual payments, license taxes, or taxes or other money exactions, except the general property tax, assessed, charged, fixed, or exacted by local authorities such as municipal corporations, townships, counties, or other local boards, or the officers of such subdivisions are illegal and, are superseded by sections 4503.04 and 4905.03 and Chapter 4921. of the Revised Code. On compliance with sections 4503.04 and 4905.03 and Chapter 4921. of the Revised Code, all local ordinances, resolutions, by laws, and rules in force shall cease to be operative as to the persons in compliance, except that such local subdivisions may make reasonable local police regulations within their respective boundaries not inconsistent with sections 4503.04 and 4905.03 and Chapter 4921. of the Revised Code.

Sec. 4921.21. (A) As used in this section, "adjusted credit amount" means the aggregate amount credited to the public utilities transportation safety fund, less the sum of all of the following: 56422  
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(1) The fees collected by the public utilities commission, in accordance with the unified carrier registration plan under section 4921.11 of the Revised Code, that exceed the federal certification of revenue for each year of the plan; 56426  
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(2) The fees collected by the commission on behalf of other states under division (C) of section 4921.15 of the Revised Code; 56430  
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(3) The forfeitures collected by the commission under section 4923.99 of the Revised Code for violations of rules adopted under division (A)(2) of section 4923.04 of the Revised Code. 56432  
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(B)(1) There is hereby created in the state treasury the public utilities transportation safety fund. The fees collected in accordance with the unified carrier registration plan under section 4921.11 of the Revised Code, the fees collected under section 4921.15 of the Revised Code, the taxes and fees remitted under section 4921.19 of the Revised Code, the forfeitures imposed under section 4923.99 of the Revised Code, except as provided in division (B)(2) of this section, and the fines collected under section 4163.07 of the Revised Code shall be deposited into the state treasury to the credit of the public utilities transportation safety fund, until the adjusted credit amount in a fiscal year is equal to the total amount appropriated from the fund for the fiscal year. Once this point of parity is reached, any additional fees, taxes, forfeitures, or fines received during the fiscal year shall be credited to the general revenue fund, except as provided in division (B)(2) of this section, and except for both of the following: 56435  
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(a) The fees collected in accordance with the unified carrier 56452

registration plan under section 4921.11 of the Revised Code, that 56453  
exceed the federal certification of revenue for each year of the 56454  
plan; 56455

(b) The fees collected on behalf of other states under 56456  
division (C) of section 4921.15 of the Revised Code. 56457

(2) The first eight hundred thousand dollars of forfeitures 56458  
collected under section 4923.99 of the Revised Code, for 56459  
violations of rules adopted under division (A)(2) of section 56460  
4923.04 of the Revised Code, during each fiscal year shall be 56461  
credited to the public utilities transportation safety fund. Any 56462  
forfeitures in excess of that amount shall be deposited into the 56463  
general revenue fund. In each fiscal year, the commission shall 56464  
distribute moneys from these forfeitures credited to the public 56465  
utilities transportation safety fund for the purposes of emergency 56466  
response planning and the training of safety, enforcement, and 56467  
emergency services personnel in proper techniques for the 56468  
management of hazardous materials releases that occur during 56469  
transportation or otherwise. For these purposes, fifty per cent of 56470  
all such moneys credited to the public utilities transportation 56471  
safety fund shall be distributed to Cleveland state university, 56472  
forty-five per cent shall be distributed to other educational 56473  
institutions, state agencies, regional planning commissions, and 56474  
political subdivisions, and five per cent shall be retained by the 56475  
commission for the administration of this section and for training 56476  
employees. However, if, in any such period, moneys from these 56477  
forfeitures credited to the public utilities transportation safety 56478  
fund equal an amount less than four hundred thousand dollars, the 56479  
commission shall distribute, to the extent of the aggregate amount 56480  
of those moneys, two hundred thousand dollars to Cleveland state 56481  
university and the remainder to other educational institutions, 56482  
state agencies, regional planning commissions, and political 56483  
subdivisions. 56484



(C) The purpose of the public utilities transportation safety fund shall be for defraying all expenses incident to maintaining the nonrailroad transportation activities of the commission. 56485  
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(D) There is hereby created in the state treasury the federal commercial vehicle transportation systems fund. The fund shall consist of money received from the United States department of transportation's commercial vehicle intelligent transportation systems infrastructure deployment program. The public utilities commission shall use the fund to deploy the Ohio commercial vehicle information systems networks project and to improve safety of motor carrier operations through electronic exchange of data. 56488  
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(E) There is hereby created in the state treasury the motor carrier safety fund. The fund shall consist of money received from the United States department of transportation for motor carrier safety. The commission shall use the fund to administer the state's motor carrier safety assistance program and associated grants, including the motor carrier safety assistance program basic grant, the incentive grant, the high priority grants, the new entrant safety assurance grant, the safety data improvement grant, or their equivalents. 56496  
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(F) If the director of budget and management determines there is not sufficient money in the public utilities transportation safety fund, the director shall transfer money from the general revenue fund to the public utilities transportation safety fund in an amount up to the difference between the balance of the public utilities transportation safety fund and the appropriations from that fund. If the director subsequently determines during the fiscal year that the balance of the public utilities transportation safety fund exceeds the amount needed to support the appropriations from the fund, the director shall transfer the excess money, up to the amount of the original transfer, to the general revenue fund. 56505  
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Sec. 4921.25. Any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, that is engaged in the towing of motor vehicles is subject to regulation by the public utilities commission as a for-hire motor carrier under this chapter. Such an entity is not subject to any ordinance, rule, or resolution of a municipal corporation, county, or township that provides for the licensing, registering, or regulation of entities that tow motor vehicles. 56517  
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Sec. 4921.30. Except as otherwise provided in sections 4921.32 to 4921.38 of the Revised Code, a for-hire motor carrier engaged in the transportation of household goods in intrastate commerce: 56526  
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(A) Is subject to Chapter 4921. of the Revised Code and to all other provisions of the Revised Code applicable to a for-hire motor carrier, including sections 4506.22, 4511.78, 5502.01, 5503.02, and 5503.34 of the Revised Code; 56530  
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(B) Is not a public utility as defined in section 4911.01 of the Revised Code. 56534  
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Sec. 4921.32. Notwithstanding any provision of this chapter or Chapters 4901. to 4909. and 4923. of the Revised Code to the contrary: 56536  
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(A) Not later than six months after the effective date of this section, the public utilities commission, in accordance with sections 4921.30 to 4921.38 of the Revised Code, shall establish by order a certification system for for-hire motor carriers engaged in the transportation of household goods in intrastate commerce. 56539  
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(B) Beginning on the effective date of the order of the 56545

commission as initially issued under division (A) of this section, 56546  
no for-hire motor carrier shall engage in the transportation of 56547  
household goods in intrastate commerce without first holding a 56548  
current and valid certificate for the transportation of household 56549  
goods issued by the commission pursuant to sections 4921.30 to 56550  
4921.38 of the Revised Code. 56551

**Sec. 4921.34.** (A) The public utilities commission shall 56552  
approve an application for a certificate for the transportation of 56553  
household goods under sections 4921.30 to 4921.38 of the Revised 56554  
Code and shall issue a certificate, provided the applicant pays 56555  
the applicable application fee under division (I) of section 56556  
4921.19 of the Revised Code and submits to the commission a 56557  
completed application, on a form prescribed by the commission, 56558  
that is substantially the same as the application prescribed by 56559  
the commission pursuant to section 4921.05 of the Revised Code, 56560  
and includes a certification of all of the following by 56561  
responsible officials of the applicant: 56562

(1) The applicant's workers' compensation coverage is current 56563  
pursuant to Chapter 4123. of the Revised Code. 56564

(2) The applicant's unemployment compensation coverage is 56565  
current pursuant to Chapter 4141. of the Revised Code. 56566

(3) The applicant's financial responsibility is in accordance 56567  
with rules adopted by the commission under section 4921.09 of the 56568  
Revised Code. 56569

(B) The commission shall not approve any application that 56570  
does not contain the proper certifications required by this 56571  
section. The commission may revoke a certificate issued under 56572  
division (A) of this section if, after at least fifteen days' 56573  
advance notice to the certificate holder of the basis for such 56574  
action and providing the holder with an opportunity for a hearing, 56575  
the commission finds that the holder is not in compliance with 56576

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| <u>this chapter, or rules adopted or orders issued under it.</u>           | 56577 |
| <u>(C) A certificate issued under division (A) of this section</u>         | 56578 |
| <u>is valid for one year and is renewable annually.</u>                    | 56579 |
| <b><u>Sec. 4921.36.</u></b> Each holder of a certificate for the           | 56580 |
| <u>transportation of household goods shall do all of the following:</u>    | 56581 |
| <u>(A) Make its current certificate available for public</u>               | 56582 |
| <u>inspection during normal business hours;</u>                            | 56583 |
| <u>(B) Present each of its customers with information, written</u>         | 56584 |
| <u>in plain and clear language and pursuant to a form prescribed by</u>    | 56585 |
| <u>the public utilities commission, outlining a consumer's rights;</u>     | 56586 |
| <u>(C) Include its certificate number on all advertising,</u>              | 56587 |
| <u>written estimates, and contracts, pursuant to rules adopted by the</u>  | 56588 |
| <u>commission.</u>                                                         | 56589 |
| <b><u>Sec. 4921.38.</u></b> In accordance with sections 4921.30 to 4921.36 | 56590 |
| <u>of the Revised Code, the public utilities commission may adopt</u>      | 56591 |
| <u>rules regarding any of the following:</u>                               | 56592 |
| <u>(A) Providing for binding estimates by for-hire motor</u>               | 56593 |
| <u>carriers engaged in the transportation of household goods in</u>        | 56594 |
| <u>intrastate commerce;</u>                                                | 56595 |
| <u>(B) Providing for guaranteed-not-to-exceed estimates by those</u>       | 56596 |
| <u>carriers;</u>                                                           | 56597 |
| <u>(C) Requiring those carriers to include their certificate</u>           | 56598 |
| <u>number in all advertising, written estimates, and contracts</u>         | 56599 |
| <u>related to the transportation of household goods in intrastate</u>      | 56600 |
| <u>commerce;</u>                                                           | 56601 |
| <u>(D) As are necessary and proper to carry out this chapter</u>           | 56602 |
| <u>with respect to those carriers;</u>                                     | 56603 |
| <u>(E) Providing for the enforcement of the consumer protection</u>        | 56604 |

provisions of Title 49 of the United States Code related to the 56605  
delivery and transportation of household goods in interstate 56606  
commerce, as permitted by 49 U.S.C. 14710. 56607

Sec. 4923.01. As used in this chapter: 56608

(A) "Ambulance," "interstate commerce," "intrastate 56609  
commerce," "motor vehicle," "public highway," "ridesharing 56610  
arrangement," and "school bus" have the same meanings as in 56611  
section 4921.01 of the Revised Code. 56612

(B) "For-hire motor carrier" means a person engaged in the 56613  
business of transporting persons or property by motor vehicle for 56614  
compensation, except when engaged in any of the following in 56615  
intrastate commerce: 56616

(1) The transportation of persons in taxicabs in the usual 56617  
taxicab service; 56618

(2) The transportation of pupils in school busses operating 56619  
to or from school sessions or school events; 56620

(3) The transportation of farm supplies to the farm or farm 56621  
products from farm to market or to food fabricating plants; 56622

(4) The distribution of newspapers; 56623

(5) The transportation of crude petroleum incidental to 56624  
gathering from wells and delivery to destination by pipe line; 56625

(6) The transportation of injured, ill, or deceased persons 56626  
by hearse or ambulance; 56627

(7) The transportation of compost (a combination of manure 56628  
and sand or shredded bark mulch) or shredded bark mulch; 56629

(8) The transportation of persons in a ridesharing 56630  
arrangement when any fee charged each person so transported is in 56631  
such amount as to recover only the person's share of the costs of 56632  
operating the motor vehicle for such purpose. 56633

"For-hire motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories. 56634  
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Divisions (B)(1) to (8) of this section shall not be construed to relieve a person from compliance with rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code, or from compliance with rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code. 56639  
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(C) "Motor carrier" means both a for-hire motor carrier and a private motor carrier. 56647  
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(D) "Private motor carrier" means a person who is not a for-hire motor carrier but is engaged in the business of transporting persons or property by motor vehicle, except as provided in section 4923.02 of the Revised Code. "Private motor carrier" includes the carrier's agents, officers, and representatives, as well as employees responsible for hiring, supervising, training, assigning, or dispatching drivers and employees concerned with the installation, inspection, and maintenance of motor-vehicle equipment and accessories. 56649  
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**Sec. 4923.02.** (A) As used in this chapter, "private motor carrier" does not include a person when engaged in any of the following in intrastate commerce: 56658  
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(1) The transportation of persons in taxicabs in the usual taxicab service; 56661  
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(2) The transportation of pupils in school busses operating 56663

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| <u>to or from school sessions or school events;</u>                                                                                                                                                                                                                            | 56664 |
| <u>(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;</u>                                                                                                                                                 | 56665 |
| <u>(4) The distribution of newspapers;</u>                                                                                                                                                                                                                                     | 56666 |
| <u>(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;</u>                                                                                                                                                  | 56667 |
| <u>(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;</u>                                                                                                                                                                                     | 56668 |
| <u>(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;</u>                                                                                                                                                     | 56669 |
| <u>(8) The transportation of persons in a ridesharing arrangement when any fee charged each person so transported is in such amount as to recover only the person's share of the costs of operating the motor vehicle for such purpose;</u>                                    | 56670 |
| <u>(9) The operation of motor vehicles for contractors on public road work;</u>                                                                                                                                                                                                | 56671 |
| <u>(10) The towing of disabled or wrecked motor vehicles.</u>                                                                                                                                                                                                                  | 56672 |
| <u>(B) The public utilities commission may grant a motor carrier operating in intrastate commerce a temporary exemption from some or all of the provisions of this chapter and the rules adopted under it, when either of the following applies:</u>                           | 56673 |
| <u>(1) The governor of this state has declared an emergency.</u>                                                                                                                                                                                                               | 56674 |
| <u>(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency.</u>                                                                                                                                                   | 56675 |
| <u>(C) The commission may adopt rules not incompatible with the requirements of the United States department of transportation to provide exemptions to motor carriers operating in intrastate commerce not otherwise identified in divisions (A) and (B) of this section.</u> | 56676 |
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(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with either of the following: 56693  
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(1) Rules adopted under division (A)(2) of section 4923.04 of the Revised Code, division (E) of section 4923.06 of the Revised Code, division (B) of section 4923.07 of the Revised Code, and section 4923.11 of the Revised Code; 56696  
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(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code. 56700  
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**Sec. 4923.04.** (A)(1) The public utilities commission shall adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. 56702  
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(2) The commission shall adopt rules applicable to the highway transportation and offering for transportation of hazardous materials by motor carriers, and persons engaging in the highway transportation and offering for transportation of hazardous materials, operating in interstate or intrastate commerce. 56706  
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(B) The rules adopted under division (A) of this section shall not be incompatible with the requirements of the United States department of transportation. 56712  
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(C) To achieve the purposes of this chapter and to assist the commission in the performance of any of its powers or duties, the commission, either through the public utilities commissioners or employees authorized by it, may do either or both of the following: 56715  
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(1) Apply for, and any judge of a court of record of competent jurisdiction may issue, an appropriate search warrant; 56720  
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(2) Examine under oath, at the offices of the commission, any 56722



officer, agent, or employee of any person subject to this chapter. 56723  
The commission, by subpoena, also may compel the attendance of a 56724  
witness for the purpose of the examination and, by subpoena duces 56725  
tecum, may compel the production of all books, contracts, records, 56726  
and documents that relate to the transportation and offering for 56727  
transportation of hazardous materials. 56728

Sec. 4923.06. (A) The public utilities commission may, 56729  
through the commission's inspectors or other authorized employees, 56730  
enter in or upon any motor vehicle of any motor carrier, or any 56731  
person engaging in the transportation of hazardous material or 56732  
hazardous waste, to inspect the motor vehicle or driver subject to 56733  
rules adopted under section 4923.04 of the Revised Code. 56734

(B) In order to assist the commission in performing its 56735  
duties under this section, authorized employees of the state 56736  
highway patrol of the department of public safety may conduct 56737  
inspections of motor vehicles and drivers. 56738

(C) Inspectors and employees authorized to conduct 56739  
inspections under divisions (A) and (B) of this section may, under 56740  
the direction of the commission, stop motor vehicles to inspect 56741  
those vehicles and drivers to enforce compliance with rules 56742  
adopted under section 4923.04 of the Revised Code. 56743

(D) Inspectors and employees authorized to conduct 56744  
inspections under divisions (A) and (B) of this section shall 56745  
conduct inspections consistent with the North American standard 56746  
inspection procedure of the commercial vehicle safety alliance and 56747  
the standards of the United States department of transportation. 56748  
The inspectors and employees may declare drivers and motor 56749  
vehicles out-of-service consistent with this procedure and these 56750  
standards. 56751

(E) The commission may adopt rules to carry out this section 56752  
that are not incompatible with the requirements of the United 56753

States department of transportation. 56754

Sec. 4923.07. (A) The public utilities commission may, 56755  
through the commission's inspectors or other authorized employees, 56756  
enter in or upon the premises and motor vehicles of any motor 56757  
carrier, or any person engaging in the transportation of hazardous 56758  
material or hazardous waste, to examine any records, documents, or 56759  
property for the purpose of assessing the safety, performance, and 56760  
management controls associated with the carrier or person. 56761

(B) The commission may adopt rules to carry out this section 56762  
that are not incompatible with the requirements of the United 56763  
States department of transportation. 56764

Sec. 4923.09. The public utilities commission shall cooperate 56765  
with and permit the use of the services, records, and facilities 56766  
of the commission as fully as practicable by appropriate officers 56767  
of the United States department of transportation, other federal 56768  
agencies or commissions, and appropriate commissions of other 56769  
states in the enforcement and administration of state and federal 56770  
laws relating to highway transportation by motor vehicles. The 56771  
commission may enter into cooperative agreements with the United 56772  
States department of transportation and any other federal agency 56773  
or commission to enforce the safety laws and rules of this state 56774  
and of the United States concerning highway transportation by 56775  
motor vehicles. All grants-in-aid, cash, and reimbursements 56776  
received by the commission pursuant to those cooperative 56777  
agreements shall be deposited to the credit of the motor carrier 56778  
safety fund created under section 4921.21 of the Revised Code. 56779

Sec. 4923.11. The public utilities commission may adopt rules 56780  
applicable to the highway routing of hazardous materials into, 56781  
through, or within this state. Rules adopted under this section 56782  
shall not be incompatible with requirements of the United States 56783

department of transportation. 56784

**Sec. 4923.15.** Proceedings of the public utilities commission 56785  
for the assessment of forfeitures for violations of Chapters 4921. 56786  
and 4923. of the Revised Code are subject to and governed by 56787  
section 4923.99 of the Revised Code. In all other respects in 56788  
which the commission has power and authority under Chapters 4921. 56789  
and 4923. of the Revised Code, applications and complaints may be 56790  
made and filed with the commission, processes may be issued, 56791  
hearings may be held, opinions, orders, and decisions may be made 56792  
and filed, petitions for rehearing may be filed and acted upon, 56793  
and all proceedings before the supreme court of this state may be 56794  
considered and disposed of by that court in the manner, under the 56795  
conditions, subject to the limitations, and with the effect 56796  
specified in the sections of the Revised Code governing the 56797  
supervision of public utilities by the commission. 56798

**Sec. 4923.99.** (A)(1) Whoever violates Chapter 4921. or 4923. 56799  
of the Revised Code is liable to the state for a forfeiture of not 56800  
more than twenty-five thousand dollars for each day of each 56801  
violation. The public utilities commission, after providing 56802  
reasonable notice and the opportunity for a hearing in accordance 56803  
with the procedural rules adopted under section 4901.13 of the 56804  
Revised Code, shall assess, by order, a forfeiture upon a person 56805  
whom the commission determines, by a preponderance of the 56806  
evidence, committed the violation. In determining the amount of 56807  
the forfeiture for a violation discovered during a driver or 56808  
motor-vehicle inspection under section 4923.06 of the Revised 56809  
Code, the commission shall, to the extent practicable, not act in 56810  
a manner incompatible with the requirements of the United States 56811  
department of transportation, and, to the extent practicable, 56812  
shall utilize a system comparable to the recommended civil-penalty 56813

procedure adopted by the commercial vehicle safety alliance. In 56814  
determining the amount of the forfeiture for a violation 56815  
discovered during a compliance review of a motor carrier under 56816  
section 4923.07 of the Revised Code, the commission shall, to the 56817  
extent practicable, not act in a manner incompatible with the 56818  
civil-penalty guidelines of the United States department of 56819  
transportation. 56820

The attorney general, upon the written request of the 56821  
commission, shall bring a civil action in the court of common 56822  
pleas of Franklin county to collect a forfeiture assessed under 56823  
this section. The commission shall account for the forfeitures 56824  
collected under this section and pay them to the treasurer of 56825  
state under section 4921.21 of the Revised Code. 56826

(2) The attorney general, upon the written request of the 56827  
commission, shall bring an action for injunctive relief in the 56828  
court of common pleas of Franklin county against any person who 56829  
has violated or is violating any order issued by the commission to 56830  
secure compliance with any provision of Chapter 4921. or 4923. of 56831  
the Revised Code. The court of common pleas of Franklin county has 56832  
jurisdiction to and may grant preliminary and permanent injunctive 56833  
relief upon a showing that the person against whom the action is 56834  
brought has violated or is violating any such order. The court 56835  
shall give precedence to such an action over all other cases. 56836

(B) The amount of any forfeiture may be compromised at any 56837  
time prior to collection of the forfeiture. The commission shall 56838  
adopt rules governing the manner in which the amount of a 56839  
forfeiture may be established by agreement prior to the hearing on 56840  
the forfeiture before the commission. 56841

(C) The proceedings of the commission specified in division 56842  
(A) of this section are subject to and governed by Chapter 4903. 56843  
of the Revised Code, except as otherwise specifically provided in 56844  
this section. The court of appeals of Franklin county has 56845

exclusive, original jurisdiction to review, modify, or vacate an order of the commission issued to secure compliance with any provision of Chapter 4921. or 4923. of the Revised Code. The court of appeals shall hear and determine those appeals in the same manner, and under the same standards, as the supreme court hears and determines appeals under Chapter 4903. of the Revised Code. The judgment of the court of appeals is final and conclusive unless reversed, vacated, or modified on appeal. Such appeals may be taken either by the commission or the person to whom the compliance order or forfeiture assessment was issued and shall proceed as in the case of appeals in civil actions as provided in the rules of appellate procedure and Chapter 2505. of the Revised Code.

(D) Section 4903.11 of the Revised Code does not apply to an appeal of an order issued to secure compliance with Chapter 4921. or 4923. of the Revised Code or an order issued under division (A)(1) of this section assessing a forfeiture. Any person to whom any such order is issued who wishes to contest a compliance order, the fact of the violation, or the amount of the forfeiture shall file a notice of appeal, setting forth the order appealed from and the errors complained of, within sixty days after the entry of the order upon the journal of the commission. The notice of appeal shall be served, unless waived, upon the chairperson of the commission or, in the event of the chairperson's absence, upon any public utilities commissioner, or by leaving a copy at the office of the commission at Columbus. An order issued by the commission to secure compliance with Chapter 4921. or 4923. of the Revised Code or an order issued under division (A)(1) of this section assessing a forfeiture shall be reversed, vacated, or modified on appeal if, upon consideration of the record, the court is of the opinion that the order was unlawful or unreasonable.

(E) Only for such violations that constitute violations of

the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or regulations adopted under the act, the commission, in determining liability, shall use the same standard of culpability for civil forfeitures under this section as that set forth for civil penalties under section 12 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1809. The commission shall consider the assessment considerations for civil penalties specified in regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C. 1801.

**Sec. 4927.01.** (A) As used in this chapter:

(1) "Basic local exchange service" means residential-end-user access to and usage of telephone-company-provided services over a single line or small-business-end-user access to and usage of telephone-company-provided services over the primary access line of service, which in the case of residential and small-business access and usage is not part of a bundle or package of services, that does both of the following:

(a) Enables a customer to originate or receive voice communications within a local service area as that area exists on September 13, 2010, the effective date of the amendment of this section by S.B. 162 of the 128th general assembly;

(b) Consists of all of the following services:

(i) Local dial tone service;

(ii) For residential end users, flat-rate telephone exchange service;

(iii) Touch tone dialing service;

(iv) Access to and usage of 9-1-1 services, where such services are available;

|                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (v) Access to operator services and directory assistance;                                                                                                                                                                                                                                                                                                                                            | 56908                                                       |
| (vi) Provision of a telephone directory in any reasonable format for no additional charge and a listing in that directory, with reasonable accommodations made for private listings;                                                                                                                                                                                                                 | 56909<br>56910<br>56911                                     |
| (vii) Per call, caller identification blocking services;                                                                                                                                                                                                                                                                                                                                             | 56912                                                       |
| (viii) Access to telecommunications relay service; and                                                                                                                                                                                                                                                                                                                                               | 56913                                                       |
| (ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies.                                                                                                                                                                                                                                                                             | 56914<br>56915                                              |
| (2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price.                                                                                                                                                                                                                                        | 56916<br>56917<br>56918                                     |
| (3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.                                             | 56919<br>56920<br>56921<br>56922<br>56923<br>56924          |
| (4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. | 56925<br>56926<br>56927<br>56928<br>56929<br>56930<br>56931 |
| (5) "Incumbent local exchange carrier" means, with respect to an area, the local exchange carrier that:                                                                                                                                                                                                                                                                                              | 56932<br>56933                                              |
| (a) On February 8, 1996, provided telephone exchange service in such area; and                                                                                                                                                                                                                                                                                                                       | 56934<br>56935                                              |
| (b)(i) On February 8, 1996, was deemed to be a member of the exchange carrier association pursuant to 47 C.F.R. 69.601(b); or                                                                                                                                                                                                                                                                        | 56936<br>56937                                              |

(ii) Is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in division (A)(5)(b)(i) of this section.

(6) "Internet protocol-enabled services" means any services, capabilities, functionalities, or applications that are provided using internet protocol or a successor protocol to enable an end user to send or receive communications in internet protocol format or a successor format, regardless of how any particular such service is classified by the federal communications commission, and includes voice over internet protocol service.

(7) "Local exchange carrier" means any person engaged in the provision of telephone exchange service, or the offering of access to telephone exchange service or facilities for the purpose of originating or terminating telephone toll service.

(8) "Local service area" means the geographic area that may encompass more than one exchange area and within which a telephone customer, by paying the rate for basic local exchange service, may complete calls to other telephone customers without being assessed long distance toll charges.

(9) "Small business" means a nonresidential service customer with three or fewer service access lines.

(10) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(11) "Telecommunications carrier" has the same meaning as in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 153.

(12) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.



(13) "Telephone company" means a company described in 56969  
division (A)~~(1)~~ of section 4905.03 of the Revised Code that is a 56970  
public utility under section 4905.02 of the Revised Code. 56971

(14) "Telephone exchange service" means telecommunications 56972  
service that is within a telephone exchange, or within a connected 56973  
system of telephone exchanges within the same exchange area 56974  
operated to furnish to subscribers intercommunicating service of 56975  
the character ordinarily furnished by a single exchange, and that 56976  
is covered by the exchange service charge; or comparable service 56977  
provided through a system of switches, transmission equipment, or 56978  
other facilities, or combination thereof, by which a customer can 56979  
originate and terminate a telecommunications service. 56980

(15) "Telephone toll service" means telephone service between 56981  
stations in different exchange areas for which there is made a 56982  
separate charge not included in contracts with customers for 56983  
exchange service. 56984

(16) "Voice over internet protocol service" means a service 56985  
that uses a broadband connection from an end user's location and 56986  
enables real-time, two-way, voice communications that originate or 56987  
terminate from the user's location using internet protocol or a 56988  
successor protocol, including, but not limited to, any such 56989  
service that permits an end user to receive calls from and 56990  
terminate calls to the public switched network. 56991

(17) "Wireless service" means federally licensed commercial 56992  
mobile service as defined in the "Telecommunications Act of 1996," 56993  
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 56994  
commercial mobile radio service in 47 C.F.R. 20.3. Under division 56995  
(A)(17) of this section, commercial mobile radio service is 56996  
specifically limited to mobile telephone, mobile cellular 56997  
telephone, paging, personal communications services, and 56998  
specialized mobile radio service provided by a common carrier in 56999  
this state and excludes fixed wireless service. 57000

(18) "Wireless service provider" means a facilities-based provider of wireless service to one or more end users in this state. 57001  
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57003

(B) The definitions of this section shall be applied consistent with the definitions in the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with federal decisions interpreting those definitions. 57004  
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**Sec. 4928.23.** As used in sections 4928.23 to 4928.2318 of the Revised Code: 57008  
57009

(A) "Ancillary agreement" means any bond insurance policy, letter of credit, reserve account, surety bond, swap arrangement, hedging arrangement, liquidity or credit support arrangement, or other similar agreement or arrangement entered into in connection with the issuance of phase-in-recovery bonds that is designed to promote the credit quality and marketability of the bonds or to mitigate the risk of an increase in interest rates. 57010  
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(B) "Assignee" means any person or entity to which an interest in phase-in-recovery property is sold, assigned, transferred, or conveyed, other than as security, and any successor to or subsequent assignee of such a person or entity. 57017  
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(C) "Bond" includes debentures, notes, certificates of participation, certificates of beneficial interest, certificates of ownership or other evidences of indebtedness or ownership that are issued by an electric distribution utility or an assignee under a final financing order, the proceeds of which are used directly or indirectly to recover, finance, or refinance phase-in costs and financing costs, and that are secured by or payable from revenues from phase-in-recovery charges. 57021  
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(D) "Bondholder" means any holder or owner of a phase-in-recovery bond. 57029  
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|                                                                                                                                                                                                                                                                                                                                                             |                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (E) "Financing costs" means any of the following:                                                                                                                                                                                                                                                                                                           | 57031                                              |
| (1) Principal, interest, and redemption premiums that are payable on phase-in-recovery bonds;                                                                                                                                                                                                                                                               | 57032<br>57033                                     |
| (2) Any payment required under an ancillary agreement;                                                                                                                                                                                                                                                                                                      | 57034                                              |
| (3) Any amount required to fund or replenish a reserve account or another account established under any indenture, ancillary agreement, or other financing document relating to phase-in-recovery bonds;                                                                                                                                                    | 57035<br>57036<br>57037<br>57038                   |
| (4) Any costs of retiring or refunding any existing debt and equity securities of an electric distribution utility in connection with either the issuance of, or the use of proceeds from, phase-in-recovery bonds;                                                                                                                                         | 57039<br>57040<br>57041<br>57042                   |
| (5) Any costs incurred by an electric distribution utility to obtain modifications of or amendments to any indenture, financing agreement, security agreement, or similar agreement or instrument relating to any existing secured or unsecured obligation of the electric distribution utility in connection with the issuance of phase-in-recovery bonds; | 57043<br>57044<br>57045<br>57046<br>57047<br>57048 |
| (6) Any costs incurred by an electric distribution utility to obtain any consent, release, waiver, or approval from any holder of an obligation described in division (E)(5) of this section that are necessary to be incurred for the electric distribution utility to issue or cause the issuance of phase-in-recovery bonds;                             | 57049<br>57050<br>57051<br>57052<br>57053          |
| (7) Any taxes, franchise fees, or license fees imposed on phase-in-recovery revenues;                                                                                                                                                                                                                                                                       | 57054<br>57055                                     |
| (8) Any costs related to issuing or servicing phase-in-recovery bonds or related to obtaining a financing order, including servicing fees and expenses, trustee fees and expenses, legal, accounting, or other professional fees and expenses, administrative fees, placement fees, underwriting fees,                                                      | 57056<br>57057<br>57058<br>57059<br>57060          |

capitalized interest and equity, and rating-agency fees; 57061

(9) Any other similar costs that the public utilities 57062  
commission finds appropriate. 57063

(F) "Financing order" means an order issued by the public 57064  
utilities commission under section 4928.232 of the Revised Code 57065  
that authorizes an electric distribution utility or an assignee to 57066  
issue phase-in-recovery bonds and recover phase-in-recovery 57067  
charges. 57068

(G) "Final financing order" means a financing order that has 57069  
become final and has taken effect as provided in section 4928.233 57070  
of the Revised Code. 57071

(H) "Financing party" means either of the following: 57072

(1) Any trustee, collateral agent, or other person acting for 57073  
the benefit of any bondholder; 57074

(2) Any party to an ancillary agreement, the rights and 57075  
obligations of which relate to or depend upon the existence of 57076  
phase-in-recovery property, the enforcement and priority of a 57077  
security interest in phase-in-recovery property, the timely 57078  
collection and payment of phase-in-recovery revenues, or a 57079  
combination of these factors. 57080

(I) "Financing statement" has the same meaning as in section 57081  
1309.102 of the Revised Code. 57082

(J) "Phase-in costs" means costs, inclusive of carrying 57083  
charges incurred before, on, or after ~~the effective date of this~~ 57084  
~~section~~ March 22, 2012, authorized by the commission before, on, 57085  
or after ~~the effective date of this section~~ March 22, 2012, to be 57086  
securitized or deferred as regulatory assets in proceedings under 57087  
section 4909.18 of the Revised Code, sections 4928.141 to 57088  
4928.143, or 4928.144 of the Revised Code, or section 4928.14 of 57089  
the Revised Code as it existed prior to July 31, 2008, pursuant to 57090

a final order for which appeals have been exhausted. "Phase-in costs" excludes the following: 57091  
57092

(1) With respect to any electric generating facility that, on 57093  
and after ~~the effective date of this section~~ March 22, 2012, is 57094  
owned, in whole or in part, by an electric distribution utility 57095  
applying for a financing order under section 4928.231 of the 57096  
Revised Code, costs that are authorized under division (B)(2)(b) 57097  
or (c) of section 4928.143 of the Revised Code; 57098

(2) Costs incurred after ~~the effective date of this section~~ 57099  
March 22, 2012, related to the ongoing operation of an electric 57100  
generating facility, but not environmental clean-up or remediation 57101  
costs incurred by an electric distribution utility because of its 57102  
ownership or operation of an electric generating facility prior to 57103  
~~the effective date of this section~~ March 22, 2012, which such 57104  
clean-up or remediation costs are imposed or incurred pursuant to 57105  
federal or state law, rules, or regulations and for which the 57106  
commission approves recovery in accordance with section 4909.18 of 57107  
the Revised Code, sections 4928.141 to 4928.143, or 4928.144 of 57108  
the Revised Code, or section 4928.14 of the Revised Code as it 57109  
existed prior to July 31, 2008. 57110

(K) "Phase-in-recovery property" means the property, rights, 57111  
and interests of an electric distribution utility or an assignee 57112  
under a final financing order, including the right to impose, 57113  
charge, and collect the phase-in-recovery charges that shall be 57114  
used to pay and secure the payment of phase-in-recovery bonds and 57115  
financing costs, and including the right to obtain adjustments to 57116  
those charges, and any revenues, receipts, collections, rights to 57117  
payment, payments, moneys, claims, or other proceeds arising from 57118  
the rights and interests created under the final financing order. 57119  
"Phase-in-recovery property" does not include tangible personal 57120  
property constituting the generation, transmission, or 57121  
distribution property of an electric distribution utility or an 57122

assignee thereof. 57123

(L) "Phase-in-recovery revenues" means all revenues, 57124  
receipts, collections, payments, moneys, claims, or other proceeds 57125  
arising from phase-in-recovery property. 57126

(M) "Successor" means, with respect to any entity, another 57127  
entity that succeeds by operation of law to the rights and 57128  
obligations of the first legal entity pursuant to any bankruptcy, 57129  
reorganization, restructuring, or other insolvency proceeding, any 57130  
merger, acquisition, or consolidation, or any sale or transfer of 57131  
assets, regardless of whether any of these occur as a result of a 57132  
restructuring of the electric power industry or otherwise. 57133

**Sec. 4928.2314.** (A) The transfer and ownership of 57134  
phase-in-recovery property and the imposition, charging, 57135  
collection, and receipt of phase-in-recovery revenues under 57136  
sections 4928.231 to 4928.2317 of the Revised Code are exempt from 57137  
all taxes and similar charges imposed by the state or any county, 57138  
municipal corporation, school district, local authority, or other 57139  
subdivision. 57140

(B) Phase-in-recovery bonds issued under a final financing 57141  
order shall not constitute a debt or a pledge of the faith and 57142  
credit or taxing power of this state or of any county, municipal 57143  
corporation, or any other political subdivision of this state. 57144  
Bondholders shall have no right to have taxes levied by this state 57145  
or the taxing authority of any county, municipal corporation, or 57146  
any other political subdivision of this state for the payment of 57147  
the principal of or interest on the bonds. The issuance of 57148  
phase-in-recovery bonds does not, directly, indirectly, or 57149  
contingently, obligate this state or any county, municipal 57150  
corporation, or political subdivision of this state to levy any 57151  
tax or make any appropriation for payment of the principal of or 57152  
interest on the bonds. 57153

(C) Nothing in this section prohibits the levy of the tax 57154  
imposed under Chapter 5751. of the Revised Code. 57155

**Sec. 4929.01.** As used in this chapter: 57156

(A) "Alternative rate plan" means a method, alternate to the 57157  
method of section 4909.15 of the Revised Code, for establishing 57158  
rates and charges, under which rates and charges may be 57159  
established for a commodity sales service or ancillary service 57160  
that is not exempt pursuant to section 4929.04 of the Revised Code 57161  
or for a distribution service. Alternative rate plans may include, 57162  
but are not limited to, methods that provide adequate and reliable 57163  
natural gas services and goods in this state; minimize the costs 57164  
and time expended in the regulatory process; tend to assess the 57165  
costs of any natural gas service or goods to the entity, service, 57166  
or goods that cause such costs to be incurred; afford rate 57167  
stability; promote and reward efficiency, quality of service, or 57168  
cost containment by a natural gas company; provide sufficient 57169  
flexibility and incentives to the natural gas industry to achieve 57170  
high quality, technologically advanced, and readily available 57171  
natural gas services and goods at just and reasonable rates and 57172  
charges; or establish revenue decoupling mechanisms. Alternative 57173  
rate plans also may include, but are not limited to, automatic 57174  
adjustments based on a specified index or changes in a specified 57175  
cost or costs. 57176

(B) "Ancillary service" means a service that is ancillary to 57177  
the receipt or delivery of natural gas to consumers, including, 57178  
but not limited to, storage, pooling, balancing, and transmission. 57179

(C) "Commodity sales service" means the sale of natural gas 57180  
to consumers, exclusive of any distribution or ancillary service. 57181

(D) "Comparable service" means any regulated service or goods 57182  
whose availability, quality, price, terms, and conditions are the 57183  
same as or better than those of the services or goods that the 57184

natural gas company provides to a person with which it is 57185  
affiliated or which it controls, or, as to any consumer, that the 57186  
natural gas company offers to that consumer as part of a bundled 57187  
service that includes both regulated and exempt services or goods. 57188

(E) "Consumer" means any person or association of persons 57189  
purchasing, delivering, storing, or transporting, or seeking to 57190  
purchase, deliver, store, or transport, natural gas, including 57191  
industrial consumers, commercial consumers, and residential 57192  
consumers, but not including natural gas companies. 57193

(F) "Distribution service" means the delivery of natural gas 57194  
to a consumer at the consumer's facilities, by and through the 57195  
instrumentalities and facilities of a natural gas company, 57196  
regardless of the party having title to the natural gas. 57197

(G) "Natural gas company" means a natural gas company, as 57198  
defined in section 4905.03 of the Revised Code, that is a public 57199  
utility as defined in section 4905.02 of the Revised Code and 57200  
excludes a retail natural gas supplier. 57201

(H) "Person," except as provided in division (N) of this 57202  
section, has the same meaning as in section 1.59 of the Revised 57203  
Code, and includes this state and any political subdivision, 57204  
agency, or other instrumentality of this state and includes the 57205  
United States and any agency or other instrumentality of the 57206  
United States. 57207

(I) "Billing or collection agent" means a fully independent 57208  
agent, not affiliated with or otherwise controlled by a retail 57209  
natural gas supplier or governmental aggregator subject to 57210  
certification under section 4929.20 of the Revised Code, to the 57211  
extent that the agent is under contract with such supplier or 57212  
aggregator solely to provide billing and collection for 57213  
competitive retail natural gas service on behalf of the supplier 57214  
or aggregator. 57215



(J) "Competitive retail natural gas service" means any retail natural gas service that may be competitively offered to consumers in this state as a result of revised schedules approved under division (C) of section 4929.29 of the Revised Code, a rule or order adopted or issued by the public utilities commission under Chapter 4905. of the Revised Code, or an exemption granted by the commission under sections 4929.04 to 4929.08 of the Revised Code.

(K) "Governmental aggregator" means either of the following:

(1) A legislative authority of a municipal corporation, a board of township trustees, or a board of county commissioners acting exclusively under section 4929.26 or 4929.27 of the Revised Code as an aggregator for the provision of competitive retail natural gas service;

(2) A municipal corporation acting exclusively under Section 4 of Article XVIII, Ohio Constitution, as an aggregator for the provision of competitive retail natural gas service.

(L)(1) "Mercantile customer" means a customer that consumes, other than for residential use, more than five hundred thousand cubic feet of natural gas per year at a single location within this state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside of this state. "Mercantile customer" excludes a customer for which a declaration under division (L)(2) of this section is in effect pursuant to that division.

(2) A not-for-profit customer that consumes, other than for residential use, more than five hundred thousand cubic feet of natural gas per year at a single location within this state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside this state may file a declaration under division (L)(2) of this section with the public utilities commission. The declaration

shall take effect upon the date of filing, and by virtue of the 57247  
declaration, the customer is not a mercantile customer for the 57248  
purposes of this section and sections 4929.20 to 4929.29 of the 57249  
Revised Code or the purposes of a governmental natural gas 57250  
aggregation or arrangement or other contract entered into after 57251  
the declaration's effective date for the supply or arranging of 57252  
the supply of natural gas to the customer to a location within 57253  
this state. The customer may file a rescission of the declaration 57254  
with the commission at any time. The rescission shall not affect 57255  
any governmental natural gas aggregation or arrangement or other 57256  
contract entered into by the customer prior to the date of the 57257  
filing of the rescission and shall have effect only with respect 57258  
to any subsequent such aggregation or arrangement or other 57259  
contract. The commission shall prescribe rules under section 57260  
4929.10 of the Revised Code specifying the form of the declaration 57261  
or a rescission and procedures by which a declaration or 57262  
rescission may be filed. 57263

(M) "Retail natural gas service" means commodity sales 57264  
service, ancillary service, natural gas aggregation service, 57265  
natural gas marketing service, or natural gas brokerage service. 57266

(N) "Retail natural gas supplier" means any person, as 57267  
defined in section 1.59 of the Revised Code, that is engaged on a 57268  
for-profit or not-for-profit basis in the business of supplying or 57269  
arranging for the supply of a competitive retail natural gas 57270  
service to consumers in this state that are not mercantile 57271  
customers. "Retail natural gas supplier" includes a marketer, 57272  
broker, or aggregator, but excludes a natural gas company, a 57273  
governmental aggregator as defined in division (K)(1) or (2) of 57274  
this section, an entity described in division ~~(B)~~(A)(2) or ~~(C)~~(3) 57275  
of section 4905.02 of the Revised Code, or a billing or collection 57276  
agent, and excludes a producer or gatherer of gas to the extent 57277  
such producer or gatherer is not a natural gas company under 57278

section 4905.03 of the Revised Code. 57279

(0) "Revenue decoupling mechanism" means a rate design or 57280  
other cost recovery mechanism that provides recovery of the fixed 57281  
costs of service and a fair and reasonable rate of return, 57282  
irrespective of system throughput or volumetric sales. 57283

**Sec. 4929.02.** (A) It is the policy of this state to, 57284  
throughout this state: 57285

(1) Promote the availability to consumers of adequate, 57286  
reliable, and reasonably priced natural gas services and goods; 57287

(2) Promote the availability of unbundled and comparable 57288  
natural gas services and goods that provide wholesale and retail 57289  
consumers with the supplier, price, terms, conditions, and quality 57290  
options they elect to meet their respective needs; 57291

(3) Promote diversity of natural gas supplies and suppliers, 57292  
by giving consumers effective choices over the selection of those 57293  
supplies and suppliers; 57294

(4) Encourage innovation and market access for cost-effective 57295  
supply- and demand-side natural gas services and goods; 57296

(5) Encourage cost-effective and efficient access to 57297  
information regarding the operation of the distribution systems of 57298  
natural gas companies in order to promote effective customer 57299  
choice of natural gas services and goods; 57300

(6) Recognize the continuing emergence of competitive natural 57301  
gas markets through the development and implementation of flexible 57302  
regulatory treatment; 57303

(7) Promote an expeditious transition to the provision of 57304  
natural gas services and goods in a manner that achieves effective 57305  
competition and transactions between willing buyers and willing 57306  
sellers to reduce or eliminate the need for regulation of natural 57307  
gas services and goods under Chapters 4905. and 4909. of the 57308

|                                                                                                                                                                                                                                                                                                                                                                                               |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Revised Code;                                                                                                                                                                                                                                                                                                                                                                                 | 57309                                                       |
| (8) Promote effective competition in the provision of natural gas services and goods by avoiding subsidies flowing to or from regulated natural gas services and goods;                                                                                                                                                                                                                       | 57310<br>57311<br>57312                                     |
| (9) Ensure that the risks and rewards of a natural gas company's offering of nonjurisdictional and exempt services and goods do not affect the rates, prices, terms, or conditions of nonexempt, regulated services and goods of a natural gas company and do not affect the financial capability of a natural gas company to comply with the policy of this state specified in this section; | 57313<br>57314<br>57315<br>57316<br>57317<br>57318<br>57319 |
| (10) Facilitate the state's competitiveness in the global economy;                                                                                                                                                                                                                                                                                                                            | 57320<br>57321                                              |
| (11) Facilitate additional choices for the supply of natural gas for residential consumers, including aggregation;                                                                                                                                                                                                                                                                            | 57322<br>57323                                              |
| (12) Promote an alignment of natural gas company interests with consumer interest in energy efficiency and energy conservation.                                                                                                                                                                                                                                                               | 57324<br>57325<br>57326                                     |
| (B) The public utilities commission and the office of the consumers' counsel shall follow the policy specified in this section in exercising their respective authorities relative to sections 4929.03 to 4929.30 of the Revised Code.                                                                                                                                                        | 57327<br>57328<br>57329<br>57330                            |
| (C) Nothing in Chapter 4929. of the Revised Code shall be construed to alter the public utilities commission's construction or application of division <del>(A)(5)</del> <u>(E)</u> of section 4905.03 of the Revised Code.                                                                                                                                                                   | 57331<br>57332<br>57333<br>57334                            |
| <b>Sec. 4933.18.</b> (A) In a prosecution for a theft offense, as defined in section 2913.01 of the Revised Code, that involves alleged tampering with a gas, electric, steam, or water meter, conduit, or attachment of a utility that has been disconnected by                                                                                                                              | 57335<br>57336<br>57337<br>57338                            |

the utility, proof that a meter, conduit, or attachment of a utility has been tampered with is prima-facie evidence that the person who is obligated to pay for the service rendered through the meter, conduit, or attachment and is in possession or control of the meter, conduit, or attachment at the time the tampering occurred has caused the tampering with intent to commit a theft offense.

In a prosecution for a theft offense, as defined in section 2913.01 of the Revised Code, that involves the alleged reconnection of a gas, electric, steam, or water meter, conduit, or attachment of a utility that has been disconnected by the utility, proof that a meter, conduit, or attachment disconnected by a utility has been reconnected without the consent of the utility is prima-facie evidence that the person in possession or control of the meter, conduit, or attachment at the time of the reconnection has reconnected the meter, conduit, or attachment with intent to commit a theft offense.

(B) As used in this section:

(1) "Utility" means any electric light company, gas company, natural gas company, pipe-line company, water-works company, or heating or cooling company, as defined by division ~~(A)(3), (4), (5), (6), (7)~~ (C), (D), (E), (F), (G), or ~~(8)~~ (H) of section 4905.03 of the Revised Code, its lessees, trustees, or receivers, or any similar utility owned or operated by a political subdivision.

(2) "Tamper" means to interfere with, damage, or by-pass a utility meter, conduit, or attachment with the intent to impede the correct registration of a meter or the proper functions of a conduit or attachment so as to reduce the amount of utility service that is registered on the meter.

**Sec. 4933.19.** Each electric light company, gas company, natural gas company, pipe-line company, water-works company, or

heating or cooling company, as defined by division ~~(A)(3), (4),~~ 57370  
~~(5), (6), (7),~~ (C), (D), (E), (F), (G), or ~~(8)(H)~~ of section 57371  
4905.03 of the Revised Code, or its lessees, trustees, or 57372  
receivers, and each similar utility owned or operated by a 57373  
political subdivision shall notify its customers, on an annual 57374  
basis, that tampering with or bypassing a meter constitutes a 57375  
theft offense that could result in the imposition of criminal 57376  
sanctions. 57377

**Sec. 4939.01.** As used in sections 4939.01 to 4939.08 of the 57378  
Revised Code: 57379

(A) "Cable operator," "cable service," and "franchise" have 57380  
the same meanings as in the "Cable Communications Policy Act of 57381  
1984," 98 Stat. 2779, 47 U.S.C.A. 522. 57382

(B) "Occupy or use" means, with respect to a public way, to 57383  
place a tangible thing in a public way for any purpose, including, 57384  
but not limited to, constructing, repairing, positioning, 57385  
maintaining, or operating lines, poles, pipes, conduits, ducts, 57386  
equipment, or other structures, appurtenances, or facilities 57387  
necessary for the delivery of public utility services or any 57388  
services provided by a cable operator. 57389

(C) "Person" means any natural person, corporation, or 57390  
partnership and also includes any governmental entity. 57391

(D) "Public utility" means any company described in section 57392  
4905.03 of the Revised Code except in divisions ~~(A)(2)(B)~~ and 57393  
~~(9)(I)~~ of that section, which company also is a public utility as 57394  
defined in section 4905.02 of the Revised Code; and includes any 57395  
electric supplier as defined in section 4933.81 of the Revised 57396  
Code. 57397

(E) "Public way" means the surface of, and the space within, 57398  
through, on, across, above, or below, any public street, public 57399

road, public highway, public freeway, public lane, public path, 57400  
public alley, public court, public sidewalk, public boulevard, 57401  
public parkway, public drive, and any other land dedicated or 57402  
otherwise designated for a compatible public use, which, on or 57403  
after ~~the effective date of this section~~ July 2, 2002, is owned or 57404  
controlled by a municipal corporation. "Public way" excludes a 57405  
private easement. 57406

(F) "Public way fee" means a fee levied to recover the costs 57407  
incurred by a municipal corporation and associated with the 57408  
occupancy or use of a public way. 57409

**Sec. 4953.04.** No union terminal company or corporation shall 57410  
engage in the business of a for-hire motor transportation service 57411  
carrier, as defined in ~~sections 4905.03, 4921.02, and 4923.02~~ 57412  
4921.01 of the Revised Code, over any public highway in this 57413  
state, without obtaining authority from the public utilities 57414  
commission, and complying with all laws governing every 57415  
corporation or company when engaged or proposing to engage in ~~such~~ 57416  
the business of a for-hire motor transportation service carrier. 57417

**Sec. 4961.03.** Any railroad company owning or operating a 57418  
railroad in this state may own, control, operate, or manage motor 57419  
vehicles for the purpose of transporting persons or property, or 57420  
both, upon the public highways for hire, subject to ~~sections~~ 57421  
4921.02 to 4921.32, inclusive, Chapters 4921. and 4923. of the 57422  
Revised Code. Any railroad company may also own and operate 57423  
equipment for and engage in the business of aerial transportation. 57424  
Any railroad company may acquire, own, and hold capital stock and 57425  
securities of corporations organized for or engaged in the 57426  
businesses authorized in this section and may operate the 57427  
properties, or any part thereof, of such corporations, and may 57428  
enter into working arrangements and agreements with such 57429  
corporations. 57430

**Sec. 4965.54.** Any common carrier, railroad, or ~~transportation~~ 57431  
~~company~~ motor carrier receiving property at a point within this 57432  
state for transportation to a point within this state, shall issue 57433  
a receipt or bill of lading for such property and is liable to the 57434  
lawful holder of it for any loss, damage, or injury to such 57435  
property caused by it or by any common carrier, railroad, or 57436  
transportation company to which such property is delivered or over 57437  
whose line such property passes. No contract, receipt, rule, or 57438  
regulation shall exempt such common carrier, railroad, or 57439  
~~transportation company~~ motor carrier from the liability imposed by 57440  
this section. This section does not deprive any holder of such 57441  
receipt or bill of lading of any remedy or right of action which 57442  
he the holder has under existing law. 57443

The common carrier, railroad, or ~~transportation company~~ motor 57444  
carrier issuing such receipt or bill of lading may recover from 57445  
the common carrier, railroad, or ~~transportation company~~ motor 57446  
carrier on whose line the loss, damage, or injury was sustained 57447  
the amount of such loss, damage, or injury it is required to pay 57448  
the owners of such property as is evidenced by any receipt, 57449  
judgment, or transcript thereof. 57450

As used in this section, "motor carrier" has the same meaning 57451  
as in section 4923.01 of the Revised Code. 57452

**Sec. 5101.01.** (A) As used in the Revised Code, the 57453  
"department of public welfare" and the "department of human 57454  
services" mean the department of job and family services and the 57455  
"director of public welfare" and the "director of human services" 57456  
mean the director of job and family services. Whenever the 57457  
department or director of public welfare or the department or 57458  
director of human services is referred to or designated in any 57459  
statute, rule, contract, grant, or other document, the reference 57460  
or designation shall be deemed to refer to the department or 57461



director of job and family services, as the case may be. 57462

(B) As used in this chapter ~~of the Revised Code~~: 57463

(1) References ~~to counties or to a county departments~~ 57464  
department of job and family services include ~~the a~~ joint county 57465  
department of job and family services established under section 57466  
329.40 of the Revised Code. 57467

(2) References to ~~boards~~ a board of county commissioners 57468  
include ~~boards~~ the board of directors of ~~the a~~ joint county 57469  
department of job and family services established under section 57470  
329.40 of the Revised Code. 57471

**Sec. 5101.46.** (A) As used in this section: 57472

(1) "Title XX" means Title XX of the "Social Security Act," 57473  
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 57474

(2) "Respective local agency" means, with respect to the 57475  
department of job and family services, a county department of job 57476  
and family services; with respect to the department of mental 57477  
health, a board of alcohol, drug addiction, and mental health 57478  
services; and with respect to the department of developmental 57479  
disabilities, a county board of developmental disabilities. 57480

(3) "Federal poverty guidelines" means the poverty guidelines 57481  
as revised annually by the United States department of health and 57482  
human services in accordance with section 673(2) of the "Omnibus 57483  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 57484  
9902, as amended, for a family size equal to the size of the 57485  
family of the person whose income is being determined. 57486

(B) The departments of job and family services, mental 57487  
health, and developmental disabilities, with their respective 57488  
local agencies, shall administer the provision of social services 57489  
funded through grants made under Title XX. The social services 57490  
furnished with Title XX funds shall be directed at the following 57491

|                                                                                                                                                                                                                                                                                                                                                                 |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| goals:                                                                                                                                                                                                                                                                                                                                                          | 57492                                              |
| (1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency;                                                                                                                                                                                                                                                                 | 57493<br>57494                                     |
| (2) Achieving or maintaining self-sufficiency, including reduction or prevention of dependency;                                                                                                                                                                                                                                                                 | 57495<br>57496                                     |
| (3) Preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, or preserving, rehabilitating, or reuniting families;                                                                                                                                                                                 | 57497<br>57498<br>57499                            |
| (4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care;                                                                                                                                                                                                      | 57500<br>57501<br>57502                            |
| (5) Securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.                                                                                                                                                                                                   | 57503<br>57504<br>57505                            |
| (C)(1) All federal funds received under Title XX shall be appropriated as follows:                                                                                                                                                                                                                                                                              | 57506<br>57507                                     |
| (a) Seventy-two and one-half per cent to the department of job and family services;                                                                                                                                                                                                                                                                             | 57508<br>57509                                     |
| (b) Twelve and ninety-three <del>one-hundredths</del> <u>one-hundredths</u> per cent to the department of mental health;                                                                                                                                                                                                                                        | 57510<br>57511                                     |
| (c) Fourteen and fifty-seven <del>one-hundredths</del> <u>one-hundredths</u> per cent to the department of developmental disabilities.                                                                                                                                                                                                                          | 57512<br>57513                                     |
| (2) Each of the state departments shall, subject to the approval of the controlling board, develop a formula for the distribution of the Title XX funds appropriated to the department to its respective local agencies. The formula developed by each state department shall take into account all of the following for each of its respective local agencies: | 57514<br>57515<br>57516<br>57517<br>57518<br>57519 |
| (a) The total population of the area that is served by the respective local agency;                                                                                                                                                                                                                                                                             | 57520<br>57521                                     |

(b) The percentage of the population in the area served that falls below the federal poverty guidelines; 57522  
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(c) The respective local agency's history of and ability to utilize Title XX funds. 57524  
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(3) Each of the state departments shall expend for state administrative costs not more than three per cent of the Title XX funds appropriated to the department. 57526  
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Each state department shall establish for each of its respective local agencies the maximum percentage of the Title XX funds distributed to the respective local agency that the respective local agency may expend for local administrative costs. The percentage shall be established by rule and shall comply with federal law governing the use of Title XX funds. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. 57529  
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(4) The department of job and family services shall expend for the training of the following not more than two per cent of the Title XX funds appropriated to the department: 57537  
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(a) Employees of county departments of job and family services; 57540  
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(b) Providers of services under contract with the state departments' respective local agencies; 57542  
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(c) Employees of a public children services agency directly engaged in providing Title XX services. 57544  
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(D) The department of job and family services shall prepare a ~~biennial~~ an annual comprehensive Title XX social services plan on the intended use of Title XX funds. The department shall develop a method for obtaining public comment during the development of the plan and following its completion. 57546  
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For each ~~state~~ federal fiscal year, the department of job and 57551

family services shall prepare a report on the actual use of Title 57552  
XX funds. The department shall make the annual report available 57553  
for public inspection. 57554

The departments of mental health and developmental 57555  
disabilities shall prepare and submit to the department of job and 57556  
family services the portions of each ~~biennial~~ annual plan and 57557  
~~annual~~ report that apply to services for mental health and mental 57558  
retardation and developmental disabilities. Each respective local 57559  
agency of the three state departments shall submit information as 57560  
necessary for the preparation of ~~biennial~~ annual plans and ~~annual~~ 57561  
reports. 57562

(E) Each county department of job and family services shall 57563  
adopt a county profile for the administration and provision of 57564  
Title XX social services in the county. In developing its county 57565  
profile, the county department shall take into consideration the 57566  
comments and recommendations received from the public by the 57567  
county family services planning committee pursuant to section 57568  
329.06 of the Revised Code. As part of its preparation of the 57569  
county profile, the county department may prepare a local needs 57570  
report analyzing the need for Title XX social services. 57571

The county department shall submit the county profile to the 57572  
board of county commissioners for its review. Once the county 57573  
profile has been approved by the board, the county department 57574  
shall file a copy of the county profile with the department of job 57575  
and family services. The department shall approve the county 57576  
profile if the department determines the profile provides for the 57577  
Title XX social services to meet the goals specified in division 57578  
(B) of this section. 57579

(F) Any of the three state departments and their respective 57580  
local agencies may require that an entity under contract to 57581  
provide social services with Title XX funds submit to an audit on 57582  
the basis of alleged misuse or improper accounting of funds. If an 57583

audit is required, the social services provider shall reimburse 57584  
the state department or respective local agency for the cost it 57585  
incurred in conducting the audit or having the audit conducted. 57586

If an audit demonstrates that a social services provider is 57587  
responsible for one or more adverse findings, the provider shall 57588  
reimburse the appropriate state department or its respective local 57589  
agency the amount of the adverse findings. The amount shall not be 57590  
reimbursed with Title XX funds received under this section. The 57591  
three state departments and their respective local agencies may 57592  
terminate or refuse to enter into a Title XX contract with a 57593  
social services provider if there are adverse findings in an audit 57594  
that are the responsibility of the provider. 57595

(G) Except with respect to the matters for which each of the 57596  
state departments must adopt rules under division (C)(3) of this 57597  
section, the department of job and family services may adopt any 57598  
rules it considers necessary to implement and carry out the 57599  
purposes of this section. Rules governing financial and 57600  
operational matters of the department or matters between the 57601  
department and county departments of job and family services shall 57602  
be adopted as internal management rules in accordance with section 57603  
111.15 of the Revised Code. Rules governing eligibility for 57604  
services, program participation, and other matters pertaining to 57605  
applicants and participants shall be adopted in accordance with 57606  
Chapter 119. of the Revised Code. 57607

**Sec. 5101.60.** As used in sections 5101.60 to 5101.71 of the 57608  
Revised Code: 57609

(A) "Abuse" means the infliction upon an adult by self or 57610  
others of injury, unreasonable confinement, intimidation, or cruel 57611  
punishment with resulting physical harm, pain, or mental anguish. 57612

(B) "Adult" means any person sixty years of age or older 57613  
within this state who is handicapped by the infirmities of aging 57614

or who has a physical or mental impairment which prevents the 57615  
person from providing for the person's own care or protection, and 57616  
who resides in an independent living arrangement. An "independent 57617  
living arrangement" is a domicile of a person's own choosing, 57618  
including, but not limited to, a private home, apartment, trailer, 57619  
or rooming house. An "independent living arrangement" includes ~~an~~ 57620  
~~adult care~~ a residential facility licensed pursuant to Chapter 57621  
5119, under section 5119.22 of the Revised Code that provides 57622  
accommodations, supervision, and personal care services for three 57623  
to sixteen unrelated adults, but does not include other 57624  
institutions or facilities licensed by the state or facilities in 57625  
which a person resides as a result of voluntary, civil, or 57626  
criminal commitment. 57627

(C) "Caretaker" means the person assuming the responsibility 57628  
for the care of an adult on a voluntary basis, by contract, 57629  
through receipt of payment for care, as a result of a family 57630  
relationship, or by order of a court of competent jurisdiction. 57631

(D) "Court" means the probate court in the county where an 57632  
adult resides. 57633

(E) "Emergency" means that the adult is living in conditions 57634  
which present a substantial risk of immediate and irreparable 57635  
physical harm or death to self or any other person. 57636

(F) "Emergency services" means protective services furnished 57637  
to an adult in an emergency. 57638

(G) "Exploitation" means the unlawful or improper act of a 57639  
caretaker using an adult or an adult's resources for monetary or 57640  
personal benefit, profit, or gain. 57641

(H) "In need of protective services" means an adult known or 57642  
suspected to be suffering from abuse, neglect, or exploitation to 57643  
an extent that either life is endangered or physical harm, mental 57644  
anguish, or mental illness results or is likely to result. 57645

(I) "Incapacitated person" means a person who is impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person's self or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determinative that the person is incapacitated. "Reasonable decisions" are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support.

(J) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(K) "Neglect" means the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

(L) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.

(M) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult.

(N) "Protective services" means services provided by the county department of job and family services or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of as well as conditions resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such

commodities as food, clothing, and shelter. 57677

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 57678  
and Friday, except when such day is a holiday as defined in 57679  
section 1.14 of the Revised Code. 57680

**Sec. 5101.61.** (A) As used in this section: 57681

(1) "Senior service provider" means any person who provides 57682  
care or services to a person who is an adult as defined in 57683  
division (B) of section 5101.60 of the Revised Code. 57684

(2) "Ambulatory health facility" means a nonprofit, public or 57685  
proprietary freestanding organization or a unit of such an agency 57686  
or organization that: 57687

(a) Provides preventive, diagnostic, therapeutic, 57688  
rehabilitative, or palliative items or services furnished to an 57689  
outpatient or ambulatory patient, by or under the direction of a 57690  
physician or dentist in a facility which is not a part of a 57691  
hospital, but which is organized and operated to provide medical 57692  
care to outpatients; 57693

(b) Has health and medical care policies which are developed 57694  
with the advice of, and with the provision of review of such 57695  
policies, an advisory committee of professional personnel, 57696  
including one or more physicians, one or more dentists, if dental 57697  
care is provided, and one or more registered nurses; 57698

(c) Has a medical director, a dental director, if dental care 57699  
is provided, and a nursing director responsible for the execution 57700  
of such policies, and has physicians, dentists, nursing, and 57701  
ancillary staff appropriate to the scope of services provided; 57702

(d) Requires that the health care and medical care of every 57703  
patient be under the supervision of a physician, provides for 57704  
medical care in a case of emergency, has in effect a written 57705  
agreement with one or more hospitals and other centers or clinics, 57706



and has an established patient referral system to other resources, 57707  
and a utilization review plan and program; 57708

(e) Maintains clinical records on all patients; 57709

(f) Provides nursing services and other therapeutic services 57710  
in accordance with programs and policies, with such services 57711  
supervised by a registered professional nurse, and has a 57712  
registered professional nurse on duty at all times of clinical 57713  
operations; 57714

(g) Provides approved methods and procedures for the 57715  
dispensing and administration of drugs and biologicals; 57716

(h) Has established an accounting and record keeping system 57717  
to determine reasonable and allowable costs; 57718

(i) "Ambulatory health facilities" also includes an 57719  
alcoholism treatment facility approved by the joint commission on 57720  
accreditation of healthcare organizations as an alcoholism 57721  
treatment facility or certified by the department of alcohol and 57722  
drug addiction services, and such facility shall comply with other 57723  
provisions of this division not inconsistent with such 57724  
accreditation or certification. 57725

(3) "Community mental health facility" means a facility which 57726  
provides community mental health services and is included in the 57727  
comprehensive mental health plan for the alcohol, drug addiction, 57728  
and mental health service district in which it is located. 57729

(4) "Community mental health service" means services, other 57730  
than inpatient services, provided by a community mental health 57731  
facility. 57732

(5) "Home health agency" means an institution or a distinct 57733  
part of an institution operated in this state which: 57734

(a) Is primarily engaged in providing home health services; 57735

(b) Has home health policies which are established by a group 57736

of professional personnel, including one or more duly licensed 57737  
doctors of medicine or osteopathy and one or more registered 57738  
professional nurses, to govern the home health services it 57739  
provides and which includes a requirement that every patient must 57740  
be under the care of a duly licensed doctor of medicine or 57741  
osteopathy; 57742

(c) Is under the supervision of a duly licensed doctor of 57743  
medicine or doctor of osteopathy or a registered professional 57744  
nurse who is responsible for the execution of such home health 57745  
policies; 57746

(d) Maintains comprehensive records on all patients; 57747

(e) Is operated by the state, a political subdivision, or an 57748  
agency of either, or is operated not for profit in this state and 57749  
is licensed or registered, if required, pursuant to law by the 57750  
appropriate department of the state, county, or municipality in 57751  
which it furnishes services; or is operated for profit in this 57752  
state, meets all the requirements specified in divisions (A)(5)(a) 57753  
to (d) of this section, and is certified under Title XVIII of the 57754  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 57755  
amended. 57756

(6) "Home health service" means the following items and 57757  
services, provided, except as provided in division (A)(6)(g) of 57758  
this section, on a visiting basis in a place of residence used as 57759  
the patient's home: 57760

(a) Nursing care provided by or under the supervision of a 57761  
registered professional nurse; 57762

(b) Physical, occupational, or speech therapy ordered by the 57763  
patient's attending physician; 57764

(c) Medical social services performed by or under the 57765  
supervision of a qualified medical or psychiatric social worker 57766  
and under the direction of the patient's attending physician; 57767

(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse; 57768  
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(e) Medical supplies and the use of medical appliances; 57771

(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician; 57772  
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(g) Any of the foregoing items and services which: 57776

(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility; 57777  
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(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment. 57780  
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Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of ~~an adult care a residential facility as defined in licensed under~~ section ~~5119.70~~ 5119.22 of the Revised Code ~~that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults~~, any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider, any peace officer, coroner, ~~clergyman~~ member of the clergy, any employee of a community mental health facility, and any person engaged in social work or counseling having reasonable 57785  
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cause to believe that an adult is being abused, neglected, or 57799  
exploited, or is in a condition which is the result of abuse, 57800  
neglect, or exploitation shall immediately report such belief to 57801  
the county department of job and family services. This section 57802  
does not apply to employees of any hospital or public hospital as 57803  
defined in section 5122.01 of the Revised Code. 57804

(B) Any person having reasonable cause to believe that an 57805  
adult has suffered abuse, neglect, or exploitation may report, or 57806  
cause reports to be made of such belief to the department. 57807

(C) The reports made under this section shall be made orally 57808  
or in writing except that oral reports shall be followed by a 57809  
written report if a written report is requested by the department. 57810  
Written reports shall include: 57811

(1) The name, address, and approximate age of the adult who 57812  
is the subject of the report; 57813

(2) The name and address of the individual responsible for 57814  
the adult's care, if any individual is, and if the individual is 57815  
known; 57816

(3) The nature and extent of the alleged abuse, neglect, or 57817  
exploitation of the adult; 57818

(4) The basis of the reporter's belief that the adult has 57819  
been abused, neglected, or exploited. 57820

(D) Any person with reasonable cause to believe that an adult 57821  
is suffering abuse, neglect, or exploitation who makes a report 57822  
pursuant to this section or who testifies in any administrative or 57823  
judicial proceeding arising from such a report, or any employee of 57824  
the state or any of its subdivisions who is discharging 57825  
responsibilities under section 5101.62 of the Revised Code shall 57826  
be immune from civil or criminal liability on account of such 57827  
investigation, report, or testimony, except liability for perjury, 57828  
unless the person has acted in bad faith or with malicious 57829

purpose. 57830

(E) No employer or any other person with the authority to do 57831  
so shall discharge, demote, transfer, prepare a negative work 57832  
performance evaluation, or reduce benefits, pay, or work 57833  
privileges, or take any other action detrimental to an employee or 57834  
in any way retaliate against an employee as a result of the 57835  
employee's having filed a report under this section. 57836

(F) Neither the written or oral report provided for in this 57837  
section nor the investigatory report provided for in section 57838  
5101.62 of the Revised Code shall be considered a public record as 57839  
defined in section 149.43 of the Revised Code. Information 57840  
contained in the report shall upon request be made available to 57841  
the adult who is the subject of the report, to agencies authorized 57842  
by the department to receive information contained in the report, 57843  
and to legal counsel for the adult. 57844

**Sec. 5104.012.** (A)(1) At the times specified in this 57845  
division, the administrator of a child day-care center or a type A 57846  
family day-care home shall request the superintendent of the 57847  
bureau of criminal identification and investigation to conduct a 57848  
criminal records check with respect to any applicant who has 57849  
applied to the center or type A home for employment as a person 57850  
responsible for the care, custody, or control of a child. 57851

The administrator shall request a criminal records check 57852  
pursuant to this division at the time of the applicant's initial 57853  
application for employment and every four years thereafter. When 57854  
the administrator requests pursuant to this division a criminal 57855  
records check for an applicant at the time of the applicant's 57856  
initial application for employment, the administrator shall 57857  
request that the superintendent obtain information from the 57858  
federal bureau of investigation as a part of the criminal records 57859  
check for the applicant, including fingerprint-based checks of 57860

national crime information databases as described in 42 U.S.C. 57861  
671, for the person subject to the criminal records check. In all 57862  
other cases in which the administrator requests a criminal records 57863  
check for an applicant pursuant to this division, the 57864  
administrator may request that the superintendent include 57865  
information from the federal bureau of investigation in the 57866  
criminal records check, including fingerprint-based checks of 57867  
national crime information databases as described in 42 U.S.C. 57868  
671. 57869

(2) A person required by division (A)(1) of this section to 57870  
request a criminal records check shall provide to each applicant a 57871  
copy of the form prescribed pursuant to division (C)(1) of section 57872  
109.572 of the Revised Code, provide to each applicant a standard 57873  
impression sheet to obtain fingerprint impressions prescribed 57874  
pursuant to division (C)(2) of section 109.572 of the Revised 57875  
Code, obtain the completed form and impression sheet from each 57876  
applicant, and forward the completed form and impression sheet to 57877  
the superintendent of the bureau of criminal identification and 57878  
investigation at the time the person requests a criminal records 57879  
check pursuant to division (A)(1) of this section. On and after 57880  
August 14, 2008, the administrator of a child day-care center or a 57881  
type A family day-care home shall review the results of the 57882  
criminal records check before the applicant has sole 57883  
responsibility for the care, custody, or control of any child. 57884

(3) An applicant who receives pursuant to division (A)(2) of 57885  
this section a copy of the form prescribed pursuant to division 57886  
(C)(1) of section 109.572 of the Revised Code and a copy of an 57887  
impression sheet prescribed pursuant to division (C)(2) of that 57888  
section and who is requested to complete the form and provide a 57889  
set of fingerprint impressions shall complete the form or provide 57890  
all the information necessary to complete the form and shall 57891  
provide the impression sheet with the impressions of the 57892

applicant's fingerprints. If an applicant, upon request, fails to 57893  
provide the information necessary to complete the form or fails to 57894  
provide impressions of the applicant's fingerprints, the center or 57895  
type A home shall not employ that applicant for any position for 57896  
which a criminal records check is required by division (A)(1) of 57897  
this section. 57898

(B)(1) Except as provided in rules adopted under division (E) 57899  
of this section, no child day-care center or type A family 57900  
day-care home shall employ or contract with another entity for the 57901  
services of a person as a person responsible for the care, 57902  
custody, or control of a child if the person previously has been 57903  
convicted of or pleaded guilty to any of the violations described 57904  
in division (A)~~(9)~~(6) of section 109.572 of the Revised Code. 57905

(2) A child day-care center or type A family day-care home 57906  
may employ an applicant conditionally until the criminal records 57907  
check required by this section is completed and the center or home 57908  
receives the results of the criminal records check. If the results 57909  
of the criminal records check indicate that, pursuant to division 57910  
(B)(1) of this section, the applicant does not qualify for 57911  
employment, the center or home shall release the applicant from 57912  
employment. 57913

(C)(1) Each child day-care center and type A family day-care 57914  
home shall pay to the bureau of criminal identification and 57915  
investigation the fee prescribed pursuant to division (C)(3) of 57916  
section 109.572 of the Revised Code for each criminal records 57917  
check conducted in accordance with that section upon the request 57918  
pursuant to division (A)(1) of this section of the administrator 57919  
or provider of the center or home. 57920

(2) A child day-care center and type A family day-care home 57921  
may charge an applicant a fee for the costs it incurs in obtaining 57922  
a criminal records check under this section. A fee charged under 57923  
this division shall not exceed the amount of fees the center or 57924

home pays under division (C)(1) of this section. If a fee is 57925  
charged under this division, the center or home shall notify the 57926  
applicant at the time of the applicant's initial application for 57927  
employment of the amount of the fee and that, unless the fee is 57928  
paid, the center or type A home will not consider the applicant 57929  
for employment. 57930

(D) The report of any criminal records check conducted by the 57931  
bureau of criminal identification and investigation in accordance 57932  
with section 109.572 of the Revised Code and pursuant to a request 57933  
under division (A)(1) of this section is not a public record for 57934  
the purposes of section 149.43 of the Revised Code and shall not 57935  
be made available to any person other than the applicant who is 57936  
the subject of the criminal records check or the applicant's 57937  
representative; the center or type A home requesting the criminal 57938  
records check or its representative; the department of job and 57939  
family services or a county department of job and family services; 57940  
and any court, hearing officer, or other necessary individual 57941  
involved in a case dealing with the denial of employment to the 57942  
applicant. 57943

(E) The director of job and family services shall adopt rules 57944  
pursuant to Chapter 119. of the Revised Code to implement this 57945  
section, including rules specifying circumstances under which a 57946  
center or home may hire a person who has been convicted of an 57947  
offense listed in division (B)(1) of this section but who meets 57948  
standards in regard to rehabilitation set by the department. 57949

(F) Any person required by division (A)(1) of this section to 57950  
request a criminal records check shall inform each person, at the 57951  
time of the person's initial application for employment, that the 57952  
person is required to provide a set of impressions of the person's 57953  
fingerprints and that a criminal records check is required to be 57954  
conducted and satisfactorily completed in accordance with section 57955  
109.572 of the Revised Code if the person comes under final 57956



consideration for appointment or employment as a precondition to 57957  
employment for that position. 57958

(G) As used in this section: 57959

(1) "Applicant" means a person who is under final 57960  
consideration for appointment to or employment in a position with 57961  
a child day-care center or a type A family day-care home as a 57962  
person responsible for the care, custody, or control of a child; 57963  
an in-home aide certified pursuant to section 5104.12 of the 57964  
Revised Code; or any person who would serve in any position with a 57965  
child day-care center or a type A family day-care home as a person 57966  
responsible for the care, custody, or control of a child pursuant 57967  
to a contract with another entity. 57968

(2) "Criminal records check" has the same meaning as in 57969  
section 109.572 of the Revised Code. 57970

**Sec. 5104.013.** (A)(1) At the times specified in division 57971  
(A)(3) of this section, the director of job and family services, 57972  
as part of the process of licensure of child day-care centers and 57973  
type A family day-care homes, shall request the superintendent of 57974  
the bureau of criminal identification and investigation to conduct 57975  
a criminal records check with respect to the following persons: 57976

(a) Any owner, licensee, or administrator of a child day-care 57977  
center; 57978

(b) Any owner, licensee, or administrator of a type A family 57979  
day-care home and any person eighteen years of age or older who 57980  
resides in a type A family day-care home. 57981

(2) At the times specified in division (A)(3) of this 57982  
section, the director of a county department of job and family 57983  
services, as part of the process of certification of type B family 57984  
day-care homes, shall request the superintendent of the bureau of 57985  
criminal identification and investigation to conduct a criminal 57986

records check with respect to any authorized provider of a 57987  
certified type B family day-care home and any person eighteen 57988  
years of age or older who resides in a certified type B family 57989  
day-care home. 57990

(3) The director of job and family services shall request a 57991  
criminal records check pursuant to division (A)(1) of this section 57992  
at the time of the initial application for licensure and every 57993  
four years thereafter. The director of a county department of job 57994  
and family services shall request a criminal records check 57995  
pursuant to division (A)(2) of this section at the time of the 57996  
initial application for certification and every four years 57997  
thereafter at the time of a certification renewal. When the 57998  
director of job and family services or the director of a county 57999  
department of job and family services requests pursuant to 58000  
division (A)(1) or (2) of this section a criminal records check 58001  
for a person at the time of the person's initial application for 58002  
licensure or certification, the director shall request that the 58003  
superintendent of the bureau of criminal identification and 58004  
investigation obtain information from the federal bureau of 58005  
investigation as a part of the criminal records check for the 58006  
person, including fingerprint-based checks of national crime 58007  
information databases as described in 42 U.S.C. 671 for the person 58008  
subject to the criminal records check. In all other cases in which 58009  
the director of job and family services or the director of a 58010  
county department of job and family services requests a criminal 58011  
records check for an applicant pursuant to division (A)(1) or (2) 58012  
of this section, the director may request that the superintendent 58013  
include information from the federal bureau of investigation in 58014  
the criminal records check, including fingerprint-based checks of 58015  
national crime information databases as described in 42 U.S.C. 58016  
671. 58017

(4) The director of job and family services shall review the 58018

results of a criminal records check subsequent to a request made 58019  
pursuant to divisions (A)(1) and (3) of this section prior to 58020  
approval of a license. The director of a county department of job 58021  
and family services shall review the results of a criminal records 58022  
check subsequent to a request made pursuant to divisions (A)(2) 58023  
and (3) of this section prior to approval of certification. 58024

(B) The director of job and family services or the director 58025  
of a county department of job and family services shall provide to 58026  
each person for whom a criminal records check is required under 58027  
this section a copy of the form prescribed pursuant to division 58028  
(C)(1) of section 109.572 of the Revised Code and a standard 58029  
impression sheet to obtain fingerprint impressions prescribed 58030  
pursuant to division (C)(2) of that section, obtain the completed 58031  
form and impression sheet from that person, and forward the 58032  
completed form and impression sheet to the superintendent of the 58033  
bureau of criminal identification and investigation. 58034

(C) A person who receives pursuant to division (B) of this 58035  
section a copy of the form and standard impression sheet described 58036  
in that division and who is requested to complete the form and 58037  
provide a set of fingerprint impressions shall complete the form 58038  
or provide all the information necessary to complete the form and 58039  
shall provide the impression sheet with the impressions of the 58040  
person's fingerprints. If the person, upon request, fails to 58041  
provide the information necessary to complete the form or fails to 58042  
provide impressions of the person's fingerprints, the director may 58043  
consider the failure as a reason to deny licensure or 58044  
certification. 58045

(D) Except as provided in rules adopted under division (G) of 58046  
this section, the director of job and family services shall not 58047  
grant a license to a child day-care center or type A family 58048  
day-care home and a county director of job and family services 58049  
shall not certify a type B family day-care home if a person for 58050

whom a criminal records check was required in connection with the 58051  
center or home previously has been convicted of or pleaded guilty 58052  
to any of the violations described in division (A)~~(9)~~(6) of 58053  
section 109.572 of the Revised Code. 58054

(E) Each child day-care center, type A family day-care home, 58055  
and type B family day-care home shall pay to the bureau of 58056  
criminal identification and investigation the fee prescribed 58057  
pursuant to division (C)(3) of section 109.572 of the Revised Code 58058  
for each criminal records check conducted in accordance with that 58059  
section upon a request made pursuant to division (A) of this 58060  
section. 58061

(F) The report of any criminal records check conducted by the 58062  
bureau of criminal identification and investigation in accordance 58063  
with section 109.572 of the Revised Code and pursuant to a request 58064  
made under division (A) of this section is not a public record for 58065  
the purposes of section 149.43 of the Revised Code and shall not 58066  
be made available to any person other than the person who is the 58067  
subject of the criminal records check or the person's 58068  
representative, the director of job and family services, the 58069  
director of a county department of job and family services, the 58070  
center, type A home, or type B home involved, and any court, 58071  
hearing officer, or other necessary individual involved in a case 58072  
dealing with a denial of licensure or certification related to the 58073  
criminal records check. 58074

(G) The director of job and family services shall adopt rules 58075  
pursuant to Chapter 119. of the Revised Code to implement this 58076  
section, including rules specifying exceptions to the prohibition 58077  
in division (D) of this section for persons who have been 58078  
convicted of an offense listed in that division but who meet 58079  
standards in regard to rehabilitation set by the ~~department~~ 58080  
director. 58081

(H) As used in this section, "criminal records check" has the 58082

same meaning as in section 109.572 of the Revised Code. 58083

**Sec. 5104.051.** (A)(1) The department of commerce is 58084  
responsible for the inspections of child day-care centers as 58085  
required by division (A)(1) of section 5104.05 of the Revised 58086  
Code. Where there is a municipal, township, or county building 58087  
department certified under section 3781.10 of the Revised Code to 58088  
exercise enforcement authority with respect to the category of 58089  
building occupancy which includes day-care centers, all 58090  
inspections required under division (A)(1) of section 5104.05 of 58091  
the Revised Code shall be made by that department according to the 58092  
standards established by the board of building standards. 58093  
Inspections in areas of the state where there is no municipal, 58094  
township, or county building department certified under section 58095  
3781.10 of the Revised Code to exercise enforcement authority with 58096  
respect to the category of building occupancy which includes 58097  
day-care centers shall be made by personnel of the department of 58098  
commerce. Inspections of centers shall be contingent upon payment 58099  
of a fee by the applicant to the department having jurisdiction to 58100  
inspect. 58101

(2) The department of commerce is responsible for the 58102  
inspections of type A family day-care homes as required by 58103  
division (B)(3) of section 5104.05 of the Revised Code. Where 58104  
there is a municipal, township, or county building department 58105  
certified under section 3781.10 of the Revised Code to exercise 58106  
enforcement authority with respect to the category of building 58107  
occupancy which includes type A homes, all inspections required 58108  
under division (B)(3) of section 5104.05 of the Revised Code shall 58109  
be made by that department according to the standards established 58110  
by the board of building standards. Inspections in areas of the 58111  
state where there is no municipal, township, or county building 58112  
department certified under section 3781.10 of the Revised Code to 58113  
exercise enforcement authority with respect to the category of 58114

building occupancy which includes type A homes shall be made by 58115  
personnel of the department of commerce. Inspections of type A 58116  
homes shall be contingent upon payment of a fee by the applicant 58117  
to the department having jurisdiction to inspect. 58118

(B) The state fire marshal is responsible for the inspections 58119  
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 58120  
Revised Code. In municipal corporations and in townships outside 58121  
municipal corporations where there is a fire prevention official, 58122  
the inspections shall be made by the fire chief or the fire 58123  
prevention official under the supervision of and according to the 58124  
standards established by the state fire marshal. In townships 58125  
outside municipal corporations where there is no fire prevention 58126  
official, inspections shall be made by the employees of the state 58127  
fire marshal. 58128

(C) The state fire marshal shall enforce all statutes and 58129  
rules pertaining to fire safety and fire prevention in child 58130  
day-care centers and type A family day-care homes. In the event of 58131  
a dispute between the state fire marshal and any other responsible 58132  
officer under sections 5104.05 and 5104.051 of the Revised Code 58133  
with respect to the interpretation or application of a specific 58134  
fire safety statute or rule, the interpretation of the state fire 58135  
marshal shall prevail. 58136

(D) As used in this division, "licensor" has the same meaning 58137  
as in section 3717.01 of the Revised Code. 58138

The licensor for food service operations in the city or 58139  
general health district in which the center is located is 58140  
responsible for the inspections required under Chapter 3717. of 58141  
the Revised Code. 58142

(E) Any moneys collected by the department of commerce under 58143  
this section shall be paid into the state treasury to the credit 58144  
of the ~~labor~~ industrial compliance operating fund created in 58145

section 121.084 of the Revised Code. 58146

**Sec. 5104.09.** (A)(1) Except as provided in rules adopted 58147  
pursuant to division (D) of this section, no individual who has 58148  
been convicted of or pleaded guilty to a violation described in 58149  
division (A)~~(9)~~(6) of section 109.572 of the Revised Code, a 58150  
violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 58151  
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 58152  
of the Revised Code or a violation of an existing or former law or 58153  
ordinance of any municipal corporation, this state, any other 58154  
state, or the United States that is substantially equivalent to 58155  
any of those violations, or two violations of section 4511.19 of 58156  
the Revised Code during operation of the center or home shall be 58157  
certified as an in-home aide or be employed in any capacity in or 58158  
own or operate a child day-care center, type A family day-care 58159  
home, type B family day-care home, or certified type B family 58160  
day-care home. 58161

(2) Each employee of a child day-care center and type A home 58162  
and every person eighteen years of age or older residing in a type 58163  
A home shall sign a statement on forms prescribed by the director 58164  
of job and family services attesting to the fact that the employee 58165  
or resident person has not been convicted of or pleaded guilty to 58166  
any offense set forth in division (A)(1) of this section and that 58167  
no child has been removed from the employee's or resident person's 58168  
home pursuant to section 2151.353 of the Revised Code. Each 58169  
licensee of a type A home shall sign a statement on a form 58170  
prescribed by the director attesting to the fact that no person 58171  
who resides at the type A home and who is under the age of 58172  
eighteen has been adjudicated a delinquent child for committing a 58173  
violation of any section listed in division (A)(1) of this 58174  
section. The statements shall be kept on file at the center or 58175  
type A home. 58176

(3) Each in-home aide and every person eighteen years of age or older residing in a certified type B home shall sign a statement on forms prescribed by the director of job and family services attesting that the aide or resident person has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the aide's or resident person's home pursuant to section 2151.353 of the Revised Code. Each authorized provider shall sign a statement on forms prescribed by the director attesting that the provider has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the provider's home pursuant to section 2151.353 of the Revised Code. Each authorized provider shall sign a statement on a form prescribed by the director attesting to the fact that no person who resides at the certified type B home and who is under the age of eighteen has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(1) of this section. The statements shall be kept on file at the county department of job and family services.

(4) Each administrator and licensee of a center or type A home shall sign a statement on a form prescribed by the director of job and family services attesting that the administrator or licensee has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the administrator's or licensee's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the center or type A home.

(B) No in-home aide, no administrator, licensee, authorized provider, or employee of a center, type A home, or certified type B home, and no person eighteen years of age or older residing in a type A home or certified type B home shall withhold information



from, or falsify information on, any statement required pursuant 58209  
to division (A)(2), (3), or (4) of this section. 58210

(C) No administrator, licensee, or child-care staff member 58211  
shall discriminate in the enrollment of children in a child 58212  
day-care center upon the basis of race, color, religion, sex, or 58213  
national origin. 58214

(D) The director of job and family services shall adopt rules 58215  
pursuant to Chapter 119. of the Revised Code to implement this 58216  
section, including rules specifying exceptions to the prohibition 58217  
in division (A) of this section for persons who have been 58218  
convicted of an offense listed in that division but meet 58219  
rehabilitation standards set by the ~~department~~ director. 58220

Sec. 5104.37. (A) As used in this section, "eligible 58221  
provider" means an individual or entity eligible to provide 58222  
publicly funded child care pursuant to section 5104.31 of the 58223  
Revised Code. 58224

(B) The department of job and family services may withhold 58225  
any money due, under this chapter and recover through any 58226  
appropriate method any money erroneously paid, under this chapter 58227  
if evidence exists of less than full compliance with this chapter 58228  
and any rules adopted under it. 58229

(C) Notwithstanding any other provision of this chapter to 58230  
the contrary, the department shall take action against an eligible 58231  
provider as described in this section. 58232

(D) The department immediately shall suspend a contract 58233  
entered into with an eligible provider under section 5104.32 of 58234  
the Revised Code when the department initiates an investigation 58235  
concerning the eligible provider for either of the following 58236  
reasons: 58237

(1) The eligible provider receives an improper child care 58238

payment. 58239

(2) The department receives notice and a copy of an indictment, information, or complaint charging the eligible provider or the owner or operator of the provider with committing any of the following: 58240  
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(a) An act that is a felony or misdemeanor relating to providing or billing for publicly funded child care or providing management or administrative services relating to providing publicly funded child care; 58244  
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(b) An act that would constitute an offense described in section 5104.09 of the Revised Code. 58248  
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(E)(1) Except as provided in division (E)(2) of this section, the suspension of a contract under division (D) of this section shall continue until the department completes its investigation or all criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty. 58250  
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(2) If the department initiates the termination of a contract that has been suspended pursuant to division (D) of this section, the suspension shall continue until the termination process is completed. 58255  
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(F) An eligible provider shall not provide publicly funded child care while the provider's contract is under suspension pursuant to division (D) of this section. As of the date the eligible provider's contract is suspended, the department shall withhold payment to the eligible provider for publicly funded child care. 58259  
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(G) Not later than five days after suspending an eligible provider's contract pursuant to division (D) of this section, the department shall notify the eligible provider. The notice shall include all of the following: 58265  
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(1) A description of the investigation or indictment, information, or complaint that resulted in the suspension, which need not disclose specific information concerning any ongoing administrative or criminal investigation; 58269  
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(2) A statement that the eligible provider is prohibited from providing publicly funded child care while the contract is under suspension; 58273  
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(3) A statement that the suspension will continue until the department completes its investigation or all criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty, and that if the department initiates the termination of the contract, the suspension will continue until the termination process is completed. 58276  
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**Sec. 5107.05.** The director of job and family services shall adopt rules to implement this chapter. The rules shall be consistent with Title IV-A, Title IV-D, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, amendments to the plan, and waivers granted by the United States secretary. Rules governing eligibility, program participation, and other applicant and participant requirements shall be adopted in accordance with Chapter 119. of the Revised Code. Rules governing financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code. 58282  
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(A) The rules shall specify, establish, or govern all of the following: 58295  
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(1) A payment standard for Ohio works first based on federal and state appropriations that is increased in accordance with section 5107.04 of the Revised Code; 58297  
58298  
58299

- (2) For the purpose of section 5107.04 of the Revised Code, 58300  
the method of determining the amount of cash assistance an 58301  
assistance group receives under Ohio works first; 58302
- (3) Requirements for initial and continued eligibility for 58303  
Ohio works first, including requirements regarding income, 58304  
citizenship, age, residence, and assistance group composition; 58305
- (4) For the purpose of section 5107.12 of the Revised Code, 58306  
application and verification procedures, including the minimum 58307  
information an application must contain; 58308
- (5) The extent to which a participant of Ohio works first 58309  
must notify, pursuant to section 5107.12 of the Revised Code, a 58310  
county department of job and family services of additional income 58311  
not previously reported to the county department; 58312
- (6) For the purpose of section 5107.16 of the Revised Code, 58313  
all of the following: 58314
- (a) Standards for the determination of good cause for failure 58315  
or refusal to comply in full with a provision of a 58316  
self-sufficiency contract; 58317
- (b) The compliance form a member of an assistance group may 58318  
complete to indicate willingness to come into full compliance with 58319  
a provision of a self-sufficiency contract; 58320
- (c) The manner by which the compliance form is to be 58321  
completed and provided to a county department of job and family 58322  
services. 58323
- (7) The department of job and family services providing 58324  
written notice of a sanction under section 5107.161 of the Revised 58325  
Code; 58326
- (8) For the purpose of division (A)(2) of section 5107.17 of 58327  
the Revised Code, the period of time by which a county department 58328  
of job and family services is to receive a compliance form 58329

established in rules adopted under division (A)(6)(b) of this section; 58330  
58331

(9) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code; 58332  
58333  
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(10) For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate; 58335  
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(11) The requirements governing the LEAP program, including the definitions of "equivalent of a high school diploma" and "good cause," and the incentives provided under the LEAP program; 58339  
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(12) If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award; 58342  
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(13) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code. 58346  
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(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code; 58351  
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(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services; 58354  
58355

(16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code; 58356  
58357

(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance 58358  
58359

group's need for a waiver issued under section 5107.714 of the Revised Code. 58360  
58361

(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code. 58362  
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The rules adopted under division (A)(10) of this section shall be consistent with 42 U.S.C. 654(29). 58366  
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The rules adopted under division (A)(13) of this section shall specify that the circumstances include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation. 58368  
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(C) The rules may provide that a county department of job and family services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment ~~that is below an amount the department specifies~~ under circumstances the rules specify. 58373  
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**Sec. 5111.031.** (A) As used in this section: 58378

(1) "Independent provider" has the same meaning as in section 5111.034 of the Revised Code. 58379  
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(2) "Intermediate care facility for the mentally retarded" and "nursing facility" have the same meanings as in section 5111.20 of the Revised Code. 58381  
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(3) "Noninstitutional medicaid provider" means any person or entity with a medicaid provider agreement other than a hospital, nursing facility, or intermediate care facility for the mentally retarded. 58384  
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(4) "Owner" means any person having at least five per cent ownership in a noninstitutional medicaid provider. 58388  
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(B) Notwithstanding any provision of this chapter to the contrary, the department of job and family services shall take action under this section against a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee.

(C) Except as provided in division (D) of this section and in rules adopted by the department under division (H) of this section, on receiving notice and a copy of an indictment that is issued on or after September 29, 2007, and charges a noninstitutional medicaid provider or its owner, officer, authorized agent, associate, manager, or employee with committing an offense specified in division (E) of this section, the department shall suspend the provider agreement held by the noninstitutional medicaid provider. Subject to division (D) of this section, the department shall also terminate medicaid reimbursement to the provider for services rendered.

The suspension shall continue in effect until the proceedings in the criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty. If the department commences a process to terminate the suspended provider agreement, the suspension shall also continue in effect until the termination process is concluded.

Pursuant to section 5111.06 of the Revised Code, the department is not required to take action under this division by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.

When subject to a suspension under this division, a provider, owner, officer, authorized agent, associate, manager, or employee shall not own or provide services to any other medicaid provider or risk contractor or arrange for, render, or order services for medicaid recipients during the period of suspension. During the

period of suspension, the provider, owner, officer, authorized 58422  
agent, associate, manager, or employee shall not receive 58423  
reimbursement in the form of direct payments from the department 58424  
or indirect payments of medicaid funds in the form of salary, 58425  
shared fees, contracts, kickbacks, or rebates from or through any 58426  
participating provider or risk contractor. 58427

(D)(1) The department shall not suspend a provider agreement 58428  
or terminate medicaid reimbursement under division (C) of this 58429  
section if the provider or owner can demonstrate through the 58430  
submission of written evidence that the provider or owner did not 58431  
directly or indirectly sanction the action of its authorized 58432  
agent, associate, manager, or employee that resulted in the 58433  
indictment. 58434

(2) The termination of medicaid reimbursement applies only to 58435  
payments for medicaid services rendered subsequent to the date on 58436  
which the notice required under division (F) of this section is 58437  
sent. Claims for reimbursement for medicaid services rendered by 58438  
the provider prior to the issuance of the notice may be subject to 58439  
prepayment review procedures whereby the department reviews claims 58440  
to determine whether they are supported by sufficient 58441  
documentation, are in compliance with state and federal statutes 58442  
and rules, and are otherwise complete. 58443

(E)(1) In the case of a noninstitutional medicaid provider 58444  
that is not an independent provider, the suspension of a provider 58445  
agreement under division (C) of this section applies when an 58446  
indictment charges a person with committing an act that would be a 58447  
felony or misdemeanor under the laws of this state and the act 58448  
relates to or results from either of the following: 58449

(a) Furnishing or billing for medical care, services, or 58450  
supplies under the medicaid program; 58451

(b) Participating in the performance of management or 58452



administrative services relating to furnishing medical care, 58453  
services, or supplies under the medicaid program. 58454

(2) In the case of a noninstitutional medicaid provider that 58455  
is an independent provider, the suspension of a provider agreement 58456  
under division (C) of this section applies when an indictment 58457  
charges a person with committing an act that would constitute ~~one~~ 58458  
~~of the offenses specified in division (D) of a disqualifying~~ 58459  
offense as defined in section 5111.034 5111.032 of the Revised 58460  
Code. 58461

(F) Not later than five days after suspending a provider 58462  
agreement under division (C) of this section, the department shall 58463  
send notice of the suspension to the affected provider or owner. 58464  
In providing the notice, the department shall do all of the 58465  
following: 58466

(1) Describe the indictment that was the cause of the 58467  
suspension, without necessarily disclosing specific information 58468  
concerning any ongoing civil or criminal investigation; 58469

(2) State that the suspension will continue in effect until 58470  
the proceedings in the criminal case are completed through 58471  
dismissal of the indictment or through conviction, entry of a 58472  
guilty plea, or finding of not guilty and, if the department 58473  
commences a process to terminate the suspended provider agreement, 58474  
until the termination process is concluded; 58475

(3) Inform the provider or owner of the opportunity to submit 58476  
to the department, not later than thirty days after receiving the 58477  
notice, a request for a reconsideration pursuant to division (G) 58478  
of this section. 58479

(G)(1) Pursuant to the procedure specified in division (G)(2) 58480  
of this section, a noninstitutional medicaid provider or owner 58481  
subject to a suspension under this section may request a 58482  
reconsideration. The request shall be made not later than thirty 58483

days after receipt of the notice provided under division (F) of 58484  
this section. The reconsideration is not subject to an 58485  
adjudication hearing pursuant to Chapter 119. of the Revised Code. 58486

(2) In requesting a reconsideration, the provider or owner 58487  
shall submit written information and documents to the department. 58488  
The information and documents may pertain to any of the following 58489  
issues: 58490

(a) Whether the determination to suspend the provider 58491  
agreement was based on a mistake of fact, other than the validity 58492  
of the indictment; 58493

(b) Whether any offense charged in the indictment resulted 58494  
from an offense specified in division (E) of this section; 58495

(c) Whether the provider or owner can demonstrate that the 58496  
provider or owner did not directly or indirectly sanction the 58497  
action of its authorized agent, associate, manager, or employee 58498  
that resulted in the indictment. 58499

(3) The department shall review the information and documents 58500  
submitted in a request for reconsideration. After the review, the 58501  
suspension may be affirmed, reversed, or modified, in whole or in 58502  
part. The department shall notify the affected provider or owner 58503  
of the results of the review. The review and notification of its 58504  
results shall be completed not later than forty-five days after 58505  
receiving the information and documents submitted in a request for 58506  
reconsideration. 58507

(H) The department may adopt rules in accordance with Chapter 58508  
119. of the Revised Code to implement this section. The rules may 58509  
specify circumstances under which the department would not suspend 58510  
a provider agreement pursuant to this section. 58511

**Sec. 5111.032.** (A) As used in this section: 58512

(1) "Criminal records check" has the same meaning as in 58513

section 109.572 of the Revised Code. 58514

(2) ~~"Department" includes a designee of the department of job and family services.~~ 58515  
58516

~~(3) "Disqualifying offense" means any of the following:~~ 58517

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 2921.24, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 58518  
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(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code; 58536  
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(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996; 58538  
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(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in division (A)(2)(a) to (c) of this section; 58540  
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(e) A violation of an existing or former municipal ordinance 58544

or law of this state, any other state, or the United States that 58545  
is substantially equivalent to any of the offenses listed in 58546  
division (A)(2)(a) to (d) of this section. 58547

(3) "Owner" means a person who has an ownership interest in a 58548  
provider or applicant to be a provider in an amount designated by 58549  
the department of job and family services in rules adopted under 58550  
this section. 58551

(4) "Person subject to the criminal records check 58552  
requirement" means the following: 58553

(a) A provider or applicant to be a provider who is notified 58554  
under division (E)(1) of this section that the provider or 58555  
applicant is subject to a criminal records check; 58556

(b) An owner or prospective owner, officer or prospective 58557  
officer, or board member or prospective board member of a provider 58558  
or applicant to be a provider if, pursuant to division (E)(1)(a) 58559  
of this section, the owner or prospective owner, officer or 58560  
prospective officer, or board member or prospective board member 58561  
is specified in information given to the provider or applicant 58562  
under division (E)(1) of this section; 58563

(c) An employee or prospective employee of a provider or 58564  
applicant to be a provider if both of the following apply: 58565

(i) The employee or prospective employee is specified, 58566  
pursuant to division (E)(1)(b) of this section, in information 58567  
given to the provider or applicant under division (E)(1) of this 58568  
section. 58569

(ii) The provider or applicant is not prohibited by division 58570  
(D)(3)(b) of this section from employing the employee or 58571  
prospective employee. 58572

(5) "Provider" means a person, institution, or entity that 58573  
has a medicaid provider agreement with the department of job and 58574

family services pursuant to Title XIX of the "Social Security Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended. 58575  
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(6) "Responsible entity" means the following: 58577

(a) With respect to a criminal records check required under this section for a provider or applicant to be a provider, the department of job and family services or the department's designee; 58578  
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(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a provider or applicant to be a provider, the provider or applicant. 58582  
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~~(B)(1) Except as provided in division (B)(2) of this section,~~ 58587  
the This section does not apply to any individual who is subject 58588  
to a criminal records check under section 3712.09, 3721.121, 58589  
5111.034, 5123.081, or 5123.169 of the Revised Code or any 58590  
individual who is subject to a database review or criminal records 58591  
check under section 173.394, 3701.881, or 5111.033 of the Revised 58592  
Code. 58593

(C) The department of job and family services may require do any of the following: 58594  
58595

(1) Require that any provider, or applicant to be a provider, 58596  
employee or prospective employee of a provider, owner or 58597  
prospective owner of a provider, officer or prospective officer of 58598  
a provider, or board member or prospective board member of a 58599  
provider submit to a criminal records check as a condition of 58600  
obtaining having a medicaid provider agreement, continuing to hold 58601  
a provider agreement, being employed by a provider, having an 58602  
ownership interest in a provider, or being an officer or board 58603  
member of a provider. The department may designate the categories 58604  
of persons who are subject to the criminal records check 58605

~~requirement. The department shall designate the times at which the  
criminal records checks must be conducted.~~ 58606  
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~~(2) The section does not apply to providers, applicants to be  
providers, employees of a provider, or prospective employees of a  
provider who are subject to criminal records checks under section  
5111.033 or 5111.034 of the Revised Code;~~ 58608  
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(2) Require that any provider or applicant to be a provider  
require an owner or prospective owner, officer or prospective  
officer, or board member or prospective board member of the  
provider or applicant submit to a criminal records check as a  
condition of being an owner, officer, or board member of the  
provider or applicant; 58612  
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(3) Require that any provider or applicant to be a provider  
do the following: 58618  
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(a) If so required by rules adopted under this section,  
determine pursuant to a database review conducted under division  
(F)(1)(a) of this section whether any employee or prospective  
employee of the provider or applicant is included in a database; 58620  
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(b) Unless the provider or applicant is prohibited by  
division (D)(3)(b) of this section from employing the employee or  
prospective employee, require the employee or prospective employee  
to submit to a criminal records check as a condition of being an  
employee of the provider or applicant. 58624  
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(D)(1) The department or the department's designee shall  
terminate a provider's medicaid provider agreement or deny an  
applicant's application for a medicaid provider agreement if the  
provider or applicant is a person subject to the criminal records  
check requirement and either of the following applies: 58629  
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(a) The provider or applicant fails to obtain the criminal  
records check after being given the information specified in  
division (G)(1) of this section. 58634  
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(b) Except as provided in rules adopted under this section, 58637  
the provider or applicant is found by the criminal records check 58638  
to have been convicted of, pleaded guilty to, or been found 58639  
eligible for intervention in lieu of conviction for a 58640  
disqualifying offense, regardless of the date of the conviction, 58641  
the date of entry of the guilty plea, or the date the applicant or 58642  
provider was found eligible for intervention in lieu of 58643  
conviction. 58644

(2) No provider or applicant to be a provider shall permit a 58645  
person to be an owner, officer, or board member of the provider or 58646  
applicant if the person is a person subject to the criminal 58647  
records check requirement and either of the following applies: 58648

(a) The person fails to obtain the criminal records check 58649  
after being given the information specified in division (G)(1) of 58650  
this section. 58651

(b) Except as provided in rules adopted under this section, 58652  
the person is found by the criminal records check to have been 58653  
convicted of, pleaded guilty to, or been found eligible for 58654  
intervention in lieu of conviction for a disqualifying offense, 58655  
regardless of the date of the conviction, the date of entry of the 58656  
guilty plea, or the date the person was found eligible for 58657  
intervention in lieu of conviction. 58658

(3) No provider or applicant to be a provider shall employ a 58659  
person if any of the following apply: 58660

(a) The person has been excluded from providing services or 58661  
items under the medicaid program, the medicare program operated 58662  
pursuant to Title XVIII of the "Social Security Act," or any other 58663  
federal health care program. 58664

(b) If the person is subject to a database review conducted 58665  
under division (F)(1)(a) of this section, the person is found by 58666  
the database review to be included in a database and the rules 58667

adopted under this section regarding the database review prohibit the provider or applicant from employing a person included in the database. 58668  
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(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 58671  
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(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 58673  
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(ii) Except as provided in rules adopted under this section, the person is found by the criminal records check to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction. 58676  
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~~(C)(E)~~(1) The department or the department's designee shall inform each provider or applicant to be a provider whether the provider or applicant is subject to a criminal records check ~~requirement under division (B) of this section.~~ For providers, the information shall be given at times designated in rules adopted under this section. For applicants to be providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify ~~which~~ the following: 58683  
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(a) Which of the provider's or applicant's ~~employees or prospective employees,~~ owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to ~~the~~ a criminal records check ~~requirement;~~ 58692  
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(b) Which of the provider's or applicant's employees or prospective employees are subject to division (C)(3) of this section. 58696  
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(2) At times designated in rules adopted under this section, 58699  
a provider or applicant to be a provider that is a person subject 58700  
to the criminal records check requirement shall ~~inform~~ do the 58701  
following: 58702

(a) ~~Inform each person specified by the department~~ under 58703  
division ~~(C)(1)(E)(1)(a)~~ of this section that the person is 58704  
required, ~~as applicable,~~ to submit to a criminal records check ~~for~~ 58705  
~~final consideration for employment in a full time, part time, or~~ 58706  
~~temporary position; as a condition of continued employment; or as~~ 58707  
a condition of ~~becoming or continuing to be~~ being an owner, 58708  
officer, or board member or owner of a the provider or applicant; 58709

(b) Inform each person specified under division (E)(1)(b) of 58710  
this section that the person is subject to division (C)(3) of this 58711  
section. 58712

~~(D)(F)(1)~~ If a provider or applicant to be a provider is a 58713  
person subject to a the criminal records check ~~under this section~~ 58714  
requirement, the department or the department's designee shall 58715  
require the conduct of a criminal records check by the 58716  
superintendent of the bureau of criminal identification and 58717  
investigation. ~~If a provider or applicant to be a provider for~~ 58718  
~~whom a criminal records check is required does not present proof~~ 58719  
~~of having been a resident of this state for the five year period~~ 58720  
~~immediately prior to the date the criminal records check is~~ 58721  
~~requested or provide evidence that within that five year period~~ 58722  
~~the superintendent has requested information about the individual~~ 58723  
~~from the federal bureau of investigation in a criminal records~~ 58724  
~~check, the department shall require the provider or applicant to~~ 58725  
~~request that the superintendent obtain information from the~~ 58726  
~~federal bureau of investigation as part of the criminal records~~ 58727  
~~check of the provider or applicant. Even if a provider or~~ 58728  
~~applicant for whom a criminal records check request is required~~ 58729  
~~presents proof of having been a resident of this state for the~~ 58730

~~five year period, the department may require that the provider or applicant request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the provider or applicant.~~ 58731  
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(2) investigation. A provider or applicant to be a provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified ~~by the department~~ under division ~~(C)(1)(E)(1)(a)~~ of this section. ~~If the person for whom a criminal records check is required does not present proof of having been a resident of this state for the five year period immediately prior to the date the criminal records check is requested or provide evidence that within that five year period the superintendent of the bureau of criminal identification and investigation has requested information about the individual from the federal bureau of investigation in a criminal records check, the individual shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the individual. Even if an individual for whom a criminal records check request is required presents proof of having been a resident of this state for the five year period, the department may require the provider to request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a provider or applicant to be a provider shall do the following:~~ 58735  
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(a) If rules adopted under this section require the provider or applicant to conduct a database review to determine whether the employee or prospective employee is included in a database, conduct the database review in accordance with the rules; 58758  
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(b) Unless the provider or applicant is prohibited by 58762

division (D)(3)(b) of this section from employing the employee or 58763  
prospective employee, require the conduct of a criminal records 58764  
check of the employee or prospective employee by the 58765  
superintendent. 58766

(2) If a person subject to the criminal records check 58767  
requirement does not present proof of having been a resident of 58768  
this state for the five-year period immediately prior to the date 58769  
the criminal records check is requested or provide evidence that 58770  
within that five-year period the superintendent has requested 58771  
information about the person from the federal bureau of 58772  
investigation in a criminal records check, the responsible entity 58773  
shall require the person to request that the superintendent obtain 58774  
information from the federal bureau of investigation as part of 58775  
the criminal records check of the person. Even if the person 58776  
presents proof of having been a resident of this state for the 58777  
five-year period, the responsible entity may require that the 58778  
person request that the superintendent obtain information from the 58779  
federal bureau of investigation and include it in the criminal 58780  
records check of the person. 58781

~~(E)(1)~~(G) Criminal records checks required ~~under~~ by this 58782  
section ~~for providers or applicants to be providers~~ shall be 58783  
obtained as follows: 58784

~~(a)(1)~~ The ~~department~~ responsible entity shall provide each 58785  
~~provider or applicant~~ person subject to the criminal records check 58786  
requirement information about accessing and completing the form 58787  
prescribed pursuant to division (C)(1) of section 109.572 of the 58788  
Revised Code and the standard ~~fingerprint~~ impression sheet 58789  
prescribed pursuant to division (C)(2) of that section. 58790

~~(b)(2)~~ The ~~provider or applicant~~ person subject to the 58791  
criminal records check requirement shall submit the required form 58792  
and one complete set of the person's fingerprint impressions 58793  
directly to the superintendent for purposes of conducting the 58794

criminal records check using the applicable methods prescribed by 58795  
division (C) of section 109.572 of the Revised Code. The ~~applicant~~ 58796  
~~or provider~~ person shall pay all fees associated with obtaining 58797  
the criminal records check. 58798

~~(e)(3)~~ The superintendent shall conduct the criminal records 58799  
check in accordance with section 109.572 of the Revised Code. The 58800  
~~provider or applicant~~ person subject to the criminal records check 58801  
requirement shall instruct the superintendent to submit the report 58802  
of the criminal records check directly to the ~~director of job and~~ 58803  
~~family services.~~ 58804

~~(2)~~ ~~Criminal records checks required under this section for~~ 58805  
~~persons specified by the department under division (C)(1) of this~~ 58806  
~~section shall be obtained as follows:~~ 58807

~~(a)~~ ~~The provider shall give to each person subject to~~ 58808  
~~criminal records check requirement information about accessing and~~ 58809  
~~completing the form prescribed pursuant to division (C)(1) of~~ 58810  
~~section 109.572 of the Revised Code and the standard fingerprint~~ 58811  
~~impression sheet prescribed pursuant to division (C)(2) of that~~ 58812  
~~section.~~ 58813

~~(b)~~ ~~The person shall submit the required form and one~~ 58814  
~~complete set of fingerprint impressions directly to the~~ 58815  
~~superintendent for purposes of conducting the criminal records~~ 58816  
~~check using the applicable methods prescribed by division (C) of~~ 58817  
~~section 109.572 of the Revised Code. The person shall pay all fees~~ 58818  
~~associated with obtaining the criminal records check.~~ 58819

~~(c)~~ ~~The superintendent shall conduct the criminal records~~ 58820  
~~check in accordance with section 109.572 of the Revised Code. The~~ 58821  
~~person subject to the criminal records check shall instruct the~~ 58822  
~~superintendent to submit the report of the criminal records check~~ 58823  
~~directly to the provider~~ responsible entity. The If the department 58824  
or the department's designee is not the responsible entity, the 58825

department or designee may require the provider responsible entity 58826  
to submit the report to the department or designee. 58827

~~(F) If a provider or applicant to be a provider is given the 58828  
information specified in division (E)(1)(a) of this section but 58829  
fails to obtain a criminal records check, the department shall, as 58830  
applicable, terminate the provider agreement or deny the 58831  
application to be a provider. 58832~~

~~If a person is given the information specified in division 58833  
(E)(2)(a) of this section but fails to obtain a criminal records 58834  
check, the provider shall not, as applicable, permit the person to 58835  
be an employee, owner, officer, or board member of the provider. 58836~~

~~(G) Except as provided in rules adopted under division (J) of 58837  
this section, the department shall terminate the provider 58838  
agreement of a provider or the department shall not issue a 58839  
provider agreement to an applicant if the provider or applicant is 58840  
subject to a criminal records check under this section and the 58841  
provider or applicant has been convicted of, has pleaded guilty 58842  
to, or has been found eligible for intervention in lieu of 58843  
conviction for any of the following, regardless of the date of the 58844  
conviction, the date of entry of the guilty plea, or the date the 58845  
applicant or provider was found eligible for intervention in lieu 58846  
of conviction: 58847~~

~~(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 58848  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 58849  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 58850  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 58851  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 58852  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 58853  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 58854  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 58855  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 58856  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 58857~~

~~2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 58858  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 58859  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 58860  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 58861  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 58862  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 58863  
penetration in violation of former section 2907.12 of the Revised 58864  
Code, a violation of section 2905.04 of the Revised Code as it 58865  
existed prior to July 1, 1996, a violation of section 2919.23 of 58866  
the Revised Code that would have been a violation of section 58867  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 58868  
had the violation been committed prior to that date; 58869~~

~~(2) A violation of an existing or former municipal ordinance 58870  
or law of this state, any other state, or the United States that 58871  
is substantially equivalent to any of the offenses listed in 58872  
division (G)(1) of this section. 58873~~

~~(H)(1)(a) Except as provided in rules adopted under division 58874  
(J) of this section and subject to division (H)(2) of this 58875  
section, no provider shall permit a person to be an employee, 58876  
owner, officer, or board member of the provider if the person is 58877  
subject to a criminal records check under this section and the 58878  
person has been convicted of, has pleaded guilty to, or has been 58879  
found eligible for intervention in lieu of conviction for any of 58880  
the offenses specified in division (G)(1) or (2) of this section. 58881~~

~~(b) No provider shall employ a person who has been excluded 58882  
from participating in the medicaid program, the medicare program 58883  
operated pursuant to Title XVIII of the "Social Security Act," or 58884  
any other federal health care program. 58885~~

~~(2)(a)(H)(1) A provider or applicant to be a provider may 58886  
employ conditionally a person for whom a criminal records check is 58887  
required ~~under~~ by this section prior to obtaining the results of a 58888  
the criminal records check ~~regarding the person, but only if the~~ 58889~~

both of the following apply: 58890

(a) The provider or applicant is not prohibited by division (D)(3)(b) of this section from employing the person. 58891

(b) The person submits a request for a the criminal records check not later than five business days after the individual person begins conditional employment. 58892

~~(b)(2)~~ A provider or applicant to be a provider that employs a person conditionally under ~~authority of~~ division (H)~~(2)(a)(1)~~ of this section shall terminate the person's employment if the results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the ~~individual~~ person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for ~~any of the offenses specified in division (C)(1) or (2) of this section a~~ disqualifying offense, the provider or applicant shall terminate the person's employment unless circumstances specified in rules adopted under this section exist that permit the provider or applicant to employ the person and the provider or applicant chooses to employ the ~~individual pursuant to division (J) of this section~~ person. 58893

(I) The report of a criminal records check conducted pursuant to this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 58894

(1) The person who is the subject of the criminal records check or the person's representative; 58895

(2) The director of job and family services and the staff of the department in the administration of the medicaid program; 58896

(3) The department's designee; 58897

(4) The provider or applicant to be a provider who required 58921  
the person who is the subject of the criminal records check to 58922  
submit to the criminal records check; 58923

(5) A court, hearing officer, or other necessary individual 58924  
involved in a case dealing with ~~the~~ any of the following: 58925

(a) The denial or termination of a medicaid provider 58926  
agreement; 58927

~~(4) A court, hearing officer, or other necessary individual~~ 58928  
~~involved in a case dealing with a~~ (b) A person's denial of 58929  
employment, termination of employment, or employment or 58930  
unemployment benefits; 58931

(c) A civil or criminal action regarding the medicaid 58932  
program. 58933

~~(J) The department director of job and family services may~~ 58934  
adopt rules in accordance with Chapter 119. of the Revised Code to 58935  
implement this section. If the director adopts such rules, the 58936  
rules shall designate the times at which a criminal records check 58937  
must be conducted under this section. The rules may ~~specify~~ do any 58938  
of the following: 58939

(1) Designate the categories of persons who are subject to a 58940  
criminal records check under this section; 58941

(2) Specify circumstances under which the department or the 58942  
department's designee may continue a medicaid provider agreement 58943  
or issue a medicaid provider agreement to an applicant when the 58944  
provider or applicant ~~has~~ is found by a criminal records check to 58945  
have been convicted of, ~~has~~ pleaded guilty to, or ~~has~~ been found 58946  
eligible for intervention in lieu of conviction for ~~any of the~~ 58947  
~~offenses specified in division (G)(1) or (2) of this section.~~ The 58948  
~~rules may also specify~~ a disqualifying offense; 58949

(3) Specify circumstances under which a provider or applicant 58950



to be a provider may permit a person to be an employee, owner, officer, or board member of the provider or applicant, when the person ~~has~~ is found by a criminal records check conducted pursuant to this section to have been convicted of, ~~has~~ pleaded guilty to, or ~~has~~ been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section a disqualifying offense; 58951  
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(4) Specify all of the following: 58958

(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a provider or applicant to be a provider is included in a database; 58959  
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(b) The procedures for conducting the database review; 58963

(c) The databases that are to be checked; 58964

(d) The circumstances under which a provider or applicant to be a provider is prohibited from employing a person who is found by the database review to be included in a database. 58965  
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**Sec. 5111.033.** (A) As used in this section: 58968

~~(1) "Applicant" means a person who is under final consideration for employment or, after September 26, 2003, an existing employee with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based waiver services to a person with disabilities. "Applicant" also means an existing employee with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community based waiver services to a person with disabilities after September 26, 2003.~~ 58969  
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~~(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.~~ 58978  
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~~(3) "Waiver agency" means a person or government entity that~~ 58980

~~is not certified under the medicare program and is accredited by 58981  
the community health accreditation program or the joint commission 58982  
on accreditation of health care organizations or a company that 58983  
provides home and community based waiver services to persons with 58984  
disabilities through department of job and family services 58985  
administered home and community based waiver programs. 58986~~

~~(4) "Home "Disqualifying offense" has the same meaning as in 58987  
section 5111.032 of the Revised Code. 58988~~

~~"Employee" means a person employed by a waiver agency in a 58989  
full-time, part-time, or temporary position that involves 58990  
providing home and community-based services. 58991~~

~~"Home and community-based waiver services medicaid waiver 58992  
component" means services furnished under the provision of 42 58993  
C.F.R. 441, subpart G, that permit individuals to live in a home 58994  
setting rather than a nursing facility or hospital has the same 58995  
meaning as in section 5111.85 of the Revised Code. Home and 58996  
community based waiver services are approved by the centers for 58997  
medicare and medicaid for specific populations and are not 58998  
otherwise available under the medicaid state plan. 58999~~

~~"Waiver agency" means a person or government entity that 59000  
provides home and community-based services under a home and 59001  
community-based services medicaid waiver component administered by 59002  
the department of job and family services, other than such a 59003  
person or government entity that is certified under the medicare 59004  
program. "Waiver agency" does not mean an independent provider as 59005  
defined in section 5111.034 of the Revised Code. 59006~~

~~(B) No waiver agency shall employ an applicant or continue to 59007  
employ an employee in a position that involves providing home and 59008  
community-based services if any of the following apply: 59009~~

~~(1) A review of the databases listed in division (D) of this 59010  
section reveals any of the following: 59011~~

(a) That the applicant or employee is included in one or more of the databases listed in divisions (D)(1) to (5) of this section; 59012  
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(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident; 59015  
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(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the waiver agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing home and community-based services. 59021  
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(2) After the applicant or employee is given the information and notification required by divisions (E)(2)(a) and (b) of this section, the applicant or employee fails to do either of the following: 59027  
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(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section; 59031  
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(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency. 59036  
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(3) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction 59039  
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for a disqualifying offense, regardless of the date of the conviction, date of entry of the guilty plea, or the date the applicant or employee was found eligible for intervention in lieu of conviction. 59043  
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(C) At the time of each applicant's initial application for employment in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following: 59047  
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(1) That a review of the databases listed in division (D) of this section will be conducted to determine whether the waiver agency is prohibited by division (B)(1) of this section from employing the applicant in the position; 59051  
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(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check. 59055  
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(D) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a waiver agency shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following: 59060  
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(1) The excluded parties list system maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation; 59071  
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(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to section 1128 of the "Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as amended, and section 1156 of the "Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as amended; 59074  
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(3) The registry of MR/DD employees established under section 5123.52 of the Revised Code; 59080  
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(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 59082  
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 59085  
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 59087  
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(7) Any other database, if any, specified in rules adopted under this section. 59089  
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(E)(1) The As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require each the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to of the applicant. If rules adopted under this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (B)(1) of this section from employing the 59091  
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applicant or continuing to employ the employee in a position that 59105  
involves providing home and community-based services. If an 59106  
applicant or employee for whom a criminal records check request is 59107  
required ~~under this division~~ by this section does not present 59108  
proof of having been a resident of this state for the five-year 59109  
period immediately prior to the date the criminal records check is 59110  
requested or provide evidence that within that five-year period 59111  
the superintendent has requested information about the applicant 59112  
or employee from the federal bureau of investigation in a criminal 59113  
records check, the chief administrator shall require the applicant 59114  
or employee to request that the superintendent obtain information 59115  
from the federal bureau of investigation as part of the criminal 59116  
records check ~~of the applicant~~. Even if an applicant or employee 59117  
for whom a criminal records check request is required ~~under this~~ 59118  
~~division~~ by this section presents proof of having been a resident 59119  
of this state for the five-year period, the chief administrator 59120  
may require the applicant or employee to request that the 59121  
superintendent include information from the federal bureau of 59122  
investigation in the criminal records check. 59123

(2) The chief administrator shall provide the following to 59124  
each applicant and employee for whom a criminal records check 59125  
~~request~~ is required ~~under division (B)(1) of~~ by this section: 59126

(a) Information about accessing, completing, and forwarding 59127  
to the superintendent of the bureau of criminal identification and 59128  
investigation the form prescribed pursuant to division (C)(1) of 59129  
section 109.572 of the Revised Code and the standard ~~fingerprint~~ 59130  
impression sheet prescribed pursuant to division (C)(2) of that 59131  
section; 59132

(b) Written notification that the applicant or employee is to 59133  
instruct the superintendent to submit the completed report of the 59134  
criminal records check directly to the chief administrator. 59135

(3) ~~An applicant given information and notification under~~ 59136

~~divisions (B)(2)(a) and (b) of this section who fails to access, 59137  
complete, and forward to the superintendent the form or the 59138  
standard fingerprint impression sheet, or who fails to instruct 59139  
the superintendent to submit the completed report of the criminal 59140  
records check directly to the chief administrator, shall not be 59141  
employed in any position in a waiver agency for which a criminal 59142  
records check is required by this section. A waiver agency shall 59143  
pay to the bureau of criminal identification and investigation the 59144  
fee prescribed pursuant to division (C)(3) of section 109.572 of 59145  
the Revised Code for any criminal records check required by this 59146  
section. However, a waiver agency may require an applicant to pay 59147  
to the bureau the fee for a criminal records check of the 59148  
applicant. If the waiver agency pays the fee for an applicant, it 59149  
may charge the applicant a fee not exceeding the amount the waiver 59150  
agency pays to the bureau under this section if the waiver agency 59151  
notifies the applicant at the time of initial application for 59152  
employment of the amount of the fee and that, unless the fee is 59153  
paid, the applicant will not be considered for employment. 59154~~

~~(C)(1) Except as provided in rules adopted by the department 59155  
of job and family services in accordance with division (F) of this 59156  
section and subject to division (C)(2) of this section, no waiver 59157  
agency shall employ a person in a position that involves providing 59158  
home and community based waiver services to persons with 59159  
disabilities if the person has been convicted of, has pleaded 59160  
guilty to, or has been found eligible for intervention in lieu of 59161  
conviction for any of the following, regardless of the date of the 59162  
conviction, the date of entry of the guilty plea, or the date the 59163  
person was found eligible for intervention in lieu of conviction. 59164~~

~~(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 59165  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 59166  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 59167  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 59168~~

~~2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 59169~~  
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 59170~~  
~~2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 59171~~  
~~2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 59172~~  
~~2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 59173~~  
~~2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 59174~~  
~~2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 59175~~  
~~2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 59176~~  
~~2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 59177~~  
~~2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 59178~~  
~~2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 59179~~  
~~2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 59180~~  
~~penetration in violation of former section 2907.12 of the Revised 59181~~  
~~Code, a violation of section 2905.04 of the Revised Code as it 59182~~  
~~existed prior to July 1, 1996, a violation of section 2919.23 of 59183~~  
~~the Revised Code that would have been a violation of section 59184~~  
~~2905.04 of the Revised Code as it existed prior to July 1, 1996, 59185~~  
~~had the violation been committed prior to that date; 59186~~

~~(b) A violation of an existing or former municipal ordinance 59187~~  
~~or law of this state, any other state, or the United States that 59188~~  
~~is substantially equivalent to any of the offenses listed in 59189~~  
~~division (C)(1)(a) of this section. 59190~~

~~(2)(a)(F)(1) A waiver agency may employ conditionally an 59191~~  
~~applicant for whom a criminal records check request is required 59192~~  
~~under division (B) of by this section prior to obtaining the 59193~~  
~~results of a the criminal records check regarding the individual, 59194~~  
~~provided that the if both of the following apply: 59195~~

~~(a) The waiver agency is not prohibited by division (B)(1) of 59196~~  
~~this section from employing the applicant in a position that 59197~~  
~~involves providing home and community-based services. 59198~~

~~(b) The chief administrator of the waiver agency shall 59199~~  
~~require requires the individual applicant to request a criminal 59200~~



records check regarding the individual applicant in accordance 59201  
with division ~~(B)(E)~~(1) of this section not later than five 59202  
business days after the individual applicant begins conditional 59203  
employment. 59204

~~(b)(2)~~ A waiver agency that employs an individual applicant 59205  
conditionally under ~~authority of~~ division ~~(C)(2)(a)(F)(1)~~ of this 59206  
section shall terminate the ~~individual's~~ applicant's employment if 59207  
the results of the criminal records check ~~request under division~~ 59208  
~~(B) of this section~~, other than the results of any request for 59209  
information from the federal bureau of investigation, are not 59210  
obtained within the period ending sixty days after the date the 59211  
request for the criminal records check is made. Regardless of when 59212  
the results of the criminal records check are obtained, if the 59213  
results indicate that the individual applicant has been convicted 59214  
of, has pleaded guilty to, or has been found eligible for 59215  
intervention in lieu of conviction for ~~any of the offenses listed~~ 59216  
~~or described in division (C)(1) of this section~~ a disqualifying 59217  
offense, the waiver agency shall terminate the ~~individual's~~ 59218  
applicant's employment unless circumstances specified in rules 59219  
adopted under this section exist that permit the waiver agency to 59220  
employ the applicant and the waiver agency chooses to employ the 59221  
individual pursuant to division (F) of this section applicant. 59222

~~(D)(1)~~ The fee prescribed pursuant to division ~~(C)(3)~~ of 59223  
section 109.572 of the Revised Code for each criminal records 59224  
check conducted pursuant to a request made under division ~~(B)~~ of 59225  
this section shall be paid to the bureau of criminal 59226  
identification and investigation by the applicant or the waiver 59227  
agency. 59228

~~(2)~~ If a waiver agency pays the fee, it may charge the 59229  
applicant a fee not exceeding the amount the agency pays under 59230  
division ~~(D)(1)~~ of this section. An agency may collect a fee only 59231  
if the agency notifies the person at the time of initial 59232

~~application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment.~~

~~(E)~~(G) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The ~~individual~~ applicant or employee who is the subject of the criminal records check or the ~~individual's~~ representative of the applicant or employee;

(2) The chief administrator of the waiver agency ~~requesting that requires the applicant or employee to request~~ the criminal records check or the administrator's representative;

(3) ~~An administrator at~~ The director of job and family services and the staff of the department in the administration of the medicaid program;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with ~~a~~ any of the following:

(a) A denial of employment of the applicant or ~~dealing with employment~~ employee;

(b) Employment or unemployment benefits of the applicant or ~~employee;~~

(c) A civil or criminal action regarding the medicaid program.

~~(F)~~(H) The ~~department~~ director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. ~~The~~

(1) The rules may do the following:

(a) Require employees to undergo database reviews and

criminal records checks under this section; 59263

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 59264  
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(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 59267  
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(2) The rules shall specify all of the following: 59270

(a) The procedures for conducting a database review under this section; 59271  
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 59273  
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(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases; 59277  
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(d) The circumstances under which a waiver agency may employ ~~a person~~ an applicant or employee who ~~has~~ is found by a criminal records check required by this section to have been convicted of, ~~has~~ pleaded guilty to, or ~~has~~ been found eligible for intervention in lieu of conviction for an offense listed or described in division (C)(1) of this section a disqualifying offense. 59282  
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~~(G) The chief administrator of a waiver agency shall inform each person, at the time of initial application for a position that involves providing home and community based waiver services to a person with a disability, that the person is required to provide a set of fingerprint impressions and that a criminal~~ 59288  
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~~records check is required to be conducted if the person comes  
under final consideration for employment.~~ 59293  
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~~(H)(1) A person who, on September 26, 2003, is an employee of  
a waiver agency in a full time, part time, or temporary position  
that involves providing home and community based waiver services  
to a person with disabilities shall comply with this section  
within sixty days after September 26, 2003, unless division (H)(2)  
of this section applies.~~ 59295  
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~~(2) This section shall not apply to a person to whom all of  
the following apply:~~ 59301  
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~~(a) On September 26, 2003, the person is an employee of a  
waiver agency in a full time, part time, or temporary position  
that involves providing home and community based waiver services  
to a person with disabilities.~~ 59303  
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~~(b) The person previously had been the subject of a criminal  
background check relating to that position;~~ 59307  
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~~(c) The person has been continuously employed in that  
position since that criminal background check had been conducted.~~ 59309  
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(I) The amendments made by ...B... to this section do not  
preclude the department of job and family services from taking  
action against a person for failure to comply with former division  
(H) of this section as that division existed on the day preceding  
the effective date of this amendment. 59311  
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**Sec. 5111.034.** (A) As used in this section: 59316

~~(1) "Anniversary date" means the later of the effective date  
of the provider agreement relating to the independent provider or  
sixty days after September 26, 2003.~~ 59317  
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~~(2) "Criminal "Applicant" means a person who has applied for  
a medicaid provider agreement to provide home and community-based  
services as an independent provider under a home and~~ 59320  
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community-based medicaid waiver component administered by the 59323  
department of job and family services. 59324

"Criminal records check" has the same meaning as in section 59325  
109.572 of the Revised Code. 59326

~~(3) "Department" includes a designee of the department of job~~ 59327  
~~and family services.~~ 59328

~~(4) "Independent "Disqualifying offense" has the same meaning~~ 59329  
~~as in section 5111.032 of the Revised Code.~~ 59330

"Independent provider" means a person who ~~is submitting an~~ 59331  
~~application for a provider agreement or who~~ has a medicaid 59332  
provider agreement to provide home and community-based services as 59333  
an independent provider in a home and community-based services 59334  
medicaid waiver component administered by the department of job 59335  
and family services ~~administered home and community based services~~ 59336  
~~program providing home and community based waiver services to~~ 59337  
~~consumers with disabilities.~~ 59338

~~(5) "Home and community-based waiver services medicaid waiver~~ 59339  
~~component"~~ has the same meaning as in section ~~5111.033~~ 5111.85 of 59340  
the Revised Code. 59341

(B) The department of job and family services or the 59342  
department's designee shall deny an applicant's application for a 59343  
medicaid provider agreement and shall terminate an independent 59344  
provider's medicaid provider agreement if either of the following 59345  
applies: 59346

(1) After the applicant or independent provider is given the 59347  
information and notification required by divisions (D)(2)(a) and 59348  
(b) of this section, the applicant or independent provider fails 59349  
to do either of the following: 59350

(a) Access, complete, or forward to the superintendent of the 59351  
bureau of criminal identification and investigation the form 59352

prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section; 59353  
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(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the department or the department's designee. 59356  
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(2) Except as provided in rules adopted under this section, the applicant or independent provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the applicant or independent provider was found eligible for intervention in lieu of conviction. 59359  
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(C)(1) The department of job and family services or the department's designee shall inform each independent provider applicant, at the time of initial application for a medicaid provider agreement that involves providing home and community based waiver services to consumers with disabilities, that the independent provider applicant is required to provide a set of the applicant's fingerprint impressions and that a criminal records check is required to be conducted if the person is to become an independent provider in a department administered home and community based waiver program as a condition of the department's approving the application. 59367  
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(2) Beginning on September 26, 2003, the department or the department's designee shall inform each enrolled medicaid independent provider on or before the time of the anniversary date of the medicaid provider agreement that involves providing home and community based waiver services to consumers with disabilities that the independent provider is required to provide a set of the independent provider's fingerprint impressions and that a criminal 59378  
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records check is required to be conducted. 59385

~~(C)~~(D)(1) The department or the department's designee shall 59386  
require ~~the independent provider~~ an applicant to complete a 59387  
criminal records check prior to entering into a medicaid provider 59388  
agreement with the ~~independent provider and applicant~~. The 59389  
department or the department's designee shall require an 59390  
independent provider to complete a criminal records check at least 59391  
annually ~~thereafter~~. If an applicant or independent provider for 59392  
whom a criminal records check is required ~~under this division~~ by 59393  
this section does not present proof of having been a resident of 59394  
this state for the five-year period immediately prior to the date 59395  
the criminal records check is requested or provide evidence that 59396  
within that five-year period the superintendent of the bureau of 59397  
criminal identification and investigation has requested 59398  
information about the applicant or independent provider from the 59399  
federal bureau of investigation in a criminal records check, the 59400  
department or the department's designee shall request that the 59401  
applicant or independent provider obtain through the 59402  
superintendent a criminal records request from the federal bureau 59403  
of investigation as part of the criminal records check of the 59404  
applicant or independent provider. Even if an applicant or 59405  
independent provider for whom a criminal records check request is 59406  
required ~~under this division~~ by this section presents proof of 59407  
having been a resident of this state for the five-year period, the 59408  
department or the department's designee may request that the 59409  
applicant or independent provider obtain information through the 59410  
superintendent from the federal bureau of investigation in the 59411  
criminal records check. 59412

(2) The department or the department's designee shall provide 59413  
the following to each applicant and independent provider for whom 59414  
a criminal records check ~~request~~ is required ~~under division (C)(1)~~ 59415  
~~of~~ by this section: 59416

(a) Information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section; 59417  
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(b) Written notification that the applicant or independent provider is to instruct the superintendent to submit the completed report of the criminal records check directly to the department or the department's designee. 59423  
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~~(3) An independent provider given information and notification under divisions (C)(2)(a) and (b) of this section who fails to access, complete, and forward to the superintendent the form or the standard fingerprint impression sheet, or who fails to instruct the superintendent to submit the completed report of the criminal records check directly to the department, shall not be approved as an independent provider. Each applicant and independent provider for whom a criminal records check is required by this section shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for the criminal records check conducted of the applicant or independent provider.~~ 59427  
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~~(D) Except as provided in rules adopted by the department in accordance with division (G) of this section, the department shall not issue a new provider agreement to, and shall terminate an existing provider agreement of, an independent provider if the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction:~~ 59439  
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~~(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03,~~ 59448



~~2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 59449~~  
~~2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 59450~~  
~~2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 59451~~  
~~2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 59452~~  
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 59453~~  
~~2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 59454~~  
~~2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 59455~~  
~~2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 59456~~  
~~2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 59457~~  
~~2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 59458~~  
~~2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 59459~~  
~~2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 59460~~  
~~2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 59461~~  
~~2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 59462~~  
~~2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 59463~~  
~~penetration in violation of former section 2907.12 of the Revised 59464~~  
~~Code, a violation of section 2905.04 of the Revised Code as it 59465~~  
~~existed prior to July 1, 1996, a violation of section 2919.23 of 59466~~  
~~the Revised Code that would have been a violation of section 59467~~  
~~2905.04 of the Revised Code as it existed prior to July 1, 1996, 59468~~  
~~had the violation been committed prior to that date; 59469~~

~~(2) A violation of an existing or former municipal ordinance 59470~~  
~~or law of this state, any other state, or the United States that 59471~~  
~~is substantially equivalent to any of the offenses listed in 59472~~  
~~division (D)(1) of this section. 59473~~

~~(E) Each independent provider shall pay to the bureau of 59474~~  
~~criminal identification and investigation the fee prescribed 59475~~  
~~pursuant to division (C)(3) of section 109.572 of the Revised Code 59476~~  
~~for each criminal records check conducted pursuant to a request 59477~~  
~~made under division (C) of this section. 59478~~

~~(F)(E) The report of any criminal records check conducted by 59479~~  
~~the bureau of criminal identification and investigation in 59480~~

accordance with section 109.572 of the Revised Code and pursuant 59481  
to a request made under ~~division (C) of~~ this section is not a 59482  
public record for the purposes of section 149.43 of the Revised 59483  
Code and shall not be made available to any person other than the 59484  
following: 59485

(1) The person who is the subject of the criminal records 59486  
check or the person's representative; 59487

(2) ~~An administrator at~~ The director of job and family 59488  
services and the staff of the department ~~or the administrator's~~ 59489  
representative in the administration of the medicaid program; 59490

(3) The department's designee; 59491

(4) An individual who receives home and community-based 59492  
services from the person who is the subject of the criminal 59493  
records check; 59494

(5) A court, hearing officer, or other necessary individual 59495  
involved in a case dealing with ~~a~~ either of the following: 59496

(a) A denial or termination of a provider agreement related 59497  
to the criminal records check; 59498

(b) A civil or criminal action regarding the medicaid 59499  
program. 59500

~~(G)~~(F) The department director of job and family services 59501  
shall adopt rules in accordance with Chapter 119. of the Revised 59502  
Code to implement this section. The rules shall specify 59503  
circumstances under which the department or the department's 59504  
designee may either ~~issue a provider agreement to an independent~~ 59505  
~~provider~~ approve an applicant's application or allow an 59506  
independent provider to maintain an existing medicaid provider 59507  
agreement ~~when~~ even though the applicant or independent provider 59508  
~~has~~ is found by a criminal records check required by this section 59509  
to have been convicted of, ~~has~~ pleaded guilty to, or ~~has~~ been 59510

found eligible for intervention in lieu of conviction for an 59511  
~~offense listed or described in division (D)(1) or (2) of this~~ 59512  
~~section a disqualifying offense.~~ 59513

**Sec. 5111.06.** (A)(1) As used in this section and in sections 59514  
5111.061 and 5111.063 of the Revised Code: 59515

(a) "Provider" means any person, institution, or entity that 59516  
furnishes medicaid services under a provider agreement with the 59517  
department of job and family services pursuant to Title XIX of the 59518  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 59519  
amended. 59520

(b) "Party" has the same meaning as in division (G) of 59521  
section 119.01 of the Revised Code. 59522

(c) "Adjudication" has the same meaning as in division (D) of 59523  
section 119.01 of the Revised Code. 59524

(2) This section does not apply to ~~any~~ either of the 59525  
following: 59526

(a) Any action taken or decision made by the department of 59527  
job and family services with respect to entering into or refusing 59528  
to enter into a contract with a managed care organization pursuant 59529  
to section 5111.17 of the Revised Code; 59530

(b) Any action taken by the department under ~~sections 5111.16~~ 59531  
~~to 5111.177 or~~ sections 5111.35 to 5111.62 of the Revised Code. 59532

(B) Except as provided in division (D) of this section and 59533  
section 5111.914 of the Revised Code, the department shall do 59534  
either of the following by issuing an order pursuant to an 59535  
adjudication conducted in accordance with Chapter 119. of the 59536  
Revised Code: 59537

(1) Enter into or refuse to enter into a provider agreement 59538  
with a provider, or suspend, terminate, renew, or refuse to renew 59539  
an existing provider agreement with a provider; 59540

(2) Take any action based upon a final fiscal audit of a provider. 59541  
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(C) Any party who is adversely affected by the issuance of an adjudication order under division (B) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code. 59543  
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(D) The department is not required to comply with division (B)(1) of this section whenever any of the following occur: 59547  
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(1) The terms of a provider agreement require the provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of job and family services, and the license, permit, certificate, or certification has been denied, revoked, not renewed, suspended, or otherwise limited. 59549  
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(2) The terms of a provider agreement require the provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of job and family services, and the provider has not obtained the license, permit, certificate, or certification. 59556  
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(3) The provider agreement is denied, terminated, or not renewed due to the termination, refusal to renew, or denial of a license, permit, certificate, or certification by an official, board, commission, department, division, bureau, or other agency of this state other than the department of job and family services, notwithstanding the fact that the provider may hold a license, permit, certificate, or certification from an official, board, commission, department, division, bureau, or other agency of another state. 59562  
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(4) The provider agreement is denied, terminated, or not 59571

renewed pursuant to division (C) or (F) of section 5111.03 of the Revised Code. 59572  
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(5) The provider agreement is denied, terminated, or not renewed due to the provider's termination, suspension, or exclusion from the medicare program established under Title XVIII of the "Social Security Act" or from another state's medicaid program and, in either case, the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program in this state. 59574  
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(6) The provider agreement is denied, terminated, or not renewed due to the provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program. 59581  
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(7) The provider agreement is denied, terminated, or suspended as a result of action by the United States department of health and human services and that action is binding on the provider's participation in the medicaid program. 59585  
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(8) Pursuant to either section 5111.031 or 5111.035 of the Revised Code, the provider agreement is suspended and payments to the provider are suspended pending indictment of the provider. 59589  
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(9) The provider agreement is denied, terminated, or not renewed because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of one of the offenses that caused the provider agreement to be suspended pursuant to section 5111.031 of the Revised Code. 59592  
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(10) The provider agreement is converted under section 5111.028 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited. 59597  
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(11) The provider agreement is terminated or an application for re-enrollment is denied because the provider has failed to apply for re-enrollment within the time or in the manner specified 59600  
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for re-enrollment pursuant to section 5111.028 of the Revised Code. 59603  
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(12) The provider agreement is suspended or terminated, or an application for enrollment or re-enrollment is denied, for any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450. 59605  
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(13) The provider agreement is terminated or not renewed because the provider has not billed or otherwise submitted a medicaid claim to the department for two years or longer. 59609  
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(14) The provider agreement is denied, terminated, or not renewed because the provider fails to provide to the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408. 59612  
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In the case of a provider described in division (D)(13) or (14) of this section, the department may take its proposed action against a provider agreement by sending a notice explaining the proposed action to the provider. The notice shall be sent to the provider's address on record with the department. The notice may be sent by regular mail. 59616  
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(E) The department may withhold payments for services rendered by a medicaid provider under the medicaid program during the pendency of proceedings initiated under division (B)(1) of this section. If the proceedings are initiated under division (B)(2) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and intermediate care facilities for the mentally retarded as defined in section 59622  
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5111.20 of the Revised Code. 59634

**Sec. 5111.091.** ~~Not later than the first day of each calendar~~ 59635  
~~quarter~~ Semiannually, the director of job and family services 59636  
shall submit ~~a report~~ to the president and minority leader of the 59637  
senate, speaker and minority leader of the house of 59638  
representatives, and the chairpersons of the standing committees 59639  
of the senate and house of representatives ~~that hear bills with~~ 59640  
primary responsibility for legislation making biennial 59641  
appropriations a report on the establishment and implementation of 59642  
programs designed to control the increase of the cost of the 59643  
medicaid program, increase the efficiency of the medicaid program, 59644  
and promote better health outcomes. In each calendar year, one 59645  
report shall be submitted not later than the last day of June and 59646  
the subsequent report shall be submitted not later than the last 59647  
day of December. 59648

~~The report shall include information regarding all of the~~ 59649  
~~following:~~ 59650

~~(A) Provider network management;~~ 59651

~~(B) Electronic claims submission and payment systems;~~ 59652

~~(C) Limited provider contracts and payments based on~~ 59653  
~~performance;~~ 59654

~~(D) Efforts to enforce third party liability;~~ 59655

~~(E) Implementation of the medicaid information technology~~ 59656  
~~system;~~ 59657

~~(F) Expansion of the medicaid data warehouse and decision~~ 59658  
~~support system;~~ 59659

~~(G) Development of infrastructure policies for electronic~~ 59660  
~~health records and e-prescribing.~~ 59661

**Sec. 5111.113.** (A) As used in this section: 59662

(1) ~~"Adult care facility" has the same meaning as in section 5119.70 of the Revised Code.~~ 59663  
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~~(2)~~ "Commissioner" means a person appointed by a probate court under division (E) of section 2113.03 of the Revised Code to act as a commissioner. 59665  
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~~(3)~~(2) "Home" has the same meaning as in section 3721.10 of the Revised Code. 59668  
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~~(4)~~(3) "Personal needs allowance account" means an account or petty cash fund that holds the money of a resident of an adult care facility or home and that the facility or home manages for the resident. 59670  
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(4) "Residential facility" means a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. 59674  
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(B) Except as provided in divisions (C) and (D) of this section, the owner or operator of ~~an adult care facility or a home or residential facility~~ shall transfer to the department of job and family services the money in the personal needs allowance account of a resident of the ~~facility or home~~ or facility who was a recipient of the medical assistance program no earlier than sixty days but not later than ninety days after the resident dies. The ~~adult care facility or home~~ or facility shall transfer the money even though the owner or operator of the facility or home has not been issued letters testamentary or letters of administration concerning the resident's estate. 59678  
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(C) If funeral or burial expenses for a resident of ~~an adult care facility or a home~~ or residential facility who has died have not been paid and the only resource the resident had that could be used to pay for the expenses is the money in the resident's personal needs allowance account, or all other resources of the 59689  
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resident are inadequate to pay the full cost of the expenses, the 59694  
money in the resident's personal needs allowance account shall be 59695  
used to pay for the expenses rather than being transferred to the 59696  
department of job and family services pursuant to division (B) of 59697  
this section. 59698

(D) If, not later than sixty days after a resident of ~~an~~ 59699  
~~adult care facility or a~~ home or residential facility dies, 59700  
letters testamentary or letters of administration are issued, or 59701  
an application for release from administration is filed under 59702  
section 2113.03 of the Revised Code, concerning the resident's 59703  
estate, the owner or operator of the ~~facility or~~ home or facility 59704  
shall transfer the money in the resident's personal needs 59705  
allowance account to the administrator, executor, commissioner, or 59706  
person who filed the application for release from administration. 59707

(E) The transfer or use of money in a resident's personal 59708  
needs allowance account in accordance with division (B), (C), or 59709  
(D) of this section discharges and releases the ~~adult care~~ 59710  
~~facility or~~ home or residential facility, and the owner or 59711  
operator of the ~~facility or~~ home, from any claim for the money 59712  
from any source. 59713

(F) If, sixty-one or more days after a resident of ~~an adult~~ 59714  
~~care facility or a~~ home or residential facility dies, letters 59715  
testamentary or letters of administration are issued, or an 59716  
application for release from administration under section 2113.03 59717  
of the Revised Code is filed, concerning the resident's estate, 59718  
the department of job and family services shall transfer the funds 59719  
to the administrator, executor, commissioner, or person who filed 59720  
the application, unless the department is entitled to recover the 59721  
money under the medicaid estate recovery program instituted under 59722  
section 5111.11 of the Revised Code. 59723

**Sec. 5111.171.** ~~(A)~~ The department of job and family services 59724

may provide financial incentive awards to managed care 59725  
organizations under contract with the department pursuant to 59726  
section 5111.17 of the Revised Code that meet or exceed 59727  
performance standards specified in provider agreements or rules 59728  
adopted by the department. The department may specify in a 59729  
contract with a managed care organization the amounts of financial 59730  
incentive awards, methodology for distributing awards, types of 59731  
awards, and standards for administration by the department. 59732

~~(B) There is hereby created in the state treasury the health 59733  
care compliance fund. The fund shall consist of all fines imposed 59734  
on and collected from managed care organizations for failure to 59735  
meet performance standards or other requirements specified in 59736  
provider agreements or rules adopted by the department. All 59737  
investment earnings of the fund shall be credited to the fund. 59738  
Moneys credited to the fund shall be used solely for the following 59739  
purposes:~~ 59740

~~(1) To reimburse managed care organizations that have paid 59741  
fines for failures to meet performance standards or other 59742  
requirements and that have come into compliance by meeting 59743  
requirements as specified by the department;~~ 59744

~~(2) To provide financial incentive awards established 59745  
pursuant to division (A) of this section and specified in 59746  
contracts between managed care organizations and the department. 59747~~

**Sec. 5111.20.** As used in sections 5111.20 to 5111.331 of the 59748  
Revised Code: 59749

(A) "Allowable costs" are those costs determined by the 59750  
department of job and family services to be reasonable and do not 59751  
include fines paid under sections 5111.35 to 5111.61 and section 59752  
5111.99 of the Revised Code. 59753

(B) "Ancillary and support costs" means all reasonable costs 59754

incurred by a nursing facility other than direct care costs, tax 59755  
costs, or capital costs. "Ancillary and support costs" includes, 59756  
but is not limited to, costs of activities, social services, 59757  
pharmacy consultants, habilitation supervisors, qualified mental 59758  
retardation professionals, program directors, medical and 59759  
habilitation records, program supplies, incontinence supplies, 59760  
food, enterals, dietary supplies and personnel, laundry, 59761  
housekeeping, security, administration, medical equipment, 59762  
utilities, liability insurance, bookkeeping, purchasing 59763  
department, human resources, communications, travel, dues, license 59764  
fees, subscriptions, home office costs not otherwise allocated, 59765  
legal services, accounting services, minor equipment, ~~wheelchairs,~~ 59766  
~~resident transportation,~~ maintenance and repairs, help-wanted 59767  
advertising, informational advertising, start-up costs, 59768  
organizational expenses, other interest, property insurance, 59769  
employee training and staff development, employee benefits, 59770  
payroll taxes, and workers' compensation premiums or costs for 59771  
self-insurance claims and related costs as specified in rules 59772  
adopted by the director of job and family services under section 59773  
5111.02 of the Revised Code, for personnel listed in this 59774  
division. "Ancillary and support costs" also means the cost of 59775  
equipment, including vehicles, acquired by operating lease 59776  
executed before December 1, 1992, if the costs are reported as 59777  
administrative and general costs on the facility's cost report for 59778  
the cost reporting period ending December 31, 1992. 59779

(C) "Capital costs" means costs of ownership and, in the case 59780  
of an intermediate care facility for the mentally retarded, costs 59781  
of nonextensive renovation. 59782

(1) "Cost of ownership" means the actual expense incurred for 59783  
all of the following: 59784

(a) Depreciation and interest on any capital assets that cost 59785  
five hundred dollars or more per item, including the following: 59786

|                                                                                                                                                                                                                                                                         |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| (i) Buildings;                                                                                                                                                                                                                                                          | 59787                                     |
| (ii) Building improvements that are not approved as nonextensive renovations under section 5111.251 of the Revised Code;                                                                                                                                                | 59788<br>59789<br>59790                   |
| (iii) Except as provided in division (B) of this section, equipment;                                                                                                                                                                                                    | 59791<br>59792                            |
| (iv) In the case of an intermediate care facility for the mentally retarded, extensive renovations;                                                                                                                                                                     | 59793<br>59794                            |
| (v) Transportation equipment.                                                                                                                                                                                                                                           | 59795                                     |
| (b) Amortization and interest on land improvements and leasehold improvements;                                                                                                                                                                                          | 59796<br>59797                            |
| (c) Amortization of financing costs;                                                                                                                                                                                                                                    | 59798                                     |
| (d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.                                                                                                                                                                | 59799<br>59800                            |
| The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.                                                                                                                        | 59801<br>59802<br>59803                   |
| (2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on renovations that are not extensive renovations.                                    | 59804<br>59805<br>59806<br>59807          |
| (D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.                                                                                                                                               | 59808<br>59809                            |
| (E) "Case-mix score" means the measure determined under section 5111.232 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded. | 59810<br>59811<br>59812<br>59813<br>59814 |
| (F)(1) "Date of licensure," for a facility originally                                                                                                                                                                                                                   | 59815                                     |

licensed as a nursing home under Chapter 3721. of the Revised 59816  
Code, means the date specific beds were originally licensed as 59817  
nursing home beds under that chapter, regardless of whether they 59818  
were subsequently licensed as residential facility beds under 59819  
section 5123.19 of the Revised Code. For a facility originally 59820  
licensed as a residential facility under section 5123.19 of the 59821  
Revised Code, "date of licensure" means the date specific beds 59822  
were originally licensed as residential facility beds under that 59823  
section. 59824

If nursing home beds licensed under Chapter 3721. of the 59825  
Revised Code or residential facility beds licensed under section 59826  
5123.19 of the Revised Code were not required by law to be 59827  
licensed when they were originally used to provide nursing home or 59828  
residential facility services, "date of licensure" means the date 59829  
the beds first were used to provide nursing home or residential 59830  
facility services, regardless of the date the present provider 59831  
obtained licensure. 59832

If a facility adds nursing home beds or residential facility 59833  
beds or extensively renovates all or part of the facility after 59834  
its original date of licensure, it will have a different date of 59835  
licensure for the additional beds or extensively renovated portion 59836  
of the facility, unless the beds are added in a space that was 59837  
constructed at the same time as the previously licensed beds but 59838  
was not licensed under Chapter 3721. or section 5123.19 of the 59839  
Revised Code at that time. 59840

(2) The definition of "date of licensure" in this section 59841  
applies in determinations of the medicaid reimbursement rate for a 59842  
nursing facility or intermediate care facility for the mentally 59843  
retarded but does not apply in determinations of the franchise 59844  
permit fee for a nursing facility or intermediate care facility 59845  
for the mentally retarded. 59846

(G) "Desk-reviewed" means that costs as reported on a cost 59847

report submitted under section 5111.26 of the Revised Code have 59848  
been subjected to a desk review under division (A) of section 59849  
5111.27 of the Revised Code and preliminarily determined to be 59850  
allowable costs. 59851

(H) "Direct care costs" means all of the following: 59852

(1)(a) Costs for registered nurses, licensed practical 59853  
nurses, and nurse aides employed by the facility; 59854

(b) Costs for direct care staff, administrative nursing 59855  
staff, medical directors, respiratory therapists, and except as 59856  
provided in division (H)(2) of this section, other persons holding 59857  
degrees qualifying them to provide therapy; 59858

(c) Costs of purchased nursing services; 59859

(d) Costs of quality assurance; 59860

(e) Costs of training and staff development, employee 59861  
benefits, payroll taxes, and workers' compensation premiums or 59862  
costs for self-insurance claims and related costs as specified in 59863  
rules adopted by the director of job and family services in 59864  
accordance with Chapter 119. of the Revised Code, for personnel 59865  
listed in divisions (H)(1)(a), (b), and (d) of this section; 59866

(f) Costs of consulting and management fees related to direct 59867  
care; 59868

(g) Allocated direct care home office costs. 59869

(2) In addition to the costs specified in division (H)(1) of 59870  
this section, for nursing facilities only, direct care costs 59871  
include costs of habilitation staff (other than habilitation 59872  
supervisors), medical supplies, oxygen, over-the-counter pharmacy 59873  
products, behavioral and mental health services, physical 59874  
therapists, physical therapy assistants, occupational therapists, 59875  
occupational therapy assistants, speech therapists, audiologists, 59876  
habilitation supplies, wheelchairs, resident transportation, and 59877

universal precautions supplies. 59878

(3) In addition to the costs specified in division (H)(1) of 59879  
this section, for intermediate care facilities for the mentally 59880  
retarded only, direct care costs include both of the following: 59881

(a) Costs for physical therapists and physical therapy 59882  
assistants, occupational therapists and occupational therapy 59883  
assistants, speech therapists, audiologists, habilitation staff 59884  
(including habilitation supervisors), qualified mental retardation 59885  
professionals, program directors, social services staff, 59886  
activities staff, off-site day programming, psychologists and 59887  
psychology assistants, and social workers and counselors; 59888

(b) Costs of training and staff development, employee 59889  
benefits, payroll taxes, and workers' compensation premiums or 59890  
costs for self-insurance claims and related costs as specified in 59891  
rules adopted under section 5111.02 of the Revised Code, for 59892  
personnel listed in division (H)(3)(a) of this section. 59893

(4) Costs of other direct-care resources that are specified 59894  
as direct care costs in rules adopted under section 5111.02 of the 59895  
Revised Code. 59896

(I) "Fiscal year" means the fiscal year of this state, as 59897  
specified in section 9.34 of the Revised Code. 59898

(J) "Franchise permit fee" means the following: 59899

(1) In the context of nursing facilities, the fee imposed by 59900  
sections 3721.50 to 3721.58 of the Revised Code; 59901

(2) In the context of intermediate care facilities for the 59902  
mentally retarded, the fee imposed by sections 5112.30 to 5112.39 59903  
of the Revised Code. 59904

(K) "Indirect care costs" means all reasonable costs incurred 59905  
by an intermediate care facility for the mentally retarded other 59906  
than direct care costs, other protected costs, or capital costs. 59907

"Indirect care costs" includes but is not limited to costs of 59908  
habilitation supplies, pharmacy consultants, medical and 59909  
habilitation records, program supplies, incontinence supplies, 59910  
food, enterals, dietary supplies and personnel, laundry, 59911  
housekeeping, security, administration, liability insurance, 59912  
bookkeeping, purchasing department, human resources, 59913  
communications, travel, dues, license fees, subscriptions, home 59914  
office costs not otherwise allocated, legal services, accounting 59915  
services, minor equipment, maintenance and repairs, help-wanted 59916  
advertising, informational advertising, start-up costs, 59917  
organizational expenses, other interest, property insurance, 59918  
employee training and staff development, employee benefits, 59919  
payroll taxes, and workers' compensation premiums or costs for 59920  
self-insurance claims and related costs as specified in rules 59921  
adopted under section 5111.02 of the Revised Code, for personnel 59922  
listed in this division. Notwithstanding division (C)(1) of this 59923  
section, "indirect care costs" also means the cost of equipment, 59924  
including vehicles, acquired by operating lease executed before 59925  
December 1, 1992, if the costs are reported as administrative and 59926  
general costs on the facility's cost report for the cost reporting 59927  
period ending December 31, 1992. 59928

(L) "Inpatient days" means ~~all~~ the following: 59929

(1) In the context of a nursing facility, both of the 59930  
following: 59931

(a) All days during which a resident, regardless of payment 59932  
source, occupies a bed in a nursing facility ~~or intermediate care~~ 59933  
~~facility for the mentally retarded~~ that is included in the nursing 59934  
facility's certified capacity under Title XIX. ~~Therapeutic or~~ 59935  
~~hospital leave;~~ 59936

(b) Fifty per cent of the days for which payment is made 59937  
under section ~~5111.33 or~~ 5111.331 of the Revised Code ~~are~~ 59938  
~~considered inpatient days proportionate to the percentage of the~~ 59939



~~facility's per resident per day rate paid for those days.~~ 59940

(2) In the context of an intermediate care facility for the 59941  
mentally retarded, both of the following: 59942

(a) All days during which a resident, regardless of payment 59943  
source, occupies a bed in an intermediate care facility for the 59944  
mentally retarded that is included in the facility's certified 59945  
capacity under Title XIX; 59946

(b) All days for which payment is made under section 5111.33 59947  
of the Revised Code. 59948

(M) "Intermediate care facility for the mentally retarded" 59949  
means an intermediate care facility for the mentally retarded 59950  
certified as in compliance with applicable standards for the 59951  
medicaid program by the director of health in accordance with 59952  
Title XIX. 59953

(N) "Maintenance and repair expenses" means, except as 59954  
provided in division (BB)(2) of this section, expenditures that 59955  
are necessary and proper to maintain an asset in a normally 59956  
efficient working condition and that do not extend the useful life 59957  
of the asset two years or more. "Maintenance and repair expenses" 59958  
includes but is not limited to the cost of ordinary repairs such 59959  
as painting and wallpapering. 59960

(O) "Medicaid days" means ~~all~~ the following: 59961

(1) In the context of a nursing facility, both of the 59962  
following: 59963

(a) All days during which a resident who is a medicaid 59964  
recipient eligible for nursing facility services occupies a bed in 59965  
a nursing facility that is included in the nursing facility's 59966  
certified capacity under Title XIX. ~~Therapeutic or hospital leave;~~ 59967

(b) Fifty per cent of the days for which payment is made 59968  
under section ~~5111.33~~ ~~or~~ 5111.331 of the Revised Code ~~are~~ 59969

~~considered medicaid days proportionate to the percentage of the 59970  
nursing facility's per resident per day rate paid for those days. 59971~~

(2) In the context of an intermediate care facility for the 59972  
mentally retarded, both of the following: 59973

(a) All days during which a resident who is a medicaid 59974  
recipient eligible for intermediate care facility for the mentally 59975  
retarded services occupies a bed in an intermediate care facility 59976  
for the mentally retarded that is included in the facility's 59977  
certified capacity under Title XIX; 59978

(b) All days for which payment is made under section 5111.33 59979  
of the Revised Code. 59980

(P) "Nursing facility" means a facility, or a distinct part 59981  
of a facility, that is certified as a nursing facility by the 59982  
director of health in accordance with Title XIX and is not an 59983  
intermediate care facility for the mentally retarded. "Nursing 59984  
facility" includes a facility, or a distinct part of a facility, 59985  
that is certified as a nursing facility by the director of health 59986  
in accordance with Title XIX and is certified as a skilled nursing 59987  
facility by the director in accordance with Title XVIII. 59988

(Q) "Operator" means the person or government entity 59989  
responsible for the daily operating and management decisions for a 59990  
nursing facility or intermediate care facility for the mentally 59991  
retarded. 59992

(R) "Other protected costs" means costs incurred by an 59993  
intermediate care facility for the mentally retarded for medical 59994  
supplies; real estate, franchise, and property taxes; natural gas, 59995  
fuel oil, water, electricity, sewage, and refuse and hazardous 59996  
medical waste collection; allocated other protected home office 59997  
costs; and any additional costs defined as other protected costs 59998  
in rules adopted under section 5111.02 of the Revised Code. 59999

(S)(1) "Owner" means any person or government entity that has 60000

at least five per cent ownership or interest, either directly, 60001  
indirectly, or in any combination, in any of the following 60002  
regarding a nursing facility or intermediate care facility for the 60003  
mentally retarded: 60004

(a) The land on which the facility is located; 60005

(b) The structure in which the facility is located; 60006

(c) Any mortgage, contract for deed, or other obligation 60007  
secured in whole or in part by the land or structure on or in 60008  
which the facility is located; 60009

(d) Any lease or sublease of the land or structure on or in 60010  
which the facility is located. 60011

(2) "Owner" does not mean a holder of a debenture or bond 60012  
related to the nursing facility or intermediate care facility for 60013  
the mentally retarded and purchased at public issue or a regulated 60014  
lender that has made a loan related to the facility unless the 60015  
holder or lender operates the facility directly or through a 60016  
subsidiary. 60017

(T) "Patient" includes "resident." 60018

(U) Except as provided in divisions (U)(1) and (2) of this 60019  
section, "per diem" means a nursing facility's or intermediate 60020  
care facility for the mentally retarded's actual, allowable costs 60021  
in a given cost center in a cost reporting period, divided by the 60022  
facility's inpatient days for that cost reporting period. 60023

(1) When calculating indirect care costs for the purpose of 60024  
establishing rates under section 5111.241 of the Revised Code, 60025  
"per diem" means an intermediate care facility for the mentally 60026  
retarded's actual, allowable indirect care costs in a cost 60027  
reporting period divided by the greater of the facility's 60028  
inpatient days for that period or the number of inpatient days the 60029  
facility would have had during that period if its occupancy rate 60030

had been eighty-five per cent. 60031

(2) When calculating capital costs for the purpose of 60032  
establishing rates under section 5111.251 of the Revised Code, 60033  
"per diem" means a facility's actual, allowable capital costs in a 60034  
cost reporting period divided by the greater of the facility's 60035  
inpatient days for that period or the number of inpatient days the 60036  
facility would have had during that period if its occupancy rate 60037  
had been ninety-five per cent. 60038

(V) "Provider" means an operator with a provider agreement. 60039

(W) "Provider agreement" means a contract between the 60040  
department of job and family services and the operator of a 60041  
nursing facility or intermediate care facility for the mentally 60042  
retarded for the provision of nursing facility services or 60043  
intermediate care facility services for the mentally retarded 60044  
under the medicaid program. 60045

(X) "Purchased nursing services" means services that are 60046  
provided in a nursing facility by registered nurses, licensed 60047  
practical nurses, or nurse aides who are not employees of the 60048  
facility. 60049

(Y) "Reasonable" means that a cost is an actual cost that is 60050  
appropriate and helpful to develop and maintain the operation of 60051  
patient care facilities and activities, including normal standby 60052  
costs, and that does not exceed what a prudent buyer pays for a 60053  
given item or services. Reasonable costs may vary from provider to 60054  
provider and from time to time for the same provider. 60055

(Z) "Related party" means an individual or organization that, 60056  
to a significant extent, has common ownership with, is associated 60057  
or affiliated with, has control of, or is controlled by, the 60058  
provider. 60059

(1) An individual who is a relative of an owner is a related 60060  
party. 60061

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other nursing facilities or intermediate care facilities for the mentally retarded from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by the facilities.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

(AA) "Relative of owner" means an individual who is related to an owner of a nursing facility or intermediate care facility

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| for the mentally retarded by one of the following relationships:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 60093                                                                                           |
| (1) Spouse;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 60094                                                                                           |
| (2) Natural parent, child, or sibling;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 60095                                                                                           |
| (3) Adopted parent, child, or sibling;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 60096                                                                                           |
| (4) Stepparent, stepchild, stepbrother, or stepsister;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 60097                                                                                           |
| (5) Father-in-law, mother-in-law, son-in-law,<br>daughter-in-law, brother-in-law, or sister-in-law;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 60098<br>60099                                                                                  |
| (6) Grandparent or grandchild;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 60100                                                                                           |
| (7) Foster caregiver, foster child, foster brother, or foster<br>sister.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 60101<br>60102                                                                                  |
| (BB) "Renovation" and "extensive renovation" mean:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 60103                                                                                           |
| (1) Any betterment, improvement, or restoration of an<br>intermediate care facility for the mentally retarded started<br>before July 1, 1993, that meets the definition of a renovation or<br>extensive renovation established in rules adopted by the director<br>of job and family services in effect on December 22, 1992.                                                                                                                                                                                                                                                                                                                                                                                          | 60104<br>60105<br>60106<br>60107<br>60108                                                       |
| (2) In the case of betterments, improvements, and<br>restorations of intermediate care facilities for the mentally<br>retarded started on or after July 1, 1993:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 60109<br>60110<br>60111                                                                         |
| (a) "Renovation" means the betterment, improvement, or<br>restoration of an intermediate care facility for the mentally<br>retarded beyond its current functional capacity through a<br>structural change that costs at least five hundred dollars per<br>bed. A renovation may include betterment, improvement,<br>restoration, or replacement of assets that are affixed to the<br>building and have a useful life of at least five years. A<br>renovation may include costs that otherwise would be considered<br>maintenance and repair expenses if they are an integral part of<br>the structural change that makes up the renovation project.<br>"Renovation" does not mean construction of additional space for | 60112<br>60113<br>60114<br>60115<br>60116<br>60117<br>60118<br>60119<br>60120<br>60121<br>60122 |

beds that will be added to a facility's licensed or certified capacity. 60123  
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(b) "Extensive renovation" means a renovation that costs more than sixty-five per cent and no more than eighty-five per cent of the cost of constructing a new bed and that extends the useful life of the assets for at least ten years. 60125  
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For the purposes of division (BB)(2) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics. 60129  
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The department of job and family services may treat a renovation that costs more than eighty-five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds. 60137  
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60141

(CC) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes. 60142  
60143  
60144

(DD) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 60145  
60146

~~(DD)~~(EE) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 60147  
60148

**Sec. 5111.222.** (A) Except as otherwise provided by sections 5111.20 to 5111.331 of the Revised Code and by division (B) of this section, the total rate that the department of job and family services shall agree to pay for a fiscal year to the provider of a 60149  
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nursing facility pursuant to a provider agreement shall equal the 60153  
sum of all of the following: 60154

(1) The rate for direct care costs determined for the nursing 60155  
facility under section 5111.231 of the Revised Code; 60156

(2) The rate for ancillary and support costs determined for 60157  
the nursing facility's ancillary and support cost peer group under 60158  
section 5111.24 of the Revised Code; 60159

(3) The rate for tax costs determined for the nursing 60160  
facility under section 5111.242 of the Revised Code; 60161

(4) The quality incentive payment paid to the nursing 60162  
facility under section 5111.244 of the Revised Code; 60163

(5) If the nursing facility qualifies as a critical access 60164  
nursing facility, the critical access incentive payment paid to 60165  
the nursing facility under section 5111.246 of the Revised Code; 60166

(6) The rate for capital costs determined for the nursing 60167  
facility's capital costs peer group under section 5111.25 of the 60168  
Revised Code. 60169

(B) The department shall adjust the rates otherwise 60170  
determined under division (A) of this section as directed by the 60171  
general assembly through the enactment of law governing medicaid 60172  
payments to providers of nursing facilities, including any law 60173  
that establishes factors by which the rates are to be adjusted. 60174

(C) In addition to paying a nursing facility provider the 60175  
total rate determined for the nursing facility under division (A) 60176  
of this section for a fiscal year, the department shall pay the 60177  
provider a quality bonus under section 5111.245 of the Revised 60178  
Code for that fiscal year if the provider's nursing facility is a 60179  
qualifying nursing facility, as defined in that section, for that 60180  
fiscal year. The quality bonus shall not be part of the total 60181  
rate. 60182



**Sec. 5111.23.** (A) The department of job and family services 60183  
shall pay a provider for each of the provider's eligible 60184  
intermediate care facilities for the mentally retarded a per 60185  
resident per day rate for direct care costs established 60186  
prospectively for each facility. The department shall establish 60187  
each facility's rate for direct care costs quarterly. 60188

(B) Each facility's rate for direct care costs shall be based 60189  
on the facility's cost per case-mix unit, subject to the maximum 60190  
costs per case-mix unit established under division (B)(2) of this 60191  
section, from the calendar year preceding the fiscal year in which 60192  
the rate is paid. To determine the rate, the department shall do 60193  
all of the following: 60194

(1) Determine each facility's cost per case-mix unit for the 60195  
calendar year preceding the fiscal year in which the rate will be 60196  
paid by dividing the facility's desk-reviewed, actual, allowable, 60197  
per diem direct care costs for that year by its average case-mix 60198  
score determined under section 5111.232 of the Revised Code for 60199  
the same calendar year. 60200

(2)(a) Set the maximum cost per case-mix unit for each peer 60201  
group of intermediate care facilities for the mentally retarded 60202  
with more than eight beds specified in rules adopted under 60203  
division (F) of this section at a percentage above the cost per 60204  
case-mix unit of the facility in the group that has the group's 60205  
median medicaid ~~inpatient~~ day for the calendar year preceding the 60206  
fiscal year in which the rate will be paid, as calculated under 60207  
division (B)(1) of this section, that is no less than the 60208  
percentage calculated under division (E)(2) of this section. 60209

(b) Set the maximum cost per case-mix unit for each peer 60210  
group of intermediate care facilities for the mentally retarded 60211  
with eight or fewer beds specified in rules adopted under division 60212  
(F) of this section at a percentage above the cost per case-mix 60213

unit of the facility in the group that has the group's median 60214  
medicaid ~~inpatient~~ day for the calendar year preceding the fiscal 60215  
year in which the rate will be paid, as calculated under division 60216  
(B)(1) of this section, that is no less than the percentage 60217  
calculated under division (E)(3) of this section. 60218

(c) In calculating the maximum cost per case-mix unit under 60219  
divisions (B)(2)(a) and (b) of this section for each peer group, 60220  
the department shall exclude from its calculations the cost per 60221  
case-mix unit of any facility in the group that participated in 60222  
the medicaid program under the same operator for less than twelve 60223  
months during the calendar year preceding the fiscal year in which 60224  
the rate will be paid. 60225

(3) Estimate the rate of inflation for the eighteen-month 60226  
period beginning on the first day of July of the calendar year 60227  
preceding the fiscal year in which the rate will be paid and 60228  
ending on the thirty-first day of December of the fiscal year in 60229  
which the rate will be paid, using the index specified in division 60230  
(C) of this section. If the estimated inflation rate for the 60231  
eighteen-month period is different from the actual inflation rate 60232  
for that period, as measured using the same index, the difference 60233  
shall be added to or subtracted from the inflation rate estimated 60234  
under division (B)(3) of this section for the following fiscal 60235  
year. 60236

(4) The department shall not recalculate a maximum cost per 60237  
case-mix unit under division (B)(2) of this section or a 60238  
percentage under division (E) of this section based on additional 60239  
information that it receives after the maximum costs per case-mix 60240  
unit or percentages are set. The department shall recalculate a 60241  
maximum cost per case-mix units or percentage only if it made an 60242  
error in computing the maximum cost per case-mix unit or 60243  
percentage based on information available at the time of the 60244  
original calculation. 60245

(C) The department shall use the following index for the purpose of division (B)(3) of this section: 60246  
60247

(1) The employment cost index for total compensation, health services component, published by the United States bureau of labor statistics; 60248  
60249  
60250

(2) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(1) of this section, the index that is subsequently published by the bureau and covers nursing facilities' staff costs. 60251  
60252  
60253  
60254

(D) Each facility's rate for direct care costs shall be determined as follows for each calendar quarter within a fiscal year: 60255  
60256  
60257

(1) Multiply the lesser of the following by the facility's average case-mix score determined under section 5111.232 of the Revised Code for the calendar quarter that preceded the immediately preceding calendar quarter: 60258  
60259  
60260  
60261

(a) The facility's cost per case-mix unit for the calendar year preceding the fiscal year in which the rate will be paid, as determined under division (B)(1) of this section; 60262  
60263  
60264

(b) The maximum cost per case-mix unit established for the fiscal year in which the rate will be paid for the facility's peer group under division (B)(2) of this section; 60265  
60266  
60267

(2) Adjust the product determined under division (D)(1) of this section by the inflation rate estimated under division (B)(3) of this section. 60268  
60269  
60270

(E)(1) The department shall calculate the percentage above the median cost per case-mix unit determined under division (B)(1) of this section for the facility that has the median medicaid ~~inpatient~~ day for calendar year 1992 for all intermediate care facilities for the mentally retarded with more than eight beds 60271  
60272  
60273  
60274  
60275

that would result in payment of all desk-reviewed, actual, 60276  
allowable direct care costs for eighty and one-half per cent of 60277  
the medicaid ~~inpatient~~ days for such facilities for calendar year 60278  
1992. 60279

(2) The department shall calculate the percentage above the 60280  
median cost per case-mix unit determined under division (B)(1) of 60281  
this section for the facility that has the median medicaid 60282  
~~inpatient~~ day for calendar year 1992 for all intermediate care 60283  
facilities for the mentally retarded with eight or fewer beds that 60284  
would result in payment of all desk-reviewed, actual, allowable 60285  
direct care costs for eighty and one-half per cent of the medicaid 60286  
~~inpatient~~ days for such facilities for calendar year 1992. 60287

(F) The director of job and family services shall adopt rules 60288  
under section 5111.02 of the Revised Code that specify peer groups 60289  
of intermediate care facilities for the mentally retarded with 60290  
more than eight beds and intermediate care facilities for the 60291  
mentally retarded with eight or fewer beds, based on findings of 60292  
significant per diem direct care cost differences due to geography 60293  
and facility bed-size. The rules also may specify peer groups 60294  
based on findings of significant per diem direct care cost 60295  
differences due to other factors which may include case-mix. 60296

(G) The department, in accordance with division (D) of 60297  
section 5111.232 of the Revised Code and rules adopted under 60298  
division (F) of that section, may assign case-mix scores or costs 60299  
per case-mix unit if a provider fails to submit assessment data 60300  
necessary to calculate an intermediate care facility for the 60301  
mentally retarded's case-mix score in accordance with that 60302  
section. 60303

**Sec. 5111.242.** (A) As used in this section: 60304

~~(1)~~ "Applicable, "applicable calendar year" means the 60305  
following: 60306

~~(a)(1)~~ For the purpose of the department of job and family services' initial determination under this section of nursing facilities' rate for tax costs, calendar year 2003;

~~(b)(2)~~ For the purpose of the department's subsequent determinations under division (C) of this section of nursing facilities' rate for tax costs, the calendar year the department selects.

~~(2) "Tax costs" means the costs of taxes imposed under Chapter 5751. of the Revised Code, real estate taxes, personal property taxes, and corporate franchise taxes.~~

(B) The department of job and family services shall pay a provider for each of the provider's eligible nursing facilities a per resident per day rate for tax costs determined under division (C) of this section.

(C) At least once every ten years, the department shall determine the rate for tax costs for each nursing facility. The rate for tax costs determined under this division for a nursing facility shall be used for subsequent years until the department redetermines it. To determine a nursing facility's rate for tax costs and except as provided in division (D) of this section, the department shall divide the nursing facility's desk-reviewed, actual, allowable tax costs paid for the applicable calendar year by the number of inpatient days the nursing facility would have had if its occupancy rate had been one hundred per cent during the applicable calendar year.

(D) If a nursing facility had a credit regarding its real estate taxes reflected on its cost report for calendar year 2003, the department shall determine its rate for tax costs for the period beginning on July 1, 2010, and ending on the first day of the fiscal year for which the department first redetermines all nursing facilities' rate for tax costs under division (C) of this

section by dividing the nursing facility's desk-reviewed, actual, 60338  
allowable tax costs paid for calendar year 2004 by the number of 60339  
inpatient days the nursing facility would have had if its 60340  
occupancy rate had been one hundred per cent during calendar year 60341  
2004. 60342

Sec. 5111.246. (A) Each fiscal year, the department of job 60343  
and family services shall pay a critical access incentive payment 60344  
to the provider of each nursing facility that qualifies as a 60345  
critical access nursing facility. To qualify as a critical access 60346  
nursing facility for a fiscal year, a nursing facility must meet 60347  
all of the following requirements: 60348

(1) The nursing facility must be located in an area that, on 60349  
December 31, 2011, was designated an empowerment zone under 60350  
section 1391 of the "Internal Revenue Code of 1986," 107 Stat. 60351  
543, 26 U.S.C. 1391, as amended. 60352

(2) The nursing facility must have an occupancy rate of at 60353  
least eighty-five per cent as of the last day of the calendar year 60354  
preceding the fiscal year. 60355

(3) The nursing facility must have a medicaid utilization 60356  
rate of at least sixty-five per cent as of the last day of the 60357  
calendar year preceding the fiscal year. 60358

(B) A critical access nursing facility's critical access 60359  
incentive payment for a fiscal year shall equal five per cent of 60360  
the portion of the nursing facility's total rate for the fiscal 60361  
year that is the sum of the rates and payment identified in 60362  
divisions (A)(1) to (4) and (6) of section 5111.222 of the Revised 60363  
Code. 60364

Sec. 5111.254. (A) The department of job and family services 60365  
shall establish initial rates for a nursing facility with a first 60366  
date of licensure that is on or after July 1, 2006, including a 60367

facility that replaces one or more existing facilities, or for a 60368  
nursing facility with a first date of licensure before that date 60369  
that was initially certified for the medicaid program on or after 60370  
that date, in the following manner: 60371

(1) The rate for direct care costs shall be the product of 60372  
the cost per case-mix unit determined under division (D) of 60373  
section 5111.231 of the Revised Code for the facility's peer group 60374  
and the nursing facility's case-mix score. For the purpose of 60375  
division (A)(1) of this section, the nursing facility's case-mix 60376  
score shall be the following: 60377

(a) Unless the nursing facility replaces an existing nursing 60378  
facility that participated in the medicaid program immediately 60379  
before the replacement nursing facility begins participating in 60380  
the medicaid program, the median annual average case-mix score for 60381  
the nursing facility's peer group; 60382

(b) If the nursing facility replaces an existing nursing 60383  
facility that participated in the medicaid program immediately 60384  
before the replacement nursing facility begins participating in 60385  
the medicaid program, the semiannual case-mix score most recently 60386  
determined under section 5111.232 of the Revised Code for the 60387  
replaced nursing facility as adjusted, if necessary, to reflect 60388  
any difference in the number of beds in the replaced and 60389  
replacement nursing facilities. 60390

(2) The rate for ancillary and support costs shall be the 60391  
rate for the facility's peer group determined under division (D) 60392  
of section 5111.24 of the Revised Code. 60393

(3) The rate for capital costs shall be the rate for the 60394  
facility's peer group determined under division (D) of section 60395  
5111.25 of the Revised Code. 60396

(4) The rate for tax costs ~~as defined in section 5111.242 of~~ 60397  
~~the Revised Code~~ shall be the median rate for tax costs for the 60398

facility's peer group in which the facility is placed under 60399  
division (C) of section 5111.24 of the Revised Code. 60400

(5) The quality incentive payment shall be the mean payment 60401  
made to nursing facilities under section 5111.244 of the Revised 60402  
Code. 60403

(B) Subject to division (C) of this section, the department 60404  
shall adjust the rates established under division (A) of this 60405  
section effective the first day of July, to reflect new rate 60406  
calculations for all nursing facilities under sections 5111.20 to 60407  
5111.331 of the Revised Code. 60408

(C) If a rate for direct care costs is determined under this 60409  
section for a nursing facility using the median annual average 60410  
case-mix score for the nursing facility's peer group, the rate 60411  
shall be redetermined to reflect the replacement nursing 60412  
facility's actual semiannual case-mix score determined under 60413  
section 5111.232 of the Revised Code after the nursing facility 60414  
submits its first two quarterly assessment data that qualify for 60415  
use in calculating a case-mix score in accordance with rules 60416  
authorized by division (E) of section 5111.232 of the Revised 60417  
Code. If the nursing facility's quarterly submissions do not 60418  
qualify for use in calculating a case-mix score, the department 60419  
shall continue to use the median annual average case-mix score for 60420  
the nursing facility's peer group in lieu of the nursing 60421  
facility's semiannual case-mix score until the nursing facility 60422  
submits two consecutive quarterly assessment data that qualify for 60423  
use in calculating a case-mix score. 60424

**Sec. 5111.862.** (A) As used in this section: 60425

"Hospital long-term care unit" has the same meaning as in 60426  
section 3721.50 of the Revised Code. 60427

"Nursing facility" has the same meaning as in section 5111.20 60428



of the Revised Code. 60429

"Ohio home care program" means the medicaid waiver component 60430  
created under section 5111.861 of the Revised Code. 60431

"Residential treatment facility" means a residential facility 60432  
licensed by the department of mental health under section 5119.22 60433  
of the Revised Code, or an institution certified by the department 60434  
of job and family services under section 5103.03 of the Revised 60435  
Code, that serves children and either has more than sixteen beds 60436  
or is part of a campus of multiple facilities or institutions 60437  
that, combined, have a total of more than sixteen beds. 60438

(B) Subject to division (C) of section 5111.861 of the 60439  
Revised Code, the department of job and family services shall 60440  
establish a home first component for the Ohio home care program. 60441  
An individual is eligible for the Ohio home care program's home 60442  
first component if the individual has been determined to be 60443  
eligible for the Ohio home care program and at least one of the 60444  
following applies: 60445

(1) If the individual is under twenty-one years of age, the 60446  
individual received inpatient hospital services for at least 60447  
fourteen consecutive days, or had at least three inpatient 60448  
hospital stays during the twelve months, immediately preceding the 60449  
date the individual applies for the Ohio home care program. 60450

(2) If the individual is at least twenty-one but less than 60451  
sixty years of age, the individual received inpatient hospital 60452  
services for at least fourteen consecutive days immediately 60453  
preceding the date the individual applies for the Ohio home care 60454  
program. 60455

(3) The individual received private duty nursing services 60456  
under the medicaid program for at least twelve consecutive months 60457  
immediately preceding the date the individual applies for the Ohio 60458  
home care program. 60459

(4) The individual does not reside in a nursing facility or hospital long-term care unit at the time the individual applies for the Ohio home care program but is at risk of imminent admission to a nursing facility or hospital long-term care unit due to a documented loss of a primary caregiver.

(5) The individual resides in a nursing facility at the time the individual applies for the Ohio home care program.

(6) At the time the individual applies for the Ohio home care program, the individual participates in the money follows the person demonstration project authorized by section 6071 of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, and either resides in a residential treatment facility or inpatient hospital setting.

(C) An individual determined to be eligible for the home first component of the Ohio home care program shall be enrolled in the Ohio home care program in accordance with rules adopted under section 5111.85 of the Revised Code.

**Sec. 5111.874.** (A) As used in sections 5111.874 to 5111.8710 of the Revised Code:

"Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

"ICF/MR services" means intermediate care facility for the mentally retarded services covered by the medicaid program that an intermediate care facility for the mentally retarded provides to a resident of the facility who is a medicaid recipient eligible for medicaid-covered intermediate care facility for the mentally retarded services.

"Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded that is certified as in compliance with applicable standards for the

medicaid program by the director of health in accordance with 60490  
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 60491  
U.S.C. 1396, as amended, and licensed as a residential facility 60492  
under section 5123.19 of the Revised Code. 60493

"Residential facility" has the same meaning as in section 60494  
5123.19 of the Revised Code. 60495

(B) For the purpose of increasing the number of slots 60496  
available for home and community-based services and subject to 60497  
sections 5111.877 and 5111.878 of the Revised Code, the operator 60498  
of an intermediate care facility for the mentally retarded may 60499  
convert some or all of the beds in the facility from providing 60500  
ICF/MR services to providing home and community-based services if 60501  
all of the following requirements are met: 60502

(1) The operator provides the directors of health, ~~job and~~ 60503  
~~family services,~~ and developmental disabilities at least ninety 60504  
days' notice of the operator's intent to make the conversion. 60505

(2) The operator complies with the requirements of sections 60506  
5111.65 to 5111.689 of the Revised Code regarding a voluntary 60507  
termination as defined in section 5111.65 of the Revised Code if 60508  
those requirements are applicable. 60509

(3) If the operator intends to convert all of the facility's 60510  
beds, the operator notifies each of the facility's residents that 60511  
the facility is to cease providing ICF/MR services and inform each 60512  
resident that the resident may do either of the following: 60513

(a) Continue to receive ICF/MR services by transferring to 60514  
another facility that is an intermediate care facility for the 60515  
mentally retarded willing and able to accept the resident if the 60516  
resident continues to qualify for ICF/MR services; 60517

(b) Begin to receive home and community-based services 60518  
instead of ICF/MR services from any provider of home and 60519  
community-based services that is willing and able to provide the 60520

services to the resident if the resident is eligible for the 60521  
services and a slot for the services is available to the resident. 60522

(4) If the operator intends to convert some but not all of 60523  
the facility's beds, the operator notifies each of the facility's 60524  
residents that the facility is to convert some of its beds from 60525  
providing ICF/MR services to providing home and community-based 60526  
services and inform each resident that the resident may do either 60527  
of the following: 60528

(a) Continue to receive ICF/MR services from any provider of 60529  
ICF/MR services that is willing and able to provide the services 60530  
to the resident if the resident continues to qualify for ICF/MR 60531  
services; 60532

(b) Begin to receive home and community-based services 60533  
instead of ICF/MR services from any provider of home and 60534  
community-based services that is willing and able to provide the 60535  
services to the resident if the resident is eligible for the 60536  
services and a slot for the services is available to the resident. 60537

(5) The operator meets the requirements for providing home 60538  
and community-based services, including the following: 60539

(a) Such requirements applicable to a residential facility if 60540  
the operator maintains the facility's license as a residential 60541  
facility; 60542

(b) Such requirements applicable to a facility that is not 60543  
licensed as a residential facility if the operator surrenders the 60544  
facility's license as a residential facility license under section 60545  
5123.19 of the Revised Code. 60546

(6) The ~~directors~~ director of developmental disabilities ~~and~~ 60547  
~~job and family services approve~~ approves the conversion. 60548

(C) A decision by the ~~directors~~ director of developmental 60549  
disabilities to approve or refuse to approve a proposed conversion 60550

of beds is final. In making a decision, the ~~directors~~ director 60551  
shall consider all of the following: 60552

(1) The fiscal impact on the facility if some but not all of 60553  
the beds are converted; 60554

(2) The fiscal impact on the medical assistance program; 60555

(3) The availability of home and community-based services. 60556

(D) The notice provided to the directors under division 60557  
(B)(1) of this section shall specify whether some or all of the 60558  
facility's beds are to be converted. If some but not all of the 60559  
beds are to be converted, the notice shall specify how many of the 60560  
facility's beds are to be converted and how many of the beds are 60561  
to continue to provide ICF/MR services. The notice to the director 60562  
of developmental disabilities shall specify whether the operator 60563  
wishes to surrender the facility's license as a residential 60564  
facility under section 5123.19 of the Revised Code. 60565

(E)(1) If the ~~directors~~ director of developmental 60566  
disabilities ~~and job and family services approve~~ approves a 60567  
conversion under division (C) of this section, the director of 60568  
health shall do the following: 60569

(a) Terminate the certification of the intermediate care 60570  
facility for the mentally retarded if the notice specifies that 60571  
all of the facility's beds are to be converted; 60572

(b) Reduce the facility's certified capacity by the number of 60573  
beds being converted if the notice specifies that some but not all 60574  
of the beds are to be converted. 60575

(2) The director of health shall notify the director of job 60576  
and family services of the termination or reduction. On receipt of 60577  
the director of health's notice, the director of job and family 60578  
services shall do the following: 60579

(a) Terminate the operator's medicaid provider agreement that 60580

authorizes the operator to provide ICF/MR services at the facility 60581  
if the facility's certification was terminated; 60582

(b) Amend the operator's medicaid provider agreement to 60583  
reflect the facility's reduced certified capacity if the 60584  
facility's certified capacity is reduced. 60585

(3) In the case of action taken under division (E)(2)(a) of 60586  
this section, the operator is not entitled to notice or a hearing 60587  
under Chapter 119. of the Revised Code before the director of job 60588  
and family services terminates the medicaid provider agreement. 60589

**Sec. 5111.877.** The director of job and family services may 60590  
seek approval from the United States secretary of health and human 60591  
services for not more than a total of ~~two~~ five hundred slots for 60592  
home and community-based services for the purposes of sections 60593  
5111.874, 5111.875, and 5111.876 of the Revised Code. 60594

**Sec. 5111.878.** Not more than a total of ~~one~~ five hundred beds 60595  
may be converted from providing ICF/MR services to providing home 60596  
and community-based services under sections 5111.874 and 5111.875 60597  
of the Revised Code. 60598

**Sec. 5111.894.** (A) Subject to division (C)(2) of section 60599  
5111.89 of the Revised Code, the department of aging shall 60600  
establish a home first component of the assisted living program 60601  
under which eligible individuals may be enrolled in the 60602  
medicaid-funded component of the assisted living program in 60603  
accordance with this section. An individual is eligible for the 60604  
assisted living program's home first component if both of the 60605  
following apply: 60606

(1) The individual has been determined to be eligible for the 60607  
medicaid-funded component of the assisted living program. 60608

(2) At least one of the following applies: 60609

- (a) The individual has been admitted to a nursing facility. 60610
- (b) A physician has determined and documented in writing that 60611  
the individual has a medical condition that, unless the individual 60612  
is enrolled in home and community-based services such as the 60613  
assisted living program, will require the individual to be 60614  
admitted to a nursing facility within thirty days of the 60615  
physician's determination. 60616
- (c) The individual has been hospitalized and a physician has 60617  
determined and documented in writing that, unless the individual 60618  
is enrolled in home and community-based services such as the 60619  
assisted living program, the individual is to be transported 60620  
directly from the hospital to a nursing facility and admitted. 60621
- (d) Both of the following apply: 60622
- (i) The individual is the subject of a report made under 60623  
section 5101.61 of the Revised Code regarding abuse, neglect, or 60624  
exploitation or such a report referred to a county department of 60625  
job and family services under section 5126.31 of the Revised Code 60626  
or has made a request to a county department for protective 60627  
services as defined in section 5101.60 of the Revised Code. 60628
- (ii) A county department of job and family services and an 60629  
area agency on aging have jointly documented in writing that, 60630  
unless the individual is enrolled in home and community-based 60631  
services such as the assisted living program, the individual 60632  
should be admitted to a nursing facility. 60633
- ~~(e) The individual resided in a residential care facility for 60634  
at least six months immediately before applying for the 60635  
medicaid-funded component of the assisted living program and is at 60636  
risk of imminent admission to a nursing facility because the costs 60637  
of residing in the residential care facility have depleted the 60638  
individual's resources such that the individual is unable to 60639  
continue to afford the cost of residing in the residential care 60640~~

~~facility.~~ 60641

(B) Each month, each area agency on aging shall identify 60642  
individuals residing in the area that the area agency on aging 60643  
serves who are eligible for the home first component of the 60644  
assisted living program. When an area agency on aging identifies 60645  
such an individual and determines that there is a vacancy in a 60646  
residential care facility participating in the medicaid-funded 60647  
component of the assisted living program that is acceptable to the 60648  
individual, the agency shall notify the long-term care 60649  
consultation program administrator serving the area in which the 60650  
individual resides. The administrator shall determine whether the 60651  
assisted living program is appropriate for the individual and 60652  
whether the individual would rather participate in the assisted 60653  
living program than continue or begin to reside in a nursing 60654  
facility. If the administrator determines that the assisted living 60655  
program is appropriate for the individual and the individual would 60656  
rather participate in the assisted living program than continue or 60657  
begin to reside in a nursing facility, the administrator shall so 60658  
notify the department of aging. On receipt of the notice from the 60659  
administrator, the department shall approve the individual's 60660  
enrollment in the medicaid-funded component of the assisted living 60661  
program regardless of the unified waiting list established under 60662  
section 173.404 of the Revised Code, unless the enrollment would 60663  
cause the component to exceed any limit on the number of 60664  
individuals who may participate in the component as set by the 60665  
United States secretary of health and human services in the 60666  
assisted living waiver. 60667

**Sec. 5111.941.** ~~(A) The medicaid revenue and collections~~ 60668  
health care/medicaid support and recoveries fund is hereby created 60669  
in the state treasury. ~~Except~~ All of the following shall be 60670  
credited to the fund: 60671



(1) Except as otherwise provided by statute or as authorized 60672  
by the controlling board, the nonfederal share of all 60673  
medicaid-related revenues, collections, and recoveries ~~shall be~~ 60674  
~~credited to the fund;~~ 60675

(2) Federal reimbursement received for payment adjustments 60676  
made pursuant to section 1923 of the "Social Security Act," 101 60677  
Stat. 1330-148 (1987), 42 U.S.C. 1396r-4, as amended, under the 60678  
medicaid program to state mental health hospitals maintained and 60679  
operated by the department of mental health under division (A) of 60680  
section 5119.02 of the Revised Code; 60681

(3) Revenues the department of job and family services 60682  
receives from another state agency for medicaid services pursuant 60683  
to an interagency agreement, other than such revenues required to 60684  
be deposited into the health care services administration fund 60685  
created under section 5111.94 of the Revised Code; 60686

(4) The first seven hundred fifty thousand dollars the 60687  
department receives in a fiscal year for performing eligibility 60688  
verification services necessary for compliance with the 60689  
independent, certified audit requirement of 42 C.F.R. 455.304. 60690

(B) The department of job and family services shall use money 60691  
credited to the ~~medicaid revenue and collections~~ health 60692  
care/medicaid support and recoveries fund to pay for medicaid 60693  
services and contracts. 60694

**Sec. 5111.946.** (A) As used in this section, "medicaid managed 60695  
care organization" means a managed care organization under 60696  
contract with the department of job and family services pursuant 60697  
to section 5111.17 of the Revised Code. 60698

(B) There is hereby created in the state treasury the health 60699  
care compliance fund. All of the following shall be credited to 60700  
the fund: 60701

(1) All fines imposed on and collected from medicaid managed care organizations for failure to meet performance standards or other requirements specified in provider agreements or rules adopted by the department; 60702  
60703  
60704  
60705

(2) Money the department receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304, other than the amounts of such money that are to be credited to the medicaid revenue and collections fund under section 5111.941 of the Revised Code; 60706  
60707  
60708  
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(3) All investment earnings of the fund. 60712

(C) Money credited to the health care compliance fund shall be used solely for the following purposes: 60713  
60714

(1) To reimburse medicaid managed care organizations that have paid fines for failure to meet performance standards or other requirements and have come into compliance by meeting requirements as specified by the department; 60715  
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60717  
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(2) To provide financial incentive awards established pursuant to section 5111.171 of the Revised Code and specified in contracts between medicaid managed care organizations and the department. 60719  
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60722

**Sec. 5111.96.** (A) As used in this section, "MFP demonstration project" means a money follows the person demonstration project that the United States secretary of health and human services is authorized to award under section 6071 of the Deficit Reduction Act of 2005 (Pub. L. No. 109-171, as amended). 60723  
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(B) To the extent funds are available under an MFP demonstration project awarded to the department of job and family services, the director of job and family services may operate the 60729  
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helping Ohioans move, expanding (HOME) choice demonstration 60732  
component of the medicaid program to transition medicaid 60733  
recipients who qualify for the demonstration component to 60734  
community settings. The director may adopt rules in accordance 60735  
with Chapter 119. of the Revised Code for the administration and 60736  
operation of the demonstration component. 60737

**Sec. 5111.97.** (A) As used in this section, ~~"nursing:~~ 60738

(1) "Home and community-based services medicaid waiver 60739  
component" has the same meaning as in section 5111.85 of the 60740  
Revised Code. 60741

(2) "Nursing facility" has the same meaning as in section 60742  
5111.20 of the Revised Code. 60743

(B) To the extent funds are available, the director of job 60744  
and family services may establish the Ohio access success project 60745  
to help medicaid recipients make the transition from residing in a 60746  
nursing facility to residing in a community setting. The project 60747  
may be established as a separate nonmedicaid program or integrated 60748  
into a new or existing ~~program of medicaid-funded~~ home and 60749  
community-based services ~~authorized by a~~ medicaid waiver ~~approved~~ 60750  
~~by the United States department of health and human services~~ 60751  
component. The director shall permit any recipient of 60752  
medicaid-funded nursing facility services to apply for 60753  
participation in the project, but may limit the number of project 60754  
participants. 60755

The director shall ensure that an assessment of an applicant 60756  
is conducted as soon as practicable to determine whether the 60757  
applicant is eligible for participation in the project. To the 60758  
maximum extent possible, the assessment and eligibility 60759  
determination shall be completed not later than the date that 60760  
occurs six months after the applicant became a recipient of 60761  
medicaid-funded nursing facility services. 60762

(C) To be eligible for benefits under the project, a medicaid recipient must satisfy all of the following requirements: 60763  
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(1) The medicaid recipient must be a recipient of medicaid-funded nursing facility services, at the time of applying for the project benefits. 60765  
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(2) If the project is established as a nonmedicaid program, the medicaid recipient must be able to remain in the community as a result of receiving project benefits and the projected cost of the benefits to the project does not exceed eighty per cent of the average monthly medicaid cost of a medicaid recipient in a nursing facility. 60768  
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(3) If the project is integrated into a ~~medicaid-funded~~ home and community-based services medicaid waiver ~~program~~ component, the medicaid recipient must meet the waiver component's enrollment criteria. 60774  
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(D) If the director establishes the Ohio access success project, the benefits provided under the project may include payment of all of the following: 60778  
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(1) The first month's rent in a community setting; 60781

(2) Rental deposits; 60782

(3) Utility deposits; 60783

(4) Moving expenses; 60784

(5) Other expenses not covered by the medicaid program that facilitate a medicaid recipient's move from a nursing facility to a community setting. 60785  
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(E) If the project is established as a nonmedicaid program, no participant may receive more than two thousand dollars' worth of benefits under the project. 60788  
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(F) If the department of job and family services enters into a contract with an entity to provide fiscal management services 60791  
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regarding the project, the contract may provide for a portion of a 60793  
participant's benefits under the project to be paid to the 60794  
contracting entity. The contract shall specify the portion to be 60795  
paid to the contracting entity. 60796

(G) The director may submit a request to the United States 60797  
secretary of health and human services pursuant to section 1915 of 60798  
the "Social Security Act," 79 95 Stat. 286 809 (1965 1981), 42 60799  
U.S.C. 1396n, as amended, to create a ~~medicaid~~ home and 60800  
community-based services medicaid waiver ~~program~~ component to 60801  
serve individuals who meet the criteria for participation in the 60802  
Ohio access success project. ~~The~~ 60803

(H) The director may adopt rules ~~under~~ in accordance with 60804  
Chapter 119. of the Revised Code for the administration and 60805  
operation of the project. If the project is integrated into a home 60806  
and community-based services medicaid waiver component, the rules 60807  
shall be adopted under section 5111.85 of the Revised Code. 60808

**Sec. 5112.31.** The department of job and family services shall 60809  
do all of the following: 60810

(A) Subject to section 5112.331 of the Revised Code and 60811  
divisions (B) and (C) of this section and for the purposes 60812  
specified in ~~sections 5112.37 and~~ section 5112.371 of the Revised 60813  
Code, assess for each fiscal year each intermediate care facility 60814  
for the mentally retarded a franchise permit fee equal to the 60815  
franchise permit fee rate multiplied by the product of the 60816  
following: 60817

(1) The number of beds certified under Title XIX of the 60818  
"Social Security Act" on the first day of May of the calendar year 60819  
in which the assessment is determined pursuant to division (A) of 60820  
section 5112.33 of the Revised Code; 60821

(2) The number of days in the fiscal year. 60822

(B) If the total amount of the franchise permit fee assessed 60823  
under division (A) of this section for a fiscal year exceeds the 60824  
indirect guarantee percentage of the actual net patient revenue 60825  
for all intermediate care facilities for the mentally retarded for 60826  
that fiscal year and seventy-five per cent or more of the total 60827  
number of intermediate care facilities for the mentally retarded 60828  
receive enhanced medicaid payments or other state payments equal 60829  
to seventy-five per cent or more of their total franchise permit 60830  
fee assessments, do both of the following: 60831

(1) Recalculate the assessments under division (A) of this 60832  
section using a per bed per day rate equal to the indirect 60833  
guarantee percentage of actual net patient revenue for all 60834  
intermediate care facilities for the mentally retarded for that 60835  
fiscal year; 60836

(2) Refund the difference between the amount of the franchise 60837  
permit fee assessed for that fiscal year under division (A) of 60838  
this section and the amount recalculated under division (B)(1) of 60839  
this section as a credit against the assessments imposed under 60840  
division (A) of this section for the subsequent fiscal year. 60841

(C) If the United States secretary of health and human 60842  
services determines that the franchise permit fee established by 60843  
sections 5112.30 to 5112.39 of the Revised Code would be an 60844  
impermissible health care-related tax under section 1903(w) of the 60845  
"Social Security Act," 105 Stat. 1793 (1991), 42 U.S.C.A.- 60846  
1396b(w), as amended, take all necessary actions to cease 60847  
implementation of those sections in accordance with rules adopted 60848  
under section 5112.39 of the Revised Code. 60849

**Sec. 5112.33.** (A) Not later than the fifteenth day of August 60850  
of each year, the department of job and family services shall 60851  
determine the annual franchise permit fee for each intermediate 60852  
care facility for the mentally retarded in accordance with section 60853

5112.31 of the Revised Code. 60854

(B) Not later than the first day of September of each year, 60855  
the department shall mail to each intermediate care facility for 60856  
the mentally retarded notice of the amount of the franchise permit 60857  
fee the facility has been assessed under section 5112.31 of the 60858  
Revised Code. 60859

(C) ~~Each~~ Subject to section 5112.331 of the Revised Code, 60860  
each intermediate care facility for the mentally retarded shall 60861  
pay its fee under section 5112.31 of the Revised Code to the 60862  
department in quarterly installment payments not later than 60863  
forty-five days after the last day of each September, December, 60864  
March, and June. 60865

Sec. 5112.331. (A) If, after the date the department of job 60866  
and family services determines an intermediate care facility for 60867  
the mentally retarded's franchise permit fee for a fiscal year 60868  
under section 5112.33 of the Revised Code, the department receives 60869  
a notice from the director of health under section 5111.874 of the 60870  
Revised Code regarding a conversion of one or more of the 60871  
facility's beds to providing home and community-based services, 60872  
the department shall do the following: 60873

(1) If the director's notice indicates that the facility's 60874  
medicaid certification has been terminated, terminate the 60875  
facility's franchise permit fee effective on the first day of the 60876  
quarter immediately following the quarter in which the department 60877  
receives the director's notice; 60878

(2) If the director's notice indicates that the facility's 60879  
certified capacity under medicaid has been reduced, redetermine 60880  
the facility's franchise permit fee in accordance with division 60881  
(B) of this section. 60882

(B)(1) To redetermine an intermediate care facility for the 60883

mentally retarded's franchise permit fee, the department shall 60884  
multiply the franchise permit fee rate by the product of the 60885  
following: 60886

(a) The number of the facility's beds that remain certified 60887  
under Title XIX of the "Social Security Act" as of the date the 60888  
conversion takes effect; 60889

(b) The number of days remaining in the fiscal year as of the 60890  
first day of the quarter immediately following the quarter in 60891  
which the department receives the director's notice, including 60892  
that first day. 60893

(2) The intermediate care facility for the mentally retarded 60894  
shall pay its franchise permit fee as redetermined under division 60895  
(B)(1) of this section in installment payments not later than 60896  
forty-five days after the last day of each of the quarters 60897  
remaining in the fiscal year for which the redetermination is 60898  
made. 60899

**Sec. 5112.341.** (A) In addition to assessing a penalty 60900  
pursuant to section 5112.34 of the Revised Code, the department of 60901  
job and family services may do any of the following if an 60902  
intermediate care facility for the mentally retarded fails to pay 60903  
the full amount of a franchise permit fee installment when due: 60904

(1) Withhold an amount less than or equal to the installment 60905  
and penalty assessed under section 5112.34 of the Revised Code 60906  
from a medicaid payment due the facility until the facility pays 60907  
the installment and penalty; 60908

(2) Offset an amount less than or equal to the installment 60909  
and penalty assessed under section 5112.34 of the Revised Code 60910  
from a ~~Medicaid~~ medicaid payment due the ~~nursing~~ facility ~~or~~ 60911  
~~hospital~~; 60912

(3) Terminate the facility's medicaid provider agreement. 60913



(B) The department may offset a medicaid payment under 60914  
division (A) of this section without providing notice to the 60915  
intermediate care facility for the mentally retarded and without 60916  
conducting an adjudication under Chapter 119. of the Revised Code. 60917

**Sec. 5112.37.** There is hereby created in the state treasury 60918  
the home and community-based services for the mentally retarded 60919  
and developmentally disabled fund. ~~Eighty one and seventy seven~~ 60920  
~~hundredths per cent of all~~ All installment payments and penalties 60921  
paid by an intermediate care facility for the mentally retarded 60922  
under sections 5112.33 and 5112.34 of the Revised Code ~~for state~~ 60923  
~~fiscal year 2012~~ shall be deposited into the fund. ~~Eighty two and~~ 60924  
~~two tenths per cent of all installment payments and penalties paid~~ 60925  
~~by an intermediate care facility for the mentally retarded under~~ 60926  
~~sections 5112.33 and 5112.34 of the Revised Code for state fiscal~~ 60927  
~~year 2013 and thereafter shall be deposited into the fund. The~~ 60928  
~~department~~ As soon as possible after the end of each quarter, the 60929  
director of job and family services shall distribute certify to 60930  
the director of budget and management the amount of money in that 60931  
is in the fund in accordance with rules adopted under section 60932  
5112.39 of the Revised Code as of the last day of that quarter. 60933  
~~The departments of job and family services and developmental~~ 60934  
~~disabilities shall use the money for the medicaid program~~ 60935  
~~established under Chapter 5111. of the Revised Code and home and~~ 60936  
~~community based services to mentally retarded and developmentally~~ 60937  
~~disabled persons.~~ On receipt of a certification, the director of 60938  
budget and management shall transfer the amount so certified from 60939  
the home and community-based services for the mentally retarded 60940  
and developmentally disabled fund to the department of 60941  
developmental disabilities operating and services fund created 60942  
under section 5112.371 of the Revised Code. 60943

**Sec. 5112.371.** There is hereby created in the state treasury 60944

the department of developmental disabilities operating and 60945  
services fund. ~~All installment payments and penalties paid by an~~ 60946  
~~intermediate care facility for the mentally retarded under~~ 60947  
~~sections 5112.33 and 5112.34 of the Revised Code that are not~~ 60948  
~~deposited into the home and community based services for the~~ 60949  
~~mentally retarded and developmentally disabled fund shall be~~ 60950  
~~deposited into the department of developmental disabilities~~ 60951  
~~operating and services~~ The fund shall consist of the money 60952  
transferred to it under section 5112.37 of the Revised Code. The 60953  
money in the fund shall be used for the expenses of the programs 60954  
that the department of developmental disabilities administers and 60955  
the department's administrative expenses. 60956

**Sec. 5112.39.** The director of job and family services shall 60957  
adopt rules in accordance with Chapter 119. of the Revised Code to 60958  
do ~~all~~ both of the following: 60959

(A) Prescribe the actions the department will take to cease 60960  
implementation of sections 5112.30 to 5112.39 of the Revised Code 60961  
if the United States secretary of health and human services 60962  
determines that the franchise permit fee imposed under section 60963  
5112.31 of the Revised Code is an impermissible health 60964  
care-related tax under section 1903(w) of the "Social Security 60965  
Act," ~~49~~ 105 Stat. ~~620~~ 1793 (~~1935~~ 1991), 42 U.S.C.A. 1396b(w), as 60966  
amended; 60967

(B) ~~Establish the method of distributing the money in the~~ 60968  
~~home and community based services for the mentally retarded and~~ 60969  
~~developmentally disabled fund created by section 5112.37 of the~~ 60970  
~~Revised Code;~~ 60971

(C) Establish any other requirements or procedures the 60972  
director considers necessary to implement sections 5112.30 to 60973  
5112.39 of the Revised Code. 60974

Sec. 5119.22. (A)~~(1)~~ As used in this section and section 60975  
5119.221 of the Revised Code: 60976

~~(a)~~(1) "Accommodations" means housing, daily meal 60977  
preparation, laundry, housekeeping, arranging for transportation, 60978  
social and recreational activities, maintenance, security, and 60979  
other services that do not constitute personal care services or 60980  
skilled nursing care. 60981

(2) "ADAMHS board" means a board of alcohol, drug addiction, 60982  
and mental health services. 60983

(3) "Adult" means a person who is eighteen years of age or 60984  
older, other than a person described in division (A)(4) of this 60985  
section who is between eighteen and twenty-one years of age. 60986

(4) "Child" means a person who is under eighteen years of age 60987  
or a person with a mental disability who is under twenty-one years 60988  
of age. 60989

(5) "Community mental health agency" means a community mental 60990  
health agency as defined in division (H) of section 5122.01 of the 60991  
Revised Code. 60992

~~(b)~~(6) "Community mental health services" means any of the 60993  
services listed in section 340.09 of the Revised Code. 60994

~~(e)~~(7) "Operator" means the person that is responsible for 60995  
the administration and management of a residential facility. 60996

(8) "Personal care services" means services including, but 60997  
not limited to, the following: 60998

~~(i)~~(a) Assisting residents with activities of daily living; 60999

~~(ii)~~(b) Assisting residents with self-administration of 61000  
medication in accordance with rules adopted under this section; 61001

~~(iii)~~(c) Preparing special diets, other than complex 61002  
therapeutic diets, for residents pursuant to the instructions of a 61003

physician or a licensed dietitian, in accordance with rules 61004  
adopted under this section. 61005

"Personal care services" does not include "skilled nursing 61006  
care" as defined in section 3721.01 of the Revised Code. A 61007  
facility need not provide more than one of the services listed in 61008  
division (A)~~(1)(e)~~(8) of this section to be considered to be 61009  
providing personal care services. 61010

~~(d)~~(9) "Residential facility" means a publicly or privately 61011  
operated home or facility that provides one of the following: 61012

~~(i) Room and board~~ (a) Accommodations, supervision, personal 61013  
care services, and community mental health services to for one or 61014  
more of the following unrelated persons with mental illness or 61015  
persons with severe mental disabilities who are referred by or are 61016  
receiving community mental health services from a community mental 61017  
health agency, hospital, or practitioner; 61018

(i) Adults with mental illness; 61019

(ii) Persons of any age with severe mental disabilities; 61020

(iii) Children with serious emotional disturbances or in need 61021  
of mental health services. 61022

~~(ii) Room and board~~ (b) Accommodations, supervision, and 61023  
personal care services to for three to sixteen unrelated adults or 61024  
for one or two of the following unrelated persons: 61025

(i) Persons of any age with mental illness or persons with 61026  
severe mental disabilities who are referred by or are receiving 61027  
community mental health services from a community mental health 61028  
agency, hospital, or practitioner; 61029

~~(iii) Room and board to~~ (ii) Persons of any age with severe 61030  
mental disabilities who are referred by or are receiving community 61031  
mental health services from a community mental health agency, 61032  
hospital, or practitioner; 61033

|                                                                                                                                                                                                                                                                                                                                        |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(iii) Adults who are recipients under the residential state supplement program.</u>                                                                                                                                                                                                                                                 | 61034 |
|                                                                                                                                                                                                                                                                                                                                        | 61035 |
| <u>(c) Accommodations for five or more of the following unrelated persons:</u>                                                                                                                                                                                                                                                         | 61036 |
|                                                                                                                                                                                                                                                                                                                                        | 61037 |
| <u>(i) Adults with mental illness or persons with severe mental disabilities</u> who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner;                                                                                                               | 61038 |
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|                                                                                                                                                                                                                                                                                                                                        | 61041 |
| <u>(ii) Adults with severe mental disabilities who are referred by or are receiving community mental health services from a community mental health agency, hospital, or practitioner.</u>                                                                                                                                             | 61042 |
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| <u>The following are not residential facilities (10)</u>                                                                                                                                                                                                                                                                               | 61045 |
| <u>"Residential facility" does not include any of the following: the residence of a relative or guardian of a mentally ill individual,</u>                                                                                                                                                                                             | 61046 |
| <u>a</u>                                                                                                                                                                                                                                                                                                                               | 61047 |
|                                                                                                                                                                                                                                                                                                                                        | 61048 |
| <u>(a) A hospital subject to licensure under section 5119.20 of the Revised Code,</u> <del>a;</del>                                                                                                                                                                                                                                    | 61049 |
|                                                                                                                                                                                                                                                                                                                                        | 61050 |
| <u>(b) A residential facility as defined in licensed under section 5123.19 of the Revised Code,</u> <del>a facility providing care for a child in the custody of a public children services agency or a private agency certified under section 5103.03 of the Revised Code, a foster care facility or otherwise regulated by the</del> | 61051 |
| <u>department of developmental disabilities;</u>                                                                                                                                                                                                                                                                                       | 61052 |
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|                                                                                                                                                                                                                                                                                                                                        | 61056 |
| <u>(c) An institution or association subject to certification under section 5103.03 of the Revised Code,</u> <del>an adult care facility subject to licensure under sections 5119.70 to 5119.88 of the Revised Code, and a;</del>                                                                                                      | 61057 |
|                                                                                                                                                                                                                                                                                                                                        | 61058 |
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|                                                                                                                                                                                                                                                                                                                                        | 61060 |
| <u>(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;</u>                                                                                                                                                                     | 61061 |
|                                                                                                                                                                                                                                                                                                                                        | 61062 |
|                                                                                                                                                                                                                                                                                                                                        | 61063 |

(e) A nursing home, residential care facility, or home for the aging subject to licensure under as defined in section 3721.02 of the Revised Code; 61064  
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(f) An alcohol or drug addiction program as defined in section 3793.01 of the Revised Code; 61067  
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(g) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code; 61069  
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(h) Any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless; 61071  
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(i) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 61075  
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(j) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans. 61078  
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(11) "Supervision" means any of the following: 61082

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities; 61083  
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(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities; 61086  
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(c) Assisting a resident in making or keeping an appointment. 61089

(12) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 61090  
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the child of an aunt or uncle. 61094

~~(2)(B)~~ Nothing in division (A)~~(1)(d)(9)~~ of this section shall 61095  
be construed to permit personal care services to be imposed on a 61096  
resident who is capable of performing the activity in question 61097  
without assistance. 61098

~~(3)(C)~~ Except in the case of a residential facility described 61099  
in division (A)~~(1)(d)(i)(9)(a)~~ of this section, members of the 61100  
staff of a residential facility shall not administer medication to 61101  
the facility's residents, all medication taken by residents of a 61102  
residential facility shall be self-administered, and no person 61103  
shall be admitted to or retained by a residential facility unless 61104  
the person is capable of taking the person's own medication and 61105  
biologicals, as determined in writing by the person's personal 61106  
physician. Members of the staff of a residential facility but may 61107  
do any of the following: 61108

~~(a)(1)~~ Remind a resident when to take medication and watch to 61109  
ensure that the resident follows the directions on the container; 61110

~~(b)(2)~~ Assist a resident in the self-administration of 61111  
medication by taking the medication from the locked area where it 61112  
is stored, in accordance with rules adopted pursuant to this 61113  
section, and handing it to the resident. If the resident is 61114  
physically unable to open the container, a staff member may open 61115  
the container for the resident. 61116

~~(e)(3)~~ Assist a physically impaired but mentally alert 61117  
resident, such as a resident with arthritis, cerebral palsy, or 61118  
Parkinson's disease, in removing oral or topical medication from 61119  
containers and in consuming or applying the medication, upon 61120  
request by or with the consent of the resident. If a resident is 61121  
physically unable to place a dose of medicine to the resident's 61122  
mouth without spilling it, a staff member may place the dose in a 61123  
container and place the container to the mouth of the resident. 61124

~~(B) Every (D)(1) Except as provided in division (D)(2) of this section, a person operating or desiring seeking to operate a residential facility shall apply for licensure of the facility to the department of mental health and. The application shall be submitted by the operator. When applying for the license, the applicant shall pay to the department the application fee specified in rules adopted under division (L) of this section. The fee is nonrefundable.~~ 61125  
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~~The department shall send a copy of the an application to the ADAMHS board of alcohol, drug addiction, and mental health services whose service district includes serving the county in which the person operates or desires seeks to operate a residential the facility. The ADAMHS board shall review such applications and recommend approval or disapproval to the department. Each recommendation shall be consistent with the board's community mental health plan.~~ 61133  
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~~(C) the application and provide to the department any information about the applicant or the facility that the board would like the department to consider in reviewing the application.~~ 61141  
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~~(2) A person may not apply for a license to operate a residential facility if the person is or has been the owner, operator, or manager of a residential facility for which a license to operate was revoked or for which renewal of a license was refused for any reason other than nonpayment of the license renewal fee, unless both of the following conditions are met:~~ 61145  
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~~(a) A period of not less than two years has elapsed since the date the director of mental health issued the order revoking or refusing to renew the facility's license.~~ 61151  
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~~(b) The director's revocation or refusal to renew the license was not based on an act or omission at the facility that violated~~ 61154  
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a resident's right to be free from abuse, neglect, or exploitation. 61156  
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(E)(1) Any person may operate a residential facility providing accommodations and personal care services for one to five unrelated persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of this section as a permitted use in any residential district or zone, including any single-family residential district or zone of any political subdivision. Such facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone. 61158  
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(2) Any person may operate a residential facility providing accommodations and personal care services for six to sixteen persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of this section as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned-unit development districts as defined in section 519.021 of the Revised Code may exclude such facilities from such districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate such facilities in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to: 61168  
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(a) Require the architectural design and site layout of the home and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood; 61183  
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(b) Require compliance with yard, parking, and sign 61187

regulation. 61188

(3) Divisions (E)(1) and (2) of this section do not affect 61189  
any right of a political subdivision to permit a person to operate 61190  
a residential facility licensed under this section in a 61191  
single-family residential district or zone under conditions 61192  
established by the political subdivision. 61193

(4)(a) Notwithstanding divisions (E)(1) and (2) of this 61194  
section and except as provided in division (E)(4)(b) of this 61195  
section, a political subdivision that has enacted a zoning 61196  
ordinance or resolution may limit the excessive concentration of 61197  
licensed residential facilities that meet the criteria specified 61198  
in division (A)(9)(b) of this section. 61199

(b) Division (E)(4)(a) of this section does not authorize a 61200  
political subdivision to prevent or limit the continued existence 61201  
and operation of residential facilities existing and operating on 61202  
the effective date of this section and that meet the criteria 61203  
specified in division (A)(9)(b) of this section. A political 61204  
subdivision may consider the existence of such facilities for the 61205  
purpose of limiting the excessive concentration of such facilities 61206  
that meet the criteria specified in division (A)(9)(b) of this 61207  
section that are not existing and operating on the effective date 61208  
of this section. 61209

(F)(1) The department of mental health shall inspect and 61210  
license the operation of residential facilities. The department 61211  
shall consider the past record of the facility and the applicant 61212  
or licensee in arriving at its licensure decision. The 61213

The department may issue full, probationary, and interim 61214  
licenses. A full license shall expire two years after the date of 61215  
issuance, a probationary license shall expire in a shorter period 61216  
of time as ~~prescribed by rule~~ specified in rules adopted by the 61217  
director of mental health ~~pursuant to Chapter 119. of the Revised~~ 61218

~~Code~~ under division (L) of this section, and an interim license 61219  
shall expire ninety days after the date of issuance. ~~The A license~~ 61220  
may be renewed in accordance with rules adopted by the director 61221  
under division (L) of this section. The renewal application shall 61222  
be submitted by the operator. When applying for renewal of a 61223  
license, the applicant shall pay to the department the renewal fee 61224  
specified in rules adopted under division (L) of this section. The 61225  
fee is nonrefundable. 61226

(2) The department may issue an order suspending the 61227  
admission of residents to the facility or refuse to issue or renew 61228  
and may revoke a license if it finds the facility is not in 61229  
compliance with rules adopted by the ~~department~~ director pursuant 61230  
to division ~~(G)~~(L) of this section or if any facility operated by 61231  
the applicant or licensee has ~~had~~ been cited for repeated 61232  
violations of statutes or rules during the period of previous 61233  
licenses. Proceedings initiated to deny applications for full or 61234  
probationary licenses or to revoke such licenses are governed by 61235  
Chapter 119. of the Revised Code. 61236

~~(D)~~(G) The department may issue an interim license to operate 61237  
a residential facility if both of the following conditions are 61238  
met: 61239

(1) The department determines that the closing of or the need 61240  
to remove residents from another residential facility has created 61241  
an emergency situation requiring immediate removal of residents 61242  
and an insufficient number of licensed beds are available. 61243

(2) The residential facility applying for an interim license 61244  
meets standards established for interim licenses in rules adopted 61245  
by the director under ~~Chapter 119. of the Revised Code~~ division 61246  
(L) of this section. 61247

An interim license shall be valid for ninety days and may be 61248  
renewed by the director no more than twice. Proceedings initiated 61249

to deny applications for or to revoke interim licenses under this 61250  
division are not subject to Chapter 119. of the Revised Code. 61251

~~(E)~~(H)(1) The department of mental health may conduct an 61252  
inspection of a residential facility as follows: 61253

~~(1)~~(a) Prior to ~~the~~ issuance of a license ~~to a prospective~~ 61254  
~~operator~~ for the facility; 61255

~~(2)~~(b) Prior to ~~the~~ renewal of ~~any operator's~~ the facility's 61256  
license; 61257

~~(3)~~(c) To determine whether ~~a~~ the facility has completed a 61258  
plan of correction required pursuant to ~~this~~ division (H)(2) of 61259  
this section and corrected deficiencies to the satisfaction of the 61260  
department and in compliance with this section and rules adopted 61261  
pursuant to it; 61262

~~(4)~~(d) Upon complaint by any individual or agency; 61263

~~(5)~~(e) At any time the director considers an inspection to be 61264  
necessary in order to determine whether ~~a residential~~ the facility 61265  
is in compliance with this section and rules adopted pursuant to 61266  
this section. 61267

(2) In conducting inspections the department may conduct an 61268  
on-site examination and evaluation of the residential facility~~7~~ 61269  
and its personnel, activities, and services. The department shall 61270  
have access to examine and copy all records, accounts, and any 61271  
other documents relating to the operation of the residential 61272  
facility, including records pertaining to residents, and shall 61273  
have access to the facility in order to conduct interviews with 61274  
the operator, staff, and residents. Following each inspection and 61275  
review, the department shall complete a report listing any 61276  
deficiencies, and including, when appropriate, a time table within 61277  
which the operator shall correct the deficiencies. The department 61278  
may require the operator to submit a plan of correction describing 61279  
how the deficiencies will be corrected. 61280

|                                                                                                                                                                                                                                                              |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <del>(F)</del> (I) No person shall do any of the following:                                                                                                                                                                                                  | 61281                            |
| (1) Operate a residential facility unless the facility holds a valid license;                                                                                                                                                                                | 61282<br>61283                   |
| (2) Violate any of the conditions of licensure after having been granted a license;                                                                                                                                                                          | 61284<br>61285                   |
| (3) Interfere with a state or local official's inspection or investigation of a residential facility;                                                                                                                                                        | 61286<br>61287                   |
| (4) Violate any of the provisions of this section or any rules adopted pursuant to this section.                                                                                                                                                             | 61288<br>61289                   |
| <del>(G)</del> (J) <u>The following may enter a residential facility at any time:</u>                                                                                                                                                                        | 61290<br>61291                   |
| <u>(1) Employees designated by the director of mental health;</u>                                                                                                                                                                                            | 61292                            |
| <u>(2) Employees of an ADAMHS board when a resident of the facility is receiving services from a community mental health agency under contract with that ADAMHS board or another ADAMHS board;</u>                                                           | 61293<br>61294<br>61295<br>61296 |
| <u>(3) Employees of a community mental health agency under any of the following circumstances:</u>                                                                                                                                                           | 61297<br>61298                   |
| <u>(a) When the agency has a client residing in the facility;</u>                                                                                                                                                                                            | 61299                            |
| <u>(b) When the agency is acting as an agent of an ADAMHS board other than the board with which it is under contract.</u>                                                                                                                                    | 61300<br>61301                   |
| <u>The employees specified in division (J) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.</u> | 61302<br>61303<br>61304<br>61305 |
| <u>(K) Employees of the department of mental health may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to</u>   | 61306<br>61307<br>61308<br>61309 |

believe is, operating as a residential facility without a valid license. 61310  
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(L) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code, ~~prescribing minimum~~ governing the licensing and operation of residential facilities. The rules shall establish all of the following: 61312  
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(1) Minimum standards for the health, safety, adequacy, and cultural ~~specificity and sensitivity~~ competency of treatment of and services for persons in residential facilities; ~~establishing~~ procedures 61316  
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(2) Procedures for the issuance, renewal or revocation of the licenses of ~~such~~ residential facilities; ~~establishing the~~ 61320  
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(3) Procedures for conducting criminal records checks for prospective operators, staff, and other individuals who, if employed by a residential facility, would have unsupervised access to facility residents; 61322  
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(4) The fee to be paid when applying for a new residential facility license or renewing the license; 61326  
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(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification; 61328  
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(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility; 61334  
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(7) Measures to be taken by residential facilities relative to residents' medication; 61336  
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(8) Requirements relating to preparation of special diets; 61338

(9) The maximum number of residents ~~of~~ who may be served in a 61339

residential facility; establishing the 61340

(10) The rights of residents of residential facilities and 61341  
procedures to protect such rights; and requiring 61342

(11) Procedures for obtaining an affiliation agreement 61343  
approved by the board between a residential facility and a 61344  
community mental health agency. Such affiliation agreement must be 61345  
consistent with the residential portion of the community mental 61346  
health plan submitted pursuant to section 340.03 of the Revised 61347  
Code; 61348

(12) Standards and procedures under which the director may 61349  
waive the requirements of any of the rules adopted. 61350

~~(H) The department may investigate any facility that has been~~ 61351  
~~reported to the department or that the department has reasonable~~ 61352  
~~cause to believe is operating as a residential facility without a~~ 61353  
~~valid license.~~ 61354

~~(I)~~(M)(1) The department may withhold the source of any 61355  
complaint reported as a violation of this ~~act~~ section when the 61356  
department determines that disclosure could be detrimental to the 61357  
department's purposes or could jeopardize the investigation. The 61358  
department may disclose the source of any complaint if the 61359  
complainant agrees in writing to such disclosure and shall 61360  
disclose the source upon order by a court of competent 61361  
jurisdiction. 61362

~~(J)~~(2) Any person who makes a complaint under division (M)(1) 61363  
of this section, or any person who participates in an 61364  
administrative or judicial proceeding resulting from such a 61365  
complaint, is immune from civil liability and is not subject to 61366  
criminal prosecution, other than for perjury, unless the person 61367  
has acted in bad faith or with malicious purpose. 61368

(N)(1) The director of mental health may petition the court 61369  
of common pleas of the county in which a residential facility is 61370

located for an order enjoining any person from operating a 61371  
residential facility without a license or from operating a 61372  
licensed facility when, in the director's judgment, there is a 61373  
~~real and~~ present danger to the health or safety of any of the 61374  
occupants of the facility. The court shall have jurisdiction to 61375  
grant such injunctive relief upon a showing that the respondent 61376  
named in the petition is operating a facility without a license or 61377  
there is a ~~real and~~ present danger to the health or safety of any 61378  
residents of the facility. 61379

~~(K) Whoever violates division (F) of this section or any rule 61380  
adopted under this section is liable for a civil penalty of one 61381  
hundred dollars for the first offense; for each subsequent 61382  
offense, such violator is liable for a civil penalty of five 61383  
hundred dollars. If the violator does not pay, the attorney 61384  
general, upon the request of the director of mental health, shall 61385  
bring a civil action to collect the penalty. Fines collected 61386  
pursuant to this section shall be deposited into the state 61387  
treasury to the credit of the mental health sale of goods and 61388  
services fund. 61389~~

(2) When the court grants injunctive relief in the case of a 61390  
facility operating without a license, the court shall issue, at a 61391  
minimum, an order enjoining the facility from admitting new 61392  
residents to the facility and an order requiring the facility to 61393  
assist with the safe and orderly relocation of the facility's 61394  
residents. 61395

(3) If injunctive relief is granted against a facility for 61396  
operating without a license and the facility continues to operate 61397  
without a license, the director shall refer the case to the 61398  
attorney general for further action. 61399

(O) The director may fine a person for violating division (I) 61400  
of this section. The fine shall be five hundred dollars for a 61401  
first offense; for each subsequent offense, the fine shall be one 61402



thousand dollars. The director's actions in imposing a fine shall 61403  
be taken in accordance with Chapter 119. of the Revised Code. 61404

**Sec. 5119.61.** Any provision in this chapter that refers to a 61405  
board of alcohol, drug addiction, and mental health services also 61406  
refers to the community mental health board in an alcohol, drug 61407  
addiction, and mental health service district that has a community 61408  
mental health board. 61409

The director of mental health with respect to all facilities 61410  
and programs established and operated under Chapter 340. of the 61411  
Revised Code for mentally ill and emotionally disturbed persons, 61412  
shall do all of the following: 61413

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 61414  
that may be necessary to carry out the purposes of Chapter 340. 61415  
and sections 5119.61 to 5119.63 of the Revised Code. 61416

(1) The rules shall include ~~all of the following:~~ 61417

~~(a) Rules~~ rules governing a community mental health agency's 61418  
services under section 340.091 of the Revised Code to an 61419  
individual referred to the agency under division ~~(C)~~(D)(2) of 61420  
section 5119.69 of the Revised Code: 61421

~~(b) For the purpose of division (A)(16) of section 340.03 of~~ 61422  
~~the Revised Code, rules governing the duties of mental health~~ 61423  
~~agencies and boards of alcohol, drug addiction, and mental health~~ 61424  
~~services under section 5119.88 of the Revised Code regarding~~ 61425  
~~referrals of individuals with mental illness or severe mental~~ 61426  
~~disability to adult care facilities and effective arrangements for~~ 61427  
~~ongoing mental health services for the individuals. The rules~~ 61428  
~~shall do at least the following:~~ 61429

~~(i) Provide for agencies and boards to participate fully in~~ 61430  
~~the procedures owners and managers of adult care facilities must~~ 61431  
~~follow under division (A) of section 5119.88 of the Revised Code:~~ 61432

~~(ii) Specify the manner in which boards are accountable for ensuring that ongoing mental health services are effectively arranged for individuals with mental illness or severe mental disability who are referred by the board or mental health agency under contract with the board to an adult care facility.~~

~~(c) Rules governing a board of alcohol, drug addiction, and mental health services when making a report to the director of mental health under section 5119.87 of the Revised Code regarding the quality of care and services provided by an adult care facility to a person with mental illness or a severe mental disability.~~

(2) Rules may be adopted to govern the method of paying a community mental health facility, as defined in section 5111.023 of the Revised Code, for providing services listed in division (B) of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.

(B) Review and evaluate, and, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program and the requirements and priorities of the state mental health plan, including the needs of residents of the district now residing in state mental institutions, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;

(C) Provide consultative services to community mental health agencies with the knowledge and cooperation of the board of alcohol, drug addiction, and mental health services;

(D) At the director's discretion, provide to boards of alcohol, drug addiction, and mental health services state or

federal funds, in addition to those allocated under section 61464  
5119.62 of the Revised Code, for special programs or projects the 61465  
director considers necessary but for which local funds are not 61466  
available; 61467

(E) Establish criteria by which a board of alcohol, drug 61468  
addiction, and mental health services reviews and evaluates the 61469  
quality, effectiveness, and efficiency of services provided 61470  
through its community mental health plan. The criteria shall 61471  
include requirements ensuring appropriate service utilization. The 61472  
department shall assess a board's evaluation of services and the 61473  
compliance of each board with this section, Chapter 340. or 61474  
section 5119.62 of the Revised Code, and other state or federal 61475  
law and regulations. The department, in cooperation with the 61476  
board, periodically shall review and evaluate the quality, 61477  
effectiveness, and efficiency of services provided through each 61478  
board. The department shall collect information that is necessary 61479  
to perform these functions. 61480

(F) To the extent the director determines necessary and after 61481  
consulting with boards of alcohol, drug addiction, and mental 61482  
health services, develop and operate, or contract for the 61483  
operation of, a community mental health information system or 61484  
systems. 61485

Boards of alcohol, drug ~~abuse~~ addiction, and mental health 61486  
services shall submit information requested by the department in 61487  
the form and manner prescribed by the department. Information 61488  
collected by the department shall include, but not be limited to, 61489  
all of the following: 61490

(1) Information regarding units of services provided in whole 61491  
or in part under contract with a board, including diagnosis and 61492  
special needs, demographic information, the number of units of 61493  
service provided, past treatment, financial status, and service 61494  
dates in accordance with rules adopted by the department in 61495

accordance with Chapter 119. of the Revised Code; 61496

(2) Financial information other than price or price-related 61497  
data regarding expenditures of boards and community mental health 61498  
agencies, including units of service provided, budgeted and actual 61499  
expenses by type, and sources of funds. 61500

Boards shall submit the information specified in division 61501  
(F)(1) of this section no less frequently than annually for each 61502  
client, and each time the client's case is opened or closed. The 61503  
department shall not collect any personal information from the 61504  
boards except as required or permitted by state or federal law for 61505  
purposes related to payment, health care operations, program and 61506  
service evaluation, reporting activities, research, system 61507  
administration, and oversight. 61508

(G) Review each board's community mental health plan 61509  
submitted pursuant to section 340.03 of the Revised Code and 61510  
approve or disapprove it in whole or in part. Periodically, in 61511  
consultation with representatives of boards and after considering 61512  
the recommendations of the medical director, the director shall 61513  
issue criteria for determining when a plan is complete, criteria 61514  
for plan approval or disapproval, and provisions for conditional 61515  
approval. The factors that the director considers may include, but 61516  
are not limited to, the following: 61517

(1) The mental health needs of all persons residing within 61518  
the board's service district, especially severely mentally 61519  
disabled children, adolescents, and adults; 61520

(2) The demonstrated quality, effectiveness, efficiency, and 61521  
cultural relevance of the services provided in each service 61522  
district, the extent to which any services are duplicative of 61523  
other available services, and whether the services meet the needs 61524  
identified above; 61525

(3) The adequacy of the board's accounting for the 61526

expenditure of funds. 61527

If the director disapproves all or part of any plan, the 61528  
director shall provide the board an opportunity to present its 61529  
position. The director shall inform the board of the reasons for 61530  
the disapproval and of the criteria that must be met before the 61531  
plan may be approved. The director shall give the board a 61532  
reasonable time within which to meet the criteria, and shall offer 61533  
technical assistance to the board to help it meet the criteria. 61534

If the approval of a plan remains in dispute, the board or 61535  
the director may request that the dispute be submitted to a 61536  
mutually agreed upon third-party mediator with the cost to be 61537  
shared by the board and the department. The mediator shall issue 61538  
to the board and the department recommendations for resolution of 61539  
the dispute. The director, taking into consideration the 61540  
recommendations of the mediator, shall make a final determination 61541  
and approve or disapprove the plan, in whole or in part. 61542

**Sec. 5119.69.** (A) As used in this section and section 61543  
5119.691 of the Revised Code: 61544

(1) "Long-term care consultation program" means the program 61545  
the department of aging is required to develop under section 61546  
173.42 of the Revised Code. 61547

(2) "Long-term care consultation program administrator" or 61548  
"administrator" means the department of aging or, if the 61549  
department contracts with an area agency on aging or other entity 61550  
to administer the long-term care consultation program for a 61551  
particular area, that agency or entity. 61552

(3) "Nursing facility" has the same meaning as in section 61553  
5111.20 of the Revised Code. 61554

(4) "Residential state supplement administrative agency" 61555  
means the department of mental health or, if the department 61556

designates an entity under division (C) of this section for a particular area, the designated entity. 61557  
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(5) "Residential state supplement program" means the program administered pursuant to this section. 61559  
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(B) The department of mental health shall implement the residential state supplement program under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state supplement payments shall be used for the provision of accommodations, supervision, and personal care services to supplemental security income recipients who the department determines are at risk of needing institutional care. 61561  
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~~(B)~~(C) In implementing the program, the department may designate one or more entities to be responsible for providing administrative services regarding the program. The department may designate an entity to be a residential state supplement administrative agency under this division either by entering into a contract with the entity to serve in that capacity or by otherwise delegating to the entity the responsibility to serve in that capacity. 61570  
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~~(C)~~(D) For an individual to be eligible for residential state supplement payments, all of the following must be the case: 61578  
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(1) Except as provided by division ~~(G)~~(H) of this section, the individual must reside in one of the following: 61580  
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(a) An adult foster home certified under section 5119.692 of the Revised Code; 61582  
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(b) A home or facility, other than a nursing home or nursing home unit of a home for the aging, licensed by the department of health under Chapter 3721. of the Revised Code ~~or the department of mental health under sections 5119.70 to 5119.88 of the Revised~~ 61584  
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Code; 61588

(c) A residential facility as defined in division 61589  
(A)~~(1)~~(d)~~(ii)~~(9)(b) of section 5119.22 of the Revised Code 61590  
licensed by the department of mental health; 61591

(d) An apartment or room used to provide community mental 61592  
health housing services certified by the department of mental 61593  
health under section 5119.611 of the Revised Code and approved by 61594  
a board of alcohol, drug addiction, and mental health services 61595  
under division (A)(14) of section 340.03 of the Revised Code. 61596

(2) A residential state supplement administrative agency must 61597  
have determined that the environment in which the individual will 61598  
be living while receiving the payments is appropriate for the 61599  
individual's needs. If the individual is eligible for supplemental 61600  
security income payments or social security disability insurance 61601  
benefits because of a mental disability, the residential state 61602  
supplement administrative agency shall refer the individual to a 61603  
community mental health agency for ~~the community mental health~~ 61604  
~~agency to issue in accordance with an assessment under division~~ 61605  
(A) of section 340.091 of the Revised Code ~~a recommendation on~~ 61606  
~~whether the residential state supplement administrative agency~~ 61607  
~~should determine that the environment in which the individual will~~ 61608  
~~be living while receiving the payments is appropriate for the~~ 61609  
~~individual's needs.~~ 61610

(3) The individual satisfies all eligibility requirements 61611  
established by rules adopted under division ~~(D)~~(E) of this 61612  
section. 61613

~~(D)~~(E) The directors of mental health and job and family 61614  
services shall adopt rules in accordance with section 111.15 of 61615  
the Revised Code as necessary to implement the residential state 61616  
supplement program. 61617

To the extent permitted by Title XVI of the "Social Security 61618

Act," and any other provision of federal law, the director of job 61619  
and family services may adopt rules establishing standards for 61620  
adjusting the eligibility requirements concerning the level of 61621  
impairment a person must have so that the amount appropriated for 61622  
the program by the general assembly is adequate for the number of 61623  
eligible individuals. The rules shall not limit the eligibility of 61624  
disabled persons solely on a basis classifying disabilities as 61625  
physical or mental. The director of job and family services also 61626  
may adopt rules that establish eligibility standards for aged, 61627  
blind, or disabled individuals who reside in one of the homes or 61628  
facilities specified in division ~~(C)~~(D)(1) of this section but 61629  
who, because of their income, do not receive supplemental security 61630  
income payments. The rules may provide that these individuals may 61631  
include individuals who receive other types of benefits, 61632  
including, social security disability insurance benefits provided 61633  
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 61634  
42 U.S.C.A. 401, as amended. Notwithstanding division ~~(A)~~(B) of 61635  
this section, such payments may be made if funds are available for 61636  
them. 61637

The director of mental health may adopt rules establishing 61638  
the method to be used to determine the amount an eligible 61639  
individual will receive under the program. The amount the general 61640  
assembly appropriates for the program may be a factor included in 61641  
the method that director establishes. 61642

~~(E)~~(F) The county department of job and family services of 61643  
the county in which an applicant for the residential state 61644  
supplement program resides shall determine whether the applicant 61645  
meets income and resource requirements for the program. 61646

~~(F)~~(G) The department of mental health shall maintain a 61647  
waiting list of any individuals eligible for payments under this 61648  
section but not receiving them because moneys appropriated to the 61649  
department for the purposes of this section are insufficient to 61650



make payments to all eligible individuals. An individual may apply 61651  
to be placed on the waiting list even though the individual does 61652  
not reside in one of the homes or facilities specified in division 61653  
~~(C)~~(D)(1) of this section at the time of application. The director 61654  
of mental health, by rules adopted in accordance with Chapter 119. 61655  
of the Revised Code, may specify procedures and requirements for 61656  
placing an individual on the waiting list and priorities for the 61657  
order in which individuals placed on the waiting list are to begin 61658  
to receive residential state supplement payments. The rules 61659  
specifying priorities may give priority to individuals placed on 61660  
the waiting list on or after July 1, 2006, who receive 61661  
supplemental security income benefits under Title XVI of the 61662  
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 61663  
amended. The rules shall not affect the place on the waiting list 61664  
of any person who was on the list on July 1, 2006. The rules 61665  
specifying priorities may also set additional priorities based on 61666  
living arrangement, such as whether an individual resides in a 61667  
facility listed in division ~~(C)~~(D)(1) of this section or has been 61668  
admitted to a nursing facility. 61669

~~(G)~~(H) An individual in a licensed or certified living 61670  
arrangement receiving state supplementation on November 15, 1990, 61671  
under former section 5101.531 of the Revised Code shall not become 61672  
ineligible for payments under this section solely by reason of the 61673  
individual's living arrangement as long as the individual remains 61674  
in the living arrangement in which the individual resided on 61675  
November 15, 1990. 61676

~~(H)~~(I) The department of mental health shall notify each 61677  
person denied approval for payments under this section of the 61678  
person's right to a hearing. On request, the hearing shall be 61679  
provided in accordance with Chapter 119. of the Revised Code. 61680

**Sec. 5119.691.** ~~(A) As used in this section:~~ 61681

~~"Long term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.~~ 61682  
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~~"Long term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long term care consultation program for a particular area, that agency or entity.~~ 61685  
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~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 61690  
61691

~~"Residential state supplement administrative agency" means an entity designated as such by the department of mental health under section 5119.69 of the Revised Code.~~ 61692  
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~~"Residential state supplement program" means the program administered pursuant to section 5119.69 of the Revised Code.~~ 61695  
61696

~~(B) On a periodic schedule determined by the department of mental health, each residential state supplement administrative agency shall determine whether individuals who reside in the area that the agency serves and are on a waiting list for the residential state supplement program have been admitted to a nursing facility. If a residential state supplement administrative agency determines that such an individual has been admitted to a nursing facility, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides about the determination. The administrator shall determine whether the residential state supplement program is appropriate for the individual and whether the individual would rather participate in the program than continue residing in the nursing facility. If the administrator determines that the residential state supplement program is appropriate for the individual and the individual would rather participate in the~~ 61697  
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program than continue residing in the nursing facility, the 61713  
administrator shall so notify the department of mental health. On 61714  
receipt of the notice from the administrator, the department of 61715  
mental health shall approve the individual's enrollment in the 61716  
residential state supplement program in accordance with the 61717  
priorities specified in rules adopted under division ~~(F)~~(G) of 61718  
section 5119.69 of the Revised Code. Each quarter, the department 61719  
of mental health shall certify to the director of budget and 61720  
management the estimated increase in costs of the residential 61721  
state supplement program resulting from enrollment of individuals 61722  
in the program pursuant to this section. 61723

**Sec. 5119.692.** As used in this section, "adult foster home" 61724  
means a residence, other than a residential facility licensed 61725  
under section 5119.22 of the Revised Code, in which accommodations 61726  
and personal care services, as defined in section ~~5119.70~~ 5119.22 61727  
of the Revised Code, are provided to one or two adults who are 61728  
unrelated to the owners of the residence. 61729

The department of mental health shall adopt rules in 61730  
accordance with Chapter 119. of the Revised Code establishing 61731  
standards for the certification of adult foster homes. The 61732  
department or its designee shall certify adult foster homes that 61733  
apply for certification and meet the standards established by the 61734  
department. 61735

**Sec. 5119.99.** ~~(A)~~ Whoever violates section 5119.21 of the 61736  
Revised Code is guilty of a misdemeanor of the first degree. 61737

~~(B) Whoever violates division (A)(1) of section 5119.86 of~~ 61738  
~~the Revised Code shall be fined two thousand dollars for a first~~ 61739  
~~offense; for each subsequent offense, such person shall be fined~~ 61740  
~~five thousand dollars.~~ 61741

~~(C) Whoever violates division (C) of section 5119.81 or~~ 61742

~~division (A)(2), (3), (4), (5), or (6), (B), (C), (D), (E), or (F) 61743  
of section 5119.86 of the Revised Code shall be fined five hundred 61744  
dollars for a first offense; for each subsequent offense, such 61745  
person shall be fined one thousand dollars. 61746~~

**Sec. 5120.036.** (A) The department of rehabilitation and 61747  
correction shall provide risk reduction programming and treatment 61748  
for inmates whom a court under section 2929.143 of the Revised 61749  
Code recommends serve a risk reduction sentence and who meet the 61750  
eligibility criteria described in division (B) of this section. 61751

(B) If an offender is sentenced to a term of imprisonment in 61752  
a state correctional institution and the sentencing court 61753  
recommended that the offender serve a risk reduction sentence, the 61754  
department of rehabilitation and correction shall conduct a 61755  
validated and objective assessment of the person's needs and risk 61756  
of reoffending. If the offender cooperates with the risk 61757  
assessment and agrees to participate in any programming or 61758  
treatment ordered by the department, the department shall provide 61759  
programming and treatment to the offender to address the risks and 61760  
needs identified in the assessment. 61761

(C) If the department determines that an offender serving a 61762  
term of incarceration for whom the sentencing court recommended a 61763  
risk reduction sentence under section 2929.143 of the Revised Code 61764  
has successfully completed the assessment and treatment or 61765  
programming required by the department under division (B) of this 61766  
section, the department shall release the offender to ~~supervised~~ 61767  
release post-release control under one or more post-release 61768  
control sanctions after the offender has served each mandatory 61769  
prison term to which the offender was sentenced, if any, and a 61770  
minimum of eighty per cent of the aggregated nonmandatory prison 61771  
terms to which the offender was sentenced. The placement under 61772  
post-release control sanctions shall be under terms set by the 61773

parole board in accordance with section 2967.28 of the Revised Code and shall be subject to the provisions of that section and sections 2929.141 and 2967.15 of the Revised Code regarding violation of post-release control sanctions. No mandatory prison term shall be reduced by, or as a result of, an offender's service of a risk reduction sentence. The department shall notify the sentencing court that the offender has successfully completed the terms of the risk reduction sentence at least thirty days prior to the date upon which the offender is to be released.

(D) As used in this section: 61783

(1) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code. 61784  
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(2) "Nonmandatory prison term" means a prison term that is not a mandatory prison term. 61786  
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(3) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code. 61788  
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61790

**Sec. 5120.105.** (A) ~~The department of administrative services~~ Ohio facilities construction commission shall provide for the construction of a halfway house facility in conformity with Chapter 153. of the Revised Code, except that construction services may be provided by the department of rehabilitation and correction.

(B) The director of rehabilitation and correction may enter into an agreement with a halfway house organization for the management of a halfway house facility. The halfway house organization that occupies, will occupy, or is responsible for the management of a halfway house facility shall pay the costs of management of and general building services for the halfway house facility as provided in an agreement between the department of

rehabilitation and correction and the halfway house organization. 61804

(C) No state funds, including state bond proceeds, shall be 61805  
spent on the construction of a halfway house facility under 61806  
sections 5120.102 to 5120.105 of the Revised Code, unless the 61807  
general assembly has specifically authorized the spending of money 61808  
on, or has made an appropriation to the department of 61809  
rehabilitation and correction for, the construction of the halfway 61810  
house facility or rental payments relating to the financing of the 61811  
construction of that facility. An authorization to spend money or 61812  
an appropriation for planning a halfway house facility does not 61813  
constitute an authorization to spend money on, or an appropriation 61814  
for, the construction of that facility. Capital funds for the 61815  
construction of halfway house facilities under sections 5120.102 61816  
to 5120.105 of the Revised Code shall be paid from the adult 61817  
correctional building fund created in division (F) of section 61818  
154.24 of the Revised Code. 61819

**Sec. 5120.132.** (A) There is hereby created in the state 61820  
treasury the prisoner programs fund. The director of 61821  
rehabilitation and correction shall deposit in the fund all moneys 61822  
received by the department from commissions on telephone systems 61823  
~~established for the use of prisoners and services provided to~~ 61824  
prisoners in relation to electronic mail, prisoner trust fund 61825  
deposits, and the purchase of music, digital music players, and 61826  
other electronic devices. The money in the fund shall be used only 61827  
to pay for the costs of the following: 61828

(1) The purchase of material, supplies, and equipment used in 61829  
any library program, educational program, religious program, 61830  
recreational program, or pre-release program operated by the 61831  
department for the benefit of prisoners; 61832

(2) The construction, alteration, repair, or reconstruction 61833  
of buildings and structures owned by the department for use in any 61834

library program, educational program, religious program, 61835  
recreational program, or pre-release program operated by the 61836  
department for the benefit of prisoners; 61837

(3) The payment of salary, wages, and other compensation to 61838  
employees of the department who are employed in any library 61839  
program, educational program, religious program, recreational 61840  
program, or pre-release program operated by the department for the 61841  
benefit of prisoners; 61842

(4) The compensation to vendors that contract with the 61843  
department for the provision of services for the benefit of 61844  
prisoners in any library program, educational program, religious 61845  
program, recreational program, or pre-release program operated by 61846  
the department; 61847

(5) The payment of prisoner release payments in an 61848  
appropriate amount as determined pursuant to rule; 61849

(6) The purchase of other goods and the payment of other 61850  
services that are determined, in the discretion of the director, 61851  
to be goods and services that may provide additional benefit to 61852  
prisoners. 61853

(B) The director shall establish rules for the operation of 61854  
the prisoner programs fund. 61855

**Sec. 5120.66.** (A) Within ninety days after November 23, 2005, 61856  
but not before January 1, 2006, the department of rehabilitation 61857  
and correction shall establish and operate on the internet a 61858  
database that contains all of the following: 61859

(1) For each inmate in the custody of the department under a 61860  
sentence imposed for a conviction of or plea of guilty to any 61861  
offense, all of the following information: 61862

(a) The inmate's name; 61863

(b) For each offense for which the inmate was sentenced to a 61864

prison term or term of imprisonment and is in the department's 61865  
custody, the name of the offense, the Revised Code section of 61866  
which the offense is a violation, the gender of each victim of the 61867  
offense if those facts are known, whether each victim of the 61868  
offense was an adult or child if those facts are known, the range 61869  
of the possible prison terms or term of imprisonment that could 61870  
have been imposed for the offense, the actual prison term or term 61871  
of imprisonment imposed for the offense, the county in which the 61872  
offense was committed, the date on which the inmate began serving 61873  
the prison term or term of imprisonment imposed for the offense, 61874  
and either the date on which the inmate will be eligible for 61875  
parole relative to the offense if the prison term or term of 61876  
imprisonment is an indefinite term or life term or the date on 61877  
which the term ends if the prison term is a definite term; 61878

(c) All of the following information that is applicable 61879  
regarding the inmate: 61880

(i) If known to the department prior to the conduct of any 61881  
hearing for judicial release of the defendant pursuant to section 61882  
2929.20 of the Revised Code in relation to any prison term or term 61883  
of imprisonment the inmate is serving for any offense or any 61884  
hearing for release of the defendant pursuant to section 2967.19 61885  
of the Revised Code in relation to any such term, notice of the 61886  
fact that the inmate will be having a hearing regarding a possible 61887  
grant of judicial release or release, the date of the hearing, and 61888  
the right of any person pursuant to division (J) of section 61889  
2929.20 or division (H) of section 2967.19 of the Revised Code, 61890  
whichever is applicable, to submit to the court a written 61891  
statement regarding the possible judicial release or release. The 61892  
department also shall post notice of the filing submission to a 61893  
sentencing court of any petition recommendation for early release 61894  
of the inmate pursuant to section 2967.19 of the Revised Code, as 61895  
required by division (E) of that section. 61896



(ii) If the inmate is serving a prison term pursuant to division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code, prior to the conduct of any hearing pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the inmate serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section, notice of the fact that the inmate will be having a hearing regarding those determinations and of the date of the hearing;

(iii) At least three weeks before the adult parole authority recommends a pardon or commutation of sentence for the inmate or at least three weeks prior to a hearing before the adult parole authority regarding a grant of parole to the inmate in relation to any prison term or term of imprisonment the inmate is serving for any offense, notice of the fact that the inmate might be under consideration for a pardon or commutation of sentence or will be having a hearing regarding a possible grant of parole, of the date of any hearing regarding a possible grant of parole, and of the right of any person to submit a written statement regarding the pending action;

(iv) At least three weeks before the inmate is transferred to transitional control under section 2967.26 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense, notice of the pendency of the transfer, of the date of the possible transfer, and of the right of any person to submit a statement regarding the possible transfer;

(v) Prompt notice of the inmate's escape from any facility in which the inmate was incarcerated and of the capture of the inmate after an escape;

(vi) Notice of the inmate's death while in confinement; 61929

(vii) Prior to the release of the inmate from confinement, 61930  
notice of the fact that the inmate will be released, of the date 61931  
of the release, and, if applicable, of the standard terms and 61932  
conditions of the release; 61933

(viii) Notice of the inmate's judicial release pursuant to 61934  
section 2929.20 of the Revised Code or release pursuant to section 61935  
2967.19 of the Revised Code. 61936

(2) Information as to where a person can send written 61937  
statements of the types referred to in divisions (A)(1)(c)(i), 61938  
(iii), and (iv) of this section. 61939

(B)(1) The department shall update the database required 61940  
under division (A) of this section every twenty-four hours to 61941  
ensure that the information it contains is accurate and current. 61942

(2) The database required under division (A) of this section 61943  
is a public record open for inspection under section 149.43 of the 61944  
Revised Code. The department shall make the database searchable by 61945  
inmate name and by the county and zip code where the offender 61946  
intends to reside after release from a state correctional 61947  
institution if this information is known to the department. 61948

(3) The database required under division (A) of this section 61949  
may contain information regarding inmates who are listed in the 61950  
database in addition to the information described in that 61951  
division. 61952

(4) No information included on the database required under 61953  
division (A) of this section shall identify or enable the 61954  
identification of any victim of any offense committed by an 61955  
inmate. 61956

(C) The failure of the department to comply with the 61957  
requirements of division (A) or (B) of this section does not give 61958

any rights or any grounds for appeal or post-conviction relief to 61959  
any inmate. 61960

(D) This section, and the related provisions of sections 61961  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 61962  
in the act in which this section was enacted, shall be known as 61963  
"Laura's Law." 61964

**Sec. 5122.31.** (A) All certificates, applications, records, 61965  
and reports made for the purpose of this chapter and sections 61966  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 61967  
Code, other than court journal entries or court docket entries, 61968  
and directly or indirectly identifying a patient or former patient 61969  
or person whose hospitalization has been sought under this 61970  
chapter, shall be kept confidential and shall not be disclosed by 61971  
any person except: 61972

(1) If the person identified, or the person's legal guardian, 61973  
if any, or if the person is a minor, the person's parent or legal 61974  
guardian, consents, and if the disclosure is in the best interests 61975  
of the person, as may be determined by the court for judicial 61976  
records and by the chief clinical officer for medical records; 61977

(2) When disclosure is provided for in this chapter or 61978  
section 5123.60 of the Revised Code; 61979

(3) That hospitals, boards of alcohol, drug addiction, and 61980  
mental health services, and community mental health agencies may 61981  
release necessary medical information to insurers and other 61982  
third-party payers, including government entities responsible for 61983  
processing and authorizing payment, to obtain payment for goods 61984  
and services furnished to the patient; 61985

(4) Pursuant to a court order signed by a judge; 61986

(5) That a patient shall be granted access to the patient's 61987  
own psychiatric and medical records, unless access specifically is 61988

restricted in a patient's treatment plan for clear treatment reasons; 61989  
61990

(6) That hospitals and other institutions and facilities within the department of mental health may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, and with community mental health agencies and boards of alcohol, drug addiction, and mental health services with which the department has a current agreement for patient care or services. Records and information that may be released pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment in the hospital, summary of treatment needs, and a discharge summary, if any. 61991  
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(7) That hospitals within the department, other institutions and facilities within the department, hospitals licensed by the department under section 5119.20 of the Revised Code, and community mental health agencies may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate continuity of care for a patient; 62002  
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(8) That a patient's family member who is involved in the provision, planning, and monitoring of services to the patient may receive medication information, a summary of the patient's diagnosis and prognosis, and a list of the services and personnel available to assist the patient and the patient's family, if the patient's treating physician determines that the disclosure would be in the best interests of the patient. No such disclosure shall be made unless the patient is notified first and receives the information and does not object to the disclosure. 62009  
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(9) That community mental health agencies may exchange psychiatric records and certain other information with the board of alcohol, drug addiction, and mental health services and other 62018  
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agencies in order to provide services to a person involuntarily 62021  
committed to a board. Release of records under this division shall 62022  
be limited to medication history, physical health status and 62023  
history, financial status, summary of course of treatment, summary 62024  
of treatment needs, and discharge summary, if any. 62025

(10) That information may be disclosed to the executor or the 62026  
administrator of an estate of a deceased patient when the 62027  
information is necessary to administer the estate; 62028

(11) That records in the possession of the Ohio historical 62029  
society may be released to the closest living relative of a 62030  
deceased patient upon request of that relative; 62031

(12) That information may be disclosed to staff members of 62032  
the appropriate board or to staff members designated by the 62033  
director of mental health for the purpose of evaluating the 62034  
quality, effectiveness, and efficiency of services and determining 62035  
if the services meet minimum standards. Information obtained 62036  
during such evaluations shall not be retained with the name of any 62037  
patient. 62038

(13) That records pertaining to the patient's diagnosis, 62039  
course of treatment, treatment needs, and prognosis shall be 62040  
disclosed and released to the appropriate prosecuting attorney if 62041  
the patient was committed pursuant to section 2945.38, 2945.39, 62042  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 62043  
attorney designated by the board for proceedings pursuant to 62044  
involuntary commitment under this chapter. 62045

(14) That the department of mental health may exchange 62046  
psychiatric hospitalization records, other mental health treatment 62047  
records, and other pertinent information with the department of 62048  
rehabilitation and correction to ensure continuity of care for 62049  
inmates who are receiving mental health services in an institution 62050  
of the department of rehabilitation and correction and may 62051

exchange psychiatric hospitalization records, other mental health 62052  
treatment records, and other pertinent information with boards of 62053  
alcohol, drug addiction, and mental health services and community 62054  
mental health agencies to ensure continuity of care for inmates or 62055  
offenders who are receiving mental health services in an 62056  
institution and are scheduled for release within six months. The 62057  
department shall not disclose those records unless the inmate is 62058  
notified, receives the information, and does not object to the 62059  
disclosure. The release of records under this division is limited 62060  
to records regarding an inmate's or offender's medication history, 62061  
physical health status and history, summary of course of 62062  
treatment, summary of treatment needs, and a discharge summary, if 62063  
any. 62064

(15) That a community mental health agency that ceases to 62065  
operate may transfer to either a community mental health agency 62066  
that assumes its caseload or to the board of alcohol, drug 62067  
addiction, and mental health services of the service district in 62068  
which the patient resided at the time services were most recently 62069  
provided any treatment records that have not been transferred 62070  
elsewhere at the patient's request. 62071

(B) Before records are disclosed pursuant to divisions 62072  
(A)(3), (6), ~~(7)~~, and (9) of this section, the custodian of the 62073  
records shall attempt to obtain the patient's consent for the 62074  
disclosure. No person shall reveal the contents of a medical 62075  
record of a patient except as authorized by law. 62076

(C) The managing officer of a hospital who releases necessary 62077  
medical information under division (A)(3) of this section to allow 62078  
an insurance carrier or other third party payor to comply with 62079  
section 5121.43 of the Revised Code shall neither be subject to 62080  
criminal nor civil liability. 62081

**Sec. 5123.01.** As used in this chapter: 62082

(A) "Chief medical officer" means the licensed physician 62083  
appointed by the managing officer of an institution for the 62084  
mentally retarded with the approval of the director of 62085  
developmental disabilities to provide medical treatment for 62086  
residents of the institution. 62087

(B) "Chief program director" means a person with special 62088  
training and experience in the diagnosis and management of the 62089  
mentally retarded, certified according to division (C) of this 62090  
section in at least one of the designated fields, and appointed by 62091  
the managing officer of an institution for the mentally retarded 62092  
with the approval of the director to provide habilitation and care 62093  
for residents of the institution. 62094

(C) "Comprehensive evaluation" means a study, including a 62095  
sequence of observations and examinations, of a person leading to 62096  
conclusions and recommendations formulated jointly, with 62097  
dissenting opinions if any, by a group of persons with special 62098  
training and experience in the diagnosis and management of persons 62099  
with mental retardation or a developmental disability, which group 62100  
shall include individuals who are professionally qualified in the 62101  
fields of medicine, psychology, and social work, together with 62102  
such other specialists as the individual case may require. 62103

(D) "Education" means the process of formal training and 62104  
instruction to facilitate the intellectual and emotional 62105  
development of residents. 62106

(E) "Habilitation" means the process by which the staff of 62107  
the institution assists the resident in acquiring and maintaining 62108  
those life skills that enable the resident to cope more 62109  
effectively with the demands of the resident's own person and of 62110  
the resident's environment and in raising the level of the 62111  
resident's physical, mental, social, and vocational efficiency. 62112  
Habilitation includes but is not limited to programs of formal, 62113  
structured education and training. 62114

(F) "Health officer" means any public health physician, 62115  
public health nurse, or other person authorized or designated by a 62116  
city or general health district. 62117

(G) "Home and community-based services" means medicaid-funded 62118  
home and community-based services specified in division (B)(1) of 62119  
section 5111.87 of the Revised Code provided under the medicaid 62120  
waiver components the department of developmental disabilities 62121  
administers pursuant to section 5111.871 of the Revised Code. 62122  
~~However~~ Except as provided in section 5123.0412 of the Revised 62123  
Code, home and community-based services provided under the 62124  
medicaid waiver component known as the transitions developmental 62125  
disabilities waiver are to be considered to be home and 62126  
community-based services for the purposes of this chapter only to 62127  
the extent, if any, provided by the contract required by section 62128  
5111.871 of the Revised Code regarding the waiver. 62129

(H) "Indigent person" means a person who is unable, without 62130  
substantial financial hardship, to provide for the payment of an 62131  
attorney and for other necessary expenses of legal representation, 62132  
including expert testimony. 62133

(I) "Institution" means a public or private facility, or a 62134  
part of a public or private facility, that is licensed by the 62135  
appropriate state department and is equipped to provide 62136  
residential habilitation, care, and treatment for the mentally 62137  
retarded. 62138

(J) "Licensed physician" means a person who holds a valid 62139  
certificate issued under Chapter 4731. of the Revised Code 62140  
authorizing the person to practice medicine and surgery or 62141  
osteopathic medicine and surgery, or a medical officer of the 62142  
government of the United States while in the performance of the 62143  
officer's official duties. 62144

(K) "Managing officer" means a person who is appointed by the 62145



director of developmental disabilities to be in executive control 62146  
of an institution for the mentally retarded under the jurisdiction 62147  
of the department. 62148

(L) "Medicaid" has the same meaning as in section 5111.01 of 62149  
the Revised Code. 62150

(M) "Medicaid case management services" means case management 62151  
services provided to an individual with mental retardation or 62152  
other developmental disability that the state medicaid plan 62153  
requires. 62154

(N) "Mentally retarded person" means a person having 62155  
significantly subaverage general intellectual functioning existing 62156  
concurrently with deficiencies in adaptive behavior, manifested 62157  
during the developmental period. 62158

(O) "Mentally retarded person subject to institutionalization 62159  
by court order" means a person eighteen years of age or older who 62160  
is at least moderately mentally retarded and in relation to whom, 62161  
because of the person's retardation, either of the following 62162  
conditions exist: 62163

(1) The person represents a very substantial risk of physical 62164  
impairment or injury to self as manifested by evidence that the 62165  
person is unable to provide for and is not providing for the 62166  
person's most basic physical needs and that provision for those 62167  
needs is not available in the community; 62168

(2) The person needs and is susceptible to significant 62169  
habilitation in an institution. 62170

(P) "A person who is at least moderately mentally retarded" 62171  
means a person who is found, following a comprehensive evaluation, 62172  
to be impaired in adaptive behavior to a moderate degree and to be 62173  
functioning at the moderate level of intellectual functioning in 62174  
accordance with standard measurements as recorded in the most 62175  
current revision of the manual of terminology and classification 62176

in mental retardation published by the American association on 62177  
mental retardation. 62178

(Q) As used in this division, "substantial functional 62179  
limitation," "developmental delay," and "established risk" have 62180  
the meanings established pursuant to section 5123.011 of the 62181  
Revised Code. 62182

"Developmental disability" means a severe, chronic disability 62183  
that is characterized by all of the following: 62184

(1) It is attributable to a mental or physical impairment or 62185  
a combination of mental and physical impairments, other than a 62186  
mental or physical impairment solely caused by mental illness as 62187  
defined in division (A) of section 5122.01 of the Revised Code. 62188

(2) It is manifested before age twenty-two. 62189

(3) It is likely to continue indefinitely. 62190

(4) It results in one of the following: 62191

(a) In the case of a person under three years of age, at 62192  
least one developmental delay or an established risk; 62193

(b) In the case of a person at least three years of age but 62194  
under six years of age, at least two developmental delays or an 62195  
established risk; 62196

(c) In the case of a person six years of age or older, a 62197  
substantial functional limitation in at least three of the 62198  
following areas of major life activity, as appropriate for the 62199  
person's age: self-care, receptive and expressive language, 62200  
learning, mobility, self-direction, capacity for independent 62201  
living, and, if the person is at least sixteen years of age, 62202  
capacity for economic self-sufficiency. 62203

(5) It causes the person to need a combination and sequence 62204  
of special, interdisciplinary, or other type of care, treatment, 62205  
or provision of services for an extended period of time that is 62206

individually planned and coordinated for the person. 62207

(R) "Developmentally disabled person" means a person with a 62208  
developmental disability. 62209

(S) "State institution" means an institution that is 62210  
tax-supported and under the jurisdiction of the department. 62211

(T) "Residence" and "legal residence" have the same meaning 62212  
as "legal settlement," which is acquired by residing in Ohio for a 62213  
period of one year without receiving general assistance prior to 62214  
July 17, 1995, under former Chapter 5113. of the Revised Code, 62215  
financial assistance under Chapter 5115. of the Revised Code, or 62216  
assistance from a private agency that maintains records of 62217  
assistance given. A person having a legal settlement in the state 62218  
shall be considered as having legal settlement in the assistance 62219  
area in which the person resides. No adult person coming into this 62220  
state and having a spouse or minor children residing in another 62221  
state shall obtain a legal settlement in this state as long as the 62222  
spouse or minor children are receiving public assistance, care, or 62223  
support at the expense of the other state or its subdivisions. For 62224  
the purpose of determining the legal settlement of a person who is 62225  
living in a public or private institution or in a home subject to 62226  
licensing by the department of job and family services, the 62227  
department of mental health, or the department of developmental 62228  
disabilities, the residence of the person shall be considered as 62229  
though the person were residing in the county in which the person 62230  
was living prior to the person's entrance into the institution or 62231  
home. Settlement once acquired shall continue until a person has 62232  
been continuously absent from Ohio for a period of one year or has 62233  
acquired a legal residence in another state. A woman who marries a 62234  
man with legal settlement in any county immediately acquires the 62235  
settlement of her husband. The legal settlement of a minor is that 62236  
of the parents, surviving parent, sole parent, parent who is 62237  
designated the residential parent and legal custodian by a court, 62238

other adult having permanent custody awarded by a court, or 62239  
guardian of the person of the minor, provided that: 62240

(1) A minor female who marries shall be considered to have 62241  
the legal settlement of her husband and, in the case of death of 62242  
her husband or divorce, she shall not thereby lose her legal 62243  
settlement obtained by the marriage. 62244

(2) A minor male who marries, establishes a home, and who has 62245  
resided in this state for one year without receiving general 62246  
assistance prior to July 17, 1995, under former Chapter 5113. of 62247  
the Revised Code, financial assistance under Chapter 5115. of the 62248  
Revised Code, or assistance from a private agency that maintains 62249  
records of assistance given shall be considered to have obtained a 62250  
legal settlement in this state. 62251

(3) The legal settlement of a child under eighteen years of 62252  
age who is in the care or custody of a public or private child 62253  
caring agency shall not change if the legal settlement of the 62254  
parent changes until after the child has been in the home of the 62255  
parent for a period of one year. 62256

No person, adult or minor, may establish a legal settlement 62257  
in this state for the purpose of gaining admission to any state 62258  
institution. 62259

(U)(1) "Resident" means, subject to division (R)(2) of this 62260  
section, a person who is admitted either voluntarily or 62261  
involuntarily to an institution or other facility pursuant to 62262  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 62263  
Code subsequent to a finding of not guilty by reason of insanity 62264  
or incompetence to stand trial or under this chapter who is under 62265  
observation or receiving habilitation and care in an institution. 62266

(2) "Resident" does not include a person admitted to an 62267  
institution or other facility under section 2945.39, 2945.40, 62268  
2945.401, or 2945.402 of the Revised Code to the extent that the 62269

reference in this chapter to resident, or the context in which the 62270  
reference occurs, is in conflict with any provision of sections 62271  
2945.37 to 2945.402 of the Revised Code. 62272

(V) "Respondent" means the person whose detention, 62273  
commitment, or continued commitment is being sought in any 62274  
proceeding under this chapter. 62275

(W) "Working day" and "court day" mean Monday, Tuesday, 62276  
Wednesday, Thursday, and Friday, except when such day is a legal 62277  
holiday. 62278

(X) "Prosecutor" means the prosecuting attorney, village 62279  
solicitor, city director of law, or similar chief legal officer 62280  
who prosecuted a criminal case in which a person was found not 62281  
guilty by reason of insanity, who would have had the authority to 62282  
prosecute a criminal case against a person if the person had not 62283  
been found incompetent to stand trial, or who prosecuted a case in 62284  
which a person was found guilty. 62285

(Y) "Court" means the probate division of the court of common 62286  
pleas. 62287

(Z) "Supported living" and "residential services" have the 62288  
same meanings as in section 5126.01 of the Revised Code. 62289

**Sec. 5123.033.** The program fee fund is hereby created in the 62290  
state treasury. All fees collected pursuant to sections 5123.161, 62291  
5123.164, and 5123.19, ~~and 5126.25~~ of the Revised Code shall be 62292  
credited to the fund. Money credited to the fund shall be used 62293  
solely for the department of developmental disabilities' duties 62294  
under sections 5123.16 to ~~5123.169~~ 5123.1610, and 5123.19, ~~and~~ 62295  
~~5126.25~~ of the Revised Code and to provide continuing education 62296  
and professional training to ~~employees of county boards of~~ 62297  
~~developmental disabilities for the purpose of section 5126.25 of~~ 62298  
~~the Revised Code and other~~ providers of services to individuals 62299

with mental retardation or a developmental disability. If the 62300  
money credited to the fund is inadequate to pay all of the 62301  
department's costs in performing those duties and providing the 62302  
continuing education and professional training, the department may 62303  
use other available funds appropriated to the department to pay 62304  
the remaining costs of performing those duties and providing the 62305  
continuing education and professional training. 62306

**Sec. 5123.042.** ~~(A) The Except as provided in section 5123.197~~ 62307  
~~of the Revised Code, each person or government entity seeking to~~ 62308  
~~develop new or modify existing residential services shall submit~~ 62309  
~~to the department of developmental disabilities a plan for the~~ 62310  
~~development or modification. The department shall approve a plan~~ 62311  
~~that is submitted in accordance with rules adopted under this~~ 62312  
~~section and meets the uniform standards for plans established in~~ 62313  
~~those rules.~~ 62314

~~The~~ director of developmental disabilities shall adopt rules 62315  
in accordance with Chapter 119. of the Revised Code establishing 62316  
the following: 62317

~~(1)(A) Procedures for submitting plans under this section;~~ 62318

~~(B) Uniform standards under which;~~ 62319

~~(a) A person or agency shall submit plans to the county board~~ 62320  
~~of developmental disabilities for the development of residential~~ 62321  
~~services for individuals with mental retardation or a~~ 62322  
~~developmental disability within the county;~~ 62323

~~(b) The county board must review the plans and recommend~~ 62324  
~~providers for the services for the plans.~~ 62325

~~(2) The eligibility criteria for selecting persons and~~ 62326  
~~agencies to provide residential services, which shall take into~~ 62327  
~~consideration the recommendations of the county board.~~ 62328

~~(B) The county board, in accordance with its comprehensive~~ 62329

~~service plan, shall review all proposals for the development of residential services that are submitted to it and shall, if the proposals are acceptable to the county board, recommend providers for the development of residential services within the county. The department shall approve proposals for the development of residential services within counties based upon the availability of funds and in accordance with rules adopted under division (A)(2) of this section.~~

~~No county board shall recommend providers for the development of residential services if the county board is an applicant to provide services. In cases of possible conflict of interest, the director shall appoint a committee that shall, in accordance with the approved county comprehensive service plan, review and recommend to the director providers for the services.~~

~~If a county board fails to establish an approved comprehensive service plan, the director may establish residential services development goals for the county board based on documented need as determined by the department. If a county board fails to develop or implement such a plan in accordance with the rules adopted under this section, the department may, without the involvement of the county board, review and select providers for the development of residential services in the county.~~

**Sec. 5123.044.** The department of developmental disabilities shall determine whether county boards of developmental disabilities ~~are in compliance with~~ violate the rights that individuals with mental retardation or other developmental disabilities have under section 5126.046 of the Revised Code to obtain home and community-based services, nonmedicaid residential services, or nonmedicaid supported living from qualified and willing providers. The department shall provide assistance to an individual with mental retardation or other developmental

disability who requests assistance with the individual's ~~right~~ 62361  
~~rights~~ under ~~that~~ section ~~5126.046~~ of the Revised Code to choose a 62362  
~~provider of habilitation, vocational, community employment,~~ 62363  
~~residential, or supported living services~~ if the department is 62364  
notified of a county board's alleged violation of the individual's 62365  
~~right to choose such a provider~~ rights under that section. 62366

**Sec. 5123.0412.** (A) The department of developmental 62367  
disabilities shall charge each county board of developmental 62368  
disabilities an annual fee equal to one and one-quarter per cent 62369  
of the total value of all medicaid paid claims for home and 62370  
community-based services provided during the year to an individual 62371  
eligible for services from the county board. However, the 62372  
department shall not charge the fee for home and community-based 62373  
services provided under the medicaid waiver component known as the 62374  
transitions developmental disabilities waiver. No county board 62375  
shall pass the cost of a fee charged to the county board under 62376  
this section on to another provider of these services. 62377

(B) The fees collected under this section shall be deposited 62378  
into the ODDD administration and oversight fund and the ODJFS 62379  
administration and oversight fund, both of which are hereby 62380  
created in the state treasury. The portion of the fees to be 62381  
deposited into the ODDD administration and oversight fund and the 62382  
portion of the fees to be deposited into the ODJFS administration 62383  
and oversight fund shall be the portion specified in an 62384  
interagency agreement entered into under division (C) of this 62385  
section. The department of developmental disabilities shall use 62386  
the money in the ODDD administration and oversight fund and the 62387  
department of job and family services shall use the money in the 62388  
ODJFS administration and oversight fund for both of the following 62389  
purposes: 62390

(1) Medicaid administrative costs, including administrative 62391



and oversight costs of medicaid case management services and home 62392  
and community-based services. The administrative and oversight 62393  
costs of medicaid case management services and home and 62394  
community-based services shall include costs for staff, systems, 62395  
and other resources the departments need and dedicate solely to 62396  
the following duties associated with the services: 62397

- (a) Eligibility determinations; 62398
- (b) Training; 62399
- (c) Fiscal management; 62400
- (d) Claims processing; 62401
- (e) Quality assurance oversight; 62402
- (f) Other duties the departments identify. 62403

(2) Providing technical support to county boards' local 62404  
administrative authority under section 5126.055 of the Revised 62405  
Code for the services. 62406

(C) The departments of developmental disabilities and job and 62407  
family services shall enter into an interagency agreement to do 62408  
both of the following: 62409

- (1) Specify which portion of the fees collected under this 62410  
section is to be deposited into the ODDD administration and 62411  
oversight fund and which portion is to be deposited into the ODJFS 62412  
administration and oversight fund; 62413
- (2) Provide for the departments to coordinate the staff whose 62414  
costs are paid for with money in the ODDD administration and 62415  
oversight fund and the ODJFS administration and oversight fund. 62416

(D) The departments shall submit an annual report to the 62417  
director of budget and management certifying how the departments 62418  
spent the money in the ODDD administration and oversight fund and 62419  
the ODJFS administration and oversight fund for the purposes 62420  
specified in division (B) of this section. 62421

**Sec. 5123.0414.** (A) When the director of developmental 62422  
disabilities, under section 119.07 of the Revised Code, sends a 62423  
party a notice by registered mail, return receipt requested, that 62424  
the director intends to take action against the party authorized 62425  
by section ~~5123.082~~, 5123.166, 5123.168, 5123.19, 5123.45, 62426  
5123.51, or 5126.25 of the Revised Code and the notice is returned 62427  
to the director with an endorsement indicating that the notice was 62428  
refused or unclaimed, the director shall resend the notice by 62429  
ordinary mail to the party. 62430

(B) If the original notice was refused, the notice shall be 62431  
deemed received as of the date the director resends the notice. 62432

(C) If the original notice was unclaimed, the notice shall be 62433  
deemed received as of the date the director resends the notice 62434  
unless, not later than thirty days after the date the director 62435  
sent the original notice, the resent notice is returned to the 62436  
director for failure of delivery. 62437

If the notice concerns taking action under section 5123.51 of 62438  
the Revised Code and the resent notice is returned to the director 62439  
for failure of delivery not later than thirty days after the date 62440  
the director sent the original notice, the director shall cause 62441  
the notice to be published in a newspaper of general circulation 62442  
in the county of the party's last known residence or business and 62443  
shall mail a dated copy of the published notice to the party at 62444  
the last known address. The notice shall be deemed received as of 62445  
the date of the publication. 62446

If the notice concerns taking action under section ~~5123.082~~, 62447  
5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised 62448  
Code and the resent notice is returned to the director for failure 62449  
of delivery not later than thirty days after the date the director 62450  
sent the original notice, the director shall resend the notice to 62451  
the party a second time. The notice shall be deemed received as of 62452

the date the director resends the notice the second time. 62453

**Sec. 5123.0415.** ~~As used in this section, "license" means a license, certificate, or evidence of registration.~~ 62454  
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Each person and each government entity that applies for or 62456  
holds a valid license, certification, or registration issued under 62457  
section ~~5123.082~~, 5123.161, 5123.19, 5123.45, or 5126.25, ~~or~~ 62458  
~~5126.252~~ of the Revised Code shall notify the director of 62459  
developmental disabilities of any change in the ~~person~~ person's or 62460  
government entity's address. 62461

**Sec. 5123.081.** (A) As used in this section: 62462

(1)(a) "Applicant" means a any of the following: 62463

(i) A person who is under final consideration for appointment 62464  
to or employment with the department of developmental 62465  
disabilities, ~~including, but not limited to, a~~ or a county board 62466  
of developmental disabilities; 62467

(ii) A person who is being transferred to the department and 62468  
~~an~~ or a county board; 62469

(iii) An employee who is being recalled to or reemployed by 62470  
the department or a county board after a layoff; 62471

(iv) A person under final consideration for a direct services 62472  
position with a provider or subcontractor. 62473

(b) Neither of the following is an applicant: 62474

(i) A person who is employed by a responsible entity in a 62475  
position for which a criminal records check is required by this 62476  
section and either is being considered for a different position 62477  
with the responsible entity or is returning after a leave of 62478  
absence or seasonal break in employment, unless the responsible 62479  
entity has reason to believe that the person has committed a 62480  
disqualifying offense; 62481

(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with mental retardation or a developmental disability who is to receive the respite care selects the person. 62482  
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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 62487  
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(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with mental retardation or a developmental disability. 62489  
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(4) "Disqualifying offense" means any of the following: 62493

(a) One or more violations of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 2921.24, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 62494  
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| <u>(b) One or more violations of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;</u>                                                                                                                                                                                                                            | 62513<br>62514                                     |
| <u>(c) One or more violations of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to that date;</u>                                                                                                     | 62515<br>62516<br>62517<br>62518                   |
| <u>(d) One violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;</u>                                                                                                                                                                                                                             | 62519<br>62520                                     |
| <u>(e) Two or more violations of section 2925.11 of the Revised Code, regardless of whether any of the violations are a minor drug possession offense;</u>                                                                                                                                                                               | 62521<br>62522<br>62523                            |
| <u>(f) One or more violations of felonious sexual penetration under former section 2907.12 of the Revised Code;</u>                                                                                                                                                                                                                      | 62524<br>62525                                     |
| <u>(g) One or more violations of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(4)(a) to (f) of this section;</u>                                                                      | 62526<br>62527<br>62528<br>62529                   |
| <u>(h) One or more felonies contained in the Revised Code that are not listed in divisions (A)(4)(a) to (g) of this section, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled;</u>                                                                              | 62530<br>62531<br>62532<br>62533                   |
| <u>(i) One or more offenses contained in the Revised Code constituting a misdemeanor of the first degree on the first offense and a felony on a subsequent offense, if the offense bears a direct and substantial relationship to the position being filled and the nature of the services being provided by the responsible entity;</u> | 62534<br>62535<br>62536<br>62537<br>62538<br>62539 |
| <u>(j) One or more violations of an existing or former municipal ordinance or law of this state, any other state, or the United States, if the offense is substantially equivalent to any of the</u>                                                                                                                                     | 62540<br>62541<br>62542                            |

offenses listed or described in divisions (A)(4)(a) to (i) of this section. 62543  
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(5)(a) "Employee" means either of the following: 62545

(i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities; 62546  
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(ii) A person employed in a direct services position by a provider or subcontractor. 62549  
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(b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with mental retardation or a developmental disability who receives the respite care selected the person. 62551  
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(6) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 62556  
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(7) "Provider" means a person that provides specialized services to individuals with mental retardation or a developmental disability and employs one or more persons in direct services positions. 62558  
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(8) "Responsible entity" means the following: 62562

(a) The department of developmental disabilities in the case of either of the following: 62563  
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(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff; 62565  
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(ii) A person who is an employee because the person is appointed to or employed by the department. 62569  
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(b) A county board of developmental disabilities in the case of either of the following: 62571  
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(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff; 62573  
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(ii) A person who is an employee because the person is appointed to or employed by the county board. 62577  
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(c) A provider in the case of either of the following: 62579

(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider; 62580  
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(ii) A person who is an employee because the person is employed in a direct services position by the provider. 62583  
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(d) A subcontractor in the case of either of the following: 62585

(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor; 62586  
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(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor. 62589  
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(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with mental retardation or a developmental disability, including a program or service provided by an entity licensed or certified by the department of developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The director's determination is final. 62591  
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(10) "Subcontractor" means a person to which both of the following apply: 62600  
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(a) The person has either of the following: 62602

(i) A subcontract with a provider to provide specialized services included in the contract between the provider and the department of developmental disabilities or a county board of developmental disabilities; 62603  
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(ii) A subcontract with another subcontractor to provide specialized services included in a subcontract between the other subcontractor and a provider or other subcontractor. 62607  
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(b) The person employs one or more persons in direct services positions. 62610  
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(B) ~~The director of developmental disabilities~~ A responsible entity shall not employ an applicant or continue to employ an employee if either of the following applies: 62612  
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(1) The applicant or employee fails to comply with division (D)(3) of this section. 62615  
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(2) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 62617  
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(C) Before employing an applicant in a position for which a criminal records check is required by this section, a responsible entity shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 62622  
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The responsible entity also shall require the applicant to sign an agreement under which the applicant agrees to notify the responsible entity within fourteen calendar days if, while employed by the responsible entity, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a 62628  
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disqualifying offense. The agreement shall provide that the 62634  
applicant's failure to provide the notification may result in 62635  
termination of the applicant's employment. 62636

(D)(1) As a condition of employing any applicant in a 62637  
position for which a criminal records check is required by this 62638  
section, a responsible entity shall request the superintendent of 62639  
the bureau of criminal identification and investigation to conduct 62640  
a criminal records check ~~with respect to each applicant, except~~ 62641  
~~that the director is not required to request a criminal records~~ 62642  
~~check for an employee of the department who is being considered~~ 62643  
~~for a different position or is returning after a leave of absence~~ 62644  
~~or seasonal break in employment, as long as the director has no~~ 62645  
~~reason to believe that the employee has committed any of the~~ 62646  
~~offenses listed or described in division (E) of this section.~~ 62647

~~If the~~ of the applicant. If rules adopted under this section 62648  
require an employee to undergo a criminal records check, a 62649  
responsible entity shall request the superintendent to conduct a 62650  
criminal records check of the employee at times specified in the 62651  
rules as a condition of the responsible entity's continuing to 62652  
employ the employee in a position for which a criminal records 62653  
check is required by this section. If an applicant or employee 62654  
does not present proof that the applicant or employee has been a 62655  
resident of this state for the five-year period immediately prior 62656  
to the date upon which the criminal records check is requested, 62657  
the ~~director~~ responsible entity shall request that the 62658  
superintendent ~~of the bureau~~ obtain information from the federal 62659  
bureau of investigation as a part of the criminal records check 62660  
~~for the applicant.~~ If the applicant or employee presents proof 62661  
that the applicant or employee has been a resident of this state 62662  
for that five-year period, the ~~director~~ responsible entity may 62663  
request that the superintendent ~~of the bureau~~ include information 62664  
from the federal bureau of investigation in the criminal records 62665

check. For purposes of this division, an applicant or employee may 62666  
provide proof of residency in this state by presenting, with a 62667  
notarized statement asserting that the applicant or employee has 62668  
been a resident of this state for that five-year period, a valid 62669  
driver's license, notification of registration as an elector, a 62670  
copy of an officially filed federal or state tax form identifying 62671  
the applicant's or employee's permanent residence, or any other 62672  
document the ~~director~~ responsible entity considers acceptable. 62673

~~(C) The director~~ (2) A responsible entity shall provide do 62674  
all of the following: 62675

(a) Provide to each applicant and employee for whom a 62676  
criminal records check is required by this section a copy of the 62677  
form prescribed pursuant to division (C)(1) of section 109.572 of 62678  
the Revised Code, ~~provide to each applicant and~~ a standard 62679  
impression sheet to obtain fingerprint impressions prescribed 62680  
pursuant to division (C)(2) of section 109.572 of the Revised 62681  
Code, ~~obtain;~~ 62682

(b) Obtain the completed form and standard impression sheet 62683  
from each the applicant, ~~and forward~~ or employee; 62684

(c) Forward the completed form and standard impression sheet 62685  
to the superintendent ~~of the bureau of criminal identification and~~ 62686  
~~investigation~~ at the time the criminal records check is requested. 62687

(3) Any applicant or employee who receives pursuant to this 62688  
division a copy of the form prescribed pursuant to division (C)(1) 62689  
of section 109.572 of the Revised Code and a copy of ~~an~~ the 62690  
standard impression sheet prescribed pursuant to division (C)(2) 62691  
of that section and who is requested to complete the form and 62692  
provide a set of the applicant's or employee's fingerprint 62693  
impressions shall complete the form or provide all the information 62694  
necessary to complete the form and shall provide the ~~material~~ 62695  
standard impression sheet with the impressions of the applicant's 62696

~~or employee's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the director shall not employ the applicant.~~

~~(D) The director (4) A responsible entity shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check requested and conducted pursuant to this section.~~

~~(E) A responsible entity may request any other state or federal agency to supply the director responsible entity with a written report regarding the criminal record of each an applicant or employee. With regard to an applicant who becomes a department employee, if the If an employee holds an occupational or professional license or other credentials, the director responsible entity may request that the state or federal agency that regulates the employee's occupation or profession supply the director responsible entity with a written report of any information pertaining to the employee's criminal record that the agency obtains in the course of conducting an investigation or in the process of renewing the employee's license or other credentials. The responsible entity may consider the reports when determining whether to employ the applicant or to continue to employ the employee.~~

~~(E) Except as provided in division (K)(2) of this section and in rules adopted by the director in accordance with division (M) of this section, the director shall not employ a person to fill a position with the department who has been convicted of or pleaded guilty to any of the following:~~

~~(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04,~~

~~2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 62729  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 62730  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 62731  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 62732  
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 62733  
section 2905.04 of the Revised Code as it existed prior to July 1, 62734  
1996, a violation of section 2919.23 of the Revised Code that 62735  
would have been a violation of section 2905.04 of the Revised Code 62736  
as it existed prior to July 1, 1996, had the violation occurred 62737  
prior to that date, a violation of section 2925.11 of the Revised 62738  
Code that is not a minor drug possession offense, or felonious 62739  
sexual penetration in violation of former section 2907.12 of the 62740  
Revised Code;~~ 62741

~~(2) A felony contained in the Revised Code that is not listed 62742  
in this division, if the felony bears a direct and substantial 62743  
relationship to the duties and responsibilities of the position 62744  
being filled;~~ 62745

~~(3) Any offense contained in the Revised Code constituting a 62746  
misdemeanor of the first degree on the first offense and a felony 62747  
on a subsequent offense, if the offense bears a direct and 62748  
substantial relationship to the position being filled and the 62749  
nature of the services being provided by the department;~~ 62750

~~(4) A violation of an existing or former municipal ordinance 62751  
or law of this state, any other state, or the United States, if 62752  
the offense is substantially equivalent to any of the offenses 62753  
listed or described in division (E)(1), (2), or (3) of this 62754  
section.~~ 62755

~~(F) Prior to employing an applicant, the director shall 62756  
require the applicant to submit a statement with the applicant's 62757  
signature attesting that the applicant has not been convicted of 62758  
or pleaded guilty to any of the offenses listed or described in 62759  
division (E) of this section. The director also shall require the 62760~~

~~applicant to sign an agreement under which the applicant agrees to~~ 62761  
~~notify the director within fourteen calendar days if, while~~ 62762  
~~employed with the department, the applicant is ever formally~~ 62763  
~~charged with, convicted of, or pleads guilty to any of the~~ 62764  
~~offenses listed or described in division (E) of this section. The~~ 62765  
~~agreement shall inform the applicant that failure to report formal~~ 62766  
~~charges, a conviction, or a guilty plea may result in being~~ 62767  
~~dismissed from employment. As a condition of employing an~~ 62768  
~~applicant in a position for which a criminal records check is~~ 62769  
~~required by this section and that involves transporting~~ 62770  
~~individuals with mental retardation or developmental disabilities~~ 62771  
~~or operating a responsible entity's vehicles for any purpose, the~~ 62772  
~~responsible entity shall obtain the applicant's driving record~~ 62773  
~~from the bureau of motor vehicles. If rules adopted under this~~ 62774  
~~section require a responsible entity to obtain an employee's~~ 62775  
~~driving record, the responsible entity shall obtain the employee's~~ 62776  
~~driving record from the bureau at times specified in the rules as~~ 62777  
~~a condition of continuing to employ the employee. The responsible~~ 62778  
~~entity may consider the applicant's or employee's driving record~~ 62779  
~~when determining whether to employ the applicant or to continue to~~ 62780  
~~employ the employee.~~ 62781

(G) ~~The director shall pay to the bureau of criminal~~ 62782  
~~identification and investigation the fee prescribed pursuant to~~ 62783  
~~division (C)(3) of section 109.572 of the Revised Code for each~~ 62784  
~~criminal records check requested and conducted pursuant to this~~ 62785  
~~section. A responsible entity may employ an applicant~~ 62786  
~~conditionally pending receipt of a report regarding the applicant~~ 62787  
~~requested under this section. The responsible entity shall~~ 62788  
~~terminate the applicant's employment if it is determined from a~~ 62789  
~~report that the applicant failed to inform the responsible entity~~ 62790  
~~that the applicant had been convicted of, pleaded guilty to, or~~ 62791  
~~been found eligible for intervention in lieu of conviction for a~~ 62792  
~~disqualifying offense.~~ 62793

(H) A responsible entity may charge an applicant a fee for costs the responsible entity incurs in obtaining a report regarding the applicant under this section if the responsible entity notifies the applicant of the amount of the fee at the time of the applicant's initial application for employment and that, unless the fee is paid, the responsible entity will not consider the applicant for employment. The fee shall not exceed the amount of the fee, if any, the responsible entity pays for the report. 62794  
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(I)(1) Any report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following: 62802  
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62805

(a) The applicant or employee who is the subject of the records check or criminal records check report or the applicant's or employee's representative, the department; 62806  
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(b) The responsible entity that requested the report or its representative, a county board of developmental disabilities, and any; 62809  
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(c) The department if a county board, provider, or subcontractor is the responsible entity that requested the report and the department requests the responsible entity to provide a copy of the report to the department; 62812  
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(d) A county board if a provider or subcontractor is the responsible entity that requested the report and the county board requests the responsible entity to provide a copy of the report to the county board; 62816  
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(e) Any court, hearing officer, or other necessary individual involved in a case dealing with the any of the following: 62820  
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(i) The denial of employment to the applicant or the employee; 62822  
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(ii) The denial, suspension, or revocation of a certificate 62824  
or evidence of registration under section ~~5123.082~~ 5123.166 or 62825  
~~5123.45~~ of the Revised Code; 62826

(iii) A civil or criminal action regarding the medicaid 62827  
program or a program the department administers. 62828

(2) An ~~individual~~ applicant or employee for whom ~~the director~~ 62829  
responsible entity has obtained reports under this section may 62830  
submit a written request to the ~~director~~ responsible entity to 62831  
have copies of the reports sent to any state agency, entity of 62832  
local government, or private entity. The ~~individual~~ applicant or 62833  
employee shall specify in the request the agencies or entities to 62834  
which the copies are to be sent. On receiving the request, the 62835  
~~director~~ responsible entity shall send copies of the reports to 62836  
the agencies or entities specified. 62837

~~The director~~ (3) A responsible entity may request that a 62838  
state agency, entity of local government, or private entity send 62839  
copies to the ~~director~~ responsible entity of any report regarding 62840  
a records check or criminal records check that the agency or 62841  
entity possesses, if the ~~director~~ responsible entity obtains the 62842  
written consent of the individual who is the subject of the 62843  
report. 62844

~~(I) The director shall request the registrar of motor~~ 62845  
~~vehicles to supply the director with a certified abstract~~ 62846  
~~regarding the record of convictions for violations of motor~~ 62847  
~~vehicle laws of each applicant who will be required by the~~ 62848  
~~applicant's employment to transport individuals with mental~~ 62849  
~~retardation or a developmental disability or to operate the~~ 62850  
~~department's vehicles for any other purpose. For each abstract~~ 62851  
~~provided under this section, the director shall pay the amount~~ 62852  
~~specified in section 4509.05 of the Revised Code.~~ 62853

~~(J) The director~~ (4) A responsible entity shall provide each 62854

applicant and employee with a copy of any report ~~or abstract~~ 62855  
obtained about the applicant or employee under this section. 62856

~~(K)(1) The director shall inform each person, at the time of 62857  
the person's initial application for employment, that the person 62858  
is required to provide a set of impressions of the person's 62859  
fingerprints and that a criminal records check is required to be 62860  
conducted and satisfactorily completed in accordance with section 62861  
109.572 of the Revised Code if the person comes under final 62862  
consideration for employment as a precondition to employment in a 62863  
position. 62864~~

~~(2) The director may employ an applicant pending receipt of 62865  
reports requested under this section. The director shall terminate 62866  
employment of any such applicant if it is determined from the 62867  
reports that the applicant failed to inform the director that the 62868  
applicant had been convicted of or pleaded guilty to any of the 62869  
offenses listed or described in division (E) of this section. 62870~~

~~(L) The director may charge an applicant a fee for costs the 62871  
director incurs in obtaining reports, abstracts, or fingerprint 62872  
impressions under this section. A fee charged under this division 62873  
shall not exceed the amount of the fees the director pays under 62874  
divisions (G) and (I) of this section. If a fee is charged under 62875  
this division, the director shall notify the applicant of the 62876  
amount of the fee at the time of the applicant's initial 62877  
application for employment and that, unless the fee is paid, the 62878  
director will not consider the applicant for employment. 62879~~

~~(M)(J) The director of developmental disabilities shall adopt 62880  
rules in accordance with Chapter 119. of the Revised Code to 62881  
implement this section, ~~including rules specifying.~~ 62882~~

(1) The rules may do the following: 62883

(a) Require employees to undergo criminal records checks 62884  
under this section; 62885



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(b) Require responsible entities to obtain the driving records of employees under this section;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                  | 62886 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 62887 |
| <u>(c) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, exempt one or more classes of employees from the requirements.</u>                                                                                                                                                                                                                                                                                                          | 62888 |
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| <u>(2) The rules shall do both of the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 62892 |
| <u>(a) If the rules require employees to undergo criminal records checks, require responsible entities to obtain the driving records of employees, or both, specify the times at which the criminal records checks are to be conducted and the driving records are to be obtained;</u>                                                                                                                                                                                                                                                  | 62893 |
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| <u>(b) Specify circumstances under which <del>the director</del> a responsible entity may employ a <del>person who has an applicant or</del> employee who is found by a criminal records check required by this section to have been convicted of <del>or</del>, pleaded guilty to <del>an</del>, or been found eligible for intervention in lieu of conviction for a disqualifying offense listed or described in division (E) of this section but <del>who</del> meets standards in regard to rehabilitation set by the director.</u> | 62898 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 62905 |
| <b>Sec. 5123.16.</b> (A) As used in sections 5123.16 to <del>5123.169</del> 5123.1610 of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                                                                              | 62906 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 62907 |
| <u>(1) "Applicant" means any of the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 62908 |
| <u>(a) The chief executive officer of a business that applies under section 5123.161 of the Revised Code for a certificate to provide supported living;</u>                                                                                                                                                                                                                                                                                                                                                                             | 62909 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 62910 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 62911 |
| <u>(b) The chief executive officer of a business that seeks renewal of the business's supported living certificate under section 5123.164 of the Revised Code;</u>                                                                                                                                                                                                                                                                                                                                                                      | 62912 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 62914 |
| <u>(c) An individual who applies under section 5123.161 of the</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 62915 |

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| <u>Revised Code for a certificate to provide supported living as an independent provider;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 62916 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 62917 |
| <u>(d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 62918 |
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| <u>(2)(a) "Business" means either of the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 62921 |
| <u>(i) An association, corporation, nonprofit organization, partnership, trust, or other group of persons;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 62922 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 62923 |
| <u>(ii) An individual who employs, directly or through contract, one or more other individuals to provide supported living.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 62924 |
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| <u>(b) "Business" does not mean an independent provider.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 62926 |
| <u>(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 62927 |
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| <u>(4) "Disqualifying offense" means any of the following:</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 62929 |
| <u>(a) One or more violations of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 2921.24, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,</u> | 62930 |
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| <u>2925.06, 2925.09, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24,</u>     | 62946 |
| <u>2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised</u>      | 62947 |
| <u>Code;</u>                                                              | 62948 |
| <u>(b) One or more violations of section 2905.04 of the Revised</u>       | 62949 |
| <u>Code as it existed prior to July 1, 1996;</u>                          | 62950 |
| <u>(c) One or more violations of section 2919.23 of the Revised</u>       | 62951 |
| <u>Code that would have been a violation of section 2905.04 of the</u>    | 62952 |
| <u>Revised Code as it existed prior to July 1, 1996, had the</u>          | 62953 |
| <u>violation occurred prior to that date;</u>                             | 62954 |
| <u>(d) One violation of section 2925.11 of the Revised Code that</u>      | 62955 |
| <u>is not a minor drug possession offense;</u>                            | 62956 |
| <u>(e) Two or more violations of section 2925.11 of the Revised</u>       | 62957 |
| <u>Code, regardless of whether any of the violations are a minor drug</u> | 62958 |
| <u>possession offense;</u>                                                | 62959 |
| <u>(f) One or more violations of felonious sexual penetration</u>         | 62960 |
| <u>under former section 2907.12 of the Revised Code;</u>                  | 62961 |
| <u>(g) One or more violations of section 2923.01, 2923.02, or</u>         | 62962 |
| <u>2923.03 of the Revised Code when the underlying offense that is</u>    | 62963 |
| <u>the object of the conspiracy, attempt, or complicity is one of the</u> | 62964 |
| <u>offenses listed in divisions (A)(4)(a) to (f) of this section;</u>     | 62965 |
| <u>(h) One or more felonies contained in the Revised Code that</u>        | 62966 |
| <u>are not listed in divisions (A)(4)(a) to (g) of this section, if</u>   | 62967 |
| <u>the felony bears a direct and substantial relationship to the</u>      | 62968 |
| <u>duties and responsibilities of the position being filled;</u>          | 62969 |
| <u>(i) One or more offenses contained in the Revised Code</u>             | 62970 |
| <u>constituting a misdemeanor of the first degree on the first</u>        | 62971 |
| <u>offense and a felony on a subsequent offense, if the offense bears</u> | 62972 |
| <u>a direct and substantial relationship to the position being filled</u> | 62973 |
| <u>and the nature of the services being provided by the responsible</u>   | 62974 |
| <u>entity;</u>                                                            | 62975 |

(j) One or more violations of an existing or former municipal ordinance or law of this state, any other state, or the United States, if the offense is substantially equivalent to any of the offenses listed or described in divisions (A)(4)(a) to (i) of this section. 62976  
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(5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another individual to provide the supported living. 62981  
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(6) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living. 62985  
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~~(2)~~(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 62988  
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(8) "Related party" means any of the following: 62990

(a) In the case of a provider who is an individual, any of the following: 62991  
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(i) The spouse of the provider; 62993

(ii) A parent or stepparent of the provider or provider's spouse; 62994  
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(iii) A child of the provider or provider's spouse; 62996

(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse; 62997  
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(v) A grandparent of the provider or provider's spouse; 62999

(vi) A grandchild of the provider or provider's spouse; 63000

(vii) An employee or employer of the provider or provider's spouse. 63001  
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(b) In the case of a provider that is a person other than an individual, any of the following: 63003  
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| (i) An employee of the person;                                                                                                                                                                      | 63005                   |
| (ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;                                                                        | 63006<br>63007<br>63008 |
| (iii) A member of the provider's board of directors or trustees;                                                                                                                                    | 63009<br>63010          |
| (iv) A person owning a financial interest of five per cent or more in the provider;                                                                                                                 | 63011<br>63012          |
| (v) A corporation that has a subsidiary relationship with the provider;                                                                                                                             | 63013<br>63014          |
| (vi) A person or government entity that has control over the provider's day-to-day operation;                                                                                                       | 63015<br>63016          |
| (vii) A person over which the provider has control of the day-to-day operation.                                                                                                                     | 63017<br>63018          |
| (c) In the case of a provider that is a government entity, any of the following:                                                                                                                    | 63019<br>63020          |
| (i) An employee of the provider;                                                                                                                                                                    | 63021                   |
| (ii) An officer of the provider;                                                                                                                                                                    | 63022                   |
| (iii) A member of the provider's governing board;                                                                                                                                                   | 63023                   |
| (iv) A government entity that has control over the provider's day-to-day operation;                                                                                                                 | 63024<br>63025          |
| (v) A person or government entity over which the provider has control of the day-to-day operation.                                                                                                  | 63026<br>63027          |
| (B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities.                                  | 63028<br>63029<br>63030 |
| (C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section <del>5123.169</del> <u>5123.1610</u> of the Revised Code. | 63031<br>63032<br>63033 |

**Sec. 5123.161.** A person or government entity that seeks to provide supported living shall apply to the director of developmental disabilities for a supported living certificate.

Except as provided in ~~section~~ sections 5123.166 and 5123.169 of the Revised Code, the director shall issue to the applicant person or government entity a supported living certificate if the ~~applicant~~ person or government entity follows the application process established in rules adopted under section ~~5123.169~~ 5123.1610 of the Revised Code, meets the applicable certification standards established in those rules, and pays the certification fee established in those rules.

**Sec. 5123.162.** The director of developmental disabilities may conduct surveys of persons and government entities that seek a supported living certificate to determine whether the persons and government entities meet the certification standards. The director may also conduct surveys of providers to determine whether the providers continue to meet the certification standards. The director shall conduct the surveys in accordance with rules adopted under section ~~5123.169~~ 5123.1610 of the Revised Code.

The records of surveys conducted under this section are public records for the purpose of section 149.43 of the Revised Code and shall be made available on the request of any person or government entity.

**Sec. 5123.163.** A supported living certificate is valid for a period of time established in rules adopted under section ~~5123.169~~ 5123.1610 of the Revised Code, unless any of the following occur before the end of that period of time:

(A) The director of developmental disabilities issues an order requiring that action be taken against the certificate holder under section 5123.166 of the Revised Code.

(B) The director issues an order terminating the certificate 63064  
under section 5123.168 of the Revised Code. 63065

(C) The certificate holder voluntarily surrenders the 63066  
certificate to the director. 63067

**Sec. 5123.164.** Except as provided in ~~section~~ sections 63068  
5123.166 and 5123.169 of the Revised Code, the director of 63069  
developmental disabilities shall renew a supported living 63070  
certificate if the certificate holder follows the renewal process 63071  
established in rules adopted under section ~~5123.169~~ 5123.1610 of 63072  
the Revised Code, continues to meet the applicable certification 63073  
standards established in those rules, and pays the renewal fee 63074  
established in those rules. 63075

**Sec. 5123.166.** (A) If good cause exists as specified in 63076  
division (B) of this section and determined in accordance with 63077  
procedures established in rules adopted under section ~~5123.169~~ 63078  
5123.1610 of the Revised Code, the director of developmental 63079  
disabilities may issue an adjudication order requiring that one of 63080  
the following actions be taken against a person or government 63081  
entity seeking or holding a supported living certificate: 63082

(1) Refusal to issue or renew a supported living certificate; 63083

(2) Revocation of a supported living certificate; 63084

(3) Suspension of a supported living certificate holder's 63085  
authority to do either or both of the following: 63086

(a) Continue to provide supported living to one or more 63087  
individuals from one or more counties who receive supported living 63088  
from the certificate holder at the time the director takes the 63089  
action; 63090

(b) Begin to provide supported living to one or more 63091  
individuals from one or more counties who do not receive supported 63092

living from the certificate holder at the time the director takes 63093  
the action. 63094

(B) The following constitute good cause for taking action 63095  
under division (A) of this section against a person or government 63096  
entity seeking or holding a supported living certificate: 63097

(1) The person or government entity's failure to meet or 63098  
continue to meet the applicable certification standards 63099  
established in rules adopted under section ~~5123.169~~ 5123.1610 of 63100  
the Revised Code; 63101

(2) The person or government entity violates section 5123.165 63102  
of the Revised Code; 63103

(3) The person or government entity's failure to satisfy the 63104  
requirements of section 5123.081 or 5123.52, ~~5126.28~~, or ~~5126.281~~ 63105  
of the Revised Code; 63106

(4) Misfeasance; 63107

(5) Malfeasance; 63108

(6) Nonfeasance; 63109

(7) Confirmed abuse or neglect; 63110

(8) Financial irresponsibility; 63111

(9) Other conduct the director determines is or would be 63112  
injurious to individuals who receive or would receive supported 63113  
living from the person or government entity. 63114

(C) Except as provided in division (D) of this section, the 63115  
director shall issue an adjudication order under division (A) of 63116  
this section in accordance with Chapter 119. of the Revised Code. 63117

(D)(1) The director may issue an order requiring that action 63118  
specified in division (A)(3) of this section be taken before a 63119  
provider is provided notice and an opportunity for a hearing if 63120  
all of the following are the case: 63121



(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;

(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider;

(c) If the order will suspend the provider's authority to continue to provide supported living to an individual who receives supported living from the provider at the time the director issues the order, both of the following are the case:

(i) The director makes the individual, or the individual's guardian, aware of the director's determination under division (D)(1)(b) of this section and the individual or guardian does not select another provider.

(ii) A county board of developmental disabilities has filed a complaint with a probate court under section ~~5123.33~~ 5126.33 of the Revised Code that includes facts describing the nature of abuse or neglect that the individual has suffered due to the provider's actions that are the basis for the director making the determination under division (D)(1)(b) of this section and the probate court does not issue an order authorizing the county board to arrange services for the individual pursuant to an individualized service plan developed for the individual under section ~~5123.31~~ 5126.31 of the Revised Code.

(2) If the director issues an order under division (D)(1) of this section, sections 119.091 to 119.13 of the Revised Code and all of the following apply:

(a) The director shall send the provider notice of the order by registered mail, return receipt requested, not later than twenty-four hours after issuing the order and shall include in the

notice the reasons for the order, the citation to the law or rule 63153  
directly involved, and a statement that the provider will be 63154  
afforded a hearing if the provider requests it within ten days of 63155  
the time of receiving the notice. 63156

(b) If the provider requests a hearing within the required 63157  
time and the provider has provided the director the provider's 63158  
current address, the director shall immediately set, and notify 63159  
the provider of, the date, time, and place for the hearing. 63160

(c) The date of the hearing shall be not later than thirty 63161  
days after the director receives the provider's timely request for 63162  
the hearing. 63163

(d) The hearing shall be conducted in accordance with section 63164  
119.09 of the Revised Code, except for all of the following: 63165

(i) The hearing shall continue uninterrupted until its close, 63166  
except for weekends, legal holidays, and other interruptions the 63167  
provider and director agree to. 63168

(ii) If the director appoints a referee or examiner to 63169  
conduct the hearing, the referee or examiner, not later than ten 63170  
days after the date the referee or examiner receives a transcript 63171  
of the testimony and evidence presented at the hearing or, if the 63172  
referee or examiner does not receive the transcript or no such 63173  
transcript is made, the date that the referee or examiner closes 63174  
the record of the hearing, shall submit to the director a written 63175  
report setting forth the referee or examiner's findings of fact 63176  
and conclusions of law and a recommendation of the action the 63177  
director should take. 63178

(iii) The provider may, not later than five days after the 63179  
date the director, in accordance with section 119.09 of the 63180  
Revised Code, sends the provider or the provider's attorney or 63181  
other representative of record a copy of the referee or examiner's 63182  
report and recommendation, file with the director written 63183

objections to the report and recommendation. 63184

(iv) The director shall approve, modify, or disapprove the 63185  
referee or examiner's report and recommendation not earlier than 63186  
six days, and not later than fifteen days, after the date the 63187  
director, in accordance with section 119.09 of the Revised Code, 63188  
sends a copy of the report and recommendation to the provider or 63189  
the provider's attorney or other representative of record. 63190

(3) The director may lift an order issued under division 63191  
(D)(1) of this section even though a hearing regarding the order 63192  
is occurring or pending if the director determines that the 63193  
provider has taken action eliminating the good cause for issuing 63194  
the order. The hearing shall proceed unless the provider withdraws 63195  
the request for the hearing in a written letter to the director. 63196

(4) The director shall lift an order issued under division 63197  
(D)(1) of this section if both of the following are the case: 63198

(a) The provider provides the director a plan of compliance 63199  
the director determines is acceptable. 63200

(b) The director determines that the provider has implemented 63201  
the plan of compliance correctly. 63202

**Sec. 5123.169.** (A) The director of developmental disabilities 63203  
shall not issue a supported living certificate to an applicant or 63204  
renew an applicant's supported living certificate if either of the 63205  
following applies: 63206

(1) The applicant fails to comply with division (C)(2) of 63207  
this section; 63208

(2) Except as provided in rules adopted under section 63209  
5123.1610 of the Revised Code, the applicant is found by a 63210  
criminal records check required by this section to have been 63211  
convicted of, pleaded guilty to, or been found eligible for 63212  
intervention in lieu of conviction for a disqualifying offense. 63213

(B) Before issuing a supported living certificate to an applicant or renewing an applicant's supported living certificate, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The director also shall require the applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while holding a supported living certificate, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in action being taken by the director against the applicant under section 5123.166 of the Revised Code.

(C)(1) As a condition of receiving a supported living certificate or having a supported living certificate renewed, an applicant shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If an applicant does not present proof to the director that the applicant has been a resident of this state for the five-year period immediately prior to the date that the applicant applies for issuance or renewal of the supported living certificate, the director shall require the applicant to request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant presents proof to the director that the applicant has been a resident of this state for that five-year period, the director may require the applicant to request that the superintendent include information from the federal bureau of investigation in the criminal records check. For purposes of this division, an applicant may provide proof of residency in this state by presenting, with a notarized statement

asserting that the applicant has been a resident of this state for that five-year period, a valid driver's license, notification of registration as an elector, a copy of an officially filed federal or state tax form identifying the applicant's permanent residence, or any other document the director considers acceptable.

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(2) Each applicant shall do all of the following:

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(a) Obtain a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code;

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(b) Complete the form and provide the applicant's fingerprint impressions on the standard impression sheet;

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(c) Forward the completed form and standard impression sheet to the superintendent at the time the criminal records check is requested;

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(d) Instruct the superintendent to submit the completed report of the criminal records check directly to the director;

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(e) Pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of the applicant requested and conducted pursuant to this section.

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(D) The director may request any other state or federal agency to supply the director with a written report regarding the criminal record of an applicant. The director may consider the reports when determining whether to issue a supported living certificate to the applicant or to renew an applicant's supported living certificate.

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(E) An applicant who seeks to be an independent provider or is an independent provider seeking renewal of the applicant's

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supported living certificate shall obtain the applicant's driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with mental retardation or developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate. 63277  
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(F)(1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following: 63285  
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(a) The applicant who is the subject of the report or the applicant's representative; 63289  
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(b) The director or the director's representative; 63291

(c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 63292  
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(i) The denial of a supported living certificate or refusal to renew a supported living certificate; 63294  
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(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code; 63296  
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(iii) A civil or criminal action regarding the medicaid program. 63298  
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(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the persons or entities specified. 63300  
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(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report.

(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section.

**Sec. ~~5123.169~~ 5123.1610.** The director of developmental disabilities shall adopt rules under Chapter 119. of the Revised Code establishing all of the following:

(A) The extent to which a county board of developmental disabilities may provide supported living;

(B) The application process for obtaining a supported living certificate under section 5123.161 of the Revised Code;

(C) The certification standards a person or government entity must meet to obtain a supported living certificate to provide supported living;

(D) The certification fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(E) The period of time a supported living certificate is valid;

(F) The process for renewing a supported living certificate under section 5123.164 of the Revised Code;

(G) The renewal fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(H) Procedures for conducting surveys under section 5123.162 of the Revised Code;

(I) Procedures for determining whether there is good cause to take action under section 5123.166 of the Revised Code against a person or government entity seeking or holding a supported living certificate;  
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(J) Circumstances under which the director may issue a supported living certificate to an applicant or renew an applicant's supported living certificate if the applicant is found by a criminal records check required by section 5123.169 of the Revised Code to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director.  
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**Sec. 5123.171.** As used in this section, "respite care" means appropriate, short-term, temporary care provided to a mentally retarded or developmentally disabled person to sustain the family structure or to meet planned or emergency needs of the family.  
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The department of developmental disabilities shall provide respite care services to persons with mental retardation or a developmental disability for the purpose of promoting self-sufficiency and normalization, preventing or reducing inappropriate institutional care, and furthering the unity of the family by enabling the family to meet the special needs of a mentally retarded or developmentally disabled person.  
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In order to be eligible for respite care services under this section, the mentally retarded or developmentally disabled person must be in need of habilitation services as defined in section 5126.01 of the Revised Code.  
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Respite care may be provided in a residential facility licensed under section 5123.19 of the Revised Code ~~or~~ (including a residential facility certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security  
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Act," 49 79 Stat. 620 344 (1935 1965), 42 U.S.C. 301 1396, et 63367  
seq., as amended, ~~or certified as~~ and a respite care home 63368  
certified under section 5126.05 of the Revised Code. 63369

The department shall develop a system for locating vacant 63370  
beds that are available for respite care and for making 63371  
information on vacant beds available to users of respite care 63372  
services. Facilities certified as intermediate care facilities for 63373  
the mentally retarded shall report vacant beds to the department 63374  
but shall not be required to accept respite care clients. 63375

The director of developmental disabilities shall adopt, and 63376  
may amend or rescind, rules in accordance with Chapter 119. of the 63377  
Revised Code for both of the following: 63378

(A) Certification by county boards of developmental 63379  
disabilities of respite care homes; 63380

(B) Provision of respite care services authorized by this 63381  
section. Rules adopted under this division shall establish all of 63382  
the following: 63383

(1) A formula for distributing funds appropriated for respite 63384  
care services; 63385

(2) Standards for supervision, training and quality control 63386  
in the provision of respite care services; 63387

(3) Eligibility criteria for emergency respite care services. 63388

**Sec. 5123.19.** (A) As used in ~~this section and in sections~~ 63389  
~~5123.191, 5123.194, 5123.196, 5123.197, 5123.198, and 5123.19 to~~ 63390  
5123.20 of the Revised Code: 63391

(1)(a) ~~"Residential facility" means a home or facility in~~ 63392  
~~which a mentally retarded or developmentally disabled person~~ 63393  
~~resides, except the home of a relative or legal guardian in which~~ 63394  
~~a mentally retarded or developmentally disabled person resides, a~~ 63395  
~~respite care home certified under section 5126.05 of the Revised~~ 63396

~~Code, a county home or district home operated pursuant to Chapter 63397  
5155. of the Revised Code, or a dwelling in which the only 63398  
mentally retarded or developmentally disabled residents are in an 63399  
independent living arrangement or are being provided supported 63400  
living. 63401~~

~~(b) "Intermediate care facility for the mentally retarded" 63402  
means a residential facility that is considered an intermediate 63403  
care facility for the mentally retarded for the purposes of 63404  
Chapter 5111. of the Revised Code. 63405~~

~~(2) "Political subdivision" means a municipal corporation, 63406  
county, or township. 63407~~

~~(3) "Independent living arrangement" means an arrangement in 63408  
which a mentally retarded or developmentally disabled person 63409  
resides in an individualized setting chosen by the person or the 63410  
person's guardian, which is not dedicated principally to the 63411  
provision of residential services for mentally retarded or 63412  
developmentally disabled persons, and for which no financial 63413  
support is received for rendering such service from any 63414  
governmental agency by a provider of residential services. 63415~~

~~(4)(2) "Intermediate care facility for the mentally retarded" 63416  
has the same meaning as in section 1905(d) of the "Social Security 63417  
Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended. 63418~~

~~(3) "Licensee" means the person or government agency that has 63419  
applied for a license to operate a residential facility and to 63420  
which the license was issued under this section. 63421~~

~~(4) "Political subdivision" means a municipal corporation, 63422  
county, or township. 63423~~

~~(5) "Related party" has the same meaning as in section 63424  
5123.16 of the Revised Code except that "provider" as used in the 63425  
definition of "related party" means a person or government entity 63426  
that held or applied for a license to operate a residential 63427~~

facility, rather than a person or government entity certified to provide supported living.

(6)(a) Except as provided in division (A)(6)(b) of this section, "residential facility" means a home or facility, including a facility certified as an intermediate care facility for the mentally retarded, in which an individual with mental retardation or a developmental disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of the Revised Code;

(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;

(iv) A dwelling in which the only residents with mental retardation or developmental disabilities are in independent living arrangements or are being provided supported living.

(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, ~~5119.73~~, 5103.03, ~~or 5119.20~~, or division (A)(9)(b) of section 5119.22 of the Revised Code. ~~Notwithstanding Chapter 3721. of the Revised Code, a nursing home that is certified as an intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for licensure of the portion of the home that is certified as an intermediate care facility for the mentally retarded.~~

(C) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered.

(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (K)

of this section is not given. 63490

(3) The director may issue an order for the suspension of 63491  
admissions to a facility for any violation that may result in 63492  
sanctions under division (D)(1) of this section and for any other 63493  
violation specified in rules adopted under division (H)(2) of this 63494  
section. If the suspension of admissions is imposed for a 63495  
violation that may result in sanctions under division (D)(1) of 63496  
this section, the director may impose the suspension before 63497  
providing an opportunity for an adjudication under Chapter 119. of 63498  
the Revised Code. The director shall lift an order for the 63499  
suspension of admissions when the director determines that the 63500  
violation that formed the basis for the order has been corrected. 63501

(4) The director may order the placement of a monitor at a 63502  
residential facility for any violation specified in rules adopted 63503  
under division (H)(2) of this section. The director shall lift the 63504  
order when the director determines that the violation that formed 63505  
the basis for the order has been corrected. 63506

(5) If the director determines that two or more residential 63507  
facilities owned or operated by the same person or government 63508  
entity are not being operated in compliance with a provision of 63509  
this chapter that applies to residential facilities or the rules 63510  
adopted under such a provision, and the director's findings are 63511  
based on the same or a substantially similar action, practice, 63512  
circumstance, or incident that creates a substantial risk to the 63513  
health and safety of the residents, the director shall conduct a 63514  
survey as soon as practicable at each residential facility owned 63515  
or operated by that person or government entity. The director may 63516  
take any action authorized by this section with respect to any 63517  
facility found to be operating in violation of a provision of this 63518  
chapter that applies to residential facilities or the rules 63519  
adopted under such a provision. 63520

(6) When the director initiates license revocation 63521

proceedings, no opportunity for submitting a plan of correction 63522  
shall be given. The director shall notify the licensee by letter 63523  
of the initiation of the proceedings. The letter shall list the 63524  
deficiencies of the residential facility and inform the licensee 63525  
that no plan of correction will be accepted. The director shall 63526  
also send a copy of the letter to the county board of 63527  
developmental disabilities. The county board shall send a copy of 63528  
the letter to each of the following: 63529

(a) Each resident who receives services from the licensee; 63530

(b) The guardian of each resident who receives services from 63531  
the licensee if the resident has a guardian; 63532

(c) The parent or guardian of each resident who receives 63533  
services from the licensee if the resident is a minor. 63534

(7) Pursuant to rules which shall be adopted in accordance 63535  
with Chapter 119. of the Revised Code, the director may order the 63536  
immediate removal of residents from a residential facility 63537  
whenever conditions at the facility present an immediate danger of 63538  
physical or psychological harm to the residents. 63539

(8) In determining whether a residential facility is being 63540  
operated in compliance with a provision of this chapter that 63541  
applies to residential facilities or the rules adopted under such 63542  
a provision, or whether conditions at a residential facility 63543  
present an immediate danger of physical or psychological harm to 63544  
the residents, the director may rely on information obtained by a 63545  
county board of developmental disabilities or other governmental 63546  
agencies. 63547

(9) In proceedings initiated to deny, refuse to renew, or 63548  
revoke licenses, the director may deny, refuse to renew, or revoke 63549  
a license regardless of whether some or all of the deficiencies 63550  
that prompted the proceedings have been corrected at the time of 63551  
the hearing. 63552

(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must be made. The rules shall require that public notification be made if the director has taken action against the facility in the eighteen-month period immediately preceding the director's latest action against the facility and the latest action is being taken for the same or a substantially similar violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision. The rules shall specify a method for removing or amending the public notification if the director's action is found to have been unjustified or the violation at the residential facility has been corrected.

(F)(1) Except as provided in division (F)(2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not

later than thirty days after the department receives the request. 63585

(c) After commencing, the hearing shall continue 63586  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 63587  
unless other interruptions are agreed to by the licensee and the 63588  
director. 63589

(d) If the hearing is conducted by a hearing examiner, the 63590  
hearing examiner shall file a report and recommendations not later 63591  
than ten days after the last of the following: 63592

(i) The close of the hearing; 63593

(ii) If a transcript of the proceedings is ordered, the 63594  
hearing examiner receives the transcript; 63595

(iii) If post-hearing briefs are timely filed, the hearing 63596  
examiner receives the briefs. 63597

(e) A copy of the written report and recommendation of the 63598  
hearing examiner shall be sent, by certified mail, to the licensee 63599  
and the licensee's attorney, if applicable, not later than five 63600  
days after the report is filed. 63601

(f) Not later than five days after the hearing examiner files 63602  
the report and recommendations, the licensee may file objections 63603  
to the report and recommendations. 63604

(g) Not later than fifteen days after the hearing examiner 63605  
files the report and recommendations, the director shall issue an 63606  
order approving, modifying, or disapproving the report and 63607  
recommendations. 63608

(h) Notwithstanding the pendency of the hearing, the director 63609  
shall lift the order for the suspension of admissions when the 63610  
director determines that the violation that formed the basis for 63611  
the order has been corrected. 63612

(G) Neither a person or government agency whose application 63613  
for a license to operate a residential facility is denied nor a 63614



related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities, ~~including intermediate care facilities for the mentally retarded~~. The rules for residential facilities that are intermediate care facilities for the mentally retarded may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Requirements for the training of residential facility personnel;

(6) Classifications for the various types of residential facilities;

(7) Certification procedures for licensees and management  
contractors that the director determines are necessary to ensure  
that they have the skills and qualifications to properly operate  
or manage residential facilities;

(8) The maximum number of persons who may be served in a  
particular type of residential facility;

(9) Uniform procedures for admission of persons to and  
transfers and discharges of persons from residential facilities;

(10) Other standards for the operation of residential  
facilities and the services provided at residential facilities;

(11) Procedures for waiving any provision of any rule adopted  
under this section.

(I) Before issuing a license, the director of the department  
or the director's designee shall conduct a survey of the  
residential facility for which application is made. The director  
or the director's designee shall conduct a survey of each licensed  
residential facility at least once during the period the license  
is valid and may conduct additional inspections as needed. A  
survey includes but is not limited to an on-site examination and  
evaluation of the residential facility, its personnel, and the  
services provided there.

In conducting surveys, the director or the director's  
designee shall be given access to the residential facility; all  
records, accounts, and any other documents related to the  
operation of the facility; the licensee; the residents of the  
facility; and all persons acting on behalf of, under the control  
of, or in connection with the licensee. The licensee and all  
persons on behalf of, under the control of, or in connection with  
the licensee shall cooperate with the director or the director's  
designee in conducting the survey.

Following each survey, unless the director initiates a

license revocation proceeding, the director or the director's 63676  
designee shall provide the licensee with a report listing any 63677  
deficiencies, specifying a timetable within which the licensee 63678  
shall submit a plan of correction describing how the deficiencies 63679  
will be corrected, and, when appropriate, specifying a timetable 63680  
within which the licensee must correct the deficiencies. After a 63681  
plan of correction is submitted, the director or the director's 63682  
designee shall approve or disapprove the plan. A copy of the 63683  
report and any approved plan of correction shall be provided to 63684  
any person who requests it. 63685

The director shall initiate disciplinary action against any 63686  
department employee who notifies or causes the notification to any 63687  
unauthorized person of an unannounced survey of a residential 63688  
facility by an authorized representative of the department. 63689

(J) In addition to any other information which may be 63690  
required of applicants for a license pursuant to this section, the 63691  
director shall require each applicant to provide a copy of an 63692  
approved plan for a proposed residential facility pursuant to 63693  
section 5123.042 of the Revised Code. This division does not apply 63694  
to renewal of a license or to an applicant for an initial or 63695  
modified license who meets the requirements of section ~~5123.193~~ or 63696  
5123.197 of the Revised Code. 63697

(K) A licensee shall notify the owner of the building in 63698  
which the licensee's residential facility is located of any 63699  
significant change in the identity of the licensee or management 63700  
contractor before the effective date of the change if the licensee 63701  
is not the owner of the building. 63702

Pursuant to rules which shall be adopted in accordance with 63703  
Chapter 119. of the Revised Code, the director may require 63704  
notification to the department of any significant change in the 63705  
ownership of a residential facility or in the identity of the 63706  
licensee or management contractor. If the director determines that 63707

a significant change of ownership is proposed, the director shall 63708  
consider the proposed change to be an application for development 63709  
by a new operator pursuant to section 5123.042 of the Revised Code 63710  
and shall advise the applicant within sixty days of the 63711  
notification that the current license shall continue in effect or 63712  
a new license will be required pursuant to this section. If the 63713  
director requires a new license, the director shall permit the 63714  
facility to continue to operate under the current license until 63715  
the new license is issued, unless the current license is revoked, 63716  
refused to be renewed, or terminated in accordance with Chapter 63717  
119. of the Revised Code. 63718

(L) A county board of developmental disabilities, the legal 63719  
rights service, and any interested person may file complaints 63720  
alleging violations of statute or department rule relating to 63721  
residential facilities with the department. All complaints shall 63722  
be in writing and shall state the facts constituting the basis of 63723  
the allegation. The department shall not reveal the source of any 63724  
complaint unless the complainant agrees in writing to waive the 63725  
right to confidentiality or until so ordered by a court of 63726  
competent jurisdiction. 63727

The department shall adopt rules in accordance with Chapter 63728  
119. of the Revised Code establishing procedures for the receipt, 63729  
referral, investigation, and disposition of complaints filed with 63730  
the department under this division. 63731

(M) The department shall establish procedures for the 63732  
notification of interested parties of the transfer or interim care 63733  
of residents from residential facilities that are closing or are 63734  
losing their license. 63735

(N) Before issuing a license under this section to a 63736  
residential facility that will accommodate at any time more than 63737  
one mentally retarded or developmentally disabled individual, the 63738  
director shall, by first class mail, notify the following: 63739

(1) If the facility will be located in a municipal corporation, the clerk of the legislative authority of the municipal corporation; 63740  
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(2) If the facility will be located in unincorporated territory, the clerk of the appropriate board of county commissioners and the fiscal officer of the appropriate board of township trustees. 63743  
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The director shall not issue the license for ten days after mailing the notice, excluding Saturdays, Sundays, and legal holidays, in order to give the notified local officials time in which to comment on the proposed issuance. 63747  
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Any legislative authority of a municipal corporation, board of county commissioners, or board of township trustees that receives notice under this division of the proposed issuance of a license for a residential facility may comment on it in writing to the director within ten days after the director mailed the notice, excluding Saturdays, Sundays, and legal holidays. If the director receives written comments from any notified officials within the specified time, the director shall make written findings concerning the comments and the director's decision on the issuance of the license. If the director does not receive written comments from any notified local officials within the specified time, the director shall continue the process for issuance of the license. 63751  
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(0) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six but not more than eight persons with mental retardation or a developmental disability as a permitted use in any residential district or zone, including any single-family residential district or zone, of any political subdivision. These residential facilities may be required to comply with area, height, yard, and 63764  
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architectural compatibility requirements that are uniformly 63772  
imposed upon all single-family residences within the district or 63773  
zone. 63774

(P) Any person may operate a licensed residential facility 63775  
that provides room and board, personal care, habilitation 63776  
services, and supervision in a family setting for at least nine 63777  
but not more than sixteen persons with mental retardation or a 63778  
developmental disability as a permitted use in any multiple-family 63779  
residential district or zone of any political subdivision, except 63780  
that a political subdivision that has enacted a zoning ordinance 63781  
or resolution establishing planned unit development districts may 63782  
exclude these residential facilities from those districts, and a 63783  
political subdivision that has enacted a zoning ordinance or 63784  
resolution may regulate these residential facilities in 63785  
multiple-family residential districts or zones as a conditionally 63786  
permitted use or special exception, in either case, under 63787  
reasonable and specific standards and conditions set out in the 63788  
zoning ordinance or resolution to: 63789

(1) Require the architectural design and site layout of the 63790  
residential facility and the location, nature, and height of any 63791  
walls, screens, and fences to be compatible with adjoining land 63792  
uses and the residential character of the neighborhood; 63793

(2) Require compliance with yard, parking, and sign 63794  
regulation; 63795

(3) Limit excessive concentration of these residential 63796  
facilities. 63797

(Q) This section does not prohibit a political subdivision 63798  
from applying to residential facilities nondiscriminatory 63799  
regulations requiring compliance with health, fire, and safety 63800  
regulations and building standards and regulations. 63801

(R) Divisions (O) and (P) of this section are not applicable 63802

to municipal corporations that had in effect on June 15, 1977, an 63803  
ordinance specifically permitting in residential zones licensed 63804  
residential facilities by means of permitted uses, conditional 63805  
uses, or special exception, so long as such ordinance remains in 63806  
effect without any substantive modification. 63807

(S)(1) The director may issue an interim license to operate a 63808  
residential facility to an applicant for a license under this 63809  
section if either of the following is the case: 63810

(a) The director determines that an emergency exists 63811  
requiring immediate placement of persons in a residential 63812  
facility, that insufficient licensed beds are available, and that 63813  
the residential facility is likely to receive a permanent license 63814  
under this section within thirty days after issuance of the 63815  
interim license. 63816

(b) The director determines that the issuance of an interim 63817  
license is necessary to meet a temporary need for a residential 63818  
facility. 63819

(2) To be eligible to receive an interim license, an 63820  
applicant must meet the same criteria that must be met to receive 63821  
a permanent license under this section, except for any differing 63822  
procedures and time frames that may apply to issuance of a 63823  
permanent license. 63824

(3) An interim license shall be valid for thirty days and may 63825  
be renewed by the director for a period not to exceed one hundred 63826  
fifty days. 63827

(4) The director shall adopt rules in accordance with Chapter 63828  
119. of the Revised Code as the director considers necessary to 63829  
administer the issuance of interim licenses. 63830

(T) Notwithstanding rules adopted pursuant to this section 63831  
establishing the maximum number of persons who may be served in a 63832  
particular type of residential facility, a residential facility 63833

shall be permitted to serve the same number of persons being 63834  
served by the facility on the effective date of the rules or the 63835  
number of persons for which the facility is authorized pursuant to 63836  
a current application for a certificate of need with a letter of 63837  
support from the department of developmental disabilities and 63838  
which is in the review process prior to April 4, 1986. 63839

(U) The director or the director's designee may enter at any 63840  
time, for purposes of investigation, any home, facility, or other 63841  
structure that has been reported to the director or that the 63842  
director has reasonable cause to believe is being operated as a 63843  
residential facility without a license issued under this section. 63844

The director may petition the court of common pleas of the 63845  
county in which an unlicensed residential facility is located for 63846  
an order enjoining the person or governmental agency operating the 63847  
facility from continuing to operate without a license. The court 63848  
may grant the injunction on a showing that the person or 63849  
governmental agency named in the petition is operating a 63850  
residential facility without a license. The court may grant the 63851  
injunction, regardless of whether the residential facility meets 63852  
the requirements for receiving a license under this section. 63853

Sec. 5123.192. (A) A person or government agency operating, 63854  
on the effective date of this section, an intermediate care 63855  
facility for the mentally retarded pursuant to a nursing home 63856  
license issued under Chapter 3721. of the Revised Code shall do 63857  
both of the following as a condition of continuing to operate the 63858  
facility on and after July 1, 2013: 63859

(1) Not later than February 1, 2013, apply to the director of 63860  
developmental disabilities for a residential facility license 63861  
under section 5123.19 of the Revised Code for the facility; 63862

(2) Not later than July 1, 2013, obtain the residential 63863  
facility license for the facility. 63864



(B) The nursing home license of an intermediate care facility for the mentally retarded shall cease to be valid at the earliest of the following: 63865  
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(1) The date that the facility's nursing home license is revoked or voided under section 3721.07 of the Revised Code; 63868  
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(2) The date that a residential facility license is obtained for the facility under section 5123.19 of the Revised Code; 63870  
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(3) July 1, 2013. 63872

(C) No bed that is part of an intermediate care facility for the mentally retarded that is licensed as a nursing home on the effective date of this section may be used as part of a nursing home on and after the earlier of the following: 63873  
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(1) The date that a residential facility license is obtained for the facility under section 5123.19 of the Revised Code; 63877  
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(2) July 1, 2013. 63879

**Sec. 5123.31.** (A) The department of developmental disabilities shall keep ~~in its office, accessible only to its employees, except by the consent of the department or the order of the judge of a court of record,~~ a record showing the name, residence, sex, age, nativity, occupation, condition, and date of entrance or commitment of every resident in the institutions governed by it, the date, cause, and terms of discharge and the condition of such person at the time of leaving, and also a record of all transfers from one institution to another, and, if such person dies while in the care or custody of the department, the date and cause of death. These and such other facts as the department requires shall be furnished by the managing officer of each institution within ten days after the commitment, entrance, death, or discharge of a resident. 63880  
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Except as provided in division (C) of this section, the 63894

department shall maintain the records described in this division 63895  
in its office. The department shall make the records accessible 63896  
only to its employees, except by the consent of the department or 63897  
the order of the judge of a court of record. 63898

(B) In case of an accident or injury or peculiar death of a 63899  
an institution resident the managing officer shall make a special 63900  
report to the department within twenty-four hours thereafter, 63901  
giving the circumstances as fully as possible. 63902

(C) After a period of time determined by the department, the 63903  
records described in division (A) of this section may be deposited 63904  
with the Ohio historical society. Neither the records nor the 63905  
information contained in them shall be disclosed by the historical 63906  
society, except as provided in section 5123.89 of the Revised 63907  
Code. 63908

**Sec. 5123.38.** (A) Except as provided in division (B) ~~and (C)~~ 63909  
of this section, if an individual receiving supported living or 63910  
home and community-based services funded by a county board of 63911  
developmental disabilities is committed to a state-operated 63912  
intermediate care facility for the mentally retarded pursuant to 63913  
sections 5123.71 to 5123.76 of the Revised Code, ~~the department of~~ 63914  
~~developmental disabilities shall use the funds otherwise allocated~~ 63915  
~~to~~ the county board as is responsible for the nonfederal share of 63916  
medicaid expenditures for the individual's care in the 63917  
state-operated facility. The department of developmental 63918  
disabilities shall collect the amount of the nonfederal share from 63919  
the county board by either withholding that amount from funds the 63920  
department has otherwise allocated to the county board or 63921  
submitting an invoice for payment of that amount to the county 63922  
board. 63923

(B) Division (A) of this section does not apply ~~if the~~ under 63924  
any of the following circumstances: 63925

(1) The county board, not later than ninety days after the 63926  
date of the commitment of a person receiving supported ~~services~~ 63927  
living, commences funding of supported living for an individual 63928  
who resides in a state-operated intermediate care facility for the 63929  
mentally retarded on the date of the commitment or another 63930  
eligible individual designated by the department. 63931

~~(C) Division (A) of this section does not apply if the (2)~~ 63932  
The county board, not later than ninety days after the date of the 63933  
commitment of a person receiving home and community-based 63934  
services, commences funding of home and community-based services 63935  
for an individual who resides in a state-operated intermediate 63936  
care facility for the mentally retarded on the date of the 63937  
commitment or another eligible individual designated by the 63938  
department. 63939

(3) The director of developmental disabilities, after 63940  
determining that circumstances warrant granting a waiver in an 63941  
individual's case, grants the county board a waiver that exempts 63942  
the county board from responsibility for the nonfederal share for 63943  
that case. 63944

**Sec. 5123.41.** As used in this section and sections 5123.42 to 63945  
5123.47 of the Revised Code: 63946

(A) "Adult services" has the same meaning as in section 63947  
5126.01 of the Revised Code. 63948

(B) "Certified supported living provider" means a person or 63949  
government entity certified under section 5123.161 of the Revised 63950  
Code. 63951

(C) "Drug" has the same meaning as in section 4729.01 of the 63952  
Revised Code. 63953

(D) "Family support services" has the same meaning as in 63954  
section 5126.01 of the Revised Code. 63955

|                                                                                                                                                                                                                                                        |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (E) "Health-related activities" means the following:                                                                                                                                                                                                   | 63956                            |
| (1) Taking vital signs;                                                                                                                                                                                                                                | 63957                            |
| (2) Application of clean dressings that do not require health assessment;                                                                                                                                                                              | 63958<br>63959                   |
| (3) Basic measurement of bodily intake and output;                                                                                                                                                                                                     | 63960                            |
| (4) Oral suctioning;                                                                                                                                                                                                                                   | 63961                            |
| (5) Use of glucometers;                                                                                                                                                                                                                                | 63962                            |
| (6) External urinary catheter care;                                                                                                                                                                                                                    | 63963                            |
| (7) Emptying and replacing colostomy bags;                                                                                                                                                                                                             | 63964                            |
| (8) Collection of specimens by noninvasive means.                                                                                                                                                                                                      | 63965                            |
| (F) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.                                                                                                                       | 63966<br>63967<br>63968          |
| (G) "MR/DD personnel" means the employees and the workers under contract who provide specialized services to individuals with mental retardation and developmental disabilities. "MR/DD personnel" includes those who provide the services as follows: | 63969<br>63970<br>63971<br>63972 |
| (1) Through direct employment with the department of developmental disabilities or a county board of developmental disabilities;                                                                                                                       | 63973<br>63974<br>63975          |
| (2) Through an entity under contract with the department of developmental disabilities or a county board of developmental disabilities;                                                                                                                | 63976<br>63977<br>63978          |
| (3) Through direct employment or by being under contract with private entities, including private entities that operate residential facilities.                                                                                                        | 63979<br>63980<br>63981          |
| (H) "Nursing delegation" means the process established in rules adopted by the board of nursing pursuant to Chapter 4723. of the Revised Code under which a registered nurse or licensed                                                               | 63982<br>63983<br>63984          |

practical nurse acting at the direction of a registered nurse 63985  
transfers the performance of a particular nursing activity or task 63986  
to another person who is not otherwise authorized to perform the 63987  
activity or task. 63988

(I) "Prescribed medication" means a drug that is to be 63989  
administered according to the instructions of a licensed health 63990  
professional authorized to prescribe drugs. 63991

(J) "Residential facility" means a facility licensed under 63992  
section 5123.19 of the Revised Code ~~or subject to section 5123.192~~ 63993  
~~of the Revised Code.~~ 63994

(K) "Specialized services" has the same meaning as in section 63995  
5123.50 of the Revised Code. 63996

(L) "Tube feeding" means the provision of nutrition to an 63997  
individual through a gastrostomy tube or a jejunostomy tube. 63998

**Sec. 5123.50.** As used in ~~this section and sections 5123.51,~~ 63999  
~~5123.52, and 5123.541~~ 5123.50 to 5123.542 of the Revised Code: 64000

(A) "Abuse" means all of the following: 64001

(1) The use of physical force that can reasonably be expected 64002  
to result in physical harm or serious physical harm; 64003

(2) Sexual abuse; 64004

(3) Verbal abuse. 64005

(B) "Misappropriation" means depriving, defrauding, or 64006  
otherwise obtaining the real or personal property of an individual 64007  
by any means prohibited by the Revised Code, including violations 64008  
of Chapter 2911. or 2913. of the Revised Code. 64009

(C) "MR/DD employee" means all of the following: 64010

(1) An employee of the department of developmental 64011  
disabilities; 64012

(2) An employee of a county board of developmental disabilities; 64013  
64014

(3) An employee in a position that includes providing specialized services to an individual with mental retardation or another developmental disability; 64015  
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(4) An independent provider as defined in section 5123.16 of the Revised Code. 64018  
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(D) "Neglect" means, when there is a duty to do so, failing to provide an individual with any treatment, care, goods, or services that are necessary to maintain the health and safety of the individual. 64020  
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(E) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code. 64024  
64025

(F) "Physical harm" and "serious physical harm" have the same meanings as in section 2901.01 of the Revised Code. 64026  
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~~(F)~~(G) "Prescribed medication" has the same meaning as in section 5123.41 of the Revised Code. 64028  
64029

(H) "Sexual abuse" means unlawful sexual conduct or sexual contact. 64030  
64031

~~(G)~~(I) "Specialized services" means any program or service designed and operated to serve primarily individuals with mental retardation or a developmental disability, including a program or service provided by an entity licensed or certified by the department of developmental disabilities. A program or service available to the general public is not a specialized service. 64032  
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~~(H)~~(J) "Verbal abuse" means purposely using words to threaten, coerce, intimidate, harass, or humiliate an individual. 64038  
64039

~~(I)~~(K) "Sexual conduct," "sexual contact," and "spouse" have the same meanings as in section 2907.01 of the Revised Code. 64040  
64041

**Sec. 5123.51.** (A) In addition to any other action required by 64042  
sections 5123.61 and 5126.31 of the Revised Code, the department 64043  
of developmental disabilities shall review each report the 64044  
department receives of abuse or neglect of an individual with 64045  
mental retardation or a developmental disability or 64046  
misappropriation of an individual's property that includes an 64047  
allegation that an MR/DD employee committed or was responsible for 64048  
the abuse, neglect, or misappropriation. The department shall 64049  
review a report it receives from a public children services agency 64050  
only after the agency completes its investigation pursuant to 64051  
section 2151.421 of the Revised Code. On receipt of a notice under 64052  
section 2930.061 or 5123.541 of the Revised Code, the department 64053  
shall review the notice. 64054

(B) The department shall do both of the following: 64055

(1) Investigate the allegation or adopt the findings of an 64056  
investigation or review of the allegation conducted by another 64057  
person or government entity and determine whether there is a 64058  
reasonable basis for the allegation; 64059

(2) If the department determines that there is a reasonable 64060  
basis for the allegation, conduct an adjudication pursuant to 64061  
Chapter 119. of the Revised Code. 64062

(C)(1) The department shall appoint an independent hearing 64063  
officer to conduct any hearing conducted pursuant to division 64064  
(B)(2) of this section, except that, if the hearing is regarding 64065  
an employee of the department who is represented by a union, the 64066  
department and a representative of the union shall jointly select 64067  
the hearing officer. 64068

(2)(a) Except as provided in division (C)(2)(b) of this 64069  
section, no hearing shall be conducted under division (B)(2) of 64070  
this section until any criminal proceeding or collective 64071  
bargaining arbitration concerning the same allegation has 64072

concluded. 64073

(b) The department may conduct a hearing pursuant to division 64074  
(B)(2) of this section before a criminal proceeding concerning the 64075  
same allegation is concluded if both of the following are the 64076  
case: 64077

(i) The department notifies the prosecutor responsible for 64078  
the criminal proceeding that the department proposes to conduct a 64079  
hearing. 64080

(ii) The prosecutor consents to the hearing. 64081

(3) In conducting a hearing pursuant to division (B)(2) of 64082  
this section, the hearing officer shall do all of the following: 64083

(a) Determine whether there is clear and convincing evidence 64084  
that the MR/DD employee has done any of the following: 64085

(i) Misappropriated property of one or more individuals with 64086  
mental retardation or a developmental disability that has a value, 64087  
either separately or taken together, of one hundred dollars or 64088  
more; 64089

(ii) Misappropriated property of an individual with mental 64090  
retardation or a developmental disability that is designed to be 64091  
used as a check, draft, negotiable instrument, credit card, charge 64092  
card, or device for initiating an electronic fund transfer at a 64093  
point of sale terminal, automated teller machine, or cash 64094  
dispensing machine; 64095

(iii) Misappropriated prescribed medication of an individual 64096  
with mental retardation or a developmental disability; 64097

(iv) Knowingly abused such an individual; 64098

~~(iv)~~(v) Recklessly abused or neglected such an individual, 64099  
with resulting physical harm; 64100

~~(v)~~(vi) Negligently abused or neglected such an individual, 64101  
with resulting serious physical harm; 64102



~~(vi)~~(vii) Recklessly neglected such an individual, creating a substantial risk of serious physical harm; 64103  
64104

~~(vii)~~(viii) Engaged in sexual conduct or had sexual contact with an individual with mental retardation or another developmental disability who was not the MR/DD employee's spouse and for whom the MR/DD employee was employed or under a contract to provide care; 64105  
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~~(viii)~~(ix) Unreasonably failed to make a report pursuant to division (C) of section 5123.61 of the Revised Code when the employee knew or should have known that the failure would result in a substantial risk of harm to an individual with mental retardation or a developmental disability; 64110  
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(x) Been convicted of or entered a plea of guilty to any of the following if the victim of the offense is an individual with mental retardation or a developmental disability: an offense of violence, a violation of a section contained in Chapter 2907. or Chapter 2913. of the Revised Code, or a violation of section 2903.16, 2903.34, 2903.341, or 2919.22 of the Revised Code. 64115  
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(b) Give weight to the decision in any collective bargaining arbitration regarding the same allegation; 64121  
64122

(c) Give weight to any relevant facts presented at the hearing. 64123  
64124

(D)(1) Unless the director of developmental disabilities determines that there are extenuating circumstances and except as provided in division (E) of this section, if the director, after considering all of the factors listed in division (C)(3) of this section, finds that there is clear and convincing evidence that an MR/DD employee has done one or more of the things described in division (C)(3)(a) of this section the director shall include the name of the employee in the registry established under section 5123.52 of the Revised Code. 64125  
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(2) Extenuating circumstances the director must consider 64134  
include the use of physical force by an MR/DD employee that was 64135  
necessary as self-defense. 64136

(3) If the director includes an MR/DD employee in the 64137  
registry established under section 5123.52 of the Revised Code, 64138  
the director shall notify the employee, the person or government 64139  
entity that employs or contracts with the employee, the individual 64140  
with mental retardation or a developmental disability who was the 64141  
subject of the report and that individual's legal guardian, if 64142  
any, the attorney general, and the prosecuting attorney or other 64143  
law enforcement agency. If the MR/DD employee holds a license, 64144  
certificate, registration, or other authorization to engage in a 64145  
profession issued pursuant to Title XLVII of the Revised Code, the 64146  
director shall notify the appropriate agency, board, department, 64147  
or other entity responsible for regulating the employee's 64148  
professional practice. 64149

(4) If an individual whose name appears on the registry is 64150  
involved in a court proceeding or arbitration arising from the 64151  
same facts as the allegation resulting in the individual's 64152  
placement on the registry, the disposition of the proceeding or 64153  
arbitration shall be noted in the registry next to the 64154  
individual's name. 64155

(E) In the case of an allegation concerning an employee of 64156  
the department, after the hearing conducted pursuant to division 64157  
(B)(2) of this section, the director of health or that director's 64158  
designee shall review the decision of the hearing officer to 64159  
determine whether the standard described in division (C)(3) of 64160  
this section has been met. If the director or designee determines 64161  
that the standard has been met and that no extenuating 64162  
circumstances exist, the director or designee shall notify the 64163  
director of developmental disabilities that the MR/DD employee is 64164  
to be included in the registry established under section 5123.52 64165

of the Revised Code. If the director of developmental disabilities 64166  
receives such notification, the director shall include the MR/DD 64167  
employee in the registry and shall provide the notification 64168  
described in division (D)(3) of this section. 64169

(F) If the department is required by Chapter 119. of the 64170  
Revised Code to give notice of an opportunity for a hearing and 64171  
the MR/DD employee subject to the notice does not timely request a 64172  
hearing in accordance with section 119.07 or 5123.0414 of the 64173  
Revised Code, the department is not required to hold a hearing. 64174

(G) Files and records of investigations conducted pursuant to 64175  
this section are not public records as defined in section 149.43 64176  
of the Revised Code, but, on request, the department shall provide 64177  
copies of those files and records to the attorney general, a 64178  
prosecuting attorney, or a law enforcement agency. 64179

**Sec. 5123.542.** (A) Each of the following shall annually 64180  
provide a written notice to each of its MR/DD employees explaining 64181  
the conduct for which an MR/DD employee may be included in the 64182  
registry established under section 5123.52 of the Revised Code: 64183

(1) The department of developmental disabilities; 64184

(2) Each county board of developmental disabilities; 64185

(3) Each ~~contracting entity~~ provider and subcontractor, as 64186  
defined in section ~~5126.281~~ 5123.081 of the Revised Code; 64187

(4) Each owner, operator, or administrator of a residential 64188  
facility, as defined in section 5123.19 of the Revised Code; 64189

(5) Each owner, operator, or administrator of a program 64190  
certified by the department to provide supported living. 64191

(B) The department of developmental disabilities or a county 64192  
board of developmental disabilities shall provide the notice 64193  
required by division (A) of this section to an MR/DD employee who 64194  
is an independent provider as defined in section 5123.16 of the 64195

|                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <u>Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                        | 64196                                                       |
| (C) The notice described in division (A) of this section shall be in a form and provided in a manner prescribed by the department of developmental disabilities. The form shall be the same for all persons and entities required to provide notice under division (A) of this section.                                                                                                                                                                     | 64197<br>64198<br>64199<br>64200<br>64201                   |
| (C) The fact that an MR/DD employee does not receive the notice required by this section does not exempt the employee from inclusion in the registry established under section 5123.52 of the Revised Code.                                                                                                                                                                                                                                                 | 64202<br>64203<br>64204<br>64205                            |
| <b>Sec. 5123.61.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                           | 64206                                                       |
| (1) "Law enforcement agency" means the state highway patrol, the police department of a municipal corporation, or a county sheriff.                                                                                                                                                                                                                                                                                                                         | 64207<br>64208<br>64209                                     |
| (2) "Abuse" has the same meaning as in section 5123.50 of the Revised Code, except that it includes a misappropriation, as defined in that section.                                                                                                                                                                                                                                                                                                         | 64210<br>64211<br>64212                                     |
| (3) "Neglect" has the same meaning as in section 5123.50 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                               | 64213<br>64214                                              |
| (B) The department of developmental disabilities shall establish a registry office for the purpose of maintaining reports of abuse, neglect, and other major unusual incidents made to the department under this section and reports received from county boards of developmental disabilities under section 5126.31 of the Revised Code. The department shall establish committees to review reports of abuse, neglect, and other major unusual incidents. | 64215<br>64216<br>64217<br>64218<br>64219<br>64220<br>64221 |
| (C)(1) Any person listed in division (C)(2) of this section, having reason to believe that a person with mental retardation or a developmental disability has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of                                                                                                                                                                                              | 64222<br>64223<br>64224<br>64225                            |

such a nature as to reasonably indicate abuse or neglect of that 64226  
person, shall immediately report or cause reports to be made of 64227  
such information to the entity specified in this division. Except 64228  
as provided in section 5120.173 of the Revised Code or as 64229  
otherwise provided in this division, the person making the report 64230  
shall make it to a law enforcement agency or to the county board 64231  
of developmental disabilities. If the report concerns a resident 64232  
of a facility operated by the department of developmental 64233  
disabilities the report shall be made either to a law enforcement 64234  
agency or to the department. If the report concerns any act or 64235  
omission of an employee of a county board of developmental 64236  
disabilities, the report immediately shall be made to the 64237  
department and to the county board. 64238

(2) All of the following persons are required to make a 64239  
report under division (C)(1) of this section: 64240

(a) Any physician, including a hospital intern or resident, 64241  
any dentist, podiatrist, chiropractor, practitioner of a limited 64242  
branch of medicine as specified in section 4731.15 of the Revised 64243  
Code, hospital administrator or employee of a hospital, nurse 64244  
licensed under Chapter 4723. of the Revised Code, employee of an 64245  
ambulatory health facility as defined in section 5101.61 of the 64246  
Revised Code, employee of a home health agency, employee of ~~an~~ 64247  
~~adult care residential~~ facility licensed under ~~Chapter 3722.~~ 64248  
section 5119.22 of the Revised Code that provides accommodations, 64249  
supervision, and personal care services for three to sixteen 64250  
unrelated adults, or employee of a community mental health 64251  
facility; 64252

(b) Any school teacher or school authority, social worker, 64253  
psychologist, attorney, peace officer, coroner, or residents' 64254  
rights advocate as defined in section 3721.10 of the Revised Code; 64255

(c) A superintendent, board member, or employee of a county 64256  
board of developmental disabilities; an administrator, board 64257

member, or employee of a residential facility licensed under 64258  
section 5123.19 of the Revised Code; an administrator, board 64259  
member, or employee of any other public or private provider of 64260  
services to a person with mental retardation or a developmental 64261  
disability, or any MR/DD employee, as defined in section 5123.50 64262  
of the Revised Code; 64263

(d) A member of a citizen's advisory council established at 64264  
an institution or branch institution of the department of 64265  
developmental disabilities under section 5123.092 of the Revised 64266  
Code; 64267

(e) A ~~clergyman~~ member of the clergy who is employed in a 64268  
position that includes providing specialized services to an 64269  
individual with mental retardation or another developmental 64270  
disability, while acting in an official or professional capacity 64271  
in that position, or a person who is employed in a position that 64272  
includes providing specialized services to an individual with 64273  
mental retardation or another developmental disability and who, 64274  
while acting in an official or professional capacity, renders 64275  
spiritual treatment through prayer in accordance with the tenets 64276  
of an organized religion. 64277

(3)(a) The reporting requirements of this division do not 64278  
apply to members of the legal rights service commission or to 64279  
employees of the legal rights service. 64280

(b) An attorney or physician is not required to make a report 64281  
pursuant to division (C)(1) of this section concerning any 64282  
communication the attorney or physician receives from a client or 64283  
patient in an attorney-client or physician-patient relationship, 64284  
if, in accordance with division (A) or (B) of section 2317.02 of 64285  
the Revised Code, the attorney or physician could not testify with 64286  
respect to that communication in a civil or criminal proceeding, 64287  
except that the client or patient is deemed to have waived any 64288  
testimonial privilege under division (A) or (B) of section 2317.02 64289

of the Revised Code with respect to that communication and the attorney or physician shall make a report pursuant to division (C)(1) of this section, if both of the following apply:

(i) The client or patient, at the time of the communication, is a person with mental retardation or a developmental disability.

(ii) The attorney or physician knows or suspects, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(4) Any person who fails to make a report required under division (C) of this section and who is an MR/DD employee, as defined in section 5123.50 of the Revised Code, shall be eligible to be included in the registry regarding misappropriation, abuse, neglect, or other specified misconduct by MR/DD employees established under section 5123.52 of the Revised Code.

(D) The reports required under division (C) of this section shall be made forthwith by telephone or in person and shall be followed by a written report. The reports shall contain the following:

(1) The names and addresses of the person with mental retardation or a developmental disability and the person's custodian, if known;

(2) The age of the person with mental retardation or a developmental disability;

(3) Any other information that would assist in the investigation of the report.

(E) When a physician performing services as a member of the staff of a hospital or similar institution has reason to believe

that a person with mental retardation or a developmental disability has suffered injury, abuse, or physical neglect, the physician shall notify the person in charge of the institution or that person's designated delegate, who shall make the necessary reports.

(F) Any person having reasonable cause to believe that a person with mental retardation or a developmental disability has suffered or faces a substantial risk of suffering abuse or neglect may report or cause a report to be made of that belief to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or the county board of developmental disabilities. If the person is a resident of a facility operated by the department of developmental disabilities, the report shall be made to a law enforcement agency or to the department. If the report concerns any act or omission of an employee of a county board of developmental disabilities, the report immediately shall be made to the department and to the county board.

(G)(1) Upon the receipt of a report concerning the possible abuse or neglect of a person with mental retardation or a developmental disability, the law enforcement agency shall inform the county board of developmental disabilities or, if the person is a resident of a facility operated by the department of developmental disabilities, the director of the department or the director's designee.

(2) On receipt of a report under this section that includes an allegation of action or inaction that may constitute a crime under federal law or the law of this state, the department of developmental disabilities shall notify the law enforcement agency.

(3) When a county board of developmental disabilities



receives a report under this section that includes an allegation 64352  
of action or inaction that may constitute a crime under federal 64353  
law or the law of this state, the superintendent of the board or 64354  
an individual the superintendent designates under division (H) of 64355  
this section shall notify the law enforcement agency. The 64356  
superintendent or individual shall notify the department of 64357  
developmental disabilities when it receives any report under this 64358  
section. 64359

(4) When a county board of developmental disabilities 64360  
receives a report under this section and believes that the degree 64361  
of risk to the person is such that the report is an emergency, the 64362  
superintendent of the board or an employee of the board the 64363  
superintendent designates shall attempt a face-to-face contact 64364  
with the person with mental retardation or a developmental 64365  
disability who allegedly is the victim within one hour of the 64366  
board's receipt of the report. 64367

(H) The superintendent of the board may designate an 64368  
individual to be responsible for notifying the law enforcement 64369  
agency and the department when the county board receives a report 64370  
under this section. 64371

(I) An adult with mental retardation or a developmental 64372  
disability about whom a report is made may be removed from the 64373  
adult's place of residence only by law enforcement officers who 64374  
consider that the adult's immediate removal is essential to 64375  
protect the adult from further injury or abuse or in accordance 64376  
with the order of a court made pursuant to section 5126.33 of the 64377  
Revised Code. 64378

(J) A law enforcement agency shall investigate each report of 64379  
abuse or neglect it receives under this section. In addition, the 64380  
department, in cooperation with law enforcement officials, shall 64381  
investigate each report regarding a resident of a facility 64382  
operated by the department to determine the circumstances 64383

surrounding the injury, the cause of the injury, and the person 64384  
responsible. The investigation shall be in accordance with the 64385  
memorandum of understanding prepared under section 5126.058 of the 64386  
Revised Code. The department shall determine, with the registry 64387  
office which shall be maintained by the department, whether prior 64388  
reports have been made concerning an adult with mental retardation 64389  
or a developmental disability or other principals in the case. If 64390  
the department finds that the report involves action or inaction 64391  
that may constitute a crime under federal law or the law of this 64392  
state, it shall submit a report of its investigation, in writing, 64393  
to the law enforcement agency. If the person with mental 64394  
retardation or a developmental disability is an adult, with the 64395  
consent of the adult, the department shall provide such protective 64396  
services as are necessary to protect the adult. The law 64397  
enforcement agency shall make a written report of its findings to 64398  
the department. 64399

If the person is an adult and is not a resident of a facility 64400  
operated by the department, the county board of developmental 64401  
disabilities shall review the report of abuse or neglect in 64402  
accordance with sections 5126.30 to 5126.33 of the Revised Code 64403  
and the law enforcement agency shall make the written report of 64404  
its findings to the county board. 64405

(K) Any person or any hospital, institution, school, health 64406  
department, or agency participating in the making of reports 64407  
pursuant to this section, any person participating as a witness in 64408  
an administrative or judicial proceeding resulting from the 64409  
reports, or any person or governmental entity that discharges 64410  
responsibilities under sections 5126.31 to 5126.33 of the Revised 64411  
Code shall be immune from any civil or criminal liability that 64412  
might otherwise be incurred or imposed as a result of such actions 64413  
except liability for perjury, unless the person or governmental 64414  
entity has acted in bad faith or with malicious purpose. 64415

(L) No employer or any person with the authority to do so 64416  
shall discharge, demote, transfer, prepare a negative work 64417  
performance evaluation, reduce pay or benefits, terminate work 64418  
privileges, or take any other action detrimental to an employee or 64419  
retaliate against an employee as a result of the employee's having 64420  
made a report under this section. This division does not preclude 64421  
an employer or person with authority from taking action with 64422  
regard to an employee who has made a report under this section if 64423  
there is another reasonable basis for the action. 64424

(M) Reports made under this section are not public records as 64425  
defined in section 149.43 of the Revised Code. Information 64426  
contained in the reports on request shall be made available to the 64427  
person who is the subject of the report, to the person's legal 64428  
counsel, and to agencies authorized to receive information in the 64429  
report by the department or by a county board of developmental 64430  
disabilities. 64431

(N) Notwithstanding section 4731.22 of the Revised Code, the 64432  
physician-patient privilege shall not be a ground for excluding 64433  
evidence regarding the injuries or physical neglect of a person 64434  
with mental retardation or a developmental disability or the cause 64435  
thereof in any judicial proceeding resulting from a report 64436  
submitted pursuant to this section. 64437

**Sec. 5123.89.** (A) All certificates, applications, records, 64438  
and reports made for the purpose of this chapter, other than court 64439  
journal entries or court docket entries, which directly or 64440  
indirectly identify a resident or former resident of an 64441  
institution for the mentally retarded or person whose 64442  
institutionalization has been sought under this chapter shall be 64443  
kept confidential and shall not be disclosed by any person except 64444  
in the following situations: 64445

(1) It is the judgment of the court for judicial records, and 64446

the managing officer for institution records, that disclosure is 64447  
in the best interest of the person identified, and that person or 64448  
that person's guardian or, if that person is a minor, that 64449  
person's parent or guardian consents. 64450

(2) Disclosure is provided for in other sections of this 64451  
chapter. 64452

(3) It is the judgment of the managing officer for 64453  
institution records that disclosure to a mental health facility is 64454  
in the best interest of the person identified. 64455

(4) Disclosure is of a record deposited with the Ohio 64456  
historical society pursuant to division (C) of section 5123.31 of 64457  
the Revised Code and the disclosure is made to the closest living 64458  
relative of the person identified, on the relative's request. 64459

(B) The department of developmental disabilities shall adopt 64460  
rules with respect to the systematic and periodic destruction of 64461  
residents' records. 64462

(C)(1) As used in this division, "family" means a parent, 64463  
brother, sister, spouse, son, daughter, grandparent, aunt, uncle, 64464  
or cousin. 64465

(2) Upon the death of a resident or former resident of an 64466  
institution for the mentally retarded or a person whose 64467  
institutionalization was sought under this chapter, the managing 64468  
officer of an institution shall provide access to the 64469  
certificates, applications, records, and reports made for the 64470  
purposes of this chapter to the resident's, former resident's, or 64471  
person's guardian if the guardian makes a written request. If a 64472  
deceased resident, former resident, or person whose 64473  
institutionalization was sought under this chapter did not have a 64474  
guardian at the time of death, the managing officer shall provide 64475  
access to the certificates, applications, records, and reports 64476  
made for purposes of this chapter to a member of the person's 64477

family, upon that family member's written request. 64478

(D) No person shall reveal the contents of a record of a 64479  
resident except as authorized by this chapter. 64480

**Sec. 5126.023.** ~~(A)~~ None of the following individuals may 64481  
serve as a member of a county board of developmental disabilities: 64482

~~(1)~~(A) An elected public official, except for a township 64483  
trustee, township fiscal officer, or individual excluded from the 64484  
definition of public official or employee in division (B) of 64485  
section 102.01 of the Revised Code; 64486

~~(2)~~(B) An immediate family member of ~~another~~ a member of the 64487  
same county board ~~member~~; 64488

~~(3)~~ ~~A county board~~ (C) An employee of any county board; 64489

(D) An immediate family member of a county board an employee 64490  
of the same county board; 64491

~~(4)~~(E) A former employee of ~~the~~ a county board whose 64492  
employment ~~with the county board~~ ceased less than ~~one~~ four 64493  
calendar ~~year~~ years before the former employee would begin to 64494  
serve as a member of the same county board; 64495

~~(5)~~(F) A former employee of a county board whose employment 64496  
ceased less than two years before the former employee would begin 64497  
to serve as a member of a different county board; 64498

(G) An individual who or whose immediate family member is a 64499  
board member ~~or an employee~~ of an agency licensed or certified by 64500  
the department of developmental disabilities to provide services 64501  
to individuals with mental retardation or developmental 64502  
disabilities or an individual who or whose immediate family member 64503  
is an employee of such an agency; 64504

~~(6)~~ ~~An individual who or whose immediate family member is a~~ 64505  
~~board member or employee of an agency contracting with the county~~ 64506

~~board that is not licensed or certified by the department of 64507  
developmental disabilities to provide services to individuals with 64508  
mental retardation or developmental disabilities unless there is 64509  
no conflict of interest; 64510~~

~~(7)(H) An individual with an immediate family member who 64511  
serves as a county commissioner of a county served by the county 64512  
board unless the individual was a member of the county board 64513  
before October 31, 1980. 64514~~

~~(B) All questions relating to the existence of a conflict of 64515  
interest for the purpose of division (A)(6) of this section shall 64516  
be submitted to the local prosecuting attorney for resolution. The 64517  
Ohio ethics commission may examine any issues arising under 64518  
Chapter 102. and sections 2921.42, 2921.421, and 2921.43 of the 64519  
Revised Code. 64520~~

**Sec. 5126.0220. (A)** The superintendent of the county board of 64521  
developmental disabilities shall do all of the following: 64522

~~(A)(1) Administer the work of the board, subject to the 64523  
board's rules; 64524~~

~~(B)(2) Recommend to the board the changes necessary to 64525  
increase the effectiveness of the programs and services offered 64526  
pursuant to Chapters 3323. and 5126. of the Revised Code; 64527~~

~~(C)(3) Employ persons for all positions authorized by the 64528  
board, approve contracts of employment for management employees 64529  
that are for a term of one year or less, and approve personnel 64530  
actions that involve employees in the classified civil service as 64531  
may be necessary for the work of the board; 64532~~

~~(D)(4) Approve compensation for employees within the limits 64533  
set by the salary schedule and budget set by the board ~~and in~~ 64534  
~~accordance with section 5126.26 of the Revised Code, and ensure~~ 64535  
that all employees and consultants are properly reimbursed for 64536~~

actual and necessary expenses incurred in the performance of 64537  
official duties; 64538

~~(E)~~(5) Provide consultation to public agencies as defined in 64539  
division (C) of section 102.01 of the Revised Code, including 64540  
other county boards of developmental disabilities, and to 64541  
individuals, agencies, or organizations providing services 64542  
supported by the board. 64543

(B) The superintendent may authorize the payment of board 64544  
obligations by the county auditor. 64545

**Sec. 5126.0221.** (A) As used in this section, "specialized 64546  
services" has the same meaning as in section ~~5126.281~~ 5123.081 of 64547  
the Revised Code. 64548

(B) Except as provided in division (C) of section 5126.033 of 64549  
the Revised Code, none of the following individuals may be 64550  
employed by a county board of developmental disabilities: 64551

(1) An employee of an agency contracting with the county 64552  
board; 64553

(2) An immediate family member of an employee of an agency 64554  
contracting with the county board unless the county board adopts a 64555  
resolution authorizing the immediate family member's employment 64556  
with the county board or the employment is consistent with a 64557  
policy adopted by the board establishing parameters for such 64558  
employment and the policy is consistent with Chapter 102. and 64559  
sections 2921.42, 2921.421, and 2921.43 of the Revised Code; 64560

(3) An individual with an immediate family member who serves 64561  
as a county commissioner of any of the counties served by the 64562  
county board unless the individual was an employee of the county 64563  
board before October 31, 1980; 64564

(4) An individual who is employed by, has an ownership 64565  
interest in, performs or provides administrative duties for, or is 64566

a member of the governing board of an entity that provides 64567  
specialized services, regardless of whether the entity contracts 64568  
with the county board to provide specialized services. 64569

**Sec. 5126.043.** (A) When an individual with mental retardation 64570  
or other developmental disability is required ~~within this chapter~~ 64571  
~~to consent, refuse to give consent, or withdraw consent for~~ 64572  
~~services and the individual has been adjudicated incompetent~~ 64573  
~~pursuant to Chapter 2111. of the Revised Code, the guardian for~~ 64574  
~~the individual appointed under that chapter and functioning in~~ 64575  
~~accordance with the appointment shall be responsible for giving,~~ 64576  
~~refusing to give, or withdrawing the consent for services to make~~ 64577  
a decision regarding the individual's receipt of a service or 64578  
participation in a program provided for or funded under this 64579  
chapter or Chapter 5123. of the Revised Code, the individual 64580  
shall, except as provided in division (C) of this section, make 64581  
the decision. In making a decision, the individual may seek 64582  
support and guidance from a family member or trusted adult friend 64583  
and doing so does not eliminate the individual's authority under 64584  
this division. 64585

(B)(1) Subject to division (B)(2) and except as provided in 64586  
division (D) of this section, when an individual with mental 64587  
retardation or other developmental disability lacks the capacity 64588  
to make a decision described in division (A) of this section, the 64589  
following, determined in the order of priority specified, shall 64590  
make the decision on the individual's behalf: 64591

(a) The individual's guardian, as defined in section 2111.01 64592  
of the Revised Code; 64593

(b) An adult who has been authorized in writing by the 64594  
individual to make such a decision on the individual's behalf; 64595

(c) The individual's spouse; 64596



(d) The individual's parent; 64597

(e) An adult child of the individual; 64598

(f) An adult sibling of the individual; 64599

(g) A grandparent of the individual; 64600

(h) An adult not described in divisions (B)(1)(a) to (g) of this section who is related to the individual by blood, marriage, or adoption, has exhibited special care and concern for the individual, is generally familiar with the individual's desires, and is willing and able to make the decision and act in the individual's best interests; 64601  
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(i) An adult friend who has exhibited special care and concern for the individual, is generally familiar with the individual's desires, and is willing and able to make the decision and act in the individual's best interests. 64607  
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(2) If division (B)(1)(b), (d), (e), (f), (g), (h), or (i) of this section describes more than one person, the decision may be made by a single person who meets that description unless that person knows of an objection by another person who meets the description. If an objection is known, the decision may be made only by a majority of the persons described who are reasonably available. If such a majority does not exist, the decision shall be made by the person in the next priority class. 64611  
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(C) Individuals with mental retardation and other developmental disabilities, including those who have been adjudicated incompetent pursuant to Chapter 2111. of the Revised Code, have the right to participate in decisions that affect their lives and to have their needs, desires, and preferences considered. A person described in divisions (B)(1)(a) to (i) who must make a decision on behalf of an individual described in division (B) of this section shall consider the individual's needs, desires, and preferences and make a decision that is 64619  
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consistent with those items and the individual's best interests. 64628

(D) A person described in divisions (B)(1)(a) to (i) of this section who provides services to an individual, other than protective services as defined in section 5123.55 of the Revised Code, shall be disqualified from making a decision required by division (B) of this section if the person is not related by blood, marriage, or adoption to the individual. 64629  
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~~Sec. 5126.046. (A) Each county board of developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for habilitation, vocational, or community employment services provided as part of home and community based services shall create a list of all persons and government entities eligible to provide such habilitation, vocational, or community employment services. If the county board chooses and is eligible to provide such habilitation, vocational, or community employment services, the county board shall include itself on the list. The county board shall make the list available to each individual with mental retardation or other developmental disability who resides in the county and is eligible for such habilitation, vocational, or community employment services. The county board shall also make the list available to such individuals' families.~~ 64635  
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An Except as otherwise provided by 42 C.F.R. 431.51, an individual with mental retardation or other developmental disability who is eligible for habilitation, vocational, or community employment home and community-based services may choose the has the right to obtain the services from any provider of the services. 64650  
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~~(B) Each month, the department of developmental disabilities shall create a list of all persons and government entities eligible to provide residential services and supported living. The~~ 64656  
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~~department shall include on the list all residential facilities 64659  
licensed under section 5123.19 of the Revised Code and all 64660  
supported living providers certified under section 5123.161 of the 64661  
Revised Code. The department shall distribute the monthly lists to 64662  
county boards that have local administrative authority under 64663  
division (A) of section 5126.055 of the Revised Code for 64664  
residential services and supported living provided as part of home 64665  
and community based services. A county board that receives a list 64666  
shall make it available to each individual with mental retardation 64667  
or other developmental disability who resides in the county and is 64668  
eligible for such residential services or supported living. The 64669  
county board shall also make the list available to the families of 64670  
those individuals that is qualified to furnish the services and is 64671  
willing to furnish the services to the individual. A county board 64672  
of developmental disabilities that has medicaid local 64673  
administrative authority under division (A) of section 5126.055 of 64674  
the Revised Code for home and community-based services and refuses 64675  
to permit an individual to obtain home and community-based 64676  
services from a qualified and willing provider shall provide the 64677  
individual timely notice that the individual may request a hearing 64678  
under section 5101.35 of the Revised Code. 64679~~

(B) An individual with mental retardation or other 64680  
developmental disability who is eligible for nonmedicaid 64681  
residential services or nonmedicaid supported living may choose 64682  
the has the right to obtain the services from any provider of the 64683  
residential services or supported living that is qualified to 64684  
furnish the residential services or supported living and is 64685  
willing to furnish the residential services or supported living to 64686  
the individual. 64687

~~(C) If a county board that has medicaid local administrative 64688  
authority under division (A) of section 5126.055 of the Revised 64689  
Code for home and community based services violates the right 64690~~

~~established by this section of an individual to choose a provider that is qualified and willing to provide services to the individual, the individual shall receive timely notice that the individual may request a hearing under section 5101.35 of the Revised Code.~~

~~(D) The ~~departments~~ director of developmental disabilities and ~~job and family services~~ shall adopt rules in accordance with Chapter 119. of the Revised Code governing the implementation of this section. The rules shall include procedures for individuals to choose their ~~service~~ providers. The rules shall not be limited by a provider selection system established under section 5126.42 of the Revised Code, including any pool of providers created pursuant to a provider selection system.~~

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of the Revised Code, a county board of developmental disabilities has medicaid local administrative authority to, and shall, do all of the following for an individual with mental retardation or other developmental disability who resides in the county that the county board serves and seeks or receives home and community-based services:

(1) Perform assessments and evaluations of the individual. As part of the assessment and evaluation process, the county board shall do all of the following:

(a) Make a recommendation to the department of developmental disabilities on whether the department should approve or deny the individual's application for the services, including on the basis of whether the individual needs the level of care an intermediate care facility for the mentally retarded provides;

(b) If the individual's application is denied because of the county board's recommendation and the individual requests a hearing under section 5101.35 of the Revised Code, present, with

the department of developmental disabilities or department of job and family services, whichever denies the application, the reasons for the recommendation and denial at the hearing;

(c) If the individual's application is approved, recommend to the departments of developmental disabilities and job and family services the services that should be included in the individual's individualized service plan and, if either department approves, reduces, denies, or terminates a service included in the individual's individualized service plan under section 5111.871 of the Revised Code because of the county board's recommendation, present, with the department that made the approval, reduction, denial, or termination, the reasons for the recommendation and approval, reduction, denial, or termination at a hearing under section 5101.35 of the Revised Code.

(2) ~~In accordance with the rules adopted under section 5126.046 of the Revised Code, perform the county board's~~ Perform any duties assigned to the county board in rules adopted under ~~that~~ section 5126.046 of the Revised Code regarding ~~assisting~~ the individual's right to choose a qualified and willing provider of the services and, at a hearing under section 5101.35 of the Revised Code, present evidence of the process for appropriate assistance in choosing providers;

(3) If the county board is certified under section 5123.161 of the Revised Code to provide the services and agrees to provide the services to the individual and the individual chooses the county board to provide the services, furnish, in accordance with the county board's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires;

(4) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The monitoring shall include quality assurance activities. If the

county board provides the services, the department of 64754  
developmental disabilities shall also monitor the services. 64755

(5) Develop, with the individual and the provider of the 64756  
individual's services, an effective individualized service plan 64757  
that includes coordination of services, recommend that the 64758  
departments of developmental disabilities and job and family 64759  
services approve the plan, and implement the plan unless either 64760  
department disapproves it. The individualized service plan shall 64761  
include a summary page, agreed to by the county board, provider, 64762  
and individual receiving services, that clearly outlines the 64763  
amount, duration, and scope of services to be provided under the 64764  
plan. 64765

(6) Have an investigative agent conduct investigations under 64766  
section 5126.313 of the Revised Code that concern the individual; 64767

(7) Have a service and support administrator perform the 64768  
duties under division (B)(9) of section 5126.15 of the Revised 64769  
Code that concern the individual. 64770

(B) A county board shall perform its medicaid local 64771  
administrative authority under this section in accordance with all 64772  
of the following: 64773

(1) The county board's plan that the department of 64774  
developmental disabilities approves under section 5123.046 of the 64775  
Revised Code; 64776

(2) All applicable federal and state laws; 64777

(3) All applicable policies of the departments of 64778  
developmental disabilities and job and family services and the 64779  
United States department of health and human services; 64780

(4) The department of job and family services' supervision 64781  
under its authority under section 5111.01 of the Revised Code to 64782  
act as the single state medicaid agency; 64783

(5) The department of developmental disabilities' oversight. 64784

(C) The departments of developmental disabilities and job and 64785  
family services shall communicate with and provide training to 64786  
county boards regarding medicaid local administrative authority 64787  
granted by this section. The communication and training shall 64788  
include issues regarding audit protocols and other standards 64789  
established by the United States department of health and human 64790  
services that the departments determine appropriate for 64791  
communication and training. County boards shall participate in the 64792  
training. The departments shall assess the county board's 64793  
compliance against uniform standards that the departments shall 64794  
establish. 64795

(D) A county board may not delegate its medicaid local 64796  
administrative authority granted under this section but may 64797  
contract with a person or government entity, including a council 64798  
of governments, for assistance with its medicaid local 64799  
administrative authority. A county board that enters into such a 64800  
contract shall notify the director of developmental disabilities. 64801  
The notice shall include the tasks and responsibilities that the 64802  
contract gives to the person or government entity. The person or 64803  
government entity shall comply in full with all requirements to 64804  
which the county board is subject regarding the person or 64805  
government entity's tasks and responsibilities under the contract. 64806  
The county board remains ultimately responsible for the tasks and 64807  
responsibilities. 64808

(E) A county board that has medicaid local administrative 64809  
authority under this section shall, through the departments of 64810  
developmental disabilities and job and family services, reply to, 64811  
and cooperate in arranging compliance with, a program or fiscal 64812  
audit or program violation exception that a state or federal audit 64813  
or review discovers. The department of job and family services 64814  
shall timely notify the department of developmental disabilities 64815

and the county board of any adverse findings. After receiving the 64816  
notice, the county board, in conjunction with the department of 64817  
developmental disabilities, shall cooperate fully with the 64818  
department of job and family services and timely prepare and send 64819  
to the department a written plan of correction or response to the 64820  
adverse findings. The county board is liable for any adverse 64821  
findings that result from an action it takes or fails to take in 64822  
its implementation of medicaid local administrative authority. 64823

(F) If the department of developmental disabilities or 64824  
department of job and family services determines that a county 64825  
board's implementation of its medicaid local administrative 64826  
authority under this section is deficient, the department that 64827  
makes the determination shall require that county board do the 64828  
following: 64829

(1) If the deficiency affects the health, safety, or welfare 64830  
of an individual with mental retardation or other developmental 64831  
disability, correct the deficiency within twenty-four hours; 64832

(2) If the deficiency does not affect the health, safety, or 64833  
welfare of an individual with mental retardation or other 64834  
developmental disability, receive technical assistance from the 64835  
department or submit a plan of correction to the department that 64836  
is acceptable to the department within sixty days and correct the 64837  
deficiency within the time required by the plan of correction. 64838

**Sec. 5126.13.** (A) A county board of developmental 64839  
disabilities may enter into an agreement with one or more other 64840  
county boards of developmental disabilities to establish a 64841  
regional council in accordance with Chapter 167. of the Revised 64842  
Code. The agreement shall specify the duties and functions to be 64843  
performed by the council, which may include any duty or function a 64844  
county board is required or authorized to perform under this 64845  
chapter. ~~If directed to do so by a resolution adopted by a county~~ 64846



~~board that is a member of a regional council, the department of 64847  
developmental disabilities shall make any distributions of money 64848  
for that county for the duties or functions performed by the 64849  
council pursuant to its agreement that are otherwise required to 64850  
be made to the county board under this chapter to the fiscal 64851  
officer of the council designated under section 167.04 of the 64852  
Revised Code. 64853~~

A county board may also enter into an agreement with one or 64854  
more school districts or other political subdivisions to establish 64855  
a regional council in accordance with Chapter 167. of the Revised 64856  
Code. 64857

(B) On or before the thirtieth day of March, the fiscal 64858  
officer of a regional council described in this section shall 64859  
report to the department of developmental disabilities, in the 64860  
format specified by the department, all income and operating 64861  
expenditures of the council for the immediately preceding calendar 64862  
year. 64863

**Sec. 5126.15.** (A) A county board of developmental 64864  
disabilities shall provide service and support administration to 64865  
each individual three years of age or older who is eligible for 64866  
service and support administration if the individual requests, or 64867  
a person on the individual's behalf requests, service and support 64868  
administration. A board shall provide service and support 64869  
administration to each individual receiving home and 64870  
community-based services. A board may provide, in accordance with 64871  
the service coordination requirements of 34 C.F.R. 303.23, service 64872  
and support administration to an individual under three years of 64873  
age eligible for early intervention services under 34 C.F.R. part 64874  
303. A board may provide service and support administration to an 64875  
individual who is not eligible for other services of the board. 64876  
Service and support administration shall be provided in accordance 64877

with rules adopted under section 5126.08 of the Revised Code. 64878

A board may provide service and support administration by 64879  
directly employing service and support administrators or by 64880  
contracting with entities for the performance of service and 64881  
support administration. Individuals employed or under contract as 64882  
service and support administrators shall not be in the same 64883  
collective bargaining unit as employees who perform duties that 64884  
are not administrative. 64885

Individuals employed by a board as service and support 64886  
administrators shall not be assigned responsibilities for 64887  
implementing other services for individuals and shall not be 64888  
employed by or serve in a decision-making or policy-making 64889  
capacity for any other entity that provides programs or services 64890  
to individuals with mental retardation or developmental 64891  
disabilities. An individual employed as a conditional status 64892  
service and support administrator shall perform the duties of 64893  
service and support administration only under the supervision of a 64894  
management employee who is a service and support administration 64895  
supervisor. 64896

(B) The individuals employed by or under contract with a 64897  
board to provide service and support administration shall do all 64898  
of the following: 64899

(1) Establish an individual's eligibility for the services of 64900  
the county board of developmental disabilities; 64901

(2) Assess individual needs for services; 64902

(3) Develop individual service plans with the active 64903  
participation of the individual to be served, other persons 64904  
selected by the individual, and, when applicable, the provider 64905  
selected by the individual, and recommend the plans for approval 64906  
by the department of developmental disabilities when services 64907  
included in the plans are funded through medicaid; 64908

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| (4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 64909<br>64910                                                                                  |
| (5) Assist individuals in making selections from among the providers they have chosen;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 64911<br>64912                                                                                  |
| (6) Ensure that services are effectively coordinated and provided by appropriate providers;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 64913<br>64914                                                                                  |
| (7) Establish and implement an ongoing system of monitoring the implementation of individual service plans to achieve consistent implementation and the desired outcomes for the individual;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 64915<br>64916<br>64917<br>64918                                                                |
| (8) Perform quality assurance reviews as a distinct function of service and support administration;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 64919<br>64920                                                                                  |
| (9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual;                                                                                                                                                                                                                                                                                                                                                                                                    | 64921<br>64922<br>64923<br>64924<br>64925                                                       |
| <del>(10) Ensure that each individual receiving services has a designated person who is responsible on a continuing basis for providing the individual with representation, advocacy, advice, and assistance related to the day to day coordination of services in accordance with the individual's service plan. The service and support administrator shall give the individual receiving services an opportunity to designate the person to provide daily representation. If the individual declines to make a designation, the administrator shall make the designation. In either case, the individual receiving services may change at any time the person designated to provide daily representation.</del> | 64926<br>64927<br>64928<br>64929<br>64930<br>64931<br>64932<br>64933<br>64934<br>64935<br>64936 |
| <b>Sec. 5126.20.</b> As used in this section and sections 5126.21 to 5126.29 <u>5126.25</u> of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 64937<br>64938                                                                                  |

(A) "Service employee" means a person employed by a county board of developmental disabilities in a position which may require ~~evidence of~~ registration under section 5126.25 of the Revised Code but for which a bachelor's degree from an accredited college or university is not required, and includes employees in the positions listed in division (C) of section 5126.22 of the Revised Code.

(B)(1) "Professional employee" means both of the following:

(a) A person employed by a board in a position for which either a bachelor's degree from an accredited college or university or a license or certificate issued under Title XLVII of the Revised Code is a minimum requirement;

(b) A person employed by a board as a conditional status service and support administrator.

(2) "Professional employee" includes employees in the positions listed in division (B) of section 5126.22 of the Revised Code.

(C) "Management employee" means a person employed by a board in a position having supervisory or managerial responsibilities and duties, and includes employees in the positions listed in division (A) of section 5126.22 of the Revised Code.

(D) "Limited contract" means a contract of limited duration which is renewable at the discretion of the superintendent.

~~(E) "Continuing contract" means a contract of employment that was issued prior to June 24, 1988, to a classified employee under which the employee has completed the employee's probationary period and under which the employee retains employment until the employee retires or resigns, is removed pursuant to section 5126.23 of the Revised Code, or is laid off.~~

~~(F)~~ "Supervisory responsibilities and duties" includes the

authority to hire, transfer, suspend, lay off, recall, promote, 64969  
discharge, assign, reward, or discipline other employees of the 64970  
board; to responsibly direct them; to adjust their grievances; or 64971  
to effectively recommend such action, if the exercise of that 64972  
authority is not of a merely routine or clerical nature but 64973  
requires the use of independent judgment. 64974

~~(G)~~(F) "Managerial responsibilities and duties" includes 64975  
formulating policy on behalf of the board, responsibly directing 64976  
the implementation of policy, assisting in the preparation for the 64977  
conduct of collective negotiations, administering collectively 64978  
negotiated agreements, or having a major role in personnel 64979  
administration. 64980

~~(H)~~(G) "Investigative agent" means an individual who conducts 64981  
investigations under section 5126.313 of the Revised Code. 64982

**Sec. 5126.21.** As used in this section, "management employee" 64983  
does not include the superintendent of a county board of 64984  
developmental disabilities. 64985

(A)(1) Each management employee of a county board of 64986  
developmental disabilities shall hold a limited contract for a 64987  
period of not less than one year and not more than five years, 64988  
except that a management employee hired after the beginning of a 64989  
program year may be employed under a limited contract expiring at 64990  
the end of the program year. The board shall approve all contracts 64991  
of employment for management employees that are for a term of more 64992  
than one year. A management employee shall receive notice of the 64993  
superintendent's intention not to rehire the employee at least 64994  
ninety days prior to the expiration of the contract. ~~If the 64995  
superintendent fails to notify a management employee, the employee 64996  
shall be reemployed under a limited contract of one year at the 64997  
same salary plus any authorized salary increases. 64998~~

(2) During the term of a contract a management employee's 64999

salary may be increased, but shall not be reduced unless the 65000  
reduction is part of a uniform plan affecting all employees of the 65001  
board. 65002

(B) All management employees may be removed, suspended, or 65003  
demoted for cause pursuant to section 5126.23 of the Revised Code. 65004

(C) All management employees shall receive employee benefits 65005  
~~that shall include sick leave, vacation leave, holiday pay, and~~ 65006  
~~such other benefits~~ as are established by the board. Sections 65007  
124.38 and 325.19 of the Revised Code do not apply to management 65008  
employees. 65009

(D) The superintendent of a county board of developmental 65010  
disabilities shall notify all management employees of the board of 65011  
their salary no later than thirty days before the first day of the 65012  
new contract year. 65013

~~(E) All management employees of a county board of 65014  
developmental disabilities who were given continuing contract 65015  
status prior to the effective date of this section have continuing 65016  
contract status so long as they maintain employment with the 65017  
board. 65018~~

~~(F) All management employees who were probationary employees 65019  
on the effective date of this section shall, upon completion of 65020  
their probationary period, be granted continuing contract status 65021  
if retained in employment. 65022~~

~~(G) Each county board of developmental disabilities shall 65023  
establish a lay-off policy to be followed if it determines a 65024  
reduction in the number of management employees is necessary. 65025~~

**Sec. 5126.22.** (A) Employees who hold the following positions 65026  
in a county board of developmental disabilities are management 65027  
employees: 65028

assistant superintendent 65029

|                                                                                                                                          |                         |
|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| director of business                                                                                                                     | 65030                   |
| director of personnel                                                                                                                    | 65031                   |
| adult services director                                                                                                                  | 65032                   |
| workshop director                                                                                                                        | 65033                   |
| habilitation manager                                                                                                                     | 65034                   |
| director of residential services                                                                                                         | 65035                   |
| principal (director of children services)                                                                                                | 65036                   |
| program or service supervisor                                                                                                            | 65037                   |
| plant manager                                                                                                                            | 65038                   |
| production manager                                                                                                                       | 65039                   |
| service and support administration supervisor                                                                                            | 65040                   |
| investigative agent                                                                                                                      | 65041                   |
| confidential employees as defined in section 4117.01 of the<br>Revised Code                                                              | 65042<br>65043          |
| positions designated by the director of developmental<br>disabilities as having managerial or supervisory responsibilities<br>and duties | 65044<br>65045<br>65046 |
| positions designated by the county board in accordance with<br>division (D) of this section.                                             | 65047<br>65048          |
| (B) Employees who hold the following positions in a board are<br>professional employees:                                                 | 65049<br>65050          |
| personnel <u>licensed or</u> certified pursuant to Chapter 3319. of<br>the Revised Code                                                  | 65051<br>65052          |
| early intervention specialist                                                                                                            | 65053                   |
| physical development specialist                                                                                                          | 65054                   |
| habilitation specialist                                                                                                                  | 65055                   |
| work adjustment specialist                                                                                                               | 65056                   |

|                                                                          |                |
|--------------------------------------------------------------------------|----------------|
| placement specialist                                                     | 65057          |
| vocational evaluator                                                     | 65058          |
| psychologist                                                             | 65059          |
| occupational therapist                                                   | 65060          |
| speech and language pathologist                                          | 65061          |
| recreation specialist                                                    | 65062          |
| behavior management specialist                                           | 65063          |
| physical therapist                                                       | 65064          |
| supportive home services specialist                                      | 65065          |
| licensed practical nurse or registered nurse                             | 65066          |
| rehabilitation counselor                                                 | 65067          |
| doctor of medicine and surgery or of osteopathic medicine and<br>surgery | 65068<br>65069 |
| dentist                                                                  | 65070          |
| service and support administrator                                        | 65071          |
| conditional status service and support administrator                     | 65072          |
| social worker                                                            | 65073          |
| any position that is not a management position and for which             | 65074          |
| the standards for certification established by the director of           | 65075          |
| developmental disabilities under section 5126.25 of the Revised          | 65076          |
| Code require a bachelor's or higher degree                               | 65077          |
| professional positions designated by the director                        | 65078          |
| professional positions designated by the county board in                 | 65079          |
| accordance with division (D) of this section.                            | 65080          |
| (C) Employees who hold positions in a board that are neither             | 65081          |
| management positions nor professional positions are service              | 65082          |
| employees. Service employee positions include:                           | 65083          |



|                                                                    |       |
|--------------------------------------------------------------------|-------|
| workshop specialist                                                | 65084 |
| workshop specialist assistant                                      | 65085 |
| contract procurement specialist                                    | 65086 |
| community employment specialist                                    | 65087 |
| any assistant to a professional employee certified to              | 65088 |
| provide, or supervise the provision of, adult services or service  | 65089 |
| and support administration                                         | 65090 |
| service positions designated by the director                       | 65091 |
| service positions designated by a county board in accordance       | 65092 |
| with division (D) of this section.                                 | 65093 |
| (D) A county board may designate a position only if the            | 65094 |
| position does not include directly providing, or supervising       | 65095 |
| employees who directly provide, service or instruction to          | 65096 |
| individuals with mental retardation or developmental disabilities. | 65097 |
| (E) If a county board desires to have a position established       | 65098 |
| that is not specifically listed in this section that includes      | 65099 |
| directly providing, or supervising employees who directly provide, | 65100 |
| services or instruction to individuals with mental retardation or  | 65101 |
| developmental disabilities, the board shall submit to the director | 65102 |
| a written description of the position and request that the         | 65103 |
| director designate the position as a management, professional, or  | 65104 |
| service position under this section. The director shall consider   | 65105 |
| each request submitted under this division and respond within      | 65106 |
| thirty days. If the director approves the request, the director    | 65107 |
| shall designate the position as a management, professional, or     | 65108 |
| service position.                                                  | 65109 |
| (F) A county board shall not terminate its employment of any       | 65110 |
| management, professional, or service employee solely because a     | 65111 |
| position is added to or eliminated from those positions listed in  | 65112 |
| this section or because a position is designated or no longer      | 65113 |

designated by the director or a county board. 65114

**Sec. 5126.25.** (A) The director of developmental disabilities 65115  
shall adopt rules ~~in accordance with Chapter 119. of the Revised~~ 65116  
~~Code under division (C) of this section~~ establishing uniform 65117  
standards and procedures for the certification and registration of 65118  
persons ~~for employment by county boards of developmental~~ 65119  
~~disabilities as superintendents, management employees, and~~ 65120  
~~professional employees and uniform standards and procedures for~~ 65121  
~~the registration of persons for employment by county boards as~~ 65122  
~~registered service employees. As part of the rules, the director~~ 65123  
~~may establish continuing education and professional training~~ 65124  
~~requirements for renewal of certificates and evidence of~~ 65125  
~~registration and shall establish such requirements for renewal of~~ 65126  
~~an investigative agent certificate. In the rules, the director~~ 65127  
~~shall establish certification standards for employment in the~~ 65128  
~~position of investigative agent that require an individual to have~~ 65129  
~~or obtain no less than an associate degree from an accredited~~ 65130  
~~college or university or have or obtain comparable experience or~~ 65131  
~~training. The director shall not adopt rules that require any~~ 65132  
~~service employee to have or obtain a bachelor's or higher degree.~~ 65133

~~The director shall adopt the rules in a manner that provides~~ 65134  
~~for the issuance of certificates and evidence of registration~~ 65135  
~~according to categories, levels, and grades. The rules shall~~ 65136  
~~describe each category, level, and grade.~~ 65137

~~The rules adopted under this division shall apply to persons~~ 65138  
~~employed or seeking employment in a position that includes~~ 65139  
~~directly providing, or supervising persons who directly provide,~~ 65140  
~~services or instruction to or on behalf of individuals with mental~~ 65141  
~~retardation or developmental disabilities, except that the rules~~ 65142  
~~shall not apply to persons who hold a valid license issued under~~ 65143  
~~Chapter 3319. of the Revised Code and perform no duties other than~~ 65144

~~teaching or supervision of a teaching program or persons who hold a valid license or certificate issued under Title XLVII of the Revised Code and perform only those duties governed by the license or certificate. The rules shall specify the positions that require certification or registration. The rules shall specify that the position of investigative agent requires certification, other than the persons described in division (I) of this section, who are seeking employment with or are employed by either of the following:~~

(1) A county board of developmental disabilities;

(2) An entity that contracts with a county board to operate programs and services for individuals with mental retardation or developmental disabilities.

(B) No person shall be employed in a position for which certification or registration is required pursuant to the rules adopted under this section without the certification or registration that is required for that position. The person shall not be employed or shall not continue to be employed if the required certification or registration is denied, revoked, or not renewed.

~~(B)(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards for approval of courses of study to prepare persons to meet certification requirements. The director shall approve courses of study meeting the standards and provide for the inspection of the courses to ensure the maintenance of satisfactory training procedures. The director shall approve courses of study only if given by a state university or college as defined in section 3345.32 of the Revised Code, a state university or college of another state, or an institution that has received a certificate of authorization to confer degrees from the board of regents pursuant to Chapter 1713. of the Revised Code or from a comparable~~

agency of another state as the director considers necessary to 65177  
implement and administer this section, including rules 65178  
establishing all of the following: 65179

(1) Positions of employment that are subject to this section 65180  
and, for each position, whether a person must receive 65181  
certification or receive registration to be employed in that 65182  
position; 65183

(2) Requirements that must be met to receive the 65184  
certification or registration required to be employed in a 65185  
particular position, including standards regarding education, 65186  
specialized training, and experience, taking into account the 65187  
needs of individuals with mental retardation or developmental 65188  
disabilities and the specialized techniques needed to serve them, 65189  
except that the rules shall not require a person designated as a 65190  
service employee under section 5126.22 of the Revised Code to have 65191  
or obtain a bachelor's or higher degree; 65192

(3) Procedures to be followed in applying for initial 65193  
certification or registration and for renewing the certification 65194  
or registration. 65195

(4) Requirements that must be met for renewal of 65196  
certification or registration, which may include continuing 65197  
education and professional training requirements; 65198

(5) Subject to section 5126.23 of the Revised Code, grounds 65199  
for which certification or registration may be denied, suspended, 65200  
or revoked and procedures for appealing the denial, suspension, or 65201  
revocation. 65202

~~(C)(D) Each applicant for a certificate for employment or~~ 65203  
~~evidence of~~ person seeking certification or registration for 65204  
~~employment by a county board shall apply to the department of~~ 65205  
~~developmental disabilities on forms that the director of the~~ 65206  
~~department shall prescribe and provide. The application shall be~~ 65207

accompanied by the application fee in the manner established in 65208  
rules adopted under this section. 65209

~~(D) The director shall issue a certificate for employment to 65210  
each applicant who meets the standards for certification 65211  
established under this section and shall issue evidence of 65212  
registration for employment to each applicant who meets the 65213  
standards for registration established under this section. Each 65214  
certificate or evidence of registration shall state the category, 65215  
level, and grade for which it is issued. 65216~~

~~The director shall issue, renew, deny, suspend, or revoke 65217  
certificates and evidence of registration in accordance with rules 65218  
adopted under this section. The director shall deny, suspend, or 65219  
revoke a certificate or evidence of registration if the director 65220  
finds, pursuant to an adjudication conducted in accordance with 65221  
Chapter 119. of the Revised Code, that the applicant for or holder 65222  
of the certificate or evidence of registration is guilty of 65223  
intemperate, immoral, or other conduct unbecoming to the 65224  
applicant's or holder's position, or is guilty of incompetence or 65225  
negligence within the scope of the applicant's or holder's duties. 65226  
The director shall deny or revoke a certificate or evidence of 65227  
registration if the director finds, pursuant to an adjudication 65228  
conducted in accordance with Chapter 119. of the Revised Code, 65229  
that the applicant for or holder of the certificate or evidence of 65230  
registration has been convicted of or pleaded guilty to any of the 65231  
offenses described in division (E) of section 5126.28 of the 65232  
Revised Code, unless the individual meets standards for 65233  
rehabilitation that the director establishes in the rules adopted 65234  
under that section. Evidence supporting such allegations shall be 65235  
presented to the director in writing and the director shall 65236  
provide prompt notice of the allegations to the person who is the 65237  
subject of the allegations. A denial, suspension, or revocation 65238  
may be appealed in accordance with procedures the director shall 65239~~

~~establish in the rules adopted under this section.~~ 65240

(E)(1) The superintendent of each county board is responsible for taking all actions regarding certification and registration of employees, other than the position of superintendent. For the position of superintendent, the director of developmental disabilities is responsible for taking all such actions. 65241  
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Actions that may be taken under this division include issuing, renewing, denying, suspending, and revoking certification and registration. All actions shall be taken in accordance with the rules adopted under this section. 65246  
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A person subject to the denial, suspension, or revocation of certification or registration may appeal the decision. The appeal shall be made in accordance with the rules adopted under this section. 65250  
65251  
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65253

(F) ~~A person holding a~~ with valid certificate certification or registration under this section on the effective date of any rules adopted under this section that increase the standards applicable to the certification standards or registration shall have such period as the rules prescribe, but not less than one year after the effective date of the rules, to meet the new certification or registration standards. 65254  
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~~A person who is registered under this section on the effective date of any rule that changes the standards adopted under this section shall have such period as the rules prescribe, but not less than one year, to meet the new registration standards.~~ 65261  
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65265

(2) ~~If an applicant for a certificate for employment has not completed the courses of instruction necessary to meet the department's standards for certification, the department shall inform the applicant of the courses the applicant must successfully complete to meet the standards and shall specify the~~ 65266  
65267  
65268  
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65270

~~time within which the applicant must complete the courses. The department shall grant the applicant at least one year to complete the courses and shall not require the applicant to complete more than four courses in any one year. The applicant is not subject to any changes regarding the courses required for certification that are made after the department informs the applicant of the courses the applicant must complete, unless the applicant does not successfully complete the courses within the time specified by the department.~~

~~(F)(G) A person who holds a certificate with valid certification or evidence of registration, other than one designated as temporary, is qualified to be employed according to that certificate certification or evidence of registration by any county board or entity contracting with a county board.~~

~~(G)(H) The director shall monitor county boards to ensure that their employees who must be certified or registered are appropriately certified or registered and and the employees of their contracting entities have the applicable certification or registration required under this section and that the employees are performing only those functions they are authorized to perform under their certificate the certification or evidence of registration.~~

~~(H) A county board superintendent or the superintendent's designee may certify to the director that county board employees who are required to meet continuing education or professional training requirements as a condition of renewal of certificates or evidence of registration have met the requirements. The superintendent of each county board or the superintendent's designee shall maintain in appropriate personnel files evidence acceptable to the director that the employees have met the requirements and permit. On request, representatives of the department of developmental disabilities shall be given access to~~

the evidence ~~on request.~~ 65303

(I) ~~All fees collected pursuant to this section shall be~~ 65304  
~~deposited in the state treasury to the credit of the program fee~~ 65305  
~~fund created under section 5123.033 of the Revised Code.~~ 65306

~~(J) Employees of entities that contract with county boards of~~ 65307  
~~developmental disabilities to operate programs and services for~~ 65308  
~~individuals with mental retardation and developmental disabilities~~ 65309  
~~are subject to the certification and registration requirements~~ 65310  
~~established under section 5123.082 of the Revised Code The~~ 65311  
~~certification and registration requirements of this section and~~ 65312  
~~the rules adopted under it do not apply to either of the~~ 65313  
~~following:~~ 65314

(1) A person who holds a valid license issued or certificate 65315  
issued under Chapter 3319. of the Revised Code and performs no 65316  
duties other than teaching or supervision of a teaching program; 65317

(2) A person who holds a valid license or certificate issued 65318  
under Title XLVII of the Revised Code and performs only those 65319  
duties governed by the license or certificate. 65320

**Sec. 5126.251.** On receipt of a notice pursuant to section 65321  
3123.43 of the Revised Code, the director of developmental 65322  
disabilities or the superintendent of a county board of 65323  
developmental disabilities shall comply with sections 3123.41 to 65324  
3123.50 of the Revised Code and any applicable rules adopted under 65325  
section 3123.63 of the Revised Code with respect to ~~a certificate~~ 65326  
a person's certification or ~~evidence of registration issued~~ 65327  
~~pursuant to this chapter~~ under section 5126.25 of the Revised 65328  
Code. 65329

**Sec. 5126.51.** As used in sections 5126.51 to 5126.62 of the 65330  
Revised Code: 65331

(A) "Develop" or "development," in contexts not referring to 65332



developmental disabilities, means construction or rehabilitation. 65333

(B) "Eligible lending institution" means a financial 65334  
institution that meets all of the following requirements: 65335

(1) Is eligible to make commercial loans; 65336

(2) Has an office located within the territorial limits of 65337  
the county; 65338

(3) Is an institution into which the county's investing 65339  
authority may deposit the public moneys of the county; 65340

(4) Holds itself out as participating in the residential 65341  
facility linked deposit program. 65342

(C) "Eligible organization" means ~~either of the following:~~ 65343

~~(1) A a nonprofit corporation that has as its primary 65344  
activity the development or operation of a residential facility;~~ 65345

~~(2) A nonprofit corporation certified under section 5123.192 65346  
of the Revised Code. 65347~~

(D) "Investing authority" has the same meaning as in section 65348  
135.31 of the Revised Code. 65349

(E) "Residential facility" has the same meaning as in section 65350  
5123.19 of the Revised Code ~~and also includes a residence where a 65351  
nonprofit corporation certified under section 5123.192 of the 65352  
Revised Code provides or proposes to provide supported living for 65353  
individuals with mental retardation or developmental disabilities. 65354~~

(F) "Residential facility linked deposit program" means the 65355  
linked deposit program provided for in sections 5126.51 to 5126.62 65356  
of the Revised Code. A "residential facility linked deposit" is a 65357  
deposit of public moneys of the county under, and for the purposes 65358  
of, the residential facility linked deposit program. A 65359  
"residential facility linked deposit loan" is a loan under, and 65360  
for the purposes of, the residential facility linked deposit 65361  
program. 65362

Sec. 5139.41. The appropriation made to the department of youth services for care and custody of felony delinquents shall be expended in accordance with the following procedure that the department shall use for each year of a biennium. The procedure shall be consistent with sections 5139.41 to 5139.43 of the Revised Code and shall be developed in accordance with the following guidelines:

(A) The line item appropriation for the care and custody of felony delinquents shall provide funding for operational costs for the following:

(1) Institutions and the diagnosis, care, or treatment of felony delinquents at facilities pursuant to contracts entered into under section 5139.08 of the Revised Code;

(2) Community corrections facilities constructed, reconstructed, improved, or financed as described in section 5139.36 of the Revised Code for the purpose of providing alternative placement and services for felony delinquents who have been diverted from care and custody in institutions;

(3) County juvenile courts that administer programs and services for prevention, early intervention, diversion, treatment, and rehabilitation services and programs that are provided for alleged or adjudicated unruly or delinquent children or for children who are at risk of becoming unruly or delinquent children;

(4) Administrative expenses the department incurs in connection with the felony delinquent care and custody programs described in section 5139.43 of the Revised Code.

(B) From the appropriated line item for the care and custody of felony delinquents, the department, with the advice of the RECLAIM advisory committee established under section 5139.44 of

the Revised Code, shall allocate annual operational funds for 65393  
county juvenile programs, institutional care and custody, 65394  
community corrections facilities care and custody, and 65395  
administrative expenses incurred by the department associated with 65396  
felony delinquent care and custody programs. The department, with 65397  
the advice of the RECLAIM advisory committee, shall adjust these 65398  
allocations, when modifications to this line item are made by 65399  
legislative or executive action. 65400

(C) The department shall divide county juvenile program 65401  
allocations among county juvenile courts that administer programs 65402  
and services for prevention, early intervention, diversion, 65403  
treatment, and rehabilitation that are provided for alleged or 65404  
adjudicated unruly or delinquent children or for children who are 65405  
at risk of becoming unruly or delinquent children. The department 65406  
shall base funding on the county's previous year's ratio of the 65407  
department's institutional and community correctional facilities 65408  
commitments to that county's ~~four-year~~ average of felony 65409  
adjudications, as specified in the following formula: 65410

(1) The department shall give to each county a proportional 65411  
allocation of commitment credits. The proportional allocation of 65412  
commitment credits shall be calculated by the following 65413  
procedures: 65414

(a) The department shall determine for each county and for 65415  
the state a ~~four-year~~ an average of felony adjudications. 65416  
Beginning July 1, 2012, the average shall include felony 65417  
adjudications for fiscal year 2007 and for each subsequent fiscal 65418  
year through fiscal year 2016. Beginning July 1, 2017, the most 65419  
recent felony adjudication data shall be included and the oldest 65420  
fiscal year data shall be removed so that a ten-year average of 65421  
felony adjudication data will be maintained. 65422

(b) The department shall determine for each county and for 65423  
the state the number of charged bed days, for both the department 65424

and community correctional facilities, from the previous year. 65425

(c) The department shall divide the statewide total number of 65426  
charged bed days by the statewide total number of felony 65427  
adjudications, which quotient shall then be multiplied by a factor 65428  
determined by the department. 65429

(d) The department shall calculate the county's allocation of 65430  
credits by multiplying the number of adjudications for each court 65431  
by the result determined pursuant to division (C)(1)(c) of this 65432  
section. 65433

(2) The department shall subtract from the allocation 65434  
determined pursuant to division (C)(1) of this section a credit 65435  
for every chargeable bed day a youth stays in a department 65436  
institution and two-thirds of credit for every chargeable bed day 65437  
a youth stays in a community correctional facility, except for 65438  
public safety beds. At the end of the year, the department shall 65439  
divide the amount of remaining credits of that county's allocation 65440  
by the total number of remaining credits to all counties, to 65441  
determine the county's percentage, which shall then be applied to 65442  
the total county allocation to determine the county's payment for 65443  
the fiscal year. 65444

(3) The department shall pay counties three times during the 65445  
fiscal year to allow for credit reporting and audit adjustments, 65446  
and modifications to the appropriated line item for the care and 65447  
custody of felony delinquents, as described in this section. The 65448  
department shall pay fifty per cent of the payment by the 65449  
fifteenth of July of each fiscal year, twenty-five per cent by the 65450  
fifteenth of January of that fiscal year, and twenty-five per cent 65451  
of the payment by the fifteenth of June of that fiscal year. 65452

~~(D) In fiscal year 2004, the payment of county juvenile 65453  
programs shall be based on the following procedure: 65454~~

~~(1) The department shall divide the funding earned by each 65455~~

~~court in fiscal year 2003 by the aggregate funding of all courts, 65456  
resulting in a percentage. 65457~~

~~(2) The department shall apply the percentage determined 65458  
under division (D)(1) of this section to the total county juvenile 65459  
program allocation for fiscal year 2004 to determine each court's 65460  
total payment. 65461~~

~~(3) The department shall make payments in accordance with the 65462  
schedule established in division (C)(3) of this section. 65463~~

**Sec. 5139.43.** (A) The department of youth services shall 65464  
operate a felony delinquent care and custody program that shall be 65465  
operated in accordance with the formula developed pursuant to 65466  
section 5139.41 of the Revised Code, subject to the conditions 65467  
specified in this section. 65468

(B)(1) Each juvenile court shall use the moneys disbursed to 65469  
it by the department of youth services pursuant to division (B) of 65470  
section 5139.41 of the Revised Code in accordance with the 65471  
applicable provisions of division (B)(2) of this section and shall 65472  
transmit the moneys to the county treasurer for deposit in 65473  
accordance with this division. The county treasurer shall create 65474  
in the county treasury a fund that shall be known as the felony 65475  
delinquent care and custody fund and shall deposit in that fund 65476  
the moneys disbursed to the juvenile court pursuant to division 65477  
(B) of section 5139.41 of the Revised Code. The county treasurer 65478  
also shall deposit into that fund the state subsidy funds granted 65479  
to the county pursuant to section 5139.34 of the Revised Code. The 65480  
moneys disbursed to the juvenile court pursuant to division (B) of 65481  
section 5139.41 of the Revised Code and deposited pursuant to this 65482  
division in the felony delinquent care and custody fund shall not 65483  
be commingled with any other county funds except state subsidy 65484  
funds granted to the county pursuant to section 5139.34 of the 65485  
Revised Code; shall not be used for any capital construction 65486

projects; upon an order of the juvenile court and subject to 65487  
appropriation by the board of county commissioners, shall be 65488  
disbursed to the juvenile court for use in accordance with the 65489  
applicable provisions of division (B)(2) of this section; shall 65490  
not revert to the county general fund at the end of any fiscal 65491  
year; and shall carry over in the felony delinquent care and 65492  
custody fund from the end of any fiscal year to the next fiscal 65493  
year. The maximum balance carry-over at the end of each respective 65494  
fiscal year in the felony delinquent care and custody fund in any 65495  
county from funds allocated to the county pursuant to sections 65496  
5139.34 and 5139.41 of the Revised Code in the previous fiscal 65497  
year shall not exceed an amount to be calculated as provided in 65498  
the formula set forth in this division, unless that county has 65499  
applied for and been granted an exemption by the director of youth 65500  
services. Beginning June 30, 2008, the maximum balance carry-over 65501  
at the end of each respective fiscal year shall be determined by 65502  
the following formula: for fiscal year 2008, the maximum balance 65503  
carry-over shall be one hundred per cent of the allocation for 65504  
fiscal year 2007, to be applied in determining the fiscal year 65505  
2009 allocation; for fiscal year 2009, it shall be fifty per cent 65506  
of the allocation for fiscal year 2008, to be applied in 65507  
determining the fiscal year 2010 allocation; for fiscal year 2010, 65508  
it shall be twenty-five per cent of the allocation for fiscal year 65509  
2009, to be applied in determining the fiscal year 2011 65510  
allocation; and for each fiscal year subsequent to fiscal year 65511  
2010, it shall be twenty-five per cent of the allocation for the 65512  
immediately preceding fiscal year, to be applied in determining 65513  
the allocation for the next immediate fiscal year. The department 65514  
shall withhold from future payments to a county an amount equal to 65515  
any moneys in the felony delinquent care and custody fund of the 65516  
county that exceed the total maximum balance carry-over that 65517  
applies for that county for the fiscal year in which the payments 65518  
are being made and shall reallocate the withheld amount. The 65519

department shall adopt rules for the withholding and reallocation 65520  
of moneys disbursed under sections 5139.34 and 5139.41 of the 65521  
Revised Code and for the criteria and process for a county to 65522  
obtain an exemption from the withholding requirement. The moneys 65523  
disbursed to the juvenile court pursuant to division (B) of 65524  
section 5139.41 of the Revised Code and deposited pursuant to this 65525  
division in the felony delinquent care and custody fund shall be 65526  
in addition to, and shall not be used to reduce, any usual annual 65527  
increase in county funding that the juvenile court is eligible to 65528  
receive or the current level of county funding of the juvenile 65529  
court and of any programs or services for delinquent children, 65530  
unruly children, or juvenile traffic offenders. 65531

(2)(a) A county and the juvenile court that serves the county 65532  
shall use the moneys in its felony delinquent care and custody 65533  
fund in accordance with rules that the department of youth 65534  
services adopts pursuant to division (D) of section 5139.04 of the 65535  
Revised Code and as follows: 65536

(i) The moneys in the fund that represent state subsidy funds 65537  
granted to the county pursuant to section 5139.34 of the Revised 65538  
Code shall be used to aid in the support of prevention, early 65539  
intervention, diversion, treatment, and rehabilitation programs 65540  
that are provided for alleged or adjudicated unruly children or 65541  
delinquent children or for children who are at risk of becoming 65542  
unruly children or delinquent children. The county shall not use 65543  
for capital improvements more than fifteen per cent of the moneys 65544  
in the fund that represent the applicable annual grant of those 65545  
state subsidy funds. 65546

(ii) The moneys in the fund that were disbursed to the 65547  
juvenile court pursuant to division (B) of section 5139.41 of the 65548  
Revised Code and deposited pursuant to division (B)(1) of this 65549  
section in the fund shall be used to provide programs and services 65550  
for the training, treatment, or rehabilitation of felony 65551

delinquents that are alternatives to their commitment to the 65552  
department, including, but not limited to, community residential 65553  
programs, day treatment centers, services within the home, and 65554  
electronic monitoring, and shall be used in connection with 65555  
training, treatment, rehabilitation, early intervention, or other 65556  
programs or services for any delinquent child, unruly child, or 65557  
juvenile traffic offender who is under the jurisdiction of the 65558  
juvenile court. 65559

The fund also may be used for prevention, early intervention, 65560  
diversion, treatment, and rehabilitation programs that are 65561  
provided for alleged or adjudicated unruly children, delinquent 65562  
children, or juvenile traffic offenders or for children who are at 65563  
risk of becoming unruly children, delinquent children, or juvenile 65564  
traffic offenders. Consistent with division (B)(1) of this 65565  
section, a county and the juvenile court of a county shall not use 65566  
any of those moneys for capital construction projects. 65567

(iii) Moneys in the fund shall not be used to support 65568  
programs or services that do not comply with federal juvenile 65569  
justice and delinquency prevention core requirements or to support 65570  
programs or services that research has shown to be ineffective. 65571  
~~Moneys in the fund shall be prioritized to research-supported~~ 65572  
Research-supported, outcome-based programs and services, to the 65573  
extent they are available, shall be encouraged. 65574

(iv) The county and the juvenile court that serves the county 65575  
may use moneys in the fund to provide out-of-home placement of 65576  
children only in detention centers, community rehabilitation 65577  
centers, or community corrections facilities approved by the 65578  
department pursuant to standards adopted by the department, 65579  
licensed by an authorized state agency, or accredited by the 65580  
American correctional association or another national organization 65581  
recognized by the department. 65582

(b) Each juvenile court shall comply with division (B)(3)(d) 65583



of this section as implemented by the department. If a juvenile 65584  
court fails to comply with division (B)(3)(d) of this section, the 65585  
department shall not be required to make any disbursements in 65586  
accordance with division (C) ~~or (D)~~ of section 5139.41 or division 65587  
(C)(2) of section 5139.34 of the Revised Code. 65588

(3) In accordance with rules adopted by the department 65589  
pursuant to division (D) of section 5139.04 of the Revised Code, 65590  
each juvenile court and the county served by that juvenile court 65591  
shall do all of the following that apply: 65592

(a) The juvenile court shall prepare an annual grant 65593  
agreement and application for funding that satisfies the 65594  
requirements of this section and section 5139.34 of the Revised 65595  
Code and that pertains to the use, upon an order of the juvenile 65596  
court and subject to appropriation by the board of county 65597  
commissioners, of the moneys in its felony delinquent care and 65598  
custody fund for specified programs, care, and services as 65599  
described in division (B)(2)(a) of this section, shall submit that 65600  
agreement and application to the county family and children first 65601  
council, the regional family and children first council, or the 65602  
local intersystem services to children cluster as described in 65603  
sections 121.37 and 121.38 of the Revised Code, whichever is 65604  
applicable, and shall file that agreement and application with the 65605  
department for its approval. The annual grant agreement and 65606  
application for funding shall include a method of ensuring equal 65607  
access for minority youth to the programs, care, and services 65608  
specified in it. 65609

The department may approve an annual grant agreement and 65610  
application for funding only if the juvenile court involved has 65611  
complied with the preparation, submission, and filing requirements 65612  
described in division (B)(3)(a) of this section. If the juvenile 65613  
court complies with those requirements and the department approves 65614  
that agreement and application, the juvenile court and the county 65615

served by the juvenile court may expend the state subsidy funds 65616  
granted to the county pursuant to section 5139.34 of the Revised 65617  
Code only in accordance with division (B)(2)(a) of this section, 65618  
the rules pertaining to state subsidy funds that the department 65619  
adopts pursuant to division (D) of section 5139.04 of the Revised 65620  
Code, and the approved agreement and application. 65621

(b) By the thirty-first day of August of each year, the 65622  
juvenile court shall file with the department a report that 65623  
contains all of the statistical and other information for each 65624  
month of the prior state fiscal year. If the juvenile court fails 65625  
to file the report required by division (B)(3)(b) of this section 65626  
by the thirty-first day of August of any year, the department 65627  
shall not disburse any payment of state subsidy funds to which the 65628  
county otherwise is entitled pursuant to section 5139.34 of the 65629  
Revised Code and shall not disburse pursuant to division (B) of 65630  
section 5139.41 of the Revised Code the applicable allocation 65631  
until the juvenile court fully complies with division (B)(3)(b) of 65632  
this section. 65633

(c) If the department requires the juvenile court to prepare 65634  
monthly statistical reports and to submit the reports on forms 65635  
provided by the department, the juvenile court shall file those 65636  
reports with the department on the forms so provided. If the 65637  
juvenile court fails to prepare and submit those monthly 65638  
statistical reports within the department's timelines, the 65639  
department shall not disburse any payment of state subsidy funds 65640  
to which the county otherwise is entitled pursuant to section 65641  
5139.34 of the Revised Code and shall not disburse pursuant to 65642  
division (B) of section 5139.41 of the Revised Code the applicable 65643  
allocation until the juvenile court fully complies with division 65644  
(B)(3)(c) of this section. If the juvenile court fails to prepare 65645  
and submit those monthly statistical reports within one hundred 65646  
eighty days of the date the department establishes for their 65647

submission, the department shall not disburse any payment of state 65648  
subsidy funds to which the county otherwise is entitled pursuant 65649  
to section 5139.34 of the Revised Code and shall not disburse 65650  
pursuant to division (B) of section 5139.41 of the Revised Code 65651  
the applicable allocation, and the state subsidy funds and the 65652  
remainder of the applicable allocation shall revert to the 65653  
department. If a juvenile court states in a monthly statistical 65654  
report that the juvenile court adjudicated within a state fiscal 65655  
year five hundred or more children to be delinquent children for 65656  
committing acts that would be felonies if committed by adults and 65657  
if the department determines that the data in the report may be 65658  
inaccurate, the juvenile court shall have an independent auditor 65659  
or other qualified entity certify the accuracy of the data on a 65660  
date determined by the department. 65661

(d) If the department requires the juvenile court and the 65662  
county to participate in a fiscal monitoring program or another 65663  
monitoring program that is conducted by the department to ensure 65664  
compliance by the juvenile court and the county with division (B) 65665  
of this section, the juvenile court and the county shall 65666  
participate in the program and fully comply with any guidelines 65667  
for the performance of audits adopted by the department pursuant 65668  
to that program and all requests made by the department pursuant 65669  
to that program for information necessary to reconcile fiscal 65670  
accounting. If an audit that is performed pursuant to a fiscal 65671  
monitoring program or another monitoring program described in this 65672  
division determines that the juvenile court or the county used 65673  
moneys in the county's felony delinquent care and custody fund for 65674  
expenses that are not authorized under division (B) of this 65675  
section, within forty-five days after the department notifies the 65676  
county of the unauthorized expenditures, the county either shall 65677  
repay the amount of the unauthorized expenditures from the county 65678  
general revenue fund to the state's general revenue fund or shall 65679  
file a written appeal with the department. If an appeal is timely 65680

filed, the director of the department shall render a decision on 65681  
the appeal and shall notify the appellant county or its juvenile 65682  
court of that decision within forty-five days after the date that 65683  
the appeal is filed. If the director denies an appeal, the 65684  
county's fiscal agent shall repay the amount of the unauthorized 65685  
expenditures from the county general revenue fund to the state's 65686  
general revenue fund within thirty days after receiving the 65687  
director's notification of the appeal decision. 65688

(C) The determination of which county a reduction of the care 65689  
and custody allocation will be charged against for a particular 65690  
youth shall be made as outlined below for all youths who do not 65691  
qualify as public safety beds. The determination of which county a 65692  
reduction of the care and custody allocation will be charged 65693  
against shall be made as follows until each youth is released: 65694

(1) In the event of a commitment, the reduction shall be 65695  
charged against the committing county. 65696

(2) In the event of a recommitment, the reduction shall be 65697  
charged against the original committing county until the 65698  
expiration of the minimum period of institutionalization under the 65699  
original order of commitment or until the date on which the youth 65700  
is admitted to the department of youth services pursuant to the 65701  
order of recommitment, whichever is later. Reductions of the 65702  
allocation shall be charged against the county that recommitted 65703  
the youth after the minimum expiration date of the original 65704  
commitment. 65705

(3) In the event of a revocation of a release on parole, the 65706  
reduction shall be charged against the county that revokes the 65707  
youth's parole. 65708

(D) A juvenile court is not precluded by its allocation 65709  
amount for the care and custody of felony delinquents from 65710  
committing a felony delinquent to the department of youth services 65711

for care and custody in an institution or a community corrections 65712  
facility when the juvenile court determines that the commitment is 65713  
appropriate. 65714

Sec. 5139.511. Before a youth is released from a secure 65715  
facility under the control of the department of youth services, 65716  
the department of youth services shall attempt to verify the 65717  
youth's identification and social security number. If the 65718  
department is able to verify the youth's identity with a verified 65719  
birth certificate and social security number, the department shall 65720  
issue an identification card that the youth may present to the 65721  
registrar or deputy registrar of motor vehicles. If the department 65722  
is not able to verify the youth's identity with both a verified 65723  
birth certificate and social security number, the youth shall not 65724  
receive an identification card under this section. 65725

**Sec. 5149.311.** (A) The department of rehabilitation and 65726  
correction shall establish and administer the probation 65727  
improvement grant and the probation incentive grant for ~~court of~~ 65728  
~~common pleas~~ probation departments that supervise ~~felony~~ offenders 65729  
sentenced by courts of common pleas or municipal courts. 65730

(B)(1) The probation improvement grant shall provide funding 65731  
to court ~~of common pleas~~ probation departments to adopt policies 65732  
and practices based on the latest research on how to reduce the 65733  
number of ~~felony~~ offenders on probation supervision who violate 65734  
the conditions of their supervision. 65735

(2) The department shall adopt rules for the distribution of 65736  
the probation improvement grant, including the formula for the 65737  
allocation of the subsidy based on the number of ~~felony~~ offenders 65738  
placed on probation annually in each jurisdiction. 65739

(C)(1) The probation incentive grant shall provide a 65740  
performance-based level of funding to court ~~of common pleas~~ 65741

probation departments that are successful in reducing the number 65742  
of felony offenders on probation supervision whose terms of 65743  
supervision are revoked. 65744

(2) The department shall calculate annually any cost savings 65745  
realized by the state from a reduction in the percentage of people 65746  
who are incarcerated because their terms of supervised probation 65747  
were revoked. The cost savings estimate shall be calculated for 65748  
each ~~county~~ jurisdiction served by the probation department 65749  
eligible for a grant under this section and be based on the 65750  
difference from fiscal year 2010 and the fiscal year under 65751  
examination. 65752

(3) The department shall adopt rules that specify the subsidy 65753  
amount to be appropriated to court ~~of common pleas~~ probation 65754  
departments that successfully reduce the percentage of people on 65755  
probation who are incarcerated because their terms of supervision 65756  
are revoked. 65757

(D) The following stipulations apply to both the probation 65758  
improvement grant and the probation incentive grant: 65759

(1) In order to be eligible for the probation improvement 65760  
grant and the probation incentive grant, courts of common pleas 65761  
must satisfy all requirements under sections 2301.27 and 2301.30 65762  
of the Revised Code ~~and, except.~~ Except for sentencing decisions 65763  
made by a court when use of the risk assessment tool is 65764  
discretionary, in order to be eligible for the probation 65765  
improvement grant and the probation incentive grant, a court must 65766  
utilize the single validated risk assessment tool selected by the 65767  
department of rehabilitation and correction under section 5120.114 65768  
of the Revised Code. 65769

(2) The department may deny a subsidy under this section to 65770  
any applicant if the applicant fails to comply with the terms of 65771  
any agreement entered into pursuant to any of the provisions of 65772

this section. 65773

(3) The department shall evaluate or provide for the 65774  
evaluation of the policies, practices, and programs the court of 65775  
~~common pleas~~ probation departments utilize with the programs of 65776  
subsidies established under this section and establish means of 65777  
measuring their effectiveness. 65778

(4) The department shall specify the policies, practices, and 65779  
programs for which court of ~~common pleas~~ probation departments may 65780  
use the program subsidy and shall establish minimum standards of 65781  
quality and efficiency that recipients of the subsidy must follow. 65782  
The department shall give priority to supporting evidence-based 65783  
policies and practices, as defined by the department. 65784

**Sec. 5501.03.** (A) The department of transportation shall: 65785

(1) Exercise and perform such other duties, powers, and 65786  
functions as are conferred by law on the director, the department, 65787  
the assistant directors, the deputy directors, or on the divisions 65788  
of the department; 65789

(2) Coordinate and develop, in cooperation with local, 65790  
regional, state, and federal planning agencies and authorities, 65791  
comprehensive and balanced state policy and planning to meet 65792  
present and future needs for adequate transportation facilities in 65793  
this state, including recommendations for adequate funding of the 65794  
implementation of such planning; 65795

(3) Coordinate its activities with those of other appropriate 65796  
state departments, public agencies, and authorities, and enter 65797  
into any contracts with such departments, agencies, and 65798  
authorities as may be necessary to carry out its duties, powers, 65799  
and functions; 65800

(4) Cooperate with and assist the public utilities commission 65801  
in the commission's administration of sections 4907.47 to 4907.476 65802

of the Revised Code, particularly with respect to the federal 65803  
highway administration; 65804

(5) Cooperate with and assist the Ohio power siting board in 65805  
the board's administration of Chapter 4906. of the Revised Code; 65806

(6) Give particular consideration to the development of 65807  
policy and planning for public transportation facilities, and to 65808  
the coordination of associated activities relating thereto, as 65809  
prescribed under divisions (A)(2) and (3) of this section; 65810

(7) Conduct, in cooperation with the Ohio legislative service 65811  
commission, any studies or comparisons of state traffic laws and 65812  
local traffic ordinances with model laws and ordinances that may 65813  
be required to meet program standards adopted by the United States 65814  
department of transportation pursuant to the "Highway Safety Act 65815  
of 1966," 80 Stat. 731, U.S.C.A. 401; 65816

(8) Prepare, print, distribute, and advertise books, maps, 65817  
pamphlets, and other information that, in the judgment of the 65818  
director, will inform the public and other governmental 65819  
departments, agencies, and authorities as to the duties, powers, 65820  
and functions of the department; 65821

(9) In its research and development program, consider 65822  
technologies for improving roadways, including construction 65823  
techniques and materials to prolong project life, being used or 65824  
developed by other states that have geographic, geologic, or 65825  
climatic features similar to this state's, and collaborate with 65826  
those states in that development. 65827

(B) Nothing contained in division (A)(1) of this section 65828  
shall be held to in any manner affect, limit, restrict, or 65829  
otherwise interfere with the exercise of powers relating to 65830  
transportation facilities by appropriate agencies of the federal 65831  
government, or by counties, municipal corporations, or other 65832  
political subdivisions or special districts in this state 65833



authorized by law to exercise such powers. 65834

(C) The department may use all appropriate sources of revenue 65835  
to assist in the development and implementation of rail service as 65836  
defined by division (C) of section 4981.01 of the Revised Code. 65837

(D) The director of transportation may enter into contracts 65838  
with public agencies including political subdivisions, other state 65839  
agencies, boards, commissions, regional transit authorities, 65840  
county transit boards, and port authorities, to administer the 65841  
design, qualification of bidders, competitive bid letting, 65842  
construction inspection, and acceptance of any projects 65843  
administered by the department, provided the administration of 65844  
such projects is performed in accordance with all applicable state 65845  
and federal laws and regulations with oversight by the department. 65846

(E) The director may enter into cooperative or contractual 65847  
agreements with any individual, organization, or business related 65848  
to the creation or promotion of a traveler information program. 65849  
The traveler information program shall provide real-time traffic 65850  
conditions and travel time information to travelers by telephone, 65851  
text message, internet, or other similar means at no cost to the 65852  
traveler. The director may contract with a program manager for the 65853  
traveler information program. The program manager shall be 65854  
responsible for all costs associated with the development and 65855  
operation of the traveler information program. The compensation 65856  
due to a program manager or vendor under any of these agreements 65857  
may include deferred compensation in an amount determined by the 65858  
director. Excess revenue shall be remitted to the department for 65859  
deposit into the highway operating fund. 65860

(F) Any materials or data submitted to, made available to, or 65861  
received by the director of transportation, to the extent that the 65862  
materials or data consist of trade secrets, as defined in section 65863  
1333.61 of the Revised Code, or commercial or financial 65864  
information, are confidential and are not public records for the 65865

purposes of section 149.43 of the Revised Code. 65866

~~Sec. 5501.04. The following divisions are hereby established~~ 65867  
~~in the department of transportation:~~ 65868

~~(A) The division of business services;~~ 65869

~~(B) The division of engineering policy;~~ 65870

~~(C) The division of finance;~~ 65871

~~(D) The division of human resources;~~ 65872

~~(E) The division of information technology;~~ 65873

~~(F) The division of multi modal planning and programs;~~ 65874

~~(G) The division of project management;~~ 65875

~~(H) The division of equal opportunity.~~ 65876

~~The Pursuant to section 5501.02 of the Revised Code, the~~ 65877  
director of transportation shall distribute the duties, powers, 65878  
and functions of the department among the divisions of the 65879  
department. 65880

Each division shall be headed by a deputy director, whose 65881  
title shall be designated by the director, and shall include those 65882  
other officers and employees as may be necessary to carry out the 65883  
work of the division. ~~The director shall appoint the~~ Each deputy 65884  
director of each division, ~~who~~ shall be in the unclassified civil 65885  
service of the state and shall serve at the pleasure of the 65886  
director. ~~The director shall supervise the work of each division~~ 65887  
~~and~~ shall be responsible for the determination of general policies 65888  
in the performance of the duties, powers, and functions of the 65889  
department and of each division. The director shall have complete 65890  
executive charge of the department, shall be responsible for the 65891  
organization, direction, and supervision of the work of the 65892  
department and the performance of the duties, powers, and 65893  
functions assigned to each division, and may establish necessary 65894

administrative units therein. ~~The~~ Each deputy director of each 65895  
division, with the approval of the director and subject to Chapter 65896  
124. of the Revised Code, shall appoint the necessary employees of 65897  
the division and may remove such employees for cause. 65898

~~The division of equal opportunity shall ensure that minority 65899  
groups and all groups protected by state and federal civil rights 65900  
laws are afforded equal opportunity to be recruited, trained, and 65901  
work in the employment of or on projects of the department of 65902  
transportation, and to participate in contracts awarded by the 65903  
department. The director of transportation each year shall report 65904  
to the governor and the general assembly on the division's 65905  
activities and accomplishments. 65906~~

**Sec. 5501.07.** In addition to those duties, powers, and 65907  
functions the director of transportation assigns to it, the office 65908  
of ~~public transportation of the division of multi modal planning 65909  
and programs~~ transit: 65910

(A) May issue grants from any public transportation grant 65911  
appropriation to county transit boards, regional transit 65912  
authorities, regional transit commissions, counties, municipal 65913  
corporations, and private nonprofit organizations that operate or 65914  
will operate a public transportation system. 65915

The director shall establish criteria for the distribution of 65916  
such grants. These criteria may include and the director may 65917  
consider each of the following: 65918

(1) The degree to which comprehensive regional transportation 65919  
planning goals may be attained through a program for which a grant 65920  
will be used; 65921

(2) The amount of local financial or other support of public 65922  
transportation operations and facilities affected by the program; 65923

(3) The levels of existing service and fare; 65924

(4) The degree to which the proposed plan demonstrates 65925  
approaches of potential value to other local transit boards, 65926  
authorities, commissions, counties, municipal corporations, and 65927  
private nonprofit organizations operating public transportation 65928  
systems; 65929

(5) The degree to which the grant applicant will use state 65930  
and local funds to match a federal grant; 65931

(6) Such other factors as the director determines. 65932

Any criteria established by the director for the distribution 65933  
of such grants shall be consistent with the requirements of the 65934  
United States department of transportation, or any administration 65935  
in the department, including, but not limited to, the federal 65936  
transit administration. The director may designate in the criteria 65937  
certain dates after which applications for specified portions of 65938  
the appropriations made for this purpose will not be accepted. 65939

(B) May issue grants from any elderly and handicapped transit 65940  
fare assistance grant appropriation to county transit boards, 65941  
regional transit authorities, regional transit commissions, 65942  
counties, municipal corporations, and private nonprofit 65943  
organizations that operate or will operate public transportation 65944  
systems for the purpose of reducing the transit or paratransit 65945  
fares of elderly or handicapped persons. The director shall 65946  
establish criteria for the distribution of such grants. 65947

(C) May administer provisions of federal public 65948  
transportation acts or programs applicable within the state, 65949  
pursuant to an agreement entered into by the director with an 65950  
appropriate official of the federal agency responsible for 65951  
implementation of the federal acts or programs. The federal acts 65952  
or programs shall include, but are not limited to, programs 65953  
authorized under the "Act of July 5, 1994," 108 Stat. 785, 49 65954  
U.S.C.A. 5301, as amended. 65955

(D) Shall furnish, upon request and within the limits of 65956  
appropriated funds, guidance in technical or policy matters to a 65957  
county transit board, regional transit authority, regional transit 65958  
commission, county, municipal corporation, or private nonprofit 65959  
organization that operates or proposes to operate a public 65960  
transportation system, and provide assistance and liaison in the 65961  
preparation and submission of applications for federal and state 65962  
funds; 65963

(E) May apply for and accept grants or loans from any federal 65964  
agency for the purpose of providing for the development or 65965  
improvement of public transportation facilities or for the 65966  
coordination of any activities related to the development or 65967  
improvement of such facilities, and may provide any consideration 65968  
from any public transportation grant appropriation and enter into 65969  
any contracts that may be required in order to obtain such grants 65970  
or loans from a federal agency. 65971

**Sec. 5501.51.** (A) The state shall reimburse a utility for the 65972  
cost of relocation of utility facilities necessitated by the 65973  
construction of a highway project only in the event that the 65974  
utility can evidence a vested interest in the nature of a fee 65975  
interest, an easement interest, or a lesser estate in the real 65976  
property it occupies in the event that the utility possesses a 65977  
vested interest in such property. The utility shall present 65978  
evidence satisfactory to the state substantiating the cost of 65979  
relocation. The director may audit all financial records which the 65980  
director determines necessary to verify such actual costs. 65981

(B) The director of transportation may establish and enforce 65982  
such rules and procedures as the director may determine to be 65983  
necessary to assure consistency governing any and all aspects of 65984  
the cost of utility relocations. The director may adopt such 65985  
amendments to such rules as are necessary and within the 65986

guidelines of this section. 65987

(C) As used in this section: 65988

(1) "Cost of relocation" includes the actual cost paid by a 65989  
utility directly attributable to relocation after deducting any 65990  
increase in the value of the new facility and any salvage value 65991  
derived from the old facility. 65992

(2) "Utility" includes publicly, privately, and cooperatively 65993  
owned utilities that are subject to the authority of the public 65994  
utilities commission of Ohio. "Utility" also includes a cable 65995  
operator as defined in the "Cable Communications Policy Act of 65996  
1984," 98 Stat. 2780, 47 U.S.C. 522, as amended by the 65997  
"Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151, and 65998  
includes the provision of other information or telecommunications 65999  
services, or both, and an electric cooperative and a municipal 66000  
electric utility, both as defined in section 4928.01 of the 66001  
Revised Code. 66002

(3) "Actual cost" means those costs that are eligible for 66003  
reimbursement in accordance with 23 C.F.R. 645, subparts A and B. 66004  
The information the utility provides to confirm actual cost is not 66005  
a public record under section 149.43 of the Revised Code. 66006

**Sec. 5502.01.** (A) The department of public safety shall 66007  
administer and enforce the laws relating to the registration, 66008  
licensing, sale, and operation of motor vehicles and the laws 66009  
pertaining to the licensing of drivers of motor vehicles. 66010

The department shall compile, analyze, and publish statistics 66011  
relative to motor vehicle accidents and the causes of them, 66012  
prepare and conduct educational programs for the purpose of 66013  
promoting safety in the operation of motor vehicles on the 66014  
highways, and conduct research and studies for the purpose of 66015  
promoting safety on the highways of this state. 66016

(B) The department shall administer the laws and rules 66017  
relative to trauma and emergency medical services specified in 66018  
Chapter 4765. of the Revised Code and any laws and rules relative 66019  
to commercial medical transportation services as may be specified 66020  
in Chapter 4766. of the Revised Code. 66021

(C) The department shall administer and enforce the laws 66022  
contained in Chapters 4301. and 4303. of the Revised Code and 66023  
enforce the rules and orders of the liquor control commission 66024  
pertaining to retail liquor permit holders. 66025

(D) The department shall administer the laws governing the 66026  
state emergency management agency and shall enforce all additional 66027  
duties and responsibilities as prescribed in the Revised Code 66028  
related to emergency management services. 66029

(E) The department shall conduct investigations pursuant to 66030  
Chapter 5101. of the Revised Code in support of the duty of the 66031  
department of job and family services to administer the 66032  
supplemental nutrition assistance program throughout this state. 66033  
The department of public safety shall conduct investigations 66034  
necessary to protect the state's property rights and interests in 66035  
the supplemental nutrition assistance program. 66036

(F) The department of public safety shall enforce compliance 66037  
with orders and rules of the public utilities commission and 66038  
applicable laws in accordance with Chapters ~~4919.~~ 4905., 4921., 66039  
and 4923. of the Revised Code regarding commercial motor vehicle 66040  
transportation safety, economic, and hazardous materials 66041  
requirements. 66042

(G) Notwithstanding Chapter 4117. of the Revised Code, the 66043  
department of public safety may establish requirements for its 66044  
enforcement personnel, including its enforcement agents described 66045  
in section 5502.14 of the Revised Code, that include standards of 66046  
conduct, work rules and procedures, and criteria for eligibility 66047

as law enforcement personnel. 66048

(H) The department shall administer, maintain, and operate 66049  
the Ohio criminal justice network. The Ohio criminal justice 66050  
network shall be a computer network that supports state and local 66051  
criminal justice activities. The network shall be an electronic 66052  
repository for various data, which may include arrest warrants, 66053  
notices of persons wanted by law enforcement agencies, criminal 66054  
records, prison inmate records, stolen vehicle records, vehicle 66055  
operator's licenses, and vehicle registrations and titles. 66056

(I) The department shall coordinate all homeland security 66057  
activities of all state agencies and shall be a liaison between 66058  
state agencies and local entities for those activities and related 66059  
purposes. 66060

(J) Beginning July 1, 2004, the department shall administer 66061  
and enforce the laws relative to private investigators and 66062  
security service providers specified in Chapter 4749. of the 66063  
Revised Code. 66064

(K) The department shall administer criminal justice services 66065  
in accordance with sections 5502.61 to 5502.66 of the Revised 66066  
Code. 66067

**Sec. 5502.011.** (A) As used in this section, "department of 66068  
public safety" and "department" include all divisions within the 66069  
department of public safety. 66070

(B) The director ~~of the department~~ of public safety is the 66071  
chief executive and administrative officer of the department. The 66072  
director may establish policies governing the department, the 66073  
performance of its employees and officers, the conduct of its 66074  
business, and the custody, use, and preservation of departmental 66075  
records, papers, books, documents, and property. The director also 66076  
may authorize and approve investigations to be conducted by any of 66077



the department's divisions. Whenever the Revised Code imposes a 66078  
duty upon or requires an action of the department, the director 66079  
may perform the action or duty in the name of the department or 66080  
direct such performance to be performed by the director's 66081  
designee. 66082

(C) In addition to any other duties enumerated in the Revised 66083  
Code, the director or the director's designee shall do all of the 66084  
following: 66085

(1) Administer and direct the performance of the duties of 66086  
the department; 66087

(2) Pursuant to Chapter 119. of the Revised Code, approve, 66088  
adopt, and prescribe such forms and rules as are necessary to 66089  
carry out the duties of the department; 66090

(3) On behalf of the department and in addition to any 66091  
authority the Revised Code otherwise grants to the department, 66092  
have the authority and responsibility for approving and entering 66093  
into contracts, agreements, and other business arrangements; 66094

(4) Make appointments for the department as needed to comply 66095  
with requirements of the Revised Code; 66096

(5) Approve employment actions of the department, including 66097  
appointments, promotions, discipline, investigations, and 66098  
terminations; 66099

(6) Accept, hold, and use, for the benefit of the department, 66100  
any gift, donation, bequest, or devise, and may agree to and 66101  
perform all conditions of the gift, donation, bequest, or devise, 66102  
that are not contrary to law; 66103

(7) Apply for, allocate, disburse, and account for grants 66104  
made available under federal law or from other federal, state, or 66105  
private sources; 66106

(8) Do all other acts necessary or desirable to carry out 66107

this chapter. 66108

(D)(1) The director of public safety may assess a reasonable 66109  
fee, plus the amount of any charge or fee passed on from a 66110  
financial institution, on a drawer or indorser for each of the 66111  
following: 66112

(a) A check, draft, or money order that is returned or 66113  
dishonored; 66114

(b) An automatic bank transfer that is declined, due to 66115  
insufficient funds or for any other reason; 66116

(c) Any financial transaction device that is returned or 66117  
dishonored for any reason. 66118

(2) The director shall deposit any fee collected under this 66119  
division in an appropriate fund as determined by the director 66120  
based on the tax, fee, or fine being paid. 66121

(3) As used in this division, "financial transaction device" 66122  
has the same meaning as in section 113.40 of the Revised Code. 66123

(E) The director shall establish a homeland security advisory 66124  
council to advise the director on homeland security, including 66125  
homeland security funding efforts. The advisory council shall 66126  
include, but not be limited to, state and local government 66127  
officials who have homeland security or emergency management 66128  
responsibilities and who represent first responders. The director 66129  
shall appoint the members of the council, who shall serve without 66130  
compensation. 66131

~~(F) The director of public safety shall adopt rules in 66132  
accordance with Chapter 119. of the Revised Code as required by 66133  
section 2909.28 of the Revised Code and division (A)(1) of section 66134  
2909.32 of the Revised Code. The director shall adopt rules as 66135  
required by division (D) of section 2909.32 of the Revised Code, 66136  
division (E) of section 2909.33 of the Revised Code, and division 66137~~

~~(D) of section 2909.34 of the Revised Code. The director may adopt 66138  
rules pursuant to division (A)(2) of section 2909.32 of the 66139  
Revised Code, division (A)(2) of section 2909.33 of the Revised 66140  
Code, and division (A)(2) of section 2909.34 of the Revised Code. 66141~~

**Sec. 5503.21 5502.05.** There is hereby created in the 66142  
department of public safety, ~~division of state highway patrol, a 66143  
driver's license examination section to be administered by the 66144  
superintendent of the state highway patrol. 66145~~

~~The superintendent, with the approval of the director of 66146  
public safety, may appoint necessary driver's license examiners 66147  
and clerical personnel necessary to carry out the duties assigned 66148  
under this section. The examiners shall be citizens of the United 66149  
States and residents of the state and shall have such additional 66150  
qualifications as the superintendent, with the approval of the 66151  
director, prescribes. 66152~~

The salaries and classifications of examiners and personnel 66153  
shall be fixed in accordance with section 124.15 or 124.152 of the 66154  
Revised Code. 66155

**Sec. 5503.22 5502.06.** Driver's license examiners assigned to 66156  
the driver's license examination section shall conduct all 66157  
examinations for driver's licenses as required by sections 4507.01 66158  
to 4507.36 of the Revised Code, subject to the ~~regulations~~ rules 66159  
issued by the registrar of motor vehicles. 66160

**Sec. 5503.23 5502.07.** ~~The superintendent of the state highway 66161  
patrol, with the approval of the director of public safety, may 66162  
conduct training schools for prospective driver's license 66163  
examiners. The superintendent and may establish rules governing 66164  
the qualifications for admission to such schools and provide for 66165  
competitive examinations to determine the fitness of such students 66166  
for prospective examiners, not inconsistent with the rules of the 66167~~

director of administrative services. 66168

**Sec. 5503.02.** (A) The state highway patrol shall enforce the 66169  
laws of the state relating to the titling, registration, and 66170  
licensing of motor vehicles; enforce on all roads and highways, 66171  
notwithstanding section 4513.39 of the Revised Code, the laws 66172  
relating to the operation and use of vehicles on the highways; 66173  
enforce and prevent the violation of the laws relating to the 66174  
size, weight, and speed of commercial motor vehicles and all laws 66175  
designed for the protection of the highway pavements and 66176  
structures on the highways; investigate and enforce rules and laws 66177  
of the public utilities commission governing the transportation of 66178  
persons and property by motor carriers and report violations of 66179  
such rules and laws to the commission; enforce against any motor 66180  
~~transportation company~~ carrier as defined in section ~~4921.02~~ 66181  
4923.01 of the Revised Code, ~~any contract carrier by motor vehicle~~ 66182  
~~as defined in section 4923.02 of the Revised Code, any private~~ 66183  
~~motor carrier as defined in section 4923.20 of the Revised Code,~~ 66184  
~~and any motor carrier as defined in section 4919.75 of the Revised~~ 66185  
~~Code~~ those rules and laws that, if violated, may result in a 66186  
forfeiture as provided in section ~~4905.83, 4919.99, 4921.99, or~~ 66187  
4923.99 of the Revised Code; investigate and report violations of 66188  
all laws relating to the collection of excise taxes on motor 66189  
vehicle fuels; and regulate the movement of traffic on the roads 66190  
and highways of the state, notwithstanding section 4513.39 of the 66191  
Revised Code. 66192

The patrol, whenever possible, shall determine the identity 66193  
of the persons who are causing or who are responsible for the 66194  
breaking, damaging, or destruction of any improved surfaced 66195  
roadway, structure, sign, marker, guardrail, or other appurtenance 66196  
constructed or maintained by the department of transportation and 66197  
shall arrest the persons who are responsible for the breaking, 66198  
damaging, or destruction and bring them before the proper 66199

officials for prosecution. 66200

State highway patrol troopers shall investigate and report 66201  
all motor vehicle accidents on all roads and highways outside of 66202  
municipal corporations. The superintendent of the patrol or any 66203  
state highway patrol trooper may arrest, without a warrant, any 66204  
person, who is the driver of or a passenger in any vehicle 66205  
operated or standing on a state highway, whom the superintendent 66206  
or trooper has reasonable cause to believe is guilty of a felony, 66207  
under the same circumstances and with the same power that any 66208  
peace officer may make such an arrest. 66209

The superintendent or any state highway patrol trooper may 66210  
enforce the criminal laws on all state properties and state 66211  
institutions, owned or leased by the state, and, when so ordered 66212  
by the governor in the event of riot, civil disorder, or 66213  
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 66214  
Revised Code, arrest offenders against the criminal laws wherever 66215  
they may be found within the state if the violations occurred 66216  
upon, or resulted in injury to person or property on, state 66217  
properties or state institutions, or under the conditions 66218  
described in division (B) of this section. This authority of the 66219  
superintendent and any state highway patrol trooper to enforce the 66220  
criminal laws shall extend to any privately owned correctional 66221  
facility housing Ohio inmates in this state, if the facility is 66222  
being operated under an agreement with the department of 66223  
rehabilitation and correction, to the same extent as if the 66224  
facility were owned by this state. 66225

(B) In the event of riot, civil disorder, or insurrection, or 66226  
the reasonable threat of riot, civil disorder, or insurrection, 66227  
and upon request, as provided in this section, of the sheriff of a 66228  
county or the mayor or other chief executive of a municipal 66229  
corporation, the governor may order the state highway patrol to 66230  
enforce the criminal laws within the area threatened by riot, 66231

civil disorder, or insurrection, as designated by the governor, 66232  
upon finding that law enforcement agencies within the counties 66233  
involved will not be reasonably capable of controlling the riot, 66234  
civil disorder, or insurrection and that additional assistance is 66235  
necessary. In cities in which the sheriff is under contract to 66236  
provide exclusive police services pursuant to section 311.29 of 66237  
the Revised Code, in villages, and in the unincorporated areas of 66238  
the county, the sheriff has exclusive authority to request the use 66239  
of the patrol. In cities in which the sheriff does not exclusively 66240  
provide police services, the mayor, or other chief executive 66241  
performing the duties of mayor, has exclusive authority to request 66242  
the use of the patrol. 66243

The superintendent or any state highway patrol trooper may 66244  
enforce the criminal laws within the area designated by the 66245  
governor during the emergency arising out of the riot, civil 66246  
disorder, or insurrection until released by the governor upon 66247  
consultation with the requesting authority. State highway patrol 66248  
troopers shall never be used as peace officers in connection with 66249  
any strike or labor dispute. 66250

When a request for the use of the patrol is made pursuant to 66251  
this division, the requesting authority shall notify the law 66252  
enforcement authorities in contiguous communities and the sheriff 66253  
of each county within which the threatened area, or any part of 66254  
the threatened area, lies of the request, but the failure to 66255  
notify the authorities or a sheriff shall not affect the validity 66256  
of the request. 66257

(C) Any person who is arrested by the superintendent or a 66258  
state highway patrol trooper shall be taken before any court or 66259  
magistrate having jurisdiction of the offense with which the 66260  
person is charged. Any person who is arrested or apprehended 66261  
within the limits of a municipal corporation shall be brought 66262  
before the municipal court or other tribunal of the municipal 66263

corporation. 66264

(D)(1) State highway patrol troopers have the same right and 66265  
power of search and seizure as other peace officers. 66266

No state official shall command, order, or direct any state 66267  
highway patrol trooper to perform any duty or service that is not 66268  
authorized by law. The powers and duties conferred on the patrol 66269  
are supplementary to, and in no way a limitation on, the powers 66270  
and duties of sheriffs or other peace officers of the state. 66271

(2)(a) A state highway patrol trooper, pursuant to the policy 66272  
established by the superintendent of the state highway patrol 66273  
under division (D)(2)(b) of this section, may render emergency 66274  
assistance to any other peace officer who has arrest authority 66275  
under section 2935.03 of the Revised Code, if both of the 66276  
following apply: 66277

(i) There is a threat of imminent physical danger to the 66278  
peace officer, a threat of physical harm to another person, or any 66279  
other serious emergency situation; 66280

(ii) Either the peace officer requests emergency assistance, 66281  
or it appears that the peace officer is unable to request 66282  
emergency assistance and the circumstances observed by the state 66283  
highway patrol trooper reasonably indicate that emergency 66284  
assistance is appropriate, or the peace officer requests emergency 66285  
assistance and in the request the peace officer specifies a 66286  
particular location and the state highway patrol trooper arrives 66287  
at that location prior to the time that the peace officer arrives 66288  
at that location and the circumstances observed by the state 66289  
highway patrol trooper reasonably indicate that emergency 66290  
assistance is appropriate. 66291

(b) The superintendent of the state highway patrol shall 66292  
establish, within sixty days of August 8, 1991, a policy that sets 66293  
forth the manner and procedures by which a state highway patrol 66294

trooper may render emergency assistance to any other peace officer 66295  
under division (D)(2)(a) of this section. The policy shall include 66296  
a provision that a state highway patrol trooper never be used as a 66297  
peace officer in connection with any strike or labor dispute. 66298

(3)(a) A state highway patrol trooper who renders emergency 66299  
assistance to any other peace officer under the policy established 66300  
by the superintendent pursuant to division (D)(2)(b) of this 66301  
section shall be considered to be performing regular employment 66302  
for the purposes of compensation, pension, indemnity fund rights, 66303  
workers' compensation, and other rights or benefits to which the 66304  
trooper may be entitled as incident to regular employment. 66305

(b) A state highway patrol trooper who renders emergency 66306  
assistance to any other peace officer under the policy established 66307  
by the superintendent pursuant to division (D)(2)(b) of this 66308  
section retains personal immunity from liability as specified in 66309  
section 9.86 of the Revised Code. 66310

(c) A state highway patrol trooper who renders emergency 66311  
assistance under the policy established by the superintendent 66312  
pursuant to division (D)(2)(b) of this section has the same 66313  
authority as the peace officer for or with whom the state highway 66314  
patrol trooper is providing emergency assistance. 66315

(E)(1) Subject to the availability of funds specifically 66316  
appropriated by the general assembly for security detail purposes, 66317  
the state highway patrol shall provide security as follows: 66318

(a) For the governor; 66319

(b) At the direction of the governor, for other officials of 66320  
the state government of this state; officials of the state 66321  
governments of other states who are visiting this state; officials 66322  
of the United States government who are visiting this state; 66323  
officials of the governments of foreign countries or their 66324  
political subdivisions who are visiting this state; or other 66325



officials or dignitaries who are visiting this state, including, 66326  
but not limited to, members of trade missions; 66327

(c) For the capitol square, as defined in section 105.41 of 66328  
the Revised Code; 66329

(d) For other state property. 66330

(2) To carry out the security responsibilities of the patrol 66331  
listed in division (E)(1) of this section, the superintendent may 66332  
assign state highway patrol troopers to a separate unit that is 66333  
responsible for security details. The number of troopers assigned 66334  
to particular security details shall be determined by the 66335  
superintendent. 66336

(3) The superintendent and any state highway patrol trooper, 66337  
when providing security pursuant to division (E)(1)(a) or (b) of 66338  
this section, have the same arrest powers as other peace officers 66339  
to apprehend offenders against the criminal laws who endanger or 66340  
threaten the security of any person being protected, no matter 66341  
where the offense occurs. 66342

The superintendent, any state highway patrol trooper, and any 66343  
special police officer designated under section 5503.09 of the 66344  
Revised Code, when providing security pursuant to division 66345  
(E)(1)(c) of this section, shall enforce any rules governing 66346  
capitol square adopted by the capitol square review and advisory 66347  
board. 66348

(F) The governor may order the state highway patrol to 66349  
undertake major criminal investigations that involve state 66350  
property interests. If an investigation undertaken pursuant to 66351  
this division results in either the issuance of a no bill or the 66352  
filing of an indictment, the superintendent shall file a complete 66353  
and accurate report of the investigation with the president of the 66354  
senate, the speaker of the house of representatives, the minority 66355  
leader of the senate, and the minority leader of the house of 66356

representatives within fifteen days after the issuance of the no 66357  
bill or the filing of an indictment. If the investigation does not 66358  
have as its result any prosecutorial action, the superintendent 66359  
shall, upon reporting this fact to the governor, file a complete 66360  
and accurate report of the investigation with the president of the 66361  
senate, the speaker of the house of representatives, the minority 66362  
leader of the senate, and the minority leader of the house of 66363  
representatives. 66364

(G) The superintendent may purchase or lease real property 66365  
and buildings needed by the patrol, negotiate the sale of real 66366  
property owned by the patrol, rent or lease real property owned or 66367  
leased by the patrol, and make or cause to be made repairs to all 66368  
property owned or under the control of the patrol. Any instrument 66369  
by which real property is acquired pursuant to this division shall 66370  
identify the agency of the state that has the use and benefit of 66371  
the real property as specified in section 5301.012 of the Revised 66372  
Code. 66373

Sections 123.01 and 125.02 of the Revised Code do not limit 66374  
the powers granted to the superintendent by this division. 66375

**Sec. 5503.04.** Forty-five per cent of the fines collected from 66376  
or moneys arising from bail forfeited by persons apprehended or 66377  
arrested by state highway patrol troopers shall be paid into the 66378  
state treasury to be credited to the general revenue fund, five 66379  
per cent shall be paid into the state treasury to be credited to 66380  
the trauma and emergency medical services ~~grants~~ fund created by 66381  
~~division (E) of~~ section 4513.263 of the Revised Code, and fifty 66382  
per cent shall be paid into the treasury of the municipal 66383  
corporation where the case is prosecuted, if in a mayor's court. 66384  
If the prosecution is in a trial court outside a municipal 66385  
corporation, or outside the territorial jurisdiction of a 66386  
municipal court, the fifty per cent of the fines and moneys that 66387

is not paid into the state treasury shall be paid into the 66388  
treasury of the county where the case is prosecuted. The fines and 66389  
moneys paid into a county treasury and the fines and moneys paid 66390  
into the treasury of a municipal corporation shall be deposited 66391  
one-half to the same fund and expended in the same manner as is 66392  
the revenue received from the registration of motor vehicles, and 66393  
one-half to the general fund of such county or municipal 66394  
corporation. 66395

If the prosecution is in a municipal court, forty-five per 66396  
cent of the fines and moneys shall be paid into the state treasury 66397  
to be credited to the general revenue fund, five per cent shall be 66398  
paid into the state treasury to be credited to the trauma and 66399  
emergency medical services grants fund created by division (E) of 66400  
section 4513.263 of the Revised Code, ten per cent shall be paid 66401  
into the county treasury to be credited to the general fund of the 66402  
county, and forty per cent shall be paid into the municipal 66403  
treasury to be credited to the general fund of the municipal 66404  
corporation. In the Auglaize county, Clermont county, Crawford 66405  
county, Hocking county, Jackson county, Lawrence county, Madison 66406  
county, Miami county, Ottawa county, Portage county, and Wayne 66407  
county municipal courts, that portion of money otherwise paid into 66408  
the municipal treasury shall be paid into the county treasury. 66409

The trial court shall make remittance of the fines and moneys 66410  
as prescribed in this section, and at the same time as the 66411  
remittance is made of the state's portion to the state treasury, 66412  
the trial court shall notify the superintendent of the state 66413  
highway patrol of the case and the amount covered by the 66414  
remittance. 66415

This section does not apply to fines for violations of 66416  
division (B) of section 4513.263 of the Revised Code, or for 66417  
violations of any municipal ordinance that is substantively 66418  
comparable to that division, all of which shall be delivered to 66419

the treasurer of state as provided in division (E) of section 66420  
4513.263 of the Revised Code. 66421

**Sec. 5503.34.** There is hereby created in the department of 66422  
public safety, division of state highway patrol, a motor carrier 66423  
enforcement unit, to be administered by the superintendent of the 66424  
state highway patrol. This unit shall be responsible for 66425  
enforcement of commercial motor vehicle transportation safety, 66426  
~~economic~~, and hazardous materials requirements. 66427

The superintendent, with the approval of the director of 66428  
public safety, may appoint and maintain necessary staff to carry 66429  
out the duties assigned under this section. 66430

Employees of the motor carrier enforcement unit shall 66431  
cooperate with the public utilities commission to enforce 66432  
compliance with orders and rules of the commission, applicable 66433  
laws under Chapters ~~4919~~ 4905., 4921., and 4923. of the Revised 66434  
Code, and any other applicable laws or rules. 66435

Uniformed employees of the motor carrier enforcement unit may 66436  
stop commercial motor vehicles for the exclusive purpose of 66437  
inspecting such vehicles to enforce compliance with orders and 66438  
rules of the public utilities commission as required by division 66439  
(F) of section 5502.01 of the Revised Code. 66440

**Sec. 5505.068.** (A) As used in this section and in section 66441  
5505.0610 of the Revised Code: 66442

(1) "Agent" means a dealer, as defined in section 1707.01 of 66443  
the Revised Code, who is licensed under sections 1707.01 to 66444  
1707.45 of the Revised Code or under comparable laws of another 66445  
state or of the United States. 66446

(2) "Minority business enterprise" has the same meaning as in 66447  
section 122.71 of the Revised Code. 66448

(3) "Ohio-qualified agent" means an agent designated as such 66449  
by the state highway patrol retirement board. 66450

(4) "Ohio-qualified investment manager" means an investment 66451  
manager designated as such by the state highway patrol retirement 66452  
board. 66453

(5) "Principal place of business" means an office in which 66454  
the agent regularly provides securities or investment advisory 66455  
services and solicits, meets with, or otherwise communicates with 66456  
clients. 66457

(B) The state highway patrol retirement board shall, for the 66458  
purposes of this section, designate an agent as an Ohio-qualified 66459  
agent if the agent meets all of the following requirements: 66460

(1) The agent is subject to taxation under Chapter 5725., 66461  
5726., 5733., or 5747. of the Revised Code. 66462

(2) The agent is authorized to conduct business in this 66463  
state; 66464

(3) The agent maintains a principal place of business in this 66465  
state and employs at least five residents of this state. 66466

(C) The state highway patrol retirement board shall adopt and 66467  
implement a written policy to establish criteria and procedures 66468  
used to select agents to execute securities transactions on behalf 66469  
of the retirement system. The policy shall address each of the 66470  
following: 66471

(1) Commissions charged by the agent, both in the aggregate 66472  
and on a per share basis; 66473

(2) The execution speed and trade settlement capabilities of 66474  
the agent; 66475

(3) The responsiveness, reliability, and integrity of the 66476  
agent; 66477

(4) The nature and value of research provided by the agent; 66478

(5) Any special capabilities of the agent. 66479

(D)(1) The board shall, at least annually, establish a policy 66480  
with the goal to increase utilization by the board of 66481  
Ohio-qualified agents for the execution of domestic equity and 66482  
fixed income trades on behalf of the retirement system, when an 66483  
Ohio-qualified agent offers quality, services, and safety 66484  
comparable to other agents otherwise available to the board and 66485  
meets the criteria established under division (C) of this section. 66486

(2) The board shall review, at least annually, the 66487  
performance of the agents that execute securities transactions on 66488  
behalf of the board. 66489

(3) The board shall determine whether an agent is an 66490  
Ohio-qualified agent, meets the criteria established by the board 66491  
pursuant to division (C) of this section, and offers quality, 66492  
services, and safety comparable to other agents otherwise 66493  
available to the board. The board's determination shall be final. 66494

(E) The board shall, at least annually, submit to the Ohio 66495  
retirement study council a report containing the following 66496  
information: 66497

(1) The name of each agent designated as an Ohio-qualified 66498  
agent under this section; 66499

(2) The name of each agent that executes securities 66500  
transactions on behalf of the board; 66501

(3) The amount of equity and fixed-income trades that are 66502  
executed by Ohio-qualified agents, expressed as a percentage of 66503  
all equity and fixed-income trades that are executed by agents on 66504  
behalf of the board; 66505

(4) The compensation paid to Ohio-qualified agents, expressed 66506  
as a percentage of total compensation paid to all agents that 66507  
execute securities transactions on behalf of the board; 66508

(5) The amount of equity and fixed-income trades that are 66509  
executed by agents that are minority business enterprises, 66510  
expressed as a percentage of all equity and fixed-income trades 66511  
that are executed by agents on behalf of the board; 66512

(6) Any other information requested by the Ohio retirement 66513  
study council regarding the board's use of agents. 66514

**Sec. 5505.0610.** (A) The state highway patrol retirement board 66515  
shall, for the purposes of this section, designate an investment 66516  
manager as an Ohio-qualified investment manager if the investment 66517  
manager meets all of the following requirements: 66518

(1) The investment manager is subject to taxation under 66519  
Chapter 5725., 5726., 5733., or 5747. of the Revised Code. 66520

(2) The investment manager meets one of the following 66521  
requirements: 66522

(a) Has its corporate headquarters or principal place of 66523  
business in this state; 66524

(b) Employs at least five hundred individuals in this state; 66525

(c) Has a principal place of business in this state and 66526  
employs at least ~~20~~ twenty residents of this state. 66527

(B)(1) The board shall, at least annually, establish a policy 66528  
with the goal to increase utilization by the board of 66529  
Ohio-qualified investment managers, when an Ohio-qualified 66530  
investment manager offers quality, services, and safety comparable 66531  
to other investment managers otherwise available to the board. The 66532  
policy shall also provide for the following: 66533

(a) A process whereby the board can develop a list of 66534  
Ohio-qualified investment managers and their investment products; 66535

(b) A process whereby the board can give public notice to 66536  
Ohio-qualified investment managers of the board's search for an 66537

investment manager that includes the board's search criteria. 66538

(2) The board shall determine whether an investment manager 66539  
is an Ohio-qualified investment manager and whether the investment 66540  
manager offers quality, services, and safety comparable to other 66541  
investment managers otherwise available to the board. The board's 66542  
determination shall be final. 66543

(C) The board shall, at least annually, submit to the Ohio 66544  
retirement study council a report containing the following 66545  
information: 66546

(1) The name of each investment manager designated as an 66547  
Ohio-qualified investment manager under this section; 66548

(2) The name of each investment manager with which the board 66549  
contracts; 66550

(3) The amount of assets managed by Ohio-qualified investment 66551  
managers, expressed as a percentage of the total assets held by 66552  
the retirement system and as a percentage of assets managed by 66553  
investment managers with which the board has contracted; 66554

(4) The compensation paid to Ohio-qualified investment 66555  
managers, expressed as a percentage of total compensation paid to 66556  
all investment managers with which the board has contracted; 66557

(5) Any other information requested by the Ohio retirement 66558  
study council regarding the board's use of investment managers. 66559

Sec. 5701.12. (A) The effective date to which this section 66560  
refers is the effective date of this section as enacted by ... B. 66561  
... of the 129th general assembly. 66562

(B) Any reference in Title LVII to "consolidated reports of 66563  
condition and income" or "call report" means the consolidated 66564  
reports of condition and income as those reports existed on the 66565  
effective date. 66566



(C) Any reference in Title LVII to "FR Y-9" or "Y-9" means 66567  
the FR Y-9 financial statements as those financial statements 66568  
existed on the effective date. 66569

(D) This section does not apply to any reference in Title 66570  
LVII of the Revised Code to "consolidated reports of condition and 66571  
income," "call report," "FR Y-9," or "Y-9" as of a date certain 66572  
specifying the day, month, and year. 66573

**Sec. 5701.13.** (A) As used in this section: 66574

(1) "Nursing home" means a nursing home or a home for the 66575  
aging, as those terms are defined in section 3721.01 of the 66576  
Revised Code, that is issued a license pursuant to section 3721.02 66577  
of the Revised Code. 66578

(2) "Residential care facility" means a residential care 66579  
facility, as defined in section 3721.01 of the Revised Code, that 66580  
is issued a license pursuant to section 3721.02 of the Revised 66581  
Code. 66582

(3) "~~Adult care~~ Residential facility" means ~~an adult care a~~ 66583  
~~residential~~ facility as defined in licensed under section ~~5119.70~~ 66584  
~~5119.22~~ of the Revised Code that ~~is issued a license pursuant to~~ 66585  
~~section 5119.73 of the Revised Code~~ provides accommodations, 66586  
supervision, and personal care services for three to sixteen 66587  
unrelated adults. 66588

(B) As used in Title LVII of the Revised Code, and for the 66589  
purpose of other sections of the Revised Code that refer 66590  
specifically to Chapter 5701. or section 5701.13 of the Revised 66591  
Code, a "home for the aged" means either of the following: 66592

(1) A place of residence for aged and infirm persons that 66593  
satisfies divisions (B)(1)(a) to (e) of this section: 66594

(a) It is a nursing home, residential care facility, or ~~adult~~ 66595  
~~care~~ residential facility. 66596

(b) It is owned by a corporation, unincorporated association, 66597  
or trust of a charitable, religious, or fraternal nature, which is 66598  
organized and operated not for profit, which is not formed for the 66599  
pecuniary gain or profit of, and whose net earnings or any part of 66600  
whose net earnings is not distributable to, its members, trustees, 66601  
officers, or other private persons, and which is exempt from 66602  
federal income taxation under section 501 of the "Internal Revenue 66603  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1. 66604

(c) It is open to the public without regard to race, color, 66605  
or national origin. 66606

(d) It does not pay, directly or indirectly, compensation for 66607  
services rendered, interest on debts incurred, or purchase price 66608  
for land, building, equipment, supplies, or other goods or 66609  
chattels, which compensation, interest, or purchase price is 66610  
unreasonably high. 66611

(e) It provides services for the life of each resident 66612  
without regard to the resident's ability to continue payment for 66613  
the full cost of the services. 66614

(2) A place of residence that satisfies divisions (B)(1)(b), 66615  
(d), and (e) of this section; that satisfies the definition of 66616  
"nursing home" or "residential care facility" under section 66617  
3721.01 of the Revised Code or the definition of "~~adult care~~ 66618  
residential facility" under ~~section 5119.70 of the Revised Code~~ 66619  
division (A)(3) of this section regardless of whether it is 66620  
licensed as such a home or facility; and that is provided at no 66621  
charge to individuals on account of their service without 66622  
compensation to a charitable, religious, fraternal, or educational 66623  
institution, which individuals are aged or infirm and are members 66624  
of the corporation, association, or trust that owns the place of 66625  
residence. For the purposes of division (B)(2) of this section, 66626  
"compensation" does not include furnishing room and board, 66627  
clothing, health care, or other necessities, or stipends or other 66628

de minimis payments to defray the cost thereof. 66629

Exemption from taxation shall be accorded, on proper 66630  
application, only to those homes or parts of homes which meet the 66631  
standards and provide the services specified in this section. 66632

Nothing in this section shall be construed as preventing a 66633  
home from requiring a resident with financial need to apply for 66634  
any applicable financial assistance or requiring a home to retain 66635  
a resident who willfully refuses to pay for services for which the 66636  
resident has contracted even though the resident has sufficient 66637  
resources to do so. 66638

(C)(1) If a corporation, unincorporated association, or trust 66639  
described in division (B)(1)(b) of this section is granted a 66640  
certificate of need pursuant to section 3702.52 of the Revised 66641  
Code to construct, add to, or otherwise modify a nursing home, or 66642  
is given approval pursuant to section 3791.04 of the Revised Code 66643  
to construct, add to, or otherwise modify a residential care 66644  
facility or ~~adult-care~~ residential facility and if the 66645  
corporation, association, or trust submits an affidavit to the tax 66646  
commissioner stating that, commencing on the date of licensure and 66647  
continuing thereafter, the home or facility will be operated in 66648  
accordance with the requirements of divisions (B)(1)(a) to (e) of 66649  
this section, the corporation, association, or trust shall be 66650  
considered to be operating a "home for the aged" within the 66651  
meaning of division (B)(1) of this section, beginning on the first 66652  
day of January of the year in which such certificate is granted or 66653  
approval is given. 66654

(2) If a corporation, association, or trust is considered to 66655  
be operating a "home for the aged" pursuant to division (C)(1) of 66656  
this section, the corporation, association, or trust shall notify 66657  
the tax commissioner in writing upon the occurrence of any of the 66658  
following events: 66659

(a) The corporation, association, or trust no longer intends to complete the construction of, addition to, or modification of the home or facility, to obtain the appropriate license for the home or facility, or to commence operation of the home or facility in accordance with the requirements of divisions (B)(1)(a) to (e) of this section;

(b) The certificate of approval referred to in division (C)(1) of this section expires, is revoked, or is otherwise terminated prior to the completion of the construction of, addition to, or modification of the home or facility;

(c) The license to operate the home or facility is not granted by the director of health within one year following completion of the construction of, addition to, or modification of the home or facility;

(d) The license to operate the home or facility is not granted by the director of health within four years following the date upon which the certificate or approval referred to in division (C)(1) of this section was granted or given;

(e) The home or facility is granted a license to operate as a nursing home, residential care facility, or ~~adult-care~~ residential facility.

(3) Upon the occurrence of any of the events referred to in divisions (C)(2)(a), (b), (c), (d), and (e) of this section, the corporation, association, or trust shall no longer be considered to be operating a "home for the aged" pursuant to division (C)(1) of this section, except that the tax commissioner, for good cause shown and to the extent the commissioner considers appropriate, may extend the time period specified in division (C)(2)(c) or (d) of this section, or both. Nothing in division (C)(3) of this section shall be construed to prevent a nursing home, residential care facility, or ~~adult-care~~ residential facility from qualifying

as a "home for the aged" if, upon proper application made pursuant 66691  
to division (B) of this section, it is found to meet the 66692  
requirements of divisions (A) and (B) of this section. 66693

Sec. 5703.021. (A) There is hereby established a small claims 66694  
division of the board of tax appeals. 66695

(B) The small claims division shall have jurisdiction over 66696  
any proceeding that is filed as a small claims case by election of 66697  
the appellant and written agreement of all the parties or 66698  
reassigned by the board with the written consent of all the 66699  
parties, and that is either of the following: 66700

(1) Commenced under section 5717.01 of the Revised Code in 66701  
which the property at issue qualifies for the partial tax 66702  
exemption described in section 319.302 of the Revised Code; or 66703

(2) Commenced under section 5717.011 or 5717.02 of the 66704  
Revised Code when the amount in controversy claimed by the 66705  
taxpayer does not exceed ten thousand dollars exclusive of 66706  
interest and penalty. The board by rule may modify the 66707  
jurisdictional dollar threshold for cases qualifying for the small 66708  
claims division. 66709

(C) Notwithstanding division (B) of this section, the board 66710  
shall reassign an appeal initially assigned to the small claims 66711  
division to the regular docket upon request of a party or when the 66712  
appeal presents an issue of public or great general interest or 66713  
presents a constitutional issue, or when the board determines that 66714  
the appeal does not meet the requirements of division (B) of this 66715  
section. 66716

(D) The board may reassign to the small claims docket any 66717  
appeal originally assigned to the regular docket with the written 66718  
consent of all the parties. 66719

(E) The board shall adopt rules to implement procedures to 66720

provide informal review of the taxpayers' appeals in the small 66721  
claims division, which may include telephonic hearings. 66722

(F) A decision or order of the small claims division shall be 66723  
conclusive as to all parties and may not be appealed, and shall be 66724  
recorded in the journal required by division (C) of section 66725  
5703.02 of the Revised Code, but such a decision or order shall 66726  
not be considered as precedent in any other case, hearing, or 66727  
proceeding. 66728

(G) The appearance of an attorney at law licensed to practice 66729  
law in this state on behalf of any party to an appeal assigned to 66730  
the small claims docket is permitted but not required. A person 66731  
other than a natural person, which is a real party in interest as 66732  
taxpayer or claimant, or an entity that may participate by 66733  
statute, may commence such an appeal or appear through an attorney 66734  
at law licensed to practice law in this state. Such an 66735  
organization may, through any bona fide officer, partner, member, 66736  
trustee, or salaried employee, file and present its claim or 66737  
defense in any appeal in the small claims division, provided the 66738  
organization does not, in the absence of representation by an 66739  
attorney at law licensed to practice law in this state, engage in 66740  
cross-examination, argument, or other acts of advocacy. The board 66741  
may provide by rule for additional guidelines applicable to 66742  
practice before the board. 66743

**Sec. 5703.052.** (A) There is hereby created in the state 66744  
treasury the tax refund fund, from which refunds shall be paid for 66745  
taxes illegally or erroneously assessed or collected, or for any 66746  
other reason overpaid, that are levied by Chapter 4301., 4305., 66747  
5726., 5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 66748  
5748., 5749., 5751., or 5753. and sections 3737.71, 3905.35, 66749  
3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 66750  
5727.811 of the Revised Code. Refunds for fees illegally or 66751

erroneously assessed or collected, or for any other reason 66752  
overpaid, that are levied by sections 3734.90 to 3734.9014 of the 66753  
Revised Code also shall be paid from the fund. Refunds for amounts 66754  
illegally or erroneously assessed or collected by the tax 66755  
commissioner, or for any other reason overpaid, that are due under 66756  
section 1509.50 of the Revised Code shall be paid from the fund. 66757  
However, refunds for taxes levied under section 5739.101 of the 66758  
Revised Code shall not be paid from the tax refund fund, but shall 66759  
be paid as provided in section 5739.104 of the Revised Code. 66760

(B)(1) Upon certification by the tax commissioner to the 66761  
treasurer of state of a tax refund, a fee refund, or an other 66762  
amount refunded, or by the superintendent of insurance of a 66763  
domestic or foreign insurance tax refund, the treasurer of state 66764  
shall place the amount certified to the credit of the fund. The 66765  
certified amount transferred shall be derived from current 66766  
receipts of the same tax, fee, or other amount from which the 66767  
refund arose. If current receipts from the tax, fee, or other 66768  
amount from which the refund arose are inadequate to make the 66769  
transfer of the amount so certified, the treasurer of state shall 66770  
transfer such certified amount from current receipts of the sales 66771  
tax levied by section 5739.02 of the Revised Code. 66772

(2) When the treasurer of state provides for the payment of a 66773  
refund of a tax, fee, or other amount from the current receipts of 66774  
the sales tax, and the refund is for a tax, fee, or other amount 66775  
that is not levied by the state, the tax commissioner shall 66776  
recover the amount of that refund from the next distribution of 66777  
that tax, fee, or other amount that otherwise would be made to the 66778  
taxing jurisdiction. If the amount to be recovered would exceed 66779  
twenty-five per cent of the next distribution of that tax, fee, or 66780  
other amount, the commissioner may spread the recovery over more 66781  
than one future distribution, taking into account the amount to be 66782  
recovered and the amount of the anticipated future distributions. 66783

In no event may the commissioner spread the recovery over a period 66784  
to exceed twenty-four months. 66785

**Sec. 5703.053.** As used in this section, "postal service" 66786  
means the United States postal service. 66787

An application to the tax commissioner for a tax refund under 66788  
section 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 66789  
5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5739.07, 5741.10, 66790  
5743.05, 5743.53, 5745.11, 5749.08, or 5751.08 of the Revised Code 66791  
or division (B) of section 5703.05 of the Revised Code, or a fee 66792  
refunded under section 3734.905 of the Revised Code, that is 66793  
received after the last day for filing under such section shall be 66794  
considered to have been filed in a timely manner if: 66795

(A) The application is delivered by the postal service and 66796  
the earliest postal service postmark on the cover in which the 66797  
application is enclosed is not later than the last day for filing 66798  
the application; 66799

(B) The application is delivered by the postal service, the 66800  
only postmark on the cover in which the application is enclosed 66801  
was affixed by a private postal meter, the date of that postmark 66802  
is not later than the last day for filing the application, and the 66803  
application is received within seven days of such last day; or 66804

(C) The application is delivered by the postal service, no 66805  
postmark date was affixed to the cover in which the application is 66806  
enclosed or the date of the postmark so affixed is not legible, 66807  
and the application is received within seven days of the last day 66808  
for making the application. 66809

**Sec. 5703.061.** The tax commissioner may cancel a debt owed to 66810  
the state arising from any tax administered by the commissioner if 66811  
the total amount of the debt does not exceed fifty dollars and if 66812  
the debt consists only of unpaid taxes due for a single reporting 66813



period and of any penalty, interest, assessment, or other charge 66814  
arising from such unpaid taxes. 66815

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 66816  
of this section, no agent of the department of taxation, except in 66817  
the agent's report to the department or when called on to testify 66818  
in any court or proceeding, shall divulge any information acquired 66819  
by the agent as to the transactions, property, or business of any 66820  
person while acting or claiming to act under orders of the 66821  
department. Whoever violates this provision shall thereafter be 66822  
disqualified from acting as an officer or employee or in any other 66823  
capacity under appointment or employment of the department. 66824  
66825

(B)(1) For purposes of an audit pursuant to section 117.15 of 66826  
the Revised Code, or an audit of the department pursuant to 66827  
Chapter 117. of the Revised Code, or an audit, pursuant to that 66828  
chapter, the objective of which is to express an opinion on a 66829  
financial report or statement prepared or issued pursuant to 66830  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 66831  
officers and employees of the auditor of state charged with 66832  
conducting the audit shall have access to and the right to examine 66833  
any state tax returns and state tax return information in the 66834  
possession of the department to the extent that the access and 66835  
examination are necessary for purposes of the audit. Any 66836  
information acquired as the result of that access and examination 66837  
shall not be divulged for any purpose other than as required for 66838  
the audit or unless the officers and employees are required to 66839  
testify in a court or proceeding under compulsion of legal 66840  
process. Whoever violates this provision shall thereafter be 66841  
disqualified from acting as an officer or employee or in any other 66842  
capacity under appointment or employment of the auditor of state. 66843

(2) For purposes of an internal audit pursuant to section 66844

126.45 of the Revised Code, the officers and employees of the 66845  
office of internal auditing in the office of budget and management 66846  
charged with conducting the internal audit shall have access to 66847  
and the right to examine any state tax returns and state tax 66848  
return information in the possession of the department to the 66849  
extent that the access and examination are necessary for purposes 66850  
of the internal audit. Any information acquired as the result of 66851  
that access and examination shall not be divulged for any purpose 66852  
other than as required for the internal audit or unless the 66853  
officers and employees are required to testify in a court or 66854  
proceeding under compulsion of legal process. Whoever violates 66855  
this provision shall thereafter be disqualified from acting as an 66856  
officer or employee or in any other capacity under appointment or 66857  
employment of the office of internal auditing. 66858

(3) As provided by section 6103(d)(2) of the Internal Revenue 66859  
Code, any federal tax returns or federal tax information that the 66860  
department has acquired from the internal revenue service, through 66861  
federal and state statutory authority, may be disclosed to the 66862  
auditor of state or the office of internal auditing solely for 66863  
purposes of an audit of the department. 66864

(4) For purposes of Chapter 3739. of the Revised Code, an 66865  
agent of the department of taxation may share information with the 66866  
division of state fire marshal that the agent finds during the 66867  
course of an investigation. 66868

(C) Division (A) of this section does not prohibit any of the 66869  
following: 66870

(1) Divulging information contained in applications, 66871  
complaints, and related documents filed with the department under 66872  
section 5715.27 of the Revised Code or in applications filed with 66873  
the department under section 5715.39 of the Revised Code; 66874

(2) Providing information to the office of child support 66875

within the department of job and family services pursuant to 66876  
section 3125.43 of the Revised Code; 66877

(3) Disclosing to the board of motor vehicle collision repair 66878  
registration any information in the possession of the department 66879  
that is necessary for the board to verify the existence of an 66880  
applicant's valid vendor's license and current state tax 66881  
identification number under section 4775.07 of the Revised Code; 66882

(4) Providing information to the administrator of workers' 66883  
compensation pursuant to sections 4123.271 and 4123.591 of the 66884  
Revised Code; 66885

(5) Providing to the attorney general information the 66886  
department obtains under division (J) of section 1346.01 of the 66887  
Revised Code; 66888

(6) Permitting properly authorized officers, employees, or 66889  
agents of a municipal corporation from inspecting reports or 66890  
information pursuant to rules adopted under section 5745.16 of the 66891  
Revised Code; 66892

(7) Providing information regarding the name, account number, 66893  
or business address of a holder of a vendor's license issued 66894  
pursuant to section 5739.17 of the Revised Code, a holder of a 66895  
direct payment permit issued pursuant to section 5739.031 of the 66896  
Revised Code, or a seller having a use tax account maintained 66897  
pursuant to section 5741.17 of the Revised Code, or information 66898  
regarding the active or inactive status of a vendor's license, 66899  
direct payment permit, or seller's use tax account; 66900

(8) Releasing invoices or invoice information furnished under 66901  
section 4301.433 of the Revised Code pursuant to that section; 66902

(9) Providing to a county auditor notices or documents 66903  
concerning or affecting the taxable value of property in the 66904  
county auditor's county. Unless authorized by law to disclose 66905  
documents so provided, the county auditor shall not disclose such 66906

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| documents;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 66907                                                                         |
| (10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                             | 66908<br>66909                                                                |
| (11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;                                                                                                                                                                                                             | 66910<br>66911<br>66912<br>66913<br>66914                                     |
| (12) Disclosing to the department of natural resources information in the possession of the department that is necessary to verify the taxpayer's compliance with <del>division (A)(1), (8), or (9) of</del> section 5749.02 of the Revised Code and information received pursuant to section 1509.50 of the Revised Code concerning the amount due under that section;                                                                                                                                               | 66915<br>66916<br>66917<br>66918<br>66919<br>66920                            |
| (13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies. | 66921<br>66922<br>66923<br>66924<br>66925<br>66926<br>66927<br>66928<br>66929 |
| (14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a taxpayer's compliance with section 5753.02 of the Revised Code and sections related thereto.                                                                                                                                                                                                                                                                          | 66930<br>66931<br>66932<br>66933                                              |
| <b>Sec. 5703.261. <del>If</del> <u>(A) As used in this section:</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                               | 66934                                                                         |
| <u>(1) "Instrument" has the same meaning as in section 1303.03 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                               | 66935<br>66936                                                                |

(2) "Financial transaction device" has the same meaning as in section 113.40 of the Revised Code. 66937  
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(B) If a taxpayer or employer required by any tax administered by the department of taxation to pay taxes, penalties, or interest makes payment of the taxes, penalties, or interest with a ~~nonnegotiable or~~ dishonored instrument, an instrument that is determined to be nonnegotiable, or with any financial transaction device that is declined, returned, or dishonored, a penalty of fifty dollars shall be added to the amount due. The penalty imposed by this section shall be assessed and collected in the same manner as the taxes, penalties, or interest. All or part of any penalty imposed under this section may be abated by the tax commissioner. 66939  
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**Sec. 5703.37.** (A)(1) Except as provided in division (B) of this section, whenever service of a notice or order is required in the manner provided in this section, a copy of the notice or order shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under section 5703.056 of the Revised Code that notifies the tax commissioner of the date of delivery. 66950  
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(2) ~~With the permission of the person affected by the notice or order, the commissioner may enter into a written agreement to deliver a notice or order by~~ In lieu of serving a copy of a notice or order through one of the means provided in division (A)(1) of this section, the commissioner may serve a notice or order upon the person affected thereby through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail as provided in division (F) of this section. 66957  
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(B)(1)(a) If certified mail is returned because of an 66967

undeliverable address, the commissioner shall first utilize 66968  
reasonable means to ascertain a new last known address, including 66969  
the use of a change of address service offered by the United 66970  
States postal service or an authorized delivery service under 66971  
section 5703.056 of the Revised Code. If, after using reasonable 66972  
means, the commissioner is unable to ascertain a new last known 66973  
address, the assessment is final for purposes of section 131.02 of 66974  
the Revised Code sixty days after the notice or order sent by 66975  
certified mail is first returned to the commissioner, and the 66976  
commissioner shall certify the notice or order, if applicable, to 66977  
the attorney general for collection under section 131.02 of the 66978  
Revised Code. 66979

(b) Notwithstanding certification to the attorney general 66980  
under division (B)(1)(a) of this section, once the commissioner or 66981  
attorney general, or the designee of either, makes an initial 66982  
contact with the person to whom the notice or order is directed, 66983  
the person may protest an assessment by filing a petition for 66984  
reassessment within sixty days after the initial contact. The 66985  
certification of an assessment under division (B)(1)(a) of this 66986  
section is prima-facie evidence that delivery is complete and that 66987  
the notice or order is served. 66988

(2) If mailing of a notice or order by certified mail is 66989  
returned for some cause other than an undeliverable address, the 66990  
~~tax~~ commissioner shall resend the notice or order by ordinary 66991  
mail. The notice or order shall show the date the commissioner 66992  
sends the notice or order and include the following statement: 66993

"This notice or order is deemed to be served on the addressee 66994  
under applicable law ten days from the date this notice or order 66995  
was mailed by the commissioner as shown on the notice or order, 66996  
and all periods within which an appeal may be filed apply from and 66997  
after that date." 66998

Unless the mailing is returned because of an undeliverable 66999

address, the mailing of that information is prima-facie evidence 67000  
that delivery of the notice or order was completed ten days after 67001  
the commissioner sent the notice or order by ordinary mail and 67002  
that the notice or order was served. 67003

If the ordinary mail is subsequently returned because of an 67004  
undeliverable address, the commissioner shall proceed under 67005  
division (B)(1)(a) of this section. A person may challenge the 67006  
presumption of delivery and service under this division in 67007  
accordance with division (C) of this section. 67008

(C)(1) A person disputing the presumption of delivery and 67009  
service under division (B) of this section bears the burden of 67010  
proving by a preponderance of the evidence that the address to 67011  
which the notice or order was sent was not an address with which 67012  
the person was associated at the time the commissioner originally 67013  
mailed the notice or order by certified mail. For the purposes of 67014  
this section, a person is associated with an address at the time 67015  
the commissioner originally mailed the notice or order if, at that 67016  
time, the person was residing, receiving legal documents, or 67017  
conducting business at the address; or if, before that time, the 67018  
person had conducted business at the address and, when the notice 67019  
or order was mailed, the person's agent or the person's affiliate 67020  
was conducting business at the address. For the purposes of this 67021  
section, a person's affiliate is any other person that, at the 67022  
time the notice or order was mailed, owned or controlled at least 67023  
twenty per cent, as determined by voting rights, of the 67024  
addressee's business. 67025

(2) If the person elects to protest an assessment certified 67026  
to the attorney general for collection, the person must do so 67027  
within sixty days after the attorney general's initial contact 67028  
with the person. The attorney general may enter into a compromise 67029  
with the person under sections 131.02 and 5703.06 of the Revised 67030  
Code if the person does not file a petition for reassessment with 67031

the ~~tax~~ commissioner. 67032

(D) Nothing in this section prohibits the ~~tax~~ commissioner or 67033  
the commissioner's designee from delivering a notice or order by 67034  
personal service. 67035

(E) Collection actions taken pursuant to section 131.02 of 67036  
the Revised Code upon any assessment being challenged under 67037  
division (B)(1)(b) of this section shall be stayed upon the 67038  
pendency of an appeal under this section. If a petition for 67039  
reassessment is filed pursuant to this section on a claim that has 67040  
been certified to the attorney general for collection, the claim 67041  
shall be uncertified. 67042

(F) The commissioner may serve a notice or order upon the 67043  
person affected by the notice or order through secure electronic 67044  
means only with the person's consent. The commissioner must inform 67045  
the recipient, electronically or by mail, that a notice or order 67046  
is available for electronic review and provide instructions to 67047  
access and print the notice or order. The recipient's electronic 67048  
access of the notice or order satisfies the requirements for 67049  
delivery under this section. If the recipient fails to access the 67050  
notice or order electronically within ten business days, the 67051  
notice or order shall be served upon the person through one of the 67052  
means provided in division (A)(1) of this section. 67053

(G) As used in this section: 67054

(1) "Last known address" means the address the department has 67055  
at the time the document is originally sent by certified mail, or 67056  
any address the department can ascertain using reasonable means 67057  
such as the use of a change of address service offered by the 67058  
United States postal service or an authorized delivery service 67059  
under section 5703.056 of the Revised Code. 67060

(2) "Undeliverable address" means an address to which the 67061  
United States postal service or an authorized delivery service 67062



under section 5703.056 of the Revised Code is not able to deliver 67063  
a notice or order, except when the reason for nondelivery is 67064  
because the addressee fails to acknowledge or accept the notice or 67065  
order. 67066

**Sec. 5703.47.** (A) As used in this section, "federal 67067  
short-term rate" means the rate of the average market yield on 67068  
outstanding marketable obligations of the United States with 67069  
remaining periods to maturity of three years or less, as 67070  
determined under section 1274 of the "Internal Revenue Code of 67071  
1986," 100 Stat. 2085, 26 U.S.C.A. 1274, for July of the current 67072  
year. 67073

(B) On the fifteenth day of October of each year, the tax 67074  
commissioner shall determine the federal short-term rate. For 67075  
purposes of any section of the Revised Code requiring interest to 67076  
be computed at the rate per annum required by this section, the 67077  
rate determined by the commissioner under this section, rounded to 67078  
the nearest whole number per cent, plus ~~three~~ one per cent, shall 67079  
be the interest rate per annum used in making the computation for 67080  
interest that accrues during the following calendar year. ~~For the~~ 67081  
~~purposes of sections 5719.041 and 5731.23 of the Revised Code,~~ 67082  
~~references to the "federal short term rate" are references to the~~ 67083  
~~federal short term rate as determined by the tax commissioner~~ 67084  
~~under this section rounded to the nearest whole number per cent.~~ 67085

(C) Within ten days after the interest rate per annum is 67086  
determined under this section, the tax commissioner shall notify 67087  
the auditor of each county ~~in writing~~ of that rate of interest. 67088

**Sec. 5703.70.** (A) On the filing of an application for refund 67089  
under section 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 67090  
5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 67091  
5735.142, 5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 67092

5743.53, 5749.08, 5751.08, or 5753.06 of the Revised Code, or an application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice by ordinary mail of the amount. The notice shall be sent to the address shown on the application unless the applicant notifies the commissioner of a different address. The applicant shall have sixty days from the date the commissioner mails the notice to provide additional information to the commissioner or request a hearing, or both.

(B) If the applicant neither requests a hearing nor provides additional information to the tax commissioner within the time prescribed by division (A) of this section, the commissioner shall take no further action, and the refund or compensation amount denied becomes final.

(C)(1) If the applicant requests a hearing within the time prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time as necessary. After the hearing, the commissioner may make such adjustments to the refund or compensation as the commissioner finds proper, and shall issue a final determination thereon.

(2) If the applicant does not request a hearing, but provides additional information, within the time prescribed by division (A) of this section, the commissioner shall review the information, make such adjustments to the refund or compensation as the commissioner finds proper, and issue a final determination thereon.

(3) The commissioner shall serve a copy of the final

determination made under division (C)(1) or (2) of this section on 67124  
the applicant in the manner provided in section 5703.37 of the 67125  
Revised Code, and the decision is final, subject to appeal under 67126  
section 5717.02 of the Revised Code. 67127

(D) The tax commissioner shall certify to the director of 67128  
budget and management and treasurer of state for payment from the 67129  
tax refund fund created by section 5703.052 of the Revised Code, 67130  
the amount of the refund to be refunded under division (B) or (C) 67131  
of this section. The commissioner also shall certify to the 67132  
director and treasurer of state for payment from the general 67133  
revenue fund the amount of compensation to be paid under division 67134  
(B) or (C) of this section. 67135

**Sec. 5705.27.** There is hereby created in each county a county 67136  
budget commission consisting of the county auditor, the county 67137  
treasurer, and the prosecuting attorney. Upon petition filed with 67138  
the board of elections, signed by the number of electors of the 67139  
county equal in amount to three per cent of the total number of 67140  
votes cast for governor at the most recent election therefor, 67141  
there shall be submitted to the electors of the county at the next 67142  
general election occurring not sooner than ninety days after the 67143  
filing of the petition, the question "Shall the county budget 67144  
commission consist of two additional members to be elected from 67145  
the county?" Provision shall be made on the ballot for the 67146  
election from the county at large of two additional members of the 67147  
county budget commission who shall be electors of the county if a 67148  
majority of the electors voting on the question shall have voted 67149  
in the affirmative. In such counties, where the electors have 67150  
voted in the affirmative, the county budget commission shall 67151  
consist of such two elected members in addition to the county 67152  
auditor, the county treasurer and the prosecuting attorney. Such 67153  
members, who shall not hold any other public office, shall serve 67154  
for a term of four years. ~~The~~ 67155

The commission shall meet at the office of the county auditor 67156  
~~in each county~~ on the first Monday in February and on the first 67157  
Monday in August, annually, and shall complete its work on or 67158  
before the first day of September, annually, unless for good cause 67159  
the tax commissioner extends the time for completing the work. A 67160  
The commission shall meet at the call of the county auditor to 67161  
hold a hearing not later than forty days following the deposit of 67162  
any money into an oil and gas escrow fund created under section 67163  
321.49 of the Revised Code from the fee paid by an owner of a 67164  
horizontal well under division (K) of section 1509.06 of the 67165  
Revised Code for the purpose of distributing such money to taxing 67166  
units in accordance with division (G) of section 5705.32 of the 67167  
Revised Code. At least thirty days before the date of the hearing, 67168  
the auditor shall notify the taxing authorities of all taxing 67169  
units that levy a property tax in the taxing district in which the 67170  
horizontal well is located that money has been deposited in the 67171  
oil and gas escrow fund and that each taxing authority receiving 67172  
notice may appear and testify to demonstrate the taxing unit's 67173  
need, if any, for such money to defray costs associated with the 67174  
presence of the horizontal well. If the fees have been deposited 67175  
in the oil and gas escrow fund from owners of horizontal wells 67176  
located in the same taxing district, the total amount of fees from 67177  
wells in that taxing district shall be considered for distribution 67178  
at the hearing and the auditor shall only give one notification to 67179  
each taxing authority of each taxing unit that levies a property 67180  
tax in that taxing district. The notification shall require a 67181  
taxing authority to respond within fifteen days after the auditor 67182  
sends the notification to the taxing units notifying the auditor 67183  
that a representative of the taxing authority will appear and give 67184  
testimony or evidence at the hearing. If no taxing authority 67185  
responds within this period, the commission may cancel the 67186  
scheduled hearing. Within five days after the commission cancels 67187  
the hearing, the auditor shall notify the county treasurer, who 67188

shall distribute money in the fund from horizontal wells in that taxing district that were to be the subject of the hearing in accordance with division (G)(2) of section 5705.32 of the Revised Code. 67189  
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A majority of members shall constitute a quorum, provided that no action of the commission shall be valid unless agreed to by a majority of the members of the commission. The auditor shall be the secretary of the commission and shall keep a full and accurate record of all proceedings. ~~The~~ 67193  
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The county auditor shall appoint ~~such~~ messengers and clerks as the commission deems necessary, and the budget commissioners shall be allowed their actual and necessary expenses. The elected members of the commission shall also receive twenty dollars for each day in attendance at commission meetings and in discharge of official duties. Any vacancy among such elected members shall be filled by the presiding judge of the court of common pleas. ~~In~~ 67198  
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In adjusting the rates of taxation and fixing the amount of taxes to be levied each year, the commissioners shall be governed by the amount of the taxable property shown on the auditor's tax list for the current year; provided that if the auditor's tax list has not been completed, the auditor shall estimate, as nearly as practicable, the amount of the taxable property for such year, and such officers shall be governed by such estimate. 67205  
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In any county in which two members of the commission are elected, upon petition filed with the board of elections, signed by the number of electors of the county equal in amount to three per cent of the votes cast for governor at the most recent election therefor, there shall be submitted to the electors of the county at the next general election occurring not sooner than ninety days after the filing of the petition, the question "Shall the elected members be eliminated from the county budget commission?" If the majority of the electors voting thereon shall 67212  
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have voted in the affirmative, the county budget commission shall 67221  
consist solely of the county auditor, the county treasurer, and 67222  
the prosecuting attorney. 67223

**Sec. 5705.32.** (A) The county budget commission shall adjust 67224  
the estimated amounts required from the general property tax for 67225  
each fund, as shown by the tax budgets or other information 67226  
required to be provided under section 5705.281 of the Revised 67227  
Code, so as to bring the tax levies required therefor within the 67228  
limitations specified in sections 5705.01 to 5705.47 of the 67229  
Revised Code, for such levies, but no levy shall be reduced below 67230  
a minimum fixed by law. The commission may revise and adjust the 67231  
estimate of balances and receipts from all sources for each fund 67232  
and shall determine the total appropriations that may be made 67233  
therefrom. 67234

(B) The commission shall fix the amount of the county public 67235  
library fund to be distributed to each board of public library 67236  
trustees that has qualified under section 5705.28 of the Revised 67237  
Code for participation in the proceeds of such fund. The amount 67238  
paid to all libraries in the county from such fund shall never be 67239  
a smaller per cent of the fund than the average of the percentages 67240  
of the county's classified taxes that were distributed to 67241  
libraries in 1982, 1983, and 1984, as determined by the county 67242  
auditor. The commission shall base the amount for distribution on 67243  
the needs of such library for the construction of new library 67244  
buildings, parts of buildings, improvements, operation, 67245  
maintenance, or other expenses. In determining the needs of each 67246  
library board of trustees, and in calculating the amount to be 67247  
distributed to any library board of trustees on the basis of its 67248  
needs, the commission shall make no reduction in its allocation 67249  
from the fund on account of additional revenues realized by a 67250  
library from increased taxes or service charges voted by its 67251  
electorate, from revenues received through federal or state 67252

grants, projects, or programs, or from grants from private 67253  
sources. 67254

(C) Notwithstanding the fact that alternative methods of 67255  
financing such needs are available, after fixing the amount to be 67256  
distributed to libraries, the commission shall fix the amount, if 67257  
any, of the county public library fund to be distributed to each 67258  
board of township park commissioners, the county, and each 67259  
municipal corporation in accordance with the following: 67260

(1) Each municipal corporation in the county shall receive a 67261  
per cent of the remainder that equals the per cent that the county 67262  
auditor determines the classified property taxes originating in 67263  
such municipal corporation in 1984 were of the total of all of the 67264  
county's classified property taxes in 1984. The commission may 67265  
deduct from this amount any amount that the budget commission 67266  
allows to the board of township park commissioners of a township 67267  
park district, the boundaries of which are coextensive with or 67268  
contained within the boundaries of the municipal corporation. 67269

(2) The county shall receive a per cent of the remainder that 67270  
equals the per cent that the county auditor determines the 67271  
classified property taxes originating outside of the boundaries of 67272  
municipal corporations in the county in 1984 were of the total of 67273  
all of the county's classified property taxes in 1984. The 67274  
commission may deduct from this amount any amount that the budget 67275  
commission allows to the board of township park commissioners of a 67276  
township park district, the boundaries of which are not 67277  
coextensive with or contained within those of any municipal 67278  
corporation in the county. 67279

(D) The commission shall separately set forth the amounts 67280  
fixed and determined under divisions (B) and (C) of this section 67281  
in the "official certificate of estimated resources," as provided 67282  
in section 5705.35 of the Revised Code, and separately certify 67283  
such amount to the county auditor who shall be guided thereby in 67284

the distribution of the county public library fund for and during 67285  
the fiscal year. In determining such amounts, the commission shall 67286  
be guided by the estimate certified by the tax commissioner and 67287  
presented by the auditor under section 5705.31 of the Revised 67288  
Code, as to the total amount of revenue to be received in the 67289  
county public library fund during such fiscal year. 67290

(E)(1) At least five days before the date of any meeting at 67291  
which the budget commission plans to discuss the distribution of 67292  
the county public library fund, it shall notify each legislative 67293  
authority and board of public library trustees, county 67294  
commissioners, and township park commissioners eligible to 67295  
participate in the distribution of the fund of the date, time, 67296  
place, and agenda for the meeting. Any legislative authority or 67297  
board entitled to notice under this division may designate an 67298  
officer or employee of such legislative authority or board to whom 67299  
the commission shall deliver the notice. 67300

(2) Before the final determination of the amount to be 67301  
allotted to each subdivision from any source, the commission shall 67302  
permit representatives of each subdivision and of each board of 67303  
public library trustees to appear before it to explain its 67304  
financial needs. 67305

(F) If any public library receives and expends any funds 67306  
allocated to it under this section for the construction of new 67307  
library buildings or parts of buildings, such library shall be 67308  
free and open to the inhabitants of the county in which it is 67309  
located. Any board of library trustees that receives funds under 67310  
this section and section 5747.48 of the Revised Code shall have 67311  
its financial records open for public inspection at all reasonable 67312  
times. 67313

(G)(1) The commission may decide to distribute money in an 67314  
oil and gas escrow fund created under section 321.49 of the 67315  
Revised Code after holding a hearing as authorized in section 67316



5705.27 of the Revised Code. A representative of a taxing authority that has received notice of such hearing from the county auditor may appear and give testimony and evidence demonstrating the need of the taxing unit for money from the fund to defray costs to the taxing unit from the horizontal well or wells in that taxing district for which the fee was paid under division (K) of section 1509.06 of the Revised Code.

At the conclusion of the hearing, the commission may issue an order distributing the money attributable to that taxing district in the oil and gas escrow fund to taxing units on the basis of the relationship of each taxing unit's request to the overall impact of the horizontal well or wells on the taxing unit and the estimate of the cost to defray that impact. The commission shall state in its order the funds of a taxing unit into which such money shall be deposited. An order of the commission under this division may be appealed to the board of tax appeals not later than thirty days following the issuance of the order.

After the expiration of the period of time for appealing an order issued by the commission under this division, the county treasurer shall distribute money in the oil and gas escrow fund that was the subject of the hearing to the designated funds of taxing units in accordance with the order of the commission. Money received by a taxing unit under this division shall be repaid by the taxing unit to the owner of each horizontal well in accordance with section 5705.52 of the Revised Code.

(2) If, after the hearing, the commission decides not to issue an order distributing money from the oil and gas escrow fund to taxing units, the county auditor shall notify the county treasurer. The county treasurer shall distribute money in the fund attributable to that taxing district as follows:

(a) Sixty per cent to the board of county commissioners;

(b) Forty per cent to the board of township trustees of the township in which the horizontal well or wells are located for which the fee was paid under division (K) of section 1509.06 of the Revised Code. 67348  
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A board of county commissioners or board of township trustees may deposit money received by the county or township under this division into any fund of the county or township, respectively. Such money shall be repaid by the county or township to the owner of each horizontal well in accordance with section 5705.52 of the Revised Code. 67352  
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**Sec. 5705.392.** (A) A board of county commissioners may adopt as a part of its annual appropriation measure a spending plan, or in the case of an amended appropriation measure, an amended spending plan, setting forth a quarterly schedule of expenses and expenditures of all appropriations for the fiscal year from the county general fund. The spending plan shall be classified to set forth separately a quarterly schedule of expenses and expenditures for each office, department, and division, and within each, the amount appropriated for personal services. Each office, department, and division shall be limited in its expenses and expenditures of moneys appropriated from the general fund during any quarter by the schedule established in the spending plan. The schedule established in the spending plan shall serve as a limitation during a quarter on the making of contracts and giving of orders involving the expenditure of money during that quarter for purposes of division (D) of section 5705.41 of the Revised Code. 67358  
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(B)(1) A board of county commissioners, by resolution, may adopt a spending plan or an amended spending plan setting forth separately a quarterly schedule of expenses and expenditures of appropriations from any county fund, except as provided in 67375  
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division (C) of this section, for the second half of a fiscal year 67379  
and any subsequent fiscal year, for any county office, department, 67380  
or division that has spent or encumbered more than six-tenths of 67381  
the amount appropriated for personal services and payrolls during 67382  
the first half of any fiscal year. 67383

(2) During any fiscal year, a board of county commissioners, 67384  
by resolution, may adopt a spending plan or an amended spending 67385  
plan setting forth separately a quarterly schedule of expenses and 67386  
expenditures of appropriations from any county fund, except as 67387  
provided in division (C) of this section, for any county office, 67388  
department, or division that, during the previous fiscal year, 67389  
spent one hundred ten per cent or more of the total amount 67390  
appropriated for personal services and payrolls by the board in 67391  
its annual appropriation measure required by section 5705.38 of 67392  
the Revised Code. The spending plan or amended spending plan shall 67393  
remain in effect for not more than two fiscal years, or until. But 67394  
if the county administrating officer of the office, department, or 67395  
division for which the plan was adopted is no longer in office, 67396  
including terms of office to which the county officer is 67397  
re-elected, whichever is later an elected official, the spending 67398  
plan shall not be in effect during a fiscal year in which that 67399  
elected official is no longer the administrator of that office, 67400  
department, or division. 67401

(3) At least thirty days before adopting a resolution under 67402  
division (B)(1) or (2) of this section, the board of county 67403  
commissioners shall provide written notice to each county office, 67404  
department, or division for which it intends to adopt a spending 67405  
plan or an amended spending plan. The notice shall be sent by 67406  
regular first class mail or provided by personal service, and 67407  
shall include a copy of the proposed spending plan or proposed 67408  
amended spending plan. The county office, department, or division 67409  
may meet with the board at any regular session of the board to 67410

comment on the notice, or to express concerns or ask questions 67411  
about the proposed spending plan or proposed amended spending 67412  
plan. 67413

(C) Division (B) of this section shall not apply to any fund 67414  
that is subject to rules adopted by the tax commissioner under 67415  
division (O) of section 5703.05 of the Revised Code. 67416

Sec. 5705.52. (A) As used in this section, "current taxes" 67417  
means taxes charged on the tax list of real and public utility 67418  
property for a tax year that have not appeared on the list for a 67419  
preceding tax year. "Current taxes" does not include penalty or 67420  
interest charged for a preceding tax year or special assessments. 67421

(B) A taxing unit that receives money from an oil and gas 67422  
escrow fund under division (G) of section 5705.32 of the Revised 67423  
Code shall repay to the owner of each horizontal well that paid 67424  
the fee required by division (K) of section 1509.06 of the Revised 67425  
Code an amount equal to the amount of money the taxing unit 67426  
received from the oil and gas escrow fund on the basis of each 67427  
owner's well. Interest shall not accrue on any unpaid balance. 67428

Once per tax year, beginning with the tax year following the 67429  
tax year in which the taxing unit receives such money, the fiscal 67430  
officer of the taxing unit shall pay to each owner of such well an 67431  
amount equal to fifty per cent of current taxes paid by the owner 67432  
for the preceding tax year for oil and gas reserves resulting from 67433  
the production of the owner's horizontal well and valued in 67434  
accordance with section 5713.052 of the Revised Code to the extent 67435  
those taxes were payable to that taxing unit for the tax year. 67436  
Except as provided in division (C) of this section, the fiscal 67437  
officer shall make such payments to an owner until the sum of such 67438  
payments equals the amount the taxing unit received from the oil 67439  
and gas escrow fund on the basis of that owner's horizontal well. 67440  
If a payment would cause the total amount paid to any owner to 67441

exceed the amount of money the taxing unit received from the oil and gas escrow fund on the basis of that owner's well, the fiscal officer shall pay the owner only up to this amount. 67442  
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The fiscal officer shall draw such payments from the fund or funds of the taxing unit to which money from the oil and gas escrow fund were deposited in proportion to the amount deposited in each fund. If insufficient money exists in a fund such that the amount of the payment that is required to be paid from that fund cannot fully be paid from the fund, the fiscal officer shall pay the deficiency from the general fund of the taxing unit. 67445  
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(C) If, for a tax year, an owner that the fiscal officer is required to pay under this section does not pay current taxes on oil and gas reserves from the production of the owner's horizontal well, the fiscal officer shall make no payment to the owner in the succeeding tax year. 67452  
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**Sec. 5707.03.** Annual taxes are hereby levied on the kinds of intangible property, enumerated in this section, on the intangible property tax list in the office of the treasurer of state at the following rates: 67457  
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(A) On investments, five per cent of income yield or of income as provided by section 5711.10 of the Revised Code for the 1983, 1984, and 1985 return years and no tax for subsequent return years; 67461  
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(B) On unproductive investments, two mills on the dollar for the 1983, 1984, and 1985 return years and no tax for subsequent return years; 67465  
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(C) On deposits, one and three-eighths mills on the dollar for the 1982 and 1983 return years and no tax for subsequent return years; 67468  
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(D) On shares of, and capital employed by, dealers in 67471

intangibles, eight mills on the dollar for return years prior to 2014 and no tax under this section for subsequent return years; 67472  
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(E) On money, credits, and all other taxable intangibles, 67474  
three mills on the dollar for the 1983, 1984, and 1985 return 67475  
years and no tax for subsequent return years. 67476

The object and distribution of such taxes shall be as 67477  
provided in section 5725.24 of the Revised Code. 67478

**Sec. 5709.12.** (A) As used in this section, "independent 67479  
living facilities" means any residential housing facilities and 67480  
related property that are not a nursing home, residential care 67481  
facility, or ~~adult care~~ residential facility as defined in 67482  
division (A) of section 5701.13 of the Revised Code. 67483

(B) Lands, houses, and other buildings belonging to a county, 67484  
township, or municipal corporation and used exclusively for the 67485  
accommodation or support of the poor, or leased to the state or 67486  
any political subdivision for public purposes shall be exempt from 67487  
taxation. Real and tangible personal property belonging to 67488  
institutions that is used exclusively for charitable purposes 67489  
shall be exempt from taxation, including real property belonging 67490  
to an institution that is a nonprofit corporation that receives a 67491  
grant under the Thomas Alva Edison grant program authorized by 67492  
division (C) of section 122.33 of the Revised Code at any time 67493  
during the tax year and being held for leasing or resale to 67494  
others. If, at any time during a tax year for which such property 67495  
is exempted from taxation, the corporation ceases to qualify for 67496  
such a grant, the director of development shall notify the tax 67497  
commissioner, and the tax commissioner shall cause the property to 67498  
be restored to the tax list beginning with the following tax year. 67499  
All property owned and used by a nonprofit organization 67500  
exclusively for a home for the aged, as defined in section 5701.13 67501  
of the Revised Code, also shall be exempt from taxation. 67502

(C)(1) If a home for the aged described in division (B)(1) of section 5701.13 of the Revised Code is operated in conjunction with or at the same site as independent living facilities, the exemption granted in division (B) of this section shall include kitchen, dining room, clinic, entry ways, maintenance and storage areas, and land necessary for access commonly used by both residents of the home for the aged and residents of the independent living facilities. Other facilities commonly used by both residents of the home for the aged and residents of independent living units shall be exempt from taxation only if the other facilities are used primarily by the residents of the home for the aged. Vacant land currently unused by the home, and independent living facilities and the lands connected with them are not exempt from taxation. Except as provided in division (A)(1) of section 5709.121 of the Revised Code, property of a home leased for nonresidential purposes is not exempt from taxation.

(2) Independent living facilities are exempt from taxation if they are operated in conjunction with or at the same site as a home for the aged described in division (B)(2) of section 5701.13 of the Revised Code; operated by a corporation, association, or trust described in division (B)(1)(b) of that section; operated exclusively for the benefit of members of the corporation, association, or trust who are retired, aged, or infirm; and provided to those members without charge in consideration of their service, without compensation, to a charitable, religious, fraternal, or educational institution. For the purposes of division (C)(2) of this section, "compensation" does not include furnishing room and board, clothing, health care, or other necessities, or stipends or other de minimis payments to defray the cost thereof.

(D)(1) A private corporation established under federal law, defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, as

amended, the objects of which include encouraging the advancement 67535  
of science generally, or of a particular branch of science, the 67536  
promotion of scientific research, the improvement of the 67537  
qualifications and usefulness of scientists, or the increase and 67538  
diffusion of scientific knowledge is conclusively presumed to be a 67539  
charitable or educational institution. A private corporation 67540  
established as a nonprofit corporation under the laws of a state, 67541  
that is exempt from federal income taxation under section 67542  
501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 67543  
U.S.C.A. 1, as amended, and has as its principal purpose one or 67544  
more of the foregoing objects, also is conclusively presumed to be 67545  
a charitable or educational institution. 67546

The fact that an organization described in this division 67547  
operates in a manner that results in an excess of revenues over 67548  
expenses shall not be used to deny the exemption granted by this 67549  
section, provided such excess is used, or is held for use, for 67550  
exempt purposes or to establish a reserve against future 67551  
contingencies; and, provided further, that such excess may not be 67552  
distributed to individual persons or to entities that would not be 67553  
entitled to the tax exemptions provided by this chapter. Nor shall 67554  
the fact that any scientific information diffused by the 67555  
organization is of particular interest or benefit to any of its 67556  
individual members be used to deny the exemption granted by this 67557  
section, provided that such scientific information is available to 67558  
the public for purchase or otherwise. 67559

(2) Division (D)(2) of this section does not apply to real 67560  
property exempted from taxation under this section and division 67561  
(A)(3) of section 5709.121 of the Revised Code and belonging to a 67562  
nonprofit corporation described in division (D)(1) of this section 67563  
that has received a grant under the Thomas Alva Edison grant 67564  
program authorized by division (C) of section 122.33 of the 67565  
Revised Code during any of the tax years the property was exempted 67566



from taxation. 67567

When a private corporation described in division (D)(1) of 67568  
this section sells all or any portion of a tract, lot, or parcel 67569  
of real estate that has been exempt from taxation under this 67570  
section and section 5709.121 of the Revised Code, the portion sold 67571  
shall be restored to the tax list for the year following the year 67572  
of the sale and, except in connection with a sale and transfer of 67573  
such a tract, lot, or parcel to a county land reutilization 67574  
corporation organized under Chapter 1724. of the Revised Code, a 67575  
charge shall be levied against the sold property in an amount 67576  
equal to the tax savings on such property during the four tax 67577  
years preceding the year the property is placed on the tax list. 67578  
The tax savings equals the amount of the additional taxes that 67579  
would have been levied if such property had not been exempt from 67580  
taxation. 67581

The charge constitutes a lien of the state upon such property 67582  
as of the first day of January of the tax year in which the charge 67583  
is levied and continues until discharged as provided by law. The 67584  
charge may also be remitted for all or any portion of such 67585  
property that the tax commissioner determines is entitled to 67586  
exemption from real property taxation for the year such property 67587  
is restored to the tax list under any provision of the Revised 67588  
Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 67589  
5709.41, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 5709.84, 67590  
upon an application for exemption covering the year such property 67591  
is restored to the tax list filed under section 5715.27 of the 67592  
Revised Code. 67593

(E) Real property held by an organization organized and 67594  
operated exclusively for charitable purposes as described under 67595  
section 501(c)(3) of the Internal Revenue Code and exempt from 67596  
federal taxation under section 501(a) of the Internal Revenue 67597  
Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose 67598

of constructing or rehabilitating residences for eventual transfer 67599  
to qualified low-income families through sale, lease, or land 67600  
installment contract, shall be exempt from taxation. 67601

The exemption shall commence on the day title to the property 67602  
is transferred to the organization and shall continue to the end 67603  
of the tax year in which the organization transfers title to the 67604  
property to a qualified low-income family. In no case shall the 67605  
exemption extend beyond the second succeeding tax year following 67606  
the year in which the title was transferred to the organization. 67607  
If the title is transferred to the organization and from the 67608  
organization to a qualified low-income family in the same tax 67609  
year, the exemption shall continue to the end of that tax year. 67610  
The proportionate amount of taxes that are a lien but not yet 67611  
determined, assessed, and levied for the tax year in which title 67612  
is transferred to the organization shall be remitted by the county 67613  
auditor for each day of the year that title is held by the 67614  
organization. 67615

Upon transferring the title to another person, the 67616  
organization shall file with the county auditor an affidavit 67617  
affirming that the title was transferred to a qualified low-income 67618  
family or that the title was not transferred to a qualified 67619  
low-income family, as the case may be; if the title was 67620  
transferred to a qualified low-income family, the affidavit shall 67621  
identify the transferee by name. If the organization transfers 67622  
title to the property to anyone other than a qualified low-income 67623  
family, the exemption, if it has not previously expired, shall 67624  
terminate, and the property shall be restored to the tax list for 67625  
the year following the year of the transfer and a charge shall be 67626  
levied against the property in an amount equal to the amount of 67627  
additional taxes that would have been levied if such property had 67628  
not been exempt from taxation. The charge constitutes a lien of 67629  
the state upon such property as of the first day of January of the 67630

tax year in which the charge is levied and continues until 67631  
discharged as provided by law. 67632

The application for exemption shall be filed as otherwise 67633  
required under section 5715.27 of the Revised Code, except that 67634  
the organization holding the property shall file with its 67635  
application documentation substantiating its status as an 67636  
organization organized and operated exclusively for charitable 67637  
purposes under section 501(c)(3) of the Internal Revenue Code and 67638  
its qualification for exemption from federal taxation under 67639  
section 501(a) of the Internal Revenue Code, and affirming its 67640  
intention to construct or rehabilitate the property for the 67641  
eventual transfer to qualified low-income families. 67642

As used in this division, "qualified low-income family" means 67643  
a family whose income does not exceed two hundred per cent of the 67644  
official federal poverty guidelines as revised annually in 67645  
accordance with section 673(2) of the "Omnibus Budget 67646  
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 67647  
amended, for a family size equal to the size of the family whose 67648  
income is being determined. 67649

(F) Real property held by a county land reutilization 67650  
corporation organized under Chapter 1724. of the Revised Code 67651  
shall be exempt from taxation. Notwithstanding section 5715.27 of 67652  
the Revised Code, a county land reutilization corporation is not 67653  
required to apply to any county or state agency in order to 67654  
qualify for the exemption. 67655

The exemption shall commence on the day title to the property 67656  
is transferred to the corporation and shall continue to the end of 67657  
the tax year in which the instrument transferring title from the 67658  
corporation to another owner is recorded, if the use to which the 67659  
other owner puts the property does not qualify for an exemption 67660  
under this section or any other section of the Revised Code. If 67661  
the title to the property is transferred to the corporation and 67662

from the corporation in the same tax year, the exemption shall 67663  
continue to the end of that tax year. The proportionate amount of 67664  
taxes that are a lien but not yet determined, assessed, and levied 67665  
for the tax year in which title is transferred to the corporation 67666  
shall be remitted by the county auditor for each day of the year 67667  
that title is held by the corporation. 67668

Upon transferring the title to another person, the 67669  
corporation shall file with the county auditor an affidavit 67670  
affirming that the title was transferred to such other person and 67671  
shall identify the transferee by name. If the corporation 67672  
transfers title to the property to anyone that does not qualify or 67673  
the use to which the property is put does not qualify the property 67674  
for an exemption under this section or any other section of the 67675  
Revised Code, the exemption, if it has not previously expired, 67676  
shall terminate, and the property shall be restored to the tax 67677  
list for the year following the year of the transfer. A charge 67678  
shall be levied against the property in an amount equal to the 67679  
amount of additional taxes that would have been levied if such 67680  
property had not been exempt from taxation. The charge constitutes 67681  
a lien of the state upon such property as of the first day of 67682  
January of the tax year in which the charge is levied and 67683  
continues until discharged as provided by law. 67684

In lieu of the application for exemption otherwise required 67685  
to be filed as required under section 5715.27 of the Revised Code, 67686  
a count land reutilization corporation holding the property shall, 67687  
upon the request of any county or state agency, submit its 67688  
articles of incorporation substantiating its status as a county 67689  
land reutilization corporation. 67690

**Sec. 5709.212.** (A) With every application for an exempt 67691  
facility certificate filed pursuant to section 5709.21 of the 67692  
Revised Code, the applicant shall pay a fee equal to one-half of 67693

one per cent of the total exempt facility project cost, not to 67694  
exceed two thousand dollars. One-half of the fee received with 67695  
applications for exempt facility certificates shall be credited to 67696  
the exempt facility administrative fund, which is hereby created 67697  
in the state treasury, for appropriation to the department of 67698  
taxation for use in administering sections 5709.20 to 5709.27 of 67699  
the Revised Code. If the director of environmental protection is 67700  
required to provide the opinion for an application, one-half of 67701  
the fee shall be credited to the non-Title V clean air fund 67702  
created in section 3704.035 of the Revised Code for use in 67703  
administering section 5709.211 of the Revised Code, unless the 67704  
application is for an industrial water pollution control facility. 67705  
If the application is for an industrial water pollution control 67706  
facility, one-half of the fee shall be credited to the surface 67707  
water protection fund created in section 6111.038 of the Revised 67708  
Code for use in administering section 5709.211 of the Revised 67709  
Code. If the director of development is required to provide the 67710  
opinion for an application, one-half of the fee for each exempt 67711  
facility application shall be credited to the exempt facility 67712  
inspection fund, which is hereby created in the state treasury, 67713  
for appropriation to the department of development for use in 67714  
administering section 5709.211 of the Revised Code. 67715

An applicant is not entitled to any tax exemption under 67716  
section 5709.25 of the Revised Code until the fee required by this 67717  
section is paid. The fee required by this section is not 67718  
refundable, and is due with the application for an exempt facility 67719  
certificate even if an exempt facility certificate ultimately is 67720  
not issued or is withdrawn. Any application submitted without 67721  
payment of the fee shall be deemed incomplete until the fee is 67722  
paid. 67723

(B) The application fee imposed under division (A) of this 67724  
section for a jointly owned facility shall be equal to one-half of 67725

one per cent of the total exempt facility project cost, not to exceed two thousand dollars for each facility that is the subject of the application.

**Sec. 5709.76.** (A) All of the following are exempt from taxes levied by the state and its subdivisions:

(1) Public obligations;

(2) Interest or interest equivalent on public obligations and on purchase obligations;

(3) The transfer, and any profit made on the sale, exchange, or other disposition, of public obligations.

(B) The exemptions granted by division (A) of this section apply to public obligations and purchase obligations issued, incurred, or entered into before, on, or after ~~the effective date of this section~~ March 29, 1988, but only for taxable years ending on or after the later of July 1, 1988, or ~~the effective date of this section~~ March 29, 1988.

(C) This section supplements, and does not restrict, limit, or impair, any exemption from taxation otherwise provided for in the Ohio Constitution, the Revised Code, or other laws.

(D) As used in this section:

(1) "Fractionalized interests in purchase obligations" means participations, shares, or other instruments or agreements, separate from the purchase obligations themselves, evidencing ownership of interests in purchase obligations or of rights to receive payments of, or on account of, principal or interest or their equivalents payable by or on behalf of the state or a subdivision pursuant to purchase obligations, and does not include interests or shares in qualified investment trusts.

(2) "Interest or interest equivalent" means those payments or portions of payments, however denominated, that constitute or

represent consideration for forbearing the collection of money, or 67756  
for deferring the receipt of payment of money to a future time, as 67757  
determined for federal income tax purposes, and includes those 67758  
portions of a qualified investment trust's distributions to its 67759  
shareholders or beneficial owners, whether distributed or deemed 67760  
distributed in cash or in trust shares or interests, that are 67761  
attributable to the trust's receipt of interest or interest 67762  
equivalent. 67763

(3) "Internal Revenue Code" has the same meaning as in 67764  
division (H) of section 5747.01 of the Revised Code. 67765

(4) "Qualified investment trust" or "trust" means a unit 67766  
investment trust, grantor trust, or regulated investment company, 67767  
if at all times at least fifty per cent of the value of the total 67768  
assets of the trust or company consists of public securities or 67769  
purchase obligations, or similar obligations of other states or 67770  
their subdivisions. 67771

(5) "Public obligations" means public securities, 67772  
fractionalized interests in purchase obligations, and any 67773  
obligation or evidence of obligation to pay interest or interest 67774  
equivalent on public securities or on fractionalized interests in 67775  
purchase obligations, and does not include purchase obligations. 67776

(6) "Public securities" means bonds, notes, certificates of 67777  
indebtedness, commercial paper, and other instruments in writing 67778  
issued by the state or a subdivision, or by any nonprofit 67779  
corporation authorized to issue public securities for or on behalf 67780  
of the state or a subdivision, to evidence the obligation of the 67781  
state, subdivision, or nonprofit corporation to repay money 67782  
borrowed by, or to pay at any future time other money obligations 67783  
of, the state, subdivision, or nonprofit corporation, and does not 67784  
include purchase obligations. Public securities may be in the form 67785  
of either certificated securities or uncertificated securities, as 67786  
those terms are defined in section 1308.01 of the Revised Code. 67787

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| (7) "Purchase obligations" means interest-bearing obligations of the state or a subdivision to make payments under installment sale, lease, lease purchase, or similar types of agreements.                                                                                                                                                                                                           | 67788<br>67789<br>67790                                     |
| (8) "Regulated investment company" means a regulated investment company as defined in section 851 of the Internal Revenue Code.                                                                                                                                                                                                                                                                       | 67791<br>67792<br>67793                                     |
| (9) "State" means the state, state officers, and state agencies, including commissions, institutions, boards, agencies, authorities, or other instrumentalities.                                                                                                                                                                                                                                      | 67794<br>67795<br>67796                                     |
| (10) "Subdivision" means any local taxing authority, political or governmental subdivision, body corporate and politic, or other local public or governmental entity in the state, any combination or consortium of two or more of those subdivisions, and any public division, district, commission, authority, department, board, officer, or institution of any one or more of those subdivisions. | 67797<br>67798<br>67799<br>67800<br>67801<br>67802<br>67803 |
| (11) "Taxes" means any direct or indirect taxes, including income, ad valorem, transfer, and excise taxes, and including the tax on the net income measure of the issued and outstanding shares of a corporation under Chapter 5733. of the Revised Code. "Taxes" does not mean any of the following:                                                                                                 | 67804<br>67805<br>67806<br>67807<br>67808                   |
| (a) The tax on the net worth measure of the issued and outstanding shares of corporations and financial institutions under Chapter 5733. of the Revised Code;                                                                                                                                                                                                                                         | 67809<br>67810<br>67811                                     |
| (b) The tax on the value of the gross estate under Chapter 5731. of the Revised Code;                                                                                                                                                                                                                                                                                                                 | 67812<br>67813                                              |
| (c) The tax on the value of the capital and surplus of a domestic insurance company under Chapter 5725. of the Revised Code;                                                                                                                                                                                                                                                                          | 67814<br>67815<br>67816                                     |
| (d) The tax on the shares of and capital employed by dealers                                                                                                                                                                                                                                                                                                                                          | 67817                                                       |



in intangibles under Chapter 5725. and section 5707.03 of the Revised Code; 67818  
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(e) The tax levied on the basis of the total equity capital of financial institutions under Chapter 5726. of the Revised Code. 67820  
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**Sec. 5711.22.** (A) Deposits not taxed at the source shall be listed and assessed at their amount in dollars on the day they are required to be listed. Moneys shall be listed and assessed at the amount thereof in dollars on hand on the day that they are required to be listed. In listing investments, the amount of the income yield of each for the calendar year next preceding the date of listing shall, except as otherwise provided in this chapter, be stated in dollars and cents and the assessment thereof shall be at the amount of such income yield; but any property defined as investments in either division (A) or (B) of section 5701.06 of the Revised Code that has not been outstanding for the full calendar year next preceding the date of listing, except shares of stock of like kind as other shares of the same corporation outstanding for the full calendar year next preceding the date of listing, or which has yielded no income during such calendar year shall be listed and assessed as unproductive investments, at their true value in money on the day that such investments are required to be listed. 67822  
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Credits and other taxable intangibles shall be listed and assessed at their true value in money on the day as of which the same are required to be listed. 67840  
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Shares of stock of a bank holding company, as defined in Title 12 U.S.C.A., section 1841, that are required to be listed for taxation under this division and upon which dividends were paid during the year of their issuance, which dividends are subject to taxation under the provisions of Chapter 5747. of the Revised Code, shall be exempt from the intangibles tax for the 67843  
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year immediately succeeding their issuance. If such shares bear 67849  
dividends the first calendar year after their issuance, which 67850  
dividends are subject to taxation under the provisions of Chapter 67851  
5747. of the Revised Code, it shall be deemed that the 67852  
nondelinquent intangible property tax pursuant to division (A) of 67853  
section 5707.04 of the Revised Code was paid on those dividends 67854  
paid that first calendar year after the issuance of the shares. 67855

(B) For tax years before tax year 2009, boilers, machinery, 67856  
equipment, and personal property the true value of which is 67857  
determined under division (B) of section 5711.21 of the Revised 67858  
Code shall be listed and assessed at an amount equal to the sum of 67859  
the products determined under divisions (B)(1), (2), and (3) of 67860  
this section: 67861

(1) Multiply the portion of the true value determined under 67862  
division (B)(1) of section 5711.21 of the Revised Code by the 67863  
assessment rate for the tax year in division (G) of this section; 67864

(2) Multiply the portion of the true value determined under 67865  
division (B)(2) of section 5711.21 of the Revised Code by the 67866  
assessment rate in section 5727.111 of the Revised Code that is 67867  
applicable to the production equipment of an electric company; 67868

(3) Multiply the portion of the true value determined under 67869  
division (B)(3) of section 5711.21 of the Revised Code by the 67870  
assessment rate in section 5727.111 of the Revised Code that is 67871  
applicable to the property of an electric company that is not 67872  
production equipment. 67873

(C) For tax years before tax year 2009, personal property 67874  
leased to a public utility or interexchange telecommunications 67875  
company as defined in section 5727.01 of the Revised Code and used 67876  
directly in the rendition of a public utility service as defined 67877  
in division (P) of section 5739.01 of the Revised Code shall be 67878  
listed and assessed at the same percentage of true value in money 67879

that such property is required to be assessed by section 5727.111 67880  
of the Revised Code if owned by the public utility or 67881  
interexchange telecommunications company. 67882

(D)(1) Merchandise or an agricultural product shipped from 67883  
outside this state and held in this state in a warehouse or a 67884  
place of storage without further manufacturing or processing and 67885  
for storage only and for shipment outside this state, but that 67886  
does not qualify as "not used in business in this state" under 67887  
division (B)(1) or (2) of section 5701.08 of the Revised Code, is 67888  
nevertheless not used in business in this state for property tax 67889  
purposes. 67890

(2) Merchandise or an agricultural product owned by a 67891  
qualified out-of-state person shipped from outside this state and 67892  
held in this state in a public warehouse without further 67893  
manufacturing or processing and for temporary storage only and for 67894  
shipment inside this state, but that does not qualify as "not used 67895  
in business in this state" under division (B)(1) or (2) of section 67896  
5701.08 of the Revised Code, is nevertheless not used in business 67897  
in this state for property tax purposes. 67898

(3) As used in division (D)(2) of this section: 67899

(a) "Qualified out-of-state person" means a person that does 67900  
not own, lease, or use property, other than merchandise or an 67901  
agricultural product described in this division, in this state, 67902  
and does not have employees, agents, or representatives in this 67903  
state; 67904

(b) "Public warehouse" means a warehouse in this state that 67905  
is not subject to the control of or under the supervision of the 67906  
owner of the merchandise or agricultural product stored in it, or 67907  
staffed by the owner's employees, and from which the property is 67908  
to be shipped inside this state. 67909

(E) Personal property valued pursuant to section 5711.15 of 67910

the Revised Code and personal property required to be listed on 67911  
the average basis by division (B) of section 5711.16 of the 67912  
Revised Code, except property described in division (D) of this 67913  
section, business fixtures, and furniture not held for sale in the 67914  
course of business, shall be listed and assessed at twenty-three 67915  
per cent of its true value in money for tax year 2005 and at the 67916  
percentage of such true value specified in division (G) of this 67917  
section for tax year 2006 and each tax year thereafter. 67918

(F) All manufacturing equipment as defined in section 5711.16 67919  
of the Revised Code shall be listed and assessed at the following 67920  
percentage of its true value in money: 67921

(1) For all such property not previously used in business in 67922  
this state by the owner thereof, or by related member or 67923  
predecessor of the owner, other than as inventory, before January 67924  
1, 2005, zero per cent of true value; 67925

(2) For all other such property, at the percentage of true 67926  
value specified in division (G) of this section for tax year 2005 67927  
and each tax year thereafter. 67928

(G) Unless otherwise provided by law, all other personal 67929  
property used in business that has not been legally regarded as an 67930  
improvement on land and considered in arriving at the value of the 67931  
real property assessed for taxation shall be listed and assessed 67932  
at the following percentages of true value in money: 67933

(1) For tax year 2005, twenty-five per cent of true value; 67934

(2) For tax year 2006, eighteen and three-fourths per cent of 67935  
true value; 67936

(3) For tax year 2007, twelve and one-half per cent of true 67937  
value; 67938

(4) For tax year 2008, six and one-fourth per cent of true 67939  
value; 67940

(5) For tax year 2009 and each tax year thereafter, zero per cent of true value. 67941  
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(H)(1) For tax year 2007 and thereafter, all personal property used by a telephone company, telegraph company, or interexchange telecommunications company shall be listed as provided in this chapter and assessed at the following percentages of true value in money: 67943  
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(a) For tax year 2007, twenty per cent of true value; 67948

(b) For tax year 2008, fifteen per cent of true value; 67949

(c) For tax year 2009, ten per cent of true value; 67950

(d) For tax year 2010, five per cent of true value; 67951

(e) For tax year 2011 and each tax year thereafter, zero per cent of true value. 67952  
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(2) The property owned by a telephone, telegraph, or telecommunications company shall be apportioned to each appropriate taxing district as provided in section 5727.15 of the Revised Code. 67954  
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(I) During and after the tax year in which the assessment rate equals zero per cent, the property described in division (E), (F), (G), or (H) of this section shall not be listed for taxation. 67958  
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(J) Divisions (E), (F), (G), and (H) of this section apply to the property of a person described in divisions (E)(3) ~~to (10)~~ and (4) of section 5751.01 of the Revised Code. Division (J) of this section does not prevent the application of the exemption of property from taxation under section 5725.25 or 5725.26 of the Revised Code. 67961  
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**Sec. 5713.051.** (A) As used in this section: 67967

(1) "Oil" means all grades of crude oil. 67968

(2) "Gas" means all forms of natural gas. 67969

- (3) "Well" means an oil ~~or~~ well, a gas well that is not a horizontal well, or an oil and gas well. 67970  
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- (4) "M.C.F." means one thousand cubic feet. 67972
- (5) "Commonly metered wells" means two or more wells that share the same meter. 67973  
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- (6) "Total production" means the total amount of oil, 67975  
measured in barrels, and the total amount of gas, measured in 67976  
M.C.F., of all oil and gas actually produced and sold from a 67977  
single well that is developed and producing on the tax lien date. 67978  
For commonly metered wells, "total production" means the total 67979  
amount of oil, measured in barrels, and the total amount of gas, 67980  
measured in M.C.F., of all oil and gas actually produced and sold 67981  
from the commonly metered wells divided by the number of the 67982  
commonly metered wells. 67983
- (7) "Flush production" means total production from a single 67984  
well during the first twelve calendar months during not more than 67985  
two consecutive calendar years after a well first begins to 67986  
produce. For commonly metered wells, "flush production" means 67987  
total production during the first twelve calendar months during 67988  
not more than two consecutive calendar years after a well first 67989  
begins to produce from all wells with flush production divided by 67990  
the number of those wells. 67991
- (8) "Production through secondary recovery methods" means 67992  
total production from a single well where mechanically induced 67993  
pressure, such as air, nitrogen, carbon dioxide, or water 67994  
pressure, is used to stimulate and maintain production in the oil 67995  
and gas reservoir, exclusive of any flush production. For commonly 67996  
metered wells, "production through secondary recovery methods" 67997  
means total production from all wells with production through 67998  
secondary recovery methods divided by the number of ~~the~~ those 67999  
wells. 68000

(9) "Stabilized production" means total production reduced, 68001  
if applicable, by the greater of forty-two and one-half per cent 68002  
of flush production or fifty per cent of production through 68003  
secondary recovery methods. 68004

(10) "Average daily production" means stabilized production 68005  
divided by three hundred sixty-five, provided the well was in 68006  
production at the beginning of the calendar year. If the well was 68007  
not in production at the beginning of the calendar year, "average 68008  
daily production" means stabilized production divided by the 68009  
number of days beginning with the day the well went into 68010  
production in the calendar year and ending with the thirty-first 68011  
day of December. 68012

(11) "Gross price" means the unweighted average price per 68013  
barrel of oil or the average price per M.C.F. of gas produced from 68014  
Ohio wells and first sold during the five-year period ending with 68015  
the calendar year immediately preceding the tax lien date, as 68016  
reported by the department of natural resources. 68017

(12) "Average annual decline rate" means the amount of yearly 68018  
decline in oil and gas production of a well after flush production 68019  
has ended. For the purposes of this section, the average annual 68020  
decline rate is thirteen per cent. 68021

(13) "Gross revenue" means the gross revenue from a well 68022  
during a ten-year discount period with production assumed to be 68023  
one barrel of oil or one M.C.F. of gas during the first year of 68024  
production and declining at the annual average annual decline rate 68025  
during the remaining nine years of the ten-year discount period, 68026  
as follows: 68027

(a) First year: one barrel or one M.C.F. multiplied by gross 68028  
price; 68029

(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by 68030  
gross price; 68031

|                                                                                                                                                                                                                                                   |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by gross price;                                                                                                                                                                           | 68032<br>68033                   |
| (d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by gross price;                                                                                                                                                                          | 68034<br>68035                   |
| (e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by gross price;                                                                                                                                                                           | 68036<br>68037                   |
| (f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by gross price;                                                                                                                                                                           | 68038<br>68039                   |
| (g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by gross price;                                                                                                                                                                         | 68040<br>68041                   |
| (h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by gross price;                                                                                                                                                                          | 68042<br>68043                   |
| (i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by gross price;                                                                                                                                                                           | 68044<br>68045                   |
| (j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by gross price.                                                                                                                                                                           | 68046<br>68047                   |
| (14) "Average royalty expense" means the annual cost of royalties paid by all working interest owners in a well. For the purposes of this section, the average royalty expense is fifteen per cent of annual gross revenue.                       | 68048<br>68049<br>68050<br>68051 |
| (15) "Average operating expense" means the annual cost of operating and maintaining a producing well after it first begins production. For the purposes of this section, the average operating expense is forty per cent of annual gross revenue. | 68052<br>68053<br>68054<br>68055 |
| (16) "Average capital recovery expense" means the annual capitalized investment cost of a developed and producing well. For the purposes of this section, average capital recovery expense is thirty per cent of annual gross revenue.            | 68056<br>68057<br>68058<br>68059 |
| (17) "Discount rate" means the rate used to determine the present net worth of one dollar during each year of the ten-year                                                                                                                        | 68060<br>68061                   |



discount period assuming the net income stream projected for each 68062  
year of the ten-year discount period is received at the half-year 68063  
point. For the purposes of this section, the discount rate equals 68064  
thirteen per cent plus the rate per annum prescribed by division 68065  
(B) of section 5703.47 of the Revised Code and determined by the 68066  
tax commissioner in October of the calendar year immediately 68067  
preceding the tax lien date. 68068

(B) The true value in money of oil reserves constituting real 68069  
property on tax lien dates January 1, 2007, and thereafter with 68070  
respect to a developed and producing well that has not been the 68071  
subject of a recent arm's length sale, exclusive of personal 68072  
property necessary to recover the oil, shall be determined under 68073  
division (B)(1) or (2) of this section. 68074

(1) For wells for which average daily production of oil is 68075  
one barrel or more in the calendar year preceding the tax lien 68076  
date, the true value in money equals the average daily production 68077  
of oil from the well multiplied by the net present value of one 68078  
barrel of oil, where: 68079

(a) Net present value of one barrel of oil =  $365 \times$  the sum of 68080  
[net income for each year of the discount period  $\times$  discount rate 68081  
factor for that year] for all years in the discount period; and 68082

(b) Net income for a year of the discount period = gross 68083  
revenue for that year minus the sum of the following for that 68084  
year: average royalty expense, average operating expense, and 68085  
average capital recovery expense. 68086

(2) For wells for which average daily production of oil is 68087  
less than one barrel in the calendar year preceding the tax lien 68088  
date, the true value in money equals the average daily production 68089  
of the well in the calendar year preceding the tax lien date 68090  
multiplied by sixty per cent of the net present value of one 68091  
barrel of oil as computed under division (B)(1) of this section. 68092

(C) The true value in money of gas reserves constituting real property on tax lien dates January 1, 2007, and thereafter with respect to a developed and producing well that has not been the subject of a recent arm's length sale, exclusive of personal property necessary to recover the gas, shall be determined under division (C)(1) or (2) of this section.

(1) For wells for which average daily production of gas is eight M.C.F. or more in the calendar year preceding the tax lien date, the true value in money equals the average daily production of gas from the well multiplied by the net present value of one M.C.F. of gas, where:

(a) Net present value of one M.C.F. of gas = 365 x the sum of [net income for each year of the discount period x discount rate factor for that year] for all years in the discount period; and

(b) Net income for a year of the discount period = gross revenue for that year minus the sum of the following for that year: average royalty expense, average operating expense, and average capital recovery expense.

(2) For wells for which average daily production of gas is less than eight M.C.F. in the calendar year preceding the tax lien date, the true value in money equals the average daily production of the well in the calendar year preceding the tax lien date multiplied by fifty per cent of the net present value of one M.C.F. as computed under division (C)(1) of this section.

**Sec. 5713.052.** (A) As used in this section:

(1) "Gas" means pipeline quality natural gas.

(2) "Other hydrocarbons" means ethane, propane, butane, pentane, and any other carbon-based product that is separated from wet gas at a mid-stream processing facility.

(3) "Well" means a horizontal well.

- (4) "M.C.F." means one thousand cubic feet. 68123
- (5) "Total production" means the total amount of other hydrocarbons, measured in barrels, and the total amount of gas, measured in M.C.F., of all the other hydrocarbons and gas actually produced and sold from a single well that is developed and producing on the tax lien date. 68124  
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- (6) "Flush production" means total production from a single well during the first twelve calendar months during not more than two consecutive calendar years after a well first begins to produce. 68129  
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- (7) "Production through secondary recovery methods" means total production from a single well where mechanically induced pressure, such as air, nitrogen, carbon dioxide, or water pressure, is used to stimulate and maintain production in gas reservoir, exclusive of any flush production. 68133  
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- (8) "Stabilized production" means total production reduced, if applicable, by the greater of forty-two and one-half per cent of flush production or fifty per cent of production through secondary recovery methods. 68138  
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- (9) "Average daily production" means stabilized production divided by three hundred sixty-five, provided the well was in production at the beginning of the calendar year. If the well was not in production at the beginning of the calendar year, "average daily production" means stabilized production divided by the number of days beginning with the day the well went into production in the calendar year and ending with the thirty-first day of December. 68142  
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- (10) "Gross price" means the unweighted average price per barrel of each separate other hydrocarbons or the average price per M.C.F. of gas produced from Ohio wells and first sold during the five-year period ending with the calendar year immediately 68150  
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preceding the tax lien date, as reported by the department of 68154  
natural resources for gas and as reported by the new York 68155  
mercantile exchange for other hydrocarbons. 68156

(11) "Average annual decline rate" means the amount of yearly 68157  
decline in other hydrocarbons and gas production of a well after 68158  
flush production has ended. For the purposes of this section, the 68159  
average annual decline rate is thirteen per cent. 68160

(12) "Gross revenue" means the gross revenue from a well 68161  
during a ten-year discount period with production assumed to be 68162  
one barrel of other hydrocarbons or one M.C.F. of gas during the 68163  
first year of production and declining at the annual average 68164  
annual decline rate during the remaining nine years of the 68165  
ten-year discount period, as follows: 68166

(a) First year: one barrel or one M.C.F. multiplied by gross 68167  
price; 68168

(b) Second year: 0.870 barrel or 0.870 M.C.F. multiplied by 68169  
gross price; 68170

(c) Third year: 0.757 barrel or 0.757 M.C.F. multiplied by 68171  
gross price; 68172

(d) Fourth year: 0.659 barrel or 0.659 M.C.F. multiplied by 68173  
gross price; 68174

(e) Fifth year: 0.573 barrel or 0.573 M.C.F. multiplied by 68175  
gross price; 68176

(f) Sixth year: 0.498 barrel or 0.498 M.C.F. multiplied by 68177  
gross price; 68178

(g) Seventh year: 0.434 barrel or 0.434 M.C.F. multiplied by 68179  
gross price; 68180

(h) Eighth year: 0.377 barrel or 0.377 M.C.F. multiplied by 68181  
gross price; 68182

(i) Ninth year: 0.328 barrel or 0.328 M.C.F. multiplied by 68183

gross price; 68184

(j) Tenth year: 0.286 barrel or 0.286 M.C.F. multiplied by 68185  
gross price. 68186

(13) "Average royalty expense" means the annual cost of 68187  
royalties paid by all working interest owners in a well. For the 68188  
purposes of this section, the average royalty expense is fifteen 68189  
per cent of annual gross revenue. 68190

(14) "Average operating expense" means the annual cost of 68191  
operating and maintaining a producing well after it first begins 68192  
production. For the purposes of this section, the average 68193  
operating expense is forty per cent of annual gross revenue. 68194

(15) "Average capital recovery expense" means the annual 68195  
capitalized investment cost of a developed and producing well. For 68196  
the purposes of this section, average capital recovery expense is 68197  
thirty per cent of annual gross revenue. 68198

(16) "Discount rate" means the rate used to determine the 68199  
present net worth of one dollar during each year of the ten-year 68200  
discount period assuming the net income stream projected for each 68201  
year of the ten-year discount period is received at the half-year 68202  
point. For the purposes of this section, the discount rate equals 68203  
thirteen per cent plus the rate per annum prescribed by division 68204  
(B) of section 5703.47 of the Revised Code and determined by the 68205  
tax commissioner in October of the calendar year immediately 68206  
preceding the tax lien date. 68207

(B) The true value in money of other hydrocarbon reserves 68208  
constituting real property on the tax lien dates for tax year 2013 68209  
and thereafter shall be determined under division (B)(1) or (2) of 68210  
this section. 68211

(1) For wells for which average daily production of other 68212  
hydrocarbons is one barrel or more in the calendar year preceding 68213  
the tax lien date, the true value in money equals the average 68214

daily production of other hydrocarbons from the well multiplied by 68215  
the net present value of one barrel of each other hydrocarbon 68216  
product, where: 68217

(a) Net present value of one barrel of each other hydrocarbon 68218  
product = 365 x the sum of [net income for each year of the 68219  
discount period x discount rate factor for that year] for all 68220  
years in the discount period; and 68221

(b) Net income for a year of the discount period = gross 68222  
revenue for that year minus the sum of the following for that 68223  
year: average royalty expense, average operating expense, and 68224  
average capital recovery expense. 68225

(2) For wells for which average daily production of other 68226  
hydrocarbons is less than one barrel in the calendar year 68227  
preceding the tax lien date, the true value in money equals the 68228  
average daily production of the well in the calendar year 68229  
preceding the tax lien date multiplied by fifty per cent of the 68230  
net present value of one barrel of hydrocarbons as computed under 68231  
division (B)(1) of this section. 68232

(C) The true value in money of gas reserves constituting real 68233  
property on the tax lien dates for tax year 2013 and thereafter 68234  
shall be determined under division (C)(1) or (2) of this section. 68235

(1) For wells for which average daily production of gas is 68236  
eight M.C.F. or more in the calendar year preceding the tax lien 68237  
date, the true value in money equals the average daily production 68238  
of gas from the well multiplied by the net present value of one 68239  
M.C.F. of gas, where: 68240

(a) Net present value of one M.C.F. of gas = 365 x the sum of 68241  
[net income for each year of the discount period x discount rate 68242  
factor for that year] for all years in the discount period; and 68243

(b) Net income for a year of the discount period = gross 68244  
revenue for that year minus the sum of the following for that 68245

year: average royalty expense, average operating expense, and 68246  
average capital recovery expense. 68247

(2) For wells for which average daily production of gas is 68248  
less than eight M.C.F. in the calendar year preceding the tax lien 68249  
date, the true value in money equals the average daily production 68250  
of the well in the calendar year preceding the tax lien date 68251  
multiplied by fifty per cent of the net present value of one 68252  
M.C.F. as computed under division (C)(1) of this section. 68253

**Sec. 5717.01.** An appeal from a decision of a county board of 68254  
revision may be taken to the board of tax appeals within thirty 68255  
days after notice of the decision of the county board of revision 68256  
is mailed as provided in division (A) of section 5715.20 of the 68257  
Revised Code. Such an appeal may be taken by the county auditor, 68258  
the tax commissioner, or any board, legislative authority, public 68259  
official, or taxpayer authorized by section 5715.19 of the Revised 68260  
Code to file complaints against valuations or assessments with the 68261  
auditor. Such appeal shall be taken by the filing of a notice of 68262  
appeal, in person or by certified mail, express mail, facsimile 68263  
transmission, electronic transmission using electronic mail, or by 68264  
authorized delivery service, with the board of tax appeals and 68265  
with the county board of revision. If notice of appeal is filed by 68266  
certified mail, express mail, or authorized delivery service as 68267  
provided in section 5703.056 of the Revised Code, the date of the 68268  
United States postmark placed on the sender's receipt by the 68269  
postal service or the date of receipt recorded by the authorized 68270  
delivery service shall be treated as the date of filing. If notice 68271  
of appeal is filed by facsimile transmission or electronic 68272  
transmission using electronic mail, the date and time of 68273  
transmission shall be treated as the date of filing. Upon receipt 68274  
of such notice of appeal such county board of revision shall by 68275  
certified mail notify all persons thereof who were parties to the 68276  
proceeding before such county board of revision, and shall file 68277

proof of such notice with the board of tax appeals. The county 68278  
board of revision shall thereupon certify to the board of tax 68279  
appeals a transcript of the record of the proceedings of the 68280  
county board of revision pertaining to the original complaint, and 68281  
all evidence offered in connection therewith. Such appeal may be 68282  
heard by the board of tax appeals at its offices in Columbus or in 68283  
the county where the property is listed for taxation, or the board 68284  
of tax appeals may cause its examiners to conduct such hearing and 68285  
to report to it their findings for affirmation or rejection. An 68286  
appeal may proceed pursuant to section 5703.021 of the Revised 68287  
Code in the small claims division if the appeal qualifies under 68288  
that section. 68289

The board of tax appeals may order the appeal to be heard on 68290  
the record and the evidence certified to it by the county board of 68291  
revision, or it may order the hearing of additional evidence, and 68292  
it may make such investigation concerning the appeal as it deems 68293  
proper. 68294

**Sec. 5717.011.** (A) As used in this chapter, "tax 68295  
administrator" has the same meaning as in section 718.01 of the 68296  
Revised Code. 68297

(B) Appeals from a municipal board of appeal created under 68298  
section 718.11 of the Revised Code may be taken by the taxpayer or 68299  
the tax administrator to the board of tax appeals or may be taken 68300  
by the taxpayer or the tax administrator to a court of common 68301  
pleas as otherwise provided by law. If the taxpayer or the tax 68302  
administrator elects to make an appeal to the board of tax appeals 68303  
or court of common pleas, and subject to section 5703.021 of the 68304  
Revised Code with respect to small claims proceedings, the appeal 68305  
shall be taken by the filing of a notice of appeal with the board 68306  
of tax appeals or court of common pleas, the municipal board of 68307  
appeal, and the opposing party. The notice of appeal shall be 68308



filed within sixty days after the day the appellant receives 68309  
notice of the decision issued under section 718.11 of the Revised 68310  
Code. The notice of appeal may be filed in person or by certified 68311  
mail, express mail, facsimile transmission, electronic 68312  
transmission using electronic mail, or by authorized delivery 68313  
service as provided in section 5703.056 of the Revised Code. If 68314  
the notice of appeal is filed by certified mail, express mail, or 68315  
authorized delivery service as provided in section 5703.056 of the 68316  
Revised Code, the date of the United States postmark placed on the 68317  
sender's receipt by the postal service or the date of receipt 68318  
recorded by the authorized delivery service shall be treated as 68319  
the date of filing. If notice of appeal is filed by facsimile 68320  
transmission or electronic transmission using electronic mail, the 68321  
date and time of the transmission shall be treated as the date of 68322  
filing. The notice of appeal shall have attached thereto and 68323  
incorporated therein by reference a true copy of the decision 68324  
issued under section 718.11 of the Revised Code and shall specify 68325  
the errors therein complained of, but failure to attach a copy of 68326  
such notice and incorporate it by reference in the notice of 68327  
appeal does not invalidate the appeal. 68328

(C) Upon the filing of a notice of appeal with the board of 68329  
tax appeals, the municipal board of appeal shall certify to the 68330  
board of tax appeals a transcript of the record of the proceedings 68331  
before it, together with all evidence considered by it in 68332  
connection therewith. Such appeals may be heard by the board at 68333  
its office in Columbus or in the county where the appellant 68334  
resides, or it may cause its examiners to conduct such hearings 68335  
and to report to it their findings for affirmation or rejection. 68336  
The board may order the appeal to be heard upon the record and the 68337  
evidence certified to it by the administrator, but upon the 68338  
application of any interested party the board shall order the 68339  
hearing of additional evidence, and the board may make such 68340  
investigation concerning the appeal as it considers proper. An 68341

appeal may proceed pursuant to section 5703.021 of the Revised Code in the small claims division if the appeals qualifies under that section. 68342  
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(D) If an issue being appealed under this section is 68345  
addressed in a municipal corporation's ordinance or regulation, 68346  
the tax administrator, upon the request of the board of tax 68347  
appeals, shall provide a copy of the ordinance or regulation to 68348  
the board of tax appeals. 68349

**Sec. 5717.02.** (A) Except as otherwise provided by law, 68350  
appeals from final determinations by the tax commissioner of any 68351  
preliminary, amended, or final tax assessments, reassessments, 68352  
valuations, determinations, findings, computations, or orders made 68353  
by the commissioner may be taken to the board of tax appeals by 68354  
the taxpayer, by the person to whom notice of the tax assessment, 68355  
reassessment, valuation, determination, finding, computation, or 68356  
order by the commissioner is required by law to be given, by the 68357  
director of budget and management if the revenues affected by that 68358  
decision would accrue primarily to the state treasury, or by the 68359  
county auditors of the counties to the undivided general tax funds 68360  
of which the revenues affected by that decision would primarily 68361  
accrue. Appeals from the redetermination by the director of 68362  
development under division (B) of section 5709.64 or division (A) 68363  
of section 5709.66 of the Revised Code may be taken to the board 68364  
of tax appeals by the enterprise to which notice of the 68365  
redetermination is required by law to be given. Appeals from a 68366  
decision of the tax commissioner or county auditor concerning an 68367  
application for a property tax exemption may be taken to the board 68368  
of tax appeals by the applicant or by a school district that filed 68369  
a statement concerning that application under division (C) of 68370  
section 5715.27 of the Revised Code. Appeals from a 68371  
redetermination by the director of job and family services under 68372  
section 5733.42 of the Revised Code may be taken by the person to 68373

which the notice of the redetermination is required by law to be given under that section.

(B) The appeals shall be taken by the filing of a notice of appeal with the board, and with the tax commissioner if the tax commissioner's action is the subject of the appeal, with the county auditor if the county auditor's action is the subject of the appeal, with the director of development if that director's action is the subject of the appeal, or with the director of job and family services if that director's action is the subject of the appeal. The notice of appeal shall be filed within sixty days after service of the notice of the tax assessment, reassessment, valuation, determination, finding, computation, or order by the commissioner, property tax exemption determination by the commissioner or the county auditor, or redetermination by the director has been given as provided in section 5703.37, 5709.64, 5709.66, or 5733.42 of the Revised Code. The notice of appeal may be filed in person or by certified mail, express mail, facsimile transmission, electronic transmission using electronic mail, or by authorized delivery service. If the notice of appeal is filed by certified mail, express mail, or authorized delivery service as provided in section 5703.056 of the Revised Code, the date of the United States postmark placed on the sender's receipt by the postal service or the date of receipt recorded by the authorized delivery service shall be treated as the date of filing. If notice of appeal is filed by facsimile transmission or electronic transmission using electronic mail, the date and time of the transmission shall be treated as the date of filing. The notice of appeal shall have attached to it and incorporated in it by reference a true copy of the notice sent by the commissioner, county auditor, or director to the taxpayer, enterprise, or other person of the final determination or redetermination complained of, and shall also specify the errors therein complained of, but

failure to attach a copy of that notice and to incorporate it by 68406  
reference in the notice of appeal does not invalidate the appeal. 68407

(C) Upon the filing of a notice of appeal, the tax 68408  
commissioner, county auditor, or the director, as appropriate, 68409  
shall certify to the board a transcript of the record of the 68410  
proceedings before the commissioner, auditor, or director, 68411  
together with all evidence considered by the commissioner, 68412  
auditor, or director in connection with the proceedings. Those 68413  
appeals or applications may be heard by the board at its office in 68414  
Columbus or in the county where the appellant resides, or it may 68415  
cause its examiners to conduct the hearings and to report to it 68416  
their findings for affirmation or rejection. The board shall 68417  
institute procedures to control and manage appeals governed by 68418  
this section. The procedures shall include the conduct of 68419  
discovery such that, upon the filing of the statutory transcript 68420  
in an appeal, the board, through its attorney examiners, shall 68421  
establish a case management schedule in consultation with the 68422  
parties and their counsel subject to section 5703.021 of the 68423  
Revised Code. 68424

(D) The board may order the appeal to be heard upon the 68425  
record and the evidence certified to it by the commissioner, 68426  
county auditor, or director, but upon the application of any 68427  
interested party the board shall order the hearing of additional 68428  
evidence, and it may make an investigation concerning the appeal 68429  
that it considers proper. An appeal may proceed pursuant to 68430  
section 5703.021 of the Revised Code in the small claims division 68431  
if the appeal qualifies under that section. 68432

**Sec. 5725.02.** The For report years prior to 2014, the cashier 68433  
or other principal accounting officer of each bank, the secretary 68434  
or other principal accounting officer of each other incorporated 68435  
financial institution, and the manager or owner of each 68436

unincorporated financial institution shall return to the 68437  
department of taxation between the first and second Mondays of 68438  
March, annually, a report exhibiting in detail, and under 68439  
appropriate heads, the resources and liabilities of such 68440  
institution at the close of business on the thirty-first day of 68441  
December next preceding. 68442

The report of each financial institution shall also show the 68443  
aggregate balances of the taxable deposits of its depositors in 68444  
each county in which the institution maintained an office for the 68445  
receipt of deposits, at the end of business on the day fixed by 68446  
the tax commissioner pursuant to section 5725.05 of the Revised 68447  
Code. The report shall show also the names and addresses of all 68448  
depositors whose deposits were wholly withdrawn from such 68449  
institution between the day so fixed and the date on which notice 68450  
of the fixing was received by such institution, or if no such 68451  
notice was received, then between the day fixed and the first day 68452  
of January next following, and the amount of taxable deposits of 68453  
each such ~~depositer~~ depositor on the day fixed. 68454

**Sec. 5725.14.** (A) As used in this section and section 5725.15 68455  
of the Revised Code: 68456

(1) "Billing address" of a customer means one of the 68457  
following: 68458

(a) The customer's address as set forth in any notice, 68459  
statement, bill, or similar acknowledgment shall be presumed to be 68460  
the address where the customer is located with respect to the 68461  
transaction for which the dealer issued the notice, statement, 68462  
bill, or acknowledgment. 68463

(b) If the dealer issues any notice, statement, bill, or 68464  
similar acknowledgment electronically to an address other than a 68465  
street address or post office box address or if the dealer does 68466  
not issue such a notice, statement, bill, or acknowledgment, the 68467

customer's street address as set forth in the records of the 68468  
dealer at the time of the transaction shall be presumed to be the 68469  
address where the customer is located. 68470

(2) "Commissions" includes but is not limited to brokerage 68471  
commissions, asset management fees, and similar fees charged in 68472  
the regular course of business to a customer for the maintenance 68473  
and management of the customer's account. 68474

(3) "Gross receipts" means one of the following: 68475

(a) In the case of a dealer in intangibles principally 68476  
engaged in the business of lending money or discounting loans, the 68477  
aggregate amount of loans effected or discounted; 68478

(b) In the case of a dealer in intangibles principally 68479  
engaged in the business of selling or buying stocks, bonds, or 68480  
other similar securities either on the dealer's own account or as 68481  
agent for another, the aggregate amount of all commissions 68482  
charged. 68483

(B) Each dealer in intangibles shall return to the tax 68484  
commissioner between the first and second Mondays of March, 68485  
annually for return years prior to 2014, a report exhibiting in 68486  
detail, and under appropriate heads, the dealer's resources and 68487  
liabilities at the close of business on the thirty-first day of 68488  
December next preceding. In the case of an unincorporated dealer 68489  
in intangibles, such report shall also exhibit the amount or value 68490  
as of the date of conversion of all property within the year 68491  
preceding the date of listing, and on or after the first day of 68492  
November converted into bonds or other securities not taxed to the 68493  
extent such nontaxable bonds or securities may be shown in the 68494  
dealer's resources on such date, without deduction for 68495  
indebtedness created in the purchase of such nontaxable bonds or 68496  
securities. 68497

If a dealer in intangibles maintains separate business 68498

offices, whether within this state only or within and without this state, the report shall also show the gross receipts from business done at each such office during the year ending on the thirty-first day of December next preceding.

For the purposes of this section and section 5725.15 of the Revised Code, business is considered done at an office when it originates at such office, but the receipts from business originating at one office and consummated at another office shall be divided equitably between such offices.

(C) For the purposes of this section and section 5725.15 of the Revised Code, in the case of a dealer in intangibles principally engaged in the business of selling or buying stocks, bonds, or other similar securities either on the dealer's own account or as agent for another, the dealer's capital, surplus, and undivided profits employed in this state shall bear the same ratio to the dealer's total capital, surplus, and undivided profits employed everywhere as the amount described in division (C)(1) of this section bears to the amount described in division (C)(2) of this section:

(1) The sum of the commissions earned during the year covered by the report from transactions with respect to brokerage accounts owned by customers having billing addresses in this state;

(2) The sum of the commissions earned during that year from transactions with respect to brokerage accounts owned by all of the dealer's customers.

(D) An incorporated dealer in intangibles which owns or controls fifty-one per cent or more of the common stock of another incorporated dealer in intangibles may, under uniform regulations prescribed by the tax commissioner, make a consolidated return for the purpose of sections 5725.01 to 5725.26, inclusive, of the Revised Code. In such case the parent corporation making such

return is not required to include in its resources any of the 68530  
stocks, securities, or other obligations of its subsidiary 68531  
dealers, nor permitted to include in its liabilities any of its 68532  
own securities or other obligations belonging to its subsidiaries. 68533

**Sec. 5725.16.** On or before the first Monday of May, annually 68534  
for return years prior to 2014, the tax commissioner shall certify 68535  
to the treasurer of state the assessment of the shares or property 68536  
representing capital, or apportionment of either, of each dealer 68537  
in intangibles doing business in the state, showing separately the 68538  
amount representing capital employed in each county. 68539

The treasurer of state shall place the amounts certified on 68540  
the intangible property tax list in ~~his~~ the treasurer of state's 68541  
office in the names of the dealers represented by those 68542  
certificates. 68543

Any certificate of abatement issued pursuant to section 68544  
5703.05 of the Revised Code for the overpayment of the tax on 68545  
shares or property representing capital of a dealer in intangibles 68546  
may be tendered by the payee or transferee thereof to the 68547  
treasurer of state as payment for any taxes allocable to the 68548  
county in which the claim for overpayment arose. 68549

**Sec. 5725.26.** The real estate of a financial institution or 68550  
dealer in intangibles shall be taxed in the place where it is 68551  
located, the same as the real estate of persons is taxed, but the 68552  
taxes provided for in Chapters 5725., 5726., and 5733. of the 68553  
Revised Code, shall be in lieu of all other taxes on the other 68554  
property and assets of such institution or dealer, except personal 68555  
property taxable under Chapter 5711. of the Revised Code and 68556  
leased, or held for the purpose of leasing, to others if the owner 68557  
or lessor of the property acquired it for the sole purpose of 68558  
leasing it to others. 68559



For reports required to be filed under section 5725.14 of the Revised Code in 2003 and thereafter, nothing in this section shall be construed to exempt the property of any dealer in intangibles under section 5725.13 of the Revised Code from the tax imposed under section 5707.03 of the Revised Code.

**Sec. 5725.33.** (A) Except as otherwise provided in this section, terms used in this section have the same meaning as section 45D of the Internal Revenue Code, any related proposed, temporary or final regulations promulgated under the Internal Revenue Code, any rules or guidance of the internal revenue service or the United States department of the treasury, and any related rules or guidance issued by the community development financial institutions fund of the United States department of the treasury, as such law, regulations, rules, and guidance exist on the effective date of the ~~enactment~~ amendment of this section by ~~H. ....~~ B. 1.... of the ~~128th~~ 129th general assembly.

As used in this section:

(1) ~~"Adjusted purchase price" means the amount paid for qualified equity investments multiplied by the qualified low income community investments made by the issuer in projects located in this state as a percentage of the total amount of qualified low income community investments made by the issuer in projects located in all states on the credit allowance date during the applicable tax year, subject to divisions (B)(1) and (2) of this section.~~

~~(2)~~ "Applicable percentage" means ~~zero~~ five per cent for each of the first ~~two~~ three credit allowance dates, ~~seven per cent for the third credit allowance date,~~ and ~~eight~~ six per cent for the four following credit allowance dates.

~~(3)~~(2) "Credit allowance date" means the date, on or after January 1, 2010, a qualified equity investment is made and each of

the six anniversary dates thereafter. For qualified equity 68591  
investments made after ~~the effective date of this section~~ October 68592  
16, 2009, but before January 1, 2010, the initial credit allowance 68593  
date is January 1, 2010, and each of the six anniversary dates 68594  
thereafter is on the first day of January of each year. 68595

~~(4) "Qualified active low income community business" excludes 68596  
any business that derives or projects to derive fifteen per cent 68597  
or more of annual revenue from the rental or sale of real 68598  
property, except any business that is a special purpose entity 68599  
principally owned by a principal user of that property formed 68600  
solely for the purpose of renting, either directly or indirectly, 68601  
or selling real property back to such principal user if such 68602  
principal user does not derive fifteen per cent or more of its 68603  
gross annual revenue from the rental or sale of real property.~~ 68604

~~(5)~~(3) "Qualified community development entity" includes only 68605  
entities: 68606

(a) That have entered into an allocation agreement with the 68607  
community development financial institutions fund of the United 68608  
States department of the treasury with respect to credits 68609  
authorized by section 45D of the Internal Revenue Code; 68610

(b) Whose service area includes any portion of this state; 68611  
and 68612

(c) That will designate an equity investment in such entities 68613  
as a qualified equity investment for purposes of both section 45D 68614  
of the Internal Revenue Code and this section. The investment may 68615  
be committed from any qualified community development entity. 68616

~~(6)~~(4) "Qualified equity investment" is limited to an equity 68617  
investment in a qualified community development entity that: 68618

(a) Is acquired after ~~the effective date of the enactment of 68619  
this section~~ October 16, 2009, at its original issuance solely in 68620  
exchange for cash; 68621

(b) Has at least eighty-five per cent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments, provided that in the seventh year after a qualified equity investment is made, only seventy-five per cent of such cash purchase price must be used by the qualified community development entity to make qualified low-income community investments; and

(c) Is designated by the issuer as a qualified equity investment.

"Qualified equity investment" includes any equity investment that would, but for division (A)~~(6)~~(4)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the ~~adjusted purchase price of~~ qualified low-income community investments, subject to divisions (B)(1) and (2) of this section:

(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh anniversary of the issuance of the qualified equity investment, the qualified community development entity reinvests an amount equal to the capital returned to or received or recovered by the qualified community development entity from the original investment, exclusive of any profits realized and costs incurred in the sale or repayment, in another qualified low-income

community investment within twelve months of the receipt of such 68654  
capital. If the qualified low-income community investment is sold 68655  
or repaid after the sixth anniversary of the issuance of the 68656  
qualified equity investment, the qualified low-income community 68657  
investment shall be considered held by the ~~qualified~~ qualified 68658  
community development entity through the seventh anniversary of 68659  
the qualified equity investment's issuance. 68660

(2) The qualified low-income community investment shall be 68661  
made in projects located in this state and shall equal the sum of 68662  
the qualified low-income community investments in each qualified 68663  
active low-income community business in this state, not to exceed 68664  
two million five hundred sixty-four thousand one hundred three 68665  
dollars, in which the qualified community development entity 68666  
invests, including such investments in any such businesses in this 68667  
state related to that qualified active low-income community 68668  
business through majority ownership or control. The credit for the 68669  
sum of such investments shall not exceed one million dollars. 68670

The credit shall be claimed in the order prescribed by 68671  
section 5725.98 of the Revised Code. If the amount of the credit 68672  
exceeds the amount of tax otherwise due after deducting all other 68673  
credits in that order, the excess may be carried forward and 68674  
applied to the tax due for not more than four ensuing years. 68675

By claiming a tax credit under this section, an insurance 68676  
company waives its rights under section 5725.222 of the Revised 68677  
Code with respect to the time limitation for the assessment of 68678  
taxes as it relates to credits claimed that later become subject 68679  
to recapture under division (E) of this section. 68680

(C) The amount of qualified equity investments on the basis 68681  
of which credits may be claimed under this section and sections 68682  
5729.16 and 5733.58 of the Revised Code shall not exceed the 68683  
amount, estimated by the director of development, that would cause 68684  
the total amount of credits allowed each fiscal year to exceed ten 68685

million dollars, computed without regard to the potential for 68686  
taxpayers to carry tax credits forward to later years. 68687

(D) If any amount of the federal tax credit allowed for a 68688  
qualified equity investment for which a credit was received under 68689  
this section is recaptured under section 45D of the Internal 68690  
Revenue Code, or if the director of development services 68691  
determines that an investment for which a tax credit is claimed 68692  
under this section is not a qualified equity investment or that 68693  
the proceeds of an investment for which a tax credit is claimed 68694  
under this section are used to make qualified low-income community 68695  
investments other than in a qualified active low-income community 68696  
business, all or a portion of the credit received on account of 68697  
that investment shall be paid by the insurance company that 68698  
received the credit to the superintendent of insurance. The amount 68699  
to be recovered shall be determined by the director of development 68700  
services pursuant to rules adopted under division (E) of this 68701  
section. The director shall certify any amount due under this 68702  
division to the superintendent of insurance, and the 68703  
superintendent shall notify the treasurer of state of the amount 68704  
due. Upon notification, the treasurer shall invoice the insurance 68705  
company for the amount due. The amount due is payable not later 68706  
than thirty days after the date the treasurer invoices the 68707  
insurance company. The amount due shall be considered to be tax 68708  
due under section 5725.18 of the Revised Code, and may be 68709  
collected by assessment without regard to the time limitations 68710  
imposed under section 5725.222 of the Revised Code for the 68711  
assessment of taxes by the superintendent. All amounts collected 68712  
under this division shall be credited as revenue from the tax 68713  
levied under section 5725.18 of the Revised Code. 68714

(E) The tax credits authorized under this section and 68715  
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 68716  
be administered by the department of development services. The 68717

director of development services, in consultation with the tax 68718  
commissioner and the superintendent of insurance, pursuant to 68719  
Chapter 119. of the Revised Code, shall adopt rules for the 68720  
administration of this section and sections 5726.54, 5729.16, and 68721  
5733.58 of the Revised Code. The rules shall provide for 68722  
determining the recovery of credits under division (D) of this 68723  
section, ~~division (D) of section~~ and under sections 5726.54, 68724  
5729.16, and ~~section~~ 5733.58 of the Revised Code, including 68725  
prorating the amount of the credit to be recovered on any 68726  
reasonable basis, the manner in which credits may be allocated 68727  
among claimants, and the amount of any application or other fees 68728  
to be charged in connection with a recovery. 68729

(F) There is hereby created in the state treasury the new 68730  
markets tax credit operating fund. The director of development 68731  
services is authorized to charge reasonable application and other 68732  
fees in connection with the administration of tax credits 68733  
authorized by this section and sections 5726.54, 5729.16, and 68734  
5733.58 of the Revised Code. Any such fees collected shall be 68735  
credited to the fund. The director of development services shall 68736  
use money in the fund to pay expenses related to the 68737  
administration of tax credits authorized under sections 5725.33, 68738  
5726.54, 5729.16, and 5733.58 of the Revised Code. 68739

**Sec. 5726.01. As used in this chapter:** 68740

(A) "Bank organization" means any of the following: 68741

(1) A national bank organized and operating as a national 68742  
bank association pursuant to the "National Bank Act," 13 Stat. 100 68743  
(1864), 12 U.S.C. 21, et seq.; 68744

(2) A federal savings association or federal savings bank 68745  
chartered under 12 U.S.C. 1464; 68746

(3) A bank, banking association, trust company, savings and 68747

loan association, savings bank, or other banking institution that 68748  
is organized or incorporated under the laws of the United States, 68749  
any state, or a foreign country; 68750

(4) Any corporation organized and operating pursuant to 12 68751  
U.S.C. 611, et seq.; 68752

(5) Any agency or branch of a foreign bank, as those terms 68753  
are defined in 12 U.S.C. 3101; 68754

(6) An entity licensed as a small business investment company 68755  
under the "Small Business Investment Act of 1958," 72 Stat. 689, 68756  
15 U.S.C. 661, et seq.; 68757

(7) A company chartered under the "Farm Credit Act of 1933," 68758  
48 Stat. 257, or a successor of such a company. 68759

"Bank organization" does not include an institution organized 68760  
under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a 68761  
successor of such an institution, an insurance company, or a 68762  
credit union. 68763

(B) "Call report" means the consolidated reports of condition 68764  
and income prescribed by the federal financial institutions 68765  
examination council that a person is required to file with a 68766  
federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 68767  
324, or 12 U.S.C. 1817. 68768

(C) "Credit union" means a nonprofit cooperative financial 68769  
institution organized or chartered under the laws of this state, 68770  
any other state, or the United States. 68771

(D) "Document of creation" means the articles of 68772  
incorporation of a corporation, articles of organization of a 68773  
limited liability company, registration of a foreign limited 68774  
liability company, certificate of limited partnership, 68775  
registration of a foreign limited partnership, registration of a 68776  
domestic or foreign limited liability partnership, or registration 68777

of a trade name. 68778

(E) "Financial institution" means a bank organization, a holding company of a bank organization, or a nonbank financial organization, except when one of the following applies: 68779  
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(1) If two or more such entities are consolidated for the purposes of filing an FR Y-9, "financial institution" means a group consisting of all such entities that are included in the FR Y-9. 68782  
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(2) If two or more such entities are consolidated for the purposes of filing a call report, "financial institution" means a group consisting of all such entities that are included in the call report and that are not included in a group described in division (E)(1) of this section. 68786  
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(3) If a nonbank financial organization directly or indirectly owns or controls more than fifty per cent of the ownership interests in one or more other nonbank financial organizations, or if another common owner owns or controls more than fifty per cent of the ownership interests in two or more nonbank financial organizations, "financial institution" means a group consisting of all such nonbank financial organizations that are not included in a group described in division (E)(1) or (2) of this section. 68791  
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"Financial institution" does not include a diversified savings and loan holding company as defined in 12 U.S.C. 1467a. 68800  
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(F) "FR Y-9" means the consolidated or parent-only financial statements that a holding company is required to file with the federal reserve board pursuant to 12 U.S.C. 1844. In the case of a holding company required to file both consolidated and parent-only financial statements, "FR Y-9" means the consolidated financial statements that the holding company is required to file. 68802  
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(G) "Gross receipts" means all items of income, without 68808



deduction for expenses. If the reporting person for a taxpayer is 68809  
a holding company, "gross receipts" includes all items of income 68810  
reported on the FR Y-9 filed by the holding company. If the 68811  
reporting person for a taxpayer is a bank organization, "gross 68812  
receipts" includes all items of income reported on the call report 68813  
filed by the bank organization. If the reporting person for a 68814  
taxpayer is a nonbank financial organization, "gross receipts" 68815  
includes all items of income reported in accordance with generally 68816  
accepted accounting principles. 68817

(H) "Insurance company" means every corporation, association, 68818  
and society engaged in the business of insurance of any character, 68819  
or engaged in the business of entering into contracts 68820  
substantially amounting to insurance of any character, or of 68821  
indemnifying or guaranteeing against loss or damage, or acting as 68822  
surety on bonds or undertakings. "Insurance company" also includes 68823  
any health insuring corporation as defined in section 1751.01 of 68824  
the Revised Code. 68825

(I)(1) "Nonbank financial organization" means every person 68826  
that is not a bank organization and that engages in a business 68827  
that consists primarily of lending money; discounting, 68828  
securitizing, buying, or selling bills of exchange, drafts, 68829  
acceptances, notes, mortgages, or other evidences of indebtedness; 68830  
or securitizing, buying, or selling bonds, stocks, or other 68831  
investment securities, whether on the person's own account, or as 68832  
an agent or broker for others, with a view to profit or personal 68833  
earnings. The investment of funds as personal accumulations or as 68834  
business reserves or working capital shall not constitute engaging 68835  
in a business within the meaning of this division, provided that a 68836  
"nonbank financial organization" shall include any person that 68837  
was, but is not currently, engaged in a business within the 68838  
meaning of this division and that remains in business primarily 68839  
for the purpose of realizing upon the assets of the business. 68840

"Nonbank financial organization" does not include an institution organized under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a successor of such an institution, an insurance company, a credit union, or an institution organized and operated exclusively for charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code. 68841  
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(2) The tax commissioner shall adopt a rule defining "primarily" as that term is used in division (I)(1) of this section. 68847  
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(J) "Reporting person" means one of the following: 68850

(1) In the case of a financial institution described in division (E)(1) of this section, the top-tier holding company required to file an FR Y-9. 68851  
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(2) In the case of a financial institution described in division (E)(2) of this section, the bank organization required to file the call report. 68854  
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(3) In the case of a financial institution described in division (E)(3) of this section, the nonbank financial organization that directly or indirectly owns or controls more than fifty per cent of the ownership interests in the other nonbank financial organizations or, if the common owner is not a nonbank financial organization, a member of the group described in division (E)(3) of this section selected by the group to be the reporting person for purposes of this chapter. 68857  
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(4) In the case of a bank organization or nonbank financial organization that is not included in a group described in division (E)(1), (2), or (3) of this section, the bank organization or nonbank financial organization. 68865  
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(K) "Tax year" means the calendar year for which the tax levied under section 5726.02 of the Revised Code is required to be paid. 68869  
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(L) "Taxable year" means the calendar year preceding the year 68872  
in which an annual report is required to be filed under section 68873  
5726.03 of the Revised Code. 68874

(M) "Taxpayer" means a financial institution subject to the 68875  
tax levied under section 5726.02 of the Revised Code. 68876

(N) "Total equity capital" means the sum of the common stock 68877  
at par value, perpetual preferred stock and related surplus, other 68878  
surplus not related to perpetual preferred stock, retained 68879  
earnings, accumulated other comprehensive income, treasury stock, 68880  
unearned employee stock ownership plan shares, and other equity 68881  
components of a financial institution. 68882

(O) "Total Ohio equity capital" means the portion of the 68883  
total equity capital of a financial institution apportioned to 68884  
Ohio pursuant to section 5726.05 of the Revised Code. 68885

**Sec. 5726.02.** (A) For the purpose of funding the needs of 68886  
this state and its local governments beginning with the tax year 68887  
that commences on January 1, 2014, and continuing for every tax 68888  
year thereafter, there is hereby levied a tax on each financial 68889  
institution for the privilege of doing business in this state. 68890  
Financial institutions upon which the tax is levied include 68891  
financial institutions organized for profit and conducting 68892  
business as a financial institution in this state and financial 68893  
institutions otherwise having nexus in or with this state under 68894  
the Constitution of the United States. The tax is an annual 68895  
privilege tax that shall be paid in each tax year for the 68896  
privilege of doing business in this state for any portion of the 68897  
calendar year preceding the tax year. 68898

(B) The amount of tax a financial institution is required to 68899  
pay under this chapter shall equal the greater of the minimum tax 68900  
required under division (A)(1) of section 5726.04 of the Revised 68901  
Code or the amount by which the tax calculated under division 68902

(A)(2) of that section exceeds any credits allowed against the 68903  
tax. 68904

Sec. 5726.03. (A)(1) Annually, on or before the thirty-first 68905  
day of March, or on or before a later date as extended under 68906  
division (B) of this section, the reporting person for each 68907  
taxpayer shall make a report in writing to the tax commissioner, 68908  
in such form as the commissioner prescribes, and shall remit to 68909  
the commissioner the amount of tax shown to be due on the report. 68910  
The remittance shall be made payable to the treasurer of state. 68911  
The remittance shall be made in the form prescribed by the 68912  
commissioner, including by electronic funds transfer if so 68913  
required under division (D) of this section. The commissioner 68914  
shall make available, on the official internet web site of the 68915  
department of taxation, copies of the forms prescribed by the 68916  
commissioner for the purpose of making the annual report. 68917

(2) A domestic reporting person shall not dissolve, and a 68918  
foreign reporting person shall not withdraw or retire from 68919  
business in Ohio, on or after the first day of January of any year 68920  
without filing an annual report with the commissioner and paying 68921  
or securing the tax due for the tax year in which such dissolution 68922  
or withdrawal occurs. 68923

(3) An annual report shall be signed by the president, 68924  
vice-president, secretary, treasurer, general manager, 68925  
superintendent, or managing agent in this state of the reporting 68926  
person. 68927

(4) An annual report shall contain the facts, figures, 68928  
computations, and attachments that result in the determination of 68929  
the amount of tax due from a taxpayer under this chapter. 68930

(B) The tax commissioner may extend, for not more than three 68931  
months, the period of time for filing an annual report. The 68932  
extension of time to file an annual report shall not extend the 68933

time for payment of the tax. Any tax not paid on or before the due date for such payment shall be subject to penalty and interest as provided in this chapter. 68934  
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(C)(1) In the case of a financial institution described in division (E)(1) of section 5726.01 of the Revised Code, the annual report filed for a taxable year shall list, and include information related to, each person includable in an FR Y-9 filed by the reporting person for that taxable year. 68937  
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(2) In the case of a financial institution described in division (E)(2) of section 5726.01 of the Revised Code, the annual report for a taxable year shall list, and include information related to, each person includable in a call report filed by the reporting person for that taxable year. 68942  
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(3) In the case of a financial institution described in division (E)(3) of section 5726.01 of the Revised Code, the annual report for a taxable year shall list, and include information related to, each nonbank financial organization that is a member of the group described in that division. 68947  
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(D)(1) Except as provided in division (D)(4) of this section, if the total liability of a taxpayer for the tax imposed by section 5726.02 of the Revised Code, after reduction for all credits allowed to the taxpayer, exceeds fifty thousand dollars in a tax year, the reporting person for the taxpayer shall remit tax payments for each succeeding tax year by electronic funds transfer in accordance with division (D) of this section. 68952  
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If a taxpayer's total tax payments for each of two consecutive tax years is less than fifty thousand dollars, the taxpayer is relieved of the requirement to remit taxes by electronic funds transfer for the tax year that next follows the second of the consecutive years in which the tax payment is less than that amount, and is relieved of that requirement for each 68959  
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succeeding year, unless the tax payment in a subsequent tax year equals or exceeds fifty thousand dollars. 68965  
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The tax commissioner shall notify each taxpayer required to remit taxes by electronic funds transfer of the taxpayer's obligation to do so. The commissioner shall maintain an updated list of such taxpayers and provide the list, along with any additions to or deletions from the list, to the treasurer of state. Failure by the tax commissioner to notify a taxpayer of its obligation to remit taxes by electronic funds transfer under division (D) of this section shall not relieve the taxpayer of such obligation. 68967  
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(2) The reporting person for a taxpayer required to remit tax payments by electronic funds transfer under division (D)(1) of this section shall remit such payments to the treasurer of state in the manner prescribed by rules adopted by the treasurer under section 113.061 of the Revised Code. 68976  
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(3) The payment of taxes by electronic funds transfer shall not affect a taxpayer's obligation to file an annual report required under division (A) of this section. 68981  
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(4) The reporting person for a taxpayer that is required to remit tax payments by electronic funds transfer under this section may apply to the treasurer of state, in the manner prescribed by the treasurer, to be excused from that requirement. The treasurer may excuse the taxpayer from remittance by electronic funds transfer for good cause shown for the period of time requested by the reporting person or for a portion of that period. The treasurer shall notify the tax commissioner and the taxpayer of the treasurer's decision as soon as is practicable. 68984  
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(5)(a) If the reporting person for a taxpayer that is required to remit tax payments by electronic funds transfer under this section remits those payments by some means other than 68993  
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electronic funds transfer as prescribed by this section and the 68996  
rules adopted by the treasurer of state, and if the treasurer 68997  
determines that such failure was not due to reasonable cause or 68998  
was due to willful neglect, the treasurer shall notify the tax 68999  
commissioner of the failure to remit by electronic funds transfer 69000  
and shall provide the commissioner with any information used in 69001  
making that determination. 69002

(b) For the failure of a reporting person to remit payments 69003  
by electronic funds transfer, the tax commissioner may collect an 69004  
additional charge by assessment against the taxpayer in the manner 69005  
prescribed by section 5726.20 of the Revised Code. The additional 69006  
charge shall equal five per cent of the amount of taxes or 69007  
estimated tax payments required to be paid by electronic funds 69008  
transfer, but shall not exceed five thousand dollars. An 69009  
additional charge assessed under this section is in addition to 69010  
any other penalty or charge imposed under this chapter and shall 69011  
be considered as revenue arising from the tax levied under this 69012  
chapter. The tax commissioner may remit all or a portion of such a 69013  
charge and may adopt rules governing such remission. 69014

(c) No additional charge shall be assessed under division 69015  
(D)(5) of this section against a taxpayer that has been notified 69016  
of its obligation to remit taxes under this section and that 69017  
remits its first two tax payments after such notification by some 69018  
means other than electronic funds transfer. The additional charge 69019  
may be assessed upon the remittance of any subsequent tax payment 69020  
that the reporting person for the taxpayer remits by some means 69021  
other than electronic funds transfer. 69022

**Sec. 5726.04.** (A) The tax levied on a financial institution 69023  
under this chapter shall be the greater of the following: 69024

(1) A minimum tax equal to one thousand dollars; 69025

(2) The product of the total Ohio equity capital of the 69026

financial institution, as determined under this section, 69027  
multiplied by eight mills for each dollar of the first five 69028  
hundred million dollars of total Ohio equity capital and by two 69029  
and one-half mills for each dollar of total Ohio equity capital in 69030  
excess of five hundred million dollars. 69031

(B) If the reporting person for a financial institution files 69032  
an FR Y-9 or call report, the total equity capital of the 69033  
financial institution shall equal the total equity capital shown 69034  
on the reporting person's FR Y-9 or call report as of the end of 69035  
the taxable year. The total equity capital of all other financial 69036  
institutions shall be reported as of the end of the taxable year 69037  
in accordance with generally accepted accounting principles. 69038

(C) For the purposes of this section, "total Ohio equity 69039  
capital" means the product of the total equity capital of a 69040  
financial institution as of the end of a taxable year multiplied 69041  
by the Ohio apportionment ratio calculated for the financial 69042  
institution under section 5726.05 of the Revised Code. 69043

(D) All payments received from the tax levied under this 69044  
chapter shall be credited to the general revenue fund. 69045

(E)(1) As used in this division: 69046

(a) "Target tax amount" means two hundred twenty-five million 69047  
dollars. 69048

(b) "Amount of taxes collected" means the amount of taxes 69049  
received by the tax commissioner from the tax levied under this 69050  
chapter for a tax year, less any amounts refunded to taxpayers for 69051  
the same tax year. 69052

(2) If, for the tax year beginning on January 1, 2014, the 69053  
total amount of taxes collected from all taxpayers under this 69054  
chapter is greater than one hundred ten per cent of the target tax 69055  
amount, the tax commissioner shall decrease each tax rate provided 69056  
in division (A)(2) of this section by a percentage equal to the 69057



difference of (a) the percentage by which the amount of taxes collected exceeded the target tax amount minus (b) ten per cent of the target tax amount. 69058  
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(3) If, for the tax year beginning on January 1, 2014, the total amount of taxes collected from all taxpayers under this chapter is less than ninety per cent of the target tax amount, the tax commissioner shall increase each tax rate provided in division (A)(2) of this section by a percentage equal to the difference of (a) the percentage by which the target tax amount exceeded the amount of taxes collected minus (b) ten per cent of the target tax amount. 69061  
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(4) Tax rates adjusted pursuant to division (E)(2) or (3) of this section shall be rounded to the nearest one-tenth of one mill per dollar. The tax commissioner shall publish the new tax rates by journal entry and provide notice of the new tax rates to taxpayers. The new tax rates shall apply to tax years beginning on or after January 1, 2015. 69069  
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**Sec. 5726.05.** (A) An apportionment factor shall be used to determine the total Ohio equity capital of a financial institution. The factor shall be based upon the gross receipts generated by the financial institution and reported in the same manner as provided for the determination of the financial institution's total equity capital for a tax year under division (B) of section 5726.04 of the Revised Code. 69075  
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(B) Gross receipts generated by a financial institution shall be sitused to this state in the proportion that the customers' benefit in this state with respect to the services received bears to the customers' benefit everywhere with respect to the services received. The physical location where the customer ultimately uses or receives the benefit of what was received shall be paramount in determining the proportion of the benefit in this state to the 69082  
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benefit everywhere. The method of calculating gross receipts for 69089  
purposes of the denominator shall be the same as the method used 69090  
in determining gross receipts for purposes of the numerator. 69091

(C) Gross receipts from the sale of capital assets shall be 69092  
excluded from both the numerator and the denominator of the 69093  
apportionment factor. 69094

(D) If the apportionment provisions of this section do not 69095  
fairly represent the extent of the taxpayer's business activity in 69096  
this state, the taxpayer may request, or the tax commissioner may 69097  
require or permit, an alternative method. Such a request must be 69098  
made within any applicable statute of limitations set forth in 69099  
this chapter. 69100

(E) The tax commissioner shall adopt administrative rules to 69101  
provide additional guidance for the application of this section. 69102

**Sec. 5726.06.** (A) The reporting person for a taxpayer shall 69103  
file estimated tax reports and remit the amount of tax estimated 69104  
to be due for a tax year to the tax commissioner as follows: 69105

(1) The minimum tax required under division (A)(1) of section 69106  
5726.04 of the Revised Code or one-third of the estimated tax, 69107  
whichever is greater, on or before the fifteenth day of August of 69108  
the year preceding the tax year; 69109

(2) One-half of the amount by which the estimated tax exceeds 69110  
the amount paid under division (A)(1) of this section on or before 69111  
the fifteenth day of November of the year preceding the tax year; 69112

(3) One-half of the amount by which the estimated tax exceeds 69113  
the amount paid under division (A)(1) of this section on or before 69114  
the fifteenth day of February of the tax year. 69115

(B)(1) Remittance of the estimated tax shall be made payable 69116  
to the treasurer of state and shall be made in the form prescribed 69117  
by the tax commissioner, including by electronic funds transfer if 69118

the taxpayer is required to remit payments by that method under 69119  
section 5726.03 of the Revised Code. 69120

(2) The tax commissioner shall immediately forward to the 69121  
treasurer of state all amounts received under this section, and 69122  
the treasurer of state shall credit all payments of such estimated 69123  
tax as provided in division (D) of section 5726.04 of the Revised 69124  
Code. 69125

(C) If a taxpayer was not subject to the tax imposed by 69126  
section 5726.02 of the Revised Code for the tax year in which the 69127  
payment is due under division (A)(1) of this section for the 69128  
succeeding tax year, "estimated tax" for purposes of this section 69129  
means ninety per cent of the amount that the taxpayer estimates to 69130  
be the sum of its liability under section 5726.02 of the Revised 69131  
Code for that succeeding tax year. If a taxpayer was subject to 69132  
the tax for the tax year in which the payment is due under 69133  
division (A)(1) of this section for the succeeding tax year, 69134  
"estimated tax" for purposes of this section means the lesser of 69135  
(1) one hundred per cent of the taxpayer's tax liability for the 69136  
current tax year or (2) ninety per cent of the amount the taxpayer 69137  
estimates to be the sum of its liability under section 5726.02 of 69138  
the Revised Code for the succeeding tax year. 69139

**Sec. 5726.07.** (A) In the case of an underpayment of estimated 69140  
taxes required to be paid under section 5726.06 of the Revised 69141  
Code, interest upon the amount of underpayment, calculated at the 69142  
rate per annum prescribed by section 5703.47 of the Revised Code 69143  
for the period of underpayment, shall be added to the tax due for 69144  
the tax year for which the estimated tax is paid. 69145

(B) The amount of underpayment upon which such interest is 69146  
computed equals the amount by which division (B)(1) of this 69147  
section exceeds division (B)(2) of this section. 69148

(1) The amount of the estimated tax payment that would be 69149

required to be paid if the total estimated tax due were equal to 69150  
the amount of tax shown to be due on the annual report filed for 69151  
the tax year or, if no report was filed, the total amount of tax 69152  
due for the tax year; 69153

(2) The amount, if any, of the estimated tax that has been 69154  
paid on or before the last day prescribed for such payment. 69155

(C) The period of underpayment for which such interest is 69156  
computed shall run from the date the estimated tax payment was 69157  
required to be made to the date the payment is made. 69158

For purposes of this section, a payment of estimated tax on 69159  
any payment date shall be considered a payment of any previous 69160  
underpayment only to the extent that such payment exceeds the 69161  
amount of payment currently due. 69162

**Sec. 5726.08.** Except as otherwise provided in this section, 69163  
if any report, claim, statement, or other document required to be 69164  
filed, or any payment required to be made, within a prescribed 69165  
period or on or before a prescribed date under this chapter is, 69166  
after such period or date, delivered by United States mail to the 69167  
agency, officer, or office with which such report, claim, 69168  
statement, or other document is required to be filed, or to which 69169  
such payment is required to be made, the date of the postmark 69170  
stamped on the cover in which such report, claim, statement, or 69171  
other document, or payment is mailed shall be deemed the date of 69172  
delivery or the date of payment. 69173

If a payment is required to be made by electronic funds 69174  
transfer pursuant to division (D) of section 5726.03 of the 69175  
Revised Code, the payment is considered to be made when the 69176  
payment is received by the treasurer of state or credited to an 69177  
account designated by the treasurer of state for the receipt of 69178  
tax payments. 69179

As used in this section, "the date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the post office. 69180  
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Sec. 5726.10. The tax commissioner shall enforce and administer this chapter. In addition to any other powers conferred upon the commissioner by law, the commissioner may do any of the following: 69183  
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(A) Prescribe all forms required to be filed pursuant to this chapter; 69187  
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(B) Promulgate such rules and regulations as the commissioner finds necessary to carry out this chapter; 69189  
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(C) Appoint and employ such personnel as are necessary to carry out the duties imposed upon the commissioner by this chapter. 69191  
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Sec. 5726.20. (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any person that fails to file a return or report or pay any tax as required by this chapter. The reporting person for a taxpayer shall file the annual report required under section 5726.02 of the Revised Code and remit the tax imposed by this chapter. Each person included in the annual report of the taxpayer is jointly and severally liable for the tax imposed by this chapter and any penalties and interest thereon. If the reporting person fails, for any reason, to file and remit any tax, the amount due may be collected by assessment against the reporting person and against any or all other persons required to be included in the annual report of the taxpayer in the manner provided by this section. The commissioner shall give the person assessed written notice of the assessment as provided in section 5703.37 of the Revised Code. With the notice, the commissioner 69194  
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shall provide instructions on the manner in which to petition for 69210  
reassessment and request a hearing with respect to the petition. 69211

(B) No assessment shall be made or issued against a person 69212  
under this section more than four years after the later of the 69213  
final date the report subject to assessment was required to be 69214  
filed or the date such report was filed. Such time limit may be 69215  
extended if both the person and the commissioner consent in 69216  
writing to the extension or if an agreement waiving or extending 69217  
the time limit has been entered into pursuant to section 122.171 69218  
of the Revised Code. Any such extension shall extend the four-year 69219  
time limit prescribed in division (A) of section 5726.30 of the 69220  
Revised Code for the same period of time. There shall be no bar or 69221  
limit to an assessment against a person that fails to file a 69222  
report subject to assessment as required by this chapter, or that 69223  
files a fraudulent report. 69224

(C) Unless the person assessed, within sixty days after 69225  
service of the notice of assessment, files with the tax 69226  
commissioner, either in person or by certified mail, a written 69227  
petition for reassessment signed by the person or the person's 69228  
authorized agent having knowledge of the facts, the assessment 69229  
shall become final, and the amount of the assessment is due and 69230  
payable from the person assessed to the treasurer of state. A 69231  
petition shall indicate the objections of the person assessed, but 69232  
additional objections may be raised in writing if received by the 69233  
commissioner prior to the date shown on the final determination. 69234  
If a petition for reassessment has been properly filed, the 69235  
commissioner shall proceed under section 5703.60 of the Revised 69236  
Code. 69237

(D)(1) After an assessment becomes final, if any portion of 69238  
the assessment, including any accrued interest, remains unpaid, a 69239  
certified copy of the tax commissioner's entry making the 69240

assessment final may be filed in the office of the clerk of the 69241  
court of common pleas in the county in which the person resides or 69242  
has its principal place of business in this state, or in the 69243  
office of the clerk of court of common pleas of Franklin county. 69244

(2) Immediately upon the filing of the entry, the clerk shall 69245  
enter judgment for the state against the person assessed in the 69246  
amount shown on the entry. The judgment may be filed by the clerk 69247  
in a loose-leaf book entitled, "special judgments for the 69248  
financial institution tax" and shall have the same effect as other 69249  
judgments. Execution shall issue upon the judgment at the request 69250  
of the tax commissioner, and all laws applicable to sales on 69251  
execution shall apply to sales made under the judgment. 69252

(3) The portion of the assessment not paid within sixty days 69253  
after the day the assessment was issued shall bear interest at the 69254  
rate per annum prescribed by section 5703.47 of the Revised Code 69255  
from the date the tax commissioner issues the assessment until the 69256  
date the assessment is paid. Interest shall be paid in the same 69257  
manner as the tax and may be collected by the issuance of an 69258  
assessment under this section. 69259

(E) If the tax commissioner believes that collection of the 69260  
tax imposed by this chapter will be jeopardized unless proceedings 69261  
to collect or secure collection of the tax are instituted without 69262  
delay, the commissioner may issue a jeopardy assessment against 69263  
the person liable for the tax. Immediately upon the issuance of 69264  
the jeopardy assessment, the commissioner shall file an entry with 69265  
the clerk of the court of common pleas in the manner prescribed by 69266  
division (D) of this section. Notice of the jeopardy assessment 69267  
shall be served on the person assessed or the person's authorized 69268  
agent in the manner provided in section 5703.37 of the Revised 69269  
Code within five days of the filing of the entry with the clerk. 69270  
The total amount assessed shall be immediately due and payable, 69271  
unless the person assessed files a petition for reassessment in 69272

accordance with division (C) of this section and provides security 69273  
in a form satisfactory to the commissioner and in an amount 69274  
sufficient to satisfy the unpaid balance of the assessment. Full 69275  
or partial payment of the assessment shall not prejudice the 69276  
commissioner's consideration of the petition for reassessment. 69277

(F) The tax commissioner shall immediately forward to the 69278  
treasurer of state all amounts the commissioner receives under 69279  
this section. Such amounts shall be considered as revenue arising 69280  
from the tax imposed by this chapter. 69281

(G) If the tax commissioner possesses information indicating 69282  
that the amount of tax a taxpayer is required to pay under this 69283  
chapter exceeds the amount the reporting person for the taxpayer 69284  
paid, the tax commissioner may audit a sample of the taxpayer's 69285  
gross receipts over a representative period of time to ascertain 69286  
the amount of tax due, and may issue an assessment based on the 69287  
audit. The tax commissioner shall make a good faith effort to 69288  
reach agreement with the taxpayer in selecting a representative 69289  
sample. The tax commissioner may apply a sampling method only if 69290  
the commissioner has prescribed the method by rule. 69291

(H) If the whereabouts of a person subject to this chapter is 69292  
not known to the tax commissioner, the secretary of state is 69293  
hereby deemed to be that person's agent for purposes of service of 69294  
process or notice of any assessment, action, or proceedings 69295  
instituted in this state against the person under this chapter. 69296  
Such process or notice shall be served on such person by the 69297  
commissioner or by an agent of the commissioner by leaving a true 69298  
and attested copy of the process or notice at the office of the 69299  
secretary of state at least fifteen days before the return day of 69300  
such process or notice, and by sending a copy of the process or 69301  
notice to such person by ordinary mail, with an endorsement 69302  
thereon of the service upon the secretary of state, addressed to 69303  
such person at the person's last known address. 69304



Sec. 5726.21. (A) In addition to any other penalty imposed by this chapter or Chapter 5703. of the Revised Code, the following penalties shall apply: 69305  
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(1) If a taxpayer required to file any report under this chapter fails to make and file the report within the time prescribed, including any extensions of time granted by the tax commissioner, a penalty may be imposed not exceeding the greater of fifty dollars per month or fraction of a month, not to exceed five hundred dollars, or five per cent per month or fraction of a month, not to exceed fifty per cent of the tax required to be shown on the report, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the date on which the report is filed. 69308  
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(2) If a taxpayer fails to pay the amount of tax required to be paid under this chapter, except for estimated tax under section 5726.06 of the Revised Code, by the dates prescribed in this chapter for payment, a penalty may be imposed not exceeding fifteen per cent of the delinquent payment. 69318  
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(3) If a taxpayer files what purports to be a report required by this chapter that does not contain information upon which the substantial correctness of the report may be judged or contains information that on its face indicates that the report is substantially incorrect, and the filing of the report in that manner is due to a position that is frivolous or a desire that is apparent from the report to delay or impede the administration of the tax levied under this chapter, a penalty of up to five hundred dollars may be imposed. 69323  
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(4) If a taxpayer makes a fraudulent attempt to evade the reporting or payment of the tax required to be shown on any report required under this chapter, a penalty may be imposed not exceeding the greater of one thousand dollars or one hundred per 69332  
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cent of the tax required to be shown on the report. 69336

(5) If a taxpayer makes a false or fraudulent claim for a 69337  
refund under this chapter, a penalty may be imposed not exceeding 69338  
the greater of one thousand dollars or one hundred per cent of the 69339  
claim. 69340

(B) The tax commissioner may collect any penalty imposed by 69341  
this section in the same manner as the tax levied under this 69342  
chapter. Penalties so collected shall be considered as revenue 69343  
arising from the tax levied under this chapter. 69344

(C) For purposes of this section, the tax required to be 69345  
shown on the report shall be reduced by the amount of any part of 69346  
the tax paid on or before the date, including extensions of the 69347  
date, prescribed for filing the report. 69348

(D) The tax commissioner may abate all or a portion of any 69349  
penalties imposed under this section and may adopt rules governing 69350  
such abatements. 69351

**Sec. 5726.30.** (A) The tax commissioner shall refund the 69352  
amount of taxes imposed under this chapter that a person overpaid, 69353  
paid illegally or erroneously, or paid on an illegal or erroneous 69354  
assessment. The person shall file an application for refund with 69355  
the tax commissioner, on the form prescribed by the commissioner, 69356  
within four years after the date of the illegal or erroneous 69357  
payment of the tax, or within any additional period allowed under 69358  
division (B) of section 5726.20 of the Revised Code. The applicant 69359  
shall provide the amount of the requested refund along with the 69360  
claimed reasons for, and documentation to support, the issuance of 69361  
a refund. 69362

For purposes of this division, a payment that an applicant 69363  
made before the due date or extended due date for filing the 69364  
report to which the payment relates shall be deemed to have been 69365

made on the due date or extended due date of the report. 69366

(B) Upon the filing of a refund application, the tax commissioner shall determine the amount of refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and treasurer of state for payment from the tax refund fund created under section 5703.052 of the Revised Code. If the amount is less than that claimed, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code. 69367  
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(C)(1) Except as provided in division (C)(2) of this section, interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax was paid or the date the tax payment was due until the refund is paid. 69376  
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(2) No interest shall be allowed under this section on an amount refunded to a person to the extent that the refund results from the allowance of a refundable credit against the tax imposed by section 5726.02 of the Revised Code. 69381  
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**Sec. 5726.31.** As used in this section, "debt to this state" means unpaid taxes due the state, unpaid workers' compensation premiums due under section 4123.35 of the Revised Code, unpaid unemployment compensation contributions due under section 4141.25 of the Revised Code, unpaid unemployment compensation payments in lieu of contributions due under section 4141.241 of the Revised Code, unpaid claims certified under section 131.02 or 131.021 of the Revised Code, unpaid fees payable to the state or to the clerk of courts pursuant to section 4505.06 of the Revised Code or any unpaid charge, penalty, or interest arising from any of the foregoing. 69385  
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If a person entitled to a refund under section 5726.30 of the 69396

Revised Code owes any debt to this state, the amount refundable 69397  
may be applied in satisfaction of the debt. If the amount 69398  
refundable is less than the amount of the debt, it may be applied 69399  
in partial satisfaction of the debt. If the amount refundable is 69400  
greater than the amount of the debt, the amount remaining after 69401  
satisfaction of the debt shall be refunded. If the taxpayer has 69402  
more than one such debt, any debt subject to section 5739.33 or 69403  
division (G) of section 5747.07 of the Revised Code shall be 69404  
satisfied first. 69405

Except as provided in section 131.021 of the Revised Code, 69406  
this section applies only to debts that have become final. For the 69407  
purposes of this section, a debt becomes final when, under the 69408  
applicable law, any time provided for petition for reassessment, 69409  
request for reconsideration, or other appeal of the legality or 69410  
validity of the amount giving rise to the debt expires without an 69411  
appeal having been filed in the manner provided by law. 69412

The tax commissioner may charge each respective agency of the 69413  
state for the commissioner's cost in applying refunds to debts due 69414  
to the state and may charge the attorney general for the 69415  
commissioner's cost in applying refunds to certified claims. The 69416  
commissioner may promulgate rules to implement this section. 69417

The commissioner may, with the consent of the reporting 69418  
person for a taxpayer, provide for the crediting of the amount of 69419  
any refund due to the taxpayer under this chapter for a tax year 69420  
against the tax due for any succeeding tax year. 69421

Sec. 5726.32. If any tax due under this chapter is not paid 69422  
on or before the date prescribed for its payment, interest shall 69423  
be assessed, collected, and paid, in the same manner as the tax, 69424  
upon such unpaid amount at the rate per annum prescribed by 69425  
section 5703.47 of the Revised Code from the date prescribed for 69426  
the payment of the tax until the date the tax is paid or the date 69427

an assessment is issued under section 5726.20 of the Revised Code, 69428  
whichever is earlier. Interest so collected shall be considered as 69429  
revenue arising from the tax imposed by this chapter. 69430

**Sec. 5726.33.** (A) As used in this section, "qualifying refund 69431  
overpayment" means an amount received by a taxpayer in excess of a 69432  
refund claimed or a request for payment made by the reporting 69433  
person for the taxpayer on a return, report, or other document 69434  
filed with the tax commissioner. 69435

(B) A taxpayer is not liable for any interest or penalty with 69436  
respect to the repayment of a qualifying refund overpayment if the 69437  
reporting person for the taxpayer pays the entire amount of the 69438  
qualifying refund overpayment to the commissioner not later than 69439  
thirty days after the taxpayer receives an assessment for the 69440  
amount. If the reporting person does not pay the entire amount of 69441  
the overpayment to the commissioner within the time prescribed by 69442  
this section, interest shall accrue on the amount of the 69443  
deficiency pursuant to section 5726.32 of the Revised Code from 69444  
the date the commissioner issues the assessment until the date the 69445  
deficiency is paid. 69446

**Sec. 5726.36.** (A) A person shall notify the tax commissioner 69447  
when the person is no longer subject to the tax imposed by this 69448  
chapter. 69449

(B) If the ownership structure of a financial institution 69450  
changes such that a person is no longer includable in the annual 69451  
report of the financial institution, the reporting person for the 69452  
financial institution shall notify the commissioner of the change 69453  
when the reporting person files its next annual report or in 69454  
writing prior to the due date of that report. 69455

**Sec. 5726.40.** If a person, wherever organized, doing business 69456

in this state or owning or issuing all or part of the entity's capital or property in this state, and required by law to file any report or return or to pay any tax or fee under Title LVII of the Revised Code, fails or neglects to make such report or return or to pay any such tax or fee for ninety days after the time prescribed by law for making such report or return or for paying such tax or fee, the tax commissioner shall certify such fact to the secretary of state. The secretary of state shall thereupon cancel the document of creation authorizing the person to do business in this state. Upon such cancellation, all of the powers, privileges, and franchises conferred upon that person by its document of creation shall cease, subject to section 1701.88 of the Revised Code. The secretary of state shall immediately notify the person of the action taken by the secretary, and shall also forward for filing a certificate of the action so taken to the county recorder of the county in which the principal place of business of the person in this state is located. No fee shall be charged for the filing.

Sec. 5726.41. No person shall exercise, or attempt to exercise, any powers, privileges, or franchises under the person's document of creation after the document is canceled pursuant to section 5726.40 of the Revised Code. A penalty of one hundred dollars shall be imposed for each day a violation of this section occurs, up to a maximum penalty of five thousand dollars.

Sec. 5726.42. (A)(1) A person whose document of creation has been canceled by the secretary of state pursuant to section 5726.40 the Revised Code shall be reinstated and again entitled to exercise its rights, privileges, and franchises in this state upon compliance with all of the following:

(a) Filing with the secretary of state a certificate from the

tax commissioner that the person has complied with all the requirements of law as to tax reports and paid all taxes, fees, or penalties due thereon for every year of delinquency; 69487  
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(b) Payment to the secretary of state of any additional fees and penalties required to be paid to the secretary of state; 69490  
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(c) Payment to the secretary of state of an additional fee of ten dollars. 69492  
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Upon the person's compliance with this division, the secretary of state shall cancel the entry of cancellation filed under section 5726.40 of the Revised Code. 69494  
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(2) If a reinstatement is not made within one year from the date of cancellation of the document of creation, and if it appears that a document of creation has been issued to a person of the same or similar name as the applicant for reinstatement, the secretary of state shall require, as a condition prerequisite to such reinstatement, that the applicant amend its document of creation by changing the applicant's name. 69497  
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(B) Any officer, shareholder, creditor, or receiver of a person may at any time take all steps required by this section to effect a reinstatement. 69504  
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(C) The rights, privileges, and franchises of a person whose document of creation has been reinstated in accordance with this section are subject to section 1701.922 of the Revised Code. 69507  
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(D) Notwithstanding a violation of section 5726.41 of the Revised Code, upon reinstatement of a person's document of creation in accordance with this section, neither section 5726.40 nor section 5726.41 of the Revised Code shall be applied to invalidate the exercise or attempt to exercise any right, privilege, or franchise on behalf of the person by an officer, agent, or employee of the person after cancellation and prior to the reinstatement of the document of creation, if the conditions 69510  
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set forth in divisions (B)(1)(a) and (b) of section 1701.922 of 69518  
the Revised Code are met. 69519

**Sec. 5726.43.** If any financial institution fails to make and 69520  
file any return or report required under this chapter, or to pay 69521  
the penalties provided by law for failure to make and file such 69522  
reports or returns, for a period of ninety days after the time 69523  
prescribed by law, the attorney general, on the request of the tax 69524  
commissioner, shall commence an action in quo warranto in the 69525  
court of appeals of the county in which the reporting person for 69526  
the financial institution has its principal place of business in 69527  
this state to forfeit and annul the privileges and franchises of 69528  
each person included in the annual report of the financial 69529  
institution. If the court is satisfied that any such financial 69530  
institution is in default, it shall render judgment ousting each 69531  
person included in the annual report of the financial institution 69532  
from the exercise of its privileges and franchises within this 69533  
state, and shall otherwise proceed as provided in sections 2733.01 69534  
to 2733.39 of the Revised Code. 69535

**Sec. 5726.50.** (A) A taxpayer may claim a refundable tax 69536  
credit against the tax imposed under this chapter for each person 69537  
included in the annual report of the taxpayer that is granted a 69538  
credit by the tax credit authority under section 122.17 or 69539  
division (B)(2) or (3) of section 122.171 of the Revised Code. 69540  
Such a credit shall not be claimed for any tax year following the 69541  
calendar year in which a relocation of employment positions occurs 69542  
in violation of an agreement entered into under section 122.171 of 69543  
the Revised Code. For the purpose of making tax payments under 69544  
this chapter, taxes equal to the amount of the refundable credit 69545  
shall be considered to be paid on the first day of the tax year. 69546

(B) A taxpayer may claim a nonrefundable tax credit against 69547  
the tax imposed under this chapter for each person included in the 69548



annual report of the taxpayer that is granted a credit by the tax credit authority under division (B)(1) of section 122.171 of the Revised Code. 69549  
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(C) The credits authorized in divisions (A) and (B) of this section shall be claimed in the order required under section 5726.98 of the Revised Code. If the amount of a credit authorized in division (A) of this section exceeds the tax otherwise due under section 5726.02 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5726.98 of the Revised Code, the excess shall be refunded to the taxpayer. 69552  
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**Sec. 5726.51.** A taxpayer may claim a nonrefundable credit against the tax imposed under this chapter for each bank organization that is organized under Title XI of the Revised Code and included in the annual report of the taxpayer. The credit shall equal the sum of the annual assessments such bank organizations paid during the taxable year to the division of financial institutions pursuant to Title XI of the Revised Code and the schedule of fees published by the division. 69560  
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The credit authorized by this section shall be claimed in the order required under section 5726.98 of the Revised Code. The credit shall not be allowed unless there is filed with the taxpayer's annual report a document certified by the division of financial institutions verifying the amount of state annual assessment fees and federal supervisory fees paid by the bank organizations during the taxable year. 69568  
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**Sec. 5726.52.** (A) As used in this section, "certificate owner" has the same meaning as in section 149.311 of the Revised Code. 69575  
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(B) A taxpayer may claim a refundable credit against the tax 69578

imposed by this chapter for each person included in the annual 69579  
report of a taxpayer that is a certificate owner of a 69580  
rehabilitation tax credit certificate issued under section 149.311 69581  
of the Revised Code. The credit shall equal twenty-five per cent 69582  
of the dollar amount indicated on each certificate, but shall not 69583  
exceed five million dollars for each certificate. 69584

The credit shall be claimed for the calendar year specified 69585  
in the certificate and in the order required under section 5726.98 69586  
of the Revised Code. If the credit exceeds the amount of tax 69587  
otherwise due in that year, the excess shall be refunded to the 69588  
taxpayer, provided that, if any amount of the credit is refunded, 69589  
the sum of the amount refunded and the amount applied to reduce 69590  
the tax otherwise due in that year shall not exceed three million 69591  
dollars. The taxpayer may carry forward any balance of the credit 69592  
in excess of the amount claimed in that year for not more than 69593  
five ensuing years, and shall deduct any amount claimed in any 69594  
such year from the amount claimed in an ensuing year. 69595

(C) A taxpayer claiming a credit under this section shall 69596  
retain the rehabilitation tax credit certificate for four years 69597  
following the end of the year to which the credit was applied, and 69598  
shall make the certificate available for inspection by the tax 69599  
commissioner upon the request of the commissioner during that 69600  
period. 69601

**Sec. 5726.53.** A taxpayer may claim a refundable credit 69602  
against the tax imposed by this chapter for each person included 69603  
in the annual report of the taxpayer that was issued a tax credit 69604  
certificate by the Ohio venture capital authority under section 69605  
150.07 of the Revised Code. The amount of the credit shall equal 69606  
the amount specified in the tax credit certificate. The credit 69607  
shall be claimed for the tax year specified in the tax credit 69608  
certificate. The taxpayer shall claim the credit in the order 69609

required under section 5726.98 of the Revised Code. If the credit 69610  
amount exceeds the tax otherwise due under section 5726.02 of the 69611  
Revised Code after deducting all other credits preceding the 69612  
credit in the order prescribed in section 5726.98 of the Revised 69613  
Code, the excess shall be refunded to the taxpayer. 69614

**Sec. 5726.54.** (A) Any term used in this section has the same 69615  
meaning as in section 5725.33 of the Revised Code. 69616

(B) A taxpayer may claim a nonrefundable credit against the 69617  
tax imposed by this chapter for each person included in the annual 69618  
report of the taxpayer that holds a qualified equity investment on 69619  
a credit allowance date occurring in the calendar year immediately 69620  
preceding the tax year for which the tax is due. The credit shall 69621  
be computed in the same manner prescribed for the computation of 69622  
credits allowed under section 5725.33 of the Revised Code. 69623

By claiming a tax credit under this section, a taxpayer 69624  
waives its rights under section 5726.20 of the Revised Code with 69625  
respect to the time limitation for the assessment of taxes as it 69626  
relates to credits claimed under this section that later become 69627  
subject to recapture under division (D) of this section. 69628

The credit shall be claimed in the order prescribed by 69629  
section 5726.98 of the Revised Code. If the amount of the credit 69630  
exceeds the amount of tax otherwise due after deducting all other 69631  
credits preceding the credit in the order prescribed in section 69632  
5726.98 of the Revised Code, the excess may be carried forward for 69633  
not more than four ensuing tax years. 69634

(C) The total amount of qualified equity investments on the 69635  
basis of which credits may be claimed under this section and 69636  
sections 5725.33, 5729.16, and 5733.58 of the Revised Code is 69637  
subject to the limitation of division (C) of section 5725.33 of 69638  
the Revised Code. 69639

(D) If any amount of the federal tax credit allowed for a 69640  
qualified equity investment for which a credit was received under 69641  
this section is recaptured under section 45D of the Internal 69642  
Revenue Code, or if the director of development services 69643  
determines that an investment for which a tax credit is claimed 69644  
under this section is not a qualified equity investment or that 69645  
the proceeds of an investment for which a tax credit is claimed 69646  
under this section are used to make qualified low-income community 69647  
investments other than in a qualified active low-income community 69648  
business, all or a portion of the credit received on account of 69649  
that investment shall be paid by the taxpayer that received the 69650  
credit to the tax commissioner. The amount to be recovered shall 69651  
be determined by the director pursuant to rules adopted under 69652  
section 5725.33 of the Revised Code. The director shall certify 69653  
any amount due under this division to the tax commissioner, and 69654  
the commissioner shall notify the taxpayer of the amount due. The 69655  
amount due is payable not later than thirty days after the day the 69656  
commissioner issues the notice. The amount due shall be considered 69657  
to be tax due under section 5726.02 of the Revised Code, and may 69658  
be collected by assessment without regard to the limitations 69659  
imposed under section 5726.20 of the Revised Code for the 69660  
assessment of taxes by the commissioner. All amounts collected 69661  
under this division shall be credited as revenue from the tax 69662  
levied under section 5726.02 of the Revised Code. 69663

**Sec. 5726.55.** (A) Any term used in this section has the same 69664  
meaning as in section 122.85 of the Revised Code. 69665

(B) A taxpayer may claim a refundable credit against the tax 69666  
imposed under this chapter for each person included in the annual 69667  
report of the taxpayer that is a certificate owner of a tax credit 69668  
certificate issued under section 122.85 of the Revised Code. The 69669  
credit shall be claimed for the taxable year in which the 69670  
certificate is issued by the director of development services. The 69671

credit amount equals the amount stated in the certificate. The 69672  
credit shall be claimed in the order required under section 69673  
5726.98 of the Revised Code. If the credit amount exceeds the tax 69674  
otherwise due under section 5726.02 of the Revised Code after 69675  
deducting all other credits preceding the credit in the order 69676  
prescribed in section 5726.98 of the Revised Code, the excess 69677  
shall be refunded to the taxpayer. 69678

(C) Nothing in this section shall allow a taxpayer to claim 69679  
more than one credit per tax credit-eligible production. 69680

**Sec. 5726.98.** (A) To provide a uniform procedure for 69681  
calculating the amount of tax due under section 5726.02 of the 69682  
Revised Code, a taxpayer shall claim any credits to which the 69683  
taxpayer is entitled under this chapter in the following order: 69684

(1) The bank organization assessment credit under section 69685  
5726.51 of the Revised Code; 69686

(2) The nonrefundable job retention credit under division (B) 69687  
of section 5726.50 of the Revised Code; 69688

(3) The nonrefundable credit for purchases of qualified 69689  
low-income community investments under section 5726.54 of the 69690  
Revised Code; 69691

(4) The refundable credit for rehabilitating an historic 69692  
building under section 5726.52 of the Revised Code; 69693

(5) The refundable job retention or job creation credit under 69694  
division (A) of section 5726.50 of the Revised Code; 69695

(6) The refundable credit under section 5726.53 of the 69696  
Revised Code for losses on loans made under the Ohio venture 69697  
capital program under sections 150.01 to 150.10 of the Revised 69698  
Code; 69699

(7) The refundable motion picture production credit under 69700  
section 5726.55 of the Revised Code. 69701

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

**Sec. 5726.99.** Whoever violates section 5726.41 of the Revised Code shall be fined not less than one hundred dollars or more than one thousand dollars.

**Sec. 5727.01.** As used in this chapter:

(A) "Public utility" means each person referred to as a telephone company, telegraph company, electric company, natural gas company, pipe-line company, water-works company, water transportation company, heating company, rural electric company, railroad company, combined company, or energy company.

(B) "Gross receipts" means the entire receipts for business done by any person from operations as a public utility, or incidental thereto, or in connection therewith, including any receipts received under Chapter 4928. of the Revised Code. The gross receipts for business done by an incorporated company engaged in operation as a public utility includes the entire receipts for business done by such company under the exercise of its corporate powers, whether from the operation as a public utility or from any other business.

(C) "Rural electric company" means any nonprofit corporation, organization, association, or cooperative engaged in the business of supplying electricity to its members or persons owning an interest therein in an area the major portion of which is rural.

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| "Rural electric company" excludes an energy company.                                                                                                                                                                                                                                                                       | 69732                                     |
| (D) Any person:                                                                                                                                                                                                                                                                                                            | 69733                                     |
| (1) Is a telegraph company when engaged in the business of transmitting telegraphic messages to, from, through, or in this state;                                                                                                                                                                                          | 69734<br>69735<br>69736                   |
| (2) Is a telephone company when primarily engaged in the business of providing local exchange telephone service, excluding cellular radio service, in this state;                                                                                                                                                          | 69737<br>69738<br>69739                   |
| (3) Is an electric company when engaged in the business of generating, transmitting, or distributing electricity within this state for use by others, but excludes a rural electric company or an energy company;                                                                                                          | 69740<br>69741<br>69742<br>69743          |
| (4) Is a natural gas company when engaged in the business of supplying or distributing natural gas for lighting, power, or heating purposes to consumers within this state, excluding a person that is a governmental aggregator or retail natural gas supplier as defined in section 4929.01 of the Revised Code;         | 69744<br>69745<br>69746<br>69747<br>69748 |
| (5) Is a pipe-line company when engaged in the business of transporting natural gas, <u>natural gas liquids, condensate, liquid or gaseous hydrocarbons</u> , oil, or coal or <del>its</del> <u>their</u> derivatives through pipes or tubing, either wholly or partially within this state;                               | 69749<br>69750<br>69751<br>69752<br>69753 |
| (6) Is a water-works company when engaged in the business of supplying water through pipes or tubing, or in a similar manner, to consumers within this state;                                                                                                                                                              | 69754<br>69755<br>69756                   |
| (7) Is a water transportation company when engaged in the transportation of passengers or property, by boat or other watercraft, over any waterway, whether natural or artificial, from one point within this state to another point within this state, or between points within this state and points without this state; | 69757<br>69758<br>69759<br>69760<br>69761 |

(8) Is a heating company when engaged in the business of 69762  
supplying water, steam, or air through pipes or tubing to 69763  
consumers within this state for heating purposes; 69764

(9) Is a railroad company when engaged in the business of 69765  
owning or operating a railroad either wholly or partially within 69766  
this state on rights-of-way acquired and held exclusively by such 69767  
company, or otherwise, and includes a passenger, street, suburban, 69768  
or interurban railroad company; 69769

(10) Is an energy company when engaged in the business of 69770  
generating, transmitting, or distributing electricity within this 69771  
state for use by others solely from an energy facility with an 69772  
aggregate nameplate capacity in excess of two hundred fifty 69773  
kilowatts. 69774

As used in division (D)(2) of this section, "local exchange 69775  
telephone service" means making available or furnishing access and 69776  
a dial tone to all persons within a local calling area for use in 69777  
originating and receiving voice grade communications over a 69778  
switched network operated by the provider of the service within 69779  
the area and for gaining access to other telecommunication 69780  
services. 69781

(E) "Taxable property" means the property required by section 69782  
5727.06 of the Revised Code to be assessed by the tax 69783  
commissioner, but does not include either of the following: 69784

(1) An item of tangible personal property that for the period 69785  
subsequent to the effective date of an air, water, or noise 69786  
pollution control certificate and continuing so long as the 69787  
certificate is in force, has been certified as part of the 69788  
pollution control facility with respect to which the certificate 69789  
has been issued; 69790

(2) An item of tangible personal property that during the 69791  
construction of a plant or facility and until the item is first 69792



capable of operation, whether actually used in operation or not, 69793  
is incorporated in or being held exclusively for incorporation in 69794  
that plant or facility. 69795

Notwithstanding section 5701.03 of the Revised Code, for tax 69796  
year 2006 and thereafter, "taxable property" includes patterns, 69797  
jigs, dies, and drawings of an electric company or a combined 69798  
company for use in the activity of an electric company. 69799

(F) "Taxing district" means a municipal corporation or 69800  
township, or part thereof, in which the aggregate rate of taxation 69801  
is uniform. 69802

(G) "Telecommunications service" has the same meaning as in 69803  
division (AA) of section 5739.01 of the Revised Code. 69804

(H) "Interexchange telecommunications company" means a person 69805  
that is engaged in the business of transmitting telephonic 69806  
messages to, from, through, or in this state, but that is not a 69807  
telephone company. 69808

(I) "Sale and leaseback transaction" means a transaction in 69809  
which a public utility or interexchange telecommunications company 69810  
sells any tangible personal property to a person other than a 69811  
public utility or interexchange telecommunications company and 69812  
leases that property back from the buyer. 69813

(J) "Production equipment" means all taxable steam, nuclear, 69814  
hydraulic, renewable resource, clean coal technology, and other 69815  
production plant equipment used to generate electricity. For tax 69816  
years prior to 2001, "production equipment" includes taxable 69817  
station equipment that is located at a production plant. 69818

(K) "Tax year" means the year for which property or gross 69819  
receipts are subject to assessment under this chapter. This 69820  
division does not limit the tax commissioner's ability to assess 69821  
and value property or gross receipts outside the tax year. 69822

(L) "Combined company" means any person engaged in the activity of an electric company or rural electric company that is also engaged in the activity of a heating company or a natural gas company, or any combination thereof.

(M) "Public utility property lessor" means any person, other than a public utility or an interexchange telecommunications company, that leases personal property, other than in a sale and leaseback transaction, to a public utility, other than a railroad, water transportation, telephone, or telegraph company if the property would be taxable property if owned by the public utility. A public utility property lessor is subject to this chapter only for the purposes of reporting and paying tax on taxable property it leases to a public utility other than a telephone or telegraph company. A public utility property lessor that leases property to a public utility other than a telephone or telegraph company is not a public utility, but it shall report its property and be assessed in the same manner as the utility to which it leases the property.

(N) "Energy resource" means any of the following:

(1) "Renewable energy resource" as defined in section 4928.01 of the Revised Code;

(2) "Clean coal technology" as described in division (A)(34)(c) of section 4928.01 of the Revised Code;

(3) "Advanced nuclear technology" as described in division (A)(34)(d) of section 4928.01 of the Revised Code;

(4) "Cogeneration technology" as described in division (A)(34)(b) of section 4928.01 of the Revised Code.

(O) "Energy conversion equipment" means tangible personal property connected to a wind turbine tower, connected to and behind solar radiation collector areas and designed to convert the radiant energy of the sun into electricity or heat, or connected

to any other property used to generate electricity from an energy resource, through which electricity is transferred to controls, transformers, or power electronics and to the transmission interconnection point.

"Energy conversion equipment" includes, but is not limited to, inverters, batteries, switch gears, wiring, collection lines, substations, ancillary tangible personal property, or any lines and associated tangible personal property located between substations and the transmission interconnection point.

(P) "Energy facility" means one or more interconnected wind turbines, solar panels, or other tangible personal property used to generate electricity from an energy resource owned by the same person, including:

(1) All interconnection equipment, devices, and related apparatus connected to such tangible personal property;

(2) All cables, equipment, devices, and related apparatus that connect the generators to an electricity grid or to a building or facility that directly consumes the electricity produced, that facilitate the transmission of electrical energy from the generators to the grid, building, or facility, and, where applicable, that transform voltage before ultimate delivery of electricity to the grid, building, or facility.

"Energy facility" includes buildings, structures, improvements, or fixtures exclusively used to house, support, or stabilize tangible personal property constituting the facility or that are otherwise necessary for the operation of that property; and so much of the land on which such tangible personal property is situated as is required for operation of the facility and is not devoted to some other use, not to exceed, in the case of wind turbines, one-half acre for each wind turbine, and regardless of whether the land is owned by the owner or lessee of the tangible

personal property or by another person. 69885

(Q) "Nameplate capacity" means the original interconnected 69886  
maximum rated alternating current output of a generator or other 69887  
electric production equipment under specific conditions designated 69888  
by the manufacturer, expressed in the number of kilowatts or 69889  
megawatts. 69890

**Sec. 5727.111.** The taxable property of each public utility, 69891  
except a railroad company, and of each interexchange 69892  
telecommunications company shall be assessed at the following 69893  
percentages of true value: 69894

(A) In the case of a rural electric company, fifty per cent 69895  
in the case of its taxable transmission and distribution property 69896  
and its energy conversion equipment, and twenty-five per cent for 69897  
all its other taxable property; 69898

(B) In the case of a telephone or telegraph company, 69899  
twenty-five per cent for taxable property first subject to 69900  
taxation in this state for tax year 1995 or thereafter for tax 69901  
years before tax year 2007, and pursuant to division (H) of 69902  
section 5711.22 of the Revised Code for tax year 2007 and 69903  
thereafter, and the following for all other taxable property: 69904

(1) For tax years prior to 2005, eighty-eight per cent; 69905

(2) For tax year 2005, sixty-seven per cent; 69906

(3) For tax year 2006, forty-six per cent; 69907

(4) For tax year 2007 and thereafter, pursuant to division 69908  
(H) of section 5711.22 of the Revised Code. 69909

(C) Twenty-five per cent in the case of a natural gas 69910  
company. 69911

(D)(1) Eighty-eight per cent in the case of a pipe-line, 69912  
water-works, or heating company, except as provided in division 69913

|                                                                                                                                                                                                                                                                                  |                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <u>(D)(2) of this section;</u>                                                                                                                                                                                                                                                   | 69914                                     |
| <u>(2) For tax year 2013 and thereafter, thirty-five per cent in the case of a pipe-line company transporting liquid or gaseous hydrocarbons, natural gas liquids, or condensate that is not oil or refined oil products or natural methane gas.</u>                             | 69915<br>69916<br>69917<br>69918          |
| (E)(1) For tax year 2005, eighty-eight per cent in the case of the taxable transmission and distribution property of an electric company, and twenty-five per cent for all its other taxable property+.                                                                          | 69919<br>69920<br>69921<br>69922          |
| (2) For tax year 2006 and each tax year thereafter, in the case of an electric company, eighty-five per cent in the case of its taxable transmission and distribution property and its energy conversion equipment, and twenty-four per cent for all its other taxable property. | 69923<br>69924<br>69925<br>69926<br>69927 |
| (F)(1) Twenty-five per cent in the case of an interexchange telecommunications company for tax years before tax year 2007;                                                                                                                                                       | 69928<br>69929                            |
| (2) Pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter.                                                                                                                                                                            | 69930<br>69931                            |
| (G) Twenty-five per cent in the case of a water transportation company;                                                                                                                                                                                                          | 69932<br>69933                            |
| (H) For tax year 2011 and each tax year thereafter in the case of an energy company, twenty-four per cent in the case of its taxable production equipment, and eighty-five per cent for all its other taxable property.                                                          | 69934<br>69935<br>69936<br>69937          |
| <b>Sec. 5727.84.</b> (A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code:                                                                                                                                                                 | 69938<br>69939                            |
| (1) "School district" means a city, local, or exempted village school district.                                                                                                                                                                                                  | 69940<br>69941                            |
| (2) "Joint vocational school district" means a joint                                                                                                                                                                                                                             | 69942                                     |

vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts.

(4) "State education aid," for a school district, means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under the following provisions, as they existed for the applicable fiscal year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) of section 3317.024; and sections 3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code; and the adjustments required by: division (C) of section 3310.08; division (C)(2) of section 3310.41; division (C) of section 3314.08; division (D)(2) of section 3314.091; division (D) of section 3314.13; divisions (E), (K), (L), (M), and (N) of section 3317.023; division (C) of section 3317.20; and sections 3313.979 and 3313.981 of the Revised Code. However, when calculating state education aid for a school district for fiscal years 2008 and 2009, include the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly, as subsequently amended, instead of division (D) of section 3317.022 of the Revised Code; and include amounts calculated under Section 269.30.80 of H.B. 119 of the

127th general assembly, as subsequently amended. 69975

(b) For fiscal years 2010 and 2011, the sum of the amounts 69976  
computed for the district under former sections 3306.052, 3306.12, 69977  
3306.13, 3306.19, 3306.191, and 3306.192 of the Revised Code and 69978  
the following provisions, as they existed for the applicable 69979  
fiscal year: division (G) of section 3317.024; sections 3317.05, 69980  
3317.052, and 3317.053 of the Revised Code; and the adjustments 69981  
required by division (C) of section 3310.08; division (C)(2) of 69982  
section 3310.41; division (C) of section 3314.08; division (D)(2) 69983  
of section 3314.091; division (D) of section 3314.13; divisions 69984  
(E), (K), (L), (M), and (N) of section 3317.023; division (C) of 69985  
section 3317.20; and sections 3313.979, 3313.981, and 3326.33 of 69986  
the Revised Code. 69987

(c) For fiscal years 2012 and 2013, the amount paid in 69988  
accordance with the section of H.B. 153 of the 129th general 69989  
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 69990  
SCHOOL DISTRICTS" and the adjustments required by division (C) of 69991  
section 3310.08; division (C)(2) of section 3310.41; section 69992  
3310.55; division (C) of section 3314.08; division (D)(2) of 69993  
section 3314.091; division (D) of section 3314.13; divisions (B), 69994  
(H), (I), (J), and (K) of section 3317.023; division (C) of 69995  
section 3317.20; and sections 3313.979 and 3313.981 of the Revised 69996  
Code. 69997

(5) "State education aid," for a joint vocational school 69998  
district, means the following: 69999

(a) For fiscal years prior to fiscal year 2010, the sum of 70000  
the state aid amounts computed for the district under division (N) 70001  
of section 3317.024 and section 3317.16 of the Revised Code. 70002  
However, when calculating state education aid for a joint 70003  
vocational school district for fiscal years 2008 and 2009, include 70004  
the amount computed for the district under Section 269.30.90 of 70005  
H.B. 119 of the 127th general assembly, as subsequently amended. 70006

(b) For fiscal years 2010 and 2011, the amount computed for the district in accordance with the section of H.B. 1 of the 128th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS".

(c) For fiscal years 2012 and 2013, the amount paid in accordance with the section of H.B. 153 of the 129th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS."

(6) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code.

(7) "Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code.

(8) "Electric company tax value loss" means the amount determined under division (D) of this section.

(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.

(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.

(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.

(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.

(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies ~~imposed~~ charged and payable pursuant to section 5705.194 of the Revised Code.

(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.



(15) "Consumer price index" means the consumer price index 70037  
(all items, all urban consumers) prepared by the bureau of labor 70038  
statistics of the United States department of labor. 70039

(16) "Total resources" ~~has~~ and "total library resources" have 70040  
the same ~~meaning~~ meanings as in section 5751.20 of the Revised 70041  
Code. 70042

(17) "2011 current expense S.B. 3 allocation" means the sum 70043  
of payments received by a school district or joint vocational 70044  
school district in fiscal year 2011 for current expense levy 70045  
losses pursuant to division (C)(2) of section 5727.85 of the 70046  
Revised Code. If a fixed-rate levy eligible for reimbursement is 70047  
not ~~imposed~~ charged and payable in any year after tax year 2010, 70048  
"2011 current expense S.B. 3 allocation" used to compute payments 70049  
to be made under division (C)(3) of section 5727.85 of the Revised 70050  
Code in the tax years following the last year the levy is ~~imposed~~ 70051  
charged and payable shall be reduced ~~by the amount of to the~~ 70052  
extent that those payments are attributable to the fixed-rate levy 70053  
loss of that levy. 70054

(18) "2010 current expense S.B. 3 allocation" means the sum 70055  
of payments received by a municipal corporation in calendar year 70056  
2010 for current expense levy losses pursuant to division (A)(1) 70057  
of section 5727.86 of the Revised Code, excluding any such 70058  
payments received for current expense levy losses attributable to 70059  
a tax levied under section 5705.23 of the Revised Code. If a 70060  
fixed-rate levy eligible for reimbursement is not ~~imposed~~ charged 70061  
and payable in any year after tax year 2010, "2010 current expense 70062  
S.B. 3 allocation" used to compute payments to be made under 70063  
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 70064  
in the tax years following the last year the levy is ~~imposed~~ 70065  
charged and payable shall be reduced ~~by the amount of to the~~ 70066  
extent that those payments are attributable to the fixed-rate levy 70067  
loss of that levy. 70068

(19) "2010 S.B. 3 allocation" means the sum of payments 70069  
received by a local taxing unit during calendar year 2010 pursuant 70070  
to division (A)(1) of section 5727.86 of the Revised Code, 70071  
excluding any such payments received for fixed-rate levy losses 70072  
attributable to a tax levied under section 5705.23 of the Revised 70073  
Code. If a fixed-rate levy eligible for reimbursement is not 70074  
~~imposed~~ charged and payable in any year after tax year 2010, "2010 70075  
S.B. 3 allocation" used to compute payments to be made under 70076  
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 70077  
in the tax years following the last year the levy is ~~imposed~~ 70078  
charged and payable shall be reduced ~~by the amount of~~ to the 70079  
extent that those payments are attributable to the fixed-rate levy 70080  
loss of that levy. 70081

(20) "Total S.B. 3 allocation" means, in the case of a school 70082  
district or joint vocational school district, the sum of the 70083  
~~amounts~~ payments received in fiscal year 2011 pursuant to 70084  
divisions (C)(2) and (D) of section 5727.85 of the Revised Code. 70085  
In the case of a local taxing unit, "total S.B. 3 allocation" 70086  
means the sum of payments received by the unit in calendar year 70087  
2010 pursuant to divisions (A)(1) and (4) of section 5727.86 of 70088  
the Revised Code, excluding any such payments received for 70089  
fixed-rate levy losses attributable to a tax levied under section 70090  
5705.23 of the Revised Code. If a fixed-rate levy eligible for 70091  
reimbursement is not ~~imposed~~ charged and payable in any year after 70092  
tax year 2010, "total S.B. 3 allocation" used to compute payments 70093  
to be made under division (C)(3) of section 5727.85 or division 70094  
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 70095  
years following the last year the levy is ~~imposed~~ charged and 70096  
payable shall be reduced ~~by the amount of~~ to the extent that those 70097  
payments are attributable to the fixed-rate levy loss of that levy 70098  
as would be computed under division (C)(2) of section 5727.85 or 70099  
division (A)(1)(b) of section 5727.86 of the Revised Code. 70100

(21) "2011 non-current expense S.B. 3 allocation" means the 70101  
difference of a school district's or joint vocational school 70102  
district's total S.B. 3 allocation minus the sum of the school 70103  
district's 2011 current expense S.B. 3 allocation and the portion 70104  
of the school district's total S.B. 3 allocation constituting 70105  
reimbursement for debt levies pursuant to division (D) of section 70106  
5727.85 of the Revised Code. 70107

(22) "2010 non-current expense S.B. 3 allocation" means the 70108  
difference of a municipal corporation's total S.B. 3 allocation 70109  
minus the sum of its 2010 current expense S.B. 3 allocation and 70110  
the portion of its total S.B. 3 allocation constituting 70111  
reimbursement for debt levies pursuant to division (A)(4) of 70112  
section 5727.86 of the Revised Code. 70113

(23) "S.B. 3 allocation for library purposes" means, in the 70114  
case of a county, municipal corporation, school district, or 70115  
township public library that receives the proceeds of a tax levied 70116  
under section 5705.23 of the Revised Code, the sum of the payments 70117  
received by the public library in calendar year 2010 pursuant to 70118  
section 5727.86 of the Revised Code for fixed-rate levy losses 70119  
attributable to a tax levied under section 5705.23 of the Revised 70120  
Code. If a fixed-rate levy authorized under section 5705.23 of the 70121  
Revised Code that is eligible for reimbursement is not charged and 70122  
payable in any year after tax year 2010, "S.B. 3 allocation for 70123  
library purposes" used to compute payments to be made under 70124  
division (A)(1)(f) of section 5727.86 of the Revised Code in the 70125  
tax years following the last year the levy is charged and payable 70126  
shall be reduced to the extent that those payments are 70127  
attributable to the fixed-rate levy loss of that levy as would be 70128  
computed under division (A)(1)(b) of section 5727.86 of the 70129  
Revised Code. 70130

(24) "Threshold per cent" means, in the case of a school 70131  
district or joint vocational school district, two per cent for 70132

fiscal year 2012 and four per cent for fiscal years 2013 and 70133  
 thereafter. In the case of a local taxing unit or public library 70134  
that receives the proceeds of a tax levied under section 5705.23 70135  
of the Revised Code, "threshold per cent" means two per cent for 70136  
 calendar year 2011, four per cent for calendar year 2012, and six 70137  
 per cent for calendar years 2013 and thereafter. 70138

(B) The kilowatt-hour tax receipts fund is hereby created in 70139  
 the state treasury and shall consist of money arising from the tax 70140  
 imposed by section 5727.81 of the Revised Code. All money in the 70141  
 kilowatt-hour tax receipts fund shall be credited as follows: 70142

| Fiscal Year            | General Revenue | School District  | Local Government |       |
|------------------------|-----------------|------------------|------------------|-------|
|                        | Fund            | Property Tax     | Property Tax     |       |
|                        |                 | Replacement Fund | Replacement Fund |       |
| 2001-2011              | 63.0%           | 25.4%            | 11.6%            | 70144 |
| 2012 and<br>thereafter | 88.0%           | 9.0%             | 3.0%             | 70145 |

(C) The natural gas tax receipts fund is hereby created in 70146  
 the state treasury and shall consist of money arising from the tax 70147  
 imposed by section 5727.811 of the Revised Code. All money in the 70148  
 fund shall be credited as follows: 70149

(1) For fiscal years before fiscal year 2012: 70150

(a) Sixty-eight and seven-tenths per cent shall be credited 70151  
 to the school district property tax replacement fund for the 70152  
 purpose of making the payments described in section 5727.85 of the 70153  
 Revised Code. 70154

(b) Thirty-one and three-tenths per cent shall be credited to 70155  
 the local government property tax replacement fund for the purpose 70156  
 of making the payments described in section 5727.86 of the Revised 70157  
 Code. 70158

(2) For fiscal years 2012 and thereafter, one hundred per 70159  
 cent to the general revenue fund. 70160

(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (4) of this section:

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section.

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998;

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section.

(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments;

(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

(3) In the case of a taxing district having a nuclear power

plant within its territory, any amount, resulting in an electric 70192  
company tax value loss, obtained by subtracting the amount 70193  
described in division (D)(1) of this section from the difference 70194  
obtained by subtracting the amount described in division (D)(3)(b) 70195  
of this section from the amount described in division (D)(3)(a) of 70196  
this section. 70197

(a) The value of electric company tangible personal property 70198  
as assessed by the tax commissioner for tax year 2000 on a 70199  
preliminary assessment, or an amended preliminary assessment if 70200  
issued prior to March 1, 2001, and as apportioned to the taxing 70201  
district for tax year 2000; 70202

(b) The value of electric company tangible personal property 70203  
as assessed by the tax commissioner for tax year 2001 on a 70204  
preliminary assessment, or an amended preliminary assessment if 70205  
issued prior to March 1, 2002, and as apportioned to the taxing 70206  
district for tax year 2001. 70207

(4) In the case of a taxing district having a nuclear power 70208  
plant within its territory, the difference obtained by subtracting 70209  
the amount described in division (D)(4)(b) of this section from 70210  
the amount described in division (D)(4)(a) of this section, 70211  
provided that such difference is greater than ten per cent of the 70212  
amount described in division (D)(4)(a) of this section. 70213

(a) The value of electric company tangible personal property 70214  
as assessed by the tax commissioner for tax year 2005 on a 70215  
preliminary assessment, or an amended preliminary assessment if 70216  
issued prior to March 1, 2006, and as apportioned to the taxing 70217  
district for tax year 2005; 70218

(b) The value of electric company tangible personal property 70219  
as assessed by the tax commissioner for tax year 2006 on a 70220  
preliminary assessment, or an amended preliminary assessment if 70221  
issued prior to March 1, 2007, and as apportioned to the taxing 70222

district for tax year 2006. 70223

(E) Not later than January 1, 2002, the tax commissioner 70224  
shall determine for each taxing district its natural gas company 70225  
tax value loss, which is the sum of the amounts described in 70226  
divisions (E)(1) and (2) of this section: 70227

(1) The difference obtained by subtracting the amount 70228  
described in division (E)(1)(b) from the amount described in 70229  
division (E)(1)(a) of this section. 70230

(a) The value of all natural gas company tangible personal 70231  
property, other than property described in division (E)(2) of this 70232  
section, as assessed by the tax commissioner for tax year 1999 on 70233  
a preliminary assessment, or an amended preliminary assessment if 70234  
issued prior to March 1, 2000, and apportioned to the taxing 70235  
district for tax year 1999; 70236

(b) The value of all natural gas company tangible personal 70237  
property, other than property described in division (E)(2) of this 70238  
section, as assessed by the tax commissioner for tax year 1999 had 70239  
the property been apportioned to the taxing district for tax year 70240  
2001, and assessed at the rates in effect for tax year 2001. 70241

(2) The difference in the value of current gas obtained by 70242  
subtracting the amount described in division (E)(2)(b) from the 70243  
amount described in division (E)(2)(a) of this section. 70244

(a) The three-year average assessed value of current gas as 70245  
assessed by the tax commissioner for tax years 1997, 1998, and 70246  
1999 on a preliminary assessment, or an amended preliminary 70247  
assessment if issued prior to March 1, 2001, and as apportioned in 70248  
the taxing district for those respective years; 70249

(b) The three-year average assessed value from current gas 70250  
under division (E)(2)(a) of this section for tax years 1997, 1998, 70251  
and 1999, as reflected in the preliminary assessment, using an 70252  
assessment rate of twenty-five per cent. 70253

(F) The tax commissioner may request that natural gas 70254  
companies, electric companies, and rural electric companies file a 70255  
report to help determine the tax value loss under divisions (D) 70256  
and (E) of this section. The report shall be filed within thirty 70257  
days of the commissioner's request. A company that fails to file 70258  
the report or does not timely file the report is subject to the 70259  
penalty in section 5727.60 of the Revised Code. 70260

(G) Not later than January 1, 2002, the tax commissioner 70261  
shall determine for each school district, joint vocational school 70262  
district, and local taxing unit its fixed-rate levy loss, which is 70263  
the sum of its electric company tax value loss multiplied by the 70264  
tax rate in effect in tax year 1998 for fixed-rate levies and its 70265  
natural gas company tax value loss multiplied by the tax rate in 70266  
effect in tax year 1999 for fixed-rate levies. 70267

(H) Not later than January 1, 2002, the tax commissioner 70268  
shall determine for each school district, joint vocational school 70269  
district, and local taxing unit its fixed-sum levy loss, which is 70270  
the amount obtained by subtracting the amount described in 70271  
division (H)(2) of this section from the amount described in 70272  
division (H)(1) of this section: 70273

(1) The sum of the electric company tax value loss multiplied 70274  
by the tax rate in effect in tax year 1998, and the natural gas 70275  
company tax value loss multiplied by the tax rate in effect in tax 70276  
year 1999, for fixed-sum levies for all taxing districts within 70277  
each school district, joint vocational school district, and local 70278  
taxing unit. For the years 2002 through 2006, this computation 70279  
shall include school district emergency levies that existed in 70280  
1998 in the case of the electric company tax value loss, and 1999 70281  
in the case of the natural gas company tax value loss, and all 70282  
other fixed-sum levies that existed in 1998 in the case of the 70283  
electric company tax value loss and 1999 in the case of the 70284  
natural gas company tax value loss and continue to be charged in 70285



the tax year preceding the distribution year. For the years 2007 70286  
through 2016 in the case of school district emergency levies, and 70287  
for all years after 2006 in the case of all other fixed-sum 70288  
levies, this computation shall exclude all fixed-sum levies that 70289  
existed in 1998 in the case of the electric company tax value loss 70290  
and 1999 in the case of the natural gas company tax value loss, 70291  
but are no longer in effect in the tax year preceding the 70292  
distribution year. For the purposes of this section, an emergency 70293  
levy that existed in 1998 in the case of the electric company tax 70294  
value loss, and 1999 in the case of the natural gas company tax 70295  
value loss, continues to exist in a year beginning on or after 70296  
January 1, 2007, but before January 1, 2017, if, in that year, the 70297  
board of education levies a school district emergency levy for an 70298  
annual sum at least equal to the annual sum levied by the board in 70299  
tax year 1998 or 1999, respectively, less the amount of the 70300  
payment certified under this division for 2002. 70301

(2) The total taxable value in tax year 1999 less the tax 70302  
value loss in each school district, joint vocational school 70303  
district, and local taxing unit multiplied by one-fourth of one 70304  
mill. 70305

If the amount computed under division (H) of this section for 70306  
any school district, joint vocational school district, or local 70307  
taxing unit is greater than zero, that amount shall equal the 70308  
fixed-sum levy loss reimbursed pursuant to division (F) of section 70309  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 70310  
of the Revised Code, and the one-fourth of one mill that is 70311  
subtracted under division (H)(2) of this section shall be 70312  
apportioned among all contributing fixed-sum levies in the 70313  
proportion of each levy to the sum of all fixed-sum levies within 70314  
each school district, joint vocational school district, or local 70315  
taxing unit. 70316

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 70317

section, in computing the tax value loss, fixed-rate levy loss, 70318  
and fixed-sum levy loss, the tax commissioner shall use the 70319  
greater of the 1998 tax rate or the 1999 tax rate in the case of 70320  
levy losses associated with the electric company tax value loss, 70321  
but the 1999 tax rate shall not include for this purpose any tax 70322  
levy approved by the voters after June 30, 1999, and the tax 70323  
commissioner shall use the greater of the 1999 or the 2000 tax 70324  
rate in the case of levy losses associated with the natural gas 70325  
company tax value loss. 70326

(J) Not later than January 1, 2002, the tax commissioner 70327  
shall certify to the department of education the tax value loss 70328  
determined under divisions (D) and (E) of this section for each 70329  
taxing district, the fixed-rate levy loss calculated under 70330  
division (G) of this section, and the fixed-sum levy loss 70331  
calculated under division (H) of this section. The calculations 70332  
under divisions (G) and (H) of this section shall separately 70333  
display the levy loss for each levy eligible for reimbursement. 70334

(K) Not later than September 1, 2001, the tax commissioner 70335  
shall certify the amount of the fixed-sum levy loss to the county 70336  
auditor of each county in which a school district with a fixed-sum 70337  
levy loss has territory. 70338

**Sec. 5727.86.** (A) ~~Not later than January 1, 2002, the~~ The tax 70339  
commissioner shall compute the payments to be made to each local 70340  
taxing unit, and to each public library that receives the proceeds 70341  
of a tax levied under section 5705.23 of the Revised Code, for 70342  
each year according to divisions (A)(1), (2), (3), and (4) and 70343  
division (E) of this section, and shall distribute the payments in 70344  
the manner prescribed by division (C) of this section. The 70345  
calculation of the fixed-sum levy loss shall cover a time period 70346  
sufficient to include all fixed-sum levies for which the tax 70347  
commissioner determined, pursuant to division (H) of section 70348

5727.84 of the Revised Code, that a fixed-sum levy loss is to be 70349  
reimbursed. 70350

(1) Except as provided in divisions (A)(3) and (4) of this 70351  
section, the following amounts shall be paid on or before the 70352  
thirty-first day of August and the twenty-eighth day of February: 70353

(a) For years 2002 through 2006, fifty per cent of the 70354  
fixed-rate levy loss computed under division (G) of section 70355  
5727.84 of the Revised Code; 70356

(b) For years 2007 through 2010, forty per cent of the 70357  
fixed\_rate levy loss computed under division (G) of section 70358  
5727.84 of the Revised Code; 70359

(c) For the payment in 2011 to be made on or before the 70360  
twentieth day of February, the amount required to be paid in 2010 70361  
on or before the twentieth day of February; 70362

(d) For the payment in 2011 to be made on or before the 70363  
thirty-first day of August ~~and for all payments to be made in~~ 70364  
~~years 2012 and thereafter~~, the sum of the amounts in divisions 70365  
(A)(1)(d)(i) or (ii) and (iii) of this section: 70366

(i) If the ratio of fifty per cent of the taxing unit's 2010 70367  
S.B. 3 allocation to its total resources is equal to or less than 70368  
the threshold per cent, zero; 70369

(ii) If the ratio of fifty per cent of the taxing unit's 2010 70370  
S.B. 3 allocation to its total resources is greater than the 70371  
threshold per cent, the difference of fifty per cent of the 2010 70372  
S.B. 3 allocation minus the product of total resources multiplied 70373  
by the threshold per cent; 70374

(iii) In the case of a municipal corporation, fifty per cent 70375  
of the product of its 2010 non-current expense S.B. 3 allocation 70376  
multiplied by seventy-five per cent ~~for year 2011, fifty per cent~~ 70377  
~~for year 2012, and twenty five percent for years 2013 and~~ 70378

thereafter. 70379

(e) For 2012 and each year thereafter, the sum of the amounts in divisions (A)(1)(e)(i) or (ii) and (iii) of this section: 70380  
70381

(i) If the ratio of the taxing unit's 2010 S.B. 3 allocation to its total resources is equal to or less than the threshold per cent, zero; 70382  
70383  
70384

(ii) If the ratio of the taxing unit's 2010 S.B. 3 allocation to its total resources is greater than the threshold per cent, fifty per cent of the difference of the 2010 S.B. 3 allocation minus the product of total resources multiplied by the threshold per cent; 70385  
70386  
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70389

(iii) In the case of a municipal corporation, fifty per cent of the product of its 2010 non-current expense S.B. 3 allocation multiplied by fifty per cent for year 2012 and by twenty-five per cent for years 2013 and thereafter. 70390  
70391  
70392  
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(f) For the payment in 2012 to be made to a public library on or before the thirty-first day of August and for all such payments to be made in 2013 and thereafter, the amount in division (A)(1)(f)(i) or (ii) of this section: 70394  
70395  
70396  
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(i) If the ratio of S.B. 3 allocation for library purposes to total library resources is equal to or less than the threshold per cent, zero; 70398  
70399  
70400

(ii) If the ratio of S.B. 3 allocation for library purposes to total library resources is greater than the threshold per cent, fifty per cent of the difference of the S.B. 3 allocation for library purposes minus the product of total library resources multiplied by the threshold per cent. 70401  
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(2) For fixed-sum levy losses determined under division (H) of section 5727.84 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for 70406  
70407  
70408

payments required to be made in 2002 and thereafter. 70409

(3) A local taxing unit in a county of less than two hundred 70410  
fifty square miles that receives eighty per cent or more of its 70411  
combined general fund and bond retirement fund revenues from 70412  
property taxes and rollbacks based on 1997 actual revenues as 70413  
presented in its 1999 tax budget, and in which electric companies 70414  
and rural electric companies comprise over twenty per cent of its 70415  
property valuation, shall receive one hundred per cent of its 70416  
fixed-rate levy losses from electric company tax value losses 70417  
certified under division (A) of this section in years 2002 to 70418  
2010. Beginning in 2011, payments for such local taxing units 70419  
shall be determined under division (A)(1) of this section. 70420

(4) For taxes levied within the ten-mill limitation or 70421  
pursuant to a municipal charter for debt purposes in tax year 1998 70422  
in the case of electric company tax value losses, and in tax year 70423  
1999 in the case of natural gas company tax value losses, payments 70424  
shall be made equal to one hundred per cent of the loss computed 70425  
as if the tax were a fixed-rate levy, but those payments shall 70426  
extend from 2011 through 2016 if the levy was ~~imposed~~ charged and 70427  
payable for debt purposes in tax year 2010. If the levy is not 70428  
~~imposed~~ charged and payable for debt purposes in tax year 2010 or 70429  
any following tax year before tax year 2016, payments for that 70430  
levy shall be made under division (A)(1) of this section beginning 70431  
with the first year after the year the levy is ~~imposed~~ charged and 70432  
payable for a purpose other than debt. For the purposes of this 70433  
division, taxes levied pursuant to a municipal charter refer to 70434  
taxes levied pursuant to a provision of a municipal charter that 70435  
permits the tax to be levied without prior voter approval. 70436

(B) Beginning in 2003, by the thirty-first day of January of 70437  
each year, the tax commissioner shall review the calculation 70438  
originally made under division (A) of this section of the 70439  
fixed-sum levy loss determined under division (H) of section 70440

5727.84 of the Revised Code. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year has expired, a revised calculation for that and all subsequent years shall be made.

(C) Payments to local taxing units and public libraries required to be made under divisions (A) and (E) of this section shall be paid from the local government property tax replacement fund to the county undivided income tax fund in the proper county treasury. The county treasurer shall distribute amounts paid under division (A) of this section to the proper local taxing unit or public library as if they had been levied and collected as taxes, and the local taxing unit or public library shall apportion the amounts so received among its funds in the same proportions as if those amounts had been levied and collected as taxes. Except in the case of amounts distributed to the county as a local taxing unit, amounts distributed under division (E)(2) of this section shall be credited to the general fund of the local taxing unit that receives them. Amounts distributed to each county as a local taxing unit under division (E)(2) of this section shall be credited in the proportion that the current taxes charged and payable from each levy of or by the county bears to the total current taxes charged and payable from all levies of or by the county.

(D) By February 5, 2002, the tax commissioner shall estimate the amount of money in the local government property tax replacement fund in excess of the amount necessary to make payments in that month under division (C) of this section. Notwithstanding division (A) of this section, the tax commissioner may pay any local taxing unit, from those excess funds, nine and four-tenths times the amount computed for 2002 under division (A)(1) of this section. A payment made under this division shall be in lieu of the payment to be made in February 2002 under

division (A)(1) of this section. A local taxing unit receiving a 70473  
payment under this division will no longer be entitled to any 70474  
further payments under division (A)(1) of this section. A payment 70475  
made under this division shall be paid from the local government 70476  
property tax replacement fund to the county undivided income tax 70477  
fund in the proper county treasury. The county treasurer shall 70478  
distribute the payment to the proper local taxing unit as if it 70479  
had been levied and collected as taxes, and the local taxing unit 70480  
shall apportion the amounts so received among its funds in the 70481  
same proportions as if those amounts had been levied and collected 70482  
as taxes. 70483

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 70484  
2005, and 2006, and on the thirty-first day of January and July of 70485  
2007 through January 2011, if the amount credited to the local 70486  
government property tax replacement fund exceeds the amount needed 70487  
to be distributed from the fund under division (A) of this section 70488  
in the following month, the tax commissioner shall distribute the 70489  
excess to each county as follows: 70490

(a) One-half shall be distributed to each county in 70491  
proportion to each county's population. 70492

(b) One-half shall be distributed to each county in the 70493  
proportion that the amounts determined under divisions (G) and (H) 70494  
of section 5727.84 of the Revised Code for all local taxing units 70495  
in the county is of the total amounts so determined for all local 70496  
taxing units in the state. 70497

(2) The amounts distributed to each county under division (E) 70498  
of this section shall be distributed by the county auditor to each 70499  
local taxing unit in the county in the proportion that the unit's 70500  
current taxes charged and payable are of the total current taxes 70501  
charged and payable of all the local taxing units in the county. 70502  
If the amount that the county auditor determines to be distributed 70503  
to a local taxing unit is less than five dollars, that amount 70504

shall not be distributed, and the amount not distributed shall 70505  
remain credited to the county undivided income tax fund. At the 70506  
time of the next distribution under division (E)(2) of this 70507  
section, any amount that had not been distributed in the prior 70508  
distribution shall be added to the amount available for the next 70509  
distribution prior to calculation of the amount to be distributed. 70510  
As used in this division, "current taxes charged and payable" 70511  
means the taxes charged and payable as most recently determined 70512  
for local taxing units in the county. 70513

After January 2011, any amount that exceeds the amount needed 70514  
to be distributed from the fund under division (A) of this section 70515  
in the following month shall be transferred to the general revenue 70516  
fund. 70517

(F) If the total amount in the local government property tax 70518  
replacement fund is insufficient to make all payments under 70519  
division (C) of this section at the times the payments are to be 70520  
made, the director of budget and management shall transfer from 70521  
the general revenue fund to the local government property tax 70522  
replacement fund the difference between the total amount to be 70523  
paid and the amount in the local government property tax 70524  
replacement fund, except that no transfer shall be made by reason 70525  
of a deficiency to the extent that it results from the amendment 70526  
of section 5727.84 of the Revised Code by Amended Substitute House 70527  
Bill 95 of the 125th general assembly. 70528

(G) If all or a part of the territories of two or more local 70529  
taxing units are merged, or unincorporated territory of a township 70530  
is annexed by a municipal corporation, the tax commissioner shall 70531  
adjust the payments made under this section to each of the local 70532  
taxing units in proportion to the square mileage apportioned to 70533  
the merged or annexed territory, or as otherwise provided by a 70534  
written agreement between the legislative authorities of the local 70535  
taxing units certified to the tax commissioner not later than the 70536



first day of June of the calendar year in which the payment is to 70537  
be made. 70538

**Sec. 5731.39.** ~~(A) This section does not apply to, and the~~ 70539  
~~written permission of the tax commissioner is not required for~~ 70540  
~~asset transfers with respect to, decedents dying on or after~~ 70541  
~~January 1, 2013.~~ 70542

(A) No corporation organized or existing under the laws of 70543  
this state shall transfer on its books or issue a new certificate 70544  
for any share of its capital stock registered in the name of a 70545  
decedent, or in trust for a decedent, or in the name of a decedent 70546  
and another person or persons, without the written consent of the 70547  
tax commissioner. 70548

(B) No safe deposit company, trust company, financial 70549  
institution as defined in division (A) of section 5725.01 of the 70550  
Revised Code or other corporation or person, having in possession, 70551  
control, or custody a deposit standing in the name of a decedent, 70552  
or in trust for a decedent, or in the name of a decedent and 70553  
another person or persons, shall deliver or transfer an amount in 70554  
excess of three-fourths of the total value of such deposit, 70555  
including accrued interest and dividends, as of the date of 70556  
decedent's death, without the written consent of the tax 70557  
commissioner. The written consent of the tax commissioner need not 70558  
be obtained prior to the delivery or transfer of amounts having a 70559  
value of three-fourths or less of said total value. 70560

(C) No life insurance company shall pay the proceeds of an 70561  
annuity or matured endowment contract, or of a life insurance 70562  
contract payable to the estate of a decedent, or of any other 70563  
insurance contract taxable under Chapter 5731. of the Revised 70564  
Code, without the written consent of the tax commissioner. Any 70565  
life insurance company may pay the proceeds of any insurance 70566  
contract not specified in this division (C) without the written 70567

consent of the tax commissioner. 70568

(D) No trust company or other corporation or person shall pay 70569  
the proceeds of any death benefit, retirement, pension or profit 70570  
sharing plan in excess of two thousand dollars, without the 70571  
written consent of the tax commissioner. Such trust company or 70572  
other corporation or person, however, may pay the proceeds of any 70573  
death benefit, retirement, pension, or profit-sharing plan which 70574  
consists of insurance on the life of the decedent payable to a 70575  
beneficiary other than the estate of the insured without the 70576  
written consent of the tax commissioner. 70577

(E) No safe deposit company, trust company, financial 70578  
institution as defined in division (A) of section 5725.01 of the 70579  
Revised Code, or other corporation or person, having in 70580  
possession, control, or custody securities, assets, or other 70581  
property (including the shares of the capital stock of, or other 70582  
interest in, such safe deposit company, trust company, financial 70583  
institution as defined in division (A) of section 5725.01 of the 70584  
Revised Code, or other corporation), standing in the name of a 70585  
decedent, or in trust for a decedent, or in the name of a decedent 70586  
and another person or persons, and the transfer of which is 70587  
taxable under Chapter 5731. of the Revised Code, shall deliver or 70588  
transfer any such securities, assets, or other property which have 70589  
a value as of the date of decedent's death in excess of 70590  
three-fourths of the total value thereof, without the written 70591  
consent of the tax commissioner. The written consent of the tax 70592  
commissioner need not be obtained prior to the delivery or 70593  
transfer of any such securities, assets, or other property having 70594  
a value of three-fourths or less of said total value. 70595

(F) No safe deposit company, financial institution as defined 70596  
in division (A) of section 5725.01 of the Revised Code, or other 70597  
corporation or person having possession or control of a safe 70598  
deposit box or similar receptacle standing in the name of a 70599

decedent or in the name of the decedent and another person or 70600  
persons, or to which the decedent had a right of access, except 70601  
when such safe deposit box or other receptacle stands in the name 70602  
of a corporation or partnership, or in the name of the decedent as 70603  
guardian or executor, shall deliver any of the contents thereof 70604  
unless the safe deposit box or similar receptacle has been opened 70605  
and inventoried in the presence of the tax commissioner or the 70606  
commissioner's agent, and a written consent to transfer issued; 70607  
provided, however, that a safe deposit company, financial 70608  
institution, or other corporation or person having possession or 70609  
control of a safe deposit box may deliver wills, deeds to burial 70610  
lots, and insurance policies to a representative of the decedent, 70611  
but that a representative of the safe deposit company, financial 70612  
institution, or other corporation or person must supervise the 70613  
opening of the box and make a written record of the wills, deeds, 70614  
and policies removed. Such written record shall be included in the 70615  
tax commissioner's inventory records. 70616

(G) Notwithstanding any provision of this section: 70617

(1) The tax commissioner may authorize any delivery or 70618  
transfer or waive any of the foregoing requirements under such 70619  
terms and conditions as the commissioner may prescribe; 70620

(2) ~~An adult care facility, as defined in section 5119.70 of~~ 70621  
~~the Revised Code, or a A home, as defined in section 3721.10 of~~ 70622  
~~the Revised Code, or a residential facility licensed under section~~ 70623  
~~5119.22 of the Revised Code that provides accommodations,~~ 70624  
~~supervision, and personal care services for three to sixteen~~ 70625  
~~unrelated adults,~~ may transfer or use the money in a personal 70626  
needs allowance account in accordance with section 5111.113 of the 70627  
Revised Code without the written consent of the tax commissioner, 70628  
and without the account having been opened and inventoried in the 70629  
presence of the commissioner or the commissioner's agent. 70630

Failure to comply with this section shall render such safe 70631

deposit company, trust company, life insurance company, financial 70632  
institution as defined in division (A) of section 5725.01 of the 70633  
Revised Code, or other corporation or person liable for the amount 70634  
of the taxes and interest due under the provisions of Chapter 70635  
5731. of the Revised Code on the transfer of such stock, deposit, 70636  
proceeds of an annuity or matured endowment contract or of a life 70637  
insurance contract payable to the estate of a decedent, or other 70638  
insurance contract taxable under Chapter 5731. of the Revised 70639  
Code, proceeds of any death benefit, retirement, pension, or 70640  
profit sharing plan in excess of two thousand dollars, or 70641  
securities, assets, or other property of any resident decedent, 70642  
and in addition thereto, to a penalty of not less than five 70643  
hundred or more than five thousand dollars. 70644

**Sec. 5733.01.** (A) The tax provided by this chapter for 70645  
domestic corporations shall be the amount charged against each 70646  
corporation organized for profit under the laws of this state and 70647  
each nonprofit corporation organized pursuant to Chapter 1729. of 70648  
the Revised Code, except as provided in sections 5733.09 and 70649  
5733.10 of the Revised Code, for the privilege of exercising its 70650  
franchise during the calendar year in which that amount is 70651  
payable, and the tax provided by this chapter for foreign 70652  
corporations shall be the amount charged against each corporation 70653  
organized for profit and each nonprofit corporation organized or 70654  
operating in the same or similar manner as nonprofit corporations 70655  
organized under Chapter 1729. of the Revised Code, under the laws 70656  
of any state or country other than this state, except as provided 70657  
in sections 5733.09 and 5733.10 of the Revised Code, for the 70658  
privilege of doing business in this state, owning or using a part 70659  
or all of its capital or property in this state, holding a 70660  
certificate of compliance with the laws of this state authorizing 70661  
it to do business in this state, or otherwise having nexus in or 70662  
with this state under the Constitution of the United States, 70663

during the calendar year in which that amount is payable. 70664

(B) A corporation is subject to the tax imposed by section 70665  
5733.06 of the Revised Code for each calendar year prior to 2014 70666  
that it is so organized, doing business, owning or using a part or 70667  
all of its capital or property, holding a certificate of 70668  
compliance, or otherwise having nexus in or with this state under 70669  
the Constitution of the United States, on the first day of January 70670  
of that calendar year. No credit authorized by this chapter may be 70671  
claimed for tax year 2014 or any tax year thereafter. 70672

(C) Any corporation subject to this chapter that is not 70673  
subject to the federal income tax shall file its returns and 70674  
compute its tax liability as required by this chapter in the same 70675  
manner as if that corporation were subject to the federal income 70676  
tax. 70677

(D) For purposes of this chapter, a federally chartered 70678  
financial institution shall be deemed to be organized under the 70679  
laws of the state within which its principal office is located. 70680

(E) For purposes of this chapter, any person, as defined in 70681  
section 5701.01 of the Revised Code, shall be treated as a 70682  
corporation if the person is classified for federal income tax 70683  
purposes as an association taxable as a corporation, and an equity 70684  
interest in the person shall be treated as capital stock of the 70685  
person. 70686

(F) For the purposes of this chapter, "disregarded entity" 70687  
has the same meaning as in division (D) of section 5745.01 of the 70688  
Revised Code. 70689

(1) A person's interest in a disregarded entity, whether held 70690  
directly or indirectly, shall be treated as the person's ownership 70691  
of the assets and liabilities of the disregarded entity, and the 70692  
income, including gain or loss, shall be included in the person's 70693  
net income under this chapter. 70694

(2) Any sale, exchange, or other disposition of the person's interest in the disregarded entity, whether held directly or indirectly, shall be treated as a sale, exchange, or other disposition of the person's share of the disregarded entity's underlying assets or liabilities, and the gain or loss from such sale, exchange, or disposition shall be included in the person's net income under this chapter.

(3) The disregarded entity's payroll, property, and sales factors shall be included in the person's factors.

(G) The tax a corporation is required to pay under this chapter shall be as follows:

(1)(a) For financial institutions, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the financial institution under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(b) A corporation satisfying the description in division (E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised Code, as that section existed before its amendment by ...B... of the 129th general assembly, that is not a financial institution, insurance company, or dealer in intangibles is subject to the taxes imposed under this chapter as a corporation and not subject to tax as a financial institution, and shall pay the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all the taxes charged under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(2) For all corporations other than those persons described in division (G)(1)(a) or (b) of this section, the amount under division (G)(2)(a) of this section applicable to the tax year

specified less the amount under division (G)(2)(b) of this section: 70726  
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(a)(i) For tax year 2005, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax; 70728  
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(ii) For tax year 2006, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or four-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(30) and the refundable credits described in divisions (A)(31) to (35) of section 5733.98 of the Revised Code; 70732  
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(iii) For tax year 2007, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or three-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(30) and the refundable credits described in divisions (A)(31) to (35) of section 5733.98 of the Revised Code; 70740  
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(iv) For tax year 2008, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or two-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(30) and the refundable credits described in divisions (A)(31) to (35) of section 5733.98 of the Revised Code; 70748  
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(v) For tax year 2009, the greater of the minimum payment 70756

required under division (E) of section 5733.06 of the Revised Code 70757  
or one-fifth of the difference between all taxes charged the 70758  
corporation under this chapter and any credits allowable against 70759  
such tax, except the qualifying pass-through entity tax credit 70760  
described in division (A)(30) and the refundable credits described 70761  
in divisions (A)(31), (32), (33), and (34) of section 5733.98 of 70762  
the Revised Code; 70763

(vi) For tax year 2010 and each tax year thereafter, no tax. 70764

(b) A corporation shall subtract from the amount calculated 70765  
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 70766  
any qualifying pass-through entity tax credit described in 70767  
division (A)(30) and any refundable credits described in divisions 70768  
(A)(31) to (35) of section 5733.98 of the Revised Code to which 70769  
the corporation is entitled. Any unused qualifying pass-through 70770  
entity tax credit is not refundable. 70771

(c) For the purposes of computing the amount of a credit that 70772  
may be carried forward to a subsequent tax year under division 70773  
(G)(2) of this section, a credit is utilized against the tax for a 70774  
tax year to the extent the credit applies against the tax for that 70775  
tax year, even if the difference is then multiplied by the 70776  
applicable fraction under division (G)(2)(a) of this section. 70777

(3) Nothing in division (G) of this section eliminates or 70778  
reduces the tax imposed by section 5733.41 of the Revised Code on 70779  
a qualifying pass-through entity. 70780

**Sec. 5733.02.** Annually, for tax years prior to tax year 2014, 70781  
between the first day of January and the thirty-first day of March 70782  
or on or before the date as extended under section 5733.13 of the 70783  
Revised Code, each taxpayer shall make a report in writing to the 70784  
tax commissioner in such form as the tax commissioner prescribes, 70785  
and shall remit to the commissioner, with the remittance made 70786  
payable to the treasurer of state, the amount of the tax as shown 70787



to be due by such report less the amount paid for the year on a 70788  
declaration of estimated tax report filed by the taxpayer as 70789  
provided by section 5733.021 of the Revised Code. Remittance shall 70790  
be made in the form prescribed by the commissioner, including 70791  
electronic funds transfer if required by section 5733.022 of the 70792  
Revised Code. 70793

The commissioner shall furnish corporations, on request, 70794  
copies of the forms prescribed by the commissioner for the purpose 70795  
of making such report. A domestic corporation shall not dissolve, 70796  
and a foreign corporation shall not withdraw or retire from 70797  
business in Ohio, on or after the first day of January in any year 70798  
prior to 2014 without making a franchise tax report to the 70799  
commissioner and paying or securing the tax charged for the year 70800  
in which such dissolution or withdrawal occurs. 70801

The annual corporation report shall be signed by the 70802  
president, vice-president, secretary, treasurer, general manager, 70803  
superintendent, or managing agent in this state of such 70804  
corporation. If a domestic corporation has not completed its 70805  
organization, its annual report shall be signed by one of its 70806  
incorporators. 70807

The report shall contain the facts, figures, computations, 70808  
and attachments that result in the tax charged by this chapter and 70809  
determined in the manner provided within the chapter. 70810

**Sec. 5733.021.** (A) Each taxpayer that does not in January of 70811  
any year prior to 2014 file the report and make the payment 70812  
required by section 5733.02 of the Revised Code shall make and 70813  
file a declaration of estimated tax report for the tax year. 70814

The declaration of estimated tax report shall be filed with 70815  
the tax commissioner on or before the last day of January in such 70816  
form as prescribed by the tax commissioner, and shall reflect an 70817  
estimate of the total amount due under this chapter for the tax 70818

year. 70819

(B) A taxpayer required to file a declaration of estimated 70820  
tax report shall make remittance of such estimated tax to the tax 70821  
commissioner as follows: 70822

(1) The entire estimated tax at the time of filing the 70823  
declaration of estimated tax report, if such estimated tax is not 70824  
in excess of the minimum tax as provided in section 5733.06 of the 70825  
Revised Code; 70826

(2) If the estimated tax is in excess of the minimum tax: 70827

(a) One-third of the estimated tax at the time of filing the 70828  
declaration of estimated tax report; 70829

(b) Two-thirds of the estimated tax on or before the last day 70830  
of March of the tax year, if the report required by section 70831  
5733.02 of the Revised Code is filed on or before the last day of 70832  
March of the tax year. 70833

(3) If the estimated tax is in excess of the minimum tax, and 70834  
an extension of time for filing the report required by section 70835  
5733.02 of the Revised Code has been granted pursuant to section 70836  
5733.13 of the Revised Code: 70837

(a) One-third of the estimated tax at the time of filing the 70838  
declaration of estimated tax report; 70839

(b) One-third of the estimated tax on or before the last day 70840  
of March of the tax year; 70841

(c) One-third of the estimated tax on or before the last day 70842  
of May of the tax year. 70843

Remittance of the estimated tax shall be made payable to the 70844  
treasurer of state and shall be made in the form prescribed by the 70845  
tax commissioner, including electronic funds transfer if required 70846  
by section 5733.022 of the Revised Code. 70847

The tax commissioner shall immediately forward to the 70848

treasurer of state all amounts received under this section, and 70849  
the treasurer of state shall credit all payments of such estimated 70850  
tax as provided in section 5733.12 of the Revised Code. 70851

(C)(1)(a) For any period of delinquency ending prior to the 70852  
first day of June of the tax year, the penalty under division 70853  
(A)(2) of section 5733.28 of the Revised Code may be imposed only 70854  
on the delinquent portion of the estimated tax required to be paid 70855  
under divisions (B)(2)(a) and (b) and (B)(3)(a) and (b) of this 70856  
section. 70857

(b) If the taxpayer was not subject to tax for the 70858  
immediately preceding tax year, "estimated tax" for purposes of 70859  
division (C)(1) of this section is ninety per cent of the 70860  
qualifying net tax for the tax year. If the taxpayer was subject 70861  
to the tax for the immediately preceding tax year, "estimated tax" 70862  
for purposes of division (C)(1) of this section is the lesser of 70863  
one hundred per cent of the qualifying net tax for the immediately 70864  
preceding tax year or ninety per cent of the qualifying net tax 70865  
for the tax year. 70866

(2)(a) For any period of delinquency commencing the first day 70867  
of June of the tax year and concluding on the extended due date 70868  
pursuant to section 5733.13 of the Revised Code, the penalty under 70869  
division (A)(2) of section 5733.28 of the Revised Code may be 70870  
imposed only on the delinquent portion of the estimated tax 70871  
required to be paid under division (B)(3)(c) of this section. 70872

(b) For purposes of division (C)(2) of this section, 70873  
"estimated tax" is ninety per cent of the qualifying net tax for 70874  
the tax year. 70875

(3) If the taxpayer did not file a report under section 70876  
5733.02 of the Revised Code for the tax year or failed to prepare 70877  
and file the report in good faith for the tax year, "qualifying 70878  
net tax" as used in division (C) of this section for that tax year 70879

means the amount described in division (C)(3)(a) of this section. 70880  
Otherwise, "qualifying net tax" as used in division (C) of this 70881  
section for that tax year means the lesser of the amount described 70882  
in division (C)(3)(a) or (b) of this section: 70883

(a) The tax imposed by sections 5733.06, 5733.065, and 70884  
5733.066 of the Revised Code for that tax year reduced by the 70885  
credits listed in section 5733.98 of the Revised Code. If the 70886  
credits exceed the total tax, the qualifying net tax is the 70887  
minimum tax. 70888

(b) The lesser of the tax shown on the report, prepared and 70889  
filed in good faith, reduced by the credits shown on that report, 70890  
or the tax shown on an amended report, prepared and filed in good 70891  
faith, reduced by the credits shown on that amended report. If the 70892  
credits shown exceed the total tax shown, the qualifying net tax 70893  
is the minimum tax. 70894

**Sec. 5733.06.** The For tax years prior to tax year 2014, the 70895  
tax hereby charged each corporation subject to this chapter shall 70896  
be the greater of the sum of divisions (A) and (B) of this 70897  
section, after the reduction, if any, provided by division (J) of 70898  
this section, or division (C) of this section, after the 70899  
reduction, if any, provided by division (J) of this section, 70900  
except that the tax hereby charged each financial institution 70901  
subject to this chapter shall be the amount computed under 70902  
division (D) of this section: 70903

(A) Except as set forth in division (F) of this section, five 70904  
and one-tenth per cent upon the first fifty thousand dollars of 70905  
the value of the taxpayer's issued and outstanding shares of stock 70906  
as determined under division (B) of section 5733.05 of the Revised 70907  
Code; 70908

(B) Except as set forth in division (F) of this section, 70909  
eight and one-half per cent upon the value so determined in excess 70910

of fifty thousand dollars; or 70911

(C)(1) Except as otherwise provided under division (G) of 70912  
this section, four mills times that portion of the value of the 70913  
issued and outstanding shares of stock as determined under 70914  
division (C) of section 5733.05 of the Revised Code. For the 70915  
purposes of division (C) of this section, division (C)(2) of 70916  
section 5733.065, and division (C) of section 5733.066 of the 70917  
Revised Code, the value of the issued and outstanding shares of 70918  
stock of an eligible corporation for tax year 2003 through tax 70919  
year 2007, or of a ~~qualified~~ qualifying holding company, is zero. 70920

(2) As used in division (C) of this section, "eligible 70921  
corporation" means a person treated as a corporation for federal 70922  
income tax purposes that meets all of the following criteria: 70923

(a) The corporation conducts business for an entire taxable 70924  
year as a qualified trade or business as defined by division (C) 70925  
of section 122.15 of the Revised Code. 70926

(b) The corporation uses more than fifty per cent of the 70927  
corporation's assets, based on net book value, that are located in 70928  
Ohio solely to conduct activities that constitute a qualified 70929  
trade or business as defined by section 122.15 of the Revised 70930  
Code. 70931

(c) The corporation has been formed or organized not more 70932  
than three years before the report required to be filed by section 70933  
5733.02 of the Revised Code is due, without regard to any 70934  
extensions. 70935

(d) The corporation is not a related member, as defined in 70936  
section 5733.042 of the Revised Code, at any time during the 70937  
taxable year with respect to another person treated as a 70938  
corporation for federal income tax purposes. A corporation is not 70939  
a related member if during the entire taxable year at least 70940  
seventy-five per cent of the corporation's stock is owned directly 70941

or through a pass-through entity by individuals, estates, and 70942  
grantor trusts, and the individuals, estates, and grantor trusts 70943  
do not directly or indirectly own more than twenty per cent of the 70944  
value of another person treated as a corporation for federal 70945  
income tax purposes that is conducting a qualified trade or 70946  
business. 70947

(D) The tax charged each financial institution subject to 70948  
this chapter shall be that portion of the value of the issued and 70949  
outstanding shares of stock as determined under division (A) of 70950  
section 5733.05 of the Revised Code, multiplied by the following 70951  
amounts: 70952

(1) For tax years prior to the 1999 tax year, fifteen mills; 70953

(2) For the 1999 tax year, fourteen mills; 70954

(3) For tax year 2000 and thereafter, thirteen mills. 70955

(E) No tax shall be charged from any corporation that has 70956  
been adjudicated bankrupt, or for which a receiver has been 70957  
appointed, or that has made a general assignment for the benefit 70958  
of creditors, except for the portion of the then current tax year 70959  
during which the tax commissioner finds such corporation had the 70960  
power to exercise its corporate franchise unimpaired by such 70961  
proceedings or act. The minimum payment for each corporation shall 70962  
be as follows: 70963

(1) One thousand dollars in the case of a corporation having 70964  
gross receipts for the taxable year equal to at least five million 70965  
dollars from activities within or outside this state or in the 70966  
case of a corporation employing at least three hundred employees 70967  
at some time during the taxable year within or outside this state; 70968

(2) Fifty dollars in the case of any other corporation. 70969

The tax charged to corporations under this chapter for the 70970  
privilege of engaging in business in this state, which is an 70971

excise tax levied on the value of the issued and outstanding 70972  
shares of stock, shall in no manner be construed as prohibiting or 70973  
otherwise limiting the powers of municipal corporations, joint 70974  
economic development zones created under section 715.691 of the 70975  
Revised Code, and joint economic development districts created 70976  
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 70977  
Revised Code in this state to impose an income tax on the income 70978  
of such corporations. 70979

(F) If two or more taxpayers satisfy the ownership or control 70980  
requirements of division (A) of section 5733.052 of the Revised 70981  
Code, each such taxpayer shall substitute "the taxpayer's pro-rata 70982  
amount" for "fifty thousand dollars" in divisions (A) and (B) of 70983  
this section. For purposes of this division, "the taxpayer's 70984  
pro-rata amount" is an amount that, when added to the other such 70985  
taxpayers' pro-rata amounts, does not exceed fifty thousand 70986  
dollars. For the purpose of making that computation, the 70987  
taxpayer's pro-rata amount shall not be less than zero. Nothing in 70988  
this division derogates from or eliminates the requirement to make 70989  
the alternative computation of tax under division (C) of this 70990  
section. 70991

(G) The tax liability of any corporation under division (C) 70992  
of this section shall not exceed one hundred fifty thousand 70993  
dollars. 70994

(H)(1) For the purposes of division (H) of this section, 70995  
"exiting corporation" means a corporation that satisfies all of 70996  
the following conditions: 70997

(a) The corporation had nexus with or in this state under the 70998  
Constitution of the United States during any portion of a calendar 70999  
year; 71000

(b) The corporation was not a corporation described in 71001  
division (A) of section 5733.01 of the Revised Code on the first 71002

day of January immediately following that calendar year; 71003

(c) The corporation was not a financial institution on the 71004  
first day of January immediately following that calendar year; 71005

(d) If the corporation was a transferor as defined in section 71006  
5733.053 of the Revised Code, the corporation's transferee was not 71007  
required to add to the transferee's net income the income of the 71008  
transferor pursuant to division (B) of that section; 71009

(e) During any portion of that calendar year, or any portion 71010  
of the immediately preceding calendar year, the corporation had 71011  
net income that was not included in a report filed by the 71012  
corporation or its transferee pursuant to section 5733.02, 71013  
5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 71014

(f) The corporation would have been subject to the tax 71015  
computed under divisions (A), (B), (C), (F), and (G) of this 71016  
section if the corporation is assumed to be a corporation 71017  
described in division (A) of section 5733.01 of the Revised Code 71018  
on the first day of January immediately following the calendar 71019  
year to which division (H)(1)(a) of this section refers. 71020

(2) For the purposes of division (H) of this section, 71021  
"unreported net income" means net income that was not previously 71022  
included in a report filed pursuant to section 5733.02, 5733.021, 71023  
5733.03, 5733.031, or 5733.053 of the Revised Code and that was 71024  
realized or recognized during the calendar year to which division 71025  
(H)(1) of this section refers or the immediately preceding 71026  
calendar year. 71027

(3) Each exiting corporation shall pay a tax computed by 71028  
first allocating and apportioning the unreported net income 71029  
pursuant to division (B) of section 5733.05 and section 5733.051 71030  
and, if applicable, section 5733.052 of the Revised Code. The 71031  
exiting corporation then shall compute the tax due on its 71032  
unreported net income allocated and apportioned to this state by 71033



applying divisions (A), (B), and (F) of this section to that 71034  
income. 71035

(4) Divisions (C) and (G) of this section, division (D)(2) of 71036  
section 5733.065, and division (C) of section 5733.066 of the 71037  
Revised Code do not apply to an exiting corporation, but exiting 71038  
corporations are subject to every other provision of this chapter. 71039

(5) Notwithstanding division (B) of section 5733.01 or 71040  
sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the 71041  
contrary, each exiting corporation shall report and pay the tax 71042  
due under division (H) of this section on or before the 71043  
thirty-first day of May immediately following the calendar year to 71044  
which division (H)(1)(a) of this section refers. The exiting 71045  
corporation shall file that report on the form most recently 71046  
prescribed by the tax commissioner for the purposes of complying 71047  
with sections 5733.02 and 5733.03 of the Revised Code. Upon 71048  
request by the corporation, the tax commissioner may extend the 71049  
date for filing the report. 71050

(6) If, on account of the application of section 5733.053 of 71051  
the Revised Code, net income is subject to the tax imposed by 71052  
divisions (A) and (B) of this section, such income shall not be 71053  
subject to the tax imposed by division (H)(3) of this section. 71054

(7) The amendments made to division (H) of this section by 71055  
Am. Sub. S.B. 287 of the 123rd general assembly do not apply to 71056  
any transfer, as defined in section 5733.053 of the Revised Code, 71057  
for which negotiations began prior to January 1, 2001, and that 71058  
was commenced in and completed during calendar year 2001, unless 71059  
the taxpayer makes an election prior to December 31, 2001, to 71060  
apply those amendments. 71061

(8) The tax commissioner may adopt rules governing division 71062  
(H) of this section. 71063

(I) Any reference in the Revised Code to "the tax imposed by 71064

section 5733.06 of the Revised Code" or "the tax due under section 71065  
5733.06 of the Revised Code" includes the taxes imposed under 71066  
sections 5733.065 and 5733.066 of the Revised Code. 71067

(J)(1) Division (J) of this section applies solely to a 71068  
combined company. Section 5733.057 of the Revised Code shall apply 71069  
when calculating the adjustments required by division (J) of this 71070  
section. 71071

(2) Subject to division (J)(4) of this section, the total tax 71072  
calculated in divisions (A) and (B) of this section shall be 71073  
reduced by an amount calculated by multiplying such tax by a 71074  
fraction, the numerator of which is the total taxable gross 71075  
receipts attributed to providing public utility activity other 71076  
than as an electric company under section 5727.03 of the Revised 71077  
Code for the year upon which the taxable gross receipts are 71078  
measured immediately preceding the tax year, and the denominator 71079  
of which is the total gross receipts from all sources for the year 71080  
upon which the taxable gross receipts are measured immediately 71081  
preceding the tax year. Nothing herein shall be construed to 71082  
exclude from the denominator any item of income described in 71083  
section 5733.051 of the Revised Code. 71084

(3) Subject to division (J)(4) of this section, the total tax 71085  
calculated in division (C) of this section shall be reduced by an 71086  
amount calculated by multiplying such tax by the fraction 71087  
described in division (J)(2) of this section. 71088

(4) In no event shall the reduction provided by division 71089  
(J)(2) or (J)(3) of this section exceed the amount of the excise 71090  
tax paid in accordance with section 5727.38 of the Revised Code, 71091  
for the year upon which the taxable gross receipts are measured 71092  
immediately preceding the tax year. 71093

**Sec. 5733.064.** There is hereby allowed a credit against the 71094  
tax imposed under sections 5733.06, 5733.065, and 5733.066 of the 71095

Revised Code. The credit shall equal the lesser of fifty per cent 71096  
of any cash donations made during the taxable year by the taxpayer 71097  
to an Ohio corporation organized prior to January 1, 1987, whose 71098  
sole purpose is to promote and encourage recycling and that has 71099  
been determined by the internal revenue service to be a nonprofit 71100  
corporation regardless of whether the nonprofit corporation 71101  
received a grant under section ~~1502.05~~ 3736.05 of the Revised 71102  
Code, or to municipal corporations, counties, townships, park 71103  
districts, and boards of education that received grants pursuant 71104  
to that section, or one-half of the amount of the taxpayer's 71105  
additional tax liability for the tax year resulting from the 71106  
additional rates imposed by sections 5733.065 and 5733.066 of the 71107  
Revised Code to provide funding for ~~the division of~~ recycling and 71108  
litter prevention under Chapter ~~1502.~~ 3736. of the Revised Code. 71109  
The taxpayer shall claim the nonrefundable credit in the order 71110  
required under section 5733.98 of the Revised Code. 71111

The tax commissioner may require the taxpayer to furnish such 71112  
information as is necessary to support a claim for a credit under 71113  
this section, and no credit shall be allowed unless the 71114  
information is provided. 71115

**Sec. 5733.26.** (A) Except as provided in section 5733.261 of 71116  
the Revised Code, if the tax imposed by sections 5733.06, 71117  
5733.065, and 5733.066 of the Revised Code for the tax year, 71118  
reduced by the credits listed in section 5733.98 of the Revised 71119  
Code, is not paid on or before the date prescribed for its 71120  
payment, interest shall be assessed, collected, and paid, in the 71121  
same manner as the tax, upon such unpaid amount at the rate per 71122  
annum prescribed by section 5703.47 of the Revised Code from the 71123  
date prescribed for its payment until it is paid or until the day 71124  
an assessment is issued under section 5733.11 of the Revised Code, 71125  
whichever occurs first. For estimated tax payments due under 71126  
division (B) of section 5733.021 of the Revised Code, the interest 71127

due on the delinquent portion of the estimated tax required to be 71128  
paid under that section shall be based on the tax owed for the tax 71129  
year without regard to division (C) of section 5733.021 of the 71130  
Revised Code. 71131

(B) ~~Interest~~ Except as provided in division (C) of this 71132  
section, interest shall be allowed and paid at the rate per annum 71133  
prescribed by section 5703.47 of the Revised Code upon amounts 71134  
refunded with respect to the tax imposed by sections 5733.06, 71135  
5733.065, and 5733.066 of the Revised Code. The interest shall run 71136  
from whichever of the following dates is the latest until the date 71137  
the refund is paid: the date of the illegal, erroneous, or 71138  
excessive payment; the ninetieth day after the final date the 71139  
annual report under section 5733.02 of the Revised Code was 71140  
required to be filed; or the ninetieth day after the date that 71141  
report was filed. 71142

If the overpayment results from the carryback of a net 71143  
capital loss to a previous taxable year, the overpayment is deemed 71144  
not to have been made prior to the filing date, including any 71145  
extension thereof, for the taxable year in which the net capital 71146  
loss arises. 71147

(C) If a taxpayer claims a refundable credit against the tax 71148  
imposed under section 5733.06 of the Revised Code, any payment 71149  
that is refunded to the taxpayer as a result of the allowance of 71150  
the credit shall not be considered an illegal, erroneous, or 71151  
excessive payment for purposes of division (B) of this section. No 71152  
interest shall be allowed on an amount refunded to a taxpayer to 71153  
the extent that the refund results from the allowance of a 71154  
refundable credit. 71155

**Sec. 5735.02.** (A) A motor fuel dealer shall not receive, use, 71156  
sell, or distribute any motor fuel or engage in business within 71157  
this state unless the motor fuel dealer holds an unrevoked license 71158

issued by the tax commissioner to engage in such business. ~~Fe~~ 71159

(B) To procure ~~such a motor fuel dealer's~~ license, every 71160  
motor fuel dealer shall file with the commissioner an application 71161  
verified under oath by the applicant and in such form as the 71162  
commissioner prescribes, setting forth, in addition to such other 71163  
information required by the commissioner, the following: 71164

~~(A)(1)~~ The name under which the motor fuel dealer will 71165  
transact business within the state; 71166

~~(B)(2)~~ The location, including street number address, of its 71167  
principal office or place of business within this state; 71168

~~(C)(3)~~ The name and address of the owner, or the names and 71169  
addresses of the partners if such motor fuel dealer is a 71170  
partnership, or the names and addresses of the principal officers 71171  
if such motor fuel dealer is a corporation or an association; 71172

~~(D)(4)~~ If such motor fuel dealer is a corporation organized 71173  
under the laws of another state, territory, or country, a 71174  
certified copy of the certificate or license issued by the Ohio 71175  
secretary of state showing that such corporation is authorized to 71176  
transact business in this state; 71177

~~(E)(5)~~ An agreement that the motor fuel dealer will assume 71178  
the liability and will pay the tax on any shipment of motor fuel 71179  
made into the state from any other state or foreign country and 71180  
sold or caused to be sold by such motor fuel dealer for delivery 71181  
to a person in this state who is not the holder of an unrevoked 71182  
motor fuel dealer's license. 71183

An (C)(1) Except as provided in division (C)(2) of this 71184  
section, an application for a license shall be accompanied by a 71185  
bond, of the character stipulated and in the amount provided for 71186  
in section 5735.03 of the Revised Code, which shall be filed with 71187  
the commissioner. 71188

(2) The tax commissioner may exempt a motor fuel dealer from the requirements set forth in division (C)(1) of this section and section 5735.03 of the Revised Code if the motor fuel dealer only sells or distributes motor fuel upon which the motor fuel taxes imposed under this chapter have been paid or are not required to be paid by the motor fuel dealer.

(D) If any application for a license to transact business as a motor fuel dealer in the state is filed by any person who has had any license previously canceled for cause by the tax commissioner; if the commissioner believes that such application is not filed in good faith or that such application is filed as a subterfuge by some person for the real person in interest who has previously had any license canceled for cause by the tax commissioner; or if the person has violated any provision of this chapter, then the tax commissioner, after a hearing, of which the applicant shall be given five days' notice in writing and at which said applicant shall have the right to appear in person or by counsel and present testimony, may refuse to issue to such person a license to transact business as a motor fuel dealer in the state.

(E) When the application in proper form has been accepted for filing, and the bond accepted and approved, the commissioner shall issue to such motor fuel dealer a license to transact business as a motor fuel dealer in the state, subject to cancellation of such license as provided by law.

(F) No person shall make a false or fraudulent statement on the application required by this section.

**Sec. 5735.03.** ~~Every~~ Except as provided in division (C)(2) of section 5735.02 of the Revised Code, every motor fuel dealer shall file with the tax commissioner a surety bond of not less than five thousand dollars, but may be required by the tax commissioner to

submit a surety bond equal to three months' average tax liability, 71220  
on a form approved by and with a surety satisfactory to the 71221  
commissioner, upon which the motor fuel dealer shall be the 71222  
principal obligor and the state shall be the obligee, conditioned 71223  
upon the prompt filing of true reports and the payment by the 71224  
motor fuel dealer to the treasurer of state of all motor fuel 71225  
excise taxes levied by the state, provided that after notice is 71226  
received from the state by the surety of the delinquency of any 71227  
taxes, if the surety pays the taxes within thirty days after the 71228  
receipt of the notice no penalties or interest shall be charged 71229  
against the surety. If the surety does not pay the taxes within 71230  
thirty days, but does pay within ninety days from the date of the 71231  
receipt of notice from the state by the surety, no penalty shall 71232  
be assessed against the surety but the surety shall pay interest 71233  
at the rate of six per cent per annum on the unpaid taxes from the 71234  
date the taxes are due and payable. If the surety does not pay 71235  
within ninety days then the surety shall be liable for interest 71236  
and penalties, and the tax commissioner may cancel all bonds 71237  
issued by the surety. 71238

The commissioner may increase or reduce the amount of the 71239  
bond required to be filed by any licensed motor fuel dealer. If 71240  
the commissioner finds that it is necessary to increase the bond 71241  
to assure payment of the tax, the bond may be increased to an 71242  
amount equal to three months/average liability or fifty thousand 71243  
dollars, whichever is greater. 71244

If liability upon the bond thus filed by the motor fuel 71245  
dealer with the commissioner is discharged or reduced, whether by 71246  
judgment rendered, payment made, or otherwise, or if, in the 71247  
opinion of the commissioner any surety on the bond theretofore 71248  
given has become unsatisfactory or unacceptable, the commissioner 71249  
may require the motor fuel dealer to file a new bond with 71250  
satisfactory sureties in the same amount, and if a new bond is not 71251

filed the commissioner shall forthwith cancel the license of the 71252  
motor fuel dealer. If a new bond is furnished by the motor fuel 71253  
dealer, the commissioner shall cancel and surrender the bond of 71254  
the motor fuel dealer for which the new bond is substituted. 71255

A surety on a bond furnished by a motor fuel dealer shall be 71256  
released from all liability to the state accruing on the bond 71257  
after the expiration of sixty days from the date upon which the 71258  
surety lodges with the commissioner a written request to be 71259  
released. The request shall not operate to release the surety from 71260  
any liability already accrued, or which accrues before the 71261  
expiration of the sixty-day period. The commissioner shall 71262  
promptly on receipt of notice of the request notify the motor fuel 71263  
dealer who furnished the bond and, unless the motor fuel dealer on 71264  
or before the expiration of the sixty-day period files with the 71265  
commissioner a new bond with a surety satisfactory to the 71266  
commissioner in the amount and form provided in this section, the 71267  
commissioner shall forthwith cancel the license of the motor fuel 71268  
dealer. If the new bond is furnished by said motor fuel dealer, 71269  
the commissioner shall cancel and surrender the bond of the motor 71270  
fuel dealer for which the new bond is substituted. 71271

The commissioner, in lieu of any surety bond required by this 71272  
section, may accept a deposit by a motor fuel dealer of cash. Any 71273  
cash thus accepted shall be deposited with the treasurer of state 71274  
to be held by the treasurer of state, in the same manner as other 71275  
cash required to be deposited with the treasurer of state under 71276  
the laws of the state, for the account of such motor fuel dealer 71277  
and subject to any lawful claim of the state for any excise tax 71278  
upon motor fuel, and penalties and interest thereon levied by the 71279  
laws of this state. The state shall have a lien upon cash thus 71280  
deposited for the amount of any motor fuel excise taxes and 71281  
penalty and interest due to the state from the motor fuel dealer 71282  
in whose behalf they were deposited. The amount of cash to be thus 71283



accepted shall in all respects be determined in the same manner as 71284  
provided in this section for the amount of surety bonds. Any cash 71285  
deposited shall be subject to levy upon execution to satisfy any 71286  
judgment secured in any action by the state to recover any motor 71287  
fuel excise taxes, and penalties and interest found to be due to 71288  
the state from such motor fuel dealer. The cash shall be released 71289  
by the treasurer of state upon certificate of the commissioner 71290  
that the license of the motor fuel dealer in whose behalf they 71291  
have been deposited has been canceled or that other security has 71292  
been accepted in lieu thereof, and that the state asserts no claim 71293  
thereto. 71294

**Sec. 5735.35.** (A)(1) If any ~~corporation or business trust~~ 71295  
person, regardless of organizational form, required to file 71296  
reports and to remit taxes imposed under this chapter fails for 71297  
any reason to file such reports or pay such taxes, any employees 71298  
of the ~~corporation or business trust~~ person having control or 71299  
supervision of, or charged with the responsibility of, filing 71300  
reports and making payments, or any officers or trustees of the 71301  
~~corporation or business trust~~ person responsible for the execution 71302  
of the ~~corporation's or business trust's~~ person's fiscal 71303  
responsibilities, are personally liable for the ~~unpaid liability~~ 71304  
~~resulting from the failure to file such reports or pay such taxes.~~ 71305

(2) The dissolution, termination, or bankruptcy of a 71306  
~~corporation or business trust~~ person shall not discharge a 71307  
responsible officer's, shareholder's, member's, manager's, 71308  
employee's, or trustee's liability for failure of the person to 71309  
file reports or remit taxes. The sum due for the liability may be 71310  
collected by assessment in the manner provided in sections 5735.12 71311  
and 5735.121 of the Revised Code. 71312

(B) If more than one ~~person~~ individual is personally liable 71313  
under this section for the unpaid tax of a ~~corporation or business~~ 71314

~~trust~~ person, then the liability of all such individuals shall be 71315  
joint and several. 71316

**Sec. 5739.01.** As used in this chapter: 71317

(A) "Person" includes individuals, receivers, assignees, 71318  
trustees in bankruptcy, estates, firms, partnerships, 71319  
associations, joint-stock companies, joint ventures, clubs, 71320  
societies, corporations, the state and its political subdivisions, 71321  
and combinations of individuals of any form. 71322

(B) "Sale" and "selling" include all of the following 71323  
transactions for a consideration in any manner, whether absolutely 71324  
or conditionally, whether for a price or rental, in money or by 71325  
exchange, and by any means whatsoever: 71326

(1) All transactions by which title or possession, or both, 71327  
of tangible personal property, is or is to be transferred, or a 71328  
license to use or consume tangible personal property is or is to 71329  
be granted; 71330

(2) All transactions by which lodging by a hotel is or is to 71331  
be furnished to transient guests; 71332

(3) All transactions by which: 71333

(a) An item of tangible personal property is or is to be 71334  
repaired, except property, the purchase of which would not be 71335  
subject to the tax imposed by section 5739.02 of the Revised Code; 71336

(b) An item of tangible personal property is or is to be 71337  
installed, except property, the purchase of which would not be 71338  
subject to the tax imposed by section 5739.02 of the Revised Code 71339  
or property that is or is to be incorporated into and will become 71340  
a part of a production, transmission, transportation, or 71341  
distribution system for the delivery of a public utility service; 71342

(c) The service of washing, cleaning, waxing, polishing, or 71343  
painting a motor vehicle is or is to be furnished; 71344

(d) Until August 1, 2003, industrial laundry cleaning 71345  
services are or are to be provided and, on and after August 1, 71346  
2003, laundry and dry cleaning services are or are to be provided; 71347

(e) Automatic data processing, computer services, or 71348  
electronic information services are or are to be provided for use 71349  
in business when the true object of the transaction is the receipt 71350  
by the consumer of automatic data processing, computer services, 71351  
or electronic information services rather than the receipt of 71352  
personal or professional services to which automatic data 71353  
processing, computer services, or electronic information services 71354  
are incidental or supplemental. Notwithstanding any other 71355  
provision of this chapter, such transactions that occur between 71356  
members of an affiliated group are not sales. An "affiliated 71357  
group" means two or more persons related in such a way that one 71358  
person owns or controls the business operation of another member 71359  
of the group. In the case of corporations with stock, one 71360  
corporation owns or controls another if it owns more than fifty 71361  
per cent of the other corporation's common stock with voting 71362  
rights. 71363

(f) Telecommunications service, including prepaid calling 71364  
service, prepaid wireless calling service, or ancillary service, 71365  
is or is to be provided, but not including coin-operated telephone 71366  
service; 71367

(g) Landscaping and lawn care service is or is to be 71368  
provided; 71369

(h) Private investigation and security service is or is to be 71370  
provided; 71371

(i) Information services or tangible personal property is 71372  
provided or ordered by means of a nine hundred telephone call; 71373

(j) Building maintenance and janitorial service is or is to 71374  
be provided; 71375

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| (k) Employment service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 71376                                                                |
| (l) Employment placement service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 71377                                                                |
| (m) Exterminating service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 71378                                                                |
| (n) Physical fitness facility service is or is to be<br>provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 71379<br>71380                                                       |
| (o) Recreation and sports club service is or is to be<br>provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 71381<br>71382                                                       |
| (p) On and after August 1, 2003, satellite broadcasting<br>service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                            | 71383<br>71384                                                       |
| (q) On and after August 1, 2003, personal care service is or<br>is to be provided to an individual. As used in this division,<br>"personal care service" includes skin care, the application of<br>cosmetics, manicuring, pedicuring, hair removal, tattooing, body<br>piercing, tanning, massage, and other similar services. "Personal<br>care service" does not include a service provided by or on the<br>order of a licensed physician or licensed chiropractor, or the<br>cutting, coloring, or styling of an individual's hair. | 71385<br>71386<br>71387<br>71388<br>71389<br>71390<br>71391<br>71392 |
| (r) On and after August 1, 2003, the transportation of<br>persons by motor vehicle or aircraft is or is to be provided, when<br>the transportation is entirely within this state, except for<br>transportation provided by an ambulance service, by a transit bus,<br>as defined in section 5735.01 of the Revised Code, and<br>transportation provided by a citizen of the United States holding<br>a certificate of public convenience and necessity issued under 49<br>U.S.C. 41102;                                                | 71393<br>71394<br>71395<br>71396<br>71397<br>71398<br>71399<br>71400 |
| (s) On and after August 1, 2003, motor vehicle towing service<br>is or is to be provided. As used in this division, "motor vehicle<br>towing service" means the towing or conveyance of a wrecked,<br>disabled, or illegally parked motor vehicle.                                                                                                                                                                                                                                                                                     | 71401<br>71402<br>71403<br>71404                                     |
| (t) On and after August 1, 2003, snow removal service is or                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 71405                                                                |

is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in division (B)(3)(e) of this section, are not sales.

(4) All transactions by which printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter are or are to be furnished or transferred;

(5) The production or fabrication of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production of fabrication work; and include the furnishing, preparing, or serving for a consideration of any tangible personal property consumed on the premises of the person furnishing, preparing, or serving such tangible personal property. Except as provided in section 5739.03 of the Revised Code, a construction contract pursuant to which tangible personal property is or is to be incorporated into a structure or improvement on and becoming a part of real property is not a sale of such tangible personal property. The construction contractor is the consumer of such tangible personal property, provided that the sale and installation of carpeting, the sale and installation of agricultural land tile, the sale and erection or installation of portable grain bins, or the provision of landscaping and lawn care service and the transfer of property as part of such service is never a construction contract.

As used in division (B)(5) of this section:

(a) "Agricultural land tile" means fired clay or concrete 71438  
tile, or flexible or rigid perforated plastic pipe or tubing, 71439  
incorporated or to be incorporated into a subsurface drainage 71440  
system appurtenant to land used or to be used primarily in 71441  
production by farming, agriculture, horticulture, or floriculture. 71442  
The term does not include such materials when they are or are to 71443  
be incorporated into a drainage system appurtenant to a building 71444  
or structure even if the building or structure is used or to be 71445  
used in such production. 71446

(b) "Portable grain bin" means a structure that is used or to 71447  
be used by a person engaged in farming or agriculture to shelter 71448  
the person's grain and that is designed to be disassembled without 71449  
significant damage to its component parts. 71450

(6) All transactions in which all of the shares of stock of a 71451  
closely held corporation are transferred, or an ownership interest 71452  
in a pass-through entity, as defined in section 5733.04 of the 71453  
Revised Code, is transferred, if the corporation or pass-through 71454  
entity is not engaging in business and its entire assets consist 71455  
of boats, planes, motor vehicles, or other tangible personal 71456  
property operated primarily for the use and enjoyment of the 71457  
shareholders or owners; 71458

(7) All transactions in which a warranty, maintenance or 71459  
service contract, or similar agreement by which the vendor of the 71460  
warranty, contract, or agreement agrees to repair or maintain the 71461  
tangible personal property of the consumer is or is to be 71462  
provided; 71463

(8) The transfer of copyrighted motion picture films used 71464  
solely for advertising purposes, except that the transfer of such 71465  
films for exhibition purposes is not a sale; 71466

(9) On and after August 1, 2003, all transactions by which 71467  
tangible personal property is or is to be stored, except such 71468

property that the consumer of the storage holds for sale in the 71469  
regular course of business; 71470

(10) All transactions in which "guaranteed auto protection" 71471  
is provided whereby a person promises to pay to the consumer the 71472  
difference between the amount the consumer receives from motor 71473  
vehicle insurance and the amount the consumer owes to a person 71474  
holding title to or a lien on the consumer's motor vehicle in the 71475  
event the consumer's motor vehicle suffers a total loss under the 71476  
terms of the motor vehicle insurance policy or is stolen and not 71477  
recovered, if the protection and its price are included in the 71478  
purchase or lease agreement; 71479

(11)(a) Except as provided in division (B)(11)(b) of this 71480  
section, on and after October 1, 2009, all transactions by which 71481  
health care services are paid for, reimbursed, provided, 71482  
delivered, arranged for, or otherwise made available by a medicaid 71483  
health insuring corporation pursuant to the corporation's contract 71484  
with the state. 71485

(b) If the centers for medicare and medicaid services of the 71486  
United States department of health and human services determines 71487  
that the taxation of transactions described in division (B)(11)(a) 71488  
of this section constitutes an impermissible health care-related 71489  
tax under section 1903(w) of the "Social Security Act," 49 Stat. 71490  
620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations 71491  
adopted thereunder, the director of job and family services shall 71492  
notify the tax commissioner of that determination. Beginning with 71493  
the first day of the month following that notification, the 71494  
transactions described in division (B)(11)(a) of this section are 71495  
not sales for the purposes of this chapter or Chapter 5741. of the 71496  
Revised Code. The tax commissioner shall order that the collection 71497  
of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 71498  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code 71499  
shall cease for transactions occurring on or after that date. 71500

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition



of hospital or blood bank service, or the practice of veterinary 71533  
medicine, surgery, and dentistry. In addition to being consumers 71534  
of drugs administered by them or by their assistants according to 71535  
their direction, veterinarians also are consumers of drugs that 71536  
under federal law may be dispensed only by or upon the order of a 71537  
licensed veterinarian or physician, when transferred by them to 71538  
others for a consideration to provide treatment to animals as 71539  
directed by the veterinarian. 71540

(3) A person who performs a facility management, or similar 71541  
service contract for a contractee is a consumer of all tangible 71542  
personal property and services purchased for use in connection 71543  
with the performance of such contract, regardless of whether title 71544  
to any such property vests in the contractee. The purchase of such 71545  
property and services is not subject to the exception for resale 71546  
under division (E)(1) of this section. 71547

(4)(a) In the case of a person who purchases printed matter 71548  
for the purpose of distributing it or having it distributed to the 71549  
public or to a designated segment of the public, free of charge, 71550  
that person is the consumer of that printed matter, and the 71551  
purchase of that printed matter for that purpose is a sale. 71552

(b) In the case of a person who produces, rather than 71553  
purchases, printed matter for the purpose of distributing it or 71554  
having it distributed to the public or to a designated segment of 71555  
the public, free of charge, that person is the consumer of all 71556  
tangible personal property and services purchased for use or 71557  
consumption in the production of that printed matter. That person 71558  
is not entitled to claim exemption under division (B)(42)(f) of 71559  
section 5739.02 of the Revised Code for any material incorporated 71560  
into the printed matter or any equipment, supplies, or services 71561  
primarily used to produce the printed matter. 71562

(c) The distribution of printed matter to the public or to a 71563  
designated segment of the public, free of charge, is not a sale to 71564

the members of the public to whom the printed matter is 71565  
distributed or to any persons who purchase space in the printed 71566  
matter for advertising or other purposes. 71567

(5) A person who makes sales of any of the services listed in 71568  
division (B)(3) of this section is the consumer of any tangible 71569  
personal property used in performing the service. The purchase of 71570  
that property is not subject to the resale exception under 71571  
division (E)(1) of this section. 71572

(6) A person who engages in highway transportation for hire 71573  
is the consumer of all packaging materials purchased by that 71574  
person and used in performing the service, except for packaging 71575  
materials sold by such person in a transaction separate from the 71576  
service. 71577

(7) In the case of a transaction for health care services 71578  
under division (B)(11) of this section, a medicaid health insuring 71579  
corporation is the consumer of such services. The purchase of such 71580  
services by a medicaid health insuring corporation is not subject 71581  
to the exception for resale under division (E)(1) of this section 71582  
or to the exemptions provided under divisions (B)(12), (18), (19), 71583  
and (22) of section 5739.02 of the Revised Code. 71584

(E) "Retail sale" and "sales at retail" include all sales, 71585  
except those in which the purpose of the consumer is to resell the 71586  
thing transferred or benefit of the service provided, by a person 71587  
engaging in business, in the form in which the same is, or is to 71588  
be, received by the person. 71589

(F) "Business" includes any activity engaged in by any person 71590  
with the object of gain, benefit, or advantage, either direct or 71591  
indirect. "Business" does not include the activity of a person in 71592  
managing and investing the person's own funds. 71593

(G) "Engaging in business" means commencing, conducting, or 71594  
continuing in business, and liquidating a business when the 71595

liquidator thereof holds itself out to the public as conducting 71596  
such business. Making a casual sale is not engaging in business. 71597

(H)(1)(a) "Price," except as provided in divisions (H)(2), 71598  
(3), and (4) of this section, means the total amount of 71599  
consideration, including cash, credit, property, and services, for 71600  
which tangible personal property or services are sold, leased, or 71601  
rented, valued in money, whether received in money or otherwise, 71602  
without any deduction for any of the following: 71603

(i) The vendor's cost of the property sold; 71604

(ii) The cost of materials used, labor or service costs, 71605  
interest, losses, all costs of transportation to the vendor, all 71606  
taxes imposed on the vendor, including the tax imposed under 71607  
Chapter 5751. of the Revised Code, and any other expense of the 71608  
vendor; 71609

(iii) Charges by the vendor for any services necessary to 71610  
complete the sale; 71611

(iv) On and after August 1, 2003, delivery charges. As used 71612  
in this division, "delivery charges" means charges by the vendor 71613  
for preparation and delivery to a location designated by the 71614  
consumer of tangible personal property or a service, including 71615  
transportation, shipping, postage, handling, crating, and packing. 71616

(v) Installation charges; 71617

(vi) Credit for any trade-in. 71618

(b) "Price" includes consideration received by the vendor 71619  
from a third party, if the vendor actually receives the 71620  
consideration from a party other than the consumer, and the 71621  
consideration is directly related to a price reduction or discount 71622  
on the sale; the vendor has an obligation to pass the price 71623  
reduction or discount through to the consumer; the amount of the 71624  
consideration attributable to the sale is fixed and determinable 71625

by the vendor at the time of the sale of the item to the consumer; 71626  
and one of the following criteria is met: 71627

(i) The consumer presents a coupon, certificate, or other 71628  
document to the vendor to claim a price reduction or discount 71629  
where the coupon, certificate, or document is authorized, 71630  
distributed, or granted by a third party with the understanding 71631  
that the third party will reimburse any vendor to whom the coupon, 71632  
certificate, or document is presented; 71633

(ii) The consumer identifies the consumer's self to the 71634  
seller as a member of a group or organization entitled to a price 71635  
reduction or discount. A preferred customer card that is available 71636  
to any patron does not constitute membership in such a group or 71637  
organization. 71638

(iii) The price reduction or discount is identified as a 71639  
third party price reduction or discount on the invoice received by 71640  
the consumer, or on a coupon, certificate, or other document 71641  
presented by the consumer. 71642

(c) "Price" does not include any of the following: 71643

(i) Discounts, including cash, term, or coupons that are not 71644  
reimbursed by a third party that are allowed by a vendor and taken 71645  
by a consumer on a sale; 71646

(ii) Interest, financing, and carrying charges from credit 71647  
extended on the sale of tangible personal property or services, if 71648  
the amount is separately stated on the invoice, bill of sale, or 71649  
similar document given to the purchaser; 71650

(iii) Any taxes legally imposed directly on the consumer that 71651  
are separately stated on the invoice, bill of sale, or similar 71652  
document given to the consumer. For the purpose of this division, 71653  
the tax imposed under Chapter 5751. of the Revised Code is not a 71654  
tax directly on the consumer, even if the tax or a portion thereof 71655  
is separately stated. 71656

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services 71689  
under division (B)(11) of this section, "price" means the amount 71690  
of managed care premiums received each month by a medicaid health 71691  
insuring corporation. 71692

(I) "Receipts" means the total amount of the prices of the 71693  
sales of vendors, provided that the dollar value of gift cards 71694  
distributed pursuant to an awards, loyalty, or promotional 71695  
program, and cash discounts allowed and taken on sales at the time 71696  
they are consummated are not included, minus any amount deducted 71697  
as a bad debt pursuant to section 5739.121 of the Revised Code. 71698  
"Receipts" does not include the sale price of property returned or 71699  
services rejected by consumers when the full sale price and tax 71700  
are refunded either in cash or by credit. 71701

(J) "Place of business" means any location at which a person 71702  
engages in business. 71703

(K) "Premises" includes any real property or portion thereof 71704  
upon which any person engages in selling tangible personal 71705  
property at retail or making retail sales and also includes any 71706  
real property or portion thereof designated for, or devoted to, 71707  
use in conjunction with the business engaged in by such person. 71708

(L) "Casual sale" means a sale of an item of tangible 71709  
personal property that was obtained by the person making the sale, 71710  
through purchase or otherwise, for the person's own use and was 71711  
previously subject to any state's taxing jurisdiction on its sale 71712  
or use, and includes such items acquired for the seller's use that 71713  
are sold by an auctioneer employed directly by the person for such 71714  
purpose, provided the location of such sales is not the 71715  
auctioneer's permanent place of business. As used in this 71716  
division, "permanent place of business" includes any location 71717  
where such auctioneer has conducted more than two auctions during 71718  
the year. 71719

(M) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered to guests, in which five or more rooms are used for the accommodation of such guests, whether the rooms are in one or several structures, except as otherwise provided in division (G) of section 5739.09 of the Revised Code.

(N) "Transient guests" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.

(O) "Making retail sales" means the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold. "Making retail sales" does not include the preliminary acts of promoting or soliciting the retail sales, other than the distribution of printed matter which displays or describes and prices the item offered for sale, nor does it include delivery of a predetermined quantity of tangible personal property or transportation of property or personnel to or from a place where a service is performed, ~~regardless of whether the vendor is a delivery vendor.~~

(P) "Used directly in the rendition of a public utility service" means that property that is to be incorporated into and will become a part of the consumer's production, transmission, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transmission, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not

used directly in the rendition of a public utility service. In 71752  
this definition, "public utility" includes a citizen of the United 71753  
States holding, and required to hold, a certificate of public 71754  
convenience and necessity issued under 49 U.S.C. 41102. 71755

(Q) "Refining" means removing or separating a desirable 71756  
product from raw or contaminated materials by distillation or 71757  
physical, mechanical, or chemical processes. 71758

(R) "Assembly" and "assembling" mean attaching or fitting 71759  
together parts to form a product, but do not include packaging a 71760  
product. 71761

(S) "Manufacturing operation" means a process in which 71762  
materials are changed, converted, or transformed into a different 71763  
state or form from which they previously existed and includes 71764  
refining materials, assembling parts, and preparing raw materials 71765  
and parts by mixing, measuring, blending, or otherwise committing 71766  
such materials or parts to the manufacturing process. 71767  
"Manufacturing operation" does not include packaging. 71768

(T) "Fiscal officer" means, with respect to a regional 71769  
transit authority, the secretary-treasurer thereof, and with 71770  
respect to a county that is a transit authority, the fiscal 71771  
officer of the county transit board if one is appointed pursuant 71772  
to section 306.03 of the Revised Code or the county auditor if the 71773  
board of county commissioners operates the county transit system. 71774

(U) "Transit authority" means a regional transit authority 71775  
created pursuant to section 306.31 of the Revised Code or a county 71776  
in which a county transit system is created pursuant to section 71777  
306.01 of the Revised Code. For the purposes of this chapter, a 71778  
transit authority must extend to at least the entire area of a 71779  
single county. A transit authority that includes territory in more 71780  
than one county must include all the area of the most populous 71781  
county that is a part of such transit authority. County population 71782



shall be measured by the most recent census taken by the United States census bureau. 71783  
71784

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners. 71785  
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(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau. 71789  
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(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration. 71796  
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(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data. 71799  
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(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems. 71803  
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(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following: 71809  
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(i) Examining or acquiring data stored in or accessible to the computer equipment; 71812  
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(ii) Placing data into the computer equipment to be retrieved 71814  
by designated recipients with access to the computer equipment. 71815

For transactions occurring on or after the effective date of 71816  
the amendment of this section by H.B. 157 of the 127th general 71817  
assembly, December 21, 2007, "electronic information services" 71818  
does not include electronic publishing as defined in division 71819  
(LLL) of this section. 71820

(d) "Automatic data processing, computer services, or 71821  
electronic information services" shall not include personal or 71822  
professional services. 71823

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 71824  
section, "personal and professional services" means all services 71825  
other than automatic data processing, computer services, or 71826  
electronic information services, including but not limited to: 71827

(a) Accounting and legal services such as advice on tax 71828  
matters, asset management, budgetary matters, quality control, 71829  
information security, and auditing and any other situation where 71830  
the service provider receives data or information and studies, 71831  
alters, analyzes, interprets, or adjusts such material; 71832

(b) Analyzing business policies and procedures; 71833

(c) Identifying management information needs; 71834

(d) Feasibility studies, including economic and technical 71835  
analysis of existing or potential computer hardware or software 71836  
needs and alternatives; 71837

(e) Designing policies, procedures, and custom software for 71838  
collecting business information, and determining how data should 71839  
be summarized, sequenced, formatted, processed, controlled, and 71840  
reported so that it will be meaningful to management; 71841

(f) Developing policies and procedures that document how 71842  
business events and transactions are to be authorized, executed, 71843

and controlled; 71844

(g) Testing of business procedures; 71845

(h) Training personnel in business procedure applications; 71846

(i) Providing credit information to users of such information 71847  
by a consumer reporting agency, as defined in the "Fair Credit 71848  
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or 71849  
as hereafter amended, including but not limited to gathering, 71850  
organizing, analyzing, recording, and furnishing such information 71851  
by any oral, written, graphic, or electronic medium; 71852

(j) Providing debt collection services by any oral, written, 71853  
graphic, or electronic means. 71854

The services listed in divisions (Y)(2)(a) to (j) of this 71855  
section are not automatic data processing or computer services. 71856

(Z) "Highway transportation for hire" means the 71857  
transportation of personal property belonging to others for 71858  
consideration by any of the following: 71859

(1) The holder of a permit or certificate issued by this 71860  
state or the United States authorizing the holder to engage in 71861  
transportation of personal property belonging to others for 71862  
consideration over or on highways, roadways, streets, or any 71863  
similar public thoroughfare; 71864

(2) A person who engages in the transportation of personal 71865  
property belonging to others for consideration over or on 71866  
highways, roadways, streets, or any similar public thoroughfare 71867  
but who could not have engaged in such transportation on December 71868  
11, 1985, unless the person was the holder of a permit or 71869  
certificate of the types described in division (Z)(1) of this 71870  
section; 71871

(3) A person who leases a motor vehicle to and operates it 71872  
for a person described by division (Z)(1) or (2) of this section. 71873

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service

providers, as defined in 47 C.F.R. 20.3; 71905

(h) Ancillary service; 71906

(i) Digital products delivered electronically, including 71907  
software, music, video, reading materials, or ring tones. 71908

(2) "Ancillary service" means a service that is associated 71909  
with or incidental to the provision of telecommunications service, 71910  
including conference bridging service, detailed telecommunications 71911  
billing service, directory assistance, vertical service, and voice 71912  
mail service. As used in this division: 71913

(a) "Conference bridging service" means an ancillary service 71914  
that links two or more participants of an audio or video 71915  
conference call, including providing a telephone number. 71916  
"Conference bridging service" does not include telecommunications 71917  
services used to reach the conference bridge. 71918

(b) "Detailed telecommunications billing service" means an 71919  
ancillary service of separately stating information pertaining to 71920  
individual calls on a customer's billing statement. 71921

(c) "Directory assistance" means an ancillary service of 71922  
providing telephone number or address information. 71923

(d) "Vertical service" means an ancillary service that is 71924  
offered in connection with one or more telecommunications 71925  
services, which offers advanced calling features that allow 71926  
customers to identify callers and manage multiple calls and call 71927  
connections, including conference bridging service. 71928

(e) "Voice mail service" means an ancillary service that 71929  
enables the customer to store, send, or receive recorded messages. 71930  
"Voice mail service" does not include any vertical services that 71931  
the customer may be required to have in order to utilize the voice 71932  
mail service. 71933

(3) "900 service" means an inbound toll telecommunications 71934

service purchased by a subscriber that allows the subscriber's 71935  
customers to call in to the subscriber's prerecorded announcement 71936  
or live service, and which is typically marketed under the name 71937  
"900" service and any subsequent numbers designated by the federal 71938  
communications commission. "900 service" does not include the 71939  
charge for collection services provided by the seller of the 71940  
telecommunications service to the subscriber, or services or 71941  
products sold by the subscriber to the subscriber's customer. 71942

(4) "Prepaid calling service" means the right to access 71943  
exclusively telecommunications services, which must be paid for in 71944  
advance and which enables the origination of calls using an access 71945  
number or authorization code, whether manually or electronically 71946  
dialed, and that is sold in predetermined units ~~of~~ or dollars of 71947  
which the number declines with use in a known amount. 71948

(5) "Prepaid wireless calling service" means a 71949  
telecommunications service that provides the right to utilize 71950  
mobile telecommunications service as well as other 71951  
non-telecommunications services, including the download of digital 71952  
products delivered electronically, and content and ancillary 71953  
services, that must be paid for in advance and that is sold in 71954  
predetermined units ~~of~~ or dollars of which the number declines 71955  
with use in a known amount. 71956

(6) "Value-added non-voice data service" means a 71957  
telecommunications service in which computer processing 71958  
applications are used to act on the form, content, code, or 71959  
protocol of the information or data primarily for a purpose other 71960  
than transmission, conveyance, or routing. 71961

(7) "Coin-operated telephone service" means a 71962  
telecommunications service paid for by inserting money into a 71963  
telephone accepting direct deposits of money to operate. 71964

(8) "Customer" has the same meaning as in section 5739.034 of 71965

the Revised Code. 71966

(BB) "Laundry and dry cleaning services" means removing soil 71967  
or dirt from towels, linens, articles of clothing, or other fabric 71968  
items that belong to others and supplying towels, linens, articles 71969  
of clothing, or other fabric items. "Laundry and dry cleaning 71970  
services" does not include the provision of self-service 71971  
facilities for use by consumers to remove soil or dirt from 71972  
towels, linens, articles of clothing, or other fabric items. 71973

(CC) "Magazines distributed as controlled circulation 71974  
publications" means magazines containing at least twenty-four 71975  
pages, at least twenty-five per cent editorial content, issued at 71976  
regular intervals four or more times a year, and circulated 71977  
without charge to the recipient, provided that such magazines are 71978  
not owned or controlled by individuals or business concerns which 71979  
conduct such publications as an auxiliary to, and essentially for 71980  
the advancement of the main business or calling of, those who own 71981  
or control them. 71982

(DD) "Landscaping and lawn care service" means the services 71983  
of planting, seeding, sodding, removing, cutting, trimming, 71984  
pruning, mulching, aerating, applying chemicals, watering, 71985  
fertilizing, and providing similar services to establish, promote, 71986  
or control the growth of trees, shrubs, flowers, grass, ground 71987  
cover, and other flora, or otherwise maintaining a lawn or 71988  
landscape grown or maintained by the owner for ornamentation or 71989  
other nonagricultural purpose. However, "landscaping and lawn care 71990  
service" does not include the providing of such services by a 71991  
person who has less than five thousand dollars in sales of such 71992  
services during the calendar year. 71993

(EE) "Private investigation and security service" means the 71994  
performance of any activity for which the provider of such service 71995  
is required to be licensed pursuant to Chapter 4749. of the 71996  
Revised Code, or would be required to be so licensed in performing 71997

such services in this state, and also includes the services of 71998  
conducting polygraph examinations and of monitoring or overseeing 71999  
the activities on or in, or the condition of, the consumer's home, 72000  
business, or other facility by means of electronic or similar 72001  
monitoring devices. "Private investigation and security service" 72002  
does not include special duty services provided by off-duty police 72003  
officers, deputy sheriffs, and other peace officers regularly 72004  
employed by the state or a political subdivision. 72005

(FF) "Information services" means providing conversation, 72006  
giving consultation or advice, playing or making a voice or other 72007  
recording, making or keeping a record of the number of callers, 72008  
and any other service provided to a consumer by means of a nine 72009  
hundred telephone call, except when the nine hundred telephone 72010  
call is the means by which the consumer makes a contribution to a 72011  
recognized charity. 72012

(GG) "Research and development" means designing, creating, or 72013  
formulating new or enhanced products, equipment, or manufacturing 72014  
processes, and also means conducting scientific or technological 72015  
inquiry and experimentation in the physical sciences with the goal 72016  
of increasing scientific knowledge which may reveal the bases for 72017  
new or enhanced products, equipment, or manufacturing processes. 72018

(HH) "Qualified research and development equipment" means 72019  
capitalized tangible personal property, and leased personal 72020  
property that would be capitalized if purchased, used by a person 72021  
primarily to perform research and development. Tangible personal 72022  
property primarily used in testing, as defined in division (A)(4) 72023  
of section 5739.011 of the Revised Code, or used for recording or 72024  
storing test results, is not qualified research and development 72025  
equipment unless such property is primarily used by the consumer 72026  
in testing the product, equipment, or manufacturing process being 72027  
created, designed, or formulated by the consumer in the research 72028  
and development activity or in recording or storing such test 72029



results. 72030

(II) "Building maintenance and janitorial service" means 72031  
cleaning the interior or exterior of a building and any tangible 72032  
personal property located therein or thereon, including any 72033  
services incidental to such cleaning for which no separate charge 72034  
is made. However, "building maintenance and janitorial service" 72035  
does not include the providing of such service by a person who has 72036  
less than five thousand dollars in sales of such service during 72037  
the calendar year. 72038

(JJ) "Employment service" means providing or supplying 72039  
personnel, on a temporary or long-term basis, to perform work or 72040  
labor under the supervision or control of another, when the 72041  
personnel so provided or supplied receive their wages, salary, or 72042  
other compensation from the provider or supplier of the employment 72043  
service or from a third party that provided or supplied the 72044  
personnel to the provider or supplier. "Employment service" does 72045  
not include: 72046

(1) Acting as a contractor or subcontractor, where the 72047  
personnel performing the work are not under the direct control of 72048  
the purchaser. 72049

(2) Medical and health care services. 72050

(3) Supplying personnel to a purchaser pursuant to a contract 72051  
of at least one year between the service provider and the 72052  
purchaser that specifies that each employee covered under the 72053  
contract is assigned to the purchaser on a permanent basis. 72054

(4) Transactions between members of an affiliated group, as 72055  
defined in division (B)(3)(e) of this section. 72056

(5) Transactions where the personnel so provided or supplied 72057  
by a provider or supplier to a purchaser of an employment service 72058  
are then provided or supplied by that purchaser to a third party 72059  
as an employment service, except "employment service" does include 72060

the transaction between that purchaser and the third party. 72061

(KK) "Employment placement service" means locating or finding 72062  
employment for a person or finding or locating an employee to fill 72063  
an available position. 72064

(LL) "Exterminating service" means eradicating or attempting 72065  
to eradicate vermin infestations from a building or structure, or 72066  
the area surrounding a building or structure, and includes 72067  
activities to inspect, detect, or prevent vermin infestation of a 72068  
building or structure. 72069

(MM) "Physical fitness facility service" means all 72070  
transactions by which a membership is granted, maintained, or 72071  
renewed, including initiation fees, membership dues, renewal fees, 72072  
monthly minimum fees, and other similar fees and dues, by a 72073  
physical fitness facility such as an athletic club, health spa, or 72074  
gymnasium, which entitles the member to use the facility for 72075  
physical exercise. 72076

(NN) "Recreation and sports club service" means all 72077  
transactions by which a membership is granted, maintained, or 72078  
renewed, including initiation fees, membership dues, renewal fees, 72079  
monthly minimum fees, and other similar fees and dues, by a 72080  
recreation and sports club, which entitles the member to use the 72081  
facilities of the organization. "Recreation and sports club" means 72082  
an organization that has ownership of, or controls or leases on a 72083  
continuing, long-term basis, the facilities used by its members 72084  
and includes an aviation club, gun or shooting club, yacht club, 72085  
card club, swimming club, tennis club, golf club, country club, 72086  
riding club, amateur sports club, or similar organization. 72087

(OO) "Livestock" means farm animals commonly raised for food, 72088  
food production, or other agricultural purposes, including, but 72089  
not limited to, cattle, sheep, goats, swine, poultry, and captive 72090  
deer. "Livestock" does not include invertebrates, amphibians, 72091

reptiles, domestic pets, animals for use in laboratories or for 72092  
exhibition, or other animals not commonly raised for food or food 72093  
production. 72094

(PP) "Livestock structure" means a building or structure used 72095  
exclusively for the housing, raising, feeding, or sheltering of 72096  
livestock, and includes feed storage or handling structures and 72097  
structures for livestock waste handling. 72098

(QQ) "Horticulture" means the growing, cultivation, and 72099  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 72100  
and nursery stock. As used in this division, "nursery stock" has 72101  
the same meaning as in section 927.51 of the Revised Code. 72102

(RR) "Horticulture structure" means a building or structure 72103  
used exclusively for the commercial growing, raising, or 72104  
overwintering of horticultural products, and includes the area 72105  
used for stocking, storing, and packing horticultural products 72106  
when done in conjunction with the production of those products. 72107

(SS) "Newspaper" means an unbound publication bearing a title 72108  
or name that is regularly published, at least as frequently as 72109  
biweekly, and distributed from a fixed place of business to the 72110  
public in a specific geographic area, and that contains a 72111  
substantial amount of news matter of international, national, or 72112  
local events of interest to the general public. 72113

(TT) "Professional racing team" means a person that employs 72114  
at least twenty full-time employees for the purpose of conducting 72115  
a motor vehicle racing business for profit. The person must 72116  
conduct the business with the purpose of racing one or more motor 72117  
racing vehicles in at least ten competitive professional racing 72118  
events each year that comprise all or part of a motor racing 72119  
series sanctioned by one or more motor racing sanctioning 72120  
organizations. A "motor racing vehicle" means a vehicle for which 72121  
the chassis, engine, and parts are designed exclusively for motor 72122

racing, and does not include a stock or production model vehicle 72123  
that may be modified for use in racing. For the purposes of this 72124  
division: 72125

(1) A "competitive professional racing event" is a motor 72126  
vehicle racing event sanctioned by one or more motor racing 72127  
sanctioning organizations, at which aggregate cash prizes in 72128  
excess of eight hundred thousand dollars are awarded to the 72129  
competitors. 72130

(2) "Full-time employee" means an individual who is employed 72131  
for consideration for thirty-five or more hours a week, or who 72132  
renders any other standard of service generally accepted by custom 72133  
or specified by contract as full-time employment. 72134

(UU)(1) "Lease" or "rental" means any transfer of the 72135  
possession or control of tangible personal property for a fixed or 72136  
indefinite term, for consideration. "Lease" or "rental" includes 72137  
future options to purchase or extend, and agreements described in 72138  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 72139  
the amount of consideration may be increased or decreased by 72140  
reference to the amount realized upon the sale or disposition of 72141  
the property. "Lease" or "rental" does not include: 72142

(a) A transfer of possession or control of tangible personal 72143  
property under a security agreement or a deferred payment plan 72144  
that requires the transfer of title upon completion of the 72145  
required payments; 72146

(b) A transfer of possession or control of tangible personal 72147  
property under an agreement that requires the transfer of title 72148  
upon completion of required payments and payment of an option 72149  
price that does not exceed the greater of one hundred dollars or 72150  
one per cent of the total required payments; 72151

(c) Providing tangible personal property along with an 72152  
operator for a fixed or indefinite period of time, if the operator 72153

is necessary for the property to perform as designed. For purposes 72154  
of this division, the operator must do more than maintain, 72155  
inspect, or set-up the tangible personal property. 72156

(2) "Lease" and "rental," as defined in division (UU) of this 72157  
section, shall not apply to leases or rentals that exist before 72158  
June 26, 2003. 72159

(3) "Lease" and "rental" have the same meaning as in division 72160  
(UU)(1) of this section regardless of whether a transaction is 72161  
characterized as a lease or rental under generally accepted 72162  
accounting principles, the Internal Revenue Code, Title XIII of 72163  
the Revised Code, or other federal, state, or local laws. 72164

(VV) "Mobile telecommunications service" has the same meaning 72165  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 72166  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 72167  
on and after August 1, 2003, includes related fees and ancillary 72168  
services, including universal service fees, detailed billing 72169  
service, directory assistance, service initiation, voice mail 72170  
service, and vertical services, such as caller ID and three-way 72171  
calling. 72172

(WW) "Certified service provider" has the same meaning as in 72173  
section 5740.01 of the Revised Code. 72174

(XX) "Satellite broadcasting service" means the distribution 72175  
or broadcasting of programming or services by satellite directly 72176  
to the subscriber's receiving equipment without the use of ground 72177  
receiving or distribution equipment, except the subscriber's 72178  
receiving equipment or equipment used in the uplink process to the 72179  
satellite, and includes all service and rental charges, premium 72180  
channels or other special services, installation and repair 72181  
service charges, and any other charges having any connection with 72182  
the provision of the satellite broadcasting service. 72183

(YY) "Tangible personal property" means personal property 72184

that can be seen, weighed, measured, felt, or touched, or that is 72185  
in any other manner perceptible to the senses. For purposes of 72186  
this chapter and Chapter 5741. of the Revised Code, "tangible 72187  
personal property" includes motor vehicles, electricity, water, 72188  
gas, steam, and prewritten computer software. 72189

(ZZ) "Direct mail" means printed material delivered or 72190  
distributed by United States mail or other delivery service to a 72191  
mass audience or to addressees on a mailing list provided by the 72192  
consumer or at the direction of the consumer when the cost of the 72193  
items are not billed directly to the recipients. "Direct mail" 72194  
includes tangible personal property supplied directly or 72195  
indirectly by the consumer to the direct mail vendor for inclusion 72196  
in the package containing the printed material. "Direct mail" does 72197  
not include multiple items of printed material delivered to a 72198  
single address. 72199

(AAA) "Computer" means an electronic device that accepts 72200  
information in digital or similar form and manipulates it for a 72201  
result based on a sequence of instructions. 72202

(BBB) "Computer software" means a set of coded instructions 72203  
designed to cause a computer or automatic data processing 72204  
equipment to perform a task. 72205

(CCC) "Delivered electronically" means delivery of computer 72206  
software from the seller to the purchaser by means other than 72207  
tangible storage media. 72208

(DDD) "Prewritten computer software" means computer software, 72209  
including prewritten upgrades, that is not designed and developed 72210  
by the author or other creator to the specifications of a specific 72211  
purchaser. The combining of two or more prewritten computer 72212  
software programs or prewritten portions thereof does not cause 72213  
the combination to be other than prewritten computer software. 72214  
"Prewritten computer software" includes software designed and 72215

developed by the author or other creator to the specifications of 72216  
a specific purchaser when it is sold to a person other than the 72217  
purchaser. If a person modifies or enhances computer software of 72218  
which the person is not the author or creator, the person shall be 72219  
deemed to be the author or creator only of such person's 72220  
modifications or enhancements. Prewritten computer software or a 72221  
prewritten portion thereof that is modified or enhanced to any 72222  
degree, where such modification or enhancement is designed and 72223  
developed to the specifications of a specific purchaser, remains 72224  
prewritten computer software; provided, however, that where there 72225  
is a reasonable, separately stated charge or an invoice or other 72226  
statement of the price given to the purchaser for the modification 72227  
or enhancement, the modification or enhancement shall not 72228  
constitute prewritten computer software. 72229

(EEE)(1) "Food" means substances, whether in liquid, 72230  
concentrated, solid, frozen, dried, or dehydrated form, that are 72231  
sold for ingestion or chewing by humans and are consumed for their 72232  
taste or nutritional value. "Food" does not include alcoholic 72233  
beverages, dietary supplements, soft drinks, or tobacco. 72234

(2) As used in division (EEE)(1) of this section: 72235

(a) "Alcoholic beverages" means beverages that are suitable 72236  
for human consumption and contain one-half of one per cent or more 72237  
of alcohol by volume. 72238

(b) "Dietary supplements" means any product, other than 72239  
tobacco, that is intended to supplement the diet and that is 72240  
intended for ingestion in tablet, capsule, powder, softgel, 72241  
gelcap, or liquid form, or, if not intended for ingestion in such 72242  
a form, is not represented as conventional food for use as a sole 72243  
item of a meal or of the diet; that is required to be labeled as a 72244  
dietary supplement, identifiable by the "supplement facts" box 72245  
found on the label, as required by 21 C.F.R. 101.36; and that 72246  
contains one or more of the following dietary ingredients: 72247

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| (i) A vitamin;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 72248                                                                         |
| (ii) A mineral;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 72249                                                                         |
| (iii) An herb or other botanical;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 72250                                                                         |
| (iv) An amino acid;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 72251                                                                         |
| (v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;                                                                                                                                                                                                                                                                                                                                                                                                                              | 72252<br>72253                                                                |
| (vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.                                                                                                                                                                                                                                                                                                                                                                                  | 72254<br>72255<br>72256                                                       |
| (c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.                                                                                                                                                                                                                                   | 72257<br>72258<br>72259<br>72260<br>72261                                     |
| (d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.                                                                                                                                                                                                                                                                                                                                                                                                                             | 72262<br>72263                                                                |
| (FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body. | 72264<br>72265<br>72266<br>72267<br>72268<br>72269<br>72270<br>72271<br>72272 |
| (GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.                                                                                                                                                                                                                                                                                                 | 72273<br>72274<br>72275<br>72276                                              |
| (HHH) "Durable medical equipment" means equipment, including                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 72277                                                                         |



repair and replacement parts for such equipment, that can 72278  
withstand repeated use, is primarily and customarily used to serve 72279  
a medical purpose, generally is not useful to a person in the 72280  
absence of illness or injury, and is not worn in or on the body. 72281  
"Durable medical equipment" does not include mobility enhancing 72282  
equipment. 72283

(III) "Mobility enhancing equipment" means equipment, 72284  
including repair and replacement parts for such equipment, that is 72285  
primarily and customarily used to provide or increase the ability 72286  
to move from one place to another and is appropriate for use 72287  
either in a home or a motor vehicle, that is not generally used by 72288  
persons with normal mobility, and that does not include any motor 72289  
vehicle or equipment on a motor vehicle normally provided by a 72290  
motor vehicle manufacturer. "Mobility enhancing equipment" does 72291  
not include durable medical equipment. 72292

(JJJ) "Prosthetic device" means a replacement, corrective, or 72293  
supportive device, including repair and replacement parts for the 72294  
device, worn on or in the human body to artificially replace a 72295  
missing portion of the body, prevent or correct physical deformity 72296  
or malfunction, or support a weak or deformed portion of the body. 72297  
As used in this division, "prosthetic device" does not include 72298  
corrective eyeglasses, contact lenses, or dental prosthesis. 72299

(KKK)(1) "Fractional aircraft ownership program" means a 72300  
program in which persons within an affiliated group sell and 72301  
manage fractional ownership program aircraft, provided that at 72302  
least one hundred airworthy aircraft are operated in the program 72303  
and the program meets all of the following criteria: 72304

(a) Management services are provided by at least one program 72305  
manager within an affiliated group on behalf of the fractional 72306  
owners. 72307

(b) Each program aircraft is owned or possessed by at least 72308

one fractional owner. 72309

(c) Each fractional owner owns or possesses at least a 72310  
one-sixteenth interest in at least one fixed-wing program 72311  
aircraft. 72312

(d) A dry-lease aircraft interchange arrangement is in effect 72313  
among all of the fractional owners. 72314

(e) Multi-year program agreements are in effect regarding the 72315  
fractional ownership, management services, and dry-lease aircraft 72316  
interchange arrangement aspects of the program. 72317

(2) As used in division (KKK)(1) of this section: 72318

(a) "Affiliated group" has the same meaning as in division 72319  
(B)(3)(e) of this section. 72320

(b) "Fractional owner" means a person that owns or possesses 72321  
at least a one-sixteenth interest in a program aircraft and has 72322  
entered into the agreements described in division (KKK)(1)(e) of 72323  
this section. 72324

(c) "Fractional ownership program aircraft" or "program 72325  
aircraft" means a turbojet aircraft that is owned or possessed by 72326  
a fractional owner and that has been included in a dry-lease 72327  
aircraft interchange arrangement and agreement under divisions 72328  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 72329  
manager owns or possesses primarily for use in a fractional 72330  
aircraft ownership program. 72331

(d) "Management services" means administrative and aviation 72332  
support services furnished under a fractional aircraft ownership 72333  
program in accordance with a management services agreement under 72334  
division (KKK)(1)(e) of this section, and offered by the program 72335  
manager to the fractional owners, including, at a minimum, the 72336  
establishment and implementation of safety guidelines; the 72337  
coordination of the scheduling of the program aircraft and crews; 72338

program aircraft maintenance; program aircraft insurance; crew 72339  
training for crews employed, furnished, or contracted by the 72340  
program manager or the fractional owner; the satisfaction of 72341  
record-keeping requirements; and the development and use of an 72342  
operations manual and a maintenance manual for the fractional 72343  
aircraft ownership program. 72344

(e) "Program manager" means the person that offers management 72345  
services to fractional owners pursuant to a management services 72346  
agreement under division (KKK)(1)(e) of this section. 72347

(LLL) "Electronic publishing" means providing access to one 72348  
or more of the following primarily for business customers, 72349  
including the federal government or a state government or a 72350  
political subdivision thereof, to conduct research: news; 72351  
business, financial, legal, consumer, or credit materials; 72352  
editorials, columns, reader commentary, or features; photos or 72353  
images; archival or research material; legal notices, identity 72354  
verification, or public records; scientific, educational, 72355  
instructional, technical, professional, trade, or other literary 72356  
materials; or other similar information which has been gathered 72357  
and made available by the provider to the consumer in an 72358  
electronic format. Providing electronic publishing includes the 72359  
functions necessary for the acquisition, formatting, editing, 72360  
storage, and dissemination of data or information that is the 72361  
subject of a sale. 72362

(MMM) "Medicaid health insuring corporation" means a health 72363  
insuring corporation that holds a certificate of authority under 72364  
Chapter 1751. of the Revised Code and is under contract with the 72365  
department of job and family services pursuant to section 5111.17 72366  
of the Revised Code. 72367

(NNN) "Managed care premium" means any premium, capitation, 72368  
or other payment a medicaid health insuring corporation receives 72369  
for providing or arranging for the provision of health care 72370

services to its members or enrollees residing in this state. 72371

(000) "Captive deer" means deer and other cervidae that have 72372  
been legally acquired, or their offspring, that are privately 72373  
owned for agricultural or farming purposes. 72374

(PPP) "Gift card" means a document, card, certificate, or 72375  
other record, whether tangible or intangible, that may be redeemed 72376  
by a consumer for a dollar value when making a purchase of 72377  
tangible personal property or services. 72378

**Sec. 5739.02.** For the purpose of providing revenue with which 72379  
to meet the needs of the state, for the use of the general revenue 72380  
fund of the state, for the purpose of securing a thorough and 72381  
efficient system of common schools throughout the state, for the 72382  
purpose of affording revenues, in addition to those from general 72383  
property taxes, permitted under constitutional limitations, and 72384  
from other sources, for the support of local governmental 72385  
functions, and for the purpose of reimbursing the state for the 72386  
expense of administering this chapter, an excise tax is hereby 72387  
levied on each retail sale made in this state. 72388

(A)(1) The tax shall be collected as provided in section 72389  
5739.025 of the Revised Code. The rate of the tax shall be five 72390  
and one-half per cent. The tax applies and is collectible when the 72391  
sale is made, regardless of the time when the price is paid or 72392  
delivered. 72393

(2) In the case of the lease or rental, with a fixed term of 72394  
more than thirty days or an indefinite term with a minimum period 72395  
of more than thirty days, of any motor vehicles designed by the 72396  
manufacturer to carry a load of not more than one ton, watercraft, 72397  
outboard motor, or aircraft, or of any tangible personal property, 72398  
other than motor vehicles designed by the manufacturer to carry a 72399  
load of more than one ton, to be used by the lessee or renter 72400  
primarily for business purposes, the tax shall be collected by the 72401

vendor at the time the lease or rental is consummated and shall be 72402  
calculated by the vendor on the basis of the total amount to be 72403  
paid by the lessee or renter under the lease agreement. If the 72404  
total amount of the consideration for the lease or rental includes 72405  
amounts that are not calculated at the time the lease or rental is 72406  
executed, the tax shall be calculated and collected by the vendor 72407  
at the time such amounts are billed to the lessee or renter. In 72408  
the case of an open-end lease or rental, the tax shall be 72409  
calculated by the vendor on the basis of the total amount to be 72410  
paid during the initial fixed term of the lease or rental, and for 72411  
each subsequent renewal period as it comes due. As used in this 72412  
division, "motor vehicle" has the same meaning as in section 72413  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 72414  
unit attached to the watercraft. 72415

A lease with a renewal clause and a termination penalty or 72416  
similar provision that applies if the renewal clause is not 72417  
exercised is presumed to be a sham transaction. In such a case, 72418  
the tax shall be calculated and paid on the basis of the entire 72419  
length of the lease period, including any renewal periods, until 72420  
the termination penalty or similar provision no longer applies. 72421  
The taxpayer shall bear the burden, by a preponderance of the 72422  
evidence, that the transaction or series of transactions is not a 72423  
sham transaction. 72424

(3) Except as provided in division (A)(2) of this section, in 72425  
the case of a sale, the price of which consists in whole or in 72426  
part of the lease or rental of tangible personal property, the tax 72427  
shall be measured by the installments of that lease or rental. 72428

(4) In the case of a sale of a physical fitness facility 72429  
service or recreation and sports club service, the price of which 72430  
consists in whole or in part of a membership for the receipt of 72431  
the benefit of the service, the tax applicable to the sale shall 72432  
be measured by the installments thereof. 72433

- (B) The tax does not apply to the following: 72434
- (1) Sales to the state or any of its political subdivisions, 72435  
or to any other state or its political subdivisions if the laws of 72436  
that state exempt from taxation sales made to this state and its 72437  
political subdivisions; 72438
- (2) Sales of food for human consumption off the premises 72439  
where sold; 72440
- (3) Sales of food sold to students only in a cafeteria, 72441  
dormitory, fraternity, or sorority maintained in a private, 72442  
public, or parochial school, college, or university; 72443
- (4) Sales of newspapers and of magazine subscriptions and 72444  
sales or transfers of magazines distributed as controlled 72445  
circulation publications; 72446
- (5) The furnishing, preparing, or serving of meals without 72447  
charge by an employer to an employee provided the employer records 72448  
the meals as part compensation for services performed or work 72449  
done; 72450
- (6) Sales of motor fuel upon receipt, use, distribution, or 72451  
sale of which in this state a tax is imposed by the law of this 72452  
state, but this exemption shall not apply to the sale of motor 72453  
fuel on which a refund of the tax is allowable under division (A) 72454  
of section 5735.14 of the Revised Code; and the tax commissioner 72455  
may deduct the amount of tax levied by this section applicable to 72456  
the price of motor fuel when granting a refund of motor fuel tax 72457  
pursuant to division (A) of section 5735.14 of the Revised Code 72458  
and shall cause the amount deducted to be paid into the general 72459  
revenue fund of this state; 72460
- (7) Sales of natural gas by a natural gas company, of water 72461  
by a water-works company, or of steam by a heating company, if in 72462  
each case the thing sold is delivered to consumers through pipes 72463  
or conduits, and all sales of communications services by a 72464

telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply 72497  
to sales by a noncommercial educational radio or television 72498  
broadcasting station. 72499

(10) Sales not within the taxing power of this state under 72500  
the Constitution of the United States; 72501

(11) Except for transactions that are sales under division 72502  
(B)(3)(r) of section 5739.01 of the Revised Code, the 72503  
transportation of persons or property, unless the transportation 72504  
is by a private investigation and security service; 72505

(12) Sales of tangible personal property or services to 72506  
churches, to organizations exempt from taxation under section 72507  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 72508  
nonprofit organizations operated exclusively for charitable 72509  
purposes in this state, no part of the net income of which inures 72510  
to the benefit of any private shareholder or individual, and no 72511  
substantial part of the activities of which consists of carrying 72512  
on propaganda or otherwise attempting to influence legislation; 72513  
sales to offices administering one or more homes for the aged or 72514  
one or more hospital facilities exempt under section 140.08 of the 72515  
Revised Code; and sales to organizations described in division (D) 72516  
of section 5709.12 of the Revised Code. 72517

"Charitable purposes" means the relief of poverty; the 72518  
improvement of health through the alleviation of illness, disease, 72519  
or injury; the operation of an organization exclusively for the 72520  
provision of professional, laundry, printing, and purchasing 72521  
services to hospitals or charitable institutions; the operation of 72522  
a home for the aged, as defined in section 5701.13 of the Revised 72523  
Code; the operation of a radio or television broadcasting station 72524  
that is licensed by the federal communications commission as a 72525  
noncommercial educational radio or television station; the 72526  
operation of a nonprofit animal adoption service or a county 72527  
humane society; the promotion of education by an institution of 72528



learning that maintains a faculty of qualified instructors, 72529  
teaches regular continuous courses of study, and confers a 72530  
recognized diploma upon completion of a specific curriculum; the 72531  
operation of a parent-teacher association, booster group, or 72532  
similar organization primarily engaged in the promotion and 72533  
support of the curricular or extracurricular activities of a 72534  
primary or secondary school; the operation of a community or area 72535  
center in which presentations in music, dramatics, the arts, and 72536  
related fields are made in order to foster public interest and 72537  
education therein; the production of performances in music, 72538  
dramatics, and the arts; or the promotion of education by an 72539  
organization engaged in carrying on research in, or the 72540  
dissemination of, scientific and technological knowledge and 72541  
information primarily for the public. 72542

Nothing in this division shall be deemed to exempt sales to 72543  
any organization for use in the operation or carrying on of a 72544  
trade or business, or sales to a home for the aged for use in the 72545  
operation of independent living facilities as defined in division 72546  
(A) of section 5709.12 of the Revised Code. 72547

(13) Building and construction materials and services sold to 72548  
construction contractors for incorporation into a structure or 72549  
improvement to real property under a construction contract with 72550  
this state or a political subdivision of this state, or with the 72551  
United States government or any of its agencies; building and 72552  
construction materials and services sold to construction 72553  
contractors for incorporation into a structure or improvement to 72554  
real property that are accepted for ownership by this state or any 72555  
of its political subdivisions, or by the United States government 72556  
or any of its agencies at the time of completion of the structures 72557  
or improvements; building and construction materials sold to 72558  
construction contractors for incorporation into a horticulture 72559  
structure or livestock structure for a person engaged in the 72560

business of horticulture or producing livestock; building 72561  
materials and services sold to a construction contractor for 72562  
incorporation into a house of public worship or religious 72563  
education, or a building used exclusively for charitable purposes 72564  
under a construction contract with an organization whose purpose 72565  
is as described in division (B)(12) of this section; building 72566  
materials and services sold to a construction contractor for 72567  
incorporation into a building under a construction contract with 72568  
an organization exempt from taxation under section 501(c)(3) of 72569  
the Internal Revenue Code of 1986 when the building is to be used 72570  
exclusively for the organization's exempt purposes; building and 72571  
construction materials sold for incorporation into the original 72572  
construction of a sports facility under section 307.696 of the 72573  
Revised Code; building and construction materials and services 72574  
sold to a construction contractor for incorporation into real 72575  
property outside this state if such materials and services, when 72576  
sold to a construction contractor in the state in which the real 72577  
property is located for incorporation into real property in that 72578  
state, would be exempt from a tax on sales levied by that state; 72579  
and, until one calendar year after the construction of a 72580  
convention center that qualifies for property tax exemption under 72581  
section 5709.084 of the Revised Code is completed, building and 72582  
construction materials and services sold to a construction 72583  
contractor for incorporation into the real property comprising 72584  
that convention center; 72585

(14) Sales of ships or vessels or rail rolling stock used or 72586  
to be used principally in interstate or foreign commerce, and 72587  
repairs, alterations, fuel, and lubricants for such ships or 72588  
vessels or rail rolling stock; 72589

(15) Sales to persons primarily engaged in any of the 72590  
activities mentioned in division (B)(42)(a), (g), or (h) of this 72591  
section, to persons engaged in making retail sales, or to persons 72592

who purchase for sale from a manufacturer tangible personal 72593  
property that was produced by the manufacturer in accordance with 72594  
specific designs provided by the purchaser, of packages, including 72595  
material, labels, and parts for packages, and of machinery, 72596  
equipment, and material for use primarily in packaging tangible 72597  
personal property produced for sale, including any machinery, 72598  
equipment, and supplies used to make labels or packages, to 72599  
prepare packages or products for labeling, or to label packages or 72600  
products, by or on the order of the person doing the packaging, or 72601  
sold at retail. "Packages" includes bags, baskets, cartons, 72602  
crates, boxes, cans, bottles, bindings, wrappings, and other 72603  
similar devices and containers, but does not include motor 72604  
vehicles or bulk tanks, trailers, or similar devices attached to 72605  
motor vehicles. "Packaging" means placing in a package. Division 72606  
(B)(15) of this section does not apply to persons engaged in 72607  
highway transportation for hire. 72608

(16) Sales of food to persons using supplemental nutrition 72609  
assistance program benefits to purchase the food. As used in this 72610  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 72611  
federal regulations adopted pursuant to the Food and Nutrition Act 72612  
of 2008. 72613

(17) Sales to persons engaged in farming, agriculture, 72614  
horticulture, or floriculture, of tangible personal property for 72615  
use or consumption primarily in the production by farming, 72616  
agriculture, horticulture, or floriculture of other tangible 72617  
personal property for use or consumption primarily in the 72618  
production of tangible personal property for sale by farming, 72619  
agriculture, horticulture, or floriculture; or material and parts 72620  
for incorporation into any such tangible personal property for use 72621  
or consumption in production; and of tangible personal property 72622  
for such use or consumption in the conditioning or holding of 72623  
products produced by and for such use, consumption, or sale by 72624

persons engaged in farming, agriculture, horticulture, or 72625  
floriculture, except where such property is incorporated into real 72626  
property; 72627

(18) Sales of drugs for a human being that may be dispensed 72628  
only pursuant to a prescription; insulin as recognized in the 72629  
official United States pharmacopoeia; urine and blood testing 72630  
materials when used by diabetics or persons with hypoglycemia to 72631  
test for glucose or acetone; hypodermic syringes and needles when 72632  
used by diabetics for insulin injections; epoetin alfa when 72633  
purchased for use in the treatment of persons with medical 72634  
disease; hospital beds when purchased by hospitals, nursing homes, 72635  
or other medical facilities; and medical oxygen and medical 72636  
oxygen-dispensing equipment when purchased by hospitals, nursing 72637  
homes, or other medical facilities; 72638

(19) Sales of prosthetic devices, durable medical equipment 72639  
for home use, or mobility enhancing equipment, when made pursuant 72640  
to a prescription and when such devices or equipment are for use 72641  
by a human being. 72642

(20) Sales of emergency and fire protection vehicles and 72643  
equipment to nonprofit organizations for use solely in providing 72644  
fire protection and emergency services, including trauma care and 72645  
emergency medical services, for political subdivisions of the 72646  
state; 72647

(21) Sales of tangible personal property manufactured in this 72648  
state, if sold by the manufacturer in this state to a retailer for 72649  
use in the retail business of the retailer outside of this state 72650  
and if possession is taken from the manufacturer by the purchaser 72651  
within this state for the sole purpose of immediately removing the 72652  
same from this state in a vehicle owned by the purchaser; 72653

(22) Sales of services provided by the state or any of its 72654  
political subdivisions, agencies, instrumentalities, institutions, 72655

or authorities, or by governmental entities of the state or any of its political subdivisions, agencies, instrumentalities, institutions, or authorities;

(23) Sales of motor vehicles to nonresidents of this state under the circumstances described in division (B) of section 5739.029 of the Revised Code;

(24) Sales to persons engaged in the preparation of eggs for sale of tangible personal property used or consumed directly in such preparation, including such tangible personal property used for cleaning, sanitizing, preserving, grading, sorting, and classifying by size; packages, including material and parts for packages, and machinery, equipment, and material for use in packaging eggs for sale; and handling and transportation equipment and parts therefor, except motor vehicles licensed to operate on public highways, used in intraplant or interplant transfers or shipment of eggs in the process of preparation for sale, when the plant or plants within or between which such transfers or shipments occur are operated by the same person. "Packages" includes containers, cases, baskets, flats, fillers, filler flats, cartons, closure materials, labels, and labeling materials, and "packaging" means placing therein.

(25)(a) Sales of water to a consumer for residential use ~~except the sale of bottled water, distilled water, mineral water, carbonated water, or ice;~~

(b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing.

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;

(27) Sales to persons licensed to conduct a food service

|                                                                    |       |
|--------------------------------------------------------------------|-------|
| operation pursuant to section 3717.43 of the Revised Code, of      | 72687 |
| tangible personal property primarily used directly for the         | 72688 |
| following:                                                         | 72689 |
| (a) To prepare food for human consumption for sale;                | 72690 |
| (b) To preserve food that has been or will be prepared for         | 72691 |
| human consumption for sale by the food service operator, not       | 72692 |
| including tangible personal property used to display food for      | 72693 |
| selection by the consumer;                                         | 72694 |
| (c) To clean tangible personal property used to prepare or         | 72695 |
| serve food for human consumption for sale.                         | 72696 |
| (28) Sales of animals by nonprofit animal adoption services        | 72697 |
| or county humane societies;                                        | 72698 |
| (29) Sales of services to a corporation described in division      | 72699 |
| (A) of section 5709.72 of the Revised Code, and sales of tangible  | 72700 |
| personal property that qualifies for exemption from taxation under | 72701 |
| section 5709.72 of the Revised Code;                               | 72702 |
| (30) Sales and installation of agricultural land tile, as          | 72703 |
| defined in division (B)(5)(a) of section 5739.01 of the Revised    | 72704 |
| Code;                                                              | 72705 |
| (31) Sales and erection or installation of portable grain          | 72706 |
| bins, as defined in division (B)(5)(b) of section 5739.01 of the   | 72707 |
| Revised Code;                                                      | 72708 |
| (32) The sale, lease, repair, and maintenance of, parts for,       | 72709 |
| or items attached to or incorporated in, motor vehicles that are   | 72710 |
| primarily used for transporting tangible personal property         | 72711 |
| belonging to others by a person engaged in highway transportation  | 72712 |
| for hire, except for packages and packaging used for the           | 72713 |
| transportation of tangible personal property;                      | 72714 |
| (33) Sales to the state headquarters of any veterans'              | 72715 |
| organization in this state that is either incorporated and issued  | 72716 |

a charter by the congress of the United States or is recognized by 72717  
the United States veterans administration, for use by the 72718  
headquarters; 72719

(34) Sales to a telecommunications service vendor, mobile 72720  
telecommunications service vendor, or satellite broadcasting 72721  
service vendor of tangible personal property and services used 72722  
directly and primarily in transmitting, receiving, switching, or 72723  
recording any interactive, one- or two-way electromagnetic 72724  
communications, including voice, image, data, and information, 72725  
through the use of any medium, including, but not limited to, 72726  
poles, wires, cables, switching equipment, computers, and record 72727  
storage devices and media, and component parts for the tangible 72728  
personal property. The exemption provided in this division shall 72729  
be in lieu of all other exemptions under division (B)(42)(a) or 72730  
(n) of this section to which the vendor may otherwise be entitled, 72731  
based upon the use of the thing purchased in providing the 72732  
telecommunications, mobile telecommunications, or satellite 72733  
broadcasting service. 72734

(35)(a) Sales where the purpose of the consumer is to use or 72735  
consume the things transferred in making retail sales and 72736  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 72737  
certificates, or other advertising material that prices and 72738  
describes tangible personal property offered for retail sale. 72739

(b) Sales to direct marketing vendors of preliminary 72740  
materials such as photographs, artwork, and typesetting that will 72741  
be used in printing advertising material; of printed matter that 72742  
offers free merchandise or chances to win sweepstake prizes and 72743  
that is mailed to potential customers with advertising material 72744  
described in division (B)(35)(a) of this section; and of equipment 72745  
such as telephones, computers, facsimile machines, and similar 72746  
tangible personal property primarily used to accept orders for 72747  
direct marketing retail sales. 72748

(c) Sales of automatic food vending machines that preserve 72749  
food with a shelf life of forty-five days or less by refrigeration 72750  
and dispense it to the consumer. 72751

For purposes of division (B)(35) of this section, "direct 72752  
marketing" means the method of selling where consumers order 72753  
tangible personal property by United States mail, delivery 72754  
service, or telecommunication and the vendor delivers or ships the 72755  
tangible personal property sold to the consumer from a warehouse, 72756  
catalogue distribution center, or similar fulfillment facility by 72757  
means of the United States mail, delivery service, or common 72758  
carrier. 72759

(36) Sales to a person engaged in the business of 72760  
horticulture or producing livestock of materials to be 72761  
incorporated into a horticulture structure or livestock structure; 72762

(37) Sales of personal computers, computer monitors, computer 72763  
keyboards, modems, and other peripheral computer equipment to an 72764  
individual who is licensed or certified to teach in an elementary 72765  
or a secondary school in this state for use by that individual in 72766  
preparation for teaching elementary or secondary school students; 72767

(38) Sales to a professional racing team of any of the 72768  
following: 72769

(a) Motor racing vehicles; 72770

(b) Repair services for motor racing vehicles; 72771

(c) Items of property that are attached to or incorporated in 72772  
motor racing vehicles, including engines, chassis, and all other 72773  
components of the vehicles, and all spare, replacement, and 72774  
rebuilt parts or components of the vehicles; except not including 72775  
tires, consumable fluids, paint, and accessories consisting of 72776  
instrumentation sensors and related items added to the vehicle to 72777  
collect and transmit data by means of telemetry and other forms of 72778  
communication. 72779



(39) Sales of used manufactured homes and used mobile homes, 72780  
as defined in section 5739.0210 of the Revised Code, made on or 72781  
after January 1, 2000; 72782

(40) Sales of tangible personal property and services to a 72783  
provider of electricity used or consumed directly and primarily in 72784  
generating, transmitting, or distributing electricity for use by 72785  
others, including property that is or is to be incorporated into 72786  
and will become a part of the consumer's production, transmission, 72787  
or distribution system and that retains its classification as 72788  
tangible personal property after incorporation; fuel or power used 72789  
in the production, transmission, or distribution of electricity; 72790  
energy conversion equipment as defined in section 5727.01 of the 72791  
Revised Code; and tangible personal property and services used in 72792  
the repair and maintenance of the production, transmission, or 72793  
distribution system, including only those motor vehicles as are 72794  
specially designed and equipped for such use. The exemption 72795  
provided in this division shall be in lieu of all other exemptions 72796  
in division (B)(42)(a) or (n) of this section to which a provider 72797  
of electricity may otherwise be entitled based on the use of the 72798  
tangible personal property or service purchased in generating, 72799  
transmitting, or distributing electricity. 72800

(41) Sales to a person providing services under division 72801  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 72802  
personal property and services used directly and primarily in 72803  
providing taxable services under that section. 72804

(42) Sales where the purpose of the purchaser is to do any of 72805  
the following: 72806

(a) To incorporate the thing transferred as a material or a 72807  
part into tangible personal property to be produced for sale by 72808  
manufacturing, assembling, processing, or refining; or to use or 72809  
consume the thing transferred directly in producing tangible 72810  
personal property for sale by mining, including, without 72811

limitation, the extraction from the earth of all substances that 72812  
are classed geologically as minerals, production of crude oil and 72813  
natural gas, or directly in the rendition of a public utility 72814  
service, except that the sales tax levied by this section shall be 72815  
collected upon all meals, drinks, and food for human consumption 72816  
sold when transporting persons. Persons engaged in rendering 72817  
services in the exploration for, and production of, crude oil and 72818  
natural gas for others are deemed engaged directly in the 72819  
exploration for, and production of, crude oil and natural gas. 72820  
This paragraph does not exempt from "retail sale" or "sales at 72821  
retail" the sale of tangible personal property that is to be 72822  
incorporated into a structure or improvement to real property. 72823

(b) To hold the thing transferred as security for the 72824  
performance of an obligation of the vendor; 72825

(c) To resell, hold, use, or consume the thing transferred as 72826  
evidence of a contract of insurance; 72827

(d) To use or consume the thing directly in commercial 72828  
fishing; 72829

(e) To incorporate the thing transferred as a material or a 72830  
part into, or to use or consume the thing transferred directly in 72831  
the production of, magazines distributed as controlled circulation 72832  
publications; 72833

(f) To use or consume the thing transferred in the production 72834  
and preparation in suitable condition for market and sale of 72835  
printed, imprinted, overprinted, lithographic, multilithic, 72836  
blueprinted, photostatic, or other productions or reproductions of 72837  
written or graphic matter; 72838

(g) To use the thing transferred, as described in section 72839  
5739.011 of the Revised Code, primarily in a manufacturing 72840  
operation to produce tangible personal property for sale; 72841

(h) To use the benefit of a warranty, maintenance or service 72842

contract, or similar agreement, as described in division (B)(7) of 72843  
section 5739.01 of the Revised Code, to repair or maintain 72844  
tangible personal property, if all of the property that is the 72845  
subject of the warranty, contract, or agreement would not be 72846  
subject to the tax imposed by this section; 72847

(i) To use the thing transferred as qualified research and 72848  
development equipment; 72849

(j) To use or consume the thing transferred primarily in 72850  
storing, transporting, mailing, or otherwise handling purchased 72851  
sales inventory in a warehouse, distribution center, or similar 72852  
facility when the inventory is primarily distributed outside this 72853  
state to retail stores of the person who owns or controls the 72854  
warehouse, distribution center, or similar facility, to retail 72855  
stores of an affiliated group of which that person is a member, or 72856  
by means of direct marketing. This division does not apply to 72857  
motor vehicles registered for operation on the public highways. As 72858  
used in this division, "affiliated group" has the same meaning as 72859  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 72860  
"direct marketing" has the same meaning as in division (B)(35) of 72861  
this section. 72862

(k) To use or consume the thing transferred to fulfill a 72863  
contractual obligation incurred by a warrantor pursuant to a 72864  
warranty provided as a part of the price of the tangible personal 72865  
property sold or by a vendor of a warranty, maintenance or service 72866  
contract, or similar agreement the provision of which is defined 72867  
as a sale under division (B)(7) of section 5739.01 of the Revised 72868  
Code; 72869

(l) To use or consume the thing transferred in the production 72870  
of a newspaper for distribution to the public; 72871

(m) To use tangible personal property to perform a service 72872  
listed in division (B)(3) of section 5739.01 of the Revised Code, 72873

if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing.

As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.

(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.

(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and sales of services for the repair, modification, and maintenance of such aircraft, and machinery, equipment, and supplies primarily used to provide those services.

(45) Sales of telecommunications service that is used 72905  
directly and primarily to perform the functions of a call center. 72906  
As used in this division, "call center" means any physical 72907  
location where telephone calls are placed or received in high 72908  
volume for the purpose of making sales, marketing, customer 72909  
service, technical support, or other specialized business 72910  
activity, and that employs at least fifty individuals that engage 72911  
in call center activities on a full-time basis, or sufficient 72912  
individuals to fill fifty full-time equivalent positions. 72913

(46) Sales by a telecommunications service vendor of 900 72914  
service to a subscriber. This division does not apply to 72915  
information services, as defined in division (FF) of section 72916  
5739.01 of the Revised Code. 72917

(47) Sales of value-added non-voice data service. This 72918  
division does not apply to any similar service that is not 72919  
otherwise a telecommunications service. 72920

(48)(a) Sales of machinery, equipment, and software to a 72921  
qualified direct selling entity for use in a warehouse or 72922  
distribution center primarily for storing, transporting, or 72923  
otherwise handling inventory that is held for sale to independent 72924  
salespersons who operate as direct sellers and that is held 72925  
primarily for distribution outside this state; 72926

(b) As used in division (B)(48)(a) of this section: 72927

(i) "Direct seller" means a person selling consumer products 72928  
to individuals for personal or household use and not from a fixed 72929  
retail location, including selling such product at in-home product 72930  
demonstrations, parties, and other one-on-one selling. 72931

(ii) "Qualified direct selling entity" means an entity 72932  
selling to direct sellers at the time the entity enters into a tax 72933  
credit agreement with the tax credit authority pursuant to section 72934  
122.17 of the Revised Code, provided that the agreement was 72935

entered into on or after January 1, 2007. Neither contingencies 72936  
relevant to the granting of, nor later developments with respect 72937  
to, the tax credit shall impair the status of the qualified direct 72938  
selling entity under division (B)(48) of this section after 72939  
execution of the tax credit agreement by the tax credit authority. 72940

(c) Division (B)(48) of this section is limited to machinery, 72941  
equipment, and software first stored, used, or consumed in this 72942  
state within the period commencing June 24, 2008, and ending on 72943  
the date that is five years after that date. 72944

(49) Sales of materials, parts, equipment, or engines used in 72945  
the repair or maintenance of aircraft or avionics systems of such 72946  
aircraft, and sales of repair, remodeling, replacement, or 72947  
maintenance services in this state performed on aircraft or on an 72948  
aircraft's avionics, engine, or component materials or parts. As 72949  
used in division (B)(49) of this section, "aircraft" means 72950  
aircraft of more than six thousand pounds maximum certified 72951  
takeoff weight or used exclusively in general aviation. 72952

(50) Sales of full flight simulators that are used for pilot 72953  
or flight-crew training, sales of repair or replacement parts or 72954  
components, and sales of repair or maintenance services for such 72955  
full flight simulators. "Full flight simulator" means a replica of 72956  
a specific type, or make, model, and series of aircraft cockpit. 72957  
It includes the assemblage of equipment and computer programs 72958  
necessary to represent aircraft operations in ground and flight 72959  
conditions, a visual system providing an out-of-the-cockpit view, 72960  
and a system that provides cues at least equivalent to those of a 72961  
three-degree-of-freedom motion system, and has the full range of 72962  
capabilities of the systems installed in the device as described 72963  
in appendices A and B of part 60 of chapter 1 of title 14 of the 72964  
Code of Federal Regulations. 72965

(51) Any transfer or lease of tangible personal property 72966  
between the state and a successful proposer in accordance with 72967

sections 126.60 to 126.605 of the Revised Code, provided the 72968  
property is part of a project as defined in section 126.60 of the 72969  
Revised Code and the state retains ownership of the project or 72970  
part thereof that is being transferred or leased, between the 72971  
state and JobsOhio in accordance with section 4313.02 of the 72972  
Revised Code. 72973

(C) For the purpose of the proper administration of this 72974  
chapter, and to prevent the evasion of the tax, it is presumed 72975  
that all sales made in this state are subject to the tax until the 72976  
contrary is established. 72977

(D) The levy of this tax on retail sales of recreation and 72978  
sports club service shall not prevent a municipal corporation from 72979  
levying any tax on recreation and sports club dues or on any 72980  
income generated by recreation and sports club dues. 72981

(E) The tax collected by the vendor from the consumer under 72982  
this chapter is not part of the price, but is a tax collection for 72983  
the benefit of the state, and of counties levying an additional 72984  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 72985  
Code and of transit authorities levying an additional sales tax 72986  
pursuant to section 5739.023 of the Revised Code. Except for the 72987  
discount authorized under section 5739.12 of the Revised Code and 72988  
the effects of any rounding pursuant to section 5703.055 of the 72989  
Revised Code, no person other than the state or such a county or 72990  
transit authority shall derive any benefit from the collection or 72991  
payment of the tax levied by this section or section 5739.021, 72992  
5739.023, or 5739.026 of the Revised Code. 72993

**Sec. 5739.021.** (A) For the purpose of providing additional 72994  
general revenues for the county or supporting criminal and 72995  
administrative justice services in the county, or both, and to pay 72996  
the expenses of administering such levy, any county may levy a tax 72997  
at the rate of not more than one per cent at any multiple of 72998

one-fourth of one per cent upon every retail sale made in the 72999  
county, except sales of watercraft and outboard motors required to 73000  
be titled pursuant to Chapter 1548. of the Revised Code and sales 73001  
of motor vehicles, and may increase the rate of an existing tax to 73002  
not more than one per cent at any multiple of one-fourth of one 73003  
per cent. 73004

The tax shall be levied and the rate increased pursuant to a 73005  
resolution of the board of county commissioners. The resolution 73006  
shall state the purpose for which the tax is to be levied and the 73007  
number of years for which the tax is to be levied, or that it is 73008  
for a continuing period of time. If the tax is to be levied for 73009  
the purpose of providing additional general revenues and for the 73010  
purpose of supporting criminal and administrative justice 73011  
services, the resolution shall state the rate or amount of the tax 73012  
to be apportioned to each such purpose. The rate or amount may be 73013  
different for each year the tax is to be levied, but the rates or 73014  
amounts actually apportioned each year shall not be different from 73015  
that stated in the resolution for that year. If the resolution is 73016  
adopted as an emergency measure necessary for the immediate 73017  
preservation of the public peace, health, or safety, it must 73018  
receive an affirmative vote of all of the members of the board of 73019  
county commissioners and shall state the reasons for such 73020  
necessity. The board shall deliver a certified copy of the 73021  
resolution to the tax commissioner, not later than the sixty-fifth 73022  
day prior to the date on which the tax is to become effective, 73023  
which shall be the first day of the calendar quarter. 73024

Prior to the adoption of any resolution under this section, 73025  
the board of county commissioners shall conduct two public 73026  
hearings on the resolution, the second hearing to be not less than 73027  
three nor more than ten days after the first. Notice of the date, 73028  
time, and place of the hearings shall be given by publication in a 73029  
newspaper of general circulation in the county, or as provided in 73030



section 7.16 of the Revised Code, once a week on the same day of 73031  
the week for two consecutive weeks, the second publication being 73032  
not less than ten nor more than thirty days prior to the first 73033  
hearing. 73034

Except as provided in division (B)(3) of this section, the 73035  
resolution shall be subject to a referendum as provided in 73036  
sections 305.31 to 305.41 of the Revised Code. 73037

If a petition for a referendum is filed, the county auditor 73038  
with whom the petition was filed shall, within five days, notify 73039  
the board of county commissioners and the tax commissioner of the 73040  
filing of the petition by certified mail. If the board of 73041  
elections with which the petition was filed declares the petition 73042  
invalid, the board of elections, within five days, shall notify 73043  
the board of county commissioners and the tax commissioner of that 73044  
declaration by certified mail. If the petition is declared to be 73045  
invalid, the effective date of the tax or increased rate of tax 73046  
levied by this section shall be the first day of a calendar 73047  
quarter following the expiration of sixty-five days from the date 73048  
the commissioner receives notice from the board of elections that 73049  
the petition is invalid. 73050

(B)(1) A resolution that is not adopted as an emergency 73051  
measure may direct the board of elections to submit the question 73052  
of levying the tax or increasing the rate of tax to the electors 73053  
of the county at a special election held on the date specified by 73054  
the board of county commissioners in the resolution, provided that 73055  
the election occurs not less than ninety days after a certified 73056  
copy of such resolution is transmitted to the board of elections 73057  
and the election is not held in February or August of any year. 73058  
Upon transmission of the resolution to the board of elections, the 73059  
board of county commissioners shall notify the tax commissioner in 73060  
writing of the levy question to be submitted to the electors. No 73061  
resolution adopted under this division shall go into effect unless 73062

approved by a majority of those voting upon it, and, except as 73063  
provided in division (B)(3) of this section, shall become 73064  
effective on the first day of a calendar quarter following the 73065  
expiration of sixty-five days from the date the tax commissioner 73066  
receives notice from the board of elections of the affirmative 73067  
vote. 73068

(2) A resolution that is adopted as an emergency measure 73069  
shall go into effect as provided in division (A) of this section, 73070  
but may direct the board of elections to submit the question of 73071  
repealing the tax or increase in the rate of the tax to the 73072  
electors of the county at the next general election in the county 73073  
occurring not less than ninety days after a certified copy of the 73074  
resolution is transmitted to the board of elections. Upon 73075  
transmission of the resolution to the board of elections, the 73076  
board of county commissioners shall notify the tax commissioner in 73077  
writing of the levy question to be submitted to the electors. The 73078  
ballot question shall be the same as that prescribed in section 73079  
5739.022 of the Revised Code. The board of elections shall notify 73080  
the board of county commissioners and the tax commissioner of the 73081  
result of the election immediately after the result has been 73082  
declared. If a majority of the qualified electors voting on the 73083  
question of repealing the tax or increase in the rate of the tax 73084  
vote for repeal of the tax or repeal of the increase, the board of 73085  
county commissioners, on the first day of a calendar quarter 73086  
following the expiration of sixty-five days after the date the 73087  
board and tax commissioner receive notice of the result of the 73088  
election, shall, in the case of a repeal of the tax, cease to levy 73089  
the tax, or, in the case of a repeal of an increase in the rate of 73090  
the tax, cease to levy the increased rate and levy the tax at the 73091  
rate at which it was imposed immediately prior to the increase in 73092  
rate. 73093

(3) If a vendor ~~that is registered with the central~~ 73094

~~electronic registration system provided for in section 5740.05 of~~ 73095  
~~the Revised Code makes a sale in this state by printed catalog and~~ 73096  
the consumer computed the tax on the sale based on local rates 73097  
published in the catalog, any tax levied or repealed or rate 73098  
changed under this section shall not apply to such a sale until 73099  
the first day of a calendar quarter following the expiration of 73100  
one hundred twenty days from the date of notice by the tax 73101  
commissioner pursuant to division (H) of this section. 73102

(C) If a resolution is rejected at a referendum or if a 73103  
resolution adopted after January 1, 1982, as an emergency measure 73104  
is repealed by the electors pursuant to division (B)(2) of this 73105  
section or section 5739.022 of the Revised Code, then for one year 73106  
after the date of the election at which the resolution was 73107  
rejected or repealed the board of county commissioners may not 73108  
adopt any resolution authorized by this section as an emergency 73109  
measure. 73110

(D) The board of county commissioners, at any time while a 73111  
tax levied under this section is in effect, may by resolution 73112  
reduce the rate at which the tax is levied to a lower rate 73113  
authorized by this section. Any reduction in the rate at which the 73114  
tax is levied shall be made effective on the first day of a 73115  
calendar quarter next following the sixty-fifth day after a 73116  
certified copy of the resolution is delivered to the tax 73117  
commissioner. 73118

(E) The tax on every retail sale subject to a tax levied 73119  
pursuant to this section shall be in addition to the tax levied by 73120  
section 5739.02 of the Revised Code and any tax levied pursuant to 73121  
section 5739.023 or 5739.026 of the Revised Code. 73122

A county that levies a tax pursuant to this section shall 73123  
levy a tax at the same rate pursuant to section 5741.021 of the 73124  
Revised Code. 73125

The additional tax levied by the county shall be collected 73126  
pursuant to section 5739.025 of the Revised Code. If the 73127  
additional tax or some portion thereof is levied for the purpose 73128  
of criminal and administrative justice services, the revenue from 73129  
the tax, or the amount or rate apportioned to that purpose, shall 73130  
be credited to a special fund created in the county treasury for 73131  
receipt of that revenue. 73132

Any tax levied pursuant to this section is subject to the 73133  
exemptions provided in section 5739.02 of the Revised Code and in 73134  
addition shall not be applicable to sales not within the taxing 73135  
power of a county under the Constitution of the United States or 73136  
the Ohio Constitution. 73137

(F) For purposes of this section, a copy of a resolution is 73138  
"certified" when it contains a written statement attesting that 73139  
the copy is a true and exact reproduction of the original 73140  
resolution. 73141

(G) If a board of commissioners intends to adopt a resolution 73142  
to levy a tax in whole or in part for the purpose of criminal and 73143  
administrative justice services, the board shall prepare and make 73144  
available at the first public hearing at which the resolution is 73145  
considered a statement containing the following information: 73146

(1) For each of the two preceding fiscal years, the amount of 73147  
expenditures made by the county from the county general fund for 73148  
the purpose of criminal and administrative justice services; 73149

(2) For the fiscal year in which the resolution is adopted, 73150  
the board's estimate of the amount of expenditures to be made by 73151  
the county from the county general fund for the purpose of 73152  
criminal and administrative justice services; 73153

(3) For each of the two fiscal years after the fiscal year in 73154  
which the resolution is adopted, the board's preliminary plan for 73155  
expenditures to be made from the county general fund for the 73156

purpose of criminal and administrative justice services, both 73157  
under the assumption that the tax will be imposed for that purpose 73158  
and under the assumption that the tax would not be imposed for 73159  
that purpose, and for expenditures to be made from the special 73160  
fund created under division (E) of this section under the 73161  
assumption that the tax will be imposed for that purpose. 73162

The board shall prepare the statement and the preliminary 73163  
plan using the best information available to the board at the time 73164  
the statement is prepared. Neither the statement nor the 73165  
preliminary plan shall be used as a basis to challenge the 73166  
validity of the tax in any court of competent jurisdiction, nor 73167  
shall the statement or preliminary plan limit the authority of the 73168  
board to appropriate, pursuant to section 5705.38 of the Revised 73169  
Code, an amount different from that specified in the preliminary 73170  
plan. 73171

(H) Upon receipt from a board of county commissioners of a 73172  
certified copy of a resolution required by division (A) or (D) of 73173  
this section, or from the board of elections of a notice of the 73174  
results of an election required by division (A) or (B)(1) or (2) 73175  
of this section, the tax commissioner shall provide notice of a 73176  
tax rate change in a manner that is reasonably accessible to all 73177  
affected vendors. The commissioner shall provide this notice at 73178  
least sixty days prior to the effective date of the rate change. 73179  
The commissioner, by rule, may establish the method by which 73180  
notice will be provided. 73181

(I) As used in this section, "criminal and administrative 73182  
justice services" means the exercise by the county sheriff of all 73183  
powers and duties vested in that office by law; the exercise by 73184  
the county prosecuting attorney of all powers and duties vested in 73185  
that office by law; the exercise by any court in the county of all 73186  
powers and duties vested in that court; the exercise by the clerk 73187  
of the court of common pleas, any clerk of a municipal court 73188

having jurisdiction throughout the county, or the clerk of any 73189  
county court of all powers and duties vested in the clerk by law 73190  
except, in the case of the clerk of the court of common pleas, the 73191  
titling of motor vehicles or watercraft pursuant to Chapter 1548. 73192  
or 4505. of the Revised Code; the exercise by the county coroner 73193  
of all powers and duties vested in that office by law; making 73194  
payments to any other public agency or a private, nonprofit 73195  
agency, the purposes of which in the county include the diversion, 73196  
adjudication, detention, or rehabilitation of criminals or 73197  
juvenile offenders; the operation and maintenance of any detention 73198  
facility, as defined in section 2921.01 of the Revised Code; and 73199  
the construction, acquisition, equipping, or repair of such a 73200  
detention facility, including the payment of any debt charges 73201  
incurred in the issuance of securities pursuant to Chapter 133. of 73202  
the Revised Code for the purpose of constructing, acquiring, 73203  
equipping, or repairing such a facility. 73204

**Sec. 5739.023.** (A)(1) For the purpose of providing additional 73205  
general revenues for a transit authority and paying the expenses 73206  
of administering such levy, any transit authority as defined in 73207  
division (U) of section 5739.01 of the Revised Code may levy a tax 73208  
upon every retail sale made in the territory of the transit 73209  
authority, except sales of watercraft and outboard motors required 73210  
to be titled pursuant to Chapter 1548. of the Revised Code and 73211  
sales of motor vehicles, at a rate of not more than one and 73212  
one-half per cent at any multiple of one-fourth of one per cent 73213  
and may increase the existing rate of tax to not more than one and 73214  
one-half per cent at any multiple of one-fourth of one per cent. 73215  
The tax shall be levied and the rate increased pursuant to a 73216  
resolution of the legislative authority of the transit authority 73217  
and a certified copy of the resolution shall be delivered by the 73218  
fiscal officer to the board of elections as provided in section 73219  
3505.071 of the Revised Code and to the tax commissioner. The 73220

resolution shall specify the number of years for which the tax is 73221  
to be in effect or that the tax is for a continuing period of 73222  
time, and the date of the election on the question of the tax 73223  
pursuant to section 306.70 of the Revised Code. The board of 73224  
elections shall certify the results of the election to the transit 73225  
authority and tax commissioner. 73226

(2) Except as provided in division (C) of this section, the 73227  
tax levied by the resolution shall become effective on the first 73228  
day of a calendar quarter next following the sixty-fifth day 73229  
following the date the tax commissioner receives from the board of 73230  
elections the certification of the results of the election on the 73231  
question of the tax. 73232

(B) The legislative authority may, at any time while the tax 73233  
is in effect, by resolution fix the rate of the tax at any rate 73234  
authorized by this section and not in excess of that approved by 73235  
the voters pursuant to section 306.70 of the Revised Code. Except 73236  
as provided in division (C) of this section, any change in the 73237  
rate of the tax shall be made effective on the first day of a 73238  
calendar quarter next following the sixty-fifth day following the 73239  
date the tax commissioner receives the certification of the 73240  
resolution; provided, that in any case where bonds, or notes in 73241  
anticipation of bonds, of a regional transit authority have been 73242  
issued under section 306.40 of the Revised Code without a vote of 73243  
the electors while the tax proposed to be reduced was in effect, 73244  
the board of trustees of the regional transit authority shall 73245  
continue to levy and collect under authority of the original 73246  
election authorizing the tax a rate of tax that the board of 73247  
trustees reasonably estimates will produce an amount in that year 73248  
equal to the amount of principal of and interest on those bonds as 73249  
is payable in that year. 73250

(C) Upon receipt from the board of elections of the 73251  
certification of the results of the election required by division 73252

(A) of this section, or from the legislative authority of the 73253  
certification of a resolution under division (B) of this section, 73254  
the tax commissioner shall provide notice of a tax rate change in 73255  
a manner that is reasonably accessible to all affected vendors. 73256  
The commissioner shall provide this notice at least sixty days 73257  
prior to the effective date of the rate change. The commissioner, 73258  
by rule, may establish the method by which notice will be 73259  
provided. 73260

(D) If a vendor ~~that is registered with the central~~ 73261  
~~electronic registration system provided for in section 5740.05 of~~ 73262  
~~the Revised Code~~ makes a sale in this state by printed catalog and 73263  
the consumer computed the tax on the sale based on local rates 73264  
published in the catalog, any tax levied or rate changed under 73265  
this section shall not apply to such a sale until the first day of 73266  
a calendar quarter following the expiration of one hundred twenty 73267  
days from the date of notice by the tax commissioner pursuant to 73268  
division (C) of this section. 73269

(E) The tax on every retail sale subject to a tax levied 73270  
pursuant to this section is in addition to the tax levied by 73271  
section 5739.02 of the Revised Code and any tax levied pursuant to 73272  
section 5739.021 or 5739.026 of the Revised Code. 73273

(F) The additional tax levied by the transit authority shall 73274  
be collected pursuant to section 5739.025 of the Revised Code. 73275

(G) Any tax levied pursuant to this section is subject to the 73276  
exemptions provided in section 5739.02 of the Revised Code and in 73277  
addition shall not be applicable to sales not within the taxing 73278  
power of a transit authority under the constitution of the United 73279  
States or the constitution of this state. 73280

(H) The rate of a tax levied under this section is subject to 73281  
reduction under section 5739.028 of the Revised Code, if a ballot 73282  
question is approved by voters pursuant to that section. 73283



**Sec. 5739.026.** (A) A board of county commissioners may levy a 73284  
tax of one-fourth or one-half of one per cent on every retail sale 73285  
in the county, except sales of watercraft and outboard motors 73286  
required to be titled pursuant to Chapter 1548. of the Revised 73287  
Code and sales of motor vehicles, and may increase an existing 73288  
rate of one-fourth of one per cent to one-half of one per cent, to 73289  
pay the expenses of administering the tax and, except as provided 73290  
in division (A)(6) of this section, for any one or more of the 73291  
following purposes provided that the aggregate levy for all such 73292  
purposes does not exceed one-half of one per cent: 73293

(1) To provide additional revenues for the payment of bonds 73294  
or notes issued in anticipation of bonds issued by a convention 73295  
facilities authority established by the board of county 73296  
commissioners under Chapter 351. of the Revised Code and to 73297  
provide additional operating revenues for the convention 73298  
facilities authority; 73299

(2) To provide additional revenues for a transit authority 73300  
operating in the county; 73301

(3) To provide additional revenue for the county's general 73302  
fund; 73303

(4) To provide additional revenue for permanent improvements 73304  
within the county to be distributed by the community improvements 73305  
board in accordance with section 307.283 and to pay principal, 73306  
interest, and premium on bonds issued under section 307.284 of the 73307  
Revised Code; 73308

(5) To provide additional revenue for the acquisition, 73309  
construction, equipping, or repair of any specific permanent 73310  
improvement or any class or group of permanent improvements, which 73311  
improvement or class or group of improvements shall be enumerated 73312  
in the resolution required by division (D) of this section, and to 73313  
pay principal, interest, premium, and other costs associated with 73314

the issuance of bonds or notes in anticipation of bonds issued 73315  
pursuant to Chapter 133. of the Revised Code for the acquisition, 73316  
construction, equipping, or repair of the specific permanent 73317  
improvement or class or group of permanent improvements; 73318

(6) To provide revenue for the implementation and operation 73319  
of a 9-1-1 system in the county. If the tax is levied or the rate 73320  
increased exclusively for such purpose, the tax shall not be 73321  
levied or the rate increased for more than five years. At the end 73322  
of the last year the tax is levied or the rate increased, any 73323  
balance remaining in the special fund established for such purpose 73324  
shall remain in that fund and be used exclusively for such purpose 73325  
until the fund is completely expended, and, notwithstanding 73326  
section 5705.16 of the Revised Code, the board of county 73327  
commissioners shall not petition for the transfer of money from 73328  
such special fund, and the tax commissioner shall not approve such 73329  
a petition. 73330

If the tax is levied or the rate increased for such purpose 73331  
for more than five years, the board of county commissioners also 73332  
shall levy the tax or increase the rate of the tax for one or more 73333  
of the purposes described in divisions (A)(1) to (5) of this 73334  
section and shall prescribe the method for allocating the revenues 73335  
from the tax each year in the manner required by division (C) of 73336  
this section. 73337

(7) To provide additional revenue for the operation or 73338  
maintenance of a detention facility, as that term is defined under 73339  
division (F) of section 2921.01 of the Revised Code; 73340

(8) To provide revenue to finance the construction or 73341  
renovation of a sports facility, but only if the tax is levied for 73342  
that purpose in the manner prescribed by section 5739.028 of the 73343  
Revised Code. 73344

As used in division (A)(8) of this section: 73345

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 73346  
73347

(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 73348  
73349

(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 73350  
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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services. 73356  
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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 73358  
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The rate of tax shall be a multiple of one-fourth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code shall be a multiple of one-fourth of one per cent. The tax shall be levied and the rate increased pursuant to a resolution adopted by a majority of the members of the board. The board shall deliver a certified copy of the resolution to the tax commissioner, not later than the sixty-fifth day prior to the date on which the tax is to become effective, which shall be the first day of a calendar quarter. 73363  
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Prior to the adoption of any resolution to levy the tax or to 73376

increase the rate of tax exclusively for the purpose set forth in 73377  
division (A)(3) of this section, the board of county commissioners 73378  
shall conduct two public hearings on the resolution, the second 73379  
hearing to be no fewer than three nor more than ten days after the 73380  
first. Notice of the date, time, and place of the hearings shall 73381  
be given by publication in a newspaper of general circulation in 73382  
the county, or as provided in section 7.16 of the Revised Code, 73383  
once a week on the same day of the week for two consecutive weeks. 73384  
The second publication shall be no fewer than ten nor more than 73385  
thirty days prior to the first hearing. Except as provided in 73386  
division (E) of this section, the resolution shall be subject to a 73387  
referendum as provided in sections 305.31 to 305.41 of the Revised 73388  
Code. If the resolution is adopted as an emergency measure 73389  
necessary for the immediate preservation of the public peace, 73390  
health, or safety, it must receive an affirmative vote of all of 73391  
the members of the board of county commissioners and shall state 73392  
the reasons for the necessity. 73393

If the tax is for more than one of the purposes set forth in 73394  
divisions (A)(1) to (7), (9), and (10) of this section, or is 73395  
exclusively for one of the purposes set forth in division (A)(1), 73396  
(2), (4), (5), (6), (7), (9), or (10) of this section, the 73397  
resolution shall not go into effect unless it is approved by a 73398  
majority of the electors voting on the question of the tax. 73399

(B) The board of county commissioners shall adopt a 73400  
resolution under section 351.02 of the Revised Code creating the 73401  
convention facilities authority, or under section 307.283 of the 73402  
Revised Code creating the community improvements board, before 73403  
adopting a resolution levying a tax for the purpose of a 73404  
convention facilities authority under division (A)(1) of this 73405  
section or for the purpose of a community improvements board under 73406  
division (A)(4) of this section. 73407

(C)(1) If the tax is to be used for more than one of the 73408

purposes set forth in divisions (A)(1) to (7), (9), and (10) of 73409  
this section, the board of county commissioners shall establish 73410  
the method that will be used to determine the amount or proportion 73411  
of the tax revenue received by the county during each year that 73412  
will be distributed for each of those purposes, including, if 73413  
applicable, provisions governing the reallocation of a convention 73414  
facilities authority's allocation if the authority is dissolved 73415  
while the tax is in effect. The allocation method may provide that 73416  
different proportions or amounts of the tax shall be distributed 73417  
among the purposes in different years, but it shall clearly 73418  
describe the method that will be used for each year. Except as 73419  
otherwise provided in division (C)(2) of this section, the 73420  
allocation method established by the board is not subject to 73421  
amendment during the life of the tax. 73422

(2) Subsequent to holding a public hearing on the proposed 73423  
amendment, the board of county commissioners may amend the 73424  
allocation method established under division (C)(1) of this 73425  
section for any year, if the amendment is approved by the 73426  
governing board of each entity whose allocation for the year would 73427  
be reduced by the proposed amendment. In the case of a tax that is 73428  
levied for a continuing period of time, the board may not so amend 73429  
the allocation method for any year before the sixth year that the 73430  
tax is in effect. 73431

(a) If the additional revenues provided to the convention 73432  
facilities authority are pledged by the authority for the payment 73433  
of convention facilities authority revenue bonds for as long as 73434  
such bonds are outstanding, no reduction of the authority's 73435  
allocation of the tax shall be made for any year except to the 73436  
extent that the reduced authority allocation, when combined with 73437  
the authority's other revenues pledged for that purpose, is 73438  
sufficient to meet the debt service requirements for that year on 73439  
such bonds. 73440

(b) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes described in division (A)(4) or (5) of this section, for as long as such bonds or notes are outstanding, no reduction of the county's or the community improvements board's allocation of the tax shall be made for any year, except to the extent that the reduced county or community improvements board allocation is sufficient to meet the debt service requirements for that year on such bonds or notes.

(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate of tax shall state the rate of the tax or the rate of the increase; the purpose or purposes for which it is to be levied; the number of years for which it is to be levied or that it is for a continuing period of time; the allocation method required by division (C) of this section; and if required to be submitted to the electors of the county under division (A) of this section, the date of the election at which the proposal shall be submitted to the electors of the county, which shall be not less than ninety

days after the certification of a copy of the resolution to the 73473  
board of elections and, if the tax is to be levied exclusively for 73474  
the purpose set forth in division (A)(3) of this section, shall 73475  
not occur in February or August of any year. Upon certification of 73476  
the resolution to the board of elections, the board of county 73477  
commissioners shall notify the tax commissioner in writing of the 73478  
levy question to be submitted to the electors. If approved by a 73479  
majority of the electors, the tax shall become effective on the 73480  
first day of a calendar quarter next following the sixty-fifth day 73481  
following the date the board of county commissioners and tax 73482  
commissioner receive from the board of elections the certification 73483  
of the results of the election, except as provided in division (E) 73484  
of this section. 73485

(2)(a) A resolution specifying that the tax is to be used 73486  
exclusively for the purpose set forth in division (A)(3) of this 73487  
section that is not adopted as an emergency measure may direct the 73488  
board of elections to submit the question of levying the tax or 73489  
increasing the rate of the tax to the electors of the county at a 73490  
special election held on the date specified by the board of county 73491  
commissioners in the resolution, provided that the election occurs 73492  
not less than ninety days after the resolution is certified to the 73493  
board of elections and the election is not held in February or 73494  
August of any year. Upon certification of the resolution to the 73495  
board of elections, the board of county commissioners shall notify 73496  
the tax commissioner in writing of the levy question to be 73497  
submitted to the electors. No resolution adopted under division 73498  
(D)(2)(a) of this section shall go into effect unless approved by 73499  
a majority of those voting upon it and, except as provided in 73500  
division (E) of this section, not until the first day of a 73501  
calendar quarter following the expiration of sixty-five days from 73502  
the date the tax commissioner receives notice from the board of 73503  
elections of the affirmative vote. 73504

(b) A resolution specifying that the tax is to be used 73505  
exclusively for the purpose set forth in division (A)(3) of this 73506  
section that is adopted as an emergency measure shall become 73507  
effective as provided in division (A) of this section, but may 73508  
direct the board of elections to submit the question of repealing 73509  
the tax or increase in the rate of the tax to the electors of the 73510  
county at the next general election in the county occurring not 73511  
less than ninety days after the resolution is certified to the 73512  
board of elections. Upon certification of the resolution to the 73513  
board of elections, the board of county commissioners shall notify 73514  
the tax commissioner in writing of the levy question to be 73515  
submitted to the electors. The ballot question shall be the same 73516  
as that prescribed in section 5739.022 of the Revised Code. The 73517  
board of elections shall notify the board of county commissioners 73518  
and the tax commissioner of the result of the election immediately 73519  
after the result has been declared. If a majority of the qualified 73520  
electors voting on the question of repealing the tax or increase 73521  
in the rate of the tax vote for repeal of the tax or repeal of the 73522  
increase, the board of county commissioners, on the first day of a 73523  
calendar quarter following the expiration of sixty-five days after 73524  
the date the board and tax commissioner received notice of the 73525  
result of the election, shall, in the case of a repeal of the tax, 73526  
cease to levy the tax, or, in the case of a repeal of an increase 73527  
in the rate of the tax, cease to levy the increased rate and levy 73528  
the tax at the rate at which it was imposed immediately prior to 73529  
the increase in rate. 73530

(c) A board of county commissioners, by resolution, may 73531  
reduce the rate of a tax levied exclusively for the purpose set 73532  
forth in division (A)(3) of this section to a lower rate 73533  
authorized by this section. Any such reduction shall be made 73534  
effective on the first day of the calendar quarter next following 73535  
the sixty-fifth day after the tax commissioner receives a 73536  
certified copy of the resolution from the board. 73537



(E) If a vendor ~~that is registered with the central~~ 73538  
~~electronic registration system provided for in section 5740.05 of~~ 73539  
~~the Revised Code~~ makes a sale in this state by printed catalog and 73540  
the consumer computed the tax on the sale based on local rates 73541  
published in the catalog, any tax levied or repealed or rate 73542  
changed under this section shall not apply to such a sale until 73543  
the first day of a calendar quarter following the expiration of 73544  
one hundred twenty days from the date of notice by the tax 73545  
commissioner pursuant to division (G) of this section. 73546

(F) The tax levied pursuant to this section shall be in 73547  
addition to the tax levied by section 5739.02 of the Revised Code 73548  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 73549  
Revised Code. 73550

A county that levies a tax pursuant to this section shall 73551  
levy a tax at the same rate pursuant to section 5741.023 of the 73552  
Revised Code. 73553

The additional tax levied by the county shall be collected 73554  
pursuant to section 5739.025 of the Revised Code. 73555

Any tax levied pursuant to this section is subject to the 73556  
exemptions provided in section 5739.02 of the Revised Code and in 73557  
addition shall not be applicable to sales not within the taxing 73558  
power of a county under the Constitution of the United States or 73559  
the Ohio Constitution. 73560

(G) Upon receipt from a board of county commissioners of a 73561  
certified copy of a resolution required by division (A) of this 73562  
section, or from the board of elections a notice of the results of 73563  
an election required by division (D)(1), (2)(a), (b), or (c) of 73564  
this section, the tax commissioner shall provide notice of a tax 73565  
rate change in a manner that is reasonably accessible to all 73566  
affected vendors. The commissioner shall provide this notice at 73567  
least sixty days prior to the effective date of the rate change. 73568

The commissioner, by rule, may establish the method by which 73569  
notice will be provided. 73570

**Sec. 5739.04.** If modification of a county's jurisdictional 73571  
boundaries or a transit authority's territory results in a change 73572  
in the tax rate levied under section 5739.021, 5739.023, or 73573  
5739.026 of the Revised Code, the tax commissioner, within thirty 73574  
days of such change, shall notify any vendor ~~that is registered~~ 73575  
~~with the central electronic registration system provided for in~~ 73576  
~~section 5740.05 of the Revised Code~~ or the vendor's certified 73577  
service provider, if the vendor has selected one, of such change. 73578  
The rate change shall not apply to sales made by such vendor until 73579  
the first day of a calendar quarter following the expiration of 73580  
sixty days from the date of notice by the ~~tax~~ commissioner. 73581

**Sec. 5739.17.** (A) No person shall engage in making retail 73582  
sales subject to a tax imposed by or pursuant to section 5739.02, 73583  
5739.021, 5739.023, or 5739.026 of the Revised Code as a business 73584  
without having a license therefor, except as otherwise provided in 73585  
divisions (A)(1), (2), and (3) of this section. 73586

(1) In the dissolution of a partnership by death, the 73587  
surviving partner may operate under the license of the partnership 73588  
for a period of sixty days. 73589

(2) The heirs or legal representatives of deceased persons, 73590  
and receivers and trustees in bankruptcy, appointed by any 73591  
competent authority, may operate under the license of the person 73592  
so succeeded in possession. 73593

(3) Two or more persons who are not partners may operate a 73594  
single place of business under one license. In such case neither 73595  
the retirement of any such person from business at that place of 73596  
business, nor the entrance of any person, under an existing 73597  
arrangement, shall affect the license or require the issuance of a 73598

new license, unless the person retiring from the business is the individual named on the vendor's license.

Except as otherwise provided in this section, each applicant for a license shall make out and deliver to the county auditor of each county in which the applicant desires to engage in business, upon a blank to be furnished by such auditor for that purpose, a statement showing the name of the applicant, each place of business in the county where the applicant will make retail sales, the nature of the business, and any other information the tax commissioner reasonably prescribes in the form of a statement prescribed by the commissioner.

At the time of making the application, the applicant shall pay into the county treasury a license fee in the sum of twenty-five dollars for each fixed place of business in the county that will be the situs of retail sales. Upon receipt of the application and exhibition of the county treasurer's receipt, showing the payment of the license fee, the county auditor shall issue to the applicant a license for each fixed place of business designated in the application, authorizing the applicant to engage in business at that location. ¶¶

(B) If a vendor's identity changes, the vendor shall apply for a new license. If a vendor wishes to move an existing fixed place of business to a new location within the same county, the vendor shall obtain a new vendor's license or submit a request to the ~~tax~~ commissioner to transfer the existing vendor's license to the new location. When the new location has been verified as being within the same county, the commissioner shall authorize the transfer and notify the county auditor of the change of location. If a vendor wishes to move an existing fixed place of business to another county, the vendor's license shall not transfer and the vendor shall obtain a new vendor's license from the county in which the business is to be located. The form of the license shall

be prescribed by the commissioner. The fees collected shall be 73631  
credited to the general fund of the county. If a vendor fails to 73632  
notify the commissioner of a change of location of its fixed place 73633  
of business or that its business has closed, the commissioner may 73634  
cancel the vendor's license if ordinary mail sent to the location 73635  
shown on the license is returned because of an undeliverable 73636  
address. 73637

(C) The ~~tax~~ commissioner may establish or participate in a 73638  
registration system whereby any vendor may obtain a vendor's 73639  
license by submitting to the commissioner a vendor's license 73640  
application and a license fee of twenty-five dollars for each 73641  
fixed place of business at which the vendor intends to make retail 73642  
sales. Under this registration system, the commissioner shall 73643  
issue a vendor's license to the applicant on behalf of the county 73644  
auditor of the county in which the applicant desires to engage in 73645  
business, and shall forward a copy of the application and license 73646  
fee to that county. All such license fees received by the 73647  
commissioner for the issuance of vendor's licenses shall be 73648  
deposited into the vendor's license application fund, which is 73649  
hereby created in the state treasury. The commissioner shall 73650  
certify to the director of budget and management within ten 73651  
business days after the close of a month the license fees to be 73652  
transmitted to each county from the vendor's license application 73653  
fund for vendor's license applications received by the 73654  
commissioner during that month. License fees transmitted to a 73655  
county for which payment was not received by the commissioner may 73656  
be netted against a future distribution to that county, including 73657  
distributions made pursuant to section 5739.21 of the Revised 73658  
Code. 73659

A vendor that makes retail sales subject to tax under Chapter 73660  
5739. of the Revised Code pursuant to a permit issued by the 73661  
division of liquor control shall obtain a vendor's license in the 73662

identical name and for the identical address as shown on the 73663  
permit. 73664

Except as otherwise provided in this section, if a vendor has 73665  
no fixed place of business and sells from a vehicle, each vehicle 73666  
intended to be used within a county constitutes a place of 73667  
business for the purpose of this section. 73668

~~(B)~~(D) As used in this ~~division~~ section, "transient vendor" 73669  
means any person who makes sales of tangible personal property 73670  
from vending machines located on land owned by others, who leases 73671  
titled motor vehicles, titled watercraft, or titled outboard 73672  
motors, who effectuates leases that are taxed according to 73673  
division (A)(2) of section 5739.02 of the Revised Code, or who, in 73674  
the usual course of the person's business, transports inventory, 73675  
stock of goods, or similar tangible personal property to a 73676  
temporary place of business or temporary exhibition, show, fair, 73677  
flea market, or similar event in a county in which the person has 73678  
no fixed place of business, for the purpose of making retail sales 73679  
of such property. A "temporary place of business" means any public 73680  
or quasi-public place including, but not limited to, a hotel, 73681  
rooming house, storeroom, building, part of a building, tent, 73682  
vacant lot, railroad car, or motor vehicle that is temporarily 73683  
occupied for the purpose of making retail sales of goods to the 73684  
public. A place of business is not temporary if the same person 73685  
conducted business at the place continuously for more than six 73686  
months or occupied the premises as the person's permanent 73687  
residence for more than six months, or if the person intends it to 73688  
be a fixed place of business. 73689

Any transient vendor, in lieu of obtaining a vendor's license 73690  
under division (A) of this section for counties in which the 73691  
transient vendor has no fixed place of business, may apply to the 73692  
tax commissioner, on a form prescribed by the commissioner, for a 73693  
transient vendor's license. The transient vendor's license 73694

authorizes the transient vendor to make retail sales in any county 73695  
in which the transient vendor does not maintain a fixed place of 73696  
business. Any holder of a transient vendor's license shall not be 73697  
required to obtain a separate vendor's license from the county 73698  
auditor in that county. Upon the commissioner's determination that 73699  
an applicant is a transient vendor, the applicant shall pay a 73700  
license fee in the amount of twenty-five dollars, at which time 73701  
the tax commissioner shall issue the license. The tax commissioner 73702  
may require a vendor to be licensed as a transient vendor if, in 73703  
the opinion of the commissioner, such licensing is necessary for 73704  
the efficient administration of the tax. 73705

Any holder of a valid transient vendor's license may make 73706  
retail sales at a temporary place of business or temporary 73707  
exhibition, show, fair, flea market, or similar event, held 73708  
anywhere in the state without complying with any provision of 73709  
section 311.37 of the Revised Code. Any holder of a valid vendor's 73710  
license may make retail sales as a transient vendor at a temporary 73711  
place of business or temporary exhibition, show, fair, flea 73712  
market, or similar event held in any county in which the vendor 73713  
maintains a fixed place of business for which the vendor holds a 73714  
vendor's license without obtaining a transient vendor's license. 73715

~~(C) As used in this division, "service vendor" means any 73716  
person who, in the usual course of the person's business, sells 73717  
services described in division (B)(3)(e), (f), (g), (h), (i), (j), 73718  
(k), (l), (m), (p), or (t) of section 5739.01 of the Revised Code. 73719~~

~~Every service vendor shall make application to the tax 73720  
commissioner for a service vendor's license. Each applicant shall 73721  
pay a license fee in the amount of twenty five dollars. Upon the 73722  
commissioner's determination that an applicant is a service vendor 73723  
and payment of the fee, the commissioner shall issue the applicant 73724  
a service vendor's license. 73725~~

~~Only sales described in division (B)(3)(e), (f), (g), (h), 73726~~

~~(i), (j), (k), (l), (m), (p), or (t) of section 5739.01 of the Revised Code may be made under authority of a service vendor's license, and that license authorizes sales to be made at any place in this state. Any service vendor who makes sales of other services or tangible personal property subject to the sales tax also shall be licensed under division (A), (B), or (D) of this section.~~

~~(D) As used in this division, "delivery vendor" means any vendor who engages in one or more of the activities described in divisions (D)(1) to (4) of this section, and who maintains no store, showroom, or similar fixed place of business or other location where merchandise regularly is offered for sale or displayed or shown in catalogs for selection or pick-up by consumers, or where consumers bring goods for repair or other service.~~

~~(1) The vendor makes retail sales of tangible personal property;~~

~~(2) The vendor rents or leases, at retail, tangible personal property, except titled motor vehicles, titled watercraft, or titled outboard motors;~~

~~(3) The vendor provides a service, at retail, described in division (B)(3)(a), (b), (c), or (d) of section 5739.01 of the Revised Code; or~~

~~(4) The vendor makes retail sales of warranty, maintenance or service contracts, or similar agreements as described in division (B)(7) of section 5739.01 of the Revised Code.~~

~~A transient vendor or a seller registered pursuant to section 5741.17 of the Revised Code is not a delivery vendor.~~

~~Delivery vendors shall apply to the tax commissioner, on a form prescribed by the commissioner, for a delivery vendor's license. Each applicant shall pay a license fee of twenty five~~

~~dollars for each delivery vendor's license, to be credited to the 73758  
general revenue fund. Upon the commissioner's determination that 73759  
the applicant is a delivery vendor, the commissioner shall issue 73760  
the license. A delivery vendor's license authorizes retail sales 73761  
to be made throughout the state. All sales of the vendor must be 73762  
reported under the delivery license. The commissioner may require 73763  
a vendor to be licensed as a delivery vendor if, in the opinion of 73764  
the commissioner, such licensing is necessary for the efficient 73765  
administration of the tax. The commissioner shall not issue a 73766  
delivery vendor license to a vendor who holds a license issued 73767  
under division (A) of this section. 73768~~

(E) Any ~~transient~~ vendor who is issued a license pursuant to 73769  
this section shall display the license or a copy of it 73770  
prominently, in plain view, at every place of business of the 73771  
~~transient~~ vendor. ~~Every~~ 73772

(F) No owner, organizer, or promoter who operates a fair, 73773  
flea market, show, exhibition, convention, or similar event at 73774  
which transient vendors are present shall fail to keep a 73775  
comprehensive record of all such vendors, listing the vendor's 73776  
name, permanent address, vendor's license number, and the type of 73777  
goods sold. Such records shall be kept for four years and shall be 73778  
open to inspection by the ~~tax~~ commissioner. 73779

(G) The commissioner may issue additional types of licenses 73780  
if required to efficiently administer the tax imposed by this 73781  
chapter. 73782

**Sec. 5741.08.** If modification of a county's jurisdictional 73783  
boundaries or a transit authority's territory results in a change 73784  
in the tax rate levied under section 5741.021, 5741.022, or 73785  
5741.023 of the Revised Code, the tax commissioner, within thirty 73786  
days of such change, shall notify any seller ~~that is registered 73787  
with the central electronic registration system provided for in 73788~~



~~section 5740.05 of the Revised Code~~ or the seller's certified 73789  
service provider, if the seller has selected one, of such change. 73790  
The rate change shall not apply until the first day of a calendar 73791  
quarter following the expiration of sixty days from the date of 73792  
notice by the ~~tax~~ commissioner. 73793

**Sec. 5743.031.** (A) A wholesale dealer may affix stamps only 73794  
to packages of cigarettes that the dealer received directly from a 73795  
manufacturer or importer of cigarettes that possesses a valid and 73796  
current license under section 5743.15 of the Revised Code, or to 73797  
packages of cigarettes that the dealer received from another 73798  
wholesale dealer that possesses a valid and current license under 73799  
section 5743.15 of the Revised Code, provided that the tax 73800  
commissioner has authorized the sale of the cigarettes between 73801  
those wholesale dealers and that the wholesale dealer that sells 73802  
the cigarettes received them directly from a manufacturer or 73803  
importer of cigarettes that possesses a valid and current license 73804  
under section 5743.15 of the Revised Code. 73805

(B) Only a wholesale dealer that possesses a valid and 73806  
current license under section 5743.15 of the Revised Code may 73807  
purchase or obtain tax stamps. A wholesale dealer may not sell or 73808  
provide such stamps to any other wholesale dealer or any other 73809  
person. 73810

(C) Any person shipping unstamped packages of cigarettes into 73811  
this state to a person other than a wholesale dealer licensed 73812  
under section 5743.15 of the Revised Code shall, before such 73813  
shipment, file notice of the shipment with the tax commissioner. 73814  
Any person that transports unstamped packages of cigarettes into 73815  
or within this state shall carry in the vehicle used to convey the 73816  
shipment invoices or equivalent documentation of the shipment for 73817  
all cigarettes in the shipment. The invoices or other 73818  
documentation shall show the true name and address of the 73819

consignor or seller, the true name and address of the consignee or 73820  
purchaser, and the quantity of the cigarettes being transported. 73821  
This division does not apply to any ~~common or contract~~ for-hire 73822  
motor carrier transporting cigarettes through this state to 73823  
another location under a proper bill of lading or freight bill 73824  
that states the quantity, source, and destination of the 73825  
cigarettes. 73826

**Sec. 5743.20.** No person shall sell any cigarettes both as a 73827  
retail dealer and as a wholesale dealer at the same place of 73828  
business. No person other than a licensed wholesale dealer shall 73829  
sell cigarettes to a licensed retail dealer. No retail dealer 73830  
shall purchase cigarettes from any person other than a licensed 73831  
wholesale dealer. 73832

Subject to section 5743.031 of the Revised Code, a licensed 73833  
wholesale dealer may not sell cigarettes to any person in this 73834  
state other than a licensed retail dealer, except a licensed 73835  
wholesale dealer may sell cigarettes to another licensed wholesale 73836  
dealer if the tax commissioner has authorized the sale of the 73837  
cigarettes between those wholesale dealers and the wholesale 73838  
dealer that sells the cigarettes received them directly from a 73839  
licensed manufacturer or licensed importer. 73840

The tax commissioner shall adopt rules governing sales of 73841  
cigarettes between licensed wholesale dealers, including rules 73842  
establishing criteria for authorizing such sales. 73843

No manufacturer or importer shall sell cigarettes to any 73844  
person in this state other than to a licensed wholesale dealer or 73845  
licensed importer. No importer shall purchase cigarettes from any 73846  
person other than a licensed manufacturer or licensed importer. 73847

A retail dealer may purchase other tobacco products only from 73848  
a licensed distributor. A licensed distributor may sell tobacco 73849  
products only to a retail dealer, except a licensed distributor 73850

may sell tobacco products to another licensed distributor if the 73851  
tax commissioner has authorized the sale of the tobacco products 73852  
between those distributors and the distributor that sells the 73853  
tobacco products received them directly from a manufacturer or 73854  
importer of tobacco products. 73855

The tax commissioner may adopt rules governing sales of 73856  
tobacco products between licensed distributors, including rules 73857  
establishing criteria for authorizing such sales. 73858

The identities of cigarette manufacturers and importers, 73859  
licensed cigarette wholesalers, licensed distributors of other 73860  
tobacco products, and registered manufacturers, and importers, ~~and~~ 73861  
~~brokers~~ of other tobacco products are subject to public 73862  
disclosure. The tax commissioner shall maintain an alphabetical 73863  
list of all such manufacturers, importers, wholesalers, and 73864  
distributors, ~~and brokers~~, shall post the list on a web site 73865  
accessible to the public through the internet, and shall 73866  
periodically update the web site posting. 73867

As used in this section, "licensed" means the manufacturer, 73868  
importer, wholesale dealer, or distributor holds a current and 73869  
valid license issued under section 5743.15 or 5743.61 of the 73870  
Revised Code, and "registered" means registered with the ~~tax~~ 73871  
commissioner under section 5743.66 of the Revised Code. 73872

**Sec. 5743.61.** (A) Except as otherwise provided in this 73873  
division, no distributor shall engage in the business of 73874  
distributing tobacco products within this state without having a 73875  
license issued by the department of taxation to engage in that 73876  
business. On the dissolution of a partnership by death, the 73877  
surviving partner may operate under the license of the partnership 73878  
until the expiration of the license, and the heirs or legal 73879  
representatives of deceased persons, and receivers and trustees in 73880  
bankruptcy appointed by any competent authority, may operate under 73881

the license of the person succeeded in possession by the heir, 73882  
representative, receiver, or trustee in bankruptcy if the partner 73883  
or successor notifies the department of taxation of the 73884  
dissolution or succession within thirty days after the dissolution 73885  
or succession. 73886

(B)(1) Each applicant for a license to engage in the business 73887  
of distributing tobacco products, annually, on or before the first 73888  
day of February, shall make and deliver to the tax commissioner, 73889  
upon a form furnished by the commissioner for that purpose, a 73890  
statement showing the name of the applicant, each physical place 73891  
from which the applicant distributes to distributors, retail 73892  
dealers, or wholesale dealers, and any other information the 73893  
commissioner considers necessary for the administration of 73894  
sections 5743.51 to 5743.66 of the Revised Code. 73895

(2) At the time of making the license application, the 73896  
applicant shall pay an application fee of one thousand dollars for 73897  
each place listed on the application where the applicant proposes 73898  
to carry on that business. The fee charged for the application 73899  
shall accompany the application and shall be made payable to the 73900  
treasurer of state for deposit into the cigarette tax enforcement 73901  
fund. 73902

(3) Upon receipt of the application and payment of any 73903  
licensing fee required by this section, the commissioner shall 73904  
issue to the applicant a license for each place of distribution 73905  
designated in the application authorizing the applicant to engage 73906  
in business at that location for one year commencing on the first 73907  
day of February. For licenses issued after the first day of 73908  
February, the license application fee shall be reduced 73909  
proportionately by the remainder of the twelve-month period for 73910  
which the license is issued, except that the application fee 73911  
required to be paid under this section shall be not less than two 73912  
hundred dollars. If the original license is lost, destroyed, or 73913

defaced, a duplicate license may be obtained from the commissioner 73914  
upon payment of a license replacement fee of twenty-five dollars. 73915

(C) The holder of a tobacco products license may transfer the 73916  
license to a place of business on condition that the licensee's 73917  
ownership and business structure remains unchanged and the 73918  
licensee applies to the commissioner for the transfer on a form 73919  
issued by the commissioner, and pays a transfer fee of twenty-five 73920  
dollars. 73921

(D) If a distributor fails to file forms as required under 73922  
Chapter 1346. or section 5743.52 of the Revised Code or pay the 73923  
tax due for two consecutive periods or three periods during any 73924  
twelve-month period, the commissioner may suspend the license 73925  
issued to the distributor under this section. The suspension is 73926  
effective ten days after the commissioner notifies the distributor 73927  
of the suspension in writing personally or by certified mail. The 73928  
commissioner shall lift the suspension when the distributor files 73929  
the delinquent forms and pays the tax due, including any 73930  
penalties, interest, and additional charges. The commissioner may 73931  
refuse to issue the annual renewal of the license required by this 73932  
section and may refuse to issue a new license for the same 73933  
location until all delinquent forms are filed and outstanding 73934  
taxes are paid. This division does not apply to any unpaid or 73935  
underpaid tax liability that is the subject of a petition or 73936  
appeal filed pursuant to section 5743.56, 5717.02, or 5717.04 of 73937  
the Revised Code. 73938

(E)(1) The tax commissioner may impose a penalty of up to one 73939  
thousand dollars on any person found to be engaging in the 73940  
business of distributing tobacco products without a license as 73941  
required by this section. 73942

(2) Any person engaging in the business of distributing 73943  
tobacco products without a license as required by this section 73944  
shall comply with divisions (B)(1) and (2) of this section within 73945

ten days after being notified of the requirement to do so. Failure to comply with division (E)(2) of this section subjects a person to penalties imposed under section 5743.99 of the Revised Code.

**Sec. 5743.66.** (A) Each manufacturer, or importer, ~~or broker~~ of tobacco products shall register with the tax commissioner before it sells or distributes tobacco products to distributors in this state, and, upon the request of the ~~tax~~ commissioner, shall provide complete information on sales made to distributors in this state and a current list of prices charged for tobacco products sold to distributors in this state.

(B) On or before the last day of each month, every manufacturer, or importer, ~~or broker~~ of tobacco products shall file a report with the commissioner listing all sales of tobacco products to distributors located in this state during the preceding month and any other information the commissioner finds necessary for the proper administration of sections 5743.51 to 5743.66 of the Revised Code.

**Sec. 5747.01.** Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities. 73976  
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(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes. 73979  
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(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States. 73984  
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(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income. 73990  
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(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code. 73992  
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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. 73996  
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"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross

income required under division (A) of this section and (ii) the 74007  
personal exemptions allowed to the trust pursuant to section 74008  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 74009  
deductions to adjusted gross income required under division (A) of 74010  
this section, (ii) the amount of federal income taxes attributable 74011  
to such income, and (iii) the amount of taxable income that has 74012  
been included in the adjusted gross income of a beneficiary by 74013  
reason of a prior accumulation distribution. Any undistributed net 74014  
income included in the adjusted gross income of a beneficiary 74015  
shall reduce the undistributed net income of the trust commencing 74016  
with the earliest years of the accumulation period. 74017

(7) Deduct the amount of wages and salaries, if any, not 74018  
otherwise allowable as a deduction but that would have been 74019  
allowable as a deduction in computing federal adjusted gross 74020  
income for the taxable year, had the targeted jobs credit allowed 74021  
and determined under sections 38, 51, and 52 of the Internal 74022  
Revenue Code not been in effect. 74023

(8) Deduct any interest or interest equivalent on public 74024  
obligations and purchase obligations to the extent that the 74025  
interest or interest equivalent is included in federal adjusted 74026  
gross income. 74027

(9) Add any loss or deduct any gain resulting from the sale, 74028  
exchange, or other disposition of public obligations to the extent 74029  
that the loss has been deducted or the gain has been included in 74030  
computing federal adjusted gross income. 74031

(10) Deduct or add amounts, as provided under section 5747.70 74032  
of the Revised Code, related to contributions to variable college 74033  
savings program accounts made or tuition units purchased pursuant 74034  
to Chapter 3334. of the Revised Code. 74035

(11)(a) Deduct, to the extent not otherwise allowable as a 74036  
deduction or exclusion in computing federal or Ohio adjusted gross 74037



income for the taxable year, the amount the taxpayer paid during 74038  
the taxable year for medical care insurance and qualified 74039  
long-term care insurance for the taxpayer, the taxpayer's spouse, 74040  
and dependents. No deduction for medical care insurance under 74041  
division (A)(11) of this section shall be allowed either to any 74042  
taxpayer who is eligible to participate in any subsidized health 74043  
plan maintained by any employer of the taxpayer or of the 74044  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 74045  
application would be entitled to, benefits under part A of Title 74046  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 74047  
301, as amended. For the purposes of division (A)(11)(a) of this 74048  
section, "subsidized health plan" means a healthplan for which 74049  
the employer pays any portion of the plan's cost. The deduction 74050  
allowed under division (A)(11)(a) of this section shall be the net 74051  
of any related premium refunds, related premium reimbursements, or 74052  
related insurance premium dividends received during the taxable 74053  
year. 74054

(b) Deduct, to the extent not otherwise deducted or excluded 74055  
in computing federal or Ohio adjusted gross income during the 74056  
taxable year, the amount the taxpayer paid during the taxable 74057  
year, not compensated for by any insurance or otherwise, for 74058  
medical care of the taxpayer, the taxpayer's spouse, and 74059  
dependents, to the extent the expenses exceed seven and one-half 74060  
per cent of the taxpayer's federal adjusted gross income. 74061

(c) Deduct, to the extent not otherwise deducted or excluded 74062  
in computing federal or Ohio adjusted gross income, any amount 74063  
included in federal adjusted gross income under section 105 or not 74064  
excluded under section 106 of the Internal Revenue Code solely 74065  
because it relates to an accident and health plan for a person who 74066  
otherwise would be a "qualifying relative" and thus a "dependent" 74067  
under section 152 of the Internal Revenue Code but for the fact 74068  
that the person fails to meet the income and support limitations 74069

under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 74070

(d) For purposes of division (A)(11) of this section, 74071  
"medical care" has the meaning given in section 213 of the 74072  
Internal Revenue Code, subject to the special rules, limitations, 74073  
and exclusions set forth therein, and "qualified long-term care" 74074  
has the same meaning given in section 7702B(c) of the Internal 74075  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 74076  
of this section, "dependent" includes a person who otherwise would 74077  
be a "qualifying relative" and thus a "dependent" under section 74078  
152 of the Internal Revenue Code but for the fact that the person 74079  
fails to meet the income and support limitations under section 74080  
152(d)(1)(B) and (C) of the Internal Revenue Code. 74081

(12)(a) Deduct any amount included in federal adjusted gross 74082  
income solely because the amount represents a reimbursement or 74083  
refund of expenses that in any year the taxpayer had deducted as 74084  
an itemized deduction pursuant to section 63 of the Internal 74085  
Revenue Code and applicable United States department of the 74086  
treasury regulations. The deduction otherwise allowed under 74087  
division (A)(12)(a) of this section shall be reduced to the extent 74088  
the reimbursement is attributable to an amount the taxpayer 74089  
deducted under this section in any taxable year. 74090

(b) Add any amount not otherwise included in Ohio adjusted 74091  
gross income for any taxable year to the extent that the amount is 74092  
attributable to the recovery during the taxable year of any amount 74093  
deducted or excluded in computing federal or Ohio adjusted gross 74094  
income in any taxable year. 74095

(13) Deduct any portion of the deduction described in section 74096  
1341(a)(2) of the Internal Revenue Code, for repaying previously 74097  
reported income received under a claim of right, that meets both 74098  
of the following requirements: 74099

(a) It is allowable for repayment of an item that was 74100

included in the taxpayer's adjusted gross income for a prior 74101  
taxable year and did not qualify for a credit under division (A) 74102  
or (B) of section 5747.05 of the Revised Code for that year; 74103

(b) It does not otherwise reduce the taxpayer's adjusted 74104  
gross income for the current or any other taxable year. 74105

(14) Deduct an amount equal to the deposits made to, and net 74106  
investment earnings of, a medical savings account during the 74107  
taxable year, in accordance with section 3924.66 of the Revised 74108  
Code. The deduction allowed by division (A)(14) of this section 74109  
does not apply to medical savings account deposits and earnings 74110  
otherwise deducted or excluded for the current or any other 74111  
taxable year from the taxpayer's federal adjusted gross income. 74112

(15)(a) Add an amount equal to the funds withdrawn from a 74113  
medical savings account during the taxable year, and the net 74114  
investment earnings on those funds, when the funds withdrawn were 74115  
used for any purpose other than to reimburse an account holder 74116  
for, or to pay, eligible medical expenses, in accordance with 74117  
section 3924.66 of the Revised Code; 74118

(b) Add the amounts distributed from a medical savings 74119  
account under division (A)(2) of section 3924.68 of the Revised 74120  
Code during the taxable year. 74121

(16) Add any amount claimed as a credit under section 74122  
5747.059 or 5747.65 of the Revised Code to the extent that such 74123  
amount satisfies either of the following: 74124

(a) The amount was deducted or excluded from the computation 74125  
of the taxpayer's federal adjusted gross income as required to be 74126  
reported for the taxpayer's taxable year under the Internal 74127  
Revenue Code; 74128

(b) The amount resulted in a reduction of the taxpayer's 74129  
federal adjusted gross income as required to be reported for any 74130  
of the taxpayer's taxable years under the Internal Revenue Code. 74131

(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.

(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or

distributive share of the amount of depreciation expense allowed 74164  
by that subsection to a pass-through entity in which the taxpayer 74165  
has a direct or indirect ownership interest. 74166

(ii) Add five-sixths of the amount of qualifying section 179 74167  
depreciation expense, including a person's proportionate or 74168  
distributive share of the amount of qualifying section 179 74169  
depreciation expense allowed to any pass-through entity in which 74170  
the person has a direct or indirect ownership. For the purposes of 74171  
this division, "qualifying section 179 depreciation expense" means 74172  
the difference between (I) the amount of depreciation expense 74173  
directly or indirectly allowed to the taxpayer under section 179 74174  
of the Internal Revenue Code, and (II) the amount of depreciation 74175  
expense directly or indirectly allowed to the taxpayer under 74176  
section 179 of the Internal Revenue Code as that section existed 74177  
on December 31, 2002. 74178

The tax commissioner, under procedures established by the 74179  
commissioner, may waive the add-backs related to a pass-through 74180  
entity if the taxpayer owns, directly or indirectly, less than 74181  
five per cent of the pass-through entity. 74182

(b) Nothing in division (A)(20) of this section shall be 74183  
construed to adjust or modify the adjusted basis of any asset. 74184

(c) To the extent the add-back required under division 74185  
(A)(20)(a) of this section is attributable to property generating 74186  
nonbusiness income or loss allocated under section 5747.20 of the 74187  
Revised Code, the add-back shall be situated to the same location 74188  
as the nonbusiness income or loss generated by the property for 74189  
the purpose of determining the credit under division (A) of 74190  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 74191  
be apportioned, subject to one or more of the four alternative 74192  
methods of apportionment enumerated in section 5747.21 of the 74193  
Revised Code. 74194

(d) For the purposes of division (A) of this section, net operating loss carryback and carryforward shall not include five-sixths of the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one-fifth of the amount so added for each of the five succeeding taxable years.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such depreciation resulted in or increased a federal net operating loss carryback or carryforward to a taxable year to which division (A)(20)(d) of this section does not apply.

(22) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year as reimbursement for life insurance premiums under section 5919.31 of the Revised Code.

(23) Deduct, to the extent not otherwise deducted or excluded 74226  
in computing federal or Ohio adjusted gross income for the taxable 74227  
year, the amount the taxpayer received during the taxable year as 74228  
a death benefit paid by the adjutant general under section 5919.33 74229  
of the Revised Code. 74230

(24) Deduct, to the extent included in federal adjusted gross 74231  
income and not otherwise allowable as a deduction or exclusion in 74232  
computing federal or Ohio adjusted gross income for the taxable 74233  
year, military pay and allowances received by the taxpayer during 74234  
the taxable year for active duty service in the United States 74235  
army, air force, navy, marine corps, or coast guard or reserve 74236  
components thereof or the national guard. The deduction may not be 74237  
claimed for military pay and allowances received by the taxpayer 74238  
while the taxpayer is stationed in this state. 74239

(25) Deduct, to the extent not otherwise allowable as a 74240  
deduction or exclusion in computing federal or Ohio adjusted gross 74241  
income for the taxable year and not otherwise compensated for by 74242  
any other source, the amount of qualified organ donation expenses 74243  
incurred by the taxpayer during the taxable year, not to exceed 74244  
ten thousand dollars. A taxpayer may deduct qualified organ 74245  
donation expenses only once for all taxable years beginning with 74246  
taxable years beginning in 2007. 74247

For the purposes of division (A)(25) of this section: 74248

(a) "Human organ" means all or any portion of a human liver, 74249  
pancreas, kidney, intestine, or lung, and any portion of human 74250  
bone marrow. 74251

(b) "Qualified organ donation expenses" means travel 74252  
expenses, lodging expenses, and wages and salary forgone by a 74253  
taxpayer in connection with the taxpayer's donation, while living, 74254  
of one or more of the taxpayer's human organs to another human 74255  
being. 74256

(26) Deduct, to the extent not otherwise deducted or excluded 74257  
in computing federal or Ohio adjusted gross income for the taxable 74258  
year, amounts received by the taxpayer as retired military 74259  
personnel pay for service in the United States army, navy, air 74260  
force, coast guard, or marine corps or reserve components thereof, 74261  
or the national guard, or received by the surviving spouse or 74262  
former spouse of such a taxpayer under the survivor benefit plan 74263  
on account of such a taxpayer's death. If the taxpayer receives 74264  
income on account of retirement paid under the federal civil 74265  
service retirement system or federal employees retirement system, 74266  
or under any successor retirement program enacted by the congress 74267  
of the United States that is established and maintained for 74268  
retired employees of the United States government, and such 74269  
retirement income is based, in whole or in part, on credit for the 74270  
taxpayer's military service, the deduction allowed under this 74271  
division shall include only that portion of such retirement income 74272  
that is attributable to the taxpayer's military service, to the 74273  
extent that portion of such retirement income is otherwise 74274  
included in federal adjusted gross income and is not otherwise 74275  
deducted under this section. Any amount deducted under division 74276  
(A)(26) of this section is not included in a taxpayer's adjusted 74277  
gross income for the purposes of section 5747.055 of the Revised 74278  
Code. No amount may be deducted under division (A)(26) of this 74279  
section on the basis of which a credit was claimed under section 74280  
5747.055 of the Revised Code. 74281

(27) Deduct, to the extent not otherwise deducted or excluded 74282  
in computing federal or Ohio adjusted gross income for the taxable 74283  
year, the amount the taxpayer received during the taxable year 74284  
from the military injury relief fund created in section 5101.98 of 74285  
the Revised Code. 74286

(28) Deduct, to the extent not otherwise deducted or excluded 74287  
in computing federal or Ohio adjusted gross income for the taxable 74288



year, the amount the taxpayer received as a veterans bonus during 74289  
the taxable year from the Ohio department of veterans services as 74290  
authorized by Section 2r of Article VIII, Ohio Constitution. 74291

(29) Deduct, to the extent not otherwise deducted or excluded 74292  
in computing federal or Ohio adjusted gross income for the taxable 74293  
year, any loss from wagering transactions that is allowed as an 74294  
itemized deduction under section 165 of the Internal Revenue Code 74295  
and that the taxpayer deducted in computing federal taxable 74296  
income. 74297

(30) Deduct, to the extent not otherwise deducted or excluded 74298  
in computing federal or Ohio adjusted gross income for the taxable 74299  
year, any income derived from providing public services under a 74300  
contract through a project owned by the state, as described in 74301  
section 126.604 of the Revised Code or derived from a transfer 74302  
agreement or from the enterprise transferred under that agreement 74303  
under section 4313.02 of the Revised Code. 74304

(31) Deduct, to the extent not otherwise deducted or excluded 74305  
in computing federal or Ohio adjusted gross income for the taxable 74306  
year, Ohio college opportunity or federal Pell grant amounts 74307  
received by the taxpayer or the taxpayer's spouse or dependent 74308  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 74309  
1070a, et seq., and used to pay room or board furnished by the 74310  
educational institution for which the grant was awarded at the 74311  
institution's facilities, including meal plans administered by the 74312  
institution. For the purposes of this division, receipt of a grant 74313  
includes the distribution of a grant directly to an educational 74314  
institution and the crediting of the grant to the enrollee's 74315  
account with the institution. 74316

(B) "Business income" means income, including gain or loss, 74317  
arising from transactions, activities, and sources in the regular 74318  
course of a trade or business and includes income, gain, or loss 74319  
from real property, tangible property, and intangible property if 74320

the acquisition, rental, management, and disposition of the 74321  
property constitute integral parts of the regular course of a 74322  
trade or business operation. "Business income" includes income, 74323  
including gain or loss, from a partial or complete liquidation of 74324  
a business, including, but not limited to, gain or loss from the 74325  
sale or other disposition of goodwill. 74326

(C) "Nonbusiness income" means all income other than business 74327  
income and may include, but is not limited to, compensation, rents 74328  
and royalties from real or tangible personal property, capital 74329  
gains, interest, dividends and distributions, patent or copyright 74330  
royalties, or lottery winnings, prizes, and awards. 74331

(D) "Compensation" means any form of remuneration paid to an 74332  
employee for personal services. 74333

(E) "Fiduciary" means a guardian, trustee, executor, 74334  
administrator, receiver, conservator, or any other person acting 74335  
in any fiduciary capacity for any individual, trust, or estate. 74336

(F) "Fiscal year" means an accounting period of twelve months 74337  
ending on the last day of any month other than December. 74338

(G) "Individual" means any natural person. 74339

(H) "Internal Revenue Code" means the "Internal Revenue Code 74340  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 74341

(I) "Resident" means any of the following, provided that 74342  
division (I)(3) of this section applies only to taxable years of a 74343  
trust beginning in 2002 or thereafter: 74344

(1) An individual who is domiciled in this state, subject to 74345  
section 5747.24 of the Revised Code; 74346

(2) The estate of a decedent who at the time of death was 74347  
domiciled in this state. The domicile tests of section 5747.24 of 74348  
the Revised Code are not controlling for purposes of division 74349  
(I)(2) of this section. 74350

(3) A trust that, in whole or part, resides in this state. If 74351  
only part of a trust resides in this state, the trust is a 74352  
resident only with respect to that part. 74353

For the purposes of division (I)(3) of this section: 74354

(a) A trust resides in this state for the trust's current 74355  
taxable year to the extent, as described in division (I)(3)(d) of 74356  
this section, that the trust consists directly or indirectly, in 74357  
whole or in part, of assets, net of any related liabilities, that 74358  
were transferred, or caused to be transferred, directly or 74359  
indirectly, to the trust by any of the following: 74360

(i) A person, a court, or a governmental entity or 74361  
instrumentality on account of the death of a decedent, but only if 74362  
the trust is described in division (I)(3)(e)(i) or (ii) of this 74363  
section; 74364

(ii) A person who was domiciled in this state for the 74365  
purposes of this chapter when the person directly or indirectly 74366  
transferred assets to an irrevocable trust, but only if at least 74367  
one of the trust's qualifying beneficiaries is domiciled in this 74368  
state for the purposes of this chapter during all or some portion 74369  
of the trust's current taxable year; 74370

(iii) A person who was domiciled in this state for the 74371  
purposes of this chapter when the trust document or instrument or 74372  
part of the trust document or instrument became irrevocable, but 74373  
only if at least one of the trust's qualifying beneficiaries is a 74374  
resident domiciled in this state for the purposes of this chapter 74375  
during all or some portion of the trust's current taxable year. If 74376  
a trust document or instrument became irrevocable upon the death 74377  
of a person who at the time of death was domiciled in this state 74378  
for purposes of this chapter, that person is a person described in 74379  
division (I)(3)(a)(iii) of this section. 74380

(b) A trust is irrevocable to the extent that the transferor 74381

is not considered to be the owner of the net assets of the trust 74382  
under sections 671 to 678 of the Internal Revenue Code. 74383

(c) With respect to a trust other than a charitable lead 74384  
trust, "qualifying beneficiary" has the same meaning as "potential 74385  
current beneficiary" as defined in section 1361(e)(2) of the 74386  
Internal Revenue Code, and with respect to a charitable lead trust 74387  
"qualifying beneficiary" is any current, future, or contingent 74388  
beneficiary, but with respect to any trust "qualifying 74389  
beneficiary" excludes a person or a governmental entity or 74390  
instrumentality to any of which a contribution would qualify for 74391  
the charitable deduction under section 170 of the Internal Revenue 74392  
Code. 74393

(d) For the purposes of division (I)(3)(a) of this section, 74394  
the extent to which a trust consists directly or indirectly, in 74395  
whole or in part, of assets, net of any related liabilities, that 74396  
were transferred directly or indirectly, in whole or part, to the 74397  
trust by any of the sources enumerated in that division shall be 74398  
ascertained by multiplying the fair market value of the trust's 74399  
assets, net of related liabilities, by the qualifying ratio, which 74400  
shall be computed as follows: 74401

(i) The first time the trust receives assets, the numerator 74402  
of the qualifying ratio is the fair market value of those assets 74403  
at that time, net of any related liabilities, from sources 74404  
enumerated in division (I)(3)(a) of this section. The denominator 74405  
of the qualifying ratio is the fair market value of all the 74406  
trust's assets at that time, net of any related liabilities. 74407

(ii) Each subsequent time the trust receives assets, a 74408  
revised qualifying ratio shall be computed. The numerator of the 74409  
revised qualifying ratio is the sum of (1) the fair market value 74410  
of the trust's assets immediately prior to the subsequent 74411  
transfer, net of any related liabilities, multiplied by the 74412  
qualifying ratio last computed without regard to the subsequent 74413

transfer, and (2) the fair market value of the subsequently 74414  
transferred assets at the time transferred, net of any related 74415  
liabilities, from sources enumerated in division (I)(3)(a) of this 74416  
section. The denominator of the revised qualifying ratio is the 74417  
fair market value of all the trust's assets immediately after the 74418  
subsequent transfer, net of any related liabilities. 74419

(iii) Whether a transfer to the trust is by or from any of 74420  
the sources enumerated in division (I)(3)(a) of this section shall 74421  
be ascertained without regard to the domicile of the trust's 74422  
beneficiaries. 74423

(e) For the purposes of division (I)(3)(a)(i) of this 74424  
section: 74425

(i) A trust is described in division (I)(3)(e)(i) of this 74426  
section if the trust is a testamentary trust and the testator of 74427  
that testamentary trust was domiciled in this state at the time of 74428  
the testator's death for purposes of the taxes levied under 74429  
Chapter 5731. of the Revised Code. 74430

(ii) A trust is described in division (I)(3)(e)(ii) of this 74431  
section if the transfer is a qualifying transfer described in any 74432  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 74433  
irrevocable inter vivos trust, and at least one of the trust's 74434  
qualifying beneficiaries is domiciled in this state for purposes 74435  
of this chapter during all or some portion of the trust's current 74436  
taxable year. 74437

(f) For the purposes of division (I)(3)(e)(ii) of this 74438  
section, a "qualifying transfer" is a transfer of assets, net of 74439  
any related liabilities, directly or indirectly to a trust, if the 74440  
transfer is described in any of the following: 74441

(i) The transfer is made to a trust, created by the decedent 74442  
before the decedent's death and while the decedent was domiciled 74443  
in this state for the purposes of this chapter, and, prior to the 74444

death of the decedent, the trust became irrevocable while the 74445  
decedent was domiciled in this state for the purposes of this 74446  
chapter. 74447

(ii) The transfer is made to a trust to which the decedent, 74448  
prior to the decedent's death, had directly or indirectly 74449  
transferred assets, net of any related liabilities, while the 74450  
decedent was domiciled in this state for the purposes of this 74451  
chapter, and prior to the death of the decedent the trust became 74452  
irrevocable while the decedent was domiciled in this state for the 74453  
purposes of this chapter. 74454

(iii) The transfer is made on account of a contractual 74455  
relationship existing directly or indirectly between the 74456  
transferor and either the decedent or the estate of the decedent 74457  
at any time prior to the date of the decedent's death, and the 74458  
decedent was domiciled in this state at the time of death for 74459  
purposes of the taxes levied under Chapter 5731. of the Revised 74460  
Code. 74461

(iv) The transfer is made to a trust on account of a 74462  
contractual relationship existing directly or indirectly between 74463  
the transferor and another person who at the time of the 74464  
decedent's death was domiciled in this state for purposes of this 74465  
chapter. 74466

(v) The transfer is made to a trust on account of the will of 74467  
a testator who was domiciled in this state at the time of the 74468  
testator's death for purposes of the taxes levied under Chapter 74469  
5731. of the Revised Code. 74470

(vi) The transfer is made to a trust created by or caused to 74471  
be created by a court, and the trust was directly or indirectly 74472  
created in connection with or as a result of the death of an 74473  
individual who, for purposes of the taxes levied under Chapter 74474  
5731. of the Revised Code, was domiciled in this state at the time 74475

of the individual's death. 74476

(g) The tax commissioner may adopt rules to ascertain the 74477  
part of a trust residing in this state. 74478

(J) "Nonresident" means an individual or estate that is not a 74479  
resident. An individual who is a resident for only part of a 74480  
taxable year is a nonresident for the remainder of that taxable 74481  
year. 74482

(K) "Pass-through entity" has the same meaning as in section 74483  
5733.04 of the Revised Code. 74484

(L) "Return" means the notifications and reports required to 74485  
be filed pursuant to this chapter for the purpose of reporting the 74486  
tax due and includes declarations of estimated tax when so 74487  
required. 74488

(M) "Taxable year" means the calendar year or the taxpayer's 74489  
fiscal year ending during the calendar year, or fractional part 74490  
thereof, upon which the adjusted gross income is calculated 74491  
pursuant to this chapter. 74492

(N) "Taxpayer" means any person subject to the tax imposed by 74493  
section 5747.02 of the Revised Code or any pass-through entity 74494  
that makes the election under division (D) of section 5747.08 of 74495  
the Revised Code. 74496

(O) "Dependents" means dependents as defined in the Internal 74497  
Revenue Code and as claimed in the taxpayer's federal income tax 74498  
return for the taxable year or which the taxpayer would have been 74499  
permitted to claim had the taxpayer filed a federal income tax 74500  
return. 74501

(P) "Principal county of employment" means, in the case of a 74502  
nonresident, the county within the state in which a taxpayer 74503  
performs services for an employer or, if those services are 74504  
performed in more than one county, the county in which the major 74505

portion of the services are performed. 74506

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code: 74507  
74508

(1) "Subdivision" means any county, municipal corporation, park district, or township. 74509  
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(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution. 74511  
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(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax. 74515  
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(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows: 74517  
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(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section: 74520  
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(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year; 74528  
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(b) The net amount is attributable to the S portion of an electing small business trust for the taxable year. 74531  
74532

(2) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations of any authority, commission, 74533  
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instrumentality, territory, or possession of the United States to 74536  
the extent that the interest or dividends are exempt from federal 74537  
income taxes but not from state income taxes, but only to the 74538  
extent that such net amount is not otherwise includible in Ohio 74539  
taxable income and is described in either division (S)(1)(a) or 74540  
(b) of this section; 74541

(3) Add the amount of personal exemption allowed to the 74542  
estate pursuant to section 642(b) of the Internal Revenue Code; 74543

(4) Deduct interest or dividends, net of related expenses 74544  
deducted in computing federal taxable income, on obligations of 74545  
the United States and its territories and possessions or of any 74546  
authority, commission, or instrumentality of the United States to 74547  
the extent that the interest or dividends are exempt from state 74548  
taxes under the laws of the United States, but only to the extent 74549  
that such amount is included in federal taxable income and is 74550  
described in either division (S)(1)(a) or (b) of this section; 74551

(5) Deduct the amount of wages and salaries, if any, not 74552  
otherwise allowable as a deduction but that would have been 74553  
allowable as a deduction in computing federal taxable income for 74554  
the taxable year, had the targeted jobs credit allowed under 74555  
sections 38, 51, and 52 of the Internal Revenue Code not been in 74556  
effect, but only to the extent such amount relates either to 74557  
income included in federal taxable income for the taxable year or 74558  
to income of the S portion of an electing small business trust for 74559  
the taxable year; 74560

(6) Deduct any interest or interest equivalent, net of 74561  
related expenses deducted in computing federal taxable income, on 74562  
public obligations and purchase obligations, but only to the 74563  
extent that such net amount relates either to income included in 74564  
federal taxable income for the taxable year or to income of the S 74565  
portion of an electing small business trust for the taxable year; 74566

(7) Add any loss or deduct any gain resulting from sale, 74567  
exchange, or other disposition of public obligations to the extent 74568  
that such loss has been deducted or such gain has been included in 74569  
computing either federal taxable income or income of the S portion 74570  
of an electing small business trust for the taxable year; 74571

(8) Except in the case of the final return of an estate, add 74572  
any amount deducted by the taxpayer on both its Ohio estate tax 74573  
return pursuant to section 5731.14 of the Revised Code, and on its 74574  
federal income tax return in determining federal taxable income; 74575

(9)(a) Deduct any amount included in federal taxable income 74576  
solely because the amount represents a reimbursement or refund of 74577  
expenses that in a previous year the decedent had deducted as an 74578  
itemized deduction pursuant to section 63 of the Internal Revenue 74579  
Code and applicable treasury regulations. The deduction otherwise 74580  
allowed under division (S)(9)(a) of this section shall be reduced 74581  
to the extent the reimbursement is attributable to an amount the 74582  
taxpayer or decedent deducted under this section in any taxable 74583  
year. 74584

(b) Add any amount not otherwise included in Ohio taxable 74585  
income for any taxable year to the extent that the amount is 74586  
attributable to the recovery during the taxable year of any amount 74587  
deducted or excluded in computing federal or Ohio taxable income 74588  
in any taxable year, but only to the extent such amount has not 74589  
been distributed to beneficiaries for the taxable year. 74590

(10) Deduct any portion of the deduction described in section 74591  
1341(a)(2) of the Internal Revenue Code, for repaying previously 74592  
reported income received under a claim of right, that meets both 74593  
of the following requirements: 74594

(a) It is allowable for repayment of an item that was 74595  
included in the taxpayer's taxable income or the decedent's 74596  
adjusted gross income for a prior taxable year and did not qualify 74597

for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only if the assets of the trust include at least ten acres of land satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of

this section applies only to taxable years of a trust beginning in 2002 or thereafter. 74629  
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(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income. 74631  
74632  
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(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter. 74634  
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(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code. 74641  
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(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code. 74643  
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(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state. 74647  
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(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity. 74650  
74651  
74652  
74653

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code. 74654  
74655

(Y) "Month" means a calendar month. 74656

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the 74657  
74658

taxpayer's taxable year. 74659

(AA)(1) "Eligible institution" means a state university or 74660  
state institution of higher education as defined in section 74661  
3345.011 of the Revised Code, or a private, nonprofit college, 74662  
university, or other post-secondary institution located in this 74663  
state that possesses a certificate of authorization issued by the 74664  
Ohio board of regents pursuant to Chapter 1713. of the Revised 74665  
Code or a certificate of registration issued by the state board of 74666  
career colleges and schools under Chapter 3332. of the Revised 74667  
Code. 74668

(2) "Qualified tuition and fees" means tuition and fees 74669  
imposed by an eligible institution as a condition of enrollment or 74670  
attendance, not exceeding two thousand five hundred dollars in 74671  
each of the individual's first two years of post-secondary 74672  
education. If the individual is a part-time student, "qualified 74673  
tuition and fees" includes tuition and fees paid for the academic 74674  
equivalent of the first two years of post-secondary education 74675  
during a maximum of five taxable years, not exceeding a total of 74676  
five thousand dollars. "Qualified tuition and fees" does not 74677  
include: 74678

(a) Expenses for any course or activity involving sports, 74679  
games, or hobbies unless the course or activity is part of the 74680  
individual's degree or diploma program; 74681

(b) The cost of books, room and board, student activity fees, 74682  
athletic fees, insurance expenses, or other expenses unrelated to 74683  
the individual's academic course of instruction; 74684

(c) Tuition, fees, or other expenses paid or reimbursed 74685  
through an employer, scholarship, grant in aid, or other 74686  
educational benefit program. 74687

(BB)(1) "Modified business income" means the business income 74688  
included in a trust's Ohio taxable income after such taxable 74689

income is first reduced by the qualifying trust amount, if any. 74690

(2) "Qualifying trust amount" of a trust means capital gains 74691  
and losses from the sale, exchange, or other disposition of equity 74692  
or ownership interests in, or debt obligations of, a qualifying 74693  
investee to the extent included in the trust's Ohio taxable 74694  
income, but only if the following requirements are satisfied: 74695

(a) The book value of the qualifying investee's physical 74696  
assets in this state and everywhere, as of the last day of the 74697  
qualifying investee's fiscal or calendar year ending immediately 74698  
prior to the date on which the trust recognizes the gain or loss, 74699  
is available to the trust. 74700

(b) The requirements of section 5747.011 of the Revised Code 74701  
are satisfied for the trust's taxable year in which the trust 74702  
recognizes the gain or loss. 74703

Any gain or loss that is not a qualifying trust amount is 74704  
modified business income, qualifying investment income, or 74705  
modified nonbusiness income, as the case may be. 74706

(3) "Modified nonbusiness income" means a trust's Ohio 74707  
taxable income other than modified business income, other than the 74708  
qualifying trust amount, and other than qualifying investment 74709  
income, as defined in section 5747.012 of the Revised Code, to the 74710  
extent such qualifying investment income is not otherwise part of 74711  
modified business income. 74712

(4) "Modified Ohio taxable income" applies only to trusts, 74713  
and means the sum of the amounts described in divisions (BB)(4)(a) 74714  
to (c) of this section: 74715

(a) The fraction, calculated under section 5747.013, and 74716  
applying section 5747.231 of the Revised Code, multiplied by the 74717  
sum of the following amounts: 74718

(i) The trust's modified business income; 74719

(ii) The trust's qualifying investment income, as defined in 74720  
section 5747.012 of the Revised Code, but only to the extent the 74721  
qualifying investment income does not otherwise constitute 74722  
modified business income and does not otherwise constitute a 74723  
qualifying trust amount. 74724

(b) The qualifying trust amount multiplied by a fraction, the 74725  
numerator of which is the sum of the book value of the qualifying 74726  
investee's physical assets in this state on the last day of the 74727  
qualifying investee's fiscal or calendar year ending immediately 74728  
prior to the day on which the trust recognizes the qualifying 74729  
trust amount, and the denominator of which is the sum of the book 74730  
value of the qualifying investee's total physical assets 74731  
everywhere on the last day of the qualifying investee's fiscal or 74732  
calendar year ending immediately prior to the day on which the 74733  
trust recognizes the qualifying trust amount. If, for a taxable 74734  
year, the trust recognizes a qualifying trust amount with respect 74735  
to more than one qualifying investee, the amount described in 74736  
division (BB)(4)(b) of this section shall equal the sum of the 74737  
products so computed for each such qualifying investee. 74738

(c)(i) With respect to a trust or portion of a trust that is 74739  
a resident as ascertained in accordance with division (I)(3)(d) of 74740  
this section, its modified nonbusiness income. 74741

(ii) With respect to a trust or portion of a trust that is 74742  
not a resident as ascertained in accordance with division 74743  
(I)(3)(d) of this section, the amount of its modified nonbusiness 74744  
income satisfying the descriptions in divisions (B)(2) to (5) of 74745  
section 5747.20 of the Revised Code, except as otherwise provided 74746  
in division (BB)(4)(c)(ii) of this section. With respect to a 74747  
trust or portion of a trust that is not a resident as ascertained 74748  
in accordance with division (I)(3)(d) of this section, the trust's 74749  
portion of modified nonbusiness income recognized from the sale, 74750  
exchange, or other disposition of a debt interest in or equity 74751

interest in a section 5747.212 entity, as defined in section 74752  
5747.212 of the Revised Code, without regard to division (A) of 74753  
that section, shall not be allocated to this state in accordance 74754  
with section 5747.20 of the Revised Code but shall be apportioned 74755  
to this state in accordance with division (B) of section 5747.212 74756  
of the Revised Code without regard to division (A) of that 74757  
section. 74758

If the allocation and apportionment of a trust's income under 74759  
divisions (BB)(4)(a) and (c) of this section do not fairly 74760  
represent the modified Ohio taxable income of the trust in this 74761  
state, the alternative methods described in division (C) of 74762  
section 5747.21 of the Revised Code may be applied in the manner 74763  
and to the same extent provided in that section. 74764

(5)(a) Except as set forth in division (BB)(5)(b) of this 74765  
section, "qualifying investee" means a person in which a trust has 74766  
an equity or ownership interest, or a person or unit of government 74767  
the debt obligations of either of which are owned by a trust. For 74768  
the purposes of division (BB)(2)(a) of this section and for the 74769  
purpose of computing the fraction described in division (BB)(4)(b) 74770  
of this section, all of the following apply: 74771

(i) If the qualifying investee is a member of a qualifying 74772  
controlled group on the last day of the qualifying investee's 74773  
fiscal or calendar year ending immediately prior to the date on 74774  
which the trust recognizes the gain or loss, then "qualifying 74775  
investee" includes all persons in the qualifying controlled group 74776  
on such last day. 74777

(ii) If the qualifying investee, or if the qualifying 74778  
investee and any members of the qualifying controlled group of 74779  
which the qualifying investee is a member on the last day of the 74780  
qualifying investee's fiscal or calendar year ending immediately 74781  
prior to the date on which the trust recognizes the gain or loss, 74782  
separately or cumulatively own, directly or indirectly, on the 74783



last day of the qualifying investee's fiscal or calendar year 74784  
ending immediately prior to the date on which the trust recognizes 74785  
the qualifying trust amount, more than fifty per cent of the 74786  
equity of a pass-through entity, then the qualifying investee and 74787  
the other members are deemed to own the proportionate share of the 74788  
pass-through entity's physical assets which the pass-through 74789  
entity directly or indirectly owns on the last day of the 74790  
pass-through entity's calendar or fiscal year ending within or 74791  
with the last day of the qualifying investee's fiscal or calendar 74792  
year ending immediately prior to the date on which the trust 74793  
recognizes the qualifying trust amount. 74794

(iii) For the purposes of division (BB)(5)(a)(iii) of this 74795  
section, "upper level pass-through entity" means a pass-through 74796  
entity directly or indirectly owning any equity of another 74797  
pass-through entity, and "lower level pass-through entity" means 74798  
that other pass-through entity. 74799

An upper level pass-through entity, whether or not it is also 74800  
a qualifying investee, is deemed to own, on the last day of the 74801  
upper level pass-through entity's calendar or fiscal year, the 74802  
proportionate share of the lower level pass-through entity's 74803  
physical assets that the lower level pass-through entity directly 74804  
or indirectly owns on the last day of the lower level pass-through 74805  
entity's calendar or fiscal year ending within or with the last 74806  
day of the upper level pass-through entity's fiscal or calendar 74807  
year. If the upper level pass-through entity directly and 74808  
indirectly owns less than fifty per cent of the equity of the 74809  
lower level pass-through entity on each day of the upper level 74810  
pass-through entity's calendar or fiscal year in which or with 74811  
which ends the calendar or fiscal year of the lower level 74812  
pass-through entity and if, based upon clear and convincing 74813  
evidence, complete information about the location and cost of the 74814  
physical assets of the lower pass-through entity is not available 74815

to the upper level pass-through entity, then solely for purposes 74816  
of ascertaining if a gain or loss constitutes a qualifying trust 74817  
amount, the upper level pass-through entity shall be deemed as 74818  
owning no equity of the lower level pass-through entity for each 74819  
day during the upper level pass-through entity's calendar or 74820  
fiscal year in which or with which ends the lower level 74821  
pass-through entity's calendar or fiscal year. Nothing in division 74822  
(BB)(5)(a)(iii) of this section shall be construed to provide for 74823  
any deduction or exclusion in computing any trust's Ohio taxable 74824  
income. 74825

(b) With respect to a trust that is not a resident for the 74826  
taxable year and with respect to a part of a trust that is not a 74827  
resident for the taxable year, "qualifying investee" for that 74828  
taxable year does not include a C corporation if both of the 74829  
following apply: 74830

(i) During the taxable year the trust or part of the trust 74831  
recognizes a gain or loss from the sale, exchange, or other 74832  
disposition of equity or ownership interests in, or debt 74833  
obligations of, the C corporation. 74834

(ii) Such gain or loss constitutes nonbusiness income. 74835

(6) "Available" means information is such that a person is 74836  
able to learn of the information by the due date plus extensions, 74837  
if any, for filing the return for the taxable year in which the 74838  
trust recognizes the gain or loss. 74839

(CC) "Qualifying controlled group" has the same meaning as in 74840  
section 5733.04 of the Revised Code. 74841

(DD) "Related member" has the same meaning as in section 74842  
5733.042 of the Revised Code. 74843

(EE)(1) For the purposes of division (EE) of this section: 74844

(a) "Qualifying person" means any person other than a 74845

qualifying corporation. 74846

(b) "Qualifying corporation" means any person classified for 74847  
federal income tax purposes as an association taxable as a 74848  
corporation, except either of the following: 74849

(i) A corporation that has made an election under subchapter 74850  
S, chapter one, subtitle A, of the Internal Revenue Code for its 74851  
taxable year ending within, or on the last day of, the investor's 74852  
taxable year; 74853

(ii) A subsidiary that is wholly owned by any corporation 74854  
that has made an election under subchapter S, chapter one, 74855  
subtitle A of the Internal Revenue Code for its taxable year 74856  
ending within, or on the last day of, the investor's taxable year. 74857

(2) For the purposes of this chapter, unless expressly stated 74858  
otherwise, no qualifying person indirectly owns any asset directly 74859  
or indirectly owned by any qualifying corporation. 74860

(FF) For purposes of this chapter and Chapter 5751. of the 74861  
Revised Code: 74862

(1) "Trust" does not include a qualified pre-income tax 74863  
trust. 74864

(2) A "qualified pre-income tax trust" is any pre-income tax 74865  
trust that makes a qualifying pre-income tax trust election as 74866  
described in division (FF)(3) of this section. 74867

(3) A "qualifying pre-income tax trust election" is an 74868  
election by a pre-income tax trust to subject to the tax imposed 74869  
by section 5751.02 of the Revised Code the pre-income tax trust 74870  
and all pass-through entities of which the trust owns or controls, 74871  
directly, indirectly, or constructively through related interests, 74872  
five per cent or more of the ownership or equity interests. The 74873  
trustee shall notify the tax commissioner in writing of the 74874  
election on or before April 15, 2006. The election, if timely 74875

made, shall be effective on and after January 1, 2006, and shall 74876  
apply for all tax periods and tax years until revoked by the 74877  
trustee of the trust. 74878

(4) A "pre-income tax trust" is a trust that satisfies all of 74879  
the following requirements: 74880

(a) The document or instrument creating the trust was 74881  
executed by the grantor before January 1, 1972; 74882

(b) The trust became irrevocable upon the creation of the 74883  
trust; and 74884

(c) The grantor was domiciled in this state at the time the 74885  
trust was created. 74886

**Sec. 5747.02.** (A) For the purpose of providing revenue for 74887  
the support of schools and local government functions, to provide 74888  
relief to property taxpayers, to provide revenue for the general 74889  
revenue fund, and to meet the expenses of administering the tax 74890  
levied by this chapter, there is hereby levied on every 74891  
individual, trust, and estate residing in or earning or receiving 74892  
income in this state, on every individual, trust, and estate 74893  
earning or receiving lottery winnings, prizes, or awards pursuant 74894  
to Chapter 3770. of the Revised Code, on every individual, trust, 74895  
and estate earning or receiving winnings on casino gaming, and on 74896  
every individual, trust, and estate otherwise having nexus with or 74897  
in this state under the Constitution of the United States, an 74898  
annual tax measured in the case of individuals by Ohio adjusted 74899  
gross income less an exemption for the taxpayer, the taxpayer's 74900  
spouse, and each dependent as provided in section 5747.025 of the 74901  
Revised Code; measured in the case of trusts by modified Ohio 74902  
taxable income under division (D) of this section; and measured in 74903  
the case of estates by Ohio taxable income. The tax imposed by 74904  
this section on the balance thus obtained is hereby levied as 74905  
follows: 74906

|                                                 |                                                            |       |
|-------------------------------------------------|------------------------------------------------------------|-------|
| (1) For taxable years beginning in 2004:        |                                                            | 74907 |
| OHIO ADJUSTED GROSS INCOME LESS                 |                                                            | 74908 |
| EXEMPTIONS (INDIVIDUALS)                        |                                                            |       |
| OR                                              |                                                            | 74909 |
| MODIFIED OHIO                                   |                                                            | 74910 |
| TAXABLE INCOME (TRUSTS)                         |                                                            | 74911 |
| OR                                              |                                                            | 74912 |
| OHIO TAXABLE INCOME (ESTATES)                   | TAX                                                        | 74913 |
| \$5,000 or less                                 | .743%                                                      | 74914 |
| More than \$5,000 but not more than \$10,000    | \$37.15 plus 1.486% of the amount in excess of \$5,000     | 74915 |
| More than \$10,000 but not more than \$15,000   | \$111.45 plus 2.972% of the amount in excess of \$10,000   | 74916 |
| More than \$15,000 but not more than \$20,000   | \$260.05 plus 3.715% of the amount in excess of \$15,000   | 74917 |
| More than \$20,000 but not more than \$40,000   | \$445.80 plus 4.457% of the amount in excess of \$20,000   | 74918 |
| More than \$40,000 but not more than \$80,000   | \$1,337.20 plus 5.201% of the amount in excess of \$40,000 | 74919 |
| More than \$80,000 but not more than \$100,000  | \$3,417.60 plus 5.943% of the amount in excess of \$80,000 | 74920 |
| More than \$100,000 but not more than \$200,000 | \$4,606.20 plus 6.9% of the amount in excess of \$100,000  | 74921 |
| More than \$200,000                             | \$11,506.20 plus 7.5% of the amount in excess of \$200,000 | 74922 |
| (2) For taxable years beginning in 2005:        |                                                            | 74923 |
| OHIO ADJUSTED GROSS INCOME LESS                 |                                                            | 74924 |
| EXEMPTIONS (INDIVIDUALS)                        |                                                            |       |
| OR                                              |                                                            | 74925 |
| MODIFIED OHIO                                   |                                                            | 74926 |
| TAXABLE INCOME (TRUSTS)                         |                                                            | 74927 |
| OR                                              |                                                            | 74928 |

|                                                 |                                                              |       |
|-------------------------------------------------|--------------------------------------------------------------|-------|
| OHIO TAXABLE INCOME (ESTATES)                   | TAX                                                          | 74929 |
| \$5,000 or less                                 | .712%                                                        | 74930 |
| More than \$5,000 but not more than \$10,000    | \$35.60 plus 1.424% of the amount in excess of \$5,000       | 74931 |
| More than \$10,000 but not more than \$15,000   | \$106.80 plus 2.847% of the amount in excess of \$10,000     | 74932 |
| More than \$15,000 but not more than \$20,000   | \$249.15 plus 3.559% of the amount in excess of \$15,000     | 74933 |
| More than \$20,000 but not more than \$40,000   | \$427.10 plus 4.27% of the amount in excess of \$20,000      | 74934 |
| More than \$40,000 but not more than \$80,000   | \$1,281.10 plus 4.983% of the amount in excess of \$40,000   | 74935 |
| More than \$80,000 but not more than \$100,000  | \$3,274.30 plus 5.693% of the amount in excess of \$80,000   | 74936 |
| More than \$100,000 but not more than \$200,000 | \$4,412.90 plus 6.61% of the amount in excess of \$100,000   | 74937 |
| More than \$200,000                             | \$11,022.90 plus 7.185% of the amount in excess of \$200,000 | 74938 |
| (3) For taxable years beginning in 2006:        |                                                              | 74939 |
| OHIO ADJUSTED GROSS INCOME LESS                 |                                                              | 74940 |
| EXEMPTIONS (INDIVIDUALS)                        |                                                              |       |
| OR                                              |                                                              | 74941 |
| MODIFIED OHIO                                   |                                                              | 74942 |
| TAXABLE INCOME (TRUSTS)                         |                                                              | 74943 |
| OR                                              |                                                              | 74944 |
| OHIO TAXABLE INCOME (ESTATES)                   | TAX                                                          | 74945 |
| \$5,000 or less                                 | .681%                                                        | 74946 |
| More than \$5,000 but not more than \$10,000    | \$34.05 plus 1.361% of the amount in excess of \$5,000       | 74947 |
| More than \$10,000 but not more than \$15,000   | \$102.10 plus 2.722% of the amount in excess of \$10,000     | 74948 |
| More than \$15,000 but not more than \$20,000   | \$238.20 plus 3.403% of the amount in excess of \$15,000     | 74949 |

|                                                          |                                                             |       |
|----------------------------------------------------------|-------------------------------------------------------------|-------|
| More than \$20,000 but not more than \$40,000            | \$408.35 plus 4.083% of the amount in excess of \$20,000    | 74950 |
| More than \$40,000 but not more than \$80,000            | \$1,224.95 plus 4.764% of the amount in excess of \$40,000  | 74951 |
| More than \$80,000 but not more than \$100,000           | \$3,130.55 plus 5.444% of the amount in excess of \$80,000  | 74952 |
| More than \$100,000 but not more than \$200,000          | \$4,219.35 plus 6.32% of the amount in excess of \$100,000  | 74953 |
| More than \$200,000                                      | \$10,539.35 plus 6.87% of the amount in excess of \$200,000 | 74954 |
| (4) For taxable years beginning in 2007:                 |                                                             | 74955 |
| OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS) |                                                             | 74956 |
| OR                                                       |                                                             | 74957 |
| MODIFIED OHIO TAXABLE INCOME (TRUSTS)                    |                                                             | 74958 |
| OR                                                       |                                                             | 74959 |
| OHIO TAXABLE INCOME (ESTATES)                            | TAX                                                         | 74960 |
| \$5,000 or less                                          | .649%                                                       | 74961 |
| More than \$5,000 but not more than \$10,000             | \$32.45 plus 1.299% of the amount in excess of \$5,000      | 74962 |
| More than \$10,000 but not more than \$15,000            | \$97.40 plus 2.598% of the amount in excess of \$10,000     | 74963 |
| More than \$15,000 but not more than \$20,000            | \$227.30 plus 3.247% of the amount in excess of \$15,000    | 74964 |
| More than \$20,000 but not more than \$40,000            | \$389.65 plus 3.895% of the amount in excess of \$20,000    | 74965 |
| More than \$40,000 but not more than \$80,000            | \$1,168.65 plus 4.546% of the amount in excess of \$40,000  | 74966 |
| More than \$80,000 but not more than \$100,000           | \$2,987.05 plus 5.194% of the amount in excess of \$80,000  | 74967 |
| More than \$100,000 but not more than \$200,000          | \$4,025.85 plus 6.031% of the amount in excess of \$100,000 | 74968 |
|                                                          |                                                             | 74969 |

|                                                         |                                                              |       |
|---------------------------------------------------------|--------------------------------------------------------------|-------|
| More than \$200,000                                     | \$10,056.85 plus 6.555% of the amount in excess of \$200,000 | 74970 |
|                                                         |                                                              |       |
| (5) For taxable years beginning in 2008, 2009, or 2010: |                                                              | 74971 |
| OHIO ADJUSTED GROSS INCOME LESS                         |                                                              | 74972 |
| EXEMPTIONS (INDIVIDUALS)                                |                                                              |       |
| OR                                                      |                                                              | 74973 |
| MODIFIED OHIO                                           |                                                              | 74974 |
| TAXABLE INCOME (TRUSTS)                                 |                                                              | 74975 |
| OR                                                      |                                                              | 74976 |
| OHIO TAXABLE INCOME (ESTATES)                           | TAX                                                          | 74977 |
| \$5,000 or less                                         | .618%                                                        | 74978 |
| More than \$5,000 but not more than \$10,000            | \$30.90 plus 1.236% of the amount in excess of \$5,000       | 74979 |
| More than \$10,000 but not more than \$15,000           | \$92.70 plus 2.473% of the amount in excess of \$10,000      | 74980 |
| More than \$15,000 but not more than \$20,000           | \$216.35 plus 3.091% of the amount in excess of \$15,000     | 74981 |
| More than \$20,000 but not more than \$40,000           | \$370.90 plus 3.708% of the amount in excess of \$20,000     | 74982 |
| More than \$40,000 but not more than \$80,000           | \$1,112.50 plus 4.327% of the amount in excess of \$40,000   | 74983 |
| More than \$80,000 but not more than \$100,000          | \$2,843.30 plus 4.945% of the amount in excess of \$80,000   | 74984 |
| More than \$100,000 but not more than \$200,000         | \$3,832.30 plus 5.741% of the amount in excess of \$100,000  | 74985 |
| More than \$200,000                                     | \$9,573.30 plus 6.24% of the amount in excess of \$200,000   | 74986 |
|                                                         |                                                              |       |
| (6) For taxable years beginning in 2011 or thereafter:  |                                                              | 74987 |
| OHIO ADJUSTED GROSS INCOME LESS                         |                                                              | 74988 |
| EXEMPTIONS (INDIVIDUALS)                                |                                                              |       |
| OR                                                      |                                                              | 74989 |
| MODIFIED OHIO                                           |                                                              | 74990 |



|                                                 |                                                             |       |
|-------------------------------------------------|-------------------------------------------------------------|-------|
| TAXABLE INCOME (TRUSTS)                         |                                                             | 74991 |
| OR                                              |                                                             | 74992 |
| OHIO TAXABLE INCOME (ESTATES)                   | TAX                                                         | 74993 |
| \$5,000 or less                                 | .587%                                                       | 74994 |
| More than \$5,000 but not more than \$10,000    | \$29.35 plus 1.174% of the amount in excess of \$5,000      | 74995 |
| More than \$10,000 but not more than \$15,000   | \$88.05 plus 2.348% of the amount in excess of \$10,000     | 74996 |
| More than \$15,000 but not more than \$20,000   | \$205.45 plus 2.935% of the amount in excess of \$15,000    | 74997 |
| More than \$20,000 but not more than \$40,000   | \$352.20 plus 3.521% of the amount in excess of \$20,000    | 74998 |
| More than \$40,000 but not more than \$80,000   | \$1,056.40 plus 4.109% of the amount in excess of \$40,000  | 74999 |
| More than \$80,000 but not more than \$100,000  | \$2,700.00 plus 4.695% of the amount in excess of \$80,000  | 75000 |
| More than \$100,000 but not more than \$200,000 | \$3,639.00 plus 5.451% of the amount in excess of \$100,000 | 75001 |
| More than \$200,000                             | \$9,090.00 plus 5.925% of the amount in excess of \$200,000 | 75002 |

In July of each year, beginning in 2010, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the

calendar year in which the adjustments are made. The tax 75016  
commissioner shall not make such adjustments in any year in which 75017  
the amount resulting from the adjustment would be less than the 75018  
amount resulting from the adjustment in the preceding year. 75019

(B)(1) If the director of budget and management makes a 75020  
certification to the tax commissioner under division (B) of 75021  
section 131.44 of the Revised Code, the amount of tax as 75022  
determined under division (A) of this section shall be reduced by 75023  
the percentage prescribed in that certification for taxable years 75024  
beginning in the calendar year in which that certification is 75025  
made, in addition to any reduction under division (B)(2) of this 75026  
section. 75027

(2) If the director of budget and management makes a 75028  
certification to the tax commissioner under division (B) of 75029  
section 131.46 of the Revised Code, the amount of tax as 75030  
determined under division (A) of this section shall be reduced by 75031  
the percentage prescribed in that certification for taxable years 75032  
beginning in the calendar year in which that certification is 75033  
made, in addition to any reduction under division (B)(1) of this 75034  
section. The resulting rates shall be rounded to the nearest one 75035  
thousandth of one per cent. 75036

(C) The levy of this tax on income does not prevent a 75037  
municipal corporation, a joint economic development zone created 75038  
under section 715.691, or a joint economic development district 75039  
created under section 715.70 or 715.71 or sections 715.72 to 75040  
715.81 of the Revised Code from levying a tax on income. 75041

(D) This division applies only to taxable years of a trust 75042  
beginning in 2002 or thereafter. 75043

(1) The tax imposed by this section on a trust shall be 75044  
computed by multiplying the Ohio modified taxable income of the 75045  
trust by the rates prescribed by division (A) of this section. 75046

(2) A resident trust may claim a credit against the tax 75047  
computed under division (D) of this section equal to the lesser of 75048  
(1) the tax paid to another state or the District of Columbia on 75049  
the resident trust's modified nonbusiness income, other than the 75050  
portion of the resident trust's nonbusiness income that is 75051  
qualifying investment income as defined in section 5747.012 of the 75052  
Revised Code, or (2) the effective tax rate, based on modified 75053  
Ohio taxable income, multiplied by the resident trust's modified 75054  
nonbusiness income other than the portion of the resident trust's 75055  
nonbusiness income that is qualifying investment income. The 75056  
credit applies before any other applicable credits. 75057

(3) The credits enumerated in divisions (A)(1) to (13) of 75058  
section 5747.98 of the Revised Code do not apply to a trust 75059  
subject to division (D) of this section. Any credits enumerated in 75060  
other divisions of section 5747.98 of the Revised Code apply to a 75061  
trust subject to division (D) of this section. To the extent that 75062  
the trust distributes income for the taxable year for which a 75063  
credit is available to the trust, the credit shall be shared by 75064  
the trust and its beneficiaries. The tax commissioner and the 75065  
trust shall be guided by applicable regulations of the United 75066  
States treasury regarding the sharing of credits. 75067

(E) For the purposes of this section, "trust" means any trust 75068  
described in Subchapter J of Chapter 1 of the Internal Revenue 75069  
Code, excluding trusts that are not irrevocable as defined in 75070  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 75071  
have no modified Ohio taxable income for the taxable year, 75072  
charitable remainder trusts, qualified funeral trusts and preneed 75073  
funeral contract trusts established pursuant to sections 4717.31 75074  
to 4717.38 of the Revised Code that are not qualified funeral 75075  
trusts, endowment and perpetual care trusts, qualified settlement 75076  
trusts and funds, designated settlement trusts and funds, and 75077  
trusts exempted from taxation under section 501(a) of the Internal 75078

Revenue Code. 75079

**Sec. 5747.082.** (A) As used in this section: 75080

(1) "Electronic technology" means electronic technology 75081  
acceptable to the tax commissioner under division (B) of this 75082  
section. 75083

(2) "Original tax return" means any report, return, or other 75084  
tax document required to be filed under this chapter for the 75085  
purpose of reporting the taxes due under, and withholdings 75086  
required by, this chapter. "Original tax return" does not include 75087  
an amended return or any declaration or form required by or filed 75088  
in connection with section 5747.09 of the Revised Code. 75089

(3) "Related member" has the same meaning as in section 75090  
5733.042 of the Revised Code. 75091

(4) "Tax return preparer" means any person that operates a 75092  
business that prepares, or directly or indirectly employs another 75093  
person to prepare, for a taxpayer an original tax return in 75094  
exchange for compensation or remuneration from the taxpayer or the 75095  
taxpayer's related member. With respect to the preparation of a 75096  
return or application for refund under this chapter, "tax return 75097  
preparer" does not include an individual who performs only one or 75098  
more of the following activities: 75099

(a) Furnishes typing, reproducing, or other mechanical 75100  
assistance; 75101

(b) Prepares an application for refund or a return on behalf 75102  
of an employer by whom the individual is regularly and 75103  
continuously employed, or on behalf of an officer or employee of 75104  
that employer; 75105

(c) Prepares as a fiduciary an application for refund or a 75106  
return; 75107

(d) Prepares an application for refund or a return for a 75108

taxpayer in response to a notice of deficiency issued to the 75109  
taxpayer or the taxpayer's related member, or in response to a 75110  
waiver of restriction after the commencement of an audit of the 75111  
taxpayer or the taxpayer's related member. 75112

(B) Divisions (C) and (D) of this section apply to the filing 75113  
of original tax returns that are due in a calendar year only if 75114  
the tax commissioner, by the last day of the calendar year 75115  
immediately preceding the calendar year in which such returns are 75116  
due, has published on the department of taxation's official 75117  
internet web site at least one method of electronic technology 75118  
acceptable to the commissioner for filing such returns. 75119

(C) A tax return preparer that prepares more than 75120  
seventy-five original tax returns during any calendar year that 75121  
~~begins on or after January 1, 2008~~ ends before January 1, 2013, or 75122  
that prepares more than eleven original tax returns during any 75123  
calendar year that begins on or after January 1, 2013, shall, 75124  
~~beginning January 1, 2010,~~ use electronic technology to file with 75125  
the tax commissioner all original tax returns prepared by the tax 75126  
return preparer. This division does not apply to a tax return 75127  
preparer ~~for a~~ in any calendar year that ends before January 1, 75128  
2013, if, during the previous calendar year, the tax return 75129  
preparer prepared no more than twenty-five original tax returns. 75130  
This division does not apply to a tax return preparer in any 75131  
calendar year that begins on or after January 1, 2013, if, during 75132  
the previous calendar year, the tax return preparer prepared not 75133  
more than ten original tax returns. 75134

(D) If a tax return preparer required by this section to 75135  
submit original tax returns by electronic technology files an 75136  
original tax return by some means other than by electronic 75137  
technology, the tax commissioner shall impose a penalty of fifty 75138  
dollars for each return, in excess of seventy-five in a calendar 75139  
year 2010, 2011, or 2012, or in excess of eleven in any calendar 75140

year thereafter, that is not filed by electronic technology. Upon 75141  
good cause shown by the tax return preparer, the tax commissioner 75142  
may waive all or any portion of the penalty or may refund all or 75143  
any portion of the penalty the tax return preparer has paid. 75144

**Sec. 5747.11.** (A) The tax commissioner shall refund to 75145  
employers, qualifying entities, or taxpayers, with respect to any 75146  
tax imposed under section 5733.41, 5747.02, or 5747.41, or Chapter 75147  
5748. of the Revised Code: 75148

(1) Overpayments of more than one dollar; 75149

(2) Amounts in excess of one dollar paid illegally or 75150  
erroneously; 75151

(3) Amounts in excess of one dollar paid on an illegal, 75152  
erroneous, or excessive assessment. 75153

(B) Except as otherwise provided under divisions ~~(D)~~(E) and 75154  
~~(E)~~(F) of this section, applications for refund shall be filed 75155  
with the tax commissioner, on the form prescribed by the 75156  
commissioner, within four years from the date of the illegal, 75157  
erroneous, or excessive payment of the tax, or within any 75158  
additional period allowed by division (B)(3)(b) of section 75159  
5747.05, division (B) of section 5747.10, division (A) of section 75160  
5747.13, or division (C) of section 5747.45 of the Revised Code. 75161

On filing of the refund application, the commissioner shall 75162  
determine the amount of refund due and certify such amount to the 75163  
director of budget and management and treasurer of state for 75164  
payment from the tax refund fund created by section 5703.052 of 75165  
the Revised Code. Payment shall be made as provided in division 75166  
(C) of section 126.35 of the Revised Code. 75167

(C) If a taxpayer claims a refundable credit against the tax 75168  
imposed under section 5747.02 of the Revised Code, any payment 75169  
that is refunded to the taxpayer as a result of the allowance of 75170

the credit shall not be considered an illegal, erroneous, or 75171  
excessive payment for purposes of division (B) of this section. No 75172  
interest shall be allowed on an amount refunded to a taxpayer to 75173  
the extent that the refund results from the allowance of a 75174  
refundable credit. 75175

(D)(1) Interest shall be allowed and paid upon any illegal or 75176  
erroneous assessment in excess of one dollar in respect of the tax 75177  
imposed under section 5747.02 or Chapter 5748. of the Revised Code 75178  
at the rate per annum prescribed by section 5703.47 of the Revised 75179  
Code from the date of the payment of the illegal or erroneous 75180  
assessment until the date the refund of such amount is paid. If 75181  
such refund results from the filing of a return or report, or the 75182  
payment accompanying such return or report, by an employer or 75183  
taxpayer, rather than from an assessment by the commissioner, such 75184  
interest shall run from a period ninety days after the final 75185  
filing date of the annual return until the date the refund is 75186  
paid. 75187

(2) Interest shall be allowed and paid at the rate per annum 75188  
prescribed by section 5703.47 of the Revised Code upon any 75189  
overpayment in excess of one dollar in respect of the tax imposed 75190  
under section 5747.02 or Chapter 5748. of the Revised Code from 75191  
the date of the overpayment until the date of the refund of the 75192  
overpayment, except that if any overpayment is refunded within 75193  
ninety days after the final filing date of the annual return or 75194  
ninety days after the return is filed, whichever is later, no 75195  
interest shall be allowed on such overpayment. If the overpayment 75196  
results from the carryback of a net operating loss or net capital 75197  
loss to a previous taxable year, the overpayment is deemed not to 75198  
have been made prior to the filing date, including any extension 75199  
thereof, for the taxable year in which the net operating loss or 75200  
net capital loss arises. For purposes of the payment of interest 75201  
on overpayments, no amount of tax, for any taxable year, shall be 75202

treated as having been paid before the date on which the tax 75203  
return for that year was due without regard to any extension of 75204  
time for filing such return. 75205

(3) Interest shall be allowed at the rate per annum 75206  
prescribed by section 5703.47 of the Revised Code on amounts 75207  
refunded with respect to the taxes imposed under sections 5733.41 75208  
and 5747.41 of the Revised Code. The interest shall run from 75209  
whichever of the following days is the latest until the day the 75210  
refund is paid: the day the illegal, erroneous, or excessive 75211  
payment was made; the ninetieth day after the final day the annual 75212  
report was required to be filed under section 5747.42 of the 75213  
Revised Code; or the ninetieth day after the day that report was 75214  
filed. 75215

~~(D)~~(4) If an amount refunded with respect to any tax imposed 75216  
under section 5733.41, 5747.02, or 5747.41 or Chapter 5748. of the 75217  
Revised Code results from the filing of an amended return or 75218  
report, or the payment accompanying an amended return or report, 75219  
by an employer or taxpayer, interest on the amount refunded shall 75220  
run from the date the amended return or report was filed, as 75221  
determined under division (H) of section 5747.08 of the Revised 75222  
Code, until the date the refund is paid. 75223

(E) "Ninety days" shall be substituted for "four years" in 75224  
division (B) of this section if the taxpayer satisfies both of the 75225  
following conditions: 75226

(1) The taxpayer has applied for a refund based in whole or 75227  
in part upon section 5747.059 of the Revised Code; 75228

(2) The taxpayer asserts that either the imposition or 75229  
collection of the tax imposed or charged by this chapter or any 75230  
portion of such tax violates the Constitution of the United States 75231  
or the Constitution of Ohio. 75232

~~(E)~~(F)(1) Division ~~(E)~~(F)(2) of this section applies only if 75233



all of the following conditions are satisfied: 75234

(a) A qualifying entity pays an amount of the tax imposed by 75235  
section 5733.41 or 5747.41 of the Revised Code; 75236

(b) The taxpayer is a qualifying investor as to that 75237  
qualifying entity; 75238

(c) The taxpayer did not claim the credit provided for in 75239  
section 5747.059 of the Revised Code as to the tax described in 75240  
division ~~(E)~~(F)(1)(a) of this section; 75241

(d) The four-year period described in division (B) of this 75242  
section has ended as to the taxable year for which the taxpayer 75243  
otherwise would have claimed that credit. 75244

(2) A taxpayer shall file an application for refund pursuant 75245  
to division ~~(E)~~(F) of this section within one year after the date 75246  
the payment described in division ~~(E)~~(F)(1)(a) of this section is 75247  
made. An application filed under division ~~(E)~~(F)(2) of this 75248  
section shall claim refund only of overpayments resulting from the 75249  
taxpayer's failure to claim the credit described in division 75250  
~~(E)~~(F)(1)(c) of this section. Nothing in division ~~(E)~~(F) of this 75251  
section shall be construed to relieve a taxpayer from complying 75252  
with division (A)(16) of section 5747.01 of the Revised Code. 75253

Sec. 5747.65. There is hereby allowed a refundable credit 75254  
against the tax imposed under section 5747.02 of the Revised Code. 75255  
The amount of the credit shall equal the taxpayer's proportionate 75256  
share of the lesser of either the tax due or the tax paid for the 75257  
tax imposed by section 5726.02 of the Revised Code by a 75258  
pass-through entity for the pass-through entity's taxable year 75259  
ending in the taxpayer's taxable year. 75260

The taxpayer shall claim the credit for the taxpayer's 75261  
taxable year that includes the last day of the pass-through 75262  
entity's taxable year. For purposes of making tax payments under 75263

this chapter, taxes equal to the amount of the credit shall be 75264  
considered to be paid by the taxpayer on the day the pass-through 75265  
entity pays to the treasurer of state the amount due for the tax 75266  
imposed by section 5726.02 of the Revised Code. 75267

In claiming the credit and determining the taxpayer's 75268  
proportionate share of the tax due and the tax paid by a 75269  
pass-through entity, the taxpayer shall follow the concepts set 75270  
forth in subchapters J and K of the Internal Revenue Code. 75271

The credit shall be claimed in the order required under 75272  
section 5747.98 of the Revised Code. If the amount of the credit 75273  
exceeds the amount of tax otherwise due under section 5747.02 of 75274  
the Revised Code after deduction of all other credits in that 75275  
order, the taxpayer is entitled to a refund of the excess. 75276

**Sec. 5747.98.** (A) To provide a uniform procedure for 75277  
calculating the amount of tax due under section 5747.02 of the 75278  
Revised Code, a taxpayer shall claim any credits to which the 75279  
taxpayer is entitled in the following order: 75280

(1) The retirement income credit under division (B) of 75281  
section 5747.055 of the Revised Code; 75282

(2) The senior citizen credit under division (C) of section 75283  
5747.05 of the Revised Code; 75284

(3) The lump sum distribution credit under division (D) of 75285  
section 5747.05 of the Revised Code; 75286

(4) The dependent care credit under section 5747.054 of the 75287  
Revised Code; 75288

(5) The lump sum retirement income credit under division (C) 75289  
of section 5747.055 of the Revised Code; 75290

(6) The lump sum retirement income credit under division (D) 75291  
of section 5747.055 of the Revised Code; 75292

|                                                                                                                                 |                |
|---------------------------------------------------------------------------------------------------------------------------------|----------------|
| (7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;                           | 75293<br>75294 |
| (8) The low-income credit under section 5747.056 of the Revised Code;                                                           | 75295<br>75296 |
| (9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;                        | 75297<br>75298 |
| (10) The campaign contribution credit under section 5747.29 of the Revised Code;                                                | 75299<br>75300 |
| (11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;                                    | 75301<br>75302 |
| (12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;                                         | 75303<br>75304 |
| (13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;                                          | 75305<br>75306 |
| (14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;                 | 75307<br>75308 |
| (15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code; | 75309<br>75310 |
| (16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;            | 75311<br>75312 |
| (17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;                                        | 75313<br>75314 |
| (18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;                               | 75315<br>75316 |
| (19) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;                         | 75317<br>75318 |
| (20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;                                         | 75319<br>75320 |
| (21) The second credit for purchases of new manufacturing                                                                       | 75321          |

|                                                                                                                              |                |
|------------------------------------------------------------------------------------------------------------------------------|----------------|
| machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;                        | 75322<br>75323 |
| (22) The job training credit under section 5747.39 of the Revised Code;                                                      | 75324<br>75325 |
| (23) The enterprise zone credit under section 5709.66 of the Revised Code;                                                   | 75326<br>75327 |
| (24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;         | 75328<br>75329 |
| (25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;       | 75330<br>75331 |
| (26) The ethanol plant investment credit under section 5747.75 of the Revised Code;                                          | 75332<br>75333 |
| (27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;             | 75334<br>75335 |
| (28) The small business investment credit under section 5747.81 of the Revised Code;                                         | 75336<br>75337 |
| (29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;    | 75338<br>75339 |
| (30) The enterprise zone credits under section 5709.65 of the Revised Code;                                                  | 75340<br>75341 |
| (31) The research and development credit under section 5747.331 of the Revised Code;                                         | 75342<br>75343 |
| (32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                            | 75344<br>75345 |
| (33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                 | 75346<br>75347 |
| (34) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code; | 75348<br>75349 |
| (35) The refundable credit for taxes paid by a qualifying                                                                    | 75350          |

entity granted under section 5747.059 of the Revised Code; 75351

(36) The refundable credits for taxes paid by a qualifying 75352  
pass-through entity granted under division (J) of section 5747.08 75353  
of the Revised Code; 75354

(37) The refundable credit for tax withheld under division 75355  
(B)(1) of section 5747.062 of the Revised Code; 75356

(38) The refundable credit for tax withheld under section 75357  
5747.063 of the Revised Code; 75358

(39) The refundable credit under section 5747.80 of the 75359  
Revised Code for losses on loans made to the Ohio venture capital 75360  
program under sections 150.01 to 150.10 of the Revised Code; 75361

(40) The refundable motion picture production credit under 75362  
section 5747.66 of the Revised Code; 75363

(41) The refundable credit for financial institution taxes 75364  
paid by a pass-through entity granted under section 5747.65 of the 75365  
Revised Code. 75366

(B) For any credit, except the refundable credits enumerated 75367  
in this section and the credit granted under division (I) of 75368  
section 5747.08 of the Revised Code, the amount of the credit for 75369  
a taxable year shall not exceed the tax due after allowing for any 75370  
other credit that precedes it in the order required under this 75371  
section. Any excess amount of a particular credit may be carried 75372  
forward if authorized under the section creating that credit. 75373  
Nothing in this chapter shall be construed to allow a taxpayer to 75374  
claim, directly or indirectly, a credit more than once for a 75375  
taxable year. 75376

**Sec. 5749.01.** As used in this chapter: 75377

(A) "Ton" shall mean two thousand pounds as measured at the 75378  
point and time of severance, after the removal of any impurities, 75379  
under such rules and regulations as the tax commissioner may 75380

|                                                                                                                                              |                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| prescribe.                                                                                                                                   | 75381                   |
| (B) "Taxpayer" means any person required to pay the tax levied by Chapter 5749. of the Revised Code.                                         | 75382<br>75383          |
| (C) "Natural resource" means all forms of coal, salt, limestone, dolomite, sand, gravel, <del>natural</del> gas, and oil.                    | 75384<br>75385          |
| (D) "Owner" has the same meaning as in section 1509.01 of the Revised Code.                                                                  | 75386<br>75387          |
| (E) "Person" means any individual, firm, partnership, association, joint stock company, corporation, or estate, or combination thereof.      | 75388<br>75389<br>75390 |
| (F) "Return" means any report or statement required to be filed pursuant to Chapter 5749. of the Revised Code used to determine the tax due. | 75391<br>75392<br>75393 |
| (G) "Severance" means the extraction or other removal of a natural resource from the soil or water of this state.                            | 75394<br>75395          |
| (H) "Severed" means the point at which the natural resource has been separated from the soil or water in this state.                         | 75396<br>75397          |
| (I) "Severer" means any person who actually removes the natural resources from the soil or water in this state.                              | 75398<br>75399          |
| <u>(J) "Horizontal well" has the same meaning as in section 1509.01 of the Revised Code.</u>                                                 | 75400<br>75401          |
| <u>(K) "Condensate" has the same meaning as in section 1509.01 of the Revised Code.</u>                                                      | 75402<br>75403          |
| <u>(L) "Gas" means pipeline quality gas.</u>                                                                                                 | 75404                   |
| <u>(M) "Daily closing spot price" means one of the following:</u>                                                                            | 75405                   |
| <u>(1) For oil, the WTI Cushing price;</u>                                                                                                   | 75406                   |
| <u>(2) For gas, the Henry hub price;</u>                                                                                                     | 75407                   |
| <u>(3) For condensate, the Mont Belvieu price.</u>                                                                                           | 75408                   |

**Sec. 5749.02.** (A) For the purpose of providing revenue to 75409  
administer the state's coal mining and reclamation regulatory 75410  
program, to meet the environmental and resource management needs 75411  
of this state, to provide funding for the shale resource income 75412  
tax relief fund, and to reclaim land affected by mining, an excise 75413  
tax is hereby levied on the privilege of engaging in the severance 75414  
of natural resources from the soil or water of this state. The tax 75415  
shall be imposed upon the severer ~~and shall be~~ at the rates 75416  
prescribed by divisions (A)(1) to (11) of this section: 75417

(1) Ten cents per ton of coal; 75418

(2) Four cents per ton of salt; 75419

(3) Two cents per ton of limestone or dolomite; 75420

(4) Two cents per ton of sand and gravel; 75421

(5) ~~Ten~~ Except as provided in division (A)(10) of this 75422  
section, ten cents per barrel of oil; 75423

(6) ~~Two and one half~~ Except as provided in division (A)(11) 75424  
of this section, the lesser of three cents per thousand cubic feet 75425  
of natural gas or one per cent of the product of the metered 75426  
quarterly volume of gas multiplied by the average of the daily 75427  
closing spot prices of gas reported on the new York mercantile 75428  
exchange for the quarterly reporting period; 75429

(7) One cent per ton of clay, sandstone or conglomerate, 75430  
shale, gypsum, or quartzite; 75431

(8) Except as otherwise provided in this division or in rules 75432  
adopted by the reclamation forfeiture fund advisory board under 75433  
section 1513.182 of the Revised Code, an additional fourteen cents 75434  
per ton of coal produced from an area under a coal mining and 75435  
reclamation permit issued under Chapter 1513. of the Revised Code 75436  
for which the performance security is provided under division 75437  
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 75438

2007, if at the end of a fiscal biennium the balance of the 75439  
reclamation forfeiture fund created in section 1513.18 of the 75440  
Revised Code is equal to or greater than ten million dollars, the 75441  
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 75442  
if at the end of a fiscal biennium the balance of the fund is at 75443  
least five million dollars, but less than ten million dollars, the 75444  
rate levied shall be fourteen cents per ton. Beginning July 1, 75445  
2007, if at the end of a fiscal biennium the balance of the fund 75446  
is less than five million dollars, the rate levied shall be 75447  
sixteen cents per ton. Beginning July 1, 2009, not later than 75448  
thirty days after the close of a fiscal biennium, the chief of the 75449  
division of mineral resources management shall certify to the tax 75450  
commissioner the amount of the balance of the reclamation 75451  
forfeiture fund as of the close of the fiscal biennium. Any 75452  
necessary adjustment of the rate levied shall take effect on the 75453  
first day of the following January and shall remain in effect 75454  
during the calendar biennium that begins on that date. 75455

(9) An additional one and two-tenths cents per ton of coal 75456  
mined by surface mining methods. 75457

(10)(a) Except as otherwise provided in division (A)(10)(b) 75458  
of this section, four per cent of the product of the metered 75459  
quarterly volume of oil or condensate produced through use of a 75460  
horizontal well multiplied by the average of the daily closing 75461  
spot prices of oil reported on the new York mercantile exchange or 75462  
condensate for the quarterly reporting period. 75463

(b) If the severer is the holder of a certificate issued 75464  
under section 1509.51 of the Revised Code, one and one-half per 75465  
cent of the product of the metered quarterly volume of oil 75466  
produced through use of a horizontal well multiplied by the 75467  
average of the daily closing spot prices of oil reported on the 75468  
new York mercantile exchange or condensate for the quarterly 75469  
reporting period. 75470



(11) One per cent of the product of the metered quarterly volume of gas, excluding condensate, produced through use of a horizontal well multiplied by the average of the daily closing spot prices of gas reported on the new York mercantile exchange for the quarterly reporting period.

(B) Of the moneys received by the treasurer of state from the tax levied in division (A)(1) of this section, four and seventy-six-hundredths per cent shall be credited to the geological mapping fund created in section 1505.09 of the Revised Code, eighty and ninety-five-hundredths per cent shall be credited to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code, and fourteen and twenty-nine-hundredths per cent shall be credited to the unreclaimed lands fund created in section 1513.30 of the Revised Code.

The money received by the treasurer of state from the tax levied in division (A)(2) of this section shall be credited to the geological mapping fund.

Of the moneys received by the treasurer of state from the tax levied in divisions (A)(3) and (4) of this section, seven and five-tenths per cent shall be credited to the geological mapping fund, forty-two and five-tenths per cent shall be credited to the unreclaimed lands fund, and the remainder shall be credited to the surface mining fund created in section 1514.06 of the Revised Code.

Of the moneys received by the treasurer of state from the tax levied in divisions (A)(5) and (6) of this section, ninety per cent shall be credited to the oil and gas well fund created in section 1509.02 of the Revised Code and ten per cent shall be credited to the geological mapping fund. All of the moneys received by the treasurer of state from the tax levied in division (A)(7) of this section shall be credited to the surface mining

fund. 75503

All of the moneys received by the treasurer of state from the 75504  
tax levied in division (A)(8) of this section shall be credited to 75505  
the reclamation forfeiture fund. 75506

All of the moneys received by the treasurer of state from the 75507  
tax levied in division (A)(9) of this section shall be credited to 75508  
the unreclaimed lands fund. 75509

All of the money received by the treasurer of state from the 75510  
tax levied in divisions (A)(10) and (11) of this section shall be 75511  
credited to the horizontal well tax fund, which is hereby created 75512  
in the state treasury. Not later than the fifteenth day of 75513  
September of each year, the tax commissioner shall calculate and 75514  
certify to the director of budget and management the total amount 75515  
that would have been collected from severances during the 75516  
preceding fiscal year through use of a horizontal well if such 75517  
severances had been taxed under divisions (A)(5) and (6) of this 75518  
section, as those divisions existed on June 30, 2012, and not 75519  
under divisions (A)(10) and (11) of this section. The director of 75520  
budget and management, after consulting with the director of the 75521  
department of natural resources, shall transfer, on or before the 75522  
twenty-fifth day of September, the amount so certified from the 75523  
horizontal well tax fund to funds used by the department of 75524  
natural resources for the regulation, oversight, and management of 75525  
oil and gas resources and extraction. Not later than the 75526  
succeeding thirtieth day of September, the director of budget and 75527  
management shall transfer any money remaining in the horizontal 75528  
well tax fund from tax collected during the preceding fiscal year 75529  
to the shale resource income tax relief fund created in section 75530  
131.46 of the Revised Code. 75531

(C) When, at the close of any fiscal year, the chief finds 75532  
that the balance of the reclamation forfeiture fund, plus 75533  
estimated transfers to it from the coal mining administration and 75534

reclamation reserve fund under section 1513.181 of the Revised Code, plus the estimated revenues from the tax levied by division (A)(8) of this section for the remainder of the calendar year that includes the close of the fiscal year, are sufficient to complete the reclamation of all lands for which the performance security has been provided under division (C)(2) of section 1513.08 of the Revised Code, the purposes for which the tax under division (A)(8) of this section is levied shall be deemed accomplished at the end of that calendar year. The chief, within thirty days after the close of the fiscal year, shall certify those findings to the tax commissioner, and the tax levied under division (A)(8) of this section shall cease to be imposed for the subsequent calendar year after the last day of that calendar year on coal produced under a coal mining and reclamation permit issued under Chapter 1513. of the Revised Code if the permittee has made tax payments under division (A)(8) of this section during each of the preceding five full calendar years. Not later than thirty days after the close of a fiscal year, the chief shall certify to the tax commissioner the identity of any permittees who accordingly no longer are required to pay the tax levied under division (A)(8) of this section for the subsequent calendar year.

Sec. 5749.031. The tax imposed under division (A)(6) of section 5749.02 of the Revised Code does not apply to the severance of gas from a well that is not a horizontal well and that produces not more than ten thousand cubic feet of gas per day in a quarterly period, but the severer shall file the return required under section 5749.06 of the Revised Code to report the severance of such gas.

**Sec. 5751.01.** As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees,

trustees in bankruptcy, firms, companies, joint-stock companies, 75566  
business trusts, estates, partnerships, limited liability 75567  
partnerships, limited liability companies, associations, joint 75568  
ventures, clubs, societies, for-profit corporations, S 75569  
corporations, qualified subchapter S subsidiaries, qualified 75570  
subchapter S trusts, trusts, entities that are disregarded for 75571  
federal income tax purposes, and any other entities. 75572

(B) "Consolidated elected taxpayer" means a group of two or 75573  
more persons treated as a single taxpayer for purposes of this 75574  
chapter as the result of an election made under section 5751.011 75575  
of the Revised Code. 75576

(C) "Combined taxpayer" means a group of two or more persons 75577  
treated as a single taxpayer for purposes of this chapter under 75578  
section 5751.012 of the Revised Code. 75579

(D) "Taxpayer" means any person, or any group of persons in 75580  
the case of a consolidated elected taxpayer or combined taxpayer 75581  
treated as one taxpayer, required to register or pay tax under 75582  
this chapter. "Taxpayer" does not include excluded persons. 75583

(E) "Excluded person" means any of the following: 75584

(1) Any person with not more than one hundred fifty thousand 75585  
dollars of taxable gross receipts during the calendar year. 75586  
Division (E)(1) of this section does not apply to a person that is 75587  
a member of a consolidated elected taxpayer; 75588

(2) A public utility that paid the excise tax imposed by 75589  
section 5727.24 or 5727.30 of the Revised Code based on one or 75590  
more measurement periods that include the entire tax period under 75591  
this chapter, except that a public utility that is a combined 75592  
company is a taxpayer with regard to the following gross receipts: 75593

(a) Taxable gross receipts directly attributed to a public 75594  
utility activity, but not directly attributed to an activity that 75595  
is subject to the excise tax imposed by section 5727.24 or 5727.30 75596

of the Revised Code; 75597

(b) Taxable gross receipts that cannot be directly attributed 75598  
to any activity, multiplied by a fraction whose numerator is the 75599  
taxable gross receipts described in division (E)(2)(a) of this 75600  
section and whose denominator is the total taxable gross receipts 75601  
that can be directly attributed to any activity; 75602

(c) Except for any differences resulting from the use of an 75603  
accrual basis method of accounting for purposes of determining 75604  
gross receipts under this chapter and the use of the cash basis 75605  
method of accounting for purposes of determining gross receipts 75606  
under section 5727.24 of the Revised Code, the gross receipts 75607  
directly attributed to the activity of a natural gas company shall 75608  
be determined in a manner consistent with division (D) of section 75609  
5727.03 of the Revised Code. 75610

As used in division (E)(2) of this section, "combined 75611  
company" and "public utility" have the same meanings as in section 75612  
5727.01 of the Revised Code. 75613

(3) A financial institution, as defined in section ~~5725.01~~ 75614  
5726.01 of the Revised Code, that paid the ~~corporation franchise~~ 75615  
~~tax charged by division (D) of~~ imposed by section ~~5733.06~~ 5726.02 75616  
of the Revised Code based on one or more taxable years that 75617  
include the entire tax period under this chapter; 75618

(4) ~~A dealer in intangibles, as defined in section 5725.01 of~~ 75619  
~~the Revised Code, that paid the dealer in intangibles tax levied~~ 75620  
~~by division (D) of section 5707.03 of the Revised Code based on~~ 75621  
~~one or more measurement periods that include the entire tax period~~ 75622  
~~under this chapter;~~ 75623

~~(5) A financial holding company as defined in the "Bank~~ 75624  
~~Holding Company Act," 12 U.S.C. 1841(p);~~ 75625

~~(6) A bank holding company as defined in the "Bank Holding~~ 75626  
~~Company Act," 12 U.S.C. 1841(a);~~ 75627

~~(7) A savings and loan holding company as defined in the "Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging only in activities or investments permissible for a financial holding company under 12 U.S.C. 1843(k);~~

~~(8) A person directly or indirectly owned by one or more financial institutions, financial holding companies, bank holding companies, or savings and loan holding companies described in division (E)(3), (5), (6), or (7) of this section that is engaged in activities permissible for a financial holding company under 12 U.S.C. 1843(k), except that any such person held pursuant to merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 U.S.C. 1843(k)(4)(I) is not an excluded person, or a person directly or indirectly owned by one or more insurance companies described in division (E)(9) of this section that is authorized to do the business of insurance in this state.~~

~~For the purposes of division (E)(8) of this section, a person owns another person under the following circumstances:~~

~~(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;~~

~~(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;~~

~~(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the~~

~~organization's profits, surpluses, losses, or distributions of 75659  
fifty per cent or more of the combined beneficial interests of all 75660  
persons having such an interest in the organization; 75661~~

~~(d) In the case of multiple ownership, the ownership 75662  
interests of more than one person may be aggregated to meet the 75663  
fifty per cent ownership tests in this division only when each 75664  
such owner is described in division (E)(3), (5), (6), or (7) of 75665  
this section and is engaged in activities permissible for a 75666  
financial holding company under 12 U.S.C. 1843(k) or is a person 75667  
directly or indirectly owned by one or more insurance companies 75668  
described in division (E)(9) of this section that is authorized to 75669  
do the business of insurance in this state. 75670~~

~~(9) A domestic insurance company or foreign insurance 75671  
company, as defined in section 5725.01 of the Revised Code, that 75672  
paid the insurance company premiums tax imposed by section 5725.18 75673  
or Chapter 5729. of the Revised Code based on one or more 75674  
measurement periods that include the entire tax period under this 75675  
chapter; 75676~~

~~(10) A person that solely facilitates or services one or more 75677  
securitizations or similar transactions for any person described 75678  
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 75679  
For purposes of this division, "securitization" means transferring 75680  
one or more assets to one or more persons and then issuing 75681  
securities backed by the right to receive payment from the asset 75682  
or assets so transferred. 75683~~

~~(11)(5) Except as otherwise provided in this division, a 75684  
pre-income tax trust as defined in division (FF)(4) of section 75685  
5747.01 of the Revised Code and any pass-through entity of which 75686  
such pre-income tax trust owns or controls, directly, indirectly, 75687  
or constructively through related interests, more than five per 75688  
cent of the ownership or equity interests. If the pre-income tax 75689  
trust has made a qualifying pre-income tax trust election under 75690~~

division (FF)(3) of section 5747.01 of the Revised Code, then the 75691  
trust and the pass-through entities of which it owns or controls, 75692  
directly, indirectly, or constructively through related interests, 75693  
more than five per cent of the ownership or equity interests, 75694  
shall not be excluded persons for purposes of the tax imposed 75695  
under section 5751.02 of the Revised Code. 75696

~~(12)~~(6) Nonprofit organizations or the state and its 75697  
agencies, instrumentalities, or political subdivisions. 75698

(F) Except as otherwise provided in divisions (F)(2), (3), 75699  
and (4) of this section, "gross receipts" means the total amount 75700  
realized by a person, without deduction for the cost of goods sold 75701  
or other expenses incurred, ~~that contributes to the production of~~ 75702  
~~gross income of the person,~~ including the fair market value of any 75703  
property and any services received, and any debt transferred or 75704  
forgiven as consideration. 75705

(1) The following are examples of gross receipts: 75706

(a) Amounts realized from the sale, exchange, or other 75707  
disposition of the taxpayer's property to or with another; 75708

(b) Amounts realized from the taxpayer's performance of 75709  
services for another; 75710

(c) Amounts realized from another's use or possession of the 75711  
taxpayer's property or capital; 75712

(d) Any combination of the foregoing amounts. 75713

(2) "Gross receipts" excludes the following amounts: 75714

(a) Interest income except interest on credit sales; 75715

(b) Dividends and distributions from corporations, and 75716  
distributive or proportionate shares of receipts and income from a 75717  
pass-through entity as defined under section 5733.04 of the 75718  
Revised Code; 75719

(c) Receipts from the sale, exchange, or other disposition of 75720



an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance

premiums, or employee expenses, or on account of a dependent care 75753  
spending account, legal services plan, any cafeteria plan 75754  
described in section 125 of the Internal Revenue Code, or any 75755  
similar employee reimbursement; 75756

(h) Proceeds received from the issuance of the taxpayer's own 75757  
stock, options, warrants, puts, or calls, or from the sale of the 75758  
taxpayer's treasury stock; 75759

(i) Proceeds received on the account of payments from 75760  
insurance policies, except those proceeds received for the loss of 75761  
business revenue; 75762

(j) Gifts or charitable contributions received; membership 75763  
dues received by trade, professional, homeowners', or condominium 75764  
associations; and payments received for educational courses, 75765  
meetings, meals, or similar payments to a trade, professional, or 75766  
other similar association; and fundraising receipts received by 75767  
any person when any excess receipts are donated or used 75768  
exclusively for charitable purposes; 75769

(k) Damages received as the result of litigation in excess of 75770  
amounts that, if received without litigation, would be gross 75771  
receipts; 75772

(l) Property, money, and other amounts received or acquired 75773  
by an agent on behalf of another in excess of the agent's 75774  
commission, fee, or other remuneration; 75775

(m) Tax refunds, other tax benefit recoveries, and 75776  
reimbursements for the tax imposed under this chapter made by 75777  
entities that are part of the same combined taxpayer or 75778  
consolidated elected taxpayer group, and reimbursements made by 75779  
entities that are not members of a combined taxpayer or 75780  
consolidated elected taxpayer group that are required to be made 75781  
for economic parity among multiple owners of an entity whose tax 75782  
obligation under this chapter is required to be reported and paid 75783

entirely by one owner, pursuant to the requirements of sections 75784  
5751.011 and 5751.012 of the Revised Code; 75785

(n) Pension reversions; 75786

(o) Contributions to capital; 75787

(p) Sales or use taxes collected as a vendor or an 75788  
out-of-state seller on behalf of the taxing jurisdiction from a 75789  
consumer or other taxes the taxpayer is required by law to collect 75790  
directly from a purchaser and remit to a local, state, or federal 75791  
tax authority; 75792

(q) In the case of receipts from the sale of cigarettes or 75793  
tobacco products by a wholesale dealer, retail dealer, 75794  
distributor, manufacturer, or seller, all as defined in section 75795  
5743.01 of the Revised Code, an amount equal to the federal and 75796  
state excise taxes paid by any person on or for such cigarettes or 75797  
tobacco products under subtitle E of the Internal Revenue Code or 75798  
Chapter 5743. of the Revised Code; 75799

(r) In the case of receipts from the sale of motor fuel by a 75800  
licensed motor fuel dealer, licensed retail dealer, or licensed 75801  
permissive motor fuel dealer, all as defined in section 5735.01 of 75802  
the Revised Code, an amount equal to federal and state excise 75803  
taxes paid by any person on such motor fuel under section 4081 of 75804  
the Internal Revenue Code or Chapter 5735. of the Revised Code; 75805

(s) In the case of receipts from the sale of beer or 75806  
intoxicating liquor, as defined in section 4301.01 of the Revised 75807  
Code, by a person holding a permit issued under Chapter 4301. or 75808  
4303. of the Revised Code, an amount equal to federal and state 75809  
excise taxes paid by any person on or for such beer or 75810  
intoxicating liquor under subtitle E of the Internal Revenue Code 75811  
or Chapter 4301. or 4305. of the Revised Code; 75812

(t) Receipts realized by a new motor vehicle dealer or used 75813  
motor vehicle dealer, as defined in section 4517.01 of the Revised 75814

Code, from the sale or other transfer of a motor vehicle, as 75815  
defined in that section, to another motor vehicle dealer for the 75816  
purpose of resale by the transferee motor vehicle dealer, but only 75817  
if the sale or other transfer was based upon the transferee's need 75818  
to meet a specific customer's preference for a motor vehicle; 75819

(u) Receipts from a financial institution described in 75820  
division (E)(3) of this section for services provided to the 75821  
financial institution in connection with the issuance, processing, 75822  
servicing, and management of loans or credit accounts, if such 75823  
financial institution and the recipient of such receipts have at 75824  
least fifty per cent of their ownership interests owned or 75825  
controlled, directly or constructively through related interests, 75826  
by common owners; 75827

(v) Receipts realized from administering anti-neoplastic 75828  
drugs and other cancer chemotherapy, biologicals, therapeutic 75829  
agents, and supportive drugs in a physician's office to patients 75830  
with cancer; 75831

(w) Funds received or used by a mortgage broker that is not a 75832  
dealer in intangibles, other than fees or other consideration, 75833  
pursuant to a table-funding mortgage loan or warehouse-lending 75834  
mortgage loan. Terms used in division (F)(2)(w) of this section 75835  
have the same meanings as in section 1322.01 of the Revised Code, 75836  
except "mortgage broker" means a person assisting a buyer in 75837  
obtaining a mortgage loan for a fee or other consideration paid by 75838  
the buyer or a lender, or a person engaged in table-funding or 75839  
warehouse-lending mortgage loans that are first lien mortgage 75840  
loans. 75841

(x) Property, money, and other amounts received by a 75842  
professional employer organization, as defined in section 4125.01 75843  
of the Revised Code, from a client employer, as defined in that 75844  
section, in excess of the administrative fee charged by the 75845  
professional employer organization to the client employer; 75846

(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;

(z) Qualifying distribution center receipts.

(i) For purposes of division (F)(2)(z) of this section:

(I) "Qualifying distribution center receipts" means receipts of a supplier from qualified property that is delivered to a qualified distribution center, multiplied by a quantity that equals one minus the Ohio delivery percentage.

(II) "Qualified property" means tangible personal property delivered to a qualified distribution center that is shipped to that qualified distribution center solely for further shipping by the qualified distribution center to another location in this state or elsewhere. "Further shipping" includes storing and repackaging such property into smaller or larger bundles, so long as such property is not subject to further manufacturing or processing.

(III) "Qualified distribution center" means a warehouse or other similar facility in this state that, for the qualifying year, is operated by a person that is not part of a combined taxpayer group and that has a qualifying certificate. However, all warehouses or other similar facilities that are operated by persons in the same taxpayer group and that are located within one mile of each other shall be treated as one qualified distribution center.

(IV) "Qualifying year" means the calendar year to which the qualifying certificate applies.

(V) "Qualifying period" means the period of the first day of July of the second year preceding the qualifying year through the

thirtieth day of June of the year preceding the qualifying year. 75878

(VI) "Qualifying certificate" means the certificate issued by 75879  
the tax commissioner after the operator of a distribution center 75880  
files an annual application with the commissioner. The application 75881  
and annual fee shall be filed and paid for each qualified 75882  
distribution center on or before the first day of September before 75883  
the qualifying year or within forty-five days after the 75884  
distribution center opens, whichever is later. 75885

The applicant must substantiate to the commissioner's 75886  
satisfaction that, for the qualifying period, all persons 75887  
operating the distribution center have more than fifty per cent of 75888  
the cost of the qualified property shipped to a location such that 75889  
it would be situated outside this state under the provisions of 75890  
division (E) of section 5751.033 of the Revised Code. The 75891  
applicant must also substantiate that the distribution center 75892  
cumulatively had costs from its suppliers equal to or exceeding 75893  
five hundred million dollars during the qualifying period. (For 75894  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 75895  
excludes any person that is part of the consolidated elected 75896  
taxpayer group, if applicable, of the operator of the qualified 75897  
distribution center.) The commissioner may require the applicant 75898  
to have an independent certified public accountant certify that 75899  
the calculation of the minimum thresholds required for a qualified 75900  
distribution center by the operator of a distribution center has 75901  
been made in accordance with generally accepted accounting 75902  
principles. The commissioner shall issue or deny the issuance of a 75903  
certificate within sixty days after the receipt of the 75904  
application. A denial is subject to appeal under section 5717.02 75905  
of the Revised Code. If the operator files a timely appeal under 75906  
section 5717.02 of the Revised Code, the operator shall be granted 75907  
a qualifying certificate, provided that the operator is liable for 75908  
any tax, interest, or penalty upon amounts claimed as qualifying 75909

distribution center receipts, other than those receipts exempt 75910  
under division (C)(1) of section 5751.011 of the Revised Code, 75911  
that would have otherwise not been owed by its suppliers if the 75912  
qualifying certificate was valid. 75913

(VII) "Ohio delivery percentage" means the proportion of the 75914  
total property delivered to a destination inside Ohio from the 75915  
qualified distribution center during the qualifying period 75916  
compared with total deliveries from such distribution center 75917  
everywhere during the qualifying period. 75918

(ii) If the distribution center is new and was not open for 75919  
the entire qualifying period, the operator of the distribution 75920  
center may request that the commissioner grant a qualifying 75921  
certificate. If the certificate is granted and it is later 75922  
determined that more than fifty per cent of the qualified property 75923  
during that year was not shipped to a location such that it would 75924  
be situated outside of this state under the provisions of division 75925  
(E) of section 5751.033 of the Revised Code or if it is later 75926  
determined that the person that operates the distribution center 75927  
had average monthly costs from its suppliers of less than forty 75928  
million dollars during that year, then the operator of the 75929  
distribution center shall be liable for any tax, interest, or 75930  
penalty upon amounts claimed as qualifying distribution center 75931  
receipts, other than those receipts exempt under division (C)(1) 75932  
of section 5751.011 of the Revised Code, that would have not 75933  
otherwise been owed by its suppliers during the qualifying year if 75934  
the qualifying certificate was valid. (For purposes of division 75935  
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 75936  
is part of the consolidated elected taxpayer group, if applicable, 75937  
of the operator of the qualified distribution center.) 75938

(iii) When filing an application for a qualifying certificate 75939  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 75940  
qualified distribution center also shall provide documentation, as 75941

the commissioner requires, for the commissioner to ascertain the 75942  
Ohio delivery percentage. The commissioner, upon issuing the 75943  
qualifying certificate, also shall certify the Ohio delivery 75944  
percentage. The operator of the qualified distribution center may 75945  
appeal the commissioner's certification of the Ohio delivery 75946  
percentage in the same manner as an appeal is taken from the 75947  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 75948  
of this section. 75949

Within thirty days after all appeals have been exhausted, the 75950  
operator of the qualified distribution center shall notify the 75951  
affected suppliers of qualified property that such suppliers are 75952  
required to file, within sixty days after receiving notice from 75953  
the operator of the qualified distribution center, amended reports 75954  
for the impacted calendar quarter or quarters or calendar year, 75955  
whichever the case may be. Any additional tax liability or tax 75956  
overpayment shall be subject to interest but shall not be subject 75957  
to the imposition of any penalty so long as the amended returns 75958  
are timely filed. The supplier of tangible personal property 75959  
delivered to the qualified distribution center shall include in 75960  
its report of taxable gross receipts the receipts from the total 75961  
sales of property delivered to the qualified distribution center 75962  
for the calendar quarter or calendar year, whichever the case may 75963  
be, multiplied by the Ohio delivery percentage for the qualifying 75964  
year. Nothing in division (F)(2)(z)(iii) of this section shall be 75965  
construed as imposing liability on the operator of a qualified 75966  
distribution center for the tax imposed by this chapter arising 75967  
from any change to the Ohio delivery percentage. 75968

(iv) In the case where the distribution center is new and not 75969  
open for the entire qualifying period, the operator shall make a 75970  
good faith estimate of an Ohio delivery percentage for use by 75971  
suppliers in their reports of taxable gross receipts for the 75972  
remainder of the qualifying period. The operator of the facility 75973



shall disclose to the suppliers that such Ohio delivery percentage 75974  
is an estimate and is subject to recalculation. By the due date of 75975  
the next application for a qualifying certificate, the operator 75976  
shall determine the actual Ohio delivery percentage for the 75977  
estimated qualifying period and proceed as provided in division 75978  
(F)(2)(z)(iii) of this section with respect to the calculation and 75979  
recalculation of the Ohio delivery percentage. The supplier is 75980  
required to file, within sixty days after receiving notice from 75981  
the operator of the qualified distribution center, amended reports 75982  
for the impacted calendar quarter or quarters or calendar year, 75983  
whichever the case may be. Any additional tax liability or tax 75984  
overpayment shall be subject to interest but shall not be subject 75985  
to the imposition of any penalty so long as the amended returns 75986  
are timely filed. 75987

(v) Qualifying certificates and Ohio delivery percentages 75988  
issued by the commissioner shall be open to public inspection and 75989  
shall be timely published by the commissioner. A supplier relying 75990  
in good faith on a certificate issued under this division shall 75991  
not be subject to tax on the qualifying distribution center 75992  
receipts under division (F)(2)(z) of this section. A person 75993  
receiving a qualifying certificate is responsible for paying the 75994  
tax, interest, and penalty upon amounts claimed as qualifying 75995  
distribution center receipts that would not otherwise have been 75996  
owed by the supplier if the qualifying certificate were available 75997  
when it is later determined that the qualifying certificate should 75998  
not have been issued because the statutory requirements were in 75999  
fact not met. 76000

(vi) The annual fee for a qualifying certificate shall be one 76001  
hundred thousand dollars for each qualified distribution center. 76002  
If a qualifying certificate is not issued, the annual fee is 76003  
subject to refund after the exhaustion of all appeals provided for 76004  
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 76005

under this division may be assessed in the same manner as the tax 76006  
imposed under this chapter. The first one hundred thousand dollars 76007  
of the annual application fees collected each calendar year shall 76008  
be credited to the ~~commercial activity tax administrative~~ revenue 76009  
enhancement fund. The remainder of the annual application fees 76010  
collected shall be distributed in the same manner required under 76011  
section 5751.20 of the Revised Code. 76012

(vii) The tax commissioner may require that adequate security 76013  
be posted by the operator of the distribution center on appeal 76014  
when the commissioner disagrees that the applicant has met the 76015  
minimum thresholds for a qualified distribution center as set 76016  
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 76017  
section. 76018

(aa) Receipts of an employer from payroll deductions relating 76019  
to the reimbursement of the employer for advancing moneys to an 76020  
unrelated third party on an employee's behalf; 76021

(bb) Cash discounts allowed and taken; 76022

(cc) Returns and allowances; 76023

(dd) Bad debts from receipts on the basis of which the tax 76024  
imposed by this chapter was paid in a prior quarterly tax payment 76025  
period. For the purpose of this division, "bad debts" means any 76026  
debts that have become worthless or uncollectible between the 76027  
preceding and current quarterly tax payment periods, have been 76028  
uncollected for at least six months, and that may be claimed as a 76029  
deduction under section 166 of the Internal Revenue Code and the 76030  
regulations adopted under that section, or that could be claimed 76031  
as such if the taxpayer kept its accounts on the accrual basis. 76032  
"Bad debts" does not include repossessed property, uncollectible 76033  
amounts on property that remains in the possession of the taxpayer 76034  
until the full purchase price is paid, or expenses in attempting 76035  
to collect any account receivable or for any portion of the debt 76036

recovered; 76037

(ee) Any amount realized from the sale of an account 76038  
receivable to the extent the receipts from the underlying 76039  
transaction giving rise to the account receivable were included in 76040  
the gross receipts of the taxpayer; 76041

(ff) Any receipts directly attributed to providing public 76042  
services pursuant to sections 126.60 to 126.605 of the Revised 76043  
Code, or any receipts directly attributed to a transfer agreement 76044  
or to the enterprise transferred under that agreement under 76045  
section 4313.02 of the Revised Code. 76046

~~(gg) Any receipts for which the tax imposed by this chapter 76047  
is prohibited by the Constitution or laws of the United States or 76048  
the Constitution of Ohio. 76049~~

~~(hh)~~(i) As used in this division: 76050

(I) "Qualified uranium receipts" means receipts from the 76051  
sale, exchange, lease, loan, production, processing, or other 76052  
disposition of uranium within a uranium enrichment zone certified 76053  
by the tax commissioner under division 76054  
~~(F)(2)(hh)(ii)~~(F)(2)(gg)(ii) of this section. "Qualified uranium 76055  
receipts" does not include any receipts with a situs in this state 76056  
outside a uranium enrichment zone certified by the tax 76057  
commissioner under division ~~(F)(2)(hh)(ii)~~(F)(2)(gg)(ii) of this 76058  
section. 76059

(II) "Uranium enrichment zone" means all real property that 76060  
is part of a uranium enrichment facility licensed by the United 76061  
States nuclear regulatory commission and that was or is owned or 76062  
controlled by the United States department of energy or its 76063  
successor. 76064

(ii) Any person that owns, leases, or operates real or 76065  
tangible personal property constituting or located within a 76066  
uranium enrichment zone may apply to the tax commissioner to have 76067

the uranium enrichment zone certified for the purpose of excluding 76068  
qualified uranium receipts under division ~~(F)(2)(hh)~~(F)(2)(gg) of 76069  
this section. The application shall include such information that 76070  
the tax commissioner prescribes. Within sixty days after receiving 76071  
the application, the tax commissioner shall certify the zone for 76072  
that purpose if the commissioner determines that the property 76073  
qualifies as a uranium enrichment zone as defined in division 76074  
~~(F)(2)(hh)~~(F)(2)(gg) of this section, or, if the tax commissioner 76075  
determines that the property does not qualify, the commissioner 76076  
shall deny the application or request additional information from 76077  
the applicant. If the tax commissioner denies an application, the 76078  
commissioner shall state the reasons for the denial. The applicant 76079  
may appeal the denial of an application to the board of tax 76080  
appeals pursuant to section 5717.02 of the Revised Code. If the 76081  
applicant files a timely appeal, the tax commissioner shall 76082  
conditionally certify the applicant's property. The conditional 76083  
certification shall expire when all of the applicant's appeals are 76084  
exhausted. Until final resolution of the appeal, the applicant 76085  
shall retain the applicant's records in accordance with section 76086  
5751.12 of the Revised Code, notwithstanding any time limit on the 76087  
preservation of records under that section. 76088

~~(ii)~~(hh) Amounts realized by licensed motor fuel dealers or 76089  
licensed permissive motor fuel dealers from the exchange of 76090  
petroleum products, including motor fuel, between such dealers, 76091  
provided that delivery of the petroleum products occurs at a 76092  
refinery, terminal, pipeline, or marine vessel and that the 76093  
exchanging dealers agree neither dealer shall require monetary 76094  
compensation from the other for the value of the exchanged 76095  
petroleum products other than such compensation for differences in 76096  
product location or grade. Division ~~(F)(2)(ii)~~(F)(2)(hh) of this 76097  
section does not apply to amounts realized as a result of 76098  
differences in location or grade of exchanged petroleum products 76099  
or from handling, lubricity, dye, or other additive injections 76100

fees, pipeline security fees, or similar fees. As used in this 76101  
division, "motor fuel," "licensed motor fuel dealer," "licensed 76102  
permissive motor fuel dealer," and "terminal" have the same 76103  
meanings as in section 5735.01 of the Revised Code. 76104

~~(hh)~~(ii) In the case of amounts collected by a licensed 76105  
casino operator from casino gaming, amounts in excess of the 76106  
casino operator's gross casino revenue. In this division, "casino 76107  
operator" and "casino gaming" have the meanings defined in section 76108  
3772.01 of the Revised Code, and "gross casino revenue" has the 76109  
meaning defined in section 5753.01 of the Revised Code. 76110

(jj) Any receipts for which the tax imposed by this chapter 76111  
is prohibited by the constitution or laws of the United States or 76112  
the constitution of this state. 76113

(3) In the case of a taxpayer when acting as a real estate 76114  
broker, "gross receipts" includes only the portion of any fee for 76115  
the service of a real estate broker, or service of a real estate 76116  
salesperson associated with that broker, that is retained by the 76117  
broker and not paid to an associated real estate salesperson or 76118  
another real estate broker. For the purposes of this division, 76119  
"real estate broker" and "real estate salesperson" have the same 76120  
meanings as in section 4735.01 of the Revised Code. 76121

(4) A taxpayer's method of accounting for gross receipts for 76122  
a tax period shall be the same as the taxpayer's method of 76123  
accounting for federal income tax purposes for the taxpayer's 76124  
federal taxable year that includes the tax period. If a taxpayer's 76125  
method of accounting for federal income tax purposes changes, its 76126  
method of accounting for gross receipts under this chapter shall 76127  
be changed accordingly. 76128

(G) "Taxable gross receipts" means gross receipts sitused to 76129  
this state under section 5751.033 of the Revised Code. 76130

(H) A person has "substantial nexus with this state" if any 76131

of the following applies. The person: 76132

(1) Owns or uses a part or all of its capital in this state; 76133

(2) Holds a certificate of compliance with the laws of this 76134  
state authorizing the person to do business in this state; 76135

(3) Has bright-line presence in this state; 76136

(4) Otherwise has nexus with this state to an extent that the 76137  
person can be required to remit the tax imposed under this chapter 76138  
under the Constitution of the United States. 76139

(I) A person has "bright-line presence" in this state for a 76140  
reporting period and for the remaining portion of the calendar 76141  
year if any of the following applies. The person: 76142

(1) Has at any time during the calendar year property in this 76143  
state with an aggregate value of at least fifty thousand dollars. 76144  
For the purpose of division (I)(1) of this section, owned property 76145  
is valued at original cost and rented property is valued at eight 76146  
times the net annual rental charge. 76147

(2) Has during the calendar year payroll in this state of at 76148  
least fifty thousand dollars. Payroll in this state includes all 76149  
of the following: 76150

(a) Any amount subject to withholding by the person under 76151  
section 5747.06 of the Revised Code; 76152

(b) Any other amount the person pays as compensation to an 76153  
individual under the supervision or control of the person for work 76154  
done in this state; and 76155

(c) Any amount the person pays for services performed in this 76156  
state on its behalf by another. 76157

(3) Has during the calendar year taxable gross receipts of at 76158  
least five hundred thousand dollars. 76159

(4) Has at any time during the calendar year within this 76160

state at least twenty-five per cent of the person's total 76161  
property, total payroll, or total gross receipts. 76162

(5) Is domiciled in this state as an individual or for 76163  
corporate, commercial, or other business purposes. 76164

(J) "Tangible personal property" has the same meaning as in 76165  
section 5739.01 of the Revised Code. 76166

(K) "Internal Revenue Code" means the Internal Revenue Code 76167  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 76168  
this chapter that is not otherwise defined has the same meaning as 76169  
when used in a comparable context in the laws of the United States 76170  
relating to federal income taxes unless a different meaning is 76171  
clearly required. Any reference in this chapter to the Internal 76172  
Revenue Code includes other laws of the United States relating to 76173  
federal income taxes. 76174

(L) "Calendar quarter" means a three-month period ending on 76175  
the thirty-first day of March, the thirtieth day of June, the 76176  
thirtieth day of September, or the thirty-first day of December. 76177

(M) "Tax period" means the calendar quarter or calendar year 76178  
on the basis of which a taxpayer is required to pay the tax 76179  
imposed under this chapter. 76180

(N) "Calendar year taxpayer" means a taxpayer for which the 76181  
tax period is a calendar year. 76182

(O) "Calendar quarter taxpayer" means a taxpayer for which 76183  
the tax period is a calendar quarter. 76184

(P) "Agent" means a person authorized by another person to 76185  
act on its behalf to undertake a transaction for the other, 76186  
including any of the following: 76187

(1) A person receiving a fee to sell financial instruments; 76188

(2) A person retaining only a commission from a transaction 76189  
with the other proceeds from the transaction being remitted to 76190

another person; 76191

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code; 76192  
76193

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code; 76194  
76195

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 76196  
76197

(Q) "Received" includes amounts accrued under the accrual method of accounting. 76198  
76199

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 76200  
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**Sec. 5751.011.** (A) A group of two or more persons may elect to be a consolidated elected taxpayer for the purposes of this chapter if the group satisfies all of the following requirements: 76207  
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76209

(1) The group elects to include all persons, including persons enumerated in divisions (E)(2) to ~~(10)~~(4) of section 5751.01 of the Revised Code, having at least eighty per cent, or having at least fifty per cent, of the value of their ownership interests owned or controlled, directly or constructively through related interests, by common owners during all or any portion of the tax period, together with the common owners. 76210  
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A group making its initial election on the basis of the eighty per cent ownership test may change its election so that its consolidated elected taxpayer group is formed on the basis of the fifty per cent ownership test if all of the following are 76217  
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76219  
76220



satisfied: 76221

(a) When the initial election was made, the group did not 76222  
have any persons satisfying the fifty per cent ownership test; 76223

(b) One or more of the persons in the initial group 76224  
subsequently acquires ownership interests in a person such that 76225  
the fifty per cent ownership test is satisfied, the eighty per 76226  
cent ownership test is not satisfied, and the acquired person 76227  
would be required to be included in a combined taxpayer group 76228  
under section 5751.012 of the Revised Code; 76229

(c) The group requests the change in ~~a written request~~ 76230  
writing to the tax commissioner ~~on or before the due date for~~ 76231  
~~filing the first return due under section 5751.051 of the Revised~~ 76232  
~~Code after the date of the acquisition as required by division (D)~~ 76233  
of this section; 76234

(d) The group has not previously changed its election. 76235

At the election of the group, all entities that are not 76236  
incorporated or formed under the laws of a state or of the United 76237  
States and that meet the consolidated elected ownership test shall 76238  
either be included in the group or all shall be excluded from the 76239  
group. If, at the time of registration, the group does not include 76240  
any such entities that meet the consolidated elected ownership 76241  
test, the group shall elect to either include or exclude the newly 76242  
acquired entities before the due date of the first return due 76243  
after the date of the acquisition. 76244

~~Each group shall notify the tax commissioner of the foregoing~~ 76245  
~~elections before the due date of the return for the period in~~ 76246  
~~which the election becomes binding.~~ If fifty per cent of the value 76247  
of a person's ownership interests is owned or controlled by each 76248  
of two consolidated elected taxpayer groups formed under the fifty 76249  
per cent ownership or control test, that person is a member of 76250  
each group for the purposes of this section, and each group shall 76251

include in the group's taxable gross receipts fifty per cent of 76252  
that person's taxable gross receipts. Otherwise, all of that 76253  
person's taxable gross receipts shall be included in the taxable 76254  
gross receipts of the consolidated elected taxpayer group of which 76255  
the person is a member. In no event shall the ownership or control 76256  
of fifty per cent of the value of a person's ownership interests 76257  
by two otherwise unrelated groups form the basis for consolidating 76258  
the groups into a single consolidated elected taxpayer group or 76259  
permit any exclusion under division (C) of this section of taxable 76260  
gross receipts between members of the two groups. Division (A)(3) 76261  
of this section applies with respect to the elections described in 76262  
this division. 76263

(2) The group makes the election to be treated as a 76264  
consolidated elected taxpayer in the manner prescribed under 76265  
division (D) of this section. 76266

(3) Subject to review and audit by the tax commissioner, the 76267  
group agrees that all of the following apply: 76268

(a) The group shall file reports as a single taxpayer for at 76269  
least the next eight calendar quarters following the election so 76270  
long as at least two or more of the members of the group meet the 76271  
requirements of division (A)(1) of this section. 76272

(b) Before the expiration of the eighth such calendar 76273  
quarter, the group shall notify the commissioner if it elects to 76274  
cancel its designation as a consolidated elected taxpayer. If the 76275  
group does not so notify the tax commissioner, the election 76276  
remains in effect for another eight calendar quarters. 76277

(c) If, at any time during any of those eight calendar 76278  
quarters following the election, a former member of the group no 76279  
longer meets the requirements under division (A)(1) of this 76280  
section, that member shall report and pay the tax imposed under 76281  
this chapter separately, as a member of a combined taxpayer, or, 76282

if the former member satisfies such requirements with respect to 76283  
another consolidated elected group, as a member of that 76284  
consolidated elected group. 76285

(d) The group agrees to the application of division (B) of 76286  
this section. 76287

(B) A group of persons making the election under this section 76288  
shall report and pay tax on all of the group's taxable gross 76289  
receipts even if substantial nexus with this state does not exist 76290  
for one or more persons in the group. 76291

(C)(1)(a) Members of a consolidated elected taxpayer group 76292  
shall exclude gross receipts among persons included in the 76293  
consolidated elected taxpayer group. 76294

(b) Subject to divisions (C)(1)(c) and (C)(2) of this 76295  
section, nothing in this section shall have the effect of 76296  
requiring a consolidated elected taxpayer group to include gross 76297  
receipts received by a person enumerated in divisions (E)(2) to 76298  
~~(10)~~(4) of section 5751.01 of the Revised Code if that person is a 76299  
member of the group pursuant to the elections made by the group 76300  
under division (A)(1) of this section. 76301

(c)(i) As used in division (C)(1)(c) of this section, "dealer 76302  
transfer" means a transfer of property that satisfies both of the 76303  
following: (I) the property is directly transferred by any means 76304  
from one member of the group to another member of the group that 76305  
is a dealer in intangibles but is not a qualifying dealer as 76306  
defined in section 5707.031 of the Revised Code; and (II) the 76307  
property is subsequently delivered by the dealer in intangibles to 76308  
a person that is not a member of the group. 76309

(ii) In the event of a dealer transfer, a consolidated 76310  
elected taxpayer group shall not exclude, under division (C) of 76311  
this section, gross receipts from the transfer described in 76312  
division (C)(1)(c)(i)(I) of this section. 76313

(2) Gross receipts related to the sale or transmission of electricity through the use of an intermediary regional transmission organization approved by the federal energy regulatory commission shall be excluded from taxable gross receipts under division (C)(1) of this section if all other requirements of that division are met, even if the receipts are from and to the same member of the group.

(D) To make the election to be a consolidated elected taxpayer, a group of persons shall notify the ~~tax~~ commissioner of the election ~~in the manner prescribed by the commissioner and pay the commissioner a registration fee equal to the lesser of two hundred dollars or twenty dollars for each person in the group. No additional fee shall be imposed for the addition of new members to the group once the group has remitted a fee in the amount of two hundred dollars. The election~~ on a form prescribed by the commissioner for that purpose, which shall be signed by one or more individuals with authority, separately or together, to make a binding election on behalf of all persons in the group. Elections under division (A) of this section shall be made and the fee paid on or before the beginning of due date for filing the first ealendar quarter to which return due after the election applies. The fee shall be collected and used in the same manner as provided in section 5751.04 of the Revised Code.

~~The election shall be made on a form prescribed by the tax commissioner for that purpose and shall be signed by one or more individuals with authority, separately or together, to make a binding election on behalf of all persons in the group.~~

Any person acquired or formed after the filing of the registration shall be included in the group if the person meets the requirements of division (A)(1) of this section, and the group shall notify the ~~tax~~ commissioner of any additions to the group ~~with the next tax return it files with~~ on a form prescribed by the

commissioner for such purpose. 76346

**Sec. 5751.012.** (A) All persons, other than persons enumerated 76347  
in divisions (E)(2) to ~~(10)~~(4) of section 5751.01 of the Revised 76348  
Code, having more than fifty per cent of the value of their 76349  
ownership interest owned or controlled, directly or constructively 76350  
through related interests, by common owners during all or any 76351  
portion of the tax period, together with the common owners, shall 76352  
be members of a combined taxpayer group if those persons are not 76353  
members of a consolidated elected taxpayer group pursuant to an 76354  
election under section 5751.011 of the Revised Code. 76355

76356

(B) A combined taxpayer group shall register, file returns, 76357  
and pay taxes under this chapter as a single taxpayer- 76358

~~(C) A combined taxpayer and~~ shall neither exclude taxable 76359  
gross receipts between its members nor from others that are not 76360  
members. 76361

~~(D) A combined taxpayer shall pay to the tax commissioner a 76362  
registration fee equal to the lesser of two hundred dollars or 76363  
twenty dollars for each person in the group. No additional fee 76364  
shall be imposed for the addition of new members to the group once 76365  
the group has remitted a fee in the amount of two hundred dollars. 76366  
The fee shall be timely paid before the later of the beginning of 76367  
the first calendar quarter or November 15, 2005. The fee shall be 76368  
collected and used in the same manner as provided in section 76369  
5751.04 of the Revised Code. 76370~~

(C) Any person acquired or formed after the filing of the 76371  
registration shall be included in the group if the person meets 76372  
the requirements of division (A) of this section, and the group 76373  
must notify the tax commissioner of any additions ~~with the next~~ 76374  
~~quarterly tax return it files with~~ to the group on a form 76375  
prescribed by the commissioner for such purpose. 76376

**Sec. 5751.03.** (A) Except as provided in ~~divisions~~ division 76377  
(B) ~~and (D)~~ of this section and in ~~sections~~ section 5751.031 ~~and~~ 76378  
~~5751.032~~ of the Revised Code, the tax levied under this section 76379  
for each tax period shall be the product of two and six-tenths 76380  
mills per dollar times the remainder of the taxpayer's taxable 76381  
gross receipts for the tax period after subtracting the exclusion 76382  
amount provided for in division (C) of this section. 76383

(B) Notwithstanding division (C) of this section, the tax on 76384  
the first one million dollars in taxable gross receipts each 76385  
calendar year shall be one hundred fifty dollars. ~~For calendar~~ 76386  
~~year 2006, the tax imposed under this division shall be paid not~~ 76387  
~~later than May 10, 2006, by both calendar year taxpayers and~~ 76388  
~~calendar quarter taxpayers. For calendar years 2007, 2008, and~~ 76389  
~~2009, the tax imposed under this division shall be paid with the~~ 76390  
~~fourth quarter tax return or annual tax return for the prior~~ 76391  
~~calendar year by both calendar year taxpayers and calendar quarter~~ 76392  
~~taxpayers. For calendar years 2010 and thereafter, the~~ The tax 76393  
imposed under this division shall be paid not later than the tenth 76394  
day of May of each year along with the first quarter or annual tax 76395  
return, as applicable. 76396

(C)(1) Each ~~calendar quarter~~ taxpayer may exclude the first 76397  
~~two hundred fifty thousand~~ one million dollars of taxable gross 76398  
receipts for a calendar ~~quarter~~ year. Calendar quarter taxpayers 76399  
may apply the full exclusion amount to the first calendar quarter 76400  
return the taxpayer files that calendar year and may carry forward 76401  
and apply any unused exclusion amount to ~~the three~~ subsequent 76402  
calendar quarters within that same calendar year. ~~Each calendar~~ 76403  
~~year taxpayer may exclude the first one million dollars of taxable~~ 76404  
~~gross receipts for a calendar year.~~ 76405

(2) A taxpayer switching from a calendar year tax period to a 76406  
calendar quarter tax period may, for the first quarter of the 76407

change, apply the ~~prior calendar quarter~~ full one-million-dollar 76408  
exclusion ~~amounts~~ amount to the first calendar quarter return the 76409  
taxpayer files that calendar year. Such taxpayers may carry 76410  
forward and apply any unused exclusion amount to subsequent 76411  
calendar quarters within that same calendar year. The tax rate 76412  
shall be based on the rate imposed that calendar quarter when the 76413  
taxpayer switches from a calendar year to a calendar quarter tax 76414  
period. 76415

~~(D) There is hereby allowed a credit against the tax imposed~~ 76416  
~~under this chapter for each of the following calendar years if a~~ 76417  
~~transfer was made in the preceding calendar year from the general~~ 76418  
~~revenue fund to the commercial activity tax refund fund under~~ 76419  
~~division (D) of section 5751.032 of the Revised Code: calendar~~ 76420  
~~years 2008, 2010, and 2012. The credit is allowed for taxpayers~~ 76421  
~~that paid in full the tax imposed under this chapter for the~~ 76422  
~~calendar year in which the transfer was made. The amount of a~~ 76423  
~~taxpayer's credit equals the amount computed under division (D) of~~ 76424  
~~section 5751.032 of the Revised Code~~ (3) A taxpayer shall not 76425  
exclude more than one million dollars pursuant to division (C) of 76426  
this section in a calendar year. 76427

**Sec. 5751.033.** For the purposes of this chapter, gross 76428  
receipts shall be situated to this state as follows: 76429

(A) Gross rents and royalties from real property located in 76430  
this state shall be situated to this state. 76431

(B) Gross rents and royalties from tangible personal property 76432  
shall be situated to this state to the extent the tangible personal 76433  
property is located or used in this state. 76434

(C) Gross receipts from the sale of electricity and electric 76435  
transmission and distribution services shall be situated to this 76436  
state in the manner provided under section 5733.059 of the Revised 76437  
Code. 76438

(D) Gross receipts from the sale of real property located in 76439  
this state shall be sitused to this state. 76440

(E) Gross receipts from the sale of tangible personal 76441  
property shall be sitused to this state if the property is 76442  
received in this state by the purchaser. In the case of delivery 76443  
of tangible personal property by ~~common~~ motor carrier or by other 76444  
means of transportation, the place at which such property is 76445  
ultimately received after all transportation has been completed 76446  
shall be considered the place where the purchaser receives the 76447  
property. For purposes of this section, the phrase "delivery of 76448  
tangible personal property by ~~common~~ motor carrier or by other 76449  
means of transportation" includes the situation in which a 76450  
purchaser accepts the property in this state and then transports 76451  
the property directly or by other means to a location outside this 76452  
state. Direct delivery in this state, other than for purposes of 76453  
transportation, to a person or firm designated by a purchaser 76454  
constitutes delivery to the purchaser in this state, and direct 76455  
delivery outside this state to a person or firm designated by a 76456  
purchaser does not constitute delivery to the purchaser in this 76457  
state, regardless of where title passes or other conditions of 76458  
sale. 76459

(F) Gross receipts from the sale, exchange, disposition, or 76460  
other grant of the right to use trademarks, trade names, patents, 76461  
copyrights, and similar intellectual property shall be sitused to 76462  
this state to the extent that the receipts are based on the amount 76463  
of use of the property in this state. If the receipts are not 76464  
based on the amount of use of the property, but rather on the 76465  
right to use the property, and the payor has the right to use the 76466  
property in this state, then the receipts from the sale, exchange, 76467  
disposition, or other grant of the right to use such property 76468  
shall be sitused to this state to the extent the receipts are 76469  
based on the right to use the property in this state. 76470



(G) Gross receipts from the sale of transportation services 76471  
by a ~~common or contract~~ motor carrier shall be sitused to this 76472  
state in proportion to the mileage traveled by the carrier during 76473  
the tax period on roadways, waterways, airways, and railways in 76474  
this state to the mileage traveled by the carrier during the tax 76475  
period on roadways, waterways, airways, and railways everywhere. 76476  
With prior written approval of the tax commissioner, a ~~common or~~ 76477  
~~contract~~ motor carrier may use an alternative situsing procedure 76478  
for transportation services. 76479

(H) Gross receipts from dividends, interest, and other 76480  
sources of income from financial instruments described in 76481  
divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of 76482  
section 5733.056 of the Revised Code shall be sitused to this 76483  
state in accordance with the situsing provisions set forth in 76484  
those divisions. When applying the provisions of divisions (F)(6), 76485  
(8), and (13) of section 5733.056 of the Revised Code, "gross 76486  
receipts" shall be substituted for "net gains" wherever "net 76487  
gains" appears in those divisions. Nothing in this division limits 76488  
or modifies the exclusions enumerated in divisions (E) and (F)(2) 76489  
of section 5751.01 of the Revised Code. The tax commissioner may 76490  
promulgate rules to further specify the manner in which to situs 76491  
gross receipts subject to this division. 76492

(I) Gross receipts from the sale of all other services, and 76493  
all other gross receipts not otherwise sitused under this section, 76494  
shall be sitused to this state in the proportion that the 76495  
purchaser's benefit in this state with respect to what was 76496  
purchased bears to the purchaser's benefit everywhere with respect 76497  
to what was purchased. The physical location where the purchaser 76498  
ultimately uses or receives the benefit of what was purchased 76499  
shall be paramount in determining the proportion of the benefit in 76500  
this state to the benefit everywhere. If a taxpayer's records do 76501  
not allow the taxpayer to determine that location, the taxpayer 76502

may use an alternative method to situs gross receipts under this 76503  
division if the alternative method is reasonable, is consistently 76504  
and uniformly applied, and is supported by the taxpayer's records 76505  
as the records exist when the service is provided or within a 76506  
reasonable period of time thereafter. 76507

(J) If the situsing provisions of divisions (A) to (H) of 76508  
this section do not fairly represent the extent of a person's 76509  
activity in this state, the person may request, or the tax 76510  
commissioner may require or permit, an alternative method. Such 76511  
request by a person must be made within the applicable statute of 76512  
limitations set forth in this chapter. 76513

(K) The tax commissioner may adopt rules to provide 76514  
additional guidance to the application of this section, and 76515  
provide alternative methods of situsing gross receipts that apply 76516  
to all persons, or subset of persons, that are engaged in similar 76517  
business or trade activities. 76518

(L) As used in this section, "motor carrier" has the same 76519  
meaning as in section 4923.01 of the Revised Code. 76520

**Sec. 5751.04.** (A) As used in this section, "person" includes 76521  
a reporting person. 76522

(B) Not later than thirty days after a person first has more 76523  
than one hundred fifty thousand dollars in taxable gross receipts 76524  
in a calendar year, each person subject to this chapter shall 76525  
register with the tax commissioner on the form prescribed by the 76526  
commissioner. The form shall include the following: 76527

(1) The person's name; 76528

~~(2) If applicable, the name of the state or country under the 76529  
laws of which the person is incorporated;~~ 76530

~~(3) If applicable, the location of a person's principal 76531  
office and the name and address of the officer or agent of the 76532~~

~~corporation in charge of the business;~~ 76533

~~(4) If applicable, the names of the person's president,~~ 76534  
~~secretary, treasurer, and statutory agent designated pursuant to~~ 76535  
~~section 1703.041 of the Revised Code, with the post office address~~ 76536  
~~of each;~~ 76537

~~(5) The person's primary address;~~ 76538

~~(3) The kind of business in which the person is engaged,~~ 76539  
~~including applicable business or industry codes for the person;~~ 76540

~~(6) If required by the tax commissioner, the date of the~~ 76541  
~~beginning of the person's annual accounting period that includes~~ 76542  
~~the first day of January of the taxable calendar year;~~ 76543

~~(7) If the person is not a corporation or a sole proprietor,~~ 76544  
~~the names of the person's owners and officers, if required by the~~ 76545  
~~tax commissioner;~~ 76546

~~(8)(4) The person's federal employer identification number or~~ 76547  
~~numbers or, if those are not applicable, the person's social~~ 76548  
~~security number or equivalent, as applicable;~~ 76549

~~(9)(5) The person's organizational type;~~ 76550

~~(6) The date the person is first subject to the tax imposed~~ 76551  
~~by this chapter;~~ 76552

~~(7) The names, addresses, federal identification numbers or~~ 76553  
~~social security numbers or equivalents, and organization types of~~ 76554  
~~each member that is commonly owned in a consolidated elected~~ 76555  
~~taxpayer or combined taxpayer group;~~ 76556

~~(8) All other information that the commissioner requires to~~ 76557  
~~administer and enforce this chapter.~~ 76558

~~(C) Except as otherwise provided in this division, each~~ 76559  
~~person registering with the tax commissioner as required by~~ 76560  
~~division (B) of this section shall pay a registration fee. The fee~~ 76561  
~~shall be in the amount of fifteen dollars if a person registers~~ 76562

~~electronically and twenty dollars if a person does not register 76563  
electronically. The registration fee shall be paid in the manner 76564  
prescribed by the tax commissioner at the same time the 76565  
registration is due if a person is subject to the tax imposed 76566  
under this chapter before January 1, 2006. If a person first 76567  
becomes subject to the tax after that date, the registration fee 76568  
is payable with the first tax period return the person is required 76569  
to file as prescribed by section 5751.051 of the Revised Code. If 76570  
(1) To help defray the costs of administering the tax imposed by 76571  
this chapter, the commissioner shall collect a registration fee in 76572  
the amount of twenty dollars per person up to a maximum of two 76573  
hundred dollars per consolidated elected taxpayer or combined 76574  
taxpayer group. The commissioner shall systematically deduct and 76575  
collect the fee from the first tax payment each taxpayer makes 76576  
after registering or adding members, as applicable. No separate 76577  
registration fee may be collected in addition to the tax imposed 76578  
by this chapter. 76579~~

~~(2) If a person does not register within the time prescribed 76580  
by this section, an additional fee is imposed in the amount of one 76581  
hundred dollars per month or part thereof that the fee is 76582  
outstanding, not to exceed one thousand dollars. The tax 76583  
commissioner may abate the additional fee. The fee imposed under 76584  
this division may be assessed in the same manner as the tax 76585  
imposed under this chapter. Proceeds 76586~~

~~(D) Proceeds from the fee imposed under division (C) of this 76587  
section shall be credited to the ~~commercial activity tax 76588  
administrative revenue enhancement~~ fund, which is hereby created 76589  
in the state treasury ~~for the commissioner to use in implementing 76590  
and administering the tax imposed under this chapter.~~ 76591~~

~~Registration fees paid under this section, excluding any 76592  
additional fee imposed for a person's failure to timely register, 76593  
shall be credited against the first payment of tax payable under 76594~~

~~section 5751.03 of the Revised Code.~~ 76595

~~(D)(E)~~ If a person that has registered under this section is 76596  
no longer a taxpayer subject to this chapter, ~~including no longer~~ 76597  
~~being a taxpayer because of the application of division (E)(1) of~~ 76598  
~~section 5751.01 of the Revised Code,~~ the person shall notify the 76599  
commissioner that the person's registration should be cancelled. 76600

~~(E)(F)~~ With respect to registrations received by the 76601  
commissioner before ~~the effective date of the amendment of this~~ 76602  
~~section by the main operating appropriations act of the 128th~~ 76603  
~~general assembly October 16, 2009,~~ the taxpayer listed as the 76604  
primary taxpayer on the registration shall be the reporting person 76605  
until the taxpayer notifies the commissioner otherwise. 76606

**Sec. 5751.05.** (A) If a person subject to this chapter 76607  
anticipates that the person's taxable gross receipts will be more 76608  
than one million dollars in a calendar year, the person shall 76609  
notify the tax commissioner on the person's initial registration 76610  
form and file on a quarterly basis as a calendar quarter taxpayer. 76611  
Any taxpayer with taxable gross receipts of one million dollars or 76612  
less shall register as a calendar year taxpayer and shall file 76613  
annually. 76614

(B) Any person that is a calendar year taxpayer under 76615  
division (A) of this section shall become a calendar quarter 76616  
taxpayer in the subsequent calendar year if the person's taxable 76617  
gross receipts for the prior calendar year are more than one 76618  
million dollars, and shall remain a calendar quarter taxpayer 76619  
until the person notifies the ~~tax~~ commissioner, and receives 76620  
approval in writing from the ~~tax~~ commissioner, to switch back to 76621  
being a calendar year taxpayer. ~~Nothing in this division prohibits~~ 76622  
~~a person that has elected to be a calendar year taxpayer from~~ 76623  
~~notifying the tax commissioner, using the procedures prescribed by~~ 76624  
~~the commissioner, that it is switching back to being a calendar~~ 76625

~~quarter taxpayer.~~ 76626

~~(C) Any taxpayer that is not a calendar quarter taxpayer~~ 76627  
~~pursuant to this section is a calendar year taxpayer.~~ The 76628  
commissioner may grant written approval for a calendar quarter 76629  
taxpayer to use an alternative reporting schedule or estimate the 76630  
amount of tax due for a calendar quarter if the taxpayer 76631  
demonstrates to the commissioner the need for such a deviation. 76632  
The commissioner may adopt a rule to apply division (C) of this 76633  
section to a group of taxpayers without the taxpayers having to 76634  
receive written approval from the commissioner. 76635

**Sec. 5751.051.** (A)(1) Not later than the tenth day of the 76636  
second month after the end of each calendar quarter, every 76637  
taxpayer other than a calendar year taxpayer shall file with the 76638  
tax commissioner a tax return in such form as the commissioner 76639  
prescribes. The return shall include, but is not limited to, the 76640  
amount of the taxpayer's taxable gross receipts for the calendar 76641  
quarter and shall indicate the amount of tax due under section 76642  
5751.03 of the Revised Code for the calendar quarter. 76643

(2)(a) Subject to division (C) of section 5751.05 of the 76644  
Revised Code, a calendar quarter taxpayer shall report the taxable 76645  
gross receipts for that calendar quarter. 76646

(b) With respect to taxable gross receipts incorrectly 76647  
reported in a calendar quarter that has a lower tax rate, the tax 76648  
shall be computed at the tax rate in effect for the quarterly 76649  
return in which such receipts should have been reported. Nothing 76650  
in division (A)(2)(b) of this section prohibits a taxpayer from 76651  
filing an application for refund under section 5751.08 of the 76652  
Revised Code with regard to the incorrect reporting of taxable 76653  
gross receipts discovered after filing the annual return described 76654  
in division (A)(3) of this section. 76655

A tax return shall not be deemed to be an incorrect reporting 76656

of taxable gross receipts for the purposes of division (A)(2)(b) 76657  
of this section if the return reflects between ninety-five and one 76658  
hundred five per cent of the actual taxable gross receipts for the 76659  
calendar quarter. 76660

(3) For the purposes of division (A)(2)(b) of this section, 76661  
the tax return filed for the fourth calendar quarter of a calendar 76662  
year is the annual return for the privilege tax imposed by this 76663  
chapter. Such return shall report any additional taxable gross 76664  
receipts not previously reported in the calendar year and shall 76665  
adjust for any over-reported taxable gross receipts in the 76666  
calendar year. If the taxpayer ceases to be a taxpayer before the 76667  
end of the calendar year, the last return the taxpayer is required 76668  
to file shall be the annual return for the taxpayer and the 76669  
taxpayer shall report any additional taxable gross receipts not 76670  
previously reported in the calendar year and shall adjust for any 76671  
over-reported taxable gross receipts in the calendar year. 76672

(4) Because the tax imposed by this chapter is a privilege 76673  
tax, the tax rate with respect to taxable gross receipts for a 76674  
calendar quarter is not fixed until the end of the measurement 76675  
period for each calendar quarter. Subject to division (A)(2)(b) of 76676  
this section, the total amount of taxable gross receipts reported 76677  
for a given calendar quarter shall be subject to the tax rate in 76678  
effect in that quarter. 76679

(5) Not later than the tenth day of May following the end of 76680  
each calendar year, every calendar year taxpayer shall file with 76681  
the tax commissioner a tax return in such form as the commissioner 76682  
prescribes. The return shall include, but is not limited to, the 76683  
amount of the taxpayer's taxable gross receipts for the calendar 76684  
year and shall indicate the amount of tax due under section 76685  
5751.03 of the Revised Code for the calendar year. 76686

(B)(1) A person that first becomes subject to the tax imposed 76687  
under this chapter shall pay the minimum tax imposed under 76688

division (B) of section 5751.03 of the Revised Code ~~along with the~~ 76689  
~~registration fee imposed under this section, if applicable,~~ 76690  
before the day the return is required to be filed for that quarter 76691  
under division (A)(1) of this section, regardless of whether the 76692  
person ~~elects to be~~ registers as a calendar year taxpayer under 76693  
section 5751.05 of the Revised Code. 76694

(2) The amount of the minimum tax for a person subject to 76695  
division (B)(1) of this section shall be reduced to seventy-five 76696  
dollars if the registration is timely filed after the first day of 76697  
May and before the first day of January of the following calendar 76698  
year. 76699

**Sec. 5751.08.** (A) An application for refund to the taxpayer 76700  
of the amount of taxes imposed under this chapter that are 76701  
overpaid, paid illegally or erroneously, or paid on any illegal or 76702  
erroneous assessment shall be filed by the reporting person with 76703  
the tax commissioner, on the form prescribed by the commissioner, 76704  
within four years after the date of the illegal or erroneous 76705  
payment of the tax, or within any additional period allowed under 76706  
division (F) of section 5751.09 of the Revised Code. The applicant 76707  
shall provide the amount of the requested refund along with the 76708  
claimed reasons for, and documentation to support, the issuance of 76709  
a refund. 76710

(B) On the filing of the refund application, the tax 76711  
commissioner shall determine the amount of refund to which the 76712  
applicant is entitled. If the amount is not less than that 76713  
claimed, the commissioner shall certify the amount to the director 76714  
of budget and management and treasurer of state for payment from 76715  
the tax refund fund created under section 5703.052 of the Revised 76716  
Code. If the amount is less than that claimed, the commissioner 76717  
shall proceed in accordance with section 5703.70 of the Revised 76718  
Code. 76719



(C) ~~Interest~~ Except as provided in division (F) of this section, interest on a refund applied for under this section, computed at the rate provided for in section 5703.47 of the Revised Code, shall be allowed from the later of the date the tax was paid or when the tax payment was due.

(D) A calendar quarter taxpayer with more than one million dollars in taxable gross receipts in a calendar year other than calendar year 2005 and that is not able to exclude one million dollars in taxable gross receipts because of the operation of the taxpayer's business in that calendar year may file for a refund under this section to obtain the full exclusion of one million dollars in taxable gross receipts for that calendar year.

(E) Except as provided in section 5751.081 of the Revised Code, the tax commissioner may, with the consent of the taxpayer, provide for the crediting against tax due for a tax year the amount of any refund due the taxpayer under this chapter for a preceding tax year.

(F) If a taxpayer claims a refundable credit against the tax imposed under section 5751.02 of the Revised Code, any payment that is refunded to the taxpayer as a result of the allowance of the credit shall not be considered an illegal, erroneous, or excessive payment for purposes of division (A) of this section. No interest shall be allowed on an amount refunded to a taxpayer to the extent that the refund results from the allowance of a refundable credit.

**Sec. 5751.12.** The tax commissioner may prescribe requirements for the keeping of records and other pertinent documents, the filing of copies of federal income tax returns and determinations, and computations reconciling federal income tax returns with the returns and reports required by section ~~5751.05~~ 5751.051 of the Revised Code. The commissioner may require any person, by rule or

notice served on that person, to keep those records that the commissioner considers necessary to show whether, and the extent to which, a person is subject to this chapter. Those records and other documents shall be open during business hours to the inspection of the commissioner, and shall be preserved for a period of four years unless the commissioner, in writing, consents to their destruction within that period, or by order requires that they be kept longer. If such records are normally kept by the person electronically, the person shall provide such records to the commissioner electronically at the commissioner's request.

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Any information required by the ~~tax~~ commissioner under this chapter is confidential as provided for in section 5703.21 of the Revised Code. However, the commissioner shall make public an electronic list of all actively registered persons required to remit the tax under this chapter, including legal names, trade names, addresses, and account numbers. In addition, such list shall include all persons that cancelled their registration at any time during the preceding four calendar years, including the effective date of the registration was cancelled cancellation.

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**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of the Revised Code:

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(1) "School district," "joint vocational school district," "local taxing unit," "recognized valuation," "fixed-rate levy," and "fixed-sum levy" have the same meanings as used in section 5727.84 of the Revised Code.

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(2) "State education aid" for a school district means the following:

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(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under the following

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provisions, as they existed for the applicable fiscal year: 76781  
division (A) of section 3317.022 of the Revised Code, including 76782  
the amounts calculated under sections 3317.029 and 3317.0217 of 76783  
the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of 76784  
section 3317.022; divisions (B), (C), and (D) of section 3317.023; 76785  
divisions (L) and (N) of section 3317.024; section 3317.0216; and 76786  
any unit payments for gifted student services paid under sections 76787  
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 76788  
for fiscal years 2008 and 2009, the amount computed for the 76789  
district under Section 269.20.80 of H.B. 119 of the 127th general 76790  
assembly and as that section subsequently may be amended shall be 76791  
substituted for the amount computed under division (D) of section 76792  
3317.022 of the Revised Code, and the amount computed under 76793  
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 76794  
that section subsequently may be amended shall be included. 76795

(b) For fiscal years 2010 and 2011, the sum of the amounts 76796  
computed under former sections 3306.052, 3306.12, 3306.13, 76797  
3306.19, 3306.191, and 3306.192 of the Revised Code; 76798

(c) For fiscal years 2012 and 2013, the amount paid in 76799  
accordance with ~~the section~~ Section 267.30.50 of H.B. 153 of the 76800  
129th general assembly entitled "FUNDING FOR CITY, EXEMPTED 76801  
VILLAGE, AND LOCAL SCHOOL DISTRICTS." 76802

(3) "State education aid" for a joint vocational school 76803  
district means the following: 76804

(a) For fiscal years prior to fiscal year 2010, the sum of 76805  
the state aid computed for the district under division (N) of 76806  
section 3317.024 and section 3317.16 of the Revised Code, except 76807  
that, for fiscal years 2008 and 2009, the amount computed under 76808  
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 76809  
that section subsequently may be amended shall be included. 76810

(b) For fiscal years 2010 and 2011, the amount paid in 76811

accordance with ~~the section~~ Section 265.30.50 of H.B. 1 of the 128th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 76812  
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(c) For fiscal years 2012 and 2013, the amount paid in accordance with ~~the section~~ Section 267.30.60 of H.B. 153 of the 129th general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 76815  
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(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code. 76819  
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(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section. 76822  
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(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section. 76824  
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(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section. 76826  
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(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section. 76828  
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(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 76830  
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(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 76832  
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(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. 76834  
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(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 76838  
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(13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of 76840  
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section 5711.22 of the Revised Code. 76842

(14) "Inventory" means personal property subject to the 76843  
assessment rate specified in division (E) of section 5711.22 of 76844  
the Revised Code. 76845

(15) "Furniture and fixtures" means personal property subject 76846  
to the assessment rate specified in division (G) of section 76847  
5711.22 of the Revised Code. 76848

(16) "Qualifying levies" are levies in effect for tax year 76849  
2004 or applicable to tax year 2005 or approved at an election 76850  
conducted before September 1, 2005. For the purpose of determining 76851  
the rate of a qualifying levy authorized by section 5705.212 or 76852  
5705.213 of the Revised Code, the rate shall be the rate that 76853  
would be in effect for tax year 2010. 76854

(17) "Telephone property" means tangible personal property of 76855  
a telephone, telegraph, or interexchange telecommunications 76856  
company subject to an assessment rate specified in section 76857  
5727.111 of the Revised Code in tax year 2004. 76858

(18) "Telephone property tax value loss" means the amount 76859  
determined under division (C)(4) of this section. 76860

(19) "Telephone property fixed-rate levy loss" means the 76861  
amount determined under division (D)(4) of this section. 76862

(20) "Taxes charged and payable" means taxes charged and 76863  
payable after the reduction required by section 319.301 of the 76864  
Revised Code but before the reductions required by sections 76865  
319.302 and 323.152 of the Revised Code. 76866

(21) "Median estate tax collections" means, in the case of a 76867  
municipal corporation to which revenue from the taxes levied in 76868  
Chapter 5731. of the Revised Code was distributed in each of 76869  
calendar years 2006, 2007, 2008, and 2009, the median of those 76870  
distributions. In the case of a municipal corporation to which no 76871

distributions were made in one or more of those years, "median estate tax collections" means zero. 76872  
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(22) "Total resources," in the case of a school district, 76874  
means the sum of the amounts in divisions (A)(22)(a) to (h) of 76875  
this section less any reduction required under division (A)(32) or 76876  
(33) of this section. 76877

(a) The state education aid for fiscal year 2010; 76878

(b) The sum of the payments received by the school district 76879  
in fiscal year 2010 for current expense levy losses pursuant to 76880  
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 76881  
section 5751.21 of the Revised Code, excluding the portion of such 76882  
payments attributable to levies for joint vocational school 76883  
district purposes; 76884

(c) The sum of fixed-sum levy loss payments received by the 76885  
school district in fiscal year 2010 pursuant to division (E)(1) of 76886  
section 5727.85 and division (E)(1) of section 5751.21 of the 76887  
Revised Code for fixed-sum levies ~~imposed~~ charged and payable for 76888  
a purpose other than paying debt charges; 76889

(d) Fifty per cent of the school district's taxes charged and 76890  
payable against all property on the tax list of real and public 76891  
utility property for current expense purposes for tax year 2008, 76892  
including taxes charged and payable from emergency levies ~~imposed~~ 76893  
charged and payable under section 5709.194 of the Revised Code and 76894  
excluding taxes levied for joint vocational school district 76895  
purposes; 76896

(e) Fifty per cent of the school district's taxes charged and 76897  
payable against all property on the tax list of real and public 76898  
utility property for current expenses for tax year 2009, including 76899  
taxes charged and payable from emergency levies and excluding 76900  
taxes levied for joint vocational school district purposes; 76901

(f) The school district's taxes charged and payable against 76902

all property on the general tax list of personal property for 76903  
current expenses for tax year 2009, including taxes charged and 76904  
payable from emergency levies; 76905

(g) The amount certified for fiscal year 2010 under division 76906  
(A)(2) of section 3317.08 of the Revised Code; 76907

(h) Distributions received during calendar year 2009 from 76908  
taxes levied under section 718.09 of the Revised Code. 76909

(23) "Total resources," in the case of a joint vocational 76910  
school district, means the sum of amounts in divisions (A)(23)(a) 76911  
to (g) of this section less any reduction required under division 76912  
(A)(32) of this section. 76913

(a) The state education aid for fiscal year 2010; 76914

(b) The sum of the payments received by the joint vocational 76915  
school district in fiscal year 2010 for current expense levy 76916  
losses pursuant to division (C)(2) of section 5727.85 and 76917  
divisions (C)(8) and (9) of section 5751.21 of the Revised Code; 76918

(c) Fifty per cent of the joint vocational school district's 76919  
taxes charged and payable against all property on the tax list of 76920  
real and public utility property for current expense purposes for 76921  
tax year 2008; 76922

(d) Fifty per cent of the joint vocational school district's 76923  
taxes charged and payable against all property on the tax list of 76924  
real and public utility property for current expenses for tax year 76925  
2009; 76926

(e) Fifty per cent of a city, local, or exempted village 76927  
school district's taxes charged and payable against all property 76928  
on the tax list of real and public utility property for current 76929  
expenses of the joint vocational school district for tax year 76930  
2008; 76931

(f) Fifty per cent of a city, local, or exempted village 76932

school district's taxes charged and payable against all property 76933  
on the tax list of real and public utility property for current 76934  
expenses of the joint vocational school district for tax year 76935  
2009; 76936

(g) The joint vocational school district's taxes charged and 76937  
payable against all property on the general tax list of personal 76938  
property for current expenses for tax year 2009. 76939

(24) "Total resources," in the case of county mental health 76940  
and disability related functions, means the sum of the amounts in 76941  
divisions (A)(24)(a) and (b) of this section less any reduction 76942  
required under division (A)(32) of this section. 76943

(a) The sum of the payments received by the county for mental 76944  
health and developmental disability related functions in calendar 76945  
year 2010 under division (A)(1) of section 5727.86 and ~~division~~ 76946  
divisions (A)(1) and (2) of section 5751.22 of the Revised Code as 76947  
they existed at that time; 76948

(b) With respect to taxes levied by the county for mental 76949  
health and developmental disability related purposes, the taxes 76950  
charged and payable for such purposes against all property on the 76951  
tax list of real and public utility property for tax year 2009. 76952

(25) "Total resources," in the case of county senior services 76953  
related functions, means the sum of the amounts in divisions 76954  
(A)(25)(a) and (b) of this section less any reduction required 76955  
under division (A)(32) of this section. 76956

(a) The sum of the payments received by the county for senior 76957  
services related functions in calendar year 2010 under division 76958  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 76959  
5751.22 of the Revised Code as they existed at that time; 76960

(b) With respect to taxes levied by the county for senior 76961  
services related purposes, the taxes charged and payable for such 76962  
purposes against all property on the tax list of real and public 76963



utility property for tax year 2009. 76964

(26) "Total resources," in the case of county children's 76965  
services related functions, means the sum of the amounts in 76966  
divisions (A)(26)(a) and (b) of this section less any reduction 76967  
required under division (A)(32) of this section. 76968

(a) The sum of the payments received by the county for 76969  
children's services related functions in calendar year 2010 under 76970  
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 76971  
section 5751.22 of the Revised Code as they existed at that time; 76972

(b) With respect to taxes levied by the county for children's 76973  
services related purposes, the taxes charged and payable for such 76974  
purposes against all property on the tax list of real and public 76975  
utility property for tax year 2009. 76976

(27) "Total resources," in the case of county public health 76977  
related functions, means the sum of the amounts in divisions 76978  
(A)(27)(a) and (b) of this section less any reduction required 76979  
under division (A)(32) of this section. 76980

(a) The sum of the payments received by the county for public 76981  
health related functions in calendar year 2010 under division 76982  
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 76983  
5751.22 of the Revised Code as they existed at that time; 76984

(b) With respect to taxes levied by the county for public 76985  
health related purposes, the taxes charged and payable for such 76986  
purposes against all property on the tax list of real and public 76987  
utility property for tax year 2009. 76988

(28) "Total resources," in the case of all county functions 76989  
not included in divisions (A)(24) to (27) of this section, means 76990  
the sum of the amounts in divisions (A)(28)(a) to (d) of this 76991  
section less any reduction required under division (A)(32) or (33) 76992  
of this section. 76993

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code.

(29) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(29)(a) to (g) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the municipal corporation in calendar year 2010 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor

under division (J) of section 5747.51 of the Revised Code or 77025  
division (F) of section 5747.53 of the Revised Code multiplied by 77026  
the total amount actually distributed in calendar year 2010 from 77027  
the county undivided local government fund; 77028

(c) The sum of the amounts distributed to the municipal 77029  
corporation in calendar year 2010 pursuant to section 5747.50 of 77030  
the Revised Code; 77031

(d) With respect to taxes levied by the municipal 77032  
corporation, the taxes charged and payable against all property on 77033  
the tax list of real and public utility property for current 77034  
expenses, defined in division (A)~~(33)~~(35) of this section, for tax 77035  
year 2009; 77036

(e) The amount of admissions tax collected by the municipal 77037  
corporation in calendar year 2008, or if such information has not 77038  
yet been reported to the tax commissioner, in the most recent year 77039  
before 2008 for which the municipal corporation has reported data 77040  
to the commissioner; 77041

(f) The amount of income taxes collected by the municipal 77042  
corporation in calendar year 2008, or if such information has not 77043  
yet been reported to the tax commissioner, in the most recent year 77044  
before 2008 for which the municipal corporation has reported data 77045  
to the commissioner; 77046

(g) The municipal corporation's median estate tax 77047  
collections. 77048

(30) "Total resources," in the case of a township, means the 77049  
sum of the amounts in divisions (A)(30)(a) to (c) of this section 77050  
less any reduction required under division (A)(32) or (33) of this 77051  
section. 77052

(a) The sum of the payments received by the township in 77053  
calendar year 2010 pursuant to division (A)(1) of section 5727.86 77054  
of the Revised Code and divisions (A)(1) and (2) of section 77055

5751.22 of the Revised Code as they existed at that time, 77056  
excluding payments received for debt purposes; 77057

(b) The township's percentage share of county undivided local 77058  
government fund allocations as certified to the tax commissioner 77059  
for calendar year 2010 by the county auditor under division (J) of 77060  
section 5747.51 of the Revised Code or division (F) of section 77061  
5747.53 of the Revised Code multiplied by the total amount 77062  
actually distributed in calendar year 2010 from the county 77063  
undivided local government fund; 77064

(c) With respect to taxes levied by the township, the taxes 77065  
charged and payable against all property on the tax list of real 77066  
and public utility property for tax year 2009 excluding taxes 77067  
charged and payable for the purpose of paying debt charges. 77068

(31) "Total resources," in the case of a local taxing unit 77069  
that is not a county, municipal corporation, or township, means 77070  
the sum of the amounts in divisions (A)(31)(a) to (e) of this 77071  
section less any reduction required under division (A)(32) of this 77072  
section. 77073

(a) The sum of the payments received by the local taxing unit 77074  
in calendar year 2010 pursuant to division (A)(1) of section 77075  
5727.86 of the Revised Code and divisions (A)(1) and (2) of 77076  
section 5751.22 of the Revised Code as they existed at that time; 77077

(b) The local taxing unit's percentage share of county 77078  
undivided local government fund allocations as certified to the 77079  
tax commissioner for calendar year 2010 by the county auditor 77080  
under division (J) of section 5747.51 of the Revised Code or 77081  
division (F) of section 5747.53 of the Revised Code multiplied by 77082  
the total amount actually distributed in calendar year 2010 from 77083  
the county undivided local government fund; 77084

(c) With respect to taxes levied by the local taxing unit, 77085  
the taxes charged and payable against all property on the tax list 77086

of real and public utility property for tax year 2009 excluding 77087  
taxes charged and payable for the purpose of paying debt charges; 77088

(d) The amount received from the tax commissioner during 77089  
calendar year 2010 for sales or use taxes authorized under 77090  
sections 5739.023 and 5741.022 of the Revised Code; 77091

(e) For institutions of higher education receiving tax 77092  
revenue from a local levy, as identified in section 3358.02 of the 77093  
Revised Code, the final state share of instruction allocation for 77094  
fiscal year 2010 as calculated by the board of regents and 77095  
reported to the state controlling board. 77096

(32) If a fixed-rate levy that is a qualifying levy is not 77097  
~~imposed charged and payable~~ in any year after tax year 2010, 77098  
"total resources" used to compute payments to be made under 77099  
division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) 77100  
of section 5751.22 of the Revised Code in the tax years following 77101  
the last year the levy is ~~imposed charged and payable~~ shall be 77102  
reduced ~~by the amount of~~ to the extent that the payments are 77103  
attributable to the fixed-rate levy loss of that levy as would be 77104  
computed under division (C)(2) of section 5727.85, division (A)(1) 77105  
of section 5727.85, divisions (C)(8) and (9) of section 5751.21, 77106  
or division (A)(1) of section 5751.22 of the Revised Code. 77107

(33) In the case of a county, municipal corporation, school 77108  
district, or township with fixed-rate levy losses attributable to 77109  
a tax levied under section 5705.23 of the Revised Code, "total 77110  
resources" used to compute payments to be made under division 77111  
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 77112  
division (C)(12) of section 5751.21, or division (A)(1)(c) of 77113  
section 5751.22 of the Revised Code shall be reduced by the 77114  
amounts described in divisions (A)(34)(a) to (c) of this section 77115  
to the extent that those amounts were included in calculating the 77116  
"total resources" of the school district or local taxing unit 77117  
under division (A)(22), (28), (29), or (30) of this section. 77118

(34) "Total library resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, means the sum of the amounts in divisions (A)(34)(a) to (c) of this section less any reduction required under division (A)(32) of this section. 77119  
77120  
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77124

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library; 77125  
77126  
77127  
77128  
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(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund; 77131  
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77134  
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(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding any tax that is charged and payable for the purpose of paying debt charges. 77138  
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(35) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and 77144  
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equipment; employee termination fund; fire pension or any levy 77151  
containing the word "pension," including police pensions; 77152  
fireman's fund or any practically similar name; sinking fund; road 77153  
improvements or any levy containing the word "road"; fire truck or 77154  
apparatus; flood or any levy containing the word "flood"; 77155  
conservancy district; county health; note retirement; sewage, or 77156  
any levy containing the words "sewage" or "sewer"; park 77157  
improvement; parkland acquisition; storm drain; street or any levy 77158  
name containing the word "street"; lighting, or any levy name 77159  
containing the word "lighting"; and water. 77160

~~(34)~~(36) "Current expense TPP allocation" means, in the case 77161  
of a school district or joint vocational school district, the sum 77162  
of the payments received by the school district in fiscal year 77163  
2011 pursuant to divisions (C)(10) and (11) of section 5751.21 of 77164  
the Revised Code to the extent paid for current expense levies. In 77165  
the case of a municipal corporation, "current expense TPP 77166  
allocation" means the sum of the payments received by the 77167  
municipal corporation in calendar year 2010 pursuant to divisions 77168  
(A)(1) and (2) of section 5751.22 of the Revised Code to the 77169  
extent paid for municipal current expense property tax levies as 77170  
defined in division (A)~~(33)~~(35) of this section, excluding any 77171  
such payments received for current expense levy losses 77172  
attributable to a tax levied under section 5705.23 of the Revised 77173  
Code. If a fixed-rate levy that is a qualifying levy is not 77174  
~~imposed~~ charged and payable in any year after tax year 2010, 77175  
"current expense TPP allocation" used to compute payments to be 77176  
made under division (C)(12) of section 5751.21 or division 77177  
(A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax 77178  
years following the last year the levy is ~~imposed~~ charged and 77179  
payable shall be reduced ~~by the amount of~~ to the extent that the 77180  
payments are attributable to the fixed-rate levy loss of that levy 77181  
as would be computed under divisions (C)(10) and (11) of section 77182  
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 77183

~~(35)~~(37) "TPP allocation" means the sum of payments received 77184  
by a local taxing unit in calendar year 2010 pursuant to divisions 77185  
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 77186  
any such payments received for fixed-rate levy losses attributable 77187  
to a tax levied under section 5705.23 of the Revised Code. If a 77188  
fixed-rate levy that is a qualifying levy is not ~~imposed~~ charged 77189  
and payable in any year after tax year 2010, "TPP allocation" used 77190  
to compute payments to be made under division (A)(1)(b) or (c) of 77191  
section 5751.22 of the Revised Code in the tax years following the 77192  
last year the levy is ~~imposed~~ charged and payable shall be reduced 77193  
~~by the amount of payment to the extent that the payments are~~ 77194  
attributable to the fixed-rate levy loss of that levy as would be 77195  
computed under division (A)(1) of that section. 77196

~~(36)~~(38) "Total TPP allocation" means, in the case of a 77197  
school district or joint vocational school district, the sum of 77198  
the amounts received in fiscal year 2011 pursuant to divisions 77199  
(C)(10) and (11) and (D) of section 5751.21 of the Revised Code. 77200  
In the case of a local taxing unit, "total TPP allocation" means 77201  
the sum of payments received by the unit in calendar year 2010 77202  
pursuant to divisions (A)(1), (2), and (3) of section 5751.22 of 77203  
the Revised Code. If a fixed-rate levy that is a qualifying levy 77204  
is not ~~imposed~~ charged and payable in any year after tax year 77205  
2010, "total TPP allocation" used to compute payments to be made 77206  
under division (C)(12) of section 5751.21 or division (A)(1)(b) or 77207  
(c) of section 5751.22 of the Revised Code in the tax years 77208  
following the last year the levy is ~~imposed~~ charged and payable 77209  
shall be reduced ~~by the amount of~~ to the extent that the payments 77210  
are attributable to the fixed-rate levy loss of that levy as would 77211  
be computed under divisions (C)(10) and (11) of section 5751.21 or 77212  
division (A)(1) of section 5751.22 of the Revised Code. 77213

~~(37)~~(39) "Non-current expense TPP allocation" means the 77214  
difference of total TPP allocation minus the sum of current 77215



expense TPP allocation and the portion of total TPP allocation 77216  
constituting reimbursement for debt levies, pursuant to division 77217  
(D) of section 5751.21 of the Revised Code in the case of a school 77218  
district or joint vocational school district and pursuant to 77219  
division (A)(3) of section 5751.22 of the Revised Code in the case 77220  
of a municipal corporation. 77221

~~(38)~~(40) "TPP allocation for library purposes" means the sum 77222  
of payments received by a county, municipal corporation, school 77223  
district, or township public library in calendar year 2010 77224  
pursuant to section 5751.22 of the Revised Code for fixed-rate 77225  
levy losses attributable to a tax levied under section 5705.23 of 77226  
the Revised Code. If a fixed-rate levy authorized under section 77227  
5705.23 of the Revised Code that is a qualifying levy is not 77228  
charged and payable in any year after tax year 2010, "TPP 77229  
allocation for library purposes" used to compute payments to be 77230  
made under division (A)(1)(d) of section 5751.22 of the Revised 77231  
Code in the tax years following the last year the levy is charged 77232  
and payable shall be reduced to the extent that the payments are 77233  
attributable to the fixed-rate levy loss of that levy as would be 77234  
computed under division (A)(1) of section 5751.22 of the Revised 77235  
Code. 77236

(41) "Threshold per cent" means, in the case of a school 77237  
district or joint vocational school district, two per cent for 77238  
fiscal year 2012 and four per cent for fiscal years 2013 and 77239  
thereafter. In the case of a local taxing unit or public library 77240  
that receives the proceeds of a tax levied under section 5705.23 77241  
of the Revised Code, "threshold per cent" means two per cent for 77242  
tax year 2011, four per cent for tax year 2012, and six per cent 77243  
for tax years 2013 and thereafter. 77244

(B) The commercial activities tax receipts fund is hereby 77245  
created in the state treasury and shall consist of money arising 77246  
from the tax imposed under this chapter. Eighty-five 77247

one-hundredths of one per cent of the money credited to that fund 77248  
shall be credited to the ~~tax reform system implementation revenue~~ 77249  
enhancement fund, ~~which is hereby created in the state treasury,~~ 77250  
and shall be used to defray the costs incurred by the department 77251  
of taxation in administering the tax imposed by this chapter and 77252  
in implementing tax reform measures. The remainder in the 77253  
commercial activities tax receipts fund shall be credited for each 77254  
fiscal year in the following percentages to the general revenue 77255  
fund, to the school district tangible property tax replacement 77256  
fund, which is hereby created in the state treasury for the 77257  
purpose of making the payments described in section 5751.21 of the 77258  
Revised Code, and to the local government tangible property tax 77259  
replacement fund, which is hereby created in the state treasury 77260  
for the purpose of making the payments described in section 77261  
5751.22 of the Revised Code, in the following percentages: 77262

| Fiscal year            | General Revenue<br>Fund | School District<br>Tangible<br>Property Tax<br>Replacement Fund | Local Government<br>Tangible<br>Property Tax<br>Replacement Fund |       |
|------------------------|-------------------------|-----------------------------------------------------------------|------------------------------------------------------------------|-------|
| 2006                   | 67.7%                   | 22.6%                                                           | 9.7%                                                             | 77264 |
| 2007                   | 0%                      | 70.0%                                                           | 30.0%                                                            | 77265 |
| 2008                   | 0%                      | 70.0%                                                           | 30.0%                                                            | 77266 |
| 2009                   | 0%                      | 70.0%                                                           | 30.0%                                                            | 77267 |
| 2010                   | 0%                      | 70.0%                                                           | 30.0%                                                            | 77268 |
| 2011                   | 0%                      | 70.0%                                                           | 30.0%                                                            | 77269 |
| 2012                   | 25.0%                   | 52.5%                                                           | 22.5%                                                            | 77270 |
| 2013 and<br>thereafter | 50.0%                   | 35.0%                                                           | 15.0%                                                            | 77271 |

(C) Not later than September 15, 2005, the tax commissioner 77272  
shall determine for each school district, joint vocational school 77273  
district, and local taxing unit its machinery and equipment, 77274  
inventory property, furniture and fixtures property, and telephone 77275  
property tax value losses, which are the applicable amounts 77276

|                                                                   |       |
|-------------------------------------------------------------------|-------|
| described in divisions (C)(1), (2), (3), and (4) of this section, | 77277 |
| except as provided in division (C)(5) of this section:            | 77278 |
| (1) Machinery and equipment property tax value loss is the        | 77279 |
| taxable value of machinery and equipment property as reported by  | 77280 |
| taxpayers for tax year 2004 multiplied by:                        | 77281 |
| (a) For tax year 2006, thirty-three and eight-tenths per          | 77282 |
| cent;                                                             | 77283 |
| (b) For tax year 2007, sixty-one and three-tenths per cent;       | 77284 |
| (c) For tax year 2008, eighty-three per cent;                     | 77285 |
| (d) For tax year 2009 and thereafter, one hundred per cent.       | 77286 |
| (2) Inventory property tax value loss is the taxable value of     | 77287 |
| inventory property as reported by taxpayers for tax year 2004     | 77288 |
| multiplied by:                                                    | 77289 |
| (a) For tax year 2006, a fraction, the numerator of which is      | 77290 |
| five and three-fourths and the denominator of which is            | 77291 |
| twenty-three;                                                     | 77292 |
| (b) For tax year 2007, a fraction, the numerator of which is      | 77293 |
| nine and one-half and the denominator of which is twenty-three;   | 77294 |
| (c) For tax year 2008, a fraction, the numerator of which is      | 77295 |
| thirteen and one-fourth and the denominator of which is           | 77296 |
| twenty-three;                                                     | 77297 |
| (d) For tax year 2009 and thereafter a fraction, the              | 77298 |
| numerator of which is seventeen and the denominator of which is   | 77299 |
| twenty-three.                                                     | 77300 |
| (3) Furniture and fixtures property tax value loss is the         | 77301 |
| taxable value of furniture and fixture property as reported by    | 77302 |
| taxpayers for tax year 2004 multiplied by:                        | 77303 |
| (a) For tax year 2006, twenty-five per cent;                      | 77304 |
| (b) For tax year 2007, fifty per cent;                            | 77305 |

(c) For tax year 2008, seventy-five per cent; 77306

(d) For tax year 2009 and thereafter, one hundred per cent. 77307

The taxable value of property reported by taxpayers used in 77308  
divisions (C)(1), (2), and (3) of this section shall be such 77309  
values as determined to be final by the tax commissioner as of 77310  
August 31, 2005. Such determinations shall be final except for any 77311  
correction of a clerical error that was made prior to August 31, 77312  
2005, by the tax commissioner. 77313

(4) Telephone property tax value loss is the taxable value of 77314  
telephone property as taxpayers would have reported that property 77315  
for tax year 2004 if the assessment rate for all telephone 77316  
property for that year were twenty-five per cent, multiplied by: 77317

(a) For tax year 2006, zero per cent; 77318

(b) For tax year 2007, zero per cent; 77319

(c) For tax year 2008, zero per cent; 77320

(d) For tax year 2009, sixty per cent; 77321

(e) For tax year 2010, eighty per cent; 77322

(f) For tax year 2011 and thereafter, one hundred per cent. 77323

(5) Division (C)(5) of this section applies to any school 77324  
district, joint vocational school district, or local taxing unit 77325  
in a county in which is located a facility currently or formerly 77326  
devoted to the enrichment or commercialization of uranium or 77327  
uranium products, and for which the total taxable value of 77328  
property listed on the general tax list of personal property for 77329  
any tax year from tax year 2001 to tax year 2004 was fifty per 77330  
cent or less of the taxable value of such property listed on the 77331  
general tax list of personal property for the next preceding tax 77332  
year. 77333

In computing the fixed-rate levy losses under divisions 77334  
(D)(1), (2), and (3) of this section for any school district, 77335

joint vocational school district, or local taxing unit to which 77336  
division (C)(5) of this section applies, the taxable value of such 77337  
property as listed on the general tax list of personal property 77338  
for tax year 2000 shall be substituted for the taxable value of 77339  
such property as reported by taxpayers for tax year 2004, in the 77340  
taxing district containing the uranium facility, if the taxable 77341  
value listed for tax year 2000 is greater than the taxable value 77342  
reported by taxpayers for tax year 2004. For the purpose of making 77343  
the computations under divisions (D)(1), (2), and (3) of this 77344  
section, the tax year 2000 valuation is to be allocated to 77345  
machinery and equipment, inventory, and furniture and fixtures 77346  
property in the same proportions as the tax year 2004 values. For 77347  
the purpose of the calculations in division (A) of section 5751.21 77348  
of the Revised Code, the tax year 2004 taxable values shall be 77349  
used. 77350

To facilitate the calculations required under division (C) of 77351  
this section, the county auditor, upon request from the tax 77352  
commissioner, shall provide by August 1, 2005, the values of 77353  
machinery and equipment, inventory, and furniture and fixtures for 77354  
all single-county personal property taxpayers for tax year 2004. 77355

(D) Not later than September 15, 2005, the tax commissioner 77356  
shall determine for each tax year from 2006 through 2009 for each 77357  
school district, joint vocational school district, and local 77358  
taxing unit its machinery and equipment, inventory, and furniture 77359  
and fixtures fixed-rate levy losses, and for each tax year from 77360  
2006 through 2011 its telephone property fixed-rate levy loss. 77361  
Except as provided in division (F) of this section, such losses 77362  
are the applicable amounts described in divisions (D)(1), (2), 77363  
(3), and (4) of this section: 77364

(1) The machinery and equipment fixed-rate levy loss is the 77365  
machinery and equipment property tax value loss multiplied by the 77366  
sum of the tax rates of fixed-rate qualifying levies. 77367

(2) The inventory fixed-rate loss is the inventory property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies. 77368  
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(3) The furniture and fixtures fixed-rate levy loss is the furniture and fixture property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies. 77371  
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(4) The telephone property fixed-rate levy loss is the telephone property tax value loss multiplied by the sum of the tax rates of fixed-rate qualifying levies. 77374  
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(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section: 77377  
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(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2010, the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all qualifying levies remaining in effect for the current tax year and any school district levies ~~imposed~~ charged and payable under section 5705.194 or 5705.213 of the Revised Code that are qualifying levies not remaining in effect for the current year. For 2011 through 2017 in the case of school district levies ~~imposed~~ charged and payable under section 5705.194 or 5705.213 of the Revised Code and for all years after 2010 in the case of other fixed-sum levies, this computation shall include only qualifying levies remaining in effect for the current year. For purposes of this computation, a qualifying school district levy ~~imposed~~ charged and payable under section 5705.194 or 5705.213 of the 77383  
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Revised Code remains in effect in a year after 2010 only if, for 77400  
that year, the board of education levies a school district levy 77401  
~~imposed~~ charged and payable under section 5705.194, 5705.199, 77402  
5705.213, or 5705.219 of the Revised Code for an annual sum at 77403  
least equal to the annual sum levied by the board in tax year 2004 77404  
less the amount of the payment certified under this division for 77405  
2006. 77406

(2) The total taxable value in tax year 2004 less the sum of 77407  
the machinery and equipment, inventory, furniture and fixtures, 77408  
and telephone property tax value losses in each school district, 77409  
joint vocational school district, and local taxing unit multiplied 77410  
by one-half of one mill per dollar. 77411

(3) For the calculations in divisions (E)(1) and (2) of this 77412  
section, the tax value losses are those that would be calculated 77413  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 77414  
section and for tax year 2011 under division (C)(4) of this 77415  
section. 77416

(4) To facilitate the calculation under divisions (D) and (E) 77417  
of this section, not later than September 1, 2005, any school 77418  
district, joint vocational school district, or local taxing unit 77419  
that has a qualifying levy that was approved at an election 77420  
conducted during 2005 before September 1, 2005, shall certify to 77421  
the tax commissioner a copy of the county auditor's certificate of 77422  
estimated property tax millage for such levy as required under 77423  
division (B) of section 5705.03 of the Revised Code, which is the 77424  
rate that shall be used in the calculations under such divisions. 77425

If the amount determined under division (E) of this section 77426  
for any school district, joint vocational school district, or 77427  
local taxing unit is greater than zero, that amount shall equal 77428  
the reimbursement to be paid pursuant to division (E) of section 77429  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 77430  
and the one-half of one mill that is subtracted under division 77431

(E)(2) of this section shall be apportioned among all contributing 77432  
fixed-sum levies in the proportion that each levy bears to the sum 77433  
of all fixed-sum levies within each school district, joint 77434  
vocational school district, or local taxing unit. 77435

(F) If a school district levies a tax under section 5705.219 77436  
of the Revised Code, the fixed-rate levy loss for qualifying 77437  
levies, to the extent repealed under that section, shall equal the 77438  
sum of the following amounts in lieu of the amounts computed for 77439  
such levies under division (D) of this section: 77440

(1) The sum of the rates of qualifying levies to the extent 77441  
so repealed multiplied by the sum of the machinery and equipment, 77442  
inventory, and furniture and fixtures tax value losses for 2009 as 77443  
determined under that division; 77444

(2) The sum of the rates of qualifying levies to the extent 77445  
so repealed multiplied by the telephone property tax value loss 77446  
for 2011 as determined under that division. 77447

The fixed-rate levy losses for qualifying levies to the 77448  
extent not repealed under section 5705.219 of the Revised Code 77449  
shall be as determined under division (D) of this section. The 77450  
revised fixed-rate levy losses determined under this division and 77451  
division (D) of this section first apply in the year following the 77452  
first year the district levies the tax under section 5705.219 of 77453  
the Revised Code. 77454

(G) Not later than October 1, 2005, the tax commissioner 77455  
shall certify to the department of education for every school 77456  
district and joint vocational school district the machinery and 77457  
equipment, inventory, furniture and fixtures, and telephone 77458  
property tax value losses determined under division (C) of this 77459  
section, the machinery and equipment, inventory, furniture and 77460  
fixtures, and telephone fixed-rate levy losses determined under 77461  
division (D) of this section, and the fixed-sum levy losses 77462



calculated under division (E) of this section. The calculations 77463  
under divisions (D) and (E) of this section shall separately 77464  
display the levy loss for each levy eligible for reimbursement. 77465

(H) Not later than October 1, 2005, the tax commissioner 77466  
shall certify the amount of the fixed-sum levy losses to the 77467  
county auditor of each county in which a school district, joint 77468  
vocational school district, or local taxing unit with a fixed-sum 77469  
levy loss reimbursement has territory. 77470

(I) Not later than the twenty-eighth day of February each 77471  
year beginning in 2011 and ending in 2014, the tax commissioner 77472  
shall certify to the department of education for each school 77473  
district first levying a tax under section 5705.219 of the Revised 77474  
Code in the preceding year the revised fixed-rate levy losses 77475  
determined under divisions (D) and (F) of this section. 77476

**Sec. 5751.22.** (A) Not later than January 1, 2006, the tax 77477  
commissioner shall compute the payments to be made to each local 77478  
taxing unit, and to each public library that receives the proceeds 77479  
of a tax levied under section 5705.23 of the Revised Code, for 77480  
each year according to divisions (A)(1), (2), (3), and (4) of this 77481  
section as this section existed on that date, and shall distribute 77482  
the payments in the manner prescribed by division (C) of this 77483  
section. The calculation of the fixed-sum levy loss shall cover a 77484  
time period sufficient to include all fixed-sum levies for which 77485  
the commissioner determined, pursuant to division (E) of section 77486  
5751.20 of the Revised Code, that a fixed-sum levy loss is to be 77487  
reimbursed. 77488

(1) Except as provided in division (A)(3) of this section, 77489  
for fixed-rate levy losses determined under division (D) of 77490  
section 5751.20 of the Revised Code, payments shall be made in an 77491  
amount equal to the following: 77492

(a) For tax years 2006 through 2010, one hundred per cent of 77493

such losses; 77494

(b) For the payment in tax year 2011 to be made on or before 77495  
the twentieth day of November, the sum of the amount in division 77496  
(A)(1)(b)(i) or (ii) and division (A)(1)(b)(iii) of this section: 77497

(i) If the ratio of six-sevenths of the TPP allocation to 77498  
total resources is equal to or less than the threshold per cent, 77499  
zero; 77500

(ii) If the ratio of six-sevenths of the TPP allocation to 77501  
total resources is greater than the threshold per cent, the 77502  
difference of six-sevenths of the TPP allocation minus the product 77503  
of total resources multiplied by the threshold per cent; 77504

(iii) In the case of a municipal corporation, six-sevenths of 77505  
the product of the non-current expense TPP allocation multiplied 77506  
by seventy-five per cent. 77507

(c) For tax years 2012 and thereafter, the sum of the amount 77508  
in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of 77509  
this section: 77510

(i) If the ratio of TPP allocation to total resources is 77511  
equal to or less than the threshold per cent, zero; 77512

(ii) If the ratio of TPP allocation to total resources is 77513  
greater than the threshold per cent, the TPP allocation minus the 77514  
product of total resources multiplied by the threshold per cent; 77515

(iii) In the case of a municipal corporation, non-current 77516  
expense TPP allocation multiplied by fifty per cent for tax year 77517  
2012 and twenty-five per cent for tax years 2013 and thereafter; 77518

(d) For tax years 2012 and thereafter, in the case of a 77519  
county, school district, municipal corporation, or township public 77520  
library, the amount in division (A)(1)(d)(i) or (ii) of this 77521  
section: 77522

(i) If the ratio of TPP allocation for library purposes to 77523

total library resources is equal to or less than the threshold per cent, zero; 77524  
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(ii) If the ratio of TPP allocation for library purposes to total library resources is greater than the threshold per cent, the TPP allocation for library purposes minus the product of total library resources multiplied by the threshold per cent. 77526  
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(2) For fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2006 ~~and thereafter~~ through 2011, except that no payments shall be made for qualifying levies that have expired. For payments required to be made in 2012 and thereafter, payments shall be made in the amount of fifty per cent of the fixed-sum levy loss until the qualifying levy has expired. 77530  
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(3) For taxes levied within the ten-mill limitation or pursuant to a municipal charter for debt purposes in tax year 2005, payments shall be made based on the schedule in division (A)(1) of this section for each of the calendar years 2006 through 2010. For each of the calendar years 2011 through 2017, the percentages for calendar year 2010 shall be used for taxes levied within the ten-mill limitation or pursuant to a municipal charter for debt purposes in tax year 2010, as long as such levies continue to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payment schedules in divisions (A)(1)(a) to (h) of this section. No payments shall be made for such levies after calendar year 2017. For the purposes of this division, taxes levied pursuant to a municipal charter refer to taxes levied pursuant to a provision of a municipal charter that permits the tax to be levied without prior voter approval. 77538  
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(B) Beginning in 2007, by the thirty-first day of January of each year, the tax commissioner shall review the calculation 77554  
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originally made under division (A) of this section of the 77556  
fixed-sum levy losses determined under division (E) of section 77557  
5751.20 of the Revised Code. If the commissioner determines that a 77558  
fixed-sum levy that had been scheduled to be reimbursed in the 77559  
current year has expired, a revised calculation for that and all 77560  
subsequent years shall be made. 77561

(C) Payments to local taxing units and public libraries 77562  
required to be made under division (A) of this section shall be 77563  
paid from the local government tangible property tax replacement 77564  
fund to the county undivided income tax fund in the proper county 77565  
treasury. From May 2006 through November 2010, one-seventh of the 77566  
amount determined under that division shall be paid by the last 77567  
day of May each year, and three-sevenths shall be paid by the last 77568  
day of August and October each year. From May 2011 through 77569  
November 2013, one-seventh of the amount determined under that 77570  
division shall be paid on or before the last day of May each year, 77571  
and six-sevenths shall be paid on or before the ~~twentieth~~ 77572  
thirtieth day of November each year, except that in November 2011, 77573  
the payment shall equal one hundred per cent of the amount 77574  
calculated for that payment. Beginning in May 2014, one-half of 77575  
the amount determined under that division shall be paid on or 77576  
before the last day of May each year, and one-half shall be paid 77577  
on or before the ~~twentieth~~ thirtieth day of November each year. 77578  
Within ~~forty~~ thirty days after receipt of such payments, the 77579  
county treasurer shall distribute amounts determined under 77580  
division (A) of this section to the proper local taxing unit or 77581  
public library as if they had been levied and collected as taxes, 77582  
and the local taxing unit or public library shall apportion the 77583  
amounts so received among its funds in the same proportions as if 77584  
those amounts had been levied and collected as taxes. 77585

(D) For each of the fiscal years 2006 through 2018, if the 77586  
total amount in the local government tangible property tax 77587

replacement fund is insufficient to make all payments under 77588  
division (C) of this section at the times the payments are to be 77589  
made, the director of budget and management shall transfer from 77590  
the general revenue fund to the local government tangible property 77591  
tax replacement fund the difference between the total amount to be 77592  
paid and the amount in the local government tangible property tax 77593  
replacement fund. For each fiscal year after 2018, at the time 77594  
payments under division (A)(2) of this section are to be made, the 77595  
director of budget and management shall transfer from the general 77596  
revenue fund to the local government property tax replacement fund 77597  
the amount necessary to make such payments. 77598

(E) On the fifteenth day of June of each year from 2006 77599  
through 2018, the director of budget and management may transfer 77600  
any balance in the local government tangible property tax 77601  
replacement fund to the general revenue fund. 77602

(F) If all or a part of the territories of two or more local 77603  
taxing units are merged, or unincorporated territory of a township 77604  
is annexed by a municipal corporation, the tax commissioner shall 77605  
adjust the payments made under this section to each of the local 77606  
taxing units in proportion to the square mileage of the merged or 77607  
annexed territory as a percentage of the total square mileage of 77608  
the jurisdiction from which the territory originated, or as 77609  
otherwise provided by a written agreement between the legislative 77610  
authorities of the local taxing units certified to the 77611  
commissioner not later than the first day of June of the calendar 77612  
year in which the payment is to be made. 77613

**Sec. 5751.54.** (A) Any term used in this section has the same 77614  
meaning as in section 122.85 of the Revised Code. 77615

(B) There is allowed a refundable credit against the tax 77616  
imposed by section 5751.02 of the Revised Code for any person that 77617  
is the certificate owner of a tax credit certificate issued under 77618

section 122.85 of the Revised Code. The credit amount equals the amount stated in the certificate. The credit shall be claimed in the order required under section 5751.98 of the Revised Code. If the credit amount exceeds the tax otherwise due under section 5751.02 of the Revised Code after deducting all other credits in that order, the excess shall be refunded.

(C) Nothing in this section allows a person to claim more than one credit per tax credit-eligible production.

**Sec. 5751.98.** (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits to which it is entitled in the following order:

(1) The nonrefundable jobs retention credit under division (B) of section 5751.50 of the Revised Code;

(2) The nonrefundable credit for qualified research expenses under division (B) of section 5751.51 of the Revised Code;

(3) The nonrefundable credit for a borrower's qualified research and development loan payments under division (B) of section 5751.52 of the Revised Code;

(4) The nonrefundable credit for calendar years 2010 to 2029 for unused net operating losses under division (B) of section 5751.53 of the Revised Code;

(5) The refundable motion picture production credit ~~for calendar year 2030 for unused net operating losses~~ under division ~~(C)~~ of section ~~5751.53~~ 5751.54 of the Revised Code;

(6) The refundable jobs creation credit or job retention credit under division (A) of section 5751.50 of the Revised Code;

(7) The refundable credit for calendar year 2030 for unused net operating losses under division (C) of section 5751.53 of the Revised Code.

(B) For any credit except the refundable credits enumerated 77649  
in this section, the amount of the credit for a tax period shall 77650  
not exceed the tax due after allowing for any other credit that 77651  
precedes it in the order required under this section. Any excess 77652  
amount of a particular credit may be carried forward if authorized 77653  
under the section creating the credit. 77654

**Sec. 5753.03.** (A) For the purpose of receiving and 77655  
distributing, and accounting for, revenue received from the tax 77656  
levied by section 5753.02 of the Revised Code, the following funds 77657  
are created in the state treasury: 77658

(1) The casino tax revenue fund; 77659

(2) The gross casino revenue county fund; 77660

(3) The gross casino revenue county student fund; 77661

(4) The gross casino revenue host city fund; 77662

(5) The Ohio state racing commission fund; 77663

(6) The Ohio law enforcement training fund; 77664

(7) The problem casino gambling and addictions fund; 77665

(8) The casino control commission fund; 77666

(9) The casino tax administration fund; 77667

(10) The peace officer training academy fund; 77668

(11) The criminal justice services casino tax revenue fund. 77669

(B) All moneys collected from the tax levied under this 77670  
chapter shall be deposited into the casino tax revenue fund. 77671

(C) From the casino tax revenue fund the director of budget 77672  
and management shall transfer as needed to the tax refund fund 77673  
amounts equal to the refunds certified by the tax commissioner 77674  
under section 5753.06 of the Revised Code. 77675

(D) After making any transfers required by division (C) of 77676

this section, but not later than the fifteenth day of the month 77677  
following the end of each calendar quarter, the director of budget 77678  
and management shall transfer amounts to each fund as follows: 77679

(1) Fifty-one per cent to the gross casino revenue county 77680  
fund to make payments as required by Section 6(C)(3)(a) of Article 77681  
XV, Ohio Constitution; 77682

(2) Thirty-four per cent to the gross casino revenue county 77683  
student fund to make payments as required by Section 6(C)(3)(b) of 77684  
Article XV, Ohio Constitution; 77685

(3) Five per cent to the gross casino revenue host city fund 77686  
for the benefit of the cities in which casino facilities are 77687  
located; 77688

(4) Three per cent to the Ohio state racing commission fund 77689  
to support the efforts and activities of the Ohio state racing 77690  
commission to promote horse racing in this state at which the 77691  
pari-mutuel system of wagering is conducted; 77692

(5) Two per cent to the Ohio law enforcement training fund to 77693  
support law enforcement functions in the state; 77694

(6) Two per cent to the problem casino gambling and 77695  
addictions fund to support efforts of the department of alcohol 77696  
and drug addiction services to alleviate problem gambling and 77697  
substance abuse and related research in the state under section 77698  
3793.032 of the Revised Code; 77699

(7) Three per cent to the casino control commission fund to 77700  
support the operations of the Ohio casino control commission and 77701  
to defray the cost of administering the tax levied under section 77702  
5753.02 of the Revised Code. 77703

Payments under divisions (D)(1), (2), and (3) of this section 77704  
shall be made by the end of the month following the end of the 77705  
quarterly period. The tax commissioner shall make the data 77706



available to the director of budget and management for this 77707  
purpose. 77708

Of the money credited to the Ohio law enforcement training 77709  
fund, the director of budget and management shall distribute 77710  
eighty-five per cent of the money to the police officer training 77711  
academy fund for the purpose of supporting the law enforcement 77712  
training efforts of the Ohio peace officer training academy and 77713  
fifteen per cent of the money to the criminal justice services 77714  
casino tax revenue fund for the purpose of supporting the law 77715  
enforcement training efforts of the division of criminal justice 77716  
services. 77717

(E) The director of budget and management shall transfer one 77718  
per cent of the money credited to the casino control commission 77719  
fund to the casino tax administration fund. The tax commissioner 77720  
shall use the casino tax administration fund to defray the costs 77721  
incurred in administering the tax levied by this chapter. 77722

**Sec. 5902.02.** The duties of the director of veterans services 77723  
shall include the following: 77724

(A) Furnishing the veterans service commissions of all 77725  
counties of the state copies of the state laws, rules, and 77726  
legislation relating to the operation of the commissions and their 77727  
offices; 77728

(B) Upon application, assisting the general public in 77729  
obtaining records of vital statistics pertaining to veterans or 77730  
their dependents; 77731

(C) Adopting rules pursuant to Chapter 119. of the Revised 77732  
Code pertaining to minimum qualifications for hiring, certifying, 77733  
and accrediting county veterans service officers, pertaining to 77734  
their required duties, and pertaining to revocation of the 77735  
certification of county veterans service officers; 77736

(D) Adopting rules pursuant to Chapter 119. of the Revised Code for the education, training, certification, and duties of veterans service commissioners and for the revocation of the certification of a veterans service commissioner; 77737  
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(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas; 77741  
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(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly; 77744  
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(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the veterans' homes operated under Chapter 5907. of the Revised Code and the director of job and family services, to address homelessness, indigency, employment, and other veteran-related issues; 77748  
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(H) Establishing and providing statistical reporting formats and procedures for county veterans service commissions; 77754  
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(I) Publishing ~~annually, promulgating change notices for, and distributing~~ electronically a listing of county veterans service ~~officers, offices and~~ county veterans service commissioners, ~~state directors of veterans affairs, and national and state service officers of accredited veterans organizations and their state headquarters~~. The listing shall include the expiration dates of commission members' terms of office and the organizations they represent; the names, addresses, and telephone numbers of county veterans service ~~officers and state directors of veterans affairs~~ offices; and the addresses and telephone numbers of the Ohio offices and headquarters of state and national veterans service organizations. 77756  
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(J) Establishing a veterans advisory committee to advise and 77768  
assist the department of veterans services in its duties. Members 77769  
shall include a member of the national guard association of the 77770  
United States who is a resident of this state, a member of the 77771  
military officers association of America who is a resident of this 77772  
state, a state representative of congressionally chartered 77773  
veterans organizations referred to in section 5901.02 of the 77774  
Revised Code, a representative of any other congressionally 77775  
chartered state veterans organization that has at least one 77776  
veterans service commissioner in the state, three representatives 77777  
of the Ohio state association of county veterans service 77778  
commissioners, who shall have a combined vote of one, three 77779  
representatives of the state association of county veterans 77780  
service officers, who shall have a combined vote of one, one 77781  
representative of the county commissioners association of Ohio, 77782  
who shall be a county commissioner not from the same county as any 77783  
of the other county representatives, a representative of the 77784  
advisory committee on women veterans, a representative of a labor 77785  
organization, and a representative of the office of the attorney 77786  
general. The department of veterans services shall submit to the 77787  
advisory committee proposed rules for the committee's operation. 77788  
The committee may review and revise these proposed rules prior to 77789  
submitting them to the joint committee on agency rule review. 77790

(K) Adopting, with the advice and assistance of the veterans 77791  
advisory committee, policy and procedural guidelines that the 77792  
veterans service commissions shall adhere to in the development 77793  
and implementation of rules, policies, procedures, and guidelines 77794  
for the administration of Chapter 5901. of the Revised Code. The 77795  
department of veterans services shall adopt no guidelines or rules 77796  
regulating the purposes, scope, duration, or amounts of financial 77797  
assistance provided to applicants pursuant to sections 5901.01 to 77798  
5901.15 of the Revised Code. The director of veterans services may 77799  
obtain opinions from the office of the attorney general regarding 77800

rules, policies, procedures, and guidelines of the veterans 77801  
service commissions and may enforce compliance with Chapter 5901. 77802  
of the Revised Code. 77803

(L) Receiving copies of form DD214 filed in accordance with 77804  
the director's guidelines adopted under division (L) of this 77805  
section from members of veterans service commissions appointed 77806  
under section 5901.02 and from county veterans service officers 77807  
employed under section 5901.07 of the Revised Code; 77808

(M) Developing and maintaining and improving a resource, such 77809  
as a telephone answering point or a web site, by means of which 77810  
veterans and their dependents, through a single portal, can access 77811  
multiple sources of information and interaction with regard to the 77812  
rights of, and the benefits available to, veterans and their 77813  
dependents. The director of veterans services may enter into 77814  
agreements with state and federal agencies, with agencies of 77815  
political subdivisions, with state and local instrumentalities, 77816  
and with private entities as necessary to make the resource as 77817  
complete as is possible. 77818

(N) Planning, organizing, advertising, and conducting 77819  
outreach efforts, such as conferences and fairs, at which veterans 77820  
and their dependents may meet, learn about the organization and 77821  
operation of the department of veterans services and of veterans 77822  
service commissions, and obtain information about the rights of, 77823  
and the benefits and services available to, veterans and their 77824  
dependents; 77825

(O) Advertising, in print, on radio and television, and 77826  
otherwise, the rights of, and the benefits and services available 77827  
to, veterans and their dependents; 77828

(P) Developing and advocating improved benefits and services 77829  
for, and improved delivery of benefits and services to, veterans 77830  
and their dependents; 77831

(Q) Searching for, identifying, and reviewing statutory and administrative policies that relate to veterans and their dependents and reporting to the general assembly statutory and administrative policies that should be consolidated in whole or in part within the organization of the department of veterans services to unify funding, delivery, and accounting of statutory and administrative policy expressions that relate particularly to veterans and their dependents;

(R) Encouraging veterans service commissions to innovate and otherwise to improve efficiency in delivering benefits and services to veterans and their dependents and to report successful innovations and efficiencies to the director of veterans services;

(S) Publishing and encouraging adoption of successful innovations and efficiencies veterans service commissions have achieved in delivering benefits and services to veterans and their dependents;

(T) Establishing advisory committees, in addition to the veterans advisory committee established under division (K) of this section, on veterans issues;

(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled;

(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations;

(W) Requiring the several veterans organizations that receive funding from the state annually to report to the director of

veterans services and prescribing the form and content of the 77863  
report; 77864

(X) Investigating complaints against county veterans services 77865  
commissioners and county veterans service officers if the director 77866  
reasonably believes the investigation to be appropriate and 77867  
necessary; 77868

(Y) Taking any other actions required by this chapter. 77869

**Sec. 6109.21.** (A) Except as provided in divisions ~~(D)~~(I) and 77870  
~~(E)~~(J) of this section, ~~on and after January 1, 1994,~~ no person 77871  
shall operate ~~or maintain~~ a public water system in this state 77872  
without a license issued by the director of environmental 77873  
protection. ~~A person who operates or maintains a public water~~ 77874  
~~system on January 1, 1994, shall obtain an initial license under~~ 77875  
~~this section in accordance with the following schedule:~~ 77876

~~(1) If the public water system is a community water system,~~ 77877  
~~not later than January 31, 1994;~~ 77878

~~(2) If the public water system is not a community water~~ 77879  
~~system and serves a nontransient population, not later than~~ 77880  
~~January 31, 1994;~~ 77881

~~(3) If the public water system is not a community water~~ 77882  
~~system and serves a transient population, not later than January~~ 77883  
~~31, 1995.~~ 77884

~~A person proposing to operate or maintain a new public water~~ 77885  
~~system after January 1, 1994, in addition to complying with~~ 77886  
~~section 6109.07 of the Revised Code and rules adopted under it,~~ 77887  
~~shall submit an application for an initial license under this~~ 77888  
~~section to the director prior to commencing operation of the~~ 77889  
~~system.~~ 77890

~~A license or license renewal issued under this section shall~~ 77891  
~~be renewed annually. Such a license or license renewal shall~~ 77892

~~expire on the thirtieth day of January in the year following its~~ 77893  
~~issuance. A license holder that proposes to continue operating the~~ 77894  
~~public water system for which the license or license renewal was~~ 77895  
~~issued shall apply for a license renewal at least thirty days~~ 77896  
~~prior to that expiration date.~~ 77897

~~The director shall adopt, and may amend and rescind, rules in~~ 77898  
~~accordance with Chapter 119. of the Revised Code establishing~~ 77899  
~~procedures governing and information to be included on~~ 77900  
~~applications for licenses and license renewals under this section.~~ 77901  
Through (B)(1) A person who proposes to operate a new public water 77902  
system, in addition to complying with section 6109.07 of the 77903  
Revised Code and rules adopted under it, shall obtain an initial 77904  
license from the director. The person shall submit an application 77905  
for the initial license at least forty-five days prior to 77906  
commencing the operation of the system. 77907

(C) A license shall expire on the thirtieth day of January in 77908  
the year following its issuance. 77909

(D) A license shall be renewed annually. A person proposing 77910  
to continue operating a public water system shall apply for a 77911  
license renewal at least thirty days prior to the expiration date 77912  
of the license. 77913

(E) Through June 30, 2014, each application for a license or 77914  
license renewal shall be accompanied by the appropriate fee 77915  
established under division (M) of section 3745.11 of the Revised 77916  
Code, ~~provided that. However,~~ an applicant for an initial license 77917  
who is proposing to operate ~~or maintain~~ a new public water system 77918  
~~after January 1, 1994,~~ shall submit a fee that equals a prorated 77919  
amount of the appropriate fee established under that division for 77920  
the remainder of the licensing year. 77921

~~(B)(F)~~ (F) Not later than thirty days after receiving a completed 77922  
application and the appropriate license fee for ~~an initial a~~ 77923

~~license under division (A) of this section, the director shall~~ 77924  
~~issue the or license renewal for the a public water system. Not~~ 77925  
~~later than thirty days after receiving a completed application and~~ 77926  
~~the appropriate license fee for a license renewal under division~~ 77927  
~~(A) of this section, the director shall do one of the following:~~ 77928

(1) Issue the license or license renewal for the public water 77929  
system; 77930

(2) Issue the license or license renewal subject to terms and 77931  
conditions that the director determines are necessary to ensure 77932  
compliance with this chapter and rules adopted under it; 77933

(3) Deny the license or license renewal if the director finds 77934  
that the public water system ~~was not~~ cannot be operated in 77935  
substantial compliance with this chapter and rules adopted under 77936  
it. 77937

~~(C)(G)~~ The director may condition, suspend, or revoke a 77938  
license or license renewal issued under this section at any time 77939  
if the director finds that the public water system was not or will 77940  
not be operated in substantial compliance with this chapter and 77941  
rules adopted under it. ~~The director shall adopt, and may amend~~ 77942  
~~and rescind, rules in accordance with Chapter 119. of the Revised~~ 77943  
~~Code governing such suspensions and revocations.~~ 77944

~~(D)(H)~~ The director shall adopt rules in accordance with 77945  
Chapter 119. of the Revised Code establishing procedures and 77946  
requirements governing both of the following: 77947

(1) Information to be included on applications for licenses 77948  
and license renewals issued under this section; 77949

(2) The issuance, conditioning, suspension, revocation, and 77950  
denial of licenses and license renewals under this section. 77951

(I)(1) As used in division ~~(D)~~(I) of this section, "church" 77952  
means a fellowship of believers, congregation, society, 77953



corporation, convention, or association that is formed primarily 77954  
or exclusively for religious purposes and that is not formed or 77955  
operated for the private profit of any person. 77956

(2) This section does not apply to a church that operates or 77957  
maintains a public water system solely to provide water for that 77958  
church or for a campground that is owned by the church and 77959  
operated primarily or exclusively for members of the church and 77960  
their families. ~~A church that, on or before March 5, 1996, has~~ 77961  
~~obtained a license under this section for such a public water~~ 77962  
~~system need not obtain a license renewal under this section.~~ 77963

~~(E)~~(J) This section does not apply to any public or nonpublic 77964  
school that meets minimum standards of the state board of 77965  
education that operates or maintains a public water system solely 77966  
to provide water for that school. 77967

~~(F)~~(K) The environmental protection agency shall collect well 77968  
log filing fees on behalf of the division of soil and water 77969  
resources in the department of natural resources in accordance 77970  
with section 1521.05 of the Revised Code and rules adopted under 77971  
it. The fees shall be submitted to the division quarterly as 77972  
provided in those rules. 77973

**Sec. 6111.46.** (A) The environmental protection agency shall 77974  
exercise general supervision of the treatment and disposal of 77975  
sewage and industrial wastes and the operation and maintenance of 77976  
works or means installed for the collection, treatment, and 77977  
disposal of sewage and industrial wastes. Such general supervision 77978  
shall apply to all features of construction, operation, and 77979  
maintenance of the works or means that do or may affect the proper 77980  
treatment and disposal of sewage and industrial wastes. 77981

(B)(1) The agency shall investigate the works or means 77982  
employed in the collection, treatment, and disposal of sewage and 77983  
industrial wastes whenever considered necessary or whenever 77984

requested to do so by local health officials and may issue and 77985  
enforce orders and shall adopt rules governing the operation and 77986  
maintenance of the works or means of treatment and disposal of 77987  
such sewage and industrial wastes. In adopting rules under this 77988  
section, the agency shall establish standards governing the 77989  
construction, operation, and maintenance of the works or means of 77990  
collection, treatment, and disposal of sewage that is generated at 77991  
recreational vehicle parks, recreation camps, combined park-camps, 77992  
and temporary park-camps that are separate from such standards 77993  
relative to manufactured home parks. 77994

(2) As used in division (B)(1) of this section: 77995

(a) "Manufactured home parks" has the same meaning as in 77996  
section ~~3733.01~~ 4781.01 of the Revised Code. 77997

(b) "Recreational vehicle parks," "recreation camps," 77998  
"combined park-camps," and "temporary park-camps" have the same 77999  
meanings as in section 3729.01 of the Revised Code. 78000

(C) The agency may require the submission of records and data 78001  
of construction, operation, and maintenance, including plans and 78002  
descriptions of existing works or means of treatment and disposal 78003  
of such sewage and industrial wastes. When the agency requires the 78004  
submission of such records or information, the public officials or 78005  
person, firm, or corporation having the works in charge shall 78006  
comply promptly with that order. 78007

**Sec. 6115.20.** (A) When it is determined to let the work 78008  
relating to the improvements for which a sanitary district was 78009  
established by contract, contracts in amounts to exceed ~~ten~~ fifty 78010  
thousand dollars shall be advertised after notice calling for bids 78011  
has been published once a week for five consecutive weeks 78012  
completed on the date of last publication or as provided in 78013  
section 7.16 of the Revised Code, in a newspaper of general 78014  
circulation within the sanitary district where the work is to be 78015

done. The board of directors of the sanitary district shall let 78016  
bids as provided in this section or, if applicable, section 9.312 78017  
of the Revised Code. If the bids are for a contract for the 78018  
construction, demolition, alteration, repair, or reconstruction of 78019  
an improvement, the board of directors of the sanitary district 78020  
shall let the contract to the lowest or best bidder who meets the 78021  
requirements of section 153.54 of the Revised Code. If the bids 78022  
are for a contract for any other work relating to the improvements 78023  
for which a sanitary district was established, the board of 78024  
directors of the sanitary district shall let the contract to the 78025  
lowest or best bidder who gives a good and approved bond, with 78026  
ample security, conditioned on the carrying out of the contract 78027  
and the payment for all labor and material. The contract shall be 78028  
in writing and shall be accompanied by or shall refer to plans and 78029  
specifications for the work to be done prepared by the chief 78030  
engineer. The plans and specifications at all times shall be made 78031  
and considered a part of the contract. The contract shall be 78032  
approved by the board and signed by the president of the board and 78033  
by the contractor and shall be executed in duplicate. In case of 78034  
emergency the advertising of contracts may be waived upon the 78035  
consent of the board with the approval of the court or judge in 78036  
vacation. 78037

(B) In the case of a sanitary district organized wholly for 78038  
the purpose of providing a water supply for domestic, municipal, 78039  
and public use that includes two municipal corporations in two 78040  
counties, any service to be purchased, including the services of 78041  
an accountant, architect, attorney at law, physician, or 78042  
professional engineer, at a cost in excess of ~~ten~~ fifty thousand 78043  
dollars shall be obtained in the manner provided in sections 78044  
153.65 to 153.73 of the Revised Code. For the purposes of the 78045  
application of those sections to division (B) of this section, all 78046  
of the following apply: 78047

(1) "Public authority," as used in those sections, shall be 78048  
deemed to mean a sanitary district organized wholly for the 78049  
purpose of providing a water supply for domestic, municipal, and 78050  
public use that includes two municipal corporations in two 78051  
counties; 78052

(2) "Professional design firm," as used in those sections, 78053  
shall be deemed to mean any person legally engaged in rendering 78054  
professional design services as defined in division (B)(3) of this 78055  
section; 78056

(3) "Professional design services," as used in those 78057  
sections, shall be deemed to mean accounting, architectural, 78058  
legal, medical, or professional engineering services; 78059

(4) The use of other terms in those sections shall be adapted 78060  
accordingly, including, without limitation, for the purposes of 78061  
division (D) of section 153.67 of the Revised Code; 78062

(5) Divisions (A) to (C) of section 153.71 of the Revised 78063  
Code do not apply. 78064

(C) The board of directors of a district organized wholly for 78065  
the purpose of providing a water supply for domestic, municipal, 78066  
and public use may contract for, purchase, or otherwise procure 78067  
for the benefit of employees of the district and pay all or any 78068  
part of the cost of group insurance policies that may provide 78069  
benefits, including, but not limited to, hospitalization, surgical 78070  
care, major medical care, disability, dental care, vision care, 78071  
medical care, hearing aids, or prescription drugs. Any group 78072  
insurance policy purchased under this division shall be purchased 78073  
from the health care corporation that the board of directors 78074  
determines offers the most cost-effective group insurance policy. 78075

**Section 101.02.** That existing sections 7.10, 7.16, 102.02, 78076  
105.41, 109.57, 109.572, 109.803, 118.023, 118.06, 120.08, 120.53, 78077

121.04, 121.08, 121.083, 121.084, 122.07, 121.22, 122.15, 122.151, 78078  
122.152, 122.153, 122.154, 122.17, 122.171, 122.28, 122.30, 78079  
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150.03, 150.05, 150.07, 150.10, 152.18, 152.24, 153.01, 153.011, 78087  
153.013, 153.02, 153.04, 153.06, 153.07, 153.08, 153.09, 153.11, 78088  
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173.14, 173.21, 173.23, 173.26, 173.27, 173.391, 173.394, 173.40, 78090  
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185.06, 185.07, 185.09, 185.12, 305.171, 306.04, 306.36, 307.05, 78092  
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1923.01, 1923.02, 1923.061, 1923.15, 2151.86, 2152.121, 2152.22, 78105  
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5751.012, 5751.03, 5751.033, 5751.04, 5751.05, 5751.051, 5751.08, 78206  
5751.12, 5751.20, 5751.22, 5751.98, 5753.03, 5902.02, 6109.21, 78207  
6111.46, and 6115.20 of the Revised Code are hereby repealed. 78208

**Section 105.011.** That sections 109.802, 122.29, 131.44, 78209  
185.04, 185.08, 185.10, 185.11, 340.05, 2301.19, 2909.32, 2909.33, 78210  
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5123.083, 5123.192, 5126.0222, 5126.252, 5126.26, 5126.27, 78229  
5126.28, 5126.281, 5126.29, 5501.09, and 5751.032 of the Revised 78230  
Code are hereby repealed. 78231

**Section 105.10.** That the version of section 131.44 of the 78232  
Revised Code scheduled to take effect June 1, 2013, is hereby 78233  
repealed. 78234

It is the intent of this section to prevent the amendment of 78235

section 131.44 of the Revised Code that was to have taken effect 78236  
June 1, 2013, from taking effect. The combined effect of this 78237  
action and complementary amendment made to existing section 131.44 78238  
of the Revised Code by Section 101.01 of this act is not 78239  
substantive. 78240

**Section 110.10.** That the version of section 5122.31 of the 78241  
Revised Code that is scheduled to take effect on October 1, 2012, 78242  
be amended to read as follows: 78243

**Sec. 5122.31.** (A) All certificates, applications, records, 78244  
and reports made for the purpose of this chapter and sections 78245  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 78246  
Code, other than court journal entries or court docket entries, 78247  
and directly or indirectly identifying a patient or former patient 78248  
or person whose hospitalization has been sought under this 78249  
chapter, shall be kept confidential and shall not be disclosed by 78250  
any person except: 78251

(1) If the person identified, or the person's legal guardian, 78252  
if any, or if the person is a minor, the person's parent or legal 78253  
guardian, consents, and if the disclosure is in the best interests 78254  
of the person, as may be determined by the court for judicial 78255  
records and by the chief clinical officer for medical records; 78256

(2) When disclosure is provided for in this chapter or 78257  
section 5123.601 of the Revised Code; 78258

(3) That hospitals, boards of alcohol, drug addiction, and 78259  
mental health services, and community mental health agencies may 78260  
release necessary medical information to insurers and other 78261  
third-party payers, including government entities responsible for 78262  
processing and authorizing payment, to obtain payment for goods 78263  
and services furnished to the patient; 78264

(4) Pursuant to a court order signed by a judge; 78265

(5) That a patient shall be granted access to the patient's own psychiatric and medical records, unless access specifically is restricted in a patient's treatment plan for clear treatment reasons;

(6) That hospitals and other institutions and facilities within the department of mental health may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, and with community mental health agencies and boards of alcohol, drug addiction, and mental health services with which the department has a current agreement for patient care or services. Records and information that may be released pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment in the hospital, summary of treatment needs, and a discharge summary, if any.

(7) That hospitals within the department, other institutions and facilities within the department, hospitals licensed by the department under section 5119.20 of the Revised Code, and community mental health agencies may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate continuity of care for a patient;

(8) That a patient's family member who is involved in the provision, planning, and monitoring of services to the patient may receive medication information, a summary of the patient's diagnosis and prognosis, and a list of the services and personnel available to assist the patient and the patient's family, if the patient's treating physician determines that the disclosure would be in the best interests of the patient. No such disclosure shall be made unless the patient is notified first and receives the information and does not object to the disclosure.

(9) That community mental health agencies may exchange

psychiatric records and certain other information with the board 78298  
of alcohol, drug addiction, and mental health services and other 78299  
agencies in order to provide services to a person involuntarily 78300  
committed to a board. Release of records under this division shall 78301  
be limited to medication history, physical health status and 78302  
history, financial status, summary of course of treatment, summary 78303  
of treatment needs, and discharge summary, if any. 78304

(10) That information may be disclosed to the executor or the 78305  
administrator of an estate of a deceased patient when the 78306  
information is necessary to administer the estate; 78307

(11) That records in the possession of the Ohio historical 78308  
society may be released to the closest living relative of a 78309  
deceased patient upon request of that relative; 78310

(12) That information may be disclosed to staff members of 78311  
the appropriate board or to staff members designated by the 78312  
director of mental health for the purpose of evaluating the 78313  
quality, effectiveness, and efficiency of services and determining 78314  
if the services meet minimum standards. Information obtained 78315  
during such evaluations shall not be retained with the name of any 78316  
patient. 78317

(13) That records pertaining to the patient's diagnosis, 78318  
course of treatment, treatment needs, and prognosis shall be 78319  
disclosed and released to the appropriate prosecuting attorney if 78320  
the patient was committed pursuant to section 2945.38, 2945.39, 78321  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 78322  
attorney designated by the board for proceedings pursuant to 78323  
involuntary commitment under this chapter. 78324

(14) That the department of mental health may exchange 78325  
psychiatric hospitalization records, other mental health treatment 78326  
records, and other pertinent information with the department of 78327  
rehabilitation and correction to ensure continuity of care for 78328

inmates who are receiving mental health services in an institution 78329  
of the department of rehabilitation and correction. The department 78330  
shall not disclose those records unless the inmate is notified, 78331  
receives the information, and does not object to the disclosure. 78332  
The release of records under this division is limited to records 78333  
regarding an inmate's medication history, physical health status 78334  
and history, summary of course of treatment, summary of treatment 78335  
needs, and a discharge summary, if any. 78336

(15) That a community mental health agency that ceases to 78337  
operate may transfer to either a community mental health agency 78338  
that assumes its caseload or to the board of alcohol, drug 78339  
addiction, and mental health services of the service district in 78340  
which the patient resided at the time services were most recently 78341  
provided any treatment records that have not been transferred 78342  
elsewhere at the patient's request. 78343

(B) Before records are disclosed pursuant to divisions 78344  
(A)(3), (6), ~~(7)~~, and (9) of this section, the custodian of the 78345  
records shall attempt to obtain the patient's consent for the 78346  
disclosure. No person shall reveal the contents of a medical 78347  
record of a patient except as authorized by law. 78348

(C) The managing officer of a hospital who releases necessary 78349  
medical information under division (A)(3) of this section to allow 78350  
an insurance carrier or other third party payor to comply with 78351  
section 5121.43 of the Revised Code shall neither be subject to 78352  
criminal nor civil liability. 78353

**Section 110.11.** That the existing version of section 5122.31 78354  
of the Revised Code that is scheduled to take effect on October 1, 78355  
2012, is hereby repealed. 78356

**Section 110.12.** Sections 110.10 and 110.11 of this act take 78357  
effect October 1, 2012. 78358

**Section 110.20.** That the version of section 5123.19 of the Revised Code that is scheduled to take effect on October 1, 2012, be amended to read as follows:

**Sec. 5123.19.** (A) As used in ~~this section and in~~ sections 5123.191, 5123.194, 5123.196, 5123.197, 5123.198, and 5123.19 to 5123.20 of the Revised Code:

~~(1)(a) "Residential facility" means a home or facility in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under section 5126.05 of the Revised Code, a county home or district home operated pursuant to Chapter 5155. of the Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.~~

~~(b) "Intermediate care facility for the mentally retarded" means a residential facility that is considered an intermediate care facility for the mentally retarded for the purposes of Chapter 5111. of the Revised Code.~~

~~(2) "Political subdivision" means a municipal corporation, county, or township.~~

~~(3) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.~~

(4)(2) "Intermediate care facility for the mentally retarded" has the same meaning as in section 1905(d) of the "Social Security Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended. 78389  
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(3) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section. 78392  
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(4) "Political subdivision" means a municipal corporation, county, or township. 78395  
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(5) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living. 78397  
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(6)(a) Except as provided in division (A)(6)(b) of this section, "residential facility" means a home or facility, including a facility certified as an intermediate care facility for the mentally retarded, in which an individual with mental retardation or a developmental disability resides. 78403  
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(b) "Residential facility" does not mean any of the following: 78408  
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(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides; 78410  
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(ii) A respite care home certified under section 5126.05 of the Revised Code; 78413  
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(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code; 78415  
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(iv) A dwelling in which the only residents with mental retardation or developmental disabilities are in independent 78417  
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living arrangements or are being provided supported living. 78419

(B) Every person or government agency desiring to operate a 78420  
residential facility shall apply for licensure of the facility to 78421  
the director of developmental disabilities unless the residential 78422  
facility is subject to section 3721.02, ~~5119.73~~, 5103.03, ~~or~~ 78423  
5119.20, or division (A)(9)(b) of section 5119.22 of the Revised 78424  
Code. ~~Notwithstanding Chapter 3721. of the Revised Code, a nursing~~ 78425  
~~home that is certified as an intermediate care facility for the~~ 78426  
~~mentally retarded under Title XIX of the "Social Security Act," 79~~ 78427  
~~Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for~~ 78428  
~~licensure of the portion of the home that is certified as an~~ 78429  
~~intermediate care facility for the mentally retarded.~~ 78430

(C) Subject to section 5123.196 of the Revised Code, the 78431  
director of developmental disabilities shall license the operation 78432  
of residential facilities. An initial license shall be issued for 78433  
a period that does not exceed one year, unless the director denies 78434  
the license under division (D) of this section. A license shall be 78435  
renewed for a period that does not exceed three years, unless the 78436  
director refuses to renew the license under division (D) of this 78437  
section. The director, when issuing or renewing a license, shall 78438  
specify the period for which the license is being issued or 78439  
renewed. A license remains valid for the length of the licensing 78440  
period specified by the director, unless the license is 78441  
terminated, revoked, or voluntarily surrendered. 78442

(D) If it is determined that an applicant or licensee is not 78443  
in compliance with a provision of this chapter that applies to 78444  
residential facilities or the rules adopted under such a 78445  
provision, the director may deny issuance of a license, refuse to 78446  
renew a license, terminate a license, revoke a license, issue an 78447  
order for the suspension of admissions to a facility, issue an 78448  
order for the placement of a monitor at a facility, issue an order 78449  
for the immediate removal of residents, or take any other action 78450



the director considers necessary consistent with the director's 78451  
authority under this chapter regarding residential facilities. In 78452  
the director's selection and administration of the sanction to be 78453  
imposed, all of the following apply: 78454

(1) The director may deny, refuse to renew, or revoke a 78455  
license, if the director determines that the applicant or licensee 78456  
has demonstrated a pattern of serious noncompliance or that a 78457  
violation creates a substantial risk to the health and safety of 78458  
residents of a residential facility. 78459

(2) The director may terminate a license if more than twelve 78460  
consecutive months have elapsed since the residential facility was 78461  
last occupied by a resident or a notice required by division (K) 78462  
of this section is not given. 78463

(3) The director may issue an order for the suspension of 78464  
admissions to a facility for any violation that may result in 78465  
sanctions under division (D)(1) of this section and for any other 78466  
violation specified in rules adopted under division (H)(2) of this 78467  
section. If the suspension of admissions is imposed for a 78468  
violation that may result in sanctions under division (D)(1) of 78469  
this section, the director may impose the suspension before 78470  
providing an opportunity for an adjudication under Chapter 119. of 78471  
the Revised Code. The director shall lift an order for the 78472  
suspension of admissions when the director determines that the 78473  
violation that formed the basis for the order has been corrected. 78474

(4) The director may order the placement of a monitor at a 78475  
residential facility for any violation specified in rules adopted 78476  
under division (H)(2) of this section. The director shall lift the 78477  
order when the director determines that the violation that formed 78478  
the basis for the order has been corrected. 78479

(5) If the director determines that two or more residential 78480  
facilities owned or operated by the same person or government 78481

entity are not being operated in compliance with a provision of 78482  
this chapter that applies to residential facilities or the rules 78483  
adopted under such a provision, and the director's findings are 78484  
based on the same or a substantially similar action, practice, 78485  
circumstance, or incident that creates a substantial risk to the 78486  
health and safety of the residents, the director shall conduct a 78487  
survey as soon as practicable at each residential facility owned 78488  
or operated by that person or government entity. The director may 78489  
take any action authorized by this section with respect to any 78490  
facility found to be operating in violation of a provision of this 78491  
chapter that applies to residential facilities or the rules 78492  
adopted under such a provision. 78493

(6) When the director initiates license revocation 78494  
proceedings, no opportunity for submitting a plan of correction 78495  
shall be given. The director shall notify the licensee by letter 78496  
of the initiation of the proceedings. The letter shall list the 78497  
deficiencies of the residential facility and inform the licensee 78498  
that no plan of correction will be accepted. The director shall 78499  
also send a copy of the letter to the county board of 78500  
developmental disabilities. The county board shall send a copy of 78501  
the letter to each of the following: 78502

(a) Each resident who receives services from the licensee; 78503

(b) The guardian of each resident who receives services from 78504  
the licensee if the resident has a guardian; 78505

(c) The parent or guardian of each resident who receives 78506  
services from the licensee if the resident is a minor. 78507

(7) Pursuant to rules which shall be adopted in accordance 78508  
with Chapter 119. of the Revised Code, the director may order the 78509  
immediate removal of residents from a residential facility 78510  
whenever conditions at the facility present an immediate danger of 78511  
physical or psychological harm to the residents. 78512

(8) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies. 78513  
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(9) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing. 78521  
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(E) The director shall establish a program under which public notification may be made when the director has initiated license revocation proceedings or has issued an order for the suspension of admissions, placement of a monitor, or removal of residents. The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this division. The rules shall establish the procedures by which the public notification will be made and specify the circumstances for which the notification must be made. The rules shall require that public notification be made if the director has taken action against the facility in the eighteen-month period immediately preceding the director's latest action against the facility and the latest action is being taken for the same or a substantially similar violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision. The rules shall specify a method for removing or amending the public notification if the director's action is found to have been unjustified or the violation at the residential facility has been corrected. 78526  
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(F)(1) Except as provided in division (F)(2) of this section, 78544

appeals from proceedings initiated to impose a sanction under 78545  
division (D) of this section shall be conducted in accordance with 78546  
Chapter 119. of the Revised Code. 78547

(2) Appeals from proceedings initiated to order the 78548  
suspension of admissions to a facility shall be conducted in 78549  
accordance with Chapter 119. of the Revised Code, unless the order 78550  
was issued before providing an opportunity for an adjudication, in 78551  
which case all of the following apply: 78552

(a) The licensee may request a hearing not later than ten 78553  
days after receiving the notice specified in section 119.07 of the 78554  
Revised Code. 78555

(b) If a timely request for a hearing that includes the 78556  
licensee's current address is made, the hearing shall commence not 78557  
later than thirty days after the department receives the request. 78558

(c) After commencing, the hearing shall continue 78559  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 78560  
unless other interruptions are agreed to by the licensee and the 78561  
director. 78562

(d) If the hearing is conducted by a hearing examiner, the 78563  
hearing examiner shall file a report and recommendations not later 78564  
than ten days after the last of the following: 78565

(i) The close of the hearing; 78566

(ii) If a transcript of the proceedings is ordered, the 78567  
hearing examiner receives the transcript; 78568

(iii) If post-hearing briefs are timely filed, the hearing 78569  
examiner receives the briefs. 78570

(e) A copy of the written report and recommendation of the 78571  
hearing examiner shall be sent, by certified mail, to the licensee 78572  
and the licensee's attorney, if applicable, not later than five 78573  
days after the report is filed. 78574

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities, ~~including intermediate care facilities for the mentally retarded.~~ The rules for residential facilities that are intermediate care facilities for the mentally retarded may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

|                                                                                                                                                                                                                                                                                                                                                                                         |                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;                                                                                                                               | 78606<br>78607<br>78608<br>78609                   |
| (3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;                                                                                                                                                                                                                                      | 78610<br>78611<br>78612                            |
| (4) Procedures for surveying residential facilities;                                                                                                                                                                                                                                                                                                                                    | 78613                                              |
| (5) Requirements for the training of residential facility personnel;                                                                                                                                                                                                                                                                                                                    | 78614<br>78615                                     |
| (6) Classifications for the various types of residential facilities;                                                                                                                                                                                                                                                                                                                    | 78616<br>78617                                     |
| (7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;                                                                                                                                                           | 78618<br>78619<br>78620<br>78621                   |
| (8) The maximum number of persons who may be served in a particular type of residential facility;                                                                                                                                                                                                                                                                                       | 78622<br>78623                                     |
| (9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;                                                                                                                                                                                                                                                                 | 78624<br>78625                                     |
| (10) Other standards for the operation of residential facilities and the services provided at residential facilities;                                                                                                                                                                                                                                                                   | 78626<br>78627                                     |
| (11) Procedures for waiving any provision of any rule adopted under this section.                                                                                                                                                                                                                                                                                                       | 78628<br>78629                                     |
| (I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A | 78630<br>78631<br>78632<br>78633<br>78634<br>78635 |

survey includes but is not limited to an on-site examination and 78636  
evaluation of the residential facility, its personnel, and the 78637  
services provided there. 78638

In conducting surveys, the director or the director's 78639  
designee shall be given access to the residential facility; all 78640  
records, accounts, and any other documents related to the 78641  
operation of the facility; the licensee; the residents of the 78642  
facility; and all persons acting on behalf of, under the control 78643  
of, or in connection with the licensee. The licensee and all 78644  
persons on behalf of, under the control of, or in connection with 78645  
the licensee shall cooperate with the director or the director's 78646  
designee in conducting the survey. 78647

Following each survey, unless the director initiates a 78648  
license revocation proceeding, the director or the director's 78649  
designee shall provide the licensee with a report listing any 78650  
deficiencies, specifying a timetable within which the licensee 78651  
shall submit a plan of correction describing how the deficiencies 78652  
will be corrected, and, when appropriate, specifying a timetable 78653  
within which the licensee must correct the deficiencies. After a 78654  
plan of correction is submitted, the director or the director's 78655  
designee shall approve or disapprove the plan. A copy of the 78656  
report and any approved plan of correction shall be provided to 78657  
any person who requests it. 78658

The director shall initiate disciplinary action against any 78659  
department employee who notifies or causes the notification to any 78660  
unauthorized person of an unannounced survey of a residential 78661  
facility by an authorized representative of the department. 78662

(J) In addition to any other information which may be 78663  
required of applicants for a license pursuant to this section, the 78664  
director shall require each applicant to provide a copy of an 78665  
approved plan for a proposed residential facility pursuant to 78666  
section 5123.042 of the Revised Code. This division does not apply 78667

to renewal of a license or to an applicant for an initial or 78668  
modified license who meets the requirements of section ~~5123.193~~ or 78669  
5123.197 of the Revised Code. 78670

(K) A licensee shall notify the owner of the building in 78671  
which the licensee's residential facility is located of any 78672  
significant change in the identity of the licensee or management 78673  
contractor before the effective date of the change if the licensee 78674  
is not the owner of the building. 78675

Pursuant to rules which shall be adopted in accordance with 78676  
Chapter 119. of the Revised Code, the director may require 78677  
notification to the department of any significant change in the 78678  
ownership of a residential facility or in the identity of the 78679  
licensee or management contractor. If the director determines that 78680  
a significant change of ownership is proposed, the director shall 78681  
consider the proposed change to be an application for development 78682  
by a new operator pursuant to section 5123.042 of the Revised Code 78683  
and shall advise the applicant within sixty days of the 78684  
notification that the current license shall continue in effect or 78685  
a new license will be required pursuant to this section. If the 78686  
director requires a new license, the director shall permit the 78687  
facility to continue to operate under the current license until 78688  
the new license is issued, unless the current license is revoked, 78689  
refused to be renewed, or terminated in accordance with Chapter 78690  
119. of the Revised Code. 78691

(L) A county board of developmental disabilities and any 78692  
interested person may file complaints alleging violations of 78693  
statute or department rule relating to residential facilities with 78694  
the department. All complaints shall be in writing and shall state 78695  
the facts constituting the basis of the allegation. The department 78696  
shall not reveal the source of any complaint unless the 78697  
complainant agrees in writing to waive the right to 78698  
confidentiality or until so ordered by a court of competent 78699



jurisdiction. 78700

The department shall adopt rules in accordance with Chapter 78701  
119. of the Revised Code establishing procedures for the receipt, 78702  
referral, investigation, and disposition of complaints filed with 78703  
the department under this division. 78704

(M) The department shall establish procedures for the 78705  
notification of interested parties of the transfer or interim care 78706  
of residents from residential facilities that are closing or are 78707  
losing their license. 78708

(N) Before issuing a license under this section to a 78709  
residential facility that will accommodate at any time more than 78710  
one mentally retarded or developmentally disabled individual, the 78711  
director shall, by first class mail, notify the following: 78712

(1) If the facility will be located in a municipal 78713  
corporation, the clerk of the legislative authority of the 78714  
municipal corporation; 78715

(2) If the facility will be located in unincorporated 78716  
territory, the clerk of the appropriate board of county 78717  
commissioners and the fiscal officer of the appropriate board of 78718  
township trustees. 78719

The director shall not issue the license for ten days after 78720  
mailing the notice, excluding Saturdays, Sundays, and legal 78721  
holidays, in order to give the notified local officials time in 78722  
which to comment on the proposed issuance. 78723

Any legislative authority of a municipal corporation, board 78724  
of county commissioners, or board of township trustees that 78725  
receives notice under this division of the proposed issuance of a 78726  
license for a residential facility may comment on it in writing to 78727  
the director within ten days after the director mailed the notice, 78728  
excluding Saturdays, Sundays, and legal holidays. If the director 78729  
receives written comments from any notified officials within the 78730

specified time, the director shall make written findings 78731  
concerning the comments and the director's decision on the 78732  
issuance of the license. If the director does not receive written 78733  
comments from any notified local officials within the specified 78734  
time, the director shall continue the process for issuance of the 78735  
license. 78736

(O) Any person may operate a licensed residential facility 78737  
that provides room and board, personal care, habilitation 78738  
services, and supervision in a family setting for at least six but 78739  
not more than eight persons with mental retardation or a 78740  
developmental disability as a permitted use in any residential 78741  
district or zone, including any single-family residential district 78742  
or zone, of any political subdivision. These residential 78743  
facilities may be required to comply with area, height, yard, and 78744  
architectural compatibility requirements that are uniformly 78745  
imposed upon all single-family residences within the district or 78746  
zone. 78747

(P) Any person may operate a licensed residential facility 78748  
that provides room and board, personal care, habilitation 78749  
services, and supervision in a family setting for at least nine 78750  
but not more than sixteen persons with mental retardation or a 78751  
developmental disability as a permitted use in any multiple-family 78752  
residential district or zone of any political subdivision, except 78753  
that a political subdivision that has enacted a zoning ordinance 78754  
or resolution establishing planned unit development districts may 78755  
exclude these residential facilities from those districts, and a 78756  
political subdivision that has enacted a zoning ordinance or 78757  
resolution may regulate these residential facilities in 78758  
multiple-family residential districts or zones as a conditionally 78759  
permitted use or special exception, in either case, under 78760  
reasonable and specific standards and conditions set out in the 78761  
zoning ordinance or resolution to: 78762

(1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation;

(3) Limit excessive concentration of these residential facilities.

(Q) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.

(R) Divisions (O) and (P) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.

(S)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:

(a) The director determines that an emergency exists requiring immediate placement of persons in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.

(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility.

(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license.

(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred fifty days.

(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses.

(T) Notwithstanding rules adopted pursuant to this section establishing the maximum number of persons who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of persons being served by the facility on the effective date of the rules or the number of persons for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of developmental disabilities and which is in the review process prior to April 4, 1986.

(U) The director or the director's designee may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section.

The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the facility from continuing to operate without a license. The court may grant the injunction on a showing that the person or governmental agency named in the petition is operating a

residential facility without a license. The court may grant the 78824  
injunction, regardless of whether the residential facility meets 78825  
the requirements for receiving a license under this section. 78826

**Section 110.21.** That the existing version of section 5123.19 78827  
of the Revised Code that is scheduled to take effect on October 1, 78828  
2012, is hereby repealed. 78829

**Section 110.22.** Sections 110.20 and 110.21 of this act take 78830  
effect October 1, 2012. 78831

**Section 110.30.** That the version of section 5123.61 of the 78832  
Revised Code that is scheduled to take effect on October 1, 2012, 78833  
be amended to read as follows: 78834

**Sec. 5123.61.** (A) As used in this section: 78835

(1) "Law enforcement agency" means the state highway patrol, 78836  
the police department of a municipal corporation, or a county 78837  
sheriff. 78838

(2) "Abuse" has the same meaning as in section 5123.50 of the 78839  
Revised Code, except that it includes a misappropriation, as 78840  
defined in that section. 78841

(3) "Neglect" has the same meaning as in section 5123.50 of 78842  
the Revised Code. 78843

(B) The department of developmental disabilities shall 78844  
establish a registry office for the purpose of maintaining reports 78845  
of abuse, neglect, and other major unusual incidents made to the 78846  
department under this section and reports received from county 78847  
boards of developmental disabilities under section 5126.31 of the 78848  
Revised Code. The department shall establish committees to review 78849  
reports of abuse, neglect, and other major unusual incidents. 78850

(C)(1) Any person listed in division (C)(2) of this section, 78851

having reason to believe that a person with mental retardation or 78852  
a developmental disability has suffered or faces a substantial 78853  
risk of suffering any wound, injury, disability, or condition of 78854  
such a nature as to reasonably indicate abuse or neglect of that 78855  
person, shall immediately report or cause reports to be made of 78856  
such information to the entity specified in this division. Except 78857  
as provided in section 5120.173 of the Revised Code or as 78858  
otherwise provided in this division, the person making the report 78859  
shall make it to a law enforcement agency or to the county board 78860  
of developmental disabilities. If the report concerns a resident 78861  
of a facility operated by the department of developmental 78862  
disabilities the report shall be made either to a law enforcement 78863  
agency or to the department. If the report concerns any act or 78864  
omission of an employee of a county board of developmental 78865  
disabilities, the report immediately shall be made to the 78866  
department and to the county board. 78867

(2) All of the following persons are required to make a 78868  
report under division (C)(1) of this section: 78869

(a) Any physician, including a hospital intern or resident, 78870  
any dentist, podiatrist, chiropractor, practitioner of a limited 78871  
branch of medicine as specified in section 4731.15 of the Revised 78872  
Code, hospital administrator or employee of a hospital, nurse 78873  
licensed under Chapter 4723. of the Revised Code, employee of an 78874  
ambulatory health facility as defined in section 5101.61 of the 78875  
Revised Code, employee of a home health agency, employee of ~~an~~ 78876  
~~adult care a residential~~ facility licensed under ~~Chapter 3722.~~ 78877  
section 5119.22 of the Revised Code that provides accommodations, 78878  
supervision, and person care services for three to sixteen 78879  
unrelated adults, or employee of a community mental health 78880  
facility; 78881

(b) Any school teacher or school authority, social worker, 78882  
psychologist, attorney, peace officer, coroner, or residents' 78883

rights advocate as defined in section 3721.10 of the Revised Code; 78884

(c) A superintendent, board member, or employee of a county 78885  
board of developmental disabilities; an administrator, board 78886  
member, or employee of a residential facility licensed under 78887  
section 5123.19 of the Revised Code; an administrator, board 78888  
member, or employee of any other public or private provider of 78889  
services to a person with mental retardation or a developmental 78890  
disability, or any MR/DD employee, as defined in section 5123.50 78891  
of the Revised Code; 78892

(d) A member of a citizen's advisory council established at 78893  
an institution or branch institution of the department of 78894  
developmental disabilities under section 5123.092 of the Revised 78895  
Code; 78896

(e) A ~~clergyman~~ member of the clergy who is employed in a 78897  
position that includes providing specialized services to an 78898  
individual with mental retardation or another developmental 78899  
disability, while acting in an official or professional capacity 78900  
in that position, or a person who is employed in a position that 78901  
includes providing specialized services to an individual with 78902  
mental retardation or another developmental disability and who, 78903  
while acting in an official or professional capacity, renders 78904  
spiritual treatment through prayer in accordance with the tenets 78905  
of an organized religion. 78906

(3)(a) The reporting requirements of this division do not 78907  
apply to employees of the Ohio protection and advocacy system. 78908

(b) An attorney or physician is not required to make a report 78909  
pursuant to division (C)(1) of this section concerning any 78910  
communication the attorney or physician receives from a client or 78911  
patient in an attorney-client or physician-patient relationship, 78912  
if, in accordance with division (A) or (B) of section 2317.02 of 78913  
the Revised Code, the attorney or physician could not testify with 78914

respect to that communication in a civil or criminal proceeding, 78915  
except that the client or patient is deemed to have waived any 78916  
testimonial privilege under division (A) or (B) of section 2317.02 78917  
of the Revised Code with respect to that communication and the 78918  
attorney or physician shall make a report pursuant to division 78919  
(C)(1) of this section, if both of the following apply: 78920

(i) The client or patient, at the time of the communication, 78921  
is a person with mental retardation or a developmental disability. 78922

(ii) The attorney or physician knows or suspects, as a result 78923  
of the communication or any observations made during that 78924  
communication, that the client or patient has suffered or faces a 78925  
substantial risk of suffering any wound, injury, disability, or 78926  
condition of a nature that reasonably indicates abuse or neglect 78927  
of the client or patient. 78928

(4) Any person who fails to make a report required under 78929  
division (C) of this section and who is an MR/DD employee, as 78930  
defined in section 5123.50 of the Revised Code, shall be eligible 78931  
to be included in the registry regarding misappropriation, abuse, 78932  
neglect, or other specified misconduct by MR/DD employees 78933  
established under section 5123.52 of the Revised Code. 78934

(D) The reports required under division (C) of this section 78935  
shall be made forthwith by telephone or in person and shall be 78936  
followed by a written report. The reports shall contain the 78937  
following: 78938

(1) The names and addresses of the person with mental 78939  
retardation or a developmental disability and the person's 78940  
custodian, if known; 78941

(2) The age of the person with mental retardation or a 78942  
developmental disability; 78943

(3) Any other information that would assist in the 78944  
investigation of the report. 78945



(E) When a physician performing services as a member of the staff of a hospital or similar institution has reason to believe that a person with mental retardation or a developmental disability has suffered injury, abuse, or physical neglect, the physician shall notify the person in charge of the institution or that person's designated delegate, who shall make the necessary reports.

(F) Any person having reasonable cause to believe that a person with mental retardation or a developmental disability has suffered or faces a substantial risk of suffering abuse or neglect may report or cause a report to be made of that belief to the entity specified in this division. Except as provided in section 5120.173 of the Revised Code or as otherwise provided in this division, the person making the report shall make it to a law enforcement agency or the county board of developmental disabilities. If the person is a resident of a facility operated by the department of developmental disabilities, the report shall be made to a law enforcement agency or to the department. If the report concerns any act or omission of an employee of a county board of developmental disabilities, the report immediately shall be made to the department and to the county board.

(G)(1) Upon the receipt of a report concerning the possible abuse or neglect of a person with mental retardation or a developmental disability, the law enforcement agency shall inform the county board of developmental disabilities or, if the person is a resident of a facility operated by the department of developmental disabilities, the director of the department or the director's designee.

(2) On receipt of a report under this section that includes an allegation of action or inaction that may constitute a crime under federal law or the law of this state, the department of developmental disabilities shall notify the law enforcement

agency. 78978

(3) When a county board of developmental disabilities 78979  
receives a report under this section that includes an allegation 78980  
of action or inaction that may constitute a crime under federal 78981  
law or the law of this state, the superintendent of the board or 78982  
an individual the superintendent designates under division (H) of 78983  
this section shall notify the law enforcement agency. The 78984  
superintendent or individual shall notify the department of 78985  
developmental disabilities when it receives any report under this 78986  
section. 78987

(4) When a county board of developmental disabilities 78988  
receives a report under this section and believes that the degree 78989  
of risk to the person is such that the report is an emergency, the 78990  
superintendent of the board or an employee of the board the 78991  
superintendent designates shall attempt a face-to-face contact 78992  
with the person with mental retardation or a developmental 78993  
disability who allegedly is the victim within one hour of the 78994  
board's receipt of the report. 78995

(H) The superintendent of the board may designate an 78996  
individual to be responsible for notifying the law enforcement 78997  
agency and the department when the county board receives a report 78998  
under this section. 78999

(I) An adult with mental retardation or a developmental 79000  
disability about whom a report is made may be removed from the 79001  
adult's place of residence only by law enforcement officers who 79002  
consider that the adult's immediate removal is essential to 79003  
protect the adult from further injury or abuse or in accordance 79004  
with the order of a court made pursuant to section 5126.33 of the 79005  
Revised Code. 79006

(J) A law enforcement agency shall investigate each report of 79007  
abuse or neglect it receives under this section. In addition, the 79008

department, in cooperation with law enforcement officials, shall 79009  
investigate each report regarding a resident of a facility 79010  
operated by the department to determine the circumstances 79011  
surrounding the injury, the cause of the injury, and the person 79012  
responsible. The investigation shall be in accordance with the 79013  
memorandum of understanding prepared under section 5126.058 of the 79014  
Revised Code. The department shall determine, with the registry 79015  
office which shall be maintained by the department, whether prior 79016  
reports have been made concerning an adult with mental retardation 79017  
or a developmental disability or other principals in the case. If 79018  
the department finds that the report involves action or inaction 79019  
that may constitute a crime under federal law or the law of this 79020  
state, it shall submit a report of its investigation, in writing, 79021  
to the law enforcement agency. If the person with mental 79022  
retardation or a developmental disability is an adult, with the 79023  
consent of the adult, the department shall provide such protective 79024  
services as are necessary to protect the adult. The law 79025  
enforcement agency shall make a written report of its findings to 79026  
the department. 79027

If the person is an adult and is not a resident of a facility 79028  
operated by the department, the county board of developmental 79029  
disabilities shall review the report of abuse or neglect in 79030  
accordance with sections 5126.30 to 5126.33 of the Revised Code 79031  
and the law enforcement agency shall make the written report of 79032  
its findings to the county board. 79033

(K) Any person or any hospital, institution, school, health 79034  
department, or agency participating in the making of reports 79035  
pursuant to this section, any person participating as a witness in 79036  
an administrative or judicial proceeding resulting from the 79037  
reports, or any person or governmental entity that discharges 79038  
responsibilities under sections 5126.31 to 5126.33 of the Revised 79039  
Code shall be immune from any civil or criminal liability that 79040

might otherwise be incurred or imposed as a result of such actions 79041  
except liability for perjury, unless the person or governmental 79042  
entity has acted in bad faith or with malicious purpose. 79043

(L) No employer or any person with the authority to do so 79044  
shall discharge, demote, transfer, prepare a negative work 79045  
performance evaluation, reduce pay or benefits, terminate work 79046  
privileges, or take any other action detrimental to an employee or 79047  
retaliate against an employee as a result of the employee's having 79048  
made a report under this section. This division does not preclude 79049  
an employer or person with authority from taking action with 79050  
regard to an employee who has made a report under this section if 79051  
there is another reasonable basis for the action. 79052

(M) Reports made under this section are not public records as 79053  
defined in section 149.43 of the Revised Code. Information 79054  
contained in the reports on request shall be made available to the 79055  
person who is the subject of the report, to the person's legal 79056  
counsel, and to agencies authorized to receive information in the 79057  
report by the department or by a county board of developmental 79058  
disabilities. 79059

(N) Notwithstanding section 4731.22 of the Revised Code, the 79060  
physician-patient privilege shall not be a ground for excluding 79061  
evidence regarding the injuries or physical neglect of a person 79062  
with mental retardation or a developmental disability or the cause 79063  
thereof in any judicial proceeding resulting from a report 79064  
submitted pursuant to this section. 79065

**Section 110.31.** That the existing version of section 5123.61 79066  
of the Revised Code that is scheduled to take effect on October 1, 79067  
2012, is hereby repealed. 79068

**Section 110.32.** Sections 110.30 and 110.31 of this act take 79069  
effect October 1, 2012. 79070

**Section 506.10.** OHP HEALTH CARE GRANTS FUND 79071

For fiscal year 2012 and fiscal year 2013, the Department of 79072  
Job and Family Services may deposit into the OHP Health Care 79073  
Grants Fund (Fund 3FA0) federal grants for the administration of 79074  
health care programs that the Department receives under the 79075  
"Patient Protection and Affordable Care Act," Public Law 111-148, 79076  
and the "Health Care and Education Reconciliation Act of 2010," 79077  
Public Law 111-152. The Department shall use the money in the fund 79078  
to pay for expenses incurred in carrying out duties the Department 79079  
assumes by accepting such federal grants, including expenses for 79080  
the administration of health care programs. 79081

**Section 512.10.** TRANSFER OF FUNDS FOR CASINO CONTROL 79082  
COMMISSION OPERATIONS 79083

During fiscal year 2013, the Director of Budget and 79084  
Management may, in consultation with the Executive Director of the 79085  
Casino Control Commission, transfer cash as necessary for 79086  
operating expenses and casino investigations. The transfer shall 79087  
be made from the General Revenue Fund to the Casino Control 79088  
Commission Operating Fund (Fund 5HS0). Once funds from upfront 79089  
license application fees and gross casino revenue taxes have been 79090  
accumulated to sustain operations, the Director of Budget and 79091  
Management, in consultation with the Executive Director of the 79092  
Casino Control Commission, shall establish a repayment schedule 79093  
for transfers to the General Revenue Fund from the Casino Control 79094  
Commission Operating Fund (Fund 5HS0). 79095

**Section 512.20.** PRE-SECURITIZATION TOBACCO PAYMENTS 79096

The Pre-Securitization Tobacco Payments Fund (Fund 5LS0) is 79097  
hereby created in the state treasury. All moneys received by the 79098  
state in connection with releases from disputed payment accounts 79099  
or amounts previously withheld under the Tobacco Master Settlement 79100

Agreement that do not constitute pledged receipts for the Buckeye Tobacco Settlement Financing Authority Tobacco Settlement Bonds, Series 2007, shall be credited to the fund and used by the Director of Budget and Management as authorized in this section.

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall determine, in consultation with the Attorney General, the amounts needed to fund tobacco enforcement-related activities and may transfer cash in those amounts from Fund 5LS0 to the Tobacco Oversight Administration and Enforcement Fund (Fund U087). The Director of Budget and Management may transfer remaining cash determined to be in excess of the tobacco enforcement needs of the Attorney General from Fund 5LS0 to the General Revenue Fund.

Upon receipt of all pre-securitization Tobacco Master Settlement Agreement payments and the transfer of all cash credited to Fund 5LS0 as authorized in this section, Fund 5LS0 is abolished.

On July 1, 2012, or as soon as possible thereafter, and upon the request of the Attorney General, the Director of Budget and Management may transfer up to \$3,000,000 cash from the General Reimbursement Fund (Fund 1060) to the Tobacco Oversight Administration and Enforcement Fund (Fund U087).

**Section 512.30. CASH TRANSFER FROM TRAUMA AND EMERGENCY MEDICAL SERVICES GRANTS FUND**

On the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Trauma and Emergency Medical Services Grants Fund (Fund 83P0) to the Trauma and Emergency Medical Services Fund (Fund 83M0). The Director shall cancel any existing encumbrances against appropriation item 765637, EMS Grants, and reestablish them against appropriation item 765640, EMS - Grants.

The reestablished encumbrance amounts are hereby appropriated. 79132

**Section 512.40.** CASH TRANSFER FROM ELEMENTARY SCHOOL SEAT 79133  
BELT FUND 79134

On the effective date of this section, or as soon as possible 79135  
thereafter, the Director of Budget and Management shall transfer 79136  
the cash balance in the Elementary School Seat Belt Fund (Fund 79137  
83N0) to the Trauma and Emergency Medical Services Fund (Fund 79138  
83M0). The Director shall cancel any existing encumbrances against 79139  
appropriation item 761611, Elementary School Seat Belt Program, 79140  
and reestablish them against appropriation item 765624, Operating 79141  
Expense - Trauma and EMS. The reestablished encumbrance amounts 79142  
are hereby appropriated. 79143

**Section 512.50.** MEDICAID PROGRAM SUPPORT STATE FUND ABOLISHED 79144

The Director of Budget and Management shall transfer any 79145  
remaining cash balance in the Medicaid Program Support State Fund 79146  
(Fund 5C90) to the Health Care/Medicaid Support and Recoveries 79147  
Fund (Fund 5DL0) created under section 5111.941 of the Revised 79148  
Code. The Medicaid Program Support State Fund (Fund 5C90) shall 79149  
cease to exist once the transfer is complete. 79150

**Section 601.10.** That Section 205.10 of Am. Sub. H.B. 114 of 79151  
the 129th General Assembly, as amended by Am. Sub. H.B. 153 of the 79152  
129th General Assembly, be amended to read as follows: 79153

**Sec. 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 79154

State Highway Safety Fund Group 79155

|      |        |                     |    |            |    |                       |       |
|------|--------|---------------------|----|------------|----|-----------------------|-------|
| 4W40 | 762321 | Operating Expense - | \$ | 80,003,146 | \$ | <del>82,403,240</del> | 79156 |
|      |        | BMV                 |    |            |    | <u>82,003,240</u>     |       |

|      |        |               |    |            |    |            |       |
|------|--------|---------------|----|------------|----|------------|-------|
| 4W40 | 762410 | Registrations | \$ | 28,945,176 | \$ | 29,813,532 | 79157 |
|      |        | Supplement    |    |            |    |            |       |

|      |        |                                                                                                                      |    |             |    |                                          |       |
|------|--------|----------------------------------------------------------------------------------------------------------------------|----|-------------|----|------------------------------------------|-------|
| 5V10 | 762682 | License Plate Contributions                                                                                          | \$ | 2,100,000   | \$ | 2,100,000                                | 79158 |
| 7036 | 761321 | Operating Expense - Information and Education                                                                        | \$ | 7,124,366   | \$ | <del>7,338,097</del><br><u>6,988,097</u> | 79159 |
| 7036 | 761401 | Lease Rental Payments                                                                                                | \$ | 9,978,300   | \$ | 2,315,700                                | 79160 |
| 7036 | 764033 | Minor Capital Projects                                                                                               | \$ | 1,250,000   | \$ | 1,250,000                                | 79161 |
| 7036 | 764321 | Operating Expense - Highway Patrol                                                                                   | \$ | 260,744,934 | \$ | 258,365,903                              | 79162 |
| 7036 | 764605 | Motor Carrier Enforcement Expenses                                                                                   | \$ | 2,860,000   | \$ | 2,860,000                                | 79163 |
| 8300 | 761603 | Salvage and Exchange - Administration                                                                                | \$ | 19,469      | \$ | 20,053                                   | 79164 |
| 8310 | 761610 | Information and Education - Federal                                                                                  | \$ | 422,084     | \$ | <del>434,746</del><br><u>409,746</u>     | 79165 |
| 8310 | 764610 | Patrol - Federal                                                                                                     | \$ | 2,209,936   | \$ | 2,276,234                                | 79166 |
| 8310 | 764659 | Transportation Enforcement - Federal                                                                                 | \$ | 5,519,333   | \$ | 5,684,913                                | 79167 |
| 8310 | 765610 | EMS - Federal                                                                                                        | \$ | 532,007     | \$ | 532,007                                  | 79168 |
| 8310 | 769610 | <del>Food Stamp Trafficking Enforcement - Federal</del><br><u>Investigative Unit</u><br><u>Federal Reimbursement</u> | \$ | 1,546,319   | \$ | 1,546,319                                | 79169 |
| 8310 | 769631 | Homeland Security - Federal                                                                                          | \$ | 2,184,000   | \$ | 2,184,000                                | 79170 |
| 8320 | 761612 | Traffic Safety - Federal                                                                                             | \$ | 16,577,565  | \$ | 16,577,565                               | 79171 |
| 8350 | 762616 | Financial Responsibility Compliance                                                                                  | \$ | 5,457,240   | \$ | <del>5,549,068</del><br><u>5,274,068</u> | 79172 |
| 8370 | 764602 | Turnpike Policing                                                                                                    | \$ | 11,553,959  | \$ | 11,553,959                               | 79173 |
| 8380 | 764606 | Patrol Reimbursement                                                                                                 | \$ | 50,000      | \$ | 50,000                                   | 79174 |
| 83C0 | 764630 | Contraband,                                                                                                          | \$ | 622,894     | \$ | 622,894                                  | 79175 |





|                                    |        |                                                           |    |            |    |            |       |
|------------------------------------|--------|-----------------------------------------------------------|----|------------|----|------------|-------|
| 4P60                               | 768601 | Justice Program<br>Services                               | \$ | 998,104    | \$ | 1,028,047  | 79194 |
| 4S30                               | 766661 | Hilltop Utility<br>Reimbursement                          | \$ | 540,800    | \$ | 540,800    | 79195 |
| 5ET0                               | 768625 | Drug Law Enforcement                                      | \$ | 3,780,000  | \$ | 3,893,400  | 79196 |
| 5Y10                               | 764695 | Highway Patrol<br>Continuing<br>Professional Training     | \$ | 170,000    | \$ | 170,000    | 79197 |
| 5Y10                               | 767696 | Investigative Unit<br>Continuing<br>Professional Training | \$ | 15,000     | \$ | 15,000     | 79198 |
| TOTAL                              | GSF    | General Services Fund<br>Group                            | \$ | 5,503,904  | \$ | 5,647,247  | 79199 |
| Federal Special Revenue Fund Group |        |                                                           |    |            |    |            | 79200 |
| 3290                               | 763645 | Federal Mitigation<br>Program                             | \$ | 10,110,332 | \$ | 10,413,642 | 79201 |
| 3370                               | 763609 | Federal Disaster<br>Relief                                | \$ | 27,707,636 | \$ | 27,707,636 | 79202 |
| 3390                               | 763647 | Emergency Management<br>Assistance and<br>Training        | \$ | 75,664,821 | \$ | 77,934,765 | 79203 |
| 3CB0                               | 768691 | Federal Justice<br>Grants - FFY06                         | \$ | 200,000    | \$ | 50,000     | 79204 |
| 3CC0                               | 768609 | Justice Assistance<br>Grants - FFY07                      | \$ | 583,222    | \$ | 310,000    | 79205 |
| 3CD0                               | 768610 | Justice Assistance<br>Grants - FFY08                      | \$ | 310,000    | \$ | 150,000    | 79206 |
| 3CE0                               | 768611 | Justice Assistance<br>Grants - FFY09                      | \$ | 865,000    | \$ | 1,200,000  | 79207 |
| 3CV0                               | 768697 | Justice Assistance<br>Grants Supplement -<br>FFY08        | \$ | 2,000      | \$ | 0          | 79208 |
| 3DE0                               | 768612 | Federal Stimulus -                                        | \$ | 1,015,000  | \$ | 1,015,000  | 79209 |

|            |                         |                                                                                                                                          |    |             |    |                                              |       |
|------------|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------|----|-------------|----|----------------------------------------------|-------|
|            |                         | Justice Assistance<br>Grants                                                                                                             |    |             |    |                                              |       |
| 3DH0       | 768613                  | Federal Stimulus -                                                                                                                       | \$ | 150,000     | \$ | 150,000                                      | 79210 |
|            |                         | Justice Programs                                                                                                                         |    |             |    |                                              |       |
| 3DU0       | 762628                  | BMV Grants                                                                                                                               | \$ | 1,525,000   | \$ | <del>1,580,000</del><br><u>1,480,000</u>     | 79211 |
| 3EU0       | 768614                  | Justice Assistance<br>Grants - FFY10                                                                                                     | \$ | 650,000     | \$ | 920,000                                      | 79212 |
| 3L50       | 768604                  | Justice Program                                                                                                                          | \$ | 11,400,000  | \$ | 11,400,000                                   | 79213 |
| 3N50       | 763644                  | U.S. Department of<br>Energy Agreement                                                                                                   | \$ | 31,672      | \$ | 31,672                                       | 79214 |
| TOTAL FED  | Federal Special Revenue |                                                                                                                                          | \$ | 130,214,683 | \$ | <del>132,862,715</del><br><u>132,762,715</u> | 79215 |
| Fund Group |                         |                                                                                                                                          |    |             |    |                                              |       |
|            |                         | State Special Revenue Fund Group                                                                                                         |    |             |    |                                              | 79216 |
| 4V30       | 763662                  | EMA Service and<br>Reimbursement                                                                                                         | \$ | 4,368,369   | \$ | 4,499,420                                    | 79217 |
| 5390       | 762614                  | Motor Vehicle Dealers<br>Board                                                                                                           | \$ | 180,000     | \$ | 185,400                                      | 79218 |
| 5B90       | 766632                  | Private Investigator<br>and Security Guard<br>Provider                                                                                   | \$ | 1,562,637   | \$ | 1,562,637                                    | 79219 |
| 5BK0       | 768687                  | Criminal Justice<br>Services - Operating                                                                                                 | \$ | 400,000     | \$ | 400,000                                      | 79220 |
| 5BK0       | 768689                  | Family Violence<br>Shelter Programs                                                                                                      | \$ | 750,000     | \$ | 750,000                                      | 79221 |
| 5CM0       | 767691                  | <del>Federal Investigative</del><br><u>Seizure Investigative</u><br><u>Unit Federal</u><br><u>Equitable Sharing -</u><br><u>Treasury</u> | \$ | 300,000     | \$ | 300,000                                      | 79222 |
| 5DS0       | 769630                  | Homeland Security                                                                                                                        | \$ | 1,414,384   | \$ | 1,414,384                                    | 79223 |
| 5FF0       | 762621                  | Indigent Interlock<br>and Alcohol                                                                                                        | \$ | 2,000,000   | \$ | 2,000,000                                    | 79224 |

|                  |                           |                            |           |                        |           |                        |       |
|------------------|---------------------------|----------------------------|-----------|------------------------|-----------|------------------------|-------|
|                  |                           | Monitoring                 |           |                        |           |                        |       |
| 5FL0             | 769634                    | Investigations             | \$        | 899,300                | \$        | 899,300                | 79225 |
| <u>5LM0</u>      | <u>768698</u>             | <u>Criminal Justice</u>    | <u>\$</u> | <u>33,991</u>          | <u>\$</u> | <u>816,955</u>         | 79226 |
|                  |                           | <u>Services Law</u>        |           |                        |           |                        |       |
|                  |                           | <u>Enforcement Support</u> |           |                        |           |                        |       |
| 6220             | 767615                    | Investigative              | \$        | 375,000                | \$        | 375,000                | 79227 |
|                  |                           | Contraband and             |           |                        |           |                        |       |
|                  |                           | Forfeiture                 |           |                        |           |                        |       |
| 6570             | 763652                    | Utility Radiological       | \$        | 1,415,945              | \$        | 1,415,945              | 79228 |
|                  |                           | Safety                     |           |                        |           |                        |       |
| 6810             | 763653                    | SARA Title III HAZMAT      | \$        | 262,438                | \$        | 262,438                | 79229 |
|                  |                           | Planning                   |           |                        |           |                        |       |
| 8500             | 767628                    | Investigative Unit         | \$        | 90,000                 | \$        | 92,700                 | 79230 |
|                  |                           | Salvage                    |           |                        |           |                        |       |
| TOTAL SSR        | State Special Revenue     |                            | \$        | <del>14,018,073</del>  | \$        | <del>14,157,224</del>  | 79231 |
| Fund Group       |                           |                            |           | <u>14,052,064</u>      |           | <u>14,974,179</u>      |       |
| Liquor Control   | Fund Group                |                            |           |                        |           |                        | 79232 |
| 7043             | 767321                    | Liquor Enforcement -       | \$        | 11,000,000             | \$        | 11,000,000             | 79233 |
|                  |                           | Operating                  |           |                        |           |                        |       |
| TOTAL LCF        | Liquor Control Fund Group |                            | \$        | 11,000,000             | \$        | 11,000,000             | 79234 |
| Agency           | Fund Group                |                            |           |                        |           |                        | 79235 |
| 5J90             | 761678                    | Federal Salvage/GSA        | \$        | 1,500,000              | \$        | 1,500,000              | 79236 |
| TOTAL AGY        | Agency Fund Group         |                            | \$        | 1,500,000              | \$        | 1,500,000              | 79237 |
| Holding Account  | Redistribution Fund Group |                            |           |                        |           |                        | 79238 |
| R024             | 762619                    | Unidentified Motor         | \$        | 1,885,000              | \$        | 1,885,000              | 79239 |
|                  |                           | Vehicle Receipts           |           |                        |           |                        |       |
| R052             | 762623                    | Security Deposits          | \$        | 350,000                | \$        | 350,000                | 79240 |
| TOTAL 090        | Holding Account           |                            | \$        | 2,235,000              | \$        | 2,235,000              | 79241 |
| Redistribution   | Fund Group                |                            |           |                        |           |                        |       |
| TOTAL ALL BUDGET | FUND GROUPS               |                            | \$        | <del>654,582,393</del> | \$        | <del>648,663,286</del> | 79242 |
|                  |                           |                            |           | <u>654,616,384</u>     |           | <u>648,518,497</u>     |       |
| MOTOR VEHICLE    | REGISTRATION              |                            |           |                        |           |                        | 79243 |

The Registrar of Motor Vehicles may deposit revenues to meet 79244  
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 79245  
4W40) established in section 4501.25 of the Revised Code, obtained 79246  
under sections 4503.02 and 4504.02 of the Revised Code, less all 79247  
other available cash. Revenue deposited pursuant to this paragraph 79248  
shall support, in part, appropriations for operating expenses and 79249  
defray the cost of manufacturing and distributing license plates 79250  
and license plate stickers and enforcing the law relative to the 79251  
operation and registration of motor vehicles. Notwithstanding 79252  
section 4501.03 of the Revised Code, the revenues shall be paid 79253  
into Fund 4W40 before any revenues obtained pursuant to sections 79254  
4503.02 and 4504.02 of the Revised Code are paid into any other 79255  
fund. The deposit of revenues to meet the aforementioned cash 79256  
needs shall be in approximately equal amounts on a monthly basis 79257  
or as otherwise determined by the Director of Budget and 79258  
Management pursuant to a plan submitted by the Registrar of Motor 79259  
Vehicles. 79260

CAPITAL PROJECTS 79261

The Registrar of Motor Vehicles may transfer cash from the 79262  
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 79263  
Highway Safety Fund (Fund 7036) to meet its obligations for 79264  
capital projects CIR-047, Department of Public Safety Office 79265  
Building and CIR-049, Warehouse Facility. 79266

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 79267

The foregoing appropriation item 761401, Lease Rental 79268  
Payments, shall be used for payments to the Ohio Building 79269  
Authority for the period July 1, 2011, to June 30, 2013, under the 79270  
primary leases and agreements for public safety related buildings 79271  
financed by obligations issued under Chapter 152. of the Revised 79272  
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 79273  
Building Authority may, with approval of the Director of Budget 79274  
and Management, lease capital facilities to the Department of 79275

Public Safety. 79276

HILLTOP TRANSFER 79277

The Director of Public Safety shall determine, per an 79278  
agreement with the Director of Transportation, the share of each 79279  
debt service payment made out of appropriation item 761401, Lease 79280  
Rental Payments, that relates to the Department of 79281  
Transportation's portion of the Hilltop Building Project, and 79282  
shall certify to the Director of Budget and Management the amounts 79283  
of this share. The Director of Budget and Management shall 79284  
transfer the amounts of such shares from the Highway Operating 79285  
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 79286

CASH TRANSFERS TO TRAUMA AND EMERGENCY MEDICAL SERVICES FUND 79287

On July 1, 2011, or as soon as possible thereafter, the 79288  
Director of Budget and Management shall transfer the unexpended 79289  
and unencumbered cash balance in the Seat Belt Education Fund 79290  
(Fund 8440) to the Trauma and Emergency Medical Services Fund 79291  
(Fund 83M0). Upon completion of the transfer, Fund 8440 is 79292  
abolished. The Director shall cancel any existing encumbrances 79293  
against appropriation item 761613, Seat Belt Education Program, 79294  
and reestablish them against appropriation item 765624, Operating 79295  
Expense - Trauma and EMS. The reestablished encumbrance amounts 79296  
are hereby appropriated. 79297

CASH TRANSFERS BETWEEN FUNDS 79298

Notwithstanding any provision of law to the contrary, the 79299  
Director of Budget and Management, upon the written request of the 79300  
Director of Public Safety, may approve the transfer of cash 79301  
between the following six funds: the Trauma and Emergency Medical 79302  
Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), 79303  
the Investigations Fund (Fund 5FL0), the Emergency Management 79304  
Agency Service and Reimbursement Fund (Fund 4V30), the Justice 79305  
Program Services Fund (Fund 4P60), and the State Bureau of Motor 79306

Vehicles Fund (Fund 4W40). 79307

CASH TRANSFERS TO SECURITY, INVESTIGATIONS, AND POLICING FUND 79308

Notwithstanding any provision of law to the contrary, the 79309  
Director of Budget and Management, upon the written request of the 79310  
Director of Public Safety, may approve the transfer of cash from 79311  
the Continuing Professional Training Fund (Fund 5Y10), the State 79312  
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0), 79313  
the Trauma and Emergency Medical Services Fund (Fund 83M0), and 79314  
the Highway Safety Salvage and Exchange Highway Patrol Fund (Fund 79315  
8410) to the Security, Investigations, and Policing Fund (Fund 79316  
8400). 79317

CASH TRANSFERS OF SEAT BELT FINE REVENUES 79318

Notwithstanding any provision of law to the contrary, the 79319  
Controlling Board, upon request of the Director of Public Safety, 79320  
may approve the transfer of cash between the following ~~four~~ three 79321  
funds that receive fine revenues from enforcement of the mandatory 79322  
seat belt law: the Trauma and Emergency Medical Services Fund 79323  
(Fund 83M0), the Elementary School Program Fund (Fund 83N0), and 79324  
the Trauma and Emergency Medical Services Grants Fund (Fund 83P0). 79325

STATE DISASTER RELIEF 79326

The State Disaster Relief Fund (Fund 5330) may accept 79327  
transfers of cash and appropriations from Controlling Board 79328  
appropriation items for Ohio Emergency Management Agency disaster 79329  
response costs and disaster program management costs, and may also 79330  
be used for the following purposes: 79331

(A) To accept transfers of cash and appropriations from 79332  
Controlling Board appropriation items for Ohio Emergency 79333  
Management Agency public assistance and mitigation program match 79334  
costs to reimburse eligible local governments and private 79335  
nonprofit organizations for costs related to disasters; 79336

(B) To accept and transfer cash to reimburse the costs 79337  
associated with Emergency Management Assistance Compact (EMAC) 79338  
deployments; 79339

(C) To accept disaster related reimbursement from federal, 79340  
state, and local governments. The Director of Budget and 79341  
Management may transfer cash from reimbursements received by this 79342  
fund to other funds of the state from which transfers were 79343  
originally approved by the Controlling Board. 79344

(D) To accept transfers of cash and appropriations from 79345  
Controlling Board appropriation items to fund the State Disaster 79346  
Relief Program, for disasters that have been declared by the 79347  
Governor, and the State Individual Assistance Program for 79348  
disasters that have been declared by the Governor and the federal 79349  
Small Business Administration. The Ohio Emergency Management 79350  
Agency shall publish and make available application packets 79351  
outlining procedures for the State Disaster Relief Program and the 79352  
State Individual Assistance Program. 79353

JUSTICE ASSISTANCE GRANT FUND 79354

The federal payments made to the state for the Byrne Justice 79355  
Assistance Grants Program under Title II of Division A of the 79356  
American Recovery and Reinvestment Act of 2009 shall be deposited 79357  
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 79358  
which is hereby created in the state treasury. All investment 79359  
earnings of the fund shall be credited to the fund. 79360

FEDERAL STIMULUS - JUSTICE PROGRAMS 79361

The federal payments made to the state for the Violence 79362  
Against Women Formula Grant under Title II of Division A of the 79363  
American Recovery and Reinvestment Act of 2009 shall be deposited 79364  
to the credit of the Federal Stimulus - Justice Programs Fund 79365  
(Fund 3DH0). 79366

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 79367



AGENCY SERVICE AND REIMBURSEMENT FUND 79368

On July 1 of each fiscal year, or as soon as possible 79369  
thereafter, the Director of Budget and Management shall transfer 79370  
\$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to 79371  
the Emergency Management Agency Service and Reimbursement Fund 79372  
(Fund 4V30) to be distributed to the Ohio Task Force One - Urban 79373  
Search and Rescue Unit and other urban search and rescue programs 79374  
around the state. 79375

FAMILY VIOLENCE PREVENTION FUND 79376

Notwithstanding any provision of law to the contrary, in each 79377  
of fiscal years 2012 and 2013, the first \$750,000 received to the 79378  
credit of the Family Violence Prevention Fund (Fund 5BK0) shall be 79379  
appropriated to appropriation item 768689, Family Violence Shelter 79380  
Programs, and the next \$400,000 received to the credit of Fund 79381  
5BK0 in each of those fiscal years shall be appropriated to 79382  
appropriation item 768687, Criminal Justice Services - Operating. 79383  
Any moneys received to the credit of Fund 5BK0 in excess of the 79384  
aforementioned appropriated amounts in each fiscal year shall, 79385  
upon the approval of the Controlling Board, be used to provide 79386  
grants to family violence shelters in Ohio. 79387

SARA TITLE III HAZMAT PLANNING 79388

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 79389  
entitled to receive grant funds from the Emergency Response 79390  
Commission to implement the Emergency Management Agency's 79391  
responsibilities under Chapter 3750. of the Revised Code. 79392

COLLECTIVE BARGAINING INCREASES 79393

Notwithstanding division (D) of section 127.14 and division 79394  
(B) of section 131.35 of the Revised Code, except for the General 79395  
Revenue Fund, the Controlling Board may, upon the request of 79396  
either the Director of Budget and Management, or the Department of 79397  
Public Safety with the approval of the Director of Budget and 79398



|                                                                    |        |                                        |    |             |    |                                              |       |
|--------------------------------------------------------------------|--------|----------------------------------------|----|-------------|----|----------------------------------------------|-------|
| 7023                                                               | 855407 | Claims, Risk and<br>Medical Management | \$ | 125,427,732 | \$ | <del>124,192,959</del><br><u>122,492,959</u> | 79427 |
| 7023                                                               | 855408 | Fraud Prevention                       | \$ | 11,331,154  | \$ | 11,164,226                                   | 79428 |
| 7023                                                               | 855409 | Administrative<br>Services             | \$ | 101,724,950 | \$ | <del>104,136,037</del><br><u>103,346,037</u> | 79429 |
| 7023                                                               | 855410 | Attorney General<br>Payments           | \$ | 4,621,850   | \$ | 4,621,850                                    | 79430 |
| 8220                                                               | 855606 | Coal Workers' Fund                     | \$ | 150,586     | \$ | 147,666                                      | 79431 |
| 8230                                                               | 855608 | Marine Industry                        | \$ | 76,532      | \$ | 75,527                                       | 79432 |
| 8250                                                               | 855605 | Disabled Workers<br>Relief Fund        | \$ | 322,266     | \$ | 319,718                                      | 79433 |
| 8260                                                               | 855609 | Safety and Hygiene<br>Operating        | \$ | 20,382,567  | \$ | 20,161,132                                   | 79434 |
| 8260                                                               | 855610 | Gear Program                           | \$ | 4,000,000   | \$ | 4,000,000                                    | 79435 |
| 8290                                                               | 855604 | Long Term Care Loan<br>Program         | \$ | 1,000,000   | \$ | <del>1,000,000</del><br><u>100,000</u>       | 79436 |
| TOTAL WCF Workers' Compensation                                    |        |                                        |    |             |    |                                              | 79437 |
| Fund Group                                                         |        |                                        | \$ | 287,329,002 | \$ | <del>287,352,485</del><br><u>283,962,485</u> | 79438 |
| Federal Special Revenue Fund Group                                 |        |                                        |    |             |    |                                              | 79439 |
| 3490                                                               | 855601 | OSHA Enforcement                       | \$ | 1,670,998   | \$ | 1,647,515                                    | 79440 |
| TOTAL FED Federal Special Revenue                                  |        |                                        | \$ | 1,670,998   | \$ | 1,647,515                                    | 79441 |
| Fund Group                                                         |        |                                        |    |             |    |                                              |       |
| TOTAL ALL BUDGET FUND GROUPS                                       |        |                                        | \$ | 289,000,000 | \$ | <del>289,000,000</del><br><u>285,610,000</u> | 79442 |
| WILLIAM GREEN LEASE PAYMENTS                                       |        |                                        |    |             |    |                                              | 79443 |
| The foregoing appropriation item 855401, William Green Lease       |        |                                        |    |             |    |                                              | 79444 |
| Payments to OBA, shall be used for lease payments to the Ohio      |        |                                        |    |             |    |                                              | 79445 |
| Building Authority, and these appropriations shall be used to meet |        |                                        |    |             |    |                                              | 79446 |
| all payments at the times they are required to be made during the  |        |                                        |    |             |    |                                              | 79447 |
| period from July 1, 2011, to June 30, 2013, by the Bureau of       |        |                                        |    |             |    |                                              | 79448 |
| Workers' Compensation to the Ohio Building Authority pursuant to   |        |                                        |    |             |    |                                              | 79449 |

leases and agreements made under Chapter 152. of the Revised Code 79450  
and Section 6 of Am. Sub. H.B. 743 of the 118th General Assembly. 79451  
Of the amounts received in Fund 7023, appropriation item 855401, 79452  
William Green Lease Payments to OBA, up to \$35,824,735 shall be 79453  
restricted for lease rental payments to the Ohio Building 79454  
Authority. If it is determined that additional appropriations are 79455  
necessary for such purpose, such amounts are hereby appropriated. 79456

Notwithstanding any provision of law to the contrary, all 79457  
tenants of the William Green Building not funded by the Workers' 79458  
Compensation Fund (Fund 7023) shall pay their fair share of the 79459  
costs of lease payments to the Workers' Compensation Fund (Fund 79460  
7023) by intrastate transfer voucher. 79461

WORKERS' COMPENSATION FRAUD UNIT 79462

The Workers' Compensation Section Fund (Fund 1950) 79463  
administered by the Attorney General shall receive payments from 79464  
the Bureau of Workers' Compensation at the beginning of each 79465  
quarter of each fiscal year to fund expenses of the Workers' 79466  
Compensation Fraud Unit within the Attorney General's Office. Of 79467  
the foregoing appropriation item 855410, Attorney General 79468  
Payments, \$828,200 in fiscal year 2012 and \$828,200 in fiscal year 79469  
2013 shall be used to provide these payments. 79470

SAFETY AND HYGIENE 79471

Notwithstanding section 4121.37 of the Revised Code, the 79472  
Treasurer of State shall transfer \$20,382,567 cash in fiscal year 79473  
2012 and \$20,161,132 cash in fiscal year 2013 from the State 79474  
Insurance Fund to the Safety and Hygiene Fund (Fund 8260). 79475

OSHA ON-SITE CONSULTATION PROGRAM 79476

The Bureau of Workers' Compensation may designate a portion 79477  
of appropriation item 855609, Safety and Hygiene Operating, to be 79478  
used to match federal funding for the federal Occupational Safety 79479  
and Health Administration's (OSHA) on-site consultation program. 79480

VOCATIONAL REHABILITATION 79481

The Bureau of Workers' Compensation and the Rehabilitation Services Commission shall enter into an interagency agreement for the provision of vocational rehabilitation services and staff to mutually eligible clients. The bureau shall provide \$605,407 in fiscal year 2012 and \$605,407 in fiscal year 2013 from the State Insurance Fund to fund vocational rehabilitation services and staff in accordance with the interagency agreement. 79482  
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FUND BALANCE 79489

Any unencumbered cash balance in excess of \$45,000,000 in the Workers' Compensation Fund (Fund 7023) on the thirtieth day of June of each fiscal year shall be used to reduce the administrative cost rate charged to employers to cover appropriations for Bureau of Workers' Compensation operations. 79490  
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**Section 601.21.** That existing Section 201 of Sub. H.B. 123 of the 129th General Assembly is hereby repealed. 79495  
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**Section 601.30.** That Section 1 of H.B. 124 of the 129th General Assembly be amended to read as follows: 79497  
79498

**Sec. 1.** All items in this section are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this section, those in the first column are for fiscal year 2012, and those in the second column are for fiscal year 2013. 79499  
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Appropriations 79504

|        |          |         |         |       |
|--------|----------|---------|---------|-------|
| FND AI | AI TITLE | FY 2012 | FY 2013 | 79505 |
|--------|----------|---------|---------|-------|

OIC INDUSTRIAL COMMISSION 79506

Workers' Compensation Fund Group 79507

|      |        |                    |               |                          |       |
|------|--------|--------------------|---------------|--------------------------|-------|
| 5W30 | 845321 | Operating Expenses | \$ 50,100,000 | \$ <del>48,900,000</del> | 79508 |
|      |        |                    |               | <u>47,732,000</u>        |       |

|                                 |                                  |    |            |    |                                            |       |
|---------------------------------|----------------------------------|----|------------|----|--------------------------------------------|-------|
| 5W30 845402                     | Rent - William Green<br>Building | \$ | 5,500,000  | \$ | 5,500,000                                  | 79509 |
| 5W30 845410                     | Attorney General<br>Payments     | \$ | 3,900,000  | \$ | 4,000,000                                  | 79510 |
| TOTAL WCF Workers' Compensation |                                  |    |            |    |                                            | 79511 |
| Fund Group                      |                                  | \$ | 59,500,000 | \$ | <del>58,400,000</del><br><u>57,232,000</u> | 79512 |
| TOTAL ALL BUDGET FUND GROUPS    |                                  | \$ | 59,500,000 | \$ | <del>58,400,000</del><br><u>57,232,000</u> | 79513 |

RENT - WILLIAM GREEN BUILDING 79514

The foregoing appropriation item 845402, Rent - William Green Building, shall be used for rent and operating expenses for the space occupied by the Industrial Commission in the William Green Building. 79515  
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**Section 601.31.** That existing Section 1 of H.B. 124 of the 129th General Assembly is hereby repealed. 79519  
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**Section 601.40.** That Sections 205.10, 207.10, 207.10.80, 207.20.30, 207.20.90, 209.10, 209.20, 211.10, 215.10, 223.10, 229.10, 243.10, 247.10, 263.10, 263.10.30, 263.10.90, 263.20.40, 263.20.70, 267.10, 267.10.10, 267.10.20, 267.10.40, 267.30.20, 267.30.40, 279.10, 307.10, 291.10, 309.10, 309.30.30, 309.30.33, 309.35.73, 315.10, 327.10, 335.10, 343.10, 365.10, 367.10, 369.10, 371.10, 371.60.80, 373.10, 375.10, 379.10, 387.10, 403.10, 411.10, 415.10, 503.50, 521.70, and 753.25 of Am. Sub. H.B. 153 of the 129th General Assembly be amended to read as follows: 79521  
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**Sec. 205.10.** ADJ ADJUTANT GENERAL 79530

General Revenue Fund 79531

|            |                       |    |           |    |           |       |
|------------|-----------------------|----|-----------|----|-----------|-------|
| GRF 745401 | Ohio Military Reserve | \$ | 12,308    | \$ | 12,308    | 79532 |
| GRF 745404 | Air National Guard    | \$ | 1,810,606 | \$ | 1,810,606 | 79533 |

|                                    |        |                         |    |            |    |                      |       |
|------------------------------------|--------|-------------------------|----|------------|----|----------------------|-------|
| GRF                                | 745407 | National Guard          | \$ | 400,000    | \$ | 400,000              | 79534 |
|                                    |        | Benefits                |    |            |    |                      |       |
| GRF                                | 745409 | Central                 | \$ | 2,692,098  | \$ | <del>2,692,098</del> | 79535 |
|                                    |        | Administration          |    |            |    | <u>2,682,098</u>     |       |
| GRF                                | 745499 | Army National Guard     | \$ | 3,687,888  | \$ | 3,689,871            | 79536 |
| TOTAL GRF                          |        | General Revenue Fund    | \$ | 8,602,900  | \$ | <del>8,604,883</del> | 79537 |
|                                    |        |                         |    |            |    | <u>8,594,883</u>     |       |
| General Services Fund Group        |        |                         |    |            |    |                      | 79538 |
| 5340                               | 745612 | Property Operations     | \$ | 534,304    | \$ | 534,304              | 79539 |
|                                    |        | Management              |    |            |    |                      |       |
| 5360                               | 745605 | Marksmanship            | \$ | 128,600    | \$ | 128,600              | 79540 |
|                                    |        | Activities              |    |            |    |                      |       |
| 5360                               | 745620 | Camp Perry and          | \$ | 1,178,311  | \$ | 978,846              | 79541 |
|                                    |        | Buckeye Inn             |    |            |    |                      |       |
|                                    |        | Operations              |    |            |    |                      |       |
| 5370                               | 745604 | Ohio National Guard     | \$ | 62,000     | \$ | 62,000               | 79542 |
|                                    |        | Facilities              |    |            |    |                      |       |
|                                    |        | Maintenance             |    |            |    |                      |       |
| TOTAL GSF                          |        | General Services Fund   | \$ | 1,903,215  | \$ | 1,703,750            | 79543 |
| Group                              |        |                         |    |            |    |                      |       |
| Federal Special Revenue Fund Group |        |                         |    |            |    |                      | 79544 |
| 3410                               | 745615 | Air National Guard      | \$ | 2,977,692  | \$ | 2,977,692            | 79545 |
|                                    |        | Base Security           |    |            |    |                      |       |
| 3420                               | 745616 | Army National Guard     | \$ | 10,970,050 | \$ | 10,970,050           | 79546 |
|                                    |        | Service Agreement       |    |            |    |                      |       |
| 3E80                               | 745628 | Air National Guard      | \$ | 16,958,595 | \$ | 16,958,595           | 79547 |
|                                    |        | Operations and          |    |            |    |                      |       |
|                                    |        | Maintenance             |    |            |    |                      |       |
| 3R80                               | 745603 | Counter Drug            | \$ | 25,000     | \$ | 25,000               | 79548 |
|                                    |        | Operations              |    |            |    |                      |       |
| TOTAL FED                          |        | Federal Special Revenue | \$ | 30,931,337 | \$ | 30,931,337           | 79549 |
| Fund Group                         |        |                         |    |            |    |                      |       |

|                                                                                                                                                                                                                                                                                                                                                                                                                          |    |            |                                               |                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|-----------------------------------------------|-------------------------------------------------------------|
| State Special Revenue Fund Group                                                                                                                                                                                                                                                                                                                                                                                         |    |            |                                               | 79550                                                       |
| 5U80 745613 Community Match                                                                                                                                                                                                                                                                                                                                                                                              | \$ | 250,000    | \$ 250,000                                    | 79551                                                       |
| Armories                                                                                                                                                                                                                                                                                                                                                                                                                 |    |            |                                               |                                                             |
| TOTAL SSR State Special Revenue Fund Group                                                                                                                                                                                                                                                                                                                                                                               | \$ | 250,000    | \$ 250,000                                    | 79552                                                       |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                                             | \$ | 41,687,452 | \$ <del>41,489,970</del><br><u>41,479,970</u> | 79553                                                       |
| NATIONAL GUARD BENEFITS                                                                                                                                                                                                                                                                                                                                                                                                  |    |            |                                               | 79554                                                       |
| The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs.                                                                                                                                                                                                               |    |            |                                               | 79555<br>79556<br>79557<br>79558                            |
| For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Servicemembers' Group Life Insurance Policy.                                                                                                           |    |            |                                               | 79559<br>79560<br>79561<br>79562<br>79563                   |
| STATE ACTIVE DUTY COSTS                                                                                                                                                                                                                                                                                                                                                                                                  |    |            |                                               | 79564                                                       |
| Of the foregoing appropriation item 745409, Central Administration, \$50,000 in each fiscal year shall be used for the purpose of paying expenses related to state active duty of members of the Ohio organized militia, in accordance with a proclamation of the Governor. Expenses include, but are not limited to, the cost of equipment, supplies, and services, as determined by the Adjutant General's Department. |    |            |                                               | 79565<br>79566<br>79567<br>79568<br>79569<br>79570<br>79571 |
| <b>Sec. 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>                                                                                                                                                                                                                                                                                                                                                            |    |            |                                               | 79572                                                       |
| General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                                                     |    |            |                                               | 79573                                                       |
| GRF 100403 Public Employees                                                                                                                                                                                                                                                                                                                                                                                              | \$ | 400,000    | \$ <del>400,000</del><br><u>344,000</u>       | 79574                                                       |
| Health Care Program                                                                                                                                                                                                                                                                                                                                                                                                      |    |            |                                               |                                                             |
| GRF 100415 OAKS Rental Payments                                                                                                                                                                                                                                                                                                                                                                                          | \$ | 23,024,500 | \$ 23,006,300                                 | 79575                                                       |



|                             |                      |                                                         |           |             |           |                                              |       |
|-----------------------------|----------------------|---------------------------------------------------------|-----------|-------------|-----------|----------------------------------------------|-------|
| GRF                         | 100416               | STARS Lease Rental<br>Payments                          | \$        | 4,970,700   | \$        | 4,971,300                                    | 79576 |
| GRF                         | 100418               | Web Sites and Business<br>Gateway                       | \$        | 2,895,063   | \$        | <del>2,795,176</del> <u>0</u>                | 79577 |
| GRF                         | 100419               | IT Security<br>Infrastructure                           | \$        | 742,535     | \$        | <del>742,648</del> <u>0</u>                  | 79578 |
| GRF                         | 100439               | Equal Opportunity<br>Certification Programs             | \$        | 625,000     | \$        | <del>625,000</del> <u>0</u>                  | 79579 |
| GRF                         | 100447               | OBA - Building Rent<br>Payments                         | \$        | 53,260,000  | \$        | 83,504,200                                   | 79580 |
| GRF                         | 100448               | OBA - Building<br>Operating Payments                    | \$        | 21,000,000  | \$        | 21,000,000                                   | 79581 |
| GRF                         | 100449               | DAS - Building<br>Operating Payments                    | \$        | 7,551,245   | \$        | 7,551,571                                    | 79582 |
| GRF                         | 100451               | Minority Affairs                                        | \$        | 24,016      | \$        | <del>24,016</del> <u>0</u>                   | 79583 |
| <u>GRF</u>                  | <u>100452</u>        | <u>Efficiency &amp; Results</u><br><u>Program</u>       | <u>\$</u> | <u>0</u>    | <u>\$</u> | <u>650,000</u>                               | 79584 |
| <u>GRF</u>                  | <u>100456</u>        | <u>State IT Services</u>                                | <u>\$</u> | <u>0</u>    | <u>\$</u> | <u>3,537,824</u>                             | 79585 |
| <u>GRF</u>                  | <u>100457</u>        | <u>Equal Opportunity</u><br><u>Services</u>             | <u>\$</u> | <u>0</u>    | <u>\$</u> | <u>1,610,516</u>                             | 79586 |
| <u>GRF</u>                  | <u>100458</u>        | <u>State Construction</u><br><u>Management Services</u> | <u>\$</u> | <u>0</u>    | <u>\$</u> | <u>2,745,751</u>                             | 79587 |
| GRF                         | 102321               | Construction<br>Compliance                              | \$        | 920,000     | \$        | <del>920,000</del> <u>0</u>                  | 79588 |
| GRF                         | 130321               | State Agency Support<br>Services                        | \$        | 2,779,457   | \$        | <del>2,780,032</del><br><u>2,752,232</u>     | 79589 |
| TOTAL GRF                   | General Revenue Fund |                                                         | \$        | 118,192,516 | \$        | <del>148,320,243</del><br><u>151,673,694</u> | 79590 |
| General Services Fund Group |                      |                                                         |           |             |           |                                              | 79591 |
| 1120                        | 100616               | DAS Administration                                      | \$        | 5,974,625   | \$        | <del>5,886,524</del><br><u>5,827,659</u>     | 79592 |
| 1150                        | 100632               | Central Service Agency                                  | \$        | 911,995     | \$        | <del>912,305</del><br><u>903,182</u>         | 79593 |

|      |        |                                           |    |            |    |                                            |       |
|------|--------|-------------------------------------------|----|------------|----|--------------------------------------------|-------|
| 1170 | 100644 | General Services<br>Division - Operating  | \$ | 13,000,000 | \$ | 13,000,000                                 | 79594 |
| 1220 | 100637 | Fleet Management                          | \$ | 3,978,827  | \$ | <del>4,204,066</del><br><u>4,162,025</u>   | 79595 |
| 1250 | 100622 | Human Resources<br>Division - Operating   | \$ | 16,922,295 | \$ | <del>16,717,009</del><br><u>16,549,839</u> | 79596 |
| 1250 | 100657 | Benefits Communication                    | \$ | 925,586    | \$ | <del>921,531</del><br><u>912,316</u>       | 79597 |
| 1280 | 100620 | Collective Bargaining                     | \$ | 3,462,529  | \$ | <del>3,464,148</del><br><u>3,429,507</u>   | 79598 |
| 1300 | 100606 | Risk Management<br>Reserve                | \$ | 10,349,494 | \$ | <del>12,149,884</del><br><u>12,028,385</u> | 79599 |
| 1310 | 100639 | State Architect's<br>Office               | \$ | 9,812,132  | \$ | <del>9,813,342</del><br><u>9,463,342</u>   | 79600 |
| 1320 | 100631 | DAS Building<br>Management                | \$ | 11,000,000 | \$ | 11,000,000                                 | 79601 |
| 1330 | 100607 | IT Services Delivery                      | \$ | 58,088,940 | \$ | <del>58,103,005</del><br><u>57,521,975</u> | 79602 |
| 1880 | 100649 | Equal Opportunity<br>Division - Operating | \$ | 939,559    | \$ | 863,013                                    | 79603 |
| 2100 | 100612 | State Printing                            | \$ | 17,597,054 | \$ | 16,659,526                                 | 79604 |
| 2290 | 100630 | IT Governance                             | \$ | 14,000,000 | \$ | 14,000,000                                 | 79605 |
| 2290 | 100640 | Leveraged Enterprise<br>Purchases         | \$ | 3,000,000  | \$ | <del>3,000,000</del><br><u>2,816,535</u>   | 79606 |
| 4270 | 100602 | Investment Recovery                       | \$ | 4,100,000  | \$ | <del>4,100,000</del><br><u>4,000,000</u>   | 79607 |
| 4N60 | 100617 | Major IT Purchases                        | \$ | 1,950,000  | \$ | 4,950,000                                  | 79608 |
| 4P30 | 100603 | DAS Information<br>Services               | \$ | 5,047,565  | \$ | <del>4,979,392</del><br><u>4,929,598</u>   | 79609 |
| 5C20 | 100605 | MARCS Administration                      | \$ | 14,075,705 | \$ | 14,077,467                                 | 79610 |
| 5C30 | 100608 | Skilled Trades                            | \$ | 404,297    | \$ | <del>404,375</del><br><u>204,375</u>       | 79611 |
| 5EB0 | 100635 | OAKS Support                              | \$ | 19,000,539 | \$ | <del>19,003,108</del>                      | 79612 |

|                                    |                                                                    |                |    |                                              |       |
|------------------------------------|--------------------------------------------------------------------|----------------|----|----------------------------------------------|-------|
|                                    | Organization                                                       |                |    | <u>18,813,077</u>                            |       |
| 5EB0 100656                        | OAKS Updates and<br>Developments                                   | \$ 12,265,952  | \$ | <del>8,743,462</del><br><u>8,656,027</u>     | 79613 |
| 5HU0 100655                        | Construction Reform<br>Demo Compliance                             | \$ 150,000     | \$ | 150,000                                      | 79614 |
| 5L70 100610                        | Professional<br>Development                                        | \$ 2,496,679   | \$ | 2,496,760                                    | 79615 |
| 5V60 100619                        | Employee Educational<br>Development                                | \$ 800,000     | \$ | 850,000                                      | 79616 |
| 5X30 100634                        | Centralized Gateway<br>Enhancement                                 | \$ 2,052,308   | \$ | 2,052,308                                    | 79617 |
| TOTAL GSF                          | General Services Fund                                              |                |    |                                              | 79618 |
| Group                              |                                                                    | \$ 232,306,081 | \$ | <del>232,501,225</del><br><u>230,316,916</u> | 79619 |
| Federal Special Revenue Fund Group |                                                                    |                |    |                                              | 79620 |
| 3AJ0 100654                        | ARRA Broadband Mapping<br>Grant                                    | \$ 270,756     | \$ | 106,347                                      | 79621 |
| TOTAL FED                          | Federal Special Revenue                                            |                |    |                                              | 79622 |
| Fund Group                         |                                                                    | \$ 270,756     | \$ | 106,347                                      | 79623 |
| State Special Revenue Fund Group   |                                                                    |                |    |                                              | 79624 |
| 5JQ0 100658                        | <del>Professions</del><br><u>Professionals</u><br>Licensing System | \$ 2,000,000   | \$ | <del>1,000,000</del><br><u>990,000</u>       | 79625 |
| TOTAL SSR                          | State Special Revenue                                              |                |    |                                              | 79626 |
| Fund Group                         |                                                                    | \$ 2,000,000   | \$ | <del>1,000,000</del><br><u>990,000</u>       | 79627 |
| TOTAL ALL BUDGET FUND GROUPS       |                                                                    | \$ 352,769,353 | \$ | <del>381,927,815</del><br><u>383,086,957</u> | 79628 |

**Sec. 207.10.80.** DAS - BUILDING OPERATING PAYMENTS 79630

The foregoing appropriation item 100449, DAS - Building 79631  
Operating Payments, shall be used to pay the rent expenses of 79632

veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2012 and 2013. 79633  
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The foregoing appropriation item, 100449, DAS - Building Operating Payments, also may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state. 79635  
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Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants, or other costs associated with the Voinovich Center in Youngstown, Ohio. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations. These payments shall be processed by the Department of Administrative Services through intrastate transfer vouchers and placed in the Building Management Fund (Fund 1320). 79641  
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STATE IT SERVICES 79653

The foregoing appropriation item 100456, State IT Services, shall be used to pay costs associated with the Ohio Business Gateway, State Portal, and Shared Hosting Service that were formerly paid from appropriation item 100418, Web Sites and Business Gateway, and costs associated with statewide operators and the Ohio Geographically Referenced Information Program that were formerly paid from appropriation item 100419, IT Security Infrastructure. The Director of Budget and Management shall cancel any existing encumbrances against appropriation items 100418, Web Site and Business Gateway and 100419, IT Security Infrastructure, and reestablish them against appropriation item 100456, State IT 79654  
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Services. The reestablished encumbrance amounts are hereby 79665  
appropriated. 79666

EQUAL OPPORTUNITY SERVICES 79667

The foregoing appropriation item 100457, Equal Opportunity 79668  
Services, shall be used to pay costs associated with the 79669  
certification of businesses for participation in the Minority 79670  
Business Enterprise and Encouraging Diversity, Growth and Equity 79671  
Programs that were formerly paid from appropriation item 100439, 79672  
Equal Opportunity Certification Programs; the activities of the 79673  
Ohio Dr. Martin Luther King, Jr. Holiday Commission that were 79674  
formerly paid from appropriation item 100451, Minority Affairs; 79675  
and the monitoring of equal employment opportunity (EEO) and 79676  
affirmative action requirements to ensure contractors bidding on 79677  
and receiving contracts comply with EEO laws, rules, and 79678  
regulations that were formerly paid from appropriation item 79679  
102321, Construction Compliance. The Director of Budget and 79680  
Management shall cancel any existing encumbrances against 79681  
appropriation items 100439, Equal Opportunity Certification 79682  
Programs; 100451, Minority Affairs; and 102321, Construction 79683  
Compliance, and reestablish them against appropriation item 79684  
100457, Equal Opportunity Services. The reestablished encumbrance 79685  
amounts are hereby appropriated. 79686

STATE CONSTRUCTION MANAGEMENT SERVICES 79687

The foregoing appropriation item 100458, State Construction 79688  
Management Services, shall be used to pay costs of statewide 79689  
shared construction-related services and capital improvement 79690  
project management services provided through the state's 79691  
enterprise resource planning system. 79692

CASH TRANSFER FROM THE WORKFORCE DEVELOPMENT FUND TO THE 79693  
HUMAN RESOURCES SERVICES FUND 79694

Upon request of the Director of Administrative Services, in 79695

FY 2013, the Director of Budget and Management shall transfer up 79696  
to \$975,000 from the Workforce Development Fund (Fund 5D70) to the 79697  
Human Resources Services Fund (Fund 1250) to support one-time 79698  
human resources administration activities for state agencies. 79699

**Sec. 207.20.30. EQUAL OPPORTUNITY PROGRAM** 79700

The Department of Administrative Services, with the approval 79701  
of the Director of Budget and Management, shall establish charges 79702  
for recovering the costs of administering the activities supported 79703  
by the State EEO Fund (Fund 1880). These charges shall be 79704  
deposited to the credit of the State EEO Fund (Fund 1880) upon 79705  
payment made by state agencies, state-supported or state-assisted 79706  
institutions of higher education, and tax-supported agencies, 79707  
municipal corporations, and other political subdivisions of the 79708  
state, for services rendered. 79709

LEVERAGED ENTERPRISE PURCHASES 79710

The foregoing appropriation item 100640, Leveraged Enterprise 79711  
Purchases, shall be used by the Department of Administrative 79712  
Services to make information technology purchases for the benefit 79713  
of one or more government entities as authorized under division 79714  
(G) of section 125.18 of the Revised Code. If the Director of 79715  
Administrative Services determines that the existing appropriation 79716  
is insufficient to timely make such purchases, the Director of 79717  
Administrative Services shall seek the approval of the Director of 79718  
Budget and Management to make the requested purchases. Upon the 79719  
approval of the Director of Budget and Management, the additional 79720  
amounts necessary to make the purchases are hereby appropriated. 79721

**Sec. 207.20.90. CASH TRANSFERS FROM THE MAJOR IT PURCHASES** 79722  
**FUND** 79723

~~Upon request of the Director of Administrative Services, the~~ 79724  
~~Director of Budget and Management may make the following transfers~~ 79725

~~from the Major IT Purchases Fund (Fund 4N60):-~~ 79726

~~(1) Up to \$2,800,000 in each fiscal year of the biennium to~~ 79727  
~~the State Architect's Fund (Fund 1310) to support the OAKS Capital~~ 79728  
~~Improvements Module and other costs of the State Architect's~~ 79729  
~~Office that are not directly related to capital projects managed~~ 79730  
~~by the State Architect;~~ 79731

~~(2) Up to \$310,276 in fiscal year 2012 and up to \$305,921 in~~ 79732  
~~fiscal year 2013 to the Director's Office Fund (Fund 1120) to~~ 79733  
~~support operating expenses of the Accountability and Results~~ 79734  
~~Initiative.~~ 79735

CASH TRANSFERS TO THE MAJOR IT PURCHASES FUND 79736

Upon request of the Director of Administrative Services, the 79737  
Director of Budget and Management may transfer up to \$4,000,000 79738  
from the OAKS Support Organization Fund (Fund 5EB0) to the Major 79739  
IT Purchases Fund (Fund 4N60). This amount represents cash 79740  
transferred from Fund 4N60 during fiscal year 2010 pursuant to 79741  
Section 207.30.80 of Am. Sub. H.B. 1 of the 128th General 79742  
Assembly. Any portion of appropriation item 100617, Major IT 79743  
Purchases, that is unencumbered and unexpended at the end of 79744  
fiscal year 2012 is hereby reappropriated for fiscal year 2013. 79745

**Sec. 209.10. AGE DEPARTMENT OF AGING** 79746

General Revenue Fund 79747

|     |        |                     |    |           |    |                      |       |
|-----|--------|---------------------|----|-----------|----|----------------------|-------|
| GRF | 490321 | Operating Expenses  | \$ | 1,501,616 | \$ | <del>1,502,442</del> | 79748 |
|     |        |                     |    |           |    | <u>1,487,418</u>     |       |
| GRF | 490410 | Long-Term Care      | \$ | 482,271   | \$ | <del>482,271</del>   | 79749 |
|     |        | Ombudsman           |    |           |    | <u>477,448</u>       |       |
| GRF | 490411 | Senior Community    | \$ | 7,130,952 | \$ | <del>7,131,236</del> | 79750 |
|     |        | Services            |    |           |    | <u>7,060,844</u>     |       |
| GRF | 490414 | Alzheimer's Respite | \$ | 1,917,740 | \$ | <del>1,917,757</del> | 79751 |
|     |        |                     |    |           |    | <u>1,895,245</u>     |       |

|                                    |        |                         |    |            |    |                       |       |
|------------------------------------|--------|-------------------------|----|------------|----|-----------------------|-------|
| GRF                                | 490423 | Long_Term Care Budget   | \$ | 3,419,250  | \$ | <del>3,419,250</del>  | 79752 |
|                                    |        | - State                 |    |            |    | <u>3,385,057</u>      |       |
| GRF                                | 490506 | National Senior         | \$ | 241,413    | \$ | 241,413               | 79753 |
|                                    |        | Service Corps           |    |            |    |                       |       |
| TOTAL GRF                          |        | General Revenue Fund    | \$ | 14,693,242 | \$ | <del>14,694,369</del> | 79754 |
|                                    |        |                         |    |            |    | <u>14,547,425</u>     |       |
| General Services Fund Group        |        |                         |    |            |    |                       | 79755 |
| 4800                               | 490606 | Senior Community        | \$ | 372,518    | \$ | 372,523               | 79756 |
|                                    |        | Outreach and            |    |            |    |                       |       |
|                                    |        | Education               |    |            |    |                       |       |
| TOTAL GSF                          |        | General Services Fund   |    |            |    |                       | 79757 |
| Group                              |        |                         | \$ | 372,518    | \$ | 372,523               | 79758 |
| Federal Special Revenue Fund Group |        |                         |    |            |    |                       | 79759 |
| 3220                               | 490618 | Federal Aging Grants    | \$ | 14,000,000 | \$ | 14,000,000            | 79760 |
| 3C40                               | 490623 | Long_Term Care Budget   | \$ | 3,525,000  | \$ | 3,525,000             | 79761 |
| 3M40                               | 490612 | Federal Independence    | \$ | 63,655,080 | \$ | 63,655,080            | 79762 |
|                                    |        | Services                |    |            |    |                       |       |
| TOTAL FED                          |        | Federal Special Revenue |    |            |    |                       | 79763 |
| Fund Group                         |        |                         | \$ | 81,180,080 | \$ | 81,180,080            | 79764 |
| State Special Revenue Fund Group   |        |                         |    |            |    |                       | 79765 |
| 4C40                               | 490609 | Regional Long-Term      | \$ | 935,000    | \$ | 935,000               | 79766 |
|                                    |        | Care Ombudsman          |    |            |    |                       |       |
|                                    |        | Program                 |    |            |    |                       |       |
| 5BA0                               | 490620 | Ombudsman Support       | \$ | 750,000    | \$ | 750,000               | 79767 |
| 5K90                               | 490613 | Long_Term Care          | \$ | 1,059,400  | \$ | 1,059,400             | 79768 |
|                                    |        | Consumers Guide         |    |            |    |                       |       |
| 5W10                               | 490616 | Resident Services       | \$ | 344,692    | \$ | 344,700               | 79769 |
|                                    |        | Coordinator Program     |    |            |    |                       |       |
| TOTAL SSR                          |        | State Special Revenue   |    |            |    |                       | 79770 |
| Fund Group                         |        |                         | \$ | 3,089,092  | \$ | 3,089,100             | 79771 |
| TOTAL ALL BUDGET FUND GROUPS       |        |                         | \$ | 99,334,932 | \$ | <del>99,336,072</del> | 79772 |
|                                    |        |                         |    |            |    | <u>99,189,128</u>     |       |



**Sec. 209.20. LONG-TERM CARE** 79774

Pursuant to an interagency agreement, the Department of Job 79775  
and Family Services ~~shall~~ may designate the Department of Aging to 79776  
perform assessments under section 5111.204 of the Revised Code. 79777  
The Department of Aging shall provide long-term care consultations 79778  
under section 173.42 of the Revised Code to assist individuals in 79779  
planning for their long-term health care needs. 79780

The Department of Aging shall administer the Medicaid 79781  
waiver-funded PASSPORT Home Care Program, the Choices Program, the 79782  
Assisted Living Program, and the PACE Program as delegated by the 79783  
Department of Job and Family Services in an interagency agreement. 79784  
The foregoing appropriation items 490423, Long\_Term Care Budget - 79785  
State, and 490623, Long\_Term Care Budget, may be used to support 79786  
the Department of Aging's administrative costs associated with 79787  
operating the PASSPORT, Choices, Assisted Living, and PACE 79788  
programs. 79789

**Sec. 211.10. AGR DEPARTMENT OF AGRICULTURE** 79790

General Revenue Fund 79791

|            |                        |    |           |    |           |       |
|------------|------------------------|----|-----------|----|-----------|-------|
| GRF 700401 | Animal Disease Control | \$ | 3,936,687 | \$ | 3,936,687 | 79792 |
| GRF 700403 | Dairy Division         | \$ | 1,088,115 | \$ | 1,088,115 | 79793 |
| GRF 700404 | Ohio Proud             | \$ | 50,000    | \$ | 50,000    | 79794 |
| GRF 700406 | Consumer Analytical    | \$ | 1,287,556 | \$ | 1,287,556 | 79795 |
|            | Lab                    |    |           |    |           |       |
| GRF 700407 | Food Safety            | \$ | 848,792   | \$ | 848,792   | 79796 |
| GRF 700409 | Farmland Preservation  | \$ | 72,750    | \$ | 72,750    | 79797 |
| GRF 700412 | Weights and Measures   | \$ | 600,000   | \$ | 600,000   | 79798 |
| GRF 700415 | Poultry Inspection     | \$ | 392,978   | \$ | 392,978   | 79799 |
| GRF 700418 | Livestock Regulation   | \$ | 1,108,071 | \$ | 1,108,071 | 79800 |
|            | Program                |    |           |    |           |       |
| GRF 700424 | Livestock Testing and  | \$ | 102,770   | \$ | 102,770   | 79801 |

|             |                                    |             |            |    |            |       |
|-------------|------------------------------------|-------------|------------|----|------------|-------|
|             |                                    | Inspections |            |    |            |       |
| GRF 700499  | Meat Inspection                    | \$          | 4,175,097  | \$ | 4,175,097  | 79802 |
|             | Program - State Share              |             |            |    |            |       |
| GRF 700501  | County Agricultural                | \$          | 391,413    | \$ | 391,413    | 79803 |
|             | Societies                          |             |            |    |            |       |
| TOTAL GRF   | General Revenue Fund               | \$          | 14,054,229 | \$ | 14,054,229 | 79804 |
|             | General Services Fund Group        |             |            |    |            | 79805 |
| 5DA0 700644 | Laboratory                         | \$          | 1,094,867  | \$ | 1,094,867  | 79806 |
|             | Administration                     |             |            |    |            |       |
|             | Support                            |             |            |    |            |       |
| 5GH0 700655 | Central Support                    | \$          | 4,456,842  | \$ | 4,456,842  | 79807 |
|             | Indirect Cost                      |             |            |    |            |       |
| TOTAL GSF   | General Services Fund              | \$          | 5,551,709  | \$ | 5,551,709  | 79808 |
|             | Group                              |             |            |    |            |       |
|             | Federal Special Revenue Fund Group |             |            |    |            | 79809 |
| 3260 700618 | Meat Inspection                    | \$          | 4,950,000  | \$ | 4,950,000  | 79810 |
|             | Program - Federal                  |             |            |    |            |       |
|             | Share                              |             |            |    |            |       |
| 3360 700617 | Ohio Farm Loan                     | \$          | 150,000    | \$ | 150,000    | 79811 |
|             | Revolving Fund                     |             |            |    |            |       |
| 3820 700601 | Cooperative Contracts              | \$          | 2,000,000  | \$ | 2,000,000  | 79812 |
| 3AB0 700641 | Agricultural Easement              | \$          | 1,000,000  | \$ | 1,000,000  | 79813 |
| 3J40 700607 | Indirect Cost                      | \$          | 600,000    | \$ | 600,000    | 79814 |
| 3R20 700614 | Federal Plant                      | \$          | 1,000,000  | \$ | 1,000,000  | 79815 |
|             | Industry                           |             |            |    |            |       |
| TOTAL FED   | Federal Special Revenue            |             |            |    |            | 79816 |
|             | Fund Group                         | \$          | 9,700,000  | \$ | 9,700,000  | 79817 |
|             | State Special Revenue Fund Group   |             |            |    |            | 79818 |
| 4960 700626 | Ohio Grape Industries              | \$          | 846,611    | \$ | 846,611    | 79819 |
| 4970 700627 | Commodity Handlers                 | \$          | 483,402    | \$ | 483,402    | 79820 |
|             | Regulatory Program                 |             |            |    |            |       |
| 4C90 700605 | Commercial Feed and                | \$          | 1,816,897  | \$ | 1,816,897  | 79821 |

|            |              |                                                                   |    |            |    |            |       |
|------------|--------------|-------------------------------------------------------------------|----|------------|----|------------|-------|
|            |              | Seed                                                              |    |            |    |            |       |
| 4D20       | 700609       | Auction Education                                                 | \$ | 41,000     | \$ | 41,000     | 79822 |
| 4E40       | 700606       | Utility Radiological<br>Safety                                    | \$ | 131,785    | \$ | 131,785    | 79823 |
| 4P70       | 700610       | Food Safety<br>Inspection                                         | \$ | 1,085,836  | \$ | 1,085,836  | 79824 |
| 4R00       | 700636       | Ohio Proud Marketing                                              | \$ | 30,500     | \$ | 30,500     | 79825 |
| 4R20       | 700637       | Dairy Industry<br>Inspection                                      | \$ | 1,758,247  | \$ | 1,758,247  | 79826 |
| 4T60       | 700611       | Poultry and Meat<br>Inspection                                    | \$ | 180,000    | \$ | 180,000    | 79827 |
| 4T70       | 700613       | Ohio Proud<br>International and<br>Domestic Market<br>Development | \$ | 50,000     | \$ | 50,000     | 79828 |
| 5780       | 700620       | Ride Inspection Fees                                              | \$ | 1,175,142  | \$ | 1,175,142  | 79829 |
| 5B80       | 700629       | Auctioneers                                                       | \$ | 359,823    | \$ | 359,823    | 79830 |
| 5FC0       | 700648       | Plant Pest Program                                                | \$ | 1,164,000  | \$ | 1,164,000  | 79831 |
| 5H20       | 700608       | Metrology Lab and<br>Scale Certification                          | \$ | 750,000    | \$ | 750,000    | 79832 |
| 5HP0       | 700656       | Livestock Care<br>Standards Board                                 | \$ | 80,000     | \$ | 80,000     | 79833 |
| 5L80       | 700604       | Livestock Management<br>Program                                   | \$ | 584,000    | \$ | 584,000    | 79834 |
| 6520       | 700634       | Animal and Consumer<br>Analytical Laboratory                      | \$ | 4,366,383  | \$ | 4,366,383  | 79835 |
| 6690       | 700635       | Pesticide,<br>Fertilizer, and Lime<br>Inspection Program          | \$ | 3,418,041  | \$ | 3,418,041  | 79836 |
| TOTAL      | SSR          | State Special Revenue                                             |    |            |    |            | 79837 |
| Fund Group |              |                                                                   | \$ | 18,321,667 | \$ | 18,321,667 | 79838 |
| Clean Ohio | Conservation | Fund Group                                                        |    |            |    |            | 79839 |
| 7057       | 700632       | Clean Ohio                                                        | \$ | 310,000    | \$ | 310,000    | 79840 |



Agricultural Easement, shall be used by the Department of 79870  
Agriculture in administering Ohio Agricultural Easement Fund (Fund 79871  
7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 79872  
5301.70 of the Revised Code. 79873

**Sec. 215.10.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 79874  
SERVICES 79875

General Revenue Fund 79876

|                                |                     |    |            |    |           |       |
|--------------------------------|---------------------|----|------------|----|-----------|-------|
| GRF 038401                     | Treatment Services  | \$ | 11,225,590 | \$ | 7,020,974 | 79877 |
| GRF 038404                     | Prevention Services | \$ | 868,659    | \$ | 868,659   | 79878 |
| GRF 038501                     | Medicaid Match      | \$ | 23,959,113 | \$ | 0         | 79879 |
| TOTAL GRF General Revenue Fund |                     | \$ | 36,053,362 | \$ | 7,889,633 | 79880 |

General Services Fund 79881

|                                 |                  |    |         |    |         |       |
|---------------------------------|------------------|----|---------|----|---------|-------|
| 5T90 038616                     | Problem Gambling | \$ | 335,000 | \$ | 335,000 | 79882 |
| Services                        |                  |    |         |    |         |       |
| TOTAL GSF General Services Fund |                  | \$ | 335,000 | \$ | 335,000 | 79883 |

Group

Federal Special Revenue Fund Group 79884

|             |                       |    |            |    |            |       |
|-------------|-----------------------|----|------------|----|------------|-------|
| 3G40 038614 | Substance Abuse Block | \$ | 69,000,000 | \$ | 69,000,000 | 79885 |
| Grant       |                       |    |            |    |            |       |
| 3H80 038609 | Demonstration Grants  | \$ | 8,675,580  | \$ | 8,675,580  | 79886 |
| 3J80 038610 | Medicaid              | \$ | 69,200,000 | \$ | 0          | 79887 |
| 3N80 038611 | Administrative        | \$ | 300,000    | \$ | 300,000    | 79888 |

Reimbursement

TOTAL FED Federal Special Revenue 79889

|            |    |             |    |            |       |
|------------|----|-------------|----|------------|-------|
| Fund Group | \$ | 147,175,580 | \$ | 77,975,580 | 79890 |
|------------|----|-------------|----|------------|-------|

State Special Revenue Fund Group 79891

|                |                     |    |            |    |            |       |
|----------------|---------------------|----|------------|----|------------|-------|
| 4750 038621    | Statewide Treatment | \$ | 16,000,000 | \$ | 14,000,000 | 79892 |
| and Prevention |                     |    |            |    |            |       |

|                     |                       |           |                |           |                  |       |
|---------------------|-----------------------|-----------|----------------|-----------|------------------|-------|
| <u>5JL0 038629</u>  | <u>Problem Casino</u> | <u>\$</u> | <u>226,612</u> | <u>\$</u> | <u>5,446,364</u> | 79893 |
| <u>Gambling and</u> |                       |           |                |           |                  |       |

|                                              |        | <u>Addictions Fund</u> |    |                        |    |                        |       |
|----------------------------------------------|--------|------------------------|----|------------------------|----|------------------------|-------|
| 5JW0                                         | 038615 | Board Match            | \$ | 3,000,000              | \$ | 3,000,000              | 79894 |
|                                              |        | Reimbursement          |    |                        |    |                        |       |
| 6890                                         | 038604 | Education and          | \$ | 75,000                 | \$ | 75,000                 | 79895 |
|                                              |        | Conferences            |    |                        |    |                        |       |
| TOTAL SSR State Special Revenue              |        |                        |    |                        |    |                        | 79896 |
| Fund Group                                   |        |                        | \$ | <del>19,075,000</del>  | \$ | <del>17,075,000</del>  | 79897 |
|                                              |        |                        |    | <u>19,301,612</u>      |    | <u>22,521,364</u>      |       |
| TOTAL ALL BUDGET FUND GROUPS                 |        |                        |    |                        |    |                        | 79898 |
|                                              |        |                        | \$ | <del>202,638,942</del> | \$ | <del>103,275,213</del> |       |
|                                              |        |                        |    | <u>202,865,554</u>     |    | <u>108,721,577</u>     |       |
| <br><b>Sec. 223.10. AGO ATTORNEY GENERAL</b> |        |                        |    |                        |    |                        | 79900 |
| General Revenue Fund                         |        |                        |    |                        |    |                        | 79901 |
| GRF                                          | 055321 | Operating Expenses     | \$ | 42,514,169             | \$ | 42,514,169             | 79902 |
| GRF                                          | 055405 | Law-Related Education  | \$ | 100,000                | \$ | 100,000                | 79903 |
| GRF                                          | 055411 | County Sheriffs' Pay   | \$ | 757,921                | \$ | 757,921                | 79904 |
|                                              |        | Supplement             |    |                        |    |                        |       |
| GRF                                          | 055415 | County Prosecutors'    | \$ | 831,499                | \$ | 831,499                | 79905 |
|                                              |        | Pay Supplement         |    |                        |    |                        |       |
| TOTAL GRF General Revenue Fund               |        |                        |    |                        |    |                        | 79906 |
| General Services Fund Group                  |        |                        |    |                        |    |                        | 79907 |
| 1060                                         | 055612 | General Reimbursement  | \$ | 43,357,968             | \$ | 43,011,277             | 79908 |
| 1950                                         | 055660 | Workers' Compensation  | \$ | 8,415,504              | \$ | 8,415,504              | 79909 |
|                                              |        | Section                |    |                        |    |                        |       |
| 4180                                         | 055615 | Charitable             | \$ | 7,286,000              | \$ | 7,286,000              | 79910 |
|                                              |        | Foundations            |    |                        |    |                        |       |
| 4200                                         | 055603 | Attorney General       | \$ | 1,871,674              | \$ | 1,839,074              | 79911 |
|                                              |        | Antitrust              |    |                        |    |                        |       |
| 4210                                         | 055617 | Police Officers'       | \$ | 2,124,942              | \$ | 2,088,805              | 79912 |
|                                              |        | Training Academy Fee   |    |                        |    |                        |       |
| 4Z20                                         | 055609 | BCI Asset Forfeiture   | \$ | 1,529,685              | \$ | 1,521,731              | 79913 |
|                                              |        | and Cost               |    |                        |    |                        |       |

|             |               |                                    |           |                       |           |                       |       |
|-------------|---------------|------------------------------------|-----------|-----------------------|-----------|-----------------------|-------|
|             |               | Reimbursement                      |           |                       |           |                       |       |
| 5900        | 055633        | Peace Officer Private              | \$        | 98,370                | \$        | 98,370                | 79914 |
|             |               | Security Fund                      |           |                       |           |                       |       |
| 5A90        | 055618        | Telemarketing Fraud                | \$        | 7,500                 | \$        | 7,500                 | 79915 |
|             |               | Enforcement                        |           |                       |           |                       |       |
| 5L50        | 055619        | Law Enforcement                    | \$        | 300,222               | \$        | 0                     | 79916 |
|             |               | Assistance Program                 |           |                       |           |                       |       |
| <u>5LR0</u> | <u>055655</u> | <u>Peace Officer</u>               | <u>\$</u> | <u>192,620</u>        | <u>\$</u> | <u>4,629,409</u>      | 79917 |
|             |               | <u>Training - Casino</u>           |           |                       |           |                       |       |
| 6310        | 055637        | Consumer Protection                | \$        | 3,799,115             | \$        | 3,718,973             | 79918 |
|             |               | Enforcement                        |           |                       |           |                       |       |
| TOTAL GSF   |               | General Services Fund              |           |                       |           |                       | 79919 |
| Group       |               |                                    | \$        | <del>68,790,980</del> | \$        | <del>67,987,234</del> | 79920 |
|             |               |                                    |           | <u>68,983,600</u>     |           | <u>72,616,643</u>     |       |
|             |               | Federal Special Revenue Fund Group |           |                       |           |                       | 79921 |
| 3060        | 055620        | Medicaid Fraud                     | \$        | 4,211,235             | \$        | 4,122,399             | 79922 |
|             |               | Control                            |           |                       |           |                       |       |
| 3810        | 055611        | Civil Rights Legal                 | \$        | 402,540               | \$        | 402,540               | 79923 |
|             |               | Service                            |           |                       |           |                       |       |
| 3830        | 055634        | Crime Victims                      | \$        | 13,000,000            | \$        | 13,000,000            | 79924 |
|             |               | Assistance                         |           |                       |           |                       |       |
| 3E50        | 055638        | Attorney General                   | \$        | 1,223,606             | \$        | 1,222,172             | 79925 |
|             |               | Pass-Through Funds                 |           |                       |           |                       |       |
| 3R60        | 055613        | Attorney General                   | \$        | 3,823,251             | \$        | 3,673,251             | 79926 |
|             |               | Federal Funds                      |           |                       |           |                       |       |
| TOTAL FED   |               | Federal Special Revenue            |           |                       |           |                       | 79927 |
| Fund Group  |               |                                    | \$        | 22,660,632            | \$        | 22,420,362            | 79928 |
|             |               | State Special Revenue Fund Group   |           |                       |           |                       | 79929 |
| 4020        | 055616        | Victims of Crime                   | \$        | 26,000,000            | \$        | 26,000,000            | 79930 |
| 4170        | 055621        | Domestic Violence                  | \$        | 25,000                | \$        | 25,000                | 79931 |
|             |               | Shelter                            |           |                       |           |                       |       |
| 4190        | 055623        | Claims Section                     | \$        | 44,197,843            | \$        | 41,953,025            | 79932 |

|                                                |        |                                                                          |    |                        |    |                        |       |
|------------------------------------------------|--------|--------------------------------------------------------------------------|----|------------------------|----|------------------------|-------|
| 4L60                                           | 055606 | DARE Programs                                                            | \$ | 4,477,962              | \$ | 4,477,962              | 79933 |
| 4Y70                                           | 055608 | Title Defect Recision                                                    | \$ | 600,000                | \$ | 600,000                | 79934 |
| 6590                                           | 055641 | Solid and Hazardous<br>Waste Background<br>Investigations                | \$ | 662,227                | \$ | 651,049                | 79935 |
| TOTAL SSR State Special Revenue                |        |                                                                          |    |                        |    |                        | 79936 |
| Fund Group                                     |        |                                                                          | \$ | 75,963,032             | \$ | 73,707,036             | 79937 |
| Holding Account Redistribution Fund Group      |        |                                                                          |    |                        |    |                        | 79938 |
| R004                                           | 055631 | General Holding<br>Account                                               | \$ | 1,000,000              | \$ | 1,000,000              | 79939 |
| R005                                           | 055632 | Antitrust Settlements                                                    | \$ | 1,000                  | \$ | 1,000                  | 79940 |
| R018                                           | 055630 | Consumer Frauds                                                          | \$ | 750,000                | \$ | 750,000                | 79941 |
| R042                                           | 055601 | Organized Crime<br>Commission<br>Distributions                           | \$ | 25,025                 | \$ | 25,025                 | 79942 |
| R054                                           | 055650 | Collection Outside<br>Counsel Payments                                   | \$ | 4,500,000              | \$ | 4,500,000              | 79943 |
| TOTAL 090 Holding Account                      |        |                                                                          |    |                        |    |                        | 79944 |
| Redistribution Fund Group                      |        |                                                                          | \$ | 6,276,025              | \$ | 6,276,025              | 79945 |
| Tobacco Master Settlement Agreement Fund Group |        |                                                                          |    |                        |    |                        | 79946 |
| J087                                           | 055635 | Law Enforcement<br>Technology, Training,<br>and Facility<br>Enhancements | \$ | 2,300,000              | \$ | 0                      | 79947 |
| U087                                           | 055402 | Tobacco Settlement<br>Oversight,<br>Administration, and<br>Enforcement   | \$ | 2,527,992              | \$ | 2,514,690              | 79948 |
| TOTAL TSF Tobacco Master Settlement            |        |                                                                          |    |                        |    |                        | 79949 |
| Agreement Fund Group                           |        |                                                                          | \$ | 4,827,992              | \$ | 2,514,690              | 79949 |
| TOTAL ALL BUDGET FUND GROUPS                   |        |                                                                          | \$ | <del>222,722,250</del> | \$ | <del>217,108,936</del> | 79950 |
|                                                |        |                                                                          |    | <u>222,914,870</u>     |    | <u>221,738,345</u>     |       |



COUNTY SHERIFFS' PAY SUPPLEMENT 79951

The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 79952  
79953  
79954  
79955

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code. 79956  
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COUNTY PROSECUTORS' PAY SUPPLEMENT 79962

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code. 79963  
79964  
79965  
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At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code. 79967  
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GENERAL REIMBURSEMENT FUND 79974

Notwithstanding any other provision of law to the contrary, on July 1, 2011, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$160,000 cash from the General Revenue Fund to the General Reimbursement Fund (Fund 1060) used by the Office of the Attorney General. 79975  
79976  
79977  
79978  
79979

WORKERS' COMPENSATION SECTION 79980

The Workers' Compensation Fund (Fund 1950) is entitled to 79981  
receive payments from the Bureau of Workers' Compensation and the 79982  
Ohio Industrial Commission at the beginning of each quarter of 79983  
each fiscal year to fund legal services to be provided to the 79984  
Bureau of Workers' Compensation and the Ohio Industrial Commission 79985  
during the ensuing quarter. The advance payment shall be subject 79986  
to adjustment. 79987

In addition, the Bureau of Workers' Compensation shall 79988  
transfer payments at the beginning of each quarter for the support 79989  
of the Workers' Compensation Fraud Unit. 79990

All amounts shall be mutually agreed upon by the Attorney 79991  
General, the Bureau of Workers' Compensation, and the Ohio 79992  
Industrial Commission. 79993

ATTORNEY GENERAL PASS-THROUGH FUNDS 79994

The foregoing appropriation item 055638, Attorney General 79995  
Pass-Through Funds, shall be used to receive federal grant funds 79996  
provided to the Attorney General by other state agencies, 79997  
including, but not limited to, the Department of Youth Services 79998  
and the Department of Public Safety. 79999

GENERAL HOLDING ACCOUNT 80000

The foregoing appropriation item 055631, General Holding 80001  
Account, shall be used to distribute moneys under the terms of 80002  
relevant court orders or other settlements received in a variety 80003  
of cases involving the Office of the Attorney General. If it is 80004  
determined that additional amounts are necessary for this purpose, 80005  
the amounts are hereby appropriated. 80006

ANTITRUST SETTLEMENTS 80007

The foregoing appropriation item 055632, Antitrust 80008  
Settlements, shall be used to distribute moneys under the terms of 80009  
relevant court orders or other out of court settlements in 80010

antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION OUTSIDE COUNSEL PAYMENTS

The foregoing appropriation item 055650, Collection Outside Counsel Payments, shall be used for the purpose of paying contingency counsel fees for cases where debtors mistakenly paid the client agencies instead of the Attorney General's Revenue Recovery/Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

|                                                         |                         |                      |                             |                                       |
|---------------------------------------------------------|-------------------------|----------------------|-----------------------------|---------------------------------------|
| <b>Sec. 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT</b> |                         |                      |                             | 80041                                 |
| General Revenue Fund                                    |                         |                      |                             | 80042                                 |
| GRF                                                     | 042321                  | Budget Development   | \$ 2,362,025 \$             | <del>2,378,166</del> 80043            |
|                                                         |                         | and Implementation   |                             | <u>2,353,166</u>                      |
| GRF                                                     | 042409                  | Commission Closures  | \$ 50,000 \$                | 50,000 80044                          |
| GRF                                                     | 042416                  | Office of Health     | \$ 306,285 \$               | <del>0</del> <u>499,252</u> 80045     |
|                                                         |                         | Transformation       |                             |                                       |
| GRF                                                     | 042423                  | Liquor Enterprise    | \$ 500,000 \$               | 0 80046                               |
|                                                         |                         | Transaction          |                             |                                       |
| TOTAL GRF                                               | General Revenue Fund    |                      | \$ 3,218,310 \$             | <del>2,428,166</del> 80047            |
|                                                         |                         |                      |                             | <u>2,902,418</u>                      |
| General Services Fund Group                             |                         |                      |                             | 80048                                 |
| 1050                                                    | 042603                  | State Accounting and | \$ <del>21,917,230</del> \$ | <del>22,006,331</del> 80049           |
|                                                         |                         | Budgeting            | <u>21,158,069</u>           | <u>22,262,185</u>                     |
| 5N40                                                    | 042602                  | OAKS Project         | \$ 1,358,000 \$             | <del>1,309,500</del> 80050            |
|                                                         |                         | Implementation       |                             | <u>1,296,000</u>                      |
| 5Z80                                                    | 042608                  | Office of Health     | \$ 57,752 \$                | 0 80051                               |
|                                                         |                         | Transformation       |                             |                                       |
|                                                         |                         | Administration       |                             |                                       |
| TOTAL GSF                                               | General Services Fund   |                      | \$ <del>23,332,982</del> \$ | <del>23,315,831</del> 80052           |
|                                                         | Group                   |                      | <u>22,573,821</u>           | <u>23,558,185</u>                     |
| Federal Special Revenue Fund Group                      |                         |                      |                             | 80053                                 |
| 3CM0                                                    | 042606                  | Office of Health     | \$ 384,037 \$               | <del>145,500</del> 80054              |
|                                                         |                         | Transformation -     |                             | <u>438,723</u>                        |
|                                                         |                         | Federal              |                             |                                       |
| TOTAL FED                                               | Federal Special Revenue |                      | \$ 384,037 \$               | <del>145,500</del> 80055              |
|                                                         | Fund Group              |                      |                             | <u>438,723</u>                        |
| Agency Fund Group                                       |                         |                      |                             | 80056                                 |
| 5EH0                                                    | 042604                  | Forgery Recovery     | \$ 50,000 \$                | <del>50,000</del> <u>49,000</u> 80057 |
| TOTAL AGY                                               | Agency Fund Group       |                      | \$ 50,000 \$                | <del>50,000</del> <u>49,000</u> 80058 |
| TOTAL ALL BUDGET                                        | FUND GROUPS             |                      | \$ <del>26,985,329</del> \$ | <del>25,939,497</del> 80059           |

26,226,168

26,948,326

COMMISSION CLOSURES

80060

The foregoing appropriation item 042409, Commission Closures, 80061  
may be used to pay obligations associated with the closure of the 80062  
Commission on Dispute Resolution and Conflict Management, the 80063  
School Employees Health Care Board, the Legal Rights Service, and 80064  
the Workers' Compensation Council. Notwithstanding any provision 80065  
of law to the contrary, this appropriation item may also be used 80066  
to pay final payroll expenses occurring after the closure of the 80067  
Commission on Dispute Resolution and Conflict Management, the 80068  
School Employees Health Care Board, the Legal Rights Service, and 80069  
the Workers' Compensation Council in the event that appropriations 80070  
or cash in the closing agency are insufficient to do so. 80071

The Director of Budget and Management may request Controlling 80072  
Board approval for funds to be transferred to appropriation item 80073  
042409, Commission Closures, from appropriation item 911614, CB 80074  
Emergency Purposes, for anticipated expenses associated with 80075  
agency closures. 80076

LIQUOR ENTERPRISE TRANSACTION

80077

The foregoing appropriation item 042423, Liquor Enterprise 80078  
Transaction, shall be used by the Director of Budget and 80079  
Management, without need for any other approval, to retain or 80080  
contract for the services of commercial appraisers, underwriters, 80081  
investment bankers, and financial advisers, as are necessary in 80082  
the Director's judgment to commence negotiation of the transfer 80083  
agreement referred to in sections 4313.01 and 4313.02 of the 80084  
Revised Code, as enacted by ~~this act~~ Am. Sub. H.B. 153 of the 80085  
129th General Assembly. Any amounts expended from appropriation 80086  
item 042423 shall be reimbursed from the proceeds of the 80087  
enterprise acquisition project transaction authorized in those 80088  
sections. 80089

The Director of Budget and Management, in consultation with 80090  
the Director of Commerce, may negotiate an initial agreement with 80091  
JobsOhio, which shall be executed by the Directors of Budget and 80092  
Management and Commerce upon its completion. 80093

AUDIT COSTS AND DUES 80094

All centralized audit costs associated with either Single 80095  
Audit Schedules or financial statements prepared in conformance 80096  
with generally accepted accounting principles for the state shall 80097  
be paid from the foregoing appropriation item 042603, State 80098  
Accounting and Budgeting. 80099

Costs associated with the audit of the Auditor of State and 80100  
national association dues shall be paid from the foregoing 80101  
appropriation item 042321, Budget Development and Implementation. 80102

SHARED SERVICES CENTER 80103

The Director of Budget and Management shall use the OAKS 80104  
Project Implementation Fund (Fund 5N40) and the Accounting and 80105  
Budgeting Fund (Fund 1050) to support a Shared Services Center 80106  
within the Office of Budget and Management for the purpose of 80107  
consolidating statewide business functions and common 80108  
transactional processes. 80109

The Director of Budget and Management shall include the 80110  
recovery of costs to operate the Shared Services Center in the 80111  
accounting and budgeting services payroll rate and through a 80112  
direct charge using intrastate transfer vouchers to agencies for 80113  
services rendered. The Director of Budget and Management shall 80114  
determine the cost recovery methodology. Such cost recovery 80115  
revenues shall be deposited to the credit of Fund 1050. 80116

INTERNAL CONTROL AND AUDIT OVERSIGHT 80117

The Director of Budget and Management shall include the 80118  
recovery of costs to operate the Internal Control and Audit 80119

Oversight Program in the accounting and budgeting services payroll 80120  
rate and through a direct charge using intrastate transfer 80121  
vouchers to agencies reviewed by the program. The Director of 80122  
Budget and Management, with advice from the Internal Audit 80123  
Advisory Council, shall determine the cost recovery methodology. 80124  
Such cost recovery revenues shall be deposited to the credit of 80125  
the Accounting and Budgeting Fund (Fund 1050). 80126

FORGERY RECOVERY 80127

The foregoing appropriation item 042604, Forgery Recovery, 80128  
shall be used to reissue warrants that have been certified as 80129  
forgeries by the rightful recipient as determined by the Bureau of 80130  
Criminal Identification and Investigation and the Treasurer of 80131  
State. Upon receipt of funds to cover the reissuance of the 80132  
warrant, the Director of Budget and Management shall reissue a 80133  
state warrant of the same amount. 80134

GRF TRANSFER TO THE OAKS PROJECT IMPLEMENTATION FUND 80135

On July 1 of each fiscal year, or as soon as possible 80136  
thereafter, the Director of Budget and Management shall transfer 80137  
an amount not to exceed \$1,100,000 in cash from the General 80138  
Revenue Fund to the OAKS Project Implementation Fund (Fund 5N40). 80139

**Sec. 243.10.** COM DEPARTMENT OF COMMERCE 80140

General Services Fund Group 80141

1630 800620 Division of \$ 6,200,000 \$ 6,200,000 80142

Administration

1630 800637 Information Technology \$ 5,999,892 \$ 6,011,977 80143

5430 800602 Unclaimed \$ 7,836,107 \$ 7,841,473 80144

Funds-Operating

5430 800625 Unclaimed Funds-Claims \$ 69,700,000 \$ ~~69,800,000~~ 80145

68,000,000

5F10 800635 Small Government Fire \$ 300,000 \$ 300,000 80146

Departments

|                                    |    |            |                          |       |
|------------------------------------|----|------------|--------------------------|-------|
| TOTAL GSF General Services Fund    |    |            |                          | 80147 |
| Group                              | \$ | 90,035,999 | \$ <del>90,153,450</del> | 80148 |
|                                    |    |            | <u>88,353,450</u>        |       |
| Federal Special Revenue Fund Group |    |            |                          | 80149 |
| 3480 800622 Underground Storage    | \$ | 1,129,518  | \$ 1,129,518             | 80150 |
| Tanks                              |    |            |                          |       |
| 3480 800624 Leaking Underground    | \$ | 1,556,211  | \$ 1,556,211             | 80151 |
| Storage Tanks                      |    |            |                          |       |
| TOTAL FED Federal Special Revenue  |    |            |                          | 80152 |
| Fund Group                         | \$ | 2,685,729  | \$ 2,685,729             | 80153 |
| State Special Revenue Fund Group   |    |            |                          | 80154 |
| 4B20 800631 Real Estate Appraisal  | \$ | 35,000     | \$ 35,000                | 80155 |
| Recovery                           |    |            |                          |       |
| 4H90 800608 Cemeteries             | \$ | 268,067    | \$ 268,293               | 80156 |
| 4X20 800619 Financial Institutions | \$ | 2,186,271  | \$ <del>1,990,693</del>  | 80157 |
|                                    |    |            | <u>1,970,786</u>         |       |
| 5440 800612 Banks                  | \$ | 7,242,364  | \$ <del>6,942,336</del>  | 80158 |
|                                    |    |            | <u>6,872,913</u>         |       |
| 5450 800613 Savings Institutions   | \$ | 2,257,220  | \$ 2,259,536             | 80159 |
| 5460 800610 Fire Marshal           | \$ | 15,400,000 | \$ <del>15,501,562</del> | 80160 |
|                                    |    |            | <u>15,484,574</u>        |       |
| 5460 800639 Fire Department Grants | \$ | 1,698,802  | \$ 1,698,802             | 80161 |
| 5470 800603 Real Estate            | \$ | 125,000    | \$ <del>125,000</del>    | 80162 |
| Education/Research                 |    |            | <u>80,655</u>            |       |
| 5480 800611 Real Estate Recovery   | \$ | 25,000     | \$ 25,000                | 80163 |
| 5490 800614 Real Estate            | \$ | 3,413,708  | \$ 3,332,308             | 80164 |
| 5500 800617 Securities             | \$ | 4,312,434  | \$ <del>4,314,613</del>  | 80165 |
|                                    |    |            | <u>4,271,467</u>         |       |
| 5520 800604 Credit Union           | \$ | 3,450,390  | \$ <del>3,450,390</del>  | 80166 |
|                                    |    |            | <u>3,415,886</u>         |       |
| 5530 800607 Consumer Finance       | \$ | 3,613,016  | \$ <del>3,516,861</del>  | 80167 |



|                                 |                                                |           |             |                   |                             |
|---------------------------------|------------------------------------------------|-----------|-------------|-------------------|-----------------------------|
|                                 |                                                |           |             | <u>3,481,692</u>  |                             |
| 5560 800615                     | Industrial Compliance                          | \$        | 27,639,372  | \$                | <del>27,664,695</del> 80168 |
|                                 |                                                |           |             | <u>27,388,048</u> |                             |
| 5FW0 800616                     | Financial Literacy<br>Education                | \$        | 240,000     | \$                | <del>240,000</del> 80169    |
|                                 |                                                |           |             | <u>200,000</u>    |                             |
| 5GK0 800609                     | Securities Investor<br>Education/Enforcement   | \$        | 1,135,000   | \$                | <del>485,000</del> 80170    |
|                                 |                                                |           |             | <u>480,150</u>    |                             |
| 5HV0 800641                     | Cigarette Enforcement                          | \$        | 120,000     | \$                | <del>120,000</del> 80171    |
|                                 |                                                |           |             | <u>118,800</u>    |                             |
| <u>5LN0 800645</u>              | <u>Liquor Operating<br/>Services</u>           | <u>\$</u> | <u>0</u>    | <u>\$</u>         | <u>5,500,000</u> 80172      |
| <u>5LP0 800646</u>              | <u>Liquor Regulatory<br/>Operating Expense</u> | <u>\$</u> | <u>0</u>    | <u>\$</u>         | <u>8,500,000</u> 80173      |
| 5X60 800623                     | Video Service                                  | \$        | 340,299     | \$                | <del>340,630</del> 80174    |
|                                 |                                                |           |             | <u>337,224</u>    |                             |
| 6530 800629                     | UST Registration/Permit<br>Fee                 | \$        | 1,854,675   | \$                | <del>1,509,653</del> 80175  |
|                                 |                                                |           |             | <u>1,494,556</u>  |                             |
| 6A40 800630                     | Real Estate<br>Appraiser-Operating             | \$        | 699,565     | \$                | 648,890 80176               |
| TOTAL SSR State Special Revenue |                                                |           |             |                   | 80177                       |
| Fund Group                      |                                                | \$        | 76,056,183  | \$                | <del>74,469,262</del> 80178 |
|                                 |                                                |           |             | <u>87,864,580</u> |                             |
| Liquor Control Fund Group       |                                                |           |             |                   | 80179                       |
| 7043 800601                     | Merchandising                                  | \$        | 472,209,274 | \$                | 0 80180                     |
| 7043 800627                     | Liquor Control<br>Operating                    | \$        | 13,398,274  | \$                | <del>10,110,479</del> 80181 |
|                                 |                                                |           |             | <u>1,509,374</u>  |                             |
| 7043 800633                     | Development Assistance<br>Debt Service         | \$        | 51,973,200  | \$                | 0 80182                     |
| 7043 800636                     | Revitalization Debt<br>Service                 | \$        | 21,129,800  | \$                | 0 80183                     |
| TOTAL LCF Liquor Control        |                                                |           |             |                   | 80184                       |
| Fund Group                      |                                                | \$        | 558,710,548 | \$                | <del>10,110,479</del> 80185 |
|                                 |                                                |           |             | <u>1,509,374</u>  |                             |

|                                                                     |                |                           |       |
|---------------------------------------------------------------------|----------------|---------------------------|-------|
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ 727,488,459 | <del>\$ 177,418,920</del> | 80186 |
|                                                                     |                | <u>180,413,133</u>        |       |
| SMALL GOVERNMENT FIRE DEPARTMENTS                                   |                |                           | 80187 |
| Notwithstanding section 3737.17 of the Revised Code, the            |                |                           | 80188 |
| foregoing appropriation item 800635, Small Government Fire          |                |                           | 80189 |
| Departments, may be used to provide loans to private fire           |                |                           | 80190 |
| departments.                                                        |                |                           | 80191 |
| UNCLAIMED FUNDS PAYMENTS                                            |                |                           | 80192 |
| The foregoing appropriation item 800625, Unclaimed                  |                |                           | 80193 |
| Funds-Claims, shall be used to pay claims under section 169.08 of   |                |                           | 80194 |
| the Revised Code. If it is determined that additional amounts are   |                |                           | 80195 |
| necessary, the amounts are appropriated.                            |                |                           | 80196 |
| UNCLAIMED FUNDS TRANSFERS                                           |                |                           | 80197 |
| Notwithstanding division (A) of section 169.05 of the Revised       |                |                           | 80198 |
| Code, during the FY 2012-FY 2013 biennium, the Director of Budget   |                |                           | 80199 |
| and Management shall request the Director of Commerce to transfer   |                |                           | 80200 |
| to the General Revenue Fund up to \$215,000,000 of unclaimed funds  |                |                           | 80201 |
| that have been reported by holders of unclaimed funds under         |                |                           | 80202 |
| section 169.05 of the Revised Code, irrespective of the allocation  |                |                           | 80203 |
| of the unclaimed funds under that section. The Director of          |                |                           | 80204 |
| Commerce shall transfer the funds at the times requested by the     |                |                           | 80205 |
| Director of Budget and Management.                                  |                |                           | 80206 |
| FIRE DEPARTMENT GRANTS                                              |                |                           | 80207 |
| Of the foregoing appropriation item 800639, Fire Department         |                |                           | 80208 |
| Grants, up to \$1,647,140 in each fiscal year shall be used to make |                |                           | 80209 |
| annual grants to the following eligible recipients: volunteer fire  |                |                           | 80210 |
| departments, fire departments that serve one or more small          |                |                           | 80211 |
| municipalities or small townships, joint fire districts comprised   |                |                           | 80212 |
| of fire departments that primarily serve small municipalities or    |                |                           | 80213 |
| small townships, local units of government responsible for such     |                |                           | 80214 |
| fire departments, and local units of government responsible for     |                |                           | 80215 |

the provision of fire protection services for small municipalities 80216  
or small townships. For the purposes of these grants, a private 80217  
fire company, as that phrase is defined in section 9.60 of the 80218  
Revised Code, that is providing fire protection services under a 80219  
contract to a political subdivision of the state, is an additional 80220  
eligible recipient for a training grant. 80221

Eligible recipients that consist of small municipalities or 80222  
small townships that all intend to contract with the same fire 80223  
department or private fire company for fire protection services 80224  
may jointly apply and be considered for a grant. If a joint 80225  
applicant is awarded a grant, the State Fire Marshal shall, if 80226  
feasible, proportionately award the grant and any equipment 80227  
purchased with grant funds to each of the joint applicants based 80228  
upon each applicant's contribution to and demonstrated need for 80229  
fire protection services. 80230

If the grant awarded to joint applicants is an equipment 80231  
grant and the equipment to be purchased cannot be readily 80232  
distributed or possessed by multiple recipients, each of the joint 80233  
applicants shall be awarded by the State Fire Marshal an ownership 80234  
interest in the equipment so purchased in proportion to each 80235  
applicant's contribution to and demonstrated need for fire 80236  
protection services. The joint applicants shall then mutually 80237  
agree on how the equipment is to be maintained, operated, stored, 80238  
or disposed of. If, for any reason, the joint applicants cannot 80239  
agree as to how jointly owned equipment is to be maintained, 80240  
operated, stored, or disposed of or any of the joint applicants no 80241  
longer maintain a contract with the same fire protection service 80242  
provider as the other applicants, then the joint applicants shall, 80243  
with the assistance of the State Fire Marshal, mutually agree as 80244  
to how the jointly owned equipment is to be maintained, operated, 80245  
stored, disposed of, or owned. If the joint applicants cannot 80246  
agree how the grant equipment is to be maintained, operated, 80247

stored, disposed of, or owned, the State Fire Marshal may, in its 80248  
discretion, require all of the equipment acquired by the joint 80249  
applicants with grant funds to be returned to the State Fire 80250  
Marshal. The State Fire Marshal may then award the returned 80251  
equipment to any eligible recipients. 80252

The grants shall be used by recipients to purchase 80253  
firefighting or rescue equipment or gear or similar items, to 80254  
provide full or partial reimbursement for the documented costs of 80255  
firefighter training, or, at the discretion of the State Fire 80256  
Marshal, to cover fire department costs for providing fire 80257  
protection services in that grant recipient's jurisdiction. 80258

Grant awards for firefighting or rescue equipment or gear or 80259  
for fire department costs of providing fire protection services 80260  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 80261  
fiscal year if an eligible entity serves a jurisdiction in which 80262  
the Governor declared a natural disaster during the preceding or 80263  
current fiscal year in which the grant was awarded. In addition to 80264  
any grant funds awarded for rescue equipment or gear, or for fire 80265  
department costs associated with the provision of fire protection 80266  
services, an eligible entity may receive a grant for up to \$15,000 80267  
per fiscal year for full or partial reimbursement of the 80268  
documented costs of firefighter training. For each fiscal year, 80269  
the State Fire Marshal shall determine the total amounts to be 80270  
allocated for each eligible purpose. 80271

The grant program shall be administered by the State Fire 80272  
Marshal in accordance with rules the State Fire Marshal adopts as 80273  
part of the state fire code adopted pursuant to section 3737.82 of 80274  
the Revised Code that are necessary for the administration and 80275  
operation of the grant program. The rules may further define the 80276  
entities eligible to receive grants and establish criteria for the 80277  
awarding and expenditure of grant funds, including methods the 80278  
State Fire Marshal may use to verify the proper use of grant funds 80279

or to obtain reimbursement for or the return of equipment for 80280  
improperly used grant funds. Any amounts in appropriation item 80281  
800639, Fire Department Grants, in excess of the amount allocated 80282  
for these grants may be used for the administration of the grant 80283  
program. 80284

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 80285  
EDUCATION AND ENFORCEMENT EXPENSE FUND 80286

The Director of Budget and Management, upon the request of 80287  
the Director of Commerce, shall transfer up to \$485,000 in cash in 80288  
each fiscal year from the Division of Securities Fund (Fund 5500) 80289  
to the Division of Securities Investor Education and Enforcement 80290  
Expense Fund (Fund 5GK0) created in section 1707.37 of the Revised 80291  
Code. 80292

CASH TRANSFER TO VIDEO SERVICE AUTHORIZATION FUND 80293

The Director of Budget and Management, upon the request of 80294  
the Director of Commerce, shall transfer up to \$340,000 in cash in 80295  
each fiscal year from the Division of Administration Fund (Fund 80296  
1630) to the Video Service Authorization Fund (Fund 5X60). 80297

INCREASED APPROPRIATION - MERCHANDISING 80298

The foregoing appropriation item 800601, Merchandising, shall 80299  
be used under section 4301.12 of the Revised Code. If it is 80300  
determined that additional expenditures are necessary, the amounts 80301  
are hereby appropriated. 80302

DEVELOPMENT ASSISTANCE DEBT SERVICE 80303

The foregoing appropriation item 800633, Development 80304  
Assistance Debt Service, shall be used to pay debt service and 80305  
related financing costs at the times they are required to be made 80306  
during the period from July 1, 2011, to June 30, 2012, for bond 80307  
service charges on obligations issued under Chapter 166. of the 80308  
Revised Code. If it is determined that additional appropriations 80309

are necessary for this purpose, such amounts are appropriated, 80310  
subject to the limitations set forth in section 166.11 of the 80311  
Revised Code. An appropriation for this purpose is not required, 80312  
but is made in this form and in ~~this act~~ Am. Sub. H.B. 153 of the 80313  
129th General Assembly for record purposes only. 80314

REVITALIZATION DEBT SERVICE 80315

The foregoing appropriation item 800636, Revitalization Debt 80316  
Service, shall be used to pay debt service and related financing 80317  
costs at the times they are required to be made pursuant to 80318  
sections 151.01 and 151.40 of the Revised Code during the period 80319  
from July 1, 2011, to June 30, 2012. If it is determined that 80320  
additional appropriations are necessary for this purpose, such 80321  
amounts are hereby appropriated. The General Assembly acknowledges 80322  
the priority of the pledge of a portion of receipts from that 80323  
source to obligations issued and to be issued under Chapter 166. 80324  
of the Revised Code. 80325

LIQUOR CONTROL FUND TRANSFER 80326

On January 1, 2012, or as soon as possible thereafter, the 80327  
Director of Budget and Management may transfer up to \$10,600,000 80328  
in cash from the General Revenue Fund to the Liquor Control Fund 80329  
(Fund 7043) for the liquor permitting and compliance functions of 80330  
the Division of Liquor Control in the Department of Commerce and 80331  
for the operations of the Liquor Control Commission and the 80332  
Department of Public Safety pursuant to Chapter 4301. of the 80333  
Revised Code. 80334

On July 1, 2012, or as soon as possible thereafter, the 80335  
Director of Budget and Management may transfer up to \$21,800,000 80336  
in cash from the General Revenue Fund to the Liquor Control Fund 80337  
(Fund 7043) for the liquor permitting and compliance functions of 80338  
the Division of Liquor Control in the Department of Commerce and 80339  
for the operations of the Liquor Control Commission and the 80340

Department of Public Safety pursuant to Chapter 4301. of the 80341  
Revised Code. 80342

On July 1, 2012, or as soon as possible thereafter, the 80343  
Director of Budget and Management shall transfer \$500,000 in cash 80344  
from the Liquor Control Fund (Fund 7043) to the State Liquor 80345  
Regulatory Fund (Fund 5LP0) created in section 4301.30 of the 80346  
Revised Code. 80347

ADMINISTRATIVE ASSESSMENTS 80348

Notwithstanding any other provision of law to the contrary, 80349  
the Division of Administration Fund (Fund 1630) is entitled to 80350  
receive assessments from all operating funds of the Department in 80351  
accordance with procedures prescribed by the Director of Commerce 80352  
and approved by the Director of Budget and Management. 80353

**Sec. 247.10. CEB CONTROLLING BOARD** 80354

General Revenue Fund 80355

GRF 911404 Mandate Assistance \$ 2,750,000 \$ 0 80356

GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 80357

Costs

TOTAL GRF General Revenue Fund \$ 3,225,000 \$ 475,000 80358

General Services Fund Group 80359

5KM0 911614 CB Emergency Purposes \$ 10,000,000 \$ 10,000,000 80360

TOTAL GSF General Services Fund \$ 10,000,000 \$ 10,000,000 80361

Group

TOTAL ALL BUDGET FUND GROUPS \$ 13,225,000 \$ 10,475,000 80362

FEDERAL SHARE 80363

In transferring appropriations to or from appropriation items 80364  
that have federal shares identified in this act, the Controlling 80365  
Board shall add or subtract corresponding amounts of federal 80366  
matching funds at the percentages indicated by the state and 80367  
federal division of the appropriations in this act. Such changes 80368

are hereby appropriated. 80369

REDISTRICTING IMPLEMENTATION 80370

The foregoing appropriation item 911404, Mandate Assistance, 80371  
shall be used in a method prescribed by the Secretary of State and 80372  
transferred by the Director of Budget and Management to implement 80373  
this act, which includes remapping and reprecincting counties, and 80374  
reprogramming database systems and voting machines. At the end of 80375  
fiscal year 2012, an amount equal to the unexpended, unencumbered 80376  
portion of appropriation item 911404, Mandate Assistance, is 80377  
hereby reappropriated in fiscal year 2013 for the same purpose. 80378

DISASTER SERVICES 80379

Pursuant to requests submitted by the Department of Public 80380  
Safety, the Controlling Board may approve transfers from the 80381  
Disaster Services Fund (5E20) to a fund and appropriation item 80382  
used by the Department of Public Safety to provide for assistance 80383  
to political subdivisions made necessary by natural disasters or 80384  
emergencies. These transfers may be requested and approved prior 80385  
to the occurrence of any specific natural disasters or emergencies 80386  
in order to facilitate the provision of timely assistance. The 80387  
Emergency Management Agency of the Department of Public Safety 80388  
shall use the funding to fund the State Disaster Relief Program 80389  
for disasters that have been declared by the Governor, and the 80390  
State Individual Assistance Program for disasters that have been 80391  
declared by the Governor and the federal Small Business 80392  
Administration. The Ohio Emergency Management Agency shall publish 80393  
and make available application packets outlining procedures for 80394  
the State Disaster Relief Program and the State Individual 80395  
Assistance Program. 80396

Fund 5E20 shall be used by the Controlling Board, pursuant to 80397  
requests submitted by state agencies, to transfer cash and 80398  
appropriations to any fund and appropriation item for the payment 80399



of state agency disaster relief program expenses for disasters 80400  
declared by the Governor, if the Director of Budget and Management 80401  
determines that sufficient funds exist. 80402

Upon the request of the Department of Public Safety, the 80403  
Controlling Board may release up to \$3,000,000 for Blanchard River 80404  
flood mitigation projects. 80405

BALLOT ADVERTISING COSTS 80406

Pursuant to section 3501.17 of the Revised Code, and upon 80407  
requests submitted by the Secretary of State, the Controlling 80408  
Board shall approve transfers from the foregoing appropriation 80409  
item 911441, Ballot Advertising Costs, to appropriation item 80410  
050621, Statewide Ballot Advertising, in order to pay for the cost 80411  
of public notices associated with statewide ballot initiatives. 80412

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 80413  
ELIGIBILITY 80414

A state agency director shall request that the Controlling 80415  
Board increase the amount of the agency's capital appropriations 80416  
if the director determines such an increase is necessary for the 80417  
agency to receive and use funds under the federal American 80418  
Recovery and Reinvestment Act of 2009. The Controlling Board may 80419  
increase the capital appropriations pursuant to the request up to 80420  
the exact amount necessary under the federal act if the Board 80421  
determines it is necessary for the agency to receive and use those 80422  
federal funds. 80423

**Sec. 263.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 80424

General Revenue Fund 80425

GRF 320321 Central \$ 4,422,794 \$ 4,422,794 80426

Administration

GRF 320412 Protective Services \$ 2,174,826 \$ 1,957,343 80427

GRF 320415 Lease-Rental Payments \$ 18,394,250 \$ ~~19,907,900~~ 80428

|                                    |                                |                                                                             |           |               |           |                                              |       |
|------------------------------------|--------------------------------|-----------------------------------------------------------------------------|-----------|---------------|-----------|----------------------------------------------|-------|
|                                    |                                |                                                                             |           |               |           | <u>17,907,900</u>                            |       |
| GRF                                | 322407                         | Medicaid State Match                                                        | \$        | 218,034,162   | \$        | 214,902,506                                  | 80429 |
| <u>GRF</u>                         | <u>322420</u>                  | <u>Screening and Early</u><br><u>Intervention</u>                           | <u>\$</u> | <u>0</u>      | <u>\$</u> | <u>300,000</u>                               | 80430 |
| GRF                                | 322451                         | Family Support<br>Services                                                  | \$        | 5,932,758     | \$        | 5,932,758                                    | 80431 |
| GRF                                | 322501                         | County Boards<br>Subsidies                                                  | \$        | 40,906,365    | \$        | 44,449,280                                   | 80432 |
| GRF                                | 322503                         | Tax Equity                                                                  | \$        | 14,000,000    | \$        | 14,000,000                                   | 80433 |
| TOTAL GRF                          | General Revenue Fund           |                                                                             | \$        | 303,865,155   | \$        | <del>305,572,581</del><br><u>303,872,581</u> | 80434 |
| General Services Fund Group        |                                |                                                                             |           |               |           |                                              | 80435 |
| 1520                               | 323609                         | Developmental Center<br>and Residential<br>Operating Services               | \$        | 3,414,317     | \$        | 3,414,317                                    | 80436 |
| TOTAL GSF                          | General Services Fund<br>Group |                                                                             | \$        | 3,414,317     | \$        | 3,414,317                                    | 80437 |
| Federal Special Revenue Fund Group |                                |                                                                             |           |               |           |                                              | 80438 |
| 3A50                               | 320613                         | DD Council                                                                  | \$        | 3,341,572     | \$        | 3,341,572                                    | 80439 |
| 3250                               | 322612                         | Community Social<br>Service Programs                                        | \$        | 11,017,754    | \$        | 10,604,896                                   | 80440 |
| 3DZ0                               | 322648                         | Enhanced Medicaid -<br>Federal                                              | \$        | 10,000,000    | \$        | 0                                            | 80441 |
| 3G60                               | 322639                         | Medicaid Waiver -<br>Federal                                                | \$        | 866,566,007   | \$        | 985,566,007                                  | 80442 |
| 3M70                               | 322650                         | CAFS Medicaid                                                               | \$        | 29,349,502    | \$        | <del>29,349,502</del><br><u>3,000,000</u>    | 80443 |
| 3A40                               | 323605                         | Developmental Center<br>and Residential<br>Facility Services and<br>Support | \$        | 180,266,029   | \$        | <del>179,384,881</del><br><u>174,000,000</u> | 80444 |
| TOTAL FED                          | Federal Special Revenue        |                                                                             | \$        | 1,100,540,864 | \$        | <del>1,208,246,858</del>                     | 80445 |

|                                  |                                             |                  |                             |                      |       |
|----------------------------------|---------------------------------------------|------------------|-----------------------------|----------------------|-------|
| Fund Group                       |                                             |                  |                             | <u>1,176,512,475</u> |       |
| State Special Revenue Fund Group |                                             |                  |                             |                      | 80446 |
| 5GE0 320606                      | Operating and<br>Services                   | \$ 7,406,609     | \$ 7,407,297                |                      | 80447 |
| 2210 322620                      | Supplement Service<br>Trust                 | \$ 150,000       | \$ 150,000                  |                      | 80448 |
| 4K80 322604                      | Medicaid Waiver -<br>State Match            | \$ 12,000,000    | \$ 12,000,000               |                      | 80449 |
| 5CT0 322632                      | Intensive Behavioral<br>Needs               | \$ 1,000,000     | \$ 1,000,000                |                      | 80450 |
| 5DJ0 322625                      | Targeted Case<br>Management Match           | \$ 21,000,000    | \$ 24,000,000               |                      | 80451 |
| 5DJ0 322626                      | Targeted Case<br>Management Services        | \$ 57,307,357    | \$ 66,000,000               |                      | 80452 |
| 5DK0 322629                      | Capital Replacement<br>Facilities           | \$ 750,000       | \$ 750,000                  |                      | 80453 |
| 5EV0 322627                      | Program Fees                                | \$ 685,000       | \$ 685,000                  |                      | 80454 |
| 5H00 322619                      | Medicaid Repayment                          | \$ 160,000       | \$ 160,000                  |                      | 80455 |
| 5JX0 322651                      | Interagency Workgroup<br>- Autism           | \$ 45,000        | \$ 45,000                   |                      | 80456 |
| 5Z10 322624                      | County Board Waiver<br>Match                | \$ 235,000,000   | \$ 290,000,000              |                      | 80457 |
| 4890 323632                      | Developmental Center<br>Direct Care Support | \$ 16,497,170    | \$ 16,497,169               |                      | 80458 |
| 5S20 590622                      | Medicaid<br>Administration &<br>Oversight   | \$ 20,875,567    | \$ 21,727,540               |                      | 80459 |
| TOTAL SSR State Special Revenue  |                                             | \$ 372,876,703   | \$ 440,422,006              |                      | 80460 |
| Fund Group                       |                                             |                  |                             |                      |       |
| TOTAL ALL BUDGET FUND GROUPS     |                                             | \$ 1,780,697,039 | \$ <del>1,957,655,762</del> | <u>1,924,221,379</u> | 80461 |

**Sec. 263.10.30. ~~FAMILY~~ SCREENING AND EARLY INTERVENTION**

80463

The foregoing appropriation item 322420, Screening and Early Intervention, shall be used for screening and early intervention programs for children with autism selected by the Director.

FAMILY SUPPORT SERVICES SUBSIDY

(A) The foregoing appropriation item 322451, Family Support Services, may be used as follows in fiscal year 2012 and fiscal year 2013:

(1) The appropriation item may be used to provide a subsidy to county boards of developmental disabilities for family support services provided under section 5126.11 of the Revised Code. The subsidy shall be paid in quarterly installments and allocated to county boards according to a formula the Director of Developmental Disabilities shall develop in consultation with representatives of county boards. A county board shall use not more than seven per cent of its subsidy for administrative costs.

(2) The appropriation item may be used to distribute funds to county boards for the purpose of addressing economic hardships and to promote efficiency of operations. In consultation with representatives of county boards, the Director shall determine the amount of funds to distribute for these purposes and the criteria for distributing the funds.

(B) Each county board shall submit reports to the Department of Developmental Disabilities on the use of funds received under this section. The reports shall be submitted at the times and in the manner specified in rules the Director shall adopt in accordance with Chapter 119. of the Revised Code.

**Sec. 263.10.90. TARGETED CASE MANAGEMENT SERVICES**

County boards of developmental disabilities shall pay the nonfederal portion of targeted case management costs to the Department of Developmental Disabilities.

The Directors of Developmental Disabilities and Job and Family Services may enter into an interagency agreement under which the Department of Developmental Disabilities shall transfer cash from the Targeted Case Management Fund (Fund 5DJ0) to the ~~Medicaid Program Support~~ State Health Care/Medicaid Support and Recoveries Fund (Fund ~~5C90~~ 5DL0) used by the Department of Job and Family Services in an amount equal to the nonfederal portion of the cost of targeted case management services paid by county boards, and the Department of Job and Family Services shall pay the total cost of targeted case management claims. The transfer shall be made using an intrastate transfer voucher.

**Sec. 263.20.40.** TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER PHARMACY PROGRAMS

The Director of Developmental Disabilities shall quarterly transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the ~~Medicaid Program Support~~ State Health Care/Medicaid Support and Recoveries Fund (Fund ~~5C90~~ 5DL0) used by the Department of Job and Family Services, in an amount equal to the nonfederal share of Medicaid prescription drug claim costs for all developmental centers paid by the Department of Job and Family Services. The quarterly transfer shall be made using an intrastate transfer voucher.

**Sec. 263.20.70.** RATE INCREASE FOR WAIVER PROVIDERS SERVING FORMER RESIDENTS OF DEVELOPMENTAL CENTERS OR RESIDENTS OF CONVERTED FACILITIES

~~Subject~~ (A) As used in this section, "converted facility" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code, or former intermediate care facility for the mentally retarded, that converted some or all of its beds to providing home and

community-based services under the Individual Options Waiver 80524  
pursuant to section 5111.874 of the Revised Code. 80525

(B) Subject to approval by the Centers for Medicare and 80526  
Medicaid Services, the Department of Job and Family Services shall 80527  
increase the rate paid to a provider under the Individual Options 80528  
Waiver by fifty-two cents for each fifteen minutes of routine 80529  
homemaker/personal care provided to an individual for up to a year 80530  
if all of the following apply: 80531

~~(A)~~(1) The individual was a resident of a developmental 80532  
center or converted facility immediately prior to enrollment in 80533  
the waiver; 80534

~~(B)~~(2) The provider begins serving the individual on or after 80535  
July 1, 2011; 80536

~~(C)~~(3) The Director of Developmental Disabilities determines 80537  
that the increased rate is warranted by the individual's special 80538  
circumstances, including the individual's diagnosis, service 80539  
needs, or length of stay at the developmental center or converted 80540  
facility, and that serving the individual through the Individual 80541  
Options Waiver is fiscally prudent for the Medicaid program. 80542

**Sec. 267.10. EDU DEPARTMENT OF EDUCATION** 80543

General Revenue Fund 80544

GRF 200100 Personal Services \$ 8,579,178 \$ ~~8,579,178~~ 0 80545

GRF 200320 Maintenance and \$ 2,830,407 \$ ~~2,830,407~~ 0 80546  
Equipment

GRF 200321 Operating Expenses \$ 0 \$ 13,142,780 80547

GRF 200408 Early Childhood \$ 23,268,341 \$ 23,268,341 80548  
Education

GRF 200416 Career-Technical \$ 2,233,195 \$ ~~2,233,195~~ 0 80549  
Education Match

GRF 200420 ~~Computer/Application/~~ \$ 4,241,296 \$ 4,241,296 80550

Network Information  
Technology Development  
and Support

|            |                                             |    |             |    |             |       |
|------------|---------------------------------------------|----|-------------|----|-------------|-------|
| GRF 200421 | Alternative Education Programs              | \$ | 7,403,998   | \$ | 7,403,998   | 80551 |
| GRF 200422 | School Management Assistance                | \$ | 2,842,812   | \$ | 3,000,000   | 80552 |
| GRF 200424 | Policy Analysis                             | \$ | 328,558     | \$ | 328,558     | 80553 |
| GRF 200425 | Tech Prep Consortia Support                 | \$ | 260,542     | \$ | 260,542     | 80554 |
| GRF 200426 | Ohio Educational Computer Network           | \$ | 17,974,489  | \$ | 17,974,489  | 80555 |
| GRF 200427 | Academic Standards                          | \$ | 4,346,060   | \$ | 3,700,000   | 80556 |
| GRF 200437 | Student Assessment                          | \$ | 55,002,167  | \$ | 55,002,167  | 80557 |
| GRF 200439 | Accountability/Report Cards                 | \$ | 3,579,279   | \$ | 3,579,279   | 80558 |
| GRF 200442 | Child Care Licensing                        | \$ | 827,140     | \$ | 827,140     | 80559 |
| GRF 200446 | Education Management Information System     | \$ | 6,833,070   | \$ | 6,833,070   | 80560 |
| GRF 200447 | GED Testing                                 | \$ | 879,551     | \$ | 879,551     | 80561 |
| GRF 200448 | Educator Preparation                        | \$ | 786,737     | \$ | 786,737     | 80562 |
| GRF 200455 | Community Schools and Choice Programs       | \$ | 2,200,000   | \$ | 2,200,000   | 80563 |
| GRF 200502 | Pupil Transportation                        | \$ | 438,248,936 | \$ | 442,113,527 | 80564 |
| GRF 200505 | School Lunch Match                          | \$ | 9,100,000   | \$ | 9,100,000   | 80565 |
| GRF 200511 | Auxiliary Services                          | \$ | 124,194,099 | \$ | 126,194,099 | 80566 |
| GRF 200532 | Nonpublic Administrative Cost Reimbursement | \$ | 56,164,384  | \$ | 57,006,850  | 80567 |
| GRF 200540 | Special Education Enhancements              | \$ | 135,820,668 | \$ | 135,820,668 | 80568 |
| GRF 200545 | Career-Technical Education Enhancements     | \$ | 8,802,699   | \$ | 8,802,699   | 80569 |

|                                          |                                                                                                        |                  |                                                     |                |
|------------------------------------------|--------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------|----------------|
| GRF 200550                               | Foundation Funding                                                                                     | \$ 5,536,347,861 | \$ 5,610,290,686                                    | 80570          |
| GRF 200901                               | Property Tax                                                                                           | \$ 1,086,500,000 | \$ 1,095,000,000                                    | 80571          |
|                                          | Allocation - Education                                                                                 |                  |                                                     |                |
| TOTAL GRF General Revenue Fund           |                                                                                                        | \$ 7,539,595,467 | \$ <del>7,628,256,477</del><br><u>7,627,756,477</u> | 80572          |
| General Services Fund Group              |                                                                                                        |                  |                                                     | 80573          |
| 1380 200606                              | <del>Computer</del><br>Services Operational<br>Information<br>Technology<br>Development and<br>Support | \$ 7,600,090     | \$ <del>7,600,090</del><br><u>6,100,090</u>         | 80574          |
| 4520 200638                              | <del>Miscellaneous</del><br>Educational Services<br>Fees and Refunds                                   | \$ 300,000       | \$ 300,000                                          | 80575          |
| 4L20 200681                              | Teacher Certification<br>and Licensure                                                                 | \$ 8,147,756     | \$ 8,147,756                                        | 80576          |
| 5960 200656                              | Ohio Career<br>Information System                                                                      | \$ 529,761       | \$ 529,761                                          | 80577          |
| 5H30 200687                              | School District<br>Solvency Assistance                                                                 | \$ 25,000,000    | \$ 25,000,000                                       | 80578          |
| TOTAL GSF General Services<br>Fund Group |                                                                                                        | \$ 41,577,607    | \$ <del>41,577,607</del><br><u>40,077,607</u>       | 80579<br>80580 |
| Federal Special Revenue Fund Group       |                                                                                                        |                  |                                                     | 80581          |
| 3090 200601                              | Neglected and<br>Delinquent Education                                                                  | \$ 2,168,642     | \$ 2,168,642                                        | 80582          |
| 3670 200607                              | School Food Services                                                                                   | \$ 6,803,472     | \$ 6,959,906                                        | 80583          |
| 3690 200616                              | Career-Technical<br>Education Federal<br>Enhancement                                                   | \$ 5,000,000     | \$ 5,000,000                                        | 80584          |
| 3700 200624                              | Education of                                                                                           | \$ 1,905,000     | \$ 0                                                | 80585          |



|      |        |                       |    |            |    |            |       |
|------|--------|-----------------------|----|------------|----|------------|-------|
|      |        | Exceptional Children  |    |            |    |            |       |
| 3780 | 200660 | Learn and Serve       | \$ | 619,211    | \$ | 619,211    | 80586 |
| 3AF0 | 200603 | Schools Medicaid      | \$ | 639,000    | \$ | 639,000    | 80587 |
|      |        | Administrative Claims |    |            |    |            |       |
| 3AN0 | 200671 | School Improvement    | \$ | 20,400,000 | \$ | 20,400,000 | 80588 |
|      |        | Grants                |    |            |    |            |       |
| 3AX0 | 200698 | Improving Health and  | \$ | 630,954    | \$ | 630,954    | 80589 |
|      |        | Educational Outcomes  |    |            |    |            |       |
|      |        | of Young People       |    |            |    |            |       |
| 3BK0 | 200628 | Longitudinal Data     | \$ | 500,000    | \$ | 250,000    | 80590 |
|      |        | Systems               |    |            |    |            |       |
| 3C50 | 200661 | Early Childhood       | \$ | 14,554,749 | \$ | 14,554,749 | 80591 |
|      |        | Education             |    |            |    |            |       |
| 3CG0 | 200646 | Teacher Incentive     | \$ | 1,925,881  | \$ | 0          | 80592 |
|      |        | Fund                  |    |            |    |            |       |
| 3D10 | 200664 | Drug Free Schools     | \$ | 1,500,000  | \$ | 0          | 80593 |
| 3D20 | 200667 | Math Science          | \$ | 9,500,001  | \$ | 9,500,001  | 80594 |
|      |        | Partnerships          |    |            |    |            |       |
| 3DG0 | 200630 | Federal Stimulus -    | \$ | 330,512    | \$ | 0          | 80595 |
|      |        | McKinney Vento Grants |    |            |    |            |       |
| 3DJ0 | 200699 | IDEA Part B - Federal | \$ | 21,886,803 | \$ | 0          | 80596 |
|      |        | Stimulus              |    |            |    |            |       |
| 3DK0 | 200642 | Title 1A - Federal    | \$ | 18,633,673 | \$ | 0          | 80597 |
|      |        | Stimulus              |    |            |    |            |       |
| 3DL0 | 200650 | IDEA Preschool -      | \$ | 670,000    | \$ | 0          | 80598 |
|      |        | Federal Stimulus      |    |            |    |            |       |
| 3DM0 | 200651 | Title IID Technology  | \$ | 1,195,100  | \$ | 0          | 80599 |
|      |        | - Federal Stimulus    |    |            |    |            |       |
| 3DP0 | 200652 | Title I School        | \$ | 48,500,000 | \$ | 30,000,000 | 80600 |
|      |        | Improvement - Federal |    |            |    |            |       |
|      |        | Stimulus              |    |            |    |            |       |
| 3EC0 | 200653 | Teacher Incentive -   | \$ | 7,500,000  | \$ | 7,500,000  | 80601 |
|      |        | Federal Stimulus      |    |            |    |            |       |

|      |        |                                                   |    |             |    |             |       |
|------|--------|---------------------------------------------------|----|-------------|----|-------------|-------|
| 3EH0 | 200620 | Migrant Education                                 | \$ | 2,645,905   | \$ | 2,645,905   | 80602 |
| 3EJ0 | 200622 | Homeless Children<br>Education                    | \$ | 1,759,782   | \$ | 1,759,782   | 80603 |
| 3EN0 | 200655 | State Data Systems -<br>Federal Stimulus          | \$ | 2,500,000   | \$ | 2,500,000   | 80604 |
| 3ES0 | 200657 | General Supervisory<br>Enhancement Grant          | \$ | 500,000     | \$ | 500,000     | 80605 |
| 3ET0 | 200658 | Education Jobs Fund                               | \$ | 300,000,000 | \$ | 50,000,000  | 80606 |
| 3FD0 | 200665 | Race to the Top                                   | \$ | 100,000,000 | \$ | 100,000,000 | 80607 |
| 3FE0 | 200669 | Striving Readers                                  | \$ | 180,000     | \$ | 100,000     | 80608 |
| 3H90 | 200605 | Head Start<br>Collaboration Project               | \$ | 225,000     | \$ | 225,000     | 80609 |
| 3L60 | 200617 | Federal School Lunch                              | \$ | 327,516,539 | \$ | 337,323,792 | 80610 |
| 3L70 | 200618 | Federal School<br>Breakfast                       | \$ | 87,596,850  | \$ | 90,224,756  | 80611 |
| 3L80 | 200619 | Child/Adult Food<br>Programs                      | \$ | 100,850,833 | \$ | 103,876,359 | 80612 |
| 3L90 | 200621 | Career-Technical<br>Education Basic Grant         | \$ | 48,466,864  | \$ | 48,466,864  | 80613 |
| 3M00 | 200623 | ESEA Title 1A                                     | \$ | 530,010,000 | \$ | 530,010,000 | 80614 |
| 3M20 | 200680 | Individuals with<br>Disabilities<br>Education Act | \$ | 443,170,050 | \$ | 443,170,050 | 80615 |
| 3S20 | 200641 | Education Technology                              | \$ | 9,487,397   | \$ | 9,487,397   | 80616 |
| 3T40 | 200613 | Public Charter<br>Schools                         | \$ | 14,291,353  | \$ | 14,291,353  | 80617 |
| 3Y20 | 200688 | 21st Century<br>Community Learning<br>Centers     | \$ | 43,720,462  | \$ | 45,906,485  | 80618 |
| 3Y60 | 200635 | Improving Teacher<br>Quality                      | \$ | 101,900,000 | \$ | 101,900,000 | 80619 |
| 3Y70 | 200689 | English Language<br>Acquisition                   | \$ | 8,373,995   | \$ | 8,373,995   | 80620 |

|                                      |        |                                                          |    |               |    |                                                  |       |
|--------------------------------------|--------|----------------------------------------------------------|----|---------------|----|--------------------------------------------------|-------|
| 3Y80                                 | 200639 | Rural and Low Income<br>Technical Assistance             | \$ | 1,500,000     | \$ | 1,500,000                                        | 80621 |
| 3Z20                                 | 200690 | State Assessments                                        | \$ | 11,882,258    | \$ | 11,882,258                                       | 80622 |
| 3Z30                                 | 200645 | Consolidated Federal<br>Grant Administration             | \$ | 8,949,280     | \$ | <del>8,949,280</del><br><u>7,949,280</u>         | 80623 |
| TOTAL FED Federal Special            |        |                                                          |    |               |    |                                                  | 80624 |
| Revenue Fund Group                   |        |                                                          | \$ | 2,310,389,566 | \$ | <del>2,011,315,739</del><br><u>2,010,315,739</u> | 80625 |
| State Special Revenue Fund Group     |        |                                                          |    |               |    |                                                  | 80626 |
| 4540                                 | 200610 | <del>Guidance and</del> <u>GED</u><br>Testing            | \$ | 1,050,000     | \$ | 1,050,000                                        | 80627 |
| 4550                                 | 200608 | Commodity Foods                                          | \$ | 24,000,000    | \$ | 24,000,000                                       | 80628 |
| 4R70                                 | 200695 | Indirect Operational<br>Support                          | \$ | 6,500,000     | \$ | 6,600,000                                        | 80629 |
| 4V70                                 | 200633 | Interagency<br><del>Operational Program</del><br>Support | \$ | 1,117,725     | \$ | <del>1,117,725</del><br><u>717,725</u>           | 80630 |
| 5980                                 | 200659 | Auxiliary Services<br>Reimbursement                      | \$ | 1,328,910     | \$ | 1,328,910                                        | 80631 |
| 5BB0                                 | 200696 | State Action for<br>Education Leadership                 | \$ | 231,300       | \$ | 0                                                | 80632 |
| 5BJ0                                 | 200626 | Half-Mill Maintenance<br>Equalization                    | \$ | 17,300,000    | \$ | 18,000,000                                       | 80633 |
| 5U20                                 | 200685 | National Education<br>Statistics                         | \$ | 300,000       | \$ | 300,000                                          | 80634 |
| 6200                                 | 200615 | Educational<br>Improvement Grants                        | \$ | 3,000,000     | \$ | 3,000,000                                        | 80635 |
| TOTAL SSR State Special Revenue      |        |                                                          |    |               |    |                                                  | 80636 |
| Fund Group                           |        |                                                          | \$ | 54,827,935    | \$ | <del>55,396,635</del><br><u>54,996,635</u>       | 80637 |
| Lottery Profits Education Fund Group |        |                                                          |    |               |    |                                                  | 80638 |
| 7017                                 | 200612 | Foundation Funding                                       | \$ | 717,500,000   | \$ | 680,500,000                                      | 80639 |

|                                 |                  |                             |  |       |
|---------------------------------|------------------|-----------------------------|--|-------|
| TOTAL LPE Lottery Profits       |                  |                             |  | 80640 |
| Education Fund Group            | \$ 717,500,000   | \$ 680,500,000              |  | 80641 |
| Revenue Distribution Fund Group |                  |                             |  | 80642 |
| 7047 200909 School District     | \$ 722,000,000   | \$ 475,000,000              |  | 80643 |
| Property Tax                    |                  |                             |  |       |
| Replacement-Business            |                  |                             |  |       |
| 7053 200900 School District     | \$ 34,000,000    | \$ 30,000,000               |  | 80644 |
| Property Tax                    |                  |                             |  |       |
| Replacement-Utility             |                  |                             |  |       |
| TOTAL RDF Revenue Distribution  |                  |                             |  | 80645 |
| Fund Group                      | \$ 756,000,000   | \$ 505,000,000              |  | 80646 |
| TOTAL ALL BUDGET FUND GROUPS    | \$11,419,890,575 | <del>\$10,922,046,458</del> |  | 80647 |
|                                 |                  | <u>10,918,646,458</u>       |  |       |

**Sec. 267.10.10. OPERATING EXPENSES** 80649

The foregoing appropriation item 200321, Operating Expenses, 80650  
shall be used to support the same activities as are supported 80651  
prior to July 1, 2012, by appropriation items 200100, Personal 80652  
Services, and 200320, Maintenance and Equipment. A portion of this 80653  
appropriation item also shall be used by the Department of 80654  
Education to provide matching funds under 20 U.S.C. 2321, which 80655  
are provided by appropriation item 200416, Career-Technical 80656  
Education Match, prior to July 1, 2012. 80657

On July 1, 2012, or as soon as possible thereafter, the 80658  
Director of Budget and Management shall cancel any existing 80659  
encumbrances against appropriation items 200100, Personal 80660  
Services, 200320, Maintenance and Equipment, and 200416, 80661  
Career-Technical Education Match, and reestablish them against 80662  
appropriation item 200321, Operating Expenses. The reestablished 80663  
encumbrance amounts are hereby appropriated. 80664

EARLY CHILDHOOD EDUCATION 80665

The Department of Education shall distribute the foregoing 80666

appropriation item 200408, Early Childhood Education, to pay the costs of early childhood education programs.

(A) As used in this section:

(1) "Provider" means a city, local, exempted village, or joint vocational school district, or an educational service center.

(2) In the case of a city, local, or exempted village school district, "new eligible provider" means a district that did not receive state funding for Early Childhood Education in the previous fiscal year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(3) "Eligible child" means a child who is at least three years of age as of the district entry date for kindergarten, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday.

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program guidelines.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2012, the Department

shall distribute funds first to recipients of funds for early 80698  
childhood education programs under Section 265.10.20 of Am. Sub. 80699  
H.B. 1 of the 128th General Assembly in the previous fiscal year 80700  
and the balance to new eligible providers of early childhood 80701  
education programs under this section or to existing providers to 80702  
serve more eligible children or for purposes of program expansion, 80703  
improvement, or special projects to promote quality and 80704  
innovation. 80705

After setting aside the amounts to make payments due from the 80706  
previous fiscal year, in fiscal year 2013, the Department shall 80707  
distribute funds first to providers of early childhood education 80708  
programs under this section in the previous fiscal year and the 80709  
balance to new eligible providers or to existing providers to 80710  
serve more eligible children or for purposes of program expansion, 80711  
improvement, or special projects to promote quality and 80712  
innovation. 80713

Awards under this section shall be distributed on a per-pupil 80714  
basis, and in accordance with division (H) of this section. The 80715  
Department may adjust the per-pupil amount so that the per-pupil 80716  
amount multiplied by the number of eligible children enrolled and 80717  
receiving services on the first day of December or the business 80718  
day closest to that date equals the amount allocated under this 80719  
section. 80720

(E) Costs for developing and administering an early childhood 80721  
education program may not exceed fifteen per cent of the total 80722  
approved costs of the program. 80723

All providers shall maintain such fiscal control and 80724  
accounting procedures as may be necessary to ensure the 80725  
disbursement of, and accounting for, these funds. The control of 80726  
funds provided in this program, and title to property obtained, 80727  
shall be under the authority of the approved provider for purposes 80728  
provided in the program unless, as described in division (J) of 80729

this section, the program waives its right for funding or a 80730  
program's funding is eliminated or reduced due to its inability to 80731  
meet financial or early learning program guidelines. The approved 80732  
provider shall administer and use such property and funds for the 80733  
purposes specified. 80734

(F) The Department may examine a provider's financial and 80735  
program records. If the financial practices of the program are not 80736  
in accordance with standard accounting principles or do not meet 80737  
financial standards outlined under division (E) of this section, 80738  
or if the program fails to substantially meet the early learning 80739  
program guidelines, meet a quality rating level in the tiered 80740  
quality rating and improvement system developed under section 80741  
5104.30 of the Revised Code as prescribed by the Department, or 80742  
exhibits below average performance as measured against the 80743  
guidelines, the early childhood education program shall propose 80744  
and implement a corrective action plan that has been approved by 80745  
the Department. The approved corrective action plan shall be 80746  
signed by the chief executive officer and the executive of the 80747  
official governing body of the provider. The corrective action 80748  
plan shall include a schedule for monitoring by the Department. 80749  
Such monitoring may include monthly reports, inspections, a 80750  
timeline for correction of deficiencies, and technical assistance 80751  
to be provided by the Department or obtained by the early 80752  
childhood education program. The Department may withhold funding 80753  
pending corrective action. If an early childhood education program 80754  
fails to satisfactorily complete a corrective action plan, the 80755  
Department may deny expansion funding to the program or withdraw 80756  
all or part of the funding to the program and establish a new 80757  
eligible provider through a selection process established by the 80758  
Department. 80759

(G) Each early childhood education program shall do all of 80760  
the following: 80761

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| (1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 80762<br>80763                                                                                                    |
| (2) Align curriculum to the early learning content standards developed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 80764<br>80765                                                                                                    |
| (3) Meet any child or program assessment requirements prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 80766<br>80767                                                                                                    |
| (4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 80768<br>80769<br>80770<br>80771                                                                                  |
| (5) Document and report child progress as prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 80772<br>80773                                                                                                    |
| (6) Meet and report compliance with the early learning program guidelines as prescribed by the Department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 80774<br>80775                                                                                                    |
| <u>(7) Participate in the tiered quality rating and improvement system developed under section 5104.30 of the Revised Code. Effective July 1, 2016, all programs shall be rated through the system.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 80776<br>80777<br>80778<br>80779                                                                                  |
| (H) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special | 80780<br>80781<br>80782<br>80783<br>80784<br>80785<br>80786<br>80787<br>80788<br>80789<br>80790<br>80791<br>80792 |



education program, the provider may submit a waiver to the 80793  
Department requesting an alternate schedule. If the Department 80794  
approves a waiver for an alternate schedule that provides services 80795  
for less time than the standard early childhood education 80796  
schedule, the Department may reduce the provider's annual 80797  
allocation proportionately. Under no circumstances shall an annual 80798  
allocation be increased because of the approval of an alternate 80799  
schedule. 80800

(I) Each provider shall develop a sliding fee scale based on 80801  
family incomes and shall charge families who earn more than two 80802  
hundred per cent of the federal poverty guidelines, as defined in 80803  
division (A)(3) of section 5101.46 of the Revised Code, for the 80804  
early childhood education program. 80805

The Department shall conduct an annual survey of each 80806  
provider to determine whether the provider charges families 80807  
tuition or fees, the amount families are charged relative to 80808  
family income levels, and the number of families and students 80809  
charged tuition and fees for the early childhood program. 80810

(J) If an early childhood education program voluntarily 80811  
waives its right for funding, or has its funding eliminated for 80812  
not meeting financial standards or the early learning program 80813  
guidelines, the provider shall transfer control of title to 80814  
property, equipment, and remaining supplies obtained through the 80815  
program to providers designated by the Department and return any 80816  
unexpended funds to the Department along with any reports 80817  
prescribed by the Department. The funding made available from a 80818  
program that waives its right for funding or has its funding 80819  
eliminated or reduced may be used by the Department for new grant 80820  
awards or expansion grants. The Department may award new grants or 80821  
expansion grants to eligible providers who apply. The eligible 80822  
providers who apply must do so in accordance with the selection 80823  
process established by the Department. 80824

(K) As used in this section, "early learning program guidelines" means the guidelines established by the Department pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 66 of the 126th General Assembly.

(L) Eligible expenditures for the Early Childhood Education program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

**Sec. 267.10.20. CAREER-TECHNICAL EDUCATION MATCH**

~~The~~ For fiscal year 2012, the foregoing appropriation item 200416, Career-Technical Education Match, shall be used by the Department of Education to provide ~~vocational administration~~ matching funds under 20 U.S.C. ~~2311~~ 2321.

~~The Director of Budget and Management shall transfer any remaining appropriation from appropriation item 200416, Career Technical Education Match, to appropriation item 200426, Ohio Educational Computer Network, to support the Ohio Educational Computer Network.~~

~~COMPUTER/APPLICATION/NETWORK~~ INFORMATION TECHNOLOGY  
DEVELOPMENT AND SUPPORT

The foregoing appropriation item 200420, ~~Computer/Application/Network~~ Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of

these technical system projects. Implementation of these systems 80855  
shall allow the Department to provide greater levels of assistance 80856  
to school districts and to provide more timely information to the 80857  
public, including school districts, administrators, and 80858  
legislators. Funds may also be used to support data-driven 80859  
decision-making and differentiated instruction, as well as to 80860  
communicate academic content standards and curriculum models to 80861  
schools through web-based applications. 80862

**Sec. 267.10.40. SCHOOL MANAGEMENT ASSISTANCE** 80863

Of the foregoing appropriation item 200422, School Management 80864  
Assistance, \$1,000,000 in each fiscal year ~~2012 and \$1,300,000 in~~ 80865  
~~fiscal year 2013~~ shall be used by the Auditor of State in 80866  
consultation with the Department of Education for expenses 80867  
incurred in the Auditor of State's role relating to fiscal 80868  
caution, fiscal watch, and fiscal emergency activities as defined 80869  
in Chapter 3316. of the Revised Code and may also be used by the 80870  
Auditor of State to conduct performance audits of other school 80871  
districts with priority given to districts in fiscal distress. 80872  
Districts in fiscal distress shall be determined by the Auditor of 80873  
State and shall include districts that the Auditor of State, in 80874  
consultation with the Department of Education, determines are 80875  
employing fiscal practices or experiencing budgetary conditions 80876  
that could produce a state of fiscal watch or fiscal emergency. 80877

The remainder of appropriation item 200422, School Management 80878  
Assistance, shall be used by the Department of Education to 80879  
provide fiscal technical assistance and inservice education for 80880  
school district management personnel and to administer, monitor, 80881  
and implement the fiscal caution, fiscal watch, and fiscal 80882  
emergency provisions under Chapter 3316. of the Revised Code. 80883

**Sec. 267.30.20. SPECIAL EDUCATION ENHANCEMENTS** 80884

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$2,206,875 in each fiscal year shall be used for home instruction for children with disabilities.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$45,282,959 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code.

Notwithstanding the distribution formulas under sections 3317.20 and 3317.201 of the Revised Code, funding for DD boards and institutions for fiscal year 2012 and fiscal year 2013 shall be determined by providing the per pupil amount received by each DD board and institution for the prior fiscal year for each student served in the current fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,333,468 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$2,537,824 in each fiscal year may be used for school psychology interns.

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education to county boards of developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units under section 3317.052 of the Revised Code. To the greatest extent possible, the Department of Education shall allocate these units to school districts and educational service centers.

The Department may reimburse county DD boards, educational service centers, and school districts for services provided by

instructional assistants, related services as defined in rule 80916  
3301-51-11 of the Administrative Code, physical therapy services 80917  
provided by a licensed physical therapist or physical therapist 80918  
assistant under the supervision of a licensed physical therapist 80919  
as required under Chapter 4755. of the Revised Code and Chapter 80920  
4755-27 of the Administrative Code and occupational therapy 80921  
services provided by a licensed occupational therapist or 80922  
occupational therapy assistant under the supervision of a licensed 80923  
occupational therapist as required under Chapter 4755. of the 80924  
Revised Code and Chapter 4755-7 of the Administrative Code. 80925  
Nothing in this section authorizes occupational therapy assistants 80926  
or physical therapist assistants to generate or manage their own 80927  
caseloads. 80928

The Department of Education shall require school districts, 80929  
educational service centers, and county DD boards serving 80930  
preschool children with disabilities to adhere to Ohio's Early 80931  
Learning Program Guidelines, participate in the tiered quality 80932  
rating and improvement system developed under section 5104.30 of 80933  
the Revised Code, and document child progress using research-based 80934  
indicators prescribed by the Department and report results 80935  
annually. The reporting dates and method shall be determined by 80936  
the Department. Effective July 1, 2018, all programs shall be 80937  
rated through the tiered quality rating and improvement system. 80938

**Sec. 267.30.40. FOUNDATION FUNDING** 80939

Of the foregoing appropriation item 200550, Foundation 80940  
Funding, up to \$675,000 in each fiscal year shall be used to 80941  
support the work of the College of Education and Human Ecology at 80942  
the Ohio State University in reviewing and assessing the alignment 80943  
of courses offered through the distance learning clearinghouse 80944  
established in sections 3333.81 to 3333.88 of the Revised Code 80945  
with the academic content standards adopted under division (A) of 80946

section 3301.079 of the Revised Code. 80947

Of the foregoing appropriation item 200550, Foundation 80948  
Funding, up to \$250,000 in each fiscal year may be used by the 80949  
Department to fund a shared services pilot project involving at 80950  
least two educational service centers. The pilot project shall 80951  
focus on the design, implementation, and evaluation of a shared 80952  
service delivery model. The educational service centers 80953  
participating in the pilot project shall submit a report not later 80954  
than September 1, 2013, to the Governor, members of the General 80955  
Assembly, and members of the State Board of Education, reviewing 80956  
the opportunities and challenges of implementing shared services 80957  
initiatives as well as any real or projected cost efficiencies 80958  
achieved through the pilot project. 80959

Of the foregoing appropriation item 200550, Foundation 80960  
Funding, up to \$50,000 shall be expended in each fiscal year for 80961  
court payments under section 2151.362 of the Revised Code. 80962

Of the foregoing appropriation item 200550, Foundation 80963  
Funding, up to \$8,100,000 in each fiscal year shall be used to 80964  
fund gifted education at educational service centers. 80965  
Notwithstanding division (D)(5) of section 3317.018 of the Revised 80966  
Code, the Department shall distribute the funding through the 80967  
unit-based funding methodology in place under division (L) of 80968  
section 3317.024, division (E) of section 3317.05, and divisions 80969  
(A), (B), and (C) of section 3317.053 of the Revised Code as they 80970  
existed prior to fiscal year 2010. 80971

Of the foregoing appropriation item 200550, Foundation 80972  
Funding, up to \$10,000,000 in each fiscal year shall be used to 80973  
provide additional state aid to school districts, joint vocational 80974  
school districts, and community schools for special education 80975  
students under division (C)(3) of section 3317.022 of the Revised 80976  
Code, except that the Controlling Board may increase these amounts 80977  
if presented with such a request from the Department of Education 80978

at the final meeting of the fiscal year; and up to \$2,000,000 in 80979  
each fiscal year shall be reserved for Youth Services tuition 80980  
payments under section 3317.024 of the Revised Code. 80981

Of the foregoing appropriation item 200550, Foundation 80982  
Funding, up to \$41,760,000 in fiscal year 2012 and up to 80983  
\$35,496,000 in fiscal year 2013 shall be reserved to fund the 80984  
state reimbursement of educational service centers under section 80985  
3317.11 of the Revised Code and the section of this act entitled 80986  
"EDUCATIONAL SERVICE CENTERS FUNDING"; and up to \$3,545,752 in 80987  
each fiscal year shall be distributed to educational service 80988  
centers for School Improvement Initiatives. Educational service 80989  
centers shall be required to support districts in the development 80990  
and implementation of their continuous improvement plans as 80991  
required in section 3302.04 of the Revised Code and to provide 80992  
technical assistance and support in accordance with Title I of the 80993  
"No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 80994  
6317. 80995

Of the foregoing appropriation item 200550, Foundation 80996  
Funding, up to \$700,000 in each fiscal year shall be used by the 80997  
Department of Education for a program to pay for educational 80998  
services for youth who have been assigned by a juvenile court or 80999  
other authorized agency to any of the facilities described in 81000  
division (A) of the section of this act entitled "PRIVATE 81001  
TREATMENT FACILITY PROJECT." 81002

Of the foregoing appropriation item 200550, Foundation 81003  
Funding, up to \$12,522,860 in each fiscal year shall be used to 81004  
support ~~the Cleveland~~ school choice ~~program~~ programs. 81005

Of the portion of the funds distributed to the Cleveland 81006  
Municipal School District under this section, up to \$11,901,887 in 81007  
each fiscal year shall be used to operate the school choice 81008  
program in the Cleveland Municipal School District under sections 81009  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 81010

divisions (B) and (C) of section 3313.978 and division (C) of 81011  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 81012  
fiscal year of this amount shall be used by the Cleveland 81013  
Municipal School District to provide tutorial assistance as 81014  
provided in division (H) of section 3313.974 of the Revised Code. 81015  
The Cleveland Municipal School District shall report the use of 81016  
these funds in the district's three-year continuous improvement 81017  
plan as described in section 3302.04 of the Revised Code in a 81018  
manner approved by the Department of Education. 81019

Of the foregoing appropriation item 200550, Foundation 81020  
Funding, an amount shall be available in each fiscal year to be 81021  
paid to joint vocational school districts in accordance with the 81022  
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 81023  
DISTRICTS." 81024

Of the foregoing appropriation item 200550, Foundation 81025  
Funding, a portion in each fiscal year shall be paid to city, 81026  
exempted village, and local school districts in accordance with 81027  
the section of this act entitled "SUPPLEMENTAL SCHOOL DISTRICT 81028  
FUNDING." 81029

Of the foregoing appropriation item 200550, Foundation 81030  
Funding, a portion in each fiscal year shall be paid to school 81031  
districts and community schools in accordance with the section of 81032  
this act entitled "SUBSIDY FOR HIGH PERFORMING SCHOOL DISTRICTS." 81033

The remainder of appropriation item 200550, Foundation 81034  
Funding, shall be used to distribute the amounts calculated for 81035  
formula aid under Section 267.30.50 of this act. 81036

Appropriation items 200502, Pupil Transportation, 200540, 81037  
Special Education Enhancements, and 200550, Foundation Funding, 81038  
other than specific set-asides, are collectively used in each 81039  
fiscal year to pay state formula aid obligations for school 81040  
districts, community schools, STEM schools, and joint vocational 81041



school districts under this act. The first priority of these 81042  
 appropriation items, with the exception of specific set-asides, is 81043  
 to fund state formula aid obligations. It may be necessary to 81044  
 reallocate funds among these appropriation items or use excess 81045  
 funds from other general revenue fund appropriation items in the 81046  
 Department of Education's budget in each fiscal year, in order to 81047  
 meet state formula aid obligations. If it is determined that it is 81048  
 necessary to transfer funds among these appropriation items or to 81049  
 transfer funds from other General Revenue Fund appropriations in 81050  
 the Department of Education's budget to meet state formula aid 81051  
 obligations, the Department of Education shall seek approval from 81052  
 the Controlling Board to transfer funds as needed. 81053

**Sec. 279.10. EPA ENVIRONMENTAL PROTECTION AGENCY** 81054

General Services Fund Group 81055

|      |        |                     |    |         |    |         |       |
|------|--------|---------------------|----|---------|----|---------|-------|
| 1990 | 715602 | Laboratory Services | \$ | 402,295 | \$ | 408,560 | 81056 |
|------|--------|---------------------|----|---------|----|---------|-------|

|      |        |                 |    |           |    |           |       |
|------|--------|-----------------|----|-----------|----|-----------|-------|
| 2190 | 715604 | Central Support | \$ | 8,594,348 | \$ | 8,555,680 | 81057 |
|------|--------|-----------------|----|-----------|----|-----------|-------|

Indirect

|      |        |                    |    |           |    |           |       |
|------|--------|--------------------|----|-----------|----|-----------|-------|
| 4A10 | 715640 | Operating Expenses | \$ | 2,304,267 | \$ | 2,093,039 | 81058 |
|------|--------|--------------------|----|-----------|----|-----------|-------|

|             |               |                       |           |          |           |               |       |
|-------------|---------------|-----------------------|-----------|----------|-----------|---------------|-------|
| <u>4D50</u> | <u>715618</u> | <u>Recycled State</u> | <u>\$</u> | <u>0</u> | <u>\$</u> | <u>50,000</u> | 81059 |
|-------------|---------------|-----------------------|-----------|----------|-----------|---------------|-------|

Materials

TOTAL GSF General Services 81060

|            |    |            |    |                       |       |
|------------|----|------------|----|-----------------------|-------|
| Fund Group | \$ | 11,300,910 | \$ | <del>11,057,279</del> | 81061 |
|------------|----|------------|----|-----------------------|-------|

11,107,279

Federal Special Revenue Fund Group 81062

|      |        |                     |    |           |    |           |       |
|------|--------|---------------------|----|-----------|----|-----------|-------|
| 3530 | 715612 | Public Water Supply | \$ | 2,941,282 | \$ | 2,941,282 | 81063 |
|------|--------|---------------------|----|-----------|----|-----------|-------|

|      |        |                 |    |           |    |           |       |
|------|--------|-----------------|----|-----------|----|-----------|-------|
| 3540 | 715614 | Hazardous Waste | \$ | 4,193,000 | \$ | 4,193,000 | 81064 |
|------|--------|-----------------|----|-----------|----|-----------|-------|

Management - Federal

|      |        |                       |    |           |    |           |       |
|------|--------|-----------------------|----|-----------|----|-----------|-------|
| 3570 | 715619 | Air Pollution Control | \$ | 6,310,203 | \$ | 6,310,203 | 81065 |
|------|--------|-----------------------|----|-----------|----|-----------|-------|

- Federal

|      |        |                       |    |         |    |         |       |
|------|--------|-----------------------|----|---------|----|---------|-------|
| 3620 | 715605 | Underground Injection | \$ | 111,874 | \$ | 111,874 | 81066 |
|------|--------|-----------------------|----|---------|----|---------|-------|

Control - Federal

|                                   |        |                                             |    |            |    |            |       |
|-----------------------------------|--------|---------------------------------------------|----|------------|----|------------|-------|
| 3BU0                              | 715684 | Water Quality<br>Protection                 | \$ | 8,100,000  | \$ | 6,785,000  | 81067 |
| 3CS0                              | 715688 | Federal NRD<br>Settlements                  | \$ | 100,000    | \$ | 100,000    | 81068 |
| 3F20                              | 715630 | Revolving Loan Fund -<br>Operating          | \$ | 907,543    | \$ | 907,543    | 81069 |
| 3F30                              | 715632 | Federally Supported<br>Cleanup and Response | \$ | 3,344,746  | \$ | 3,290,405  | 81070 |
| 3F50                              | 715641 | Nonpoint Source<br>Pollution Management     | \$ | 6,265,000  | \$ | 6,260,000  | 81071 |
| 3T30                              | 715669 | Drinking Water State<br>Revolving Fund      | \$ | 2,273,323  | \$ | 2,273,323  | 81072 |
| 3V70                              | 715606 | Agencywide Grants                           | \$ | 600,000    | \$ | 600,000    | 81073 |
| TOTAL FED Federal Special Revenue |        |                                             |    |            |    |            | 81074 |
| Fund Group                        |        |                                             | \$ | 35,146,971 | \$ | 33,772,630 | 81075 |
| State Special Revenue Fund Group  |        |                                             |    |            |    |            | 81076 |
| 4J00                              | 715638 | Underground Injection<br>Control            | \$ | 445,234    | \$ | 445,571    | 81077 |
| 4K20                              | 715648 | Clean Air - Non Title<br>V                  | \$ | 3,152,306  | \$ | 2,906,267  | 81078 |
| 4K30                              | 715649 | Solid Waste                                 | \$ | 16,742,551 | \$ | 16,414,654 | 81079 |
| 4K40                              | 715650 | Surface Water<br>Protection                 | \$ | 7,642,625  | \$ | 6,672,246  | 81080 |
| 4K40                              | 715686 | Environmental Lab<br>Service                | \$ | 2,096,007  | \$ | 2,096,007  | 81081 |
| 4K50                              | 715651 | Drinking Water<br>Protection                | \$ | 7,410,118  | \$ | 7,405,428  | 81082 |
| 4P50                              | 715654 | Cozart Landfill                             | \$ | 100,000    | \$ | 100,000    | 81083 |
| 4R50                              | 715656 | Scrap Tire Management                       | \$ | 1,368,610  | \$ | 1,376,742  | 81084 |
| 4R90                              | 715658 | Voluntary Action<br>Program                 | \$ | 999,503    | \$ | 997,425    | 81085 |
| 4T30                              | 715659 | Clean Air - Title V<br>Permit Program       | \$ | 16,349,471 | \$ | 16,241,822 | 81086 |

|             |               |                                          |           |            |           |                  |       |
|-------------|---------------|------------------------------------------|-----------|------------|-----------|------------------|-------|
| 4U70        | 715660        | Construction and<br>Demolition Debris    | \$        | 425,913    | \$        | 433,591          | 81087 |
| 5000        | 715608        | Immediate Removal<br>Special Account     | \$        | 633,832    | \$        | 634,033          | 81088 |
| 5030        | 715621        | Hazardous Waste<br>Facility Management   | \$        | 10,241,107 | \$        | 9,789,620        | 81089 |
| 5050        | 715623        | Hazardous Waste<br>Cleanup               | \$        | 12,511,234 | \$        | 12,331,272       | 81090 |
| 5050        | 715674        | Clean Ohio<br>Environmental Review       | \$        | 108,104    | \$        | 108,104          | 81091 |
| <u>5320</u> | <u>715646</u> | <u>Recycling and Litter<br/>Control</u>  | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>4,911,575</u> | 81092 |
| 5410        | 715670        | Site Specific Cleanup                    | \$        | 2,048,101  | \$        | 2,048,101        | 81093 |
| 5420        | 715671        | Risk Management<br>Reporting             | \$        | 132,636    | \$        | 132,636          | 81094 |
| <u>5860</u> | <u>715637</u> | <u>Scrap Tire Market<br/>Development</u> | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>1,497,645</u> | 81095 |
| 5920        | 715627        | Anti Tampering<br>Settlement             | \$        | 2,285      | \$        | 2,285            | 81096 |
| 5BC0        | 715617        | Clean Ohio                               | \$        | 611,455    | \$        | 611,455          | 81097 |
| 5BC0        | 715622        | Local Air Pollution<br>Control           | \$        | 2,297,980  | \$        | 2,297,980        | 81098 |
| 5BC0        | 715624        | Surface Water                            | \$        | 8,970,181  | \$        | 9,114,974        | 81099 |
| 5BC0        | 715672        | Air Pollution Control                    | \$        | 4,438,629  | \$        | 4,534,758        | 81100 |
| 5BC0        | 715673        | Drinking and Ground<br>Water             | \$        | 4,317,527  | \$        | 4,323,521        | 81101 |
| 5BC0        | 715675        | Hazardous Waste                          | \$        | 95,266     | \$        | 95,266           | 81102 |
| 5BC0        | 715676        | Assistance and<br>Prevention             | \$        | 640,179    | \$        | 645,069          | 81103 |
| 5BC0        | 715677        | Laboratory                               | \$        | 939,717    | \$        | 958,586          | 81104 |
| 5BC0        | 715678        | Corrective Actions                       | \$        | 31,765     | \$        | 105,423          | 81105 |
| 5BC0        | 715687        | Areawide Planning<br>Agencies            | \$        | 450,000    | \$        | 450,000          | 81106 |

|                                    |                         |                                                   |    |             |    |                                              |       |
|------------------------------------|-------------------------|---------------------------------------------------|----|-------------|----|----------------------------------------------|-------|
| 5BC0                               | 715692                  | Administration                                    | \$ | 8,562,476   | \$ | 8,212,627                                    | 81107 |
| 5BT0                               | 715679                  | C&DD Groundwater<br>Monitoring                    | \$ | 203,800     | \$ | 203,800                                      | 81108 |
| 5BY0                               | 715681                  | Auto Emissions Test                               | \$ | 13,029,952  | \$ | <del>13,242,762</del><br><u>11,242,762</u>   | 81109 |
| 5CD0                               | 715682                  | Clean Diesel School<br>Buses                      | \$ | 600,000     | \$ | 600,000                                      | 81110 |
| 5H40                               | 715664                  | Groundwater Support                               | \$ | 77,508      | \$ | 78,212                                       | 81111 |
| 5N20                               | 715613                  | Dredge and Fill                                   | \$ | 29,250      | \$ | 29,250                                       | 81112 |
| 5Y30                               | 715685                  | Surface Water<br>Improvement                      | \$ | 2,800,000   | \$ | 2,800,000                                    | 81113 |
| 6440                               | 715631                  | ER Radiological Safety                            | \$ | 279,838     | \$ | 279,966                                      | 81114 |
| 6600                               | 715629                  | Infectious Waste<br>Management                    | \$ | 91,573      | \$ | 88,764                                       | 81115 |
| 6760                               | 715642                  | Water Pollution<br>Control Loan<br>Administration | \$ | 4,317,376   | \$ | 4,321,605                                    | 81116 |
| 6780                               | 715635                  | Air Toxic Release                                 | \$ | 138,669     | \$ | 138,669                                      | 81117 |
| 6790                               | 715636                  | Emergency Planning                                | \$ | 2,623,192   | \$ | 2,623,252                                    | 81118 |
| 6960                               | 715643                  | Air Pollution Control<br>Administration           | \$ | 1,100,000   | \$ | 1,100,000                                    | 81119 |
| 6990                               | 715644                  | Water Pollution<br>Control Administration         | \$ | 220,000     | \$ | 220,000                                      | 81120 |
| 6A10                               | 715645                  | Environmental<br>Education                        | \$ | 1,488,260   | \$ | 1,488,718                                    | 81121 |
| TOTAL SSR                          | State Special Revenue   |                                                   | \$ | 140,764,230 | \$ | <del>138,700,461</del><br><u>143,109,681</u> | 81122 |
| Fund Group                         |                         |                                                   |    |             |    |                                              |       |
| Clean Ohio Conservation Fund Group |                         |                                                   |    |             |    |                                              | 81123 |
| 5S10                               | 715607                  | Clean Ohio -<br>Operating                         | \$ | 284,083     | \$ | 284,124                                      | 81124 |
| TOTAL CLF                          | Clean Ohio Conservation |                                                   | \$ | 284,083     | \$ | 284,124                                      | 81125 |
| Fund Group                         |                         |                                                   |    |             |    |                                              |       |
| TOTAL ALL BUDGET FUND GROUPS       |                         |                                                   | \$ | 187,496,194 | \$ | <del>183,814,494</del>                       | 81126 |

188,273,714

|                                                                                |    |           |    |           |       |
|--------------------------------------------------------------------------------|----|-----------|----|-----------|-------|
| AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT                   |    |           |    | 81127     |       |
| On July 1 of each fiscal year, or as soon as possible                          |    |           |    | 81128     |       |
| thereafter, the Director of Budget and Management may transfer up              |    |           |    | 81129     |       |
| to \$13,029,952 in cash in fiscal year 2012, and up to <del>\$13,242,762</del> |    |           |    | 81130     |       |
| <u>11,242,762</u> in cash in fiscal year 2013 from the General Revenue         |    |           |    | 81131     |       |
| Fund to the Auto Emissions Test Fund (Fund 5BY0) for the operation             |    |           |    | 81132     |       |
| and oversight of the auto emissions testing program.                           |    |           |    | 81133     |       |
| AREAWIDE PLANNING AGENCIES                                                     |    |           |    | 81134     |       |
| The Director of Environmental Protection Agency may award                      |    |           |    | 81135     |       |
| grants from appropriation item 715687, Areawide Planning Agencies,             |    |           |    | 81136     |       |
| to areawide planning agencies engaged in areawide water quality                |    |           |    | 81137     |       |
| management and planning activities in accordance with Section 208              |    |           |    | 81138     |       |
| of the "Federal Clean Water Act," 33 U.S.C. 1288.                              |    |           |    | 81139     |       |
| CORRECTIVE CASH TRANSFERS                                                      |    |           |    | 81140     |       |
| On July 1, 2011, or as soon as possible thereafter, the                        |    |           |    | 81141     |       |
| Director of Budget and Management shall transfer \$376,891.85 in               |    |           |    | 81142     |       |
| cash that was mistakenly deposited in the Clean Air Non Title V                |    |           |    | 81143     |       |
| Fund (Fund 4K20) to the Clean Air Title V Permit Fund (Fund 4T30).             |    |           |    | 81144     |       |
| On July 1, 2011, or as soon as possible thereafter, the                        |    |           |    | 81145     |       |
| Director of Budget and Management shall transfer \$133,026.63 in               |    |           |    | 81146     |       |
| cash that was mistakenly deposited in the Scrap Tire Management                |    |           |    | 81147     |       |
| Fund (Fund 4R50) to the Site Specific Cleanup Fund (Fund 5410).                |    |           |    | 81148     |       |
| <b>Sec. 291.10. DOH DEPARTMENT OF HEALTH</b>                                   |    |           |    | 81149     |       |
| General Revenue Fund                                                           |    |           |    | 81150     |       |
| GRF 440412 Cancer Incidence                                                    | \$ | 600,000   | \$ | 600,000   | 81151 |
| Surveillance System                                                            |    |           |    |           |       |
| GRF 440413 Local Health                                                        | \$ | 2,302,788 | \$ | 2,303,061 | 81152 |
| Department Support                                                             |    |           |    |           |       |
| GRF 440416 Mothers and Children                                                | \$ | 4,227,842 | \$ | 4,228,015 | 81153 |

|             |                                           |    |            |    |                       |       |
|-------------|-------------------------------------------|----|------------|----|-----------------------|-------|
|             | Safety Net Services                       |    |            |    |                       |       |
| GRF 440418  | Immunizations                             | \$ | 6,430,538  | \$ | <del>8,930,829</del>  | 81154 |
|             |                                           |    |            |    | <u>8,825,829</u>      |       |
| GRF 440431  | Free Clinics Safety<br>Net Services       | \$ | 437,326    | \$ | 437,326               | 81155 |
| GRF 440438  | Breast and Cervical<br>Cancer Screening   | \$ | 823,217    | \$ | 823,217               | 81156 |
| GRF 440444  | AIDS Prevention and<br>Treatment          | \$ | 5,842,315  | \$ | 5,842,315             | 81157 |
| GRF 440451  | Public Health<br>Laboratory               | \$ | 3,654,348  | \$ | 3,655,449             | 81158 |
| GRF 440452  | Child and Family<br>Health Services Match | \$ | 630,390    | \$ | 630,444               | 81159 |
| GRF 440453  | Health Care Quality<br>Assurance          | \$ | 8,170,694  | \$ | 8,174,361             | 81160 |
| GRF 440454  | Local Environmental<br>Health             | \$ | 1,310,141  | \$ | <del>1,310,362</del>  | 81161 |
|             |                                           |    |            |    | <u>1,194,634</u>      |       |
| GRF 440459  | Help Me Grow                              | \$ | 33,673,545 | \$ | 33,673,987            | 81162 |
| GRF 440465  | Federally Qualified<br>Health Centers     | \$ | 458,688    | \$ | <del>2,686,688</del>  | 81163 |
|             |                                           |    |            |    | <u>2,581,688</u>      |       |
| GRF 440467  | Access to Dental Care                     | \$ | 540,484    | \$ | 540,484               | 81164 |
| GRF 440468  | Chronic Disease and<br>Injury Prevention  | \$ | 2,577,251  | \$ | <del>2,577,251</del>  | 81165 |
|             |                                           |    |            |    | <u>2,447,251</u>      |       |
| GRF 440472  | Alcohol Testing                           | \$ | 550,000    | \$ | 1,100,000             | 81166 |
| GRF 440505  | Medically Handicapped<br>Children         | \$ | 7,512,451  | \$ | 7,512,451             | 81167 |
| GRF 440507  | Targeted Health Care<br>Services Over 21  | \$ | 1,045,414  | \$ | 1,045,414             | 81168 |
| TOTAL GRF   | General Revenue Fund                      | \$ | 80,787,432 | \$ | <del>86,071,654</del> | 81169 |
|             |                                           |    |            |    | <u>85,615,926</u>     |       |
|             | State Highway Safety Fund Group           |    |            |    |                       | 81170 |
| 4T40 440603 | Child Highway Safety                      | \$ | 233,894    | \$ | 233,894               | 81171 |
| TOTAL HSF   | State Highway Safety                      |    |            |    |                       | 81172 |

|                                    |                                      |  |    |             |    |                                            |       |
|------------------------------------|--------------------------------------|--|----|-------------|----|--------------------------------------------|-------|
| Fund Group                         |                                      |  | \$ | 233,894     | \$ | 233,894                                    | 81173 |
| General Services Fund Group        |                                      |  |    |             |    |                                            | 81174 |
| 1420 440646                        | Agency Health Services               |  | \$ | 8,825,788   | \$ | 8,826,146                                  | 81175 |
| 2110 440613                        | Central Support Indirect Costs       |  | \$ | 28,900,000  | \$ | 29,000,000                                 | 81176 |
| 4730 440622                        | Lab Operating Expenses               |  | \$ | 5,000,000   | \$ | 5,000,000                                  | 81177 |
| 5HB0 440470                        | Breast and Cervical Cancer Screening |  | \$ | 1,000,000   | \$ | 0                                          | 81178 |
| 6830 440633                        | Employee Assistance Program          |  | \$ | 1,100,000   | \$ | 1,100,000                                  | 81179 |
| 6980 440634                        | Nurse Aide Training                  |  | \$ | 99,239      | \$ | 99,265                                     | 81180 |
| TOTAL GSF General Services         |                                      |  |    |             |    |                                            | 81181 |
| Fund Group                         |                                      |  | \$ | 44,925,027  | \$ | 44,025,411                                 | 81182 |
| Federal Special Revenue Fund Group |                                      |  |    |             |    |                                            | 81183 |
| 3200 440601                        | Maternal Child Health Block Grant    |  | \$ | 27,068,886  | \$ | 27,068,886                                 | 81184 |
| 3870 440602                        | Preventive Health Block Grant        |  | \$ | 7,826,659   | \$ | 7,826,659                                  | 81185 |
| 3890 440604                        | Women, Infants, and Children         |  | \$ | 308,672,689 | \$ | 308,672,689                                | 81186 |
| 3910 440606                        | Medicaid/Medicare                    |  | \$ | 29,625,467  | \$ | 29,257,457                                 | 81187 |
| 3920 440618                        | Federal Public Health Programs       |  | \$ | 137,976,988 | \$ | 137,976,988                                | 81188 |
| TOTAL FED Federal Special Revenue  |                                      |  |    |             |    |                                            | 81189 |
| Fund Group                         |                                      |  | \$ | 511,170,689 | \$ | 510,802,679                                | 81190 |
| State Special Revenue Fund Group   |                                      |  |    |             |    |                                            | 81191 |
| 4700 440647                        | Fee Supported Programs               |  | \$ | 24,503,065  | \$ | <del>24,513,973</del><br><u>24,263,973</u> | 81192 |
| 4710 440619                        | Certificate of Need                  |  | \$ | 878,145     | \$ | 878,433                                    | 81193 |
| 4770 440627                        | Medically Handicapped                |  | \$ | 3,692,704   | \$ | 3,692,703                                  | 81194 |

|            |        |                                                           |    |            |    |                       |       |
|------------|--------|-----------------------------------------------------------|----|------------|----|-----------------------|-------|
|            |        | Children Audit                                            |    |            |    |                       |       |
| 4D60       | 440608 | Genetics Services                                         | \$ | 3,310,953  | \$ | 3,311,039             | 81195 |
| 4F90       | 440610 | Sickle Cell Disease<br>Control                            | \$ | 1,032,754  | \$ | 1,032,824             | 81196 |
| 4G00       | 440636 | Heirloom Birth<br>Certificate                             | \$ | 5,000      | \$ | 5,000                 | 81197 |
| 4G00       | 440637 | Birth Certificate<br>Surcharge                            | \$ | 5,000      | \$ | 5,000                 | 81198 |
| 4L30       | 440609 | Miscellaneous<br>Expenses                                 | \$ | 3,333,164  | \$ | 3,333,164             | 81199 |
| 4P40       | 440628 | Ohio Physician Loan<br>Repayment                          | \$ | 476,870    | \$ | 476,870               | 81200 |
| 4V60       | 440641 | Save Our Sight                                            | \$ | 2,255,760  | \$ | 2,255,789             | 81201 |
| 5B50       | 440616 | Quality, Monitoring,<br>and Inspection                    | \$ | 878,638    | \$ | 878,997               | 81202 |
| 5C00       | 440615 | Alcohol Testing and<br>Permit                             | \$ | 551,018    | \$ | 0                     | 81203 |
| 5CN0       | 440645 | Choose Life                                               | \$ | 75,000     | \$ | 75,000                | 81204 |
| 5D60       | 440620 | Second Chance Trust                                       | \$ | 1,151,815  | \$ | 1,151,902             | 81205 |
| 5ED0       | 440651 | Smoke Free Indoor Air                                     | \$ | 190,452    | \$ | 190,452               | 81206 |
| 5G40       | 440639 | Adoption Services                                         | \$ | 20,000     | \$ | 20,000                | 81207 |
| 5L10       | 440623 | Nursing Facility<br>Technical Assistance<br>Program       | \$ | 687,500    | \$ | 687,528               | 81208 |
| 5Z70       | 440624 | Ohio Dentist Loan<br>Repayment                            | \$ | 140,000    | \$ | 140,000               | 81209 |
| 6100       | 440626 | Radiation Emergency<br>Response                           | \$ | 930,525    | \$ | 930,576               | 81210 |
| 6660       | 440607 | Medically Handicapped<br>Children - County<br>Assessments | \$ | 19,738,286 | \$ | 19,739,617            | 81211 |
| TOTAL SSR  |        | State Special Revenue                                     |    |            |    |                       | 81212 |
| Fund Group |        |                                                           | \$ | 63,856,649 | \$ | <del>63,318,867</del> | 81213 |





|                                 |    |            |                          |       |
|---------------------------------|----|------------|--------------------------|-------|
|                                 |    |            | <u>8,184,065</u>         |       |
| TOTAL SSR State Special Revenue |    |            |                          | 81235 |
| Fund Group                      | \$ | 32,001,222 | \$ <del>31,402,615</del> | 81236 |
|                                 |    |            | <u>31,295,882</u>        |       |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 36,271,948 | \$ <del>35,673,340</del> | 81237 |
|                                 |    |            | <u>35,566,607</u>        |       |

MARKET CONDUCT EXAMINATION 81238

When conducting a market conduct examination of any insurer 81239  
doing business in this state, the Superintendent of Insurance may 81240  
assess the costs of the examination against the insurer. The 81241  
superintendent may enter into consent agreements to impose 81242  
administrative assessments or fines for conduct discovered that 81243  
may be violations of statutes or rules administered by the 81244  
superintendent. All costs, assessments, or fines collected shall 81245  
be deposited to the credit of the Department of Insurance 81246  
Operating Fund (Fund 5540). 81247

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 81248

The Director of Budget and Management, at the request of the 81249  
Superintendent of Insurance, may transfer funds from the 81250  
Department of Insurance Operating Fund (Fund 5540), established by 81251  
section 3901.021 of the Revised Code, to the Superintendent's 81252  
Examination Fund (Fund 5550), established by section 3901.071 of 81253  
the Revised Code, only for expenses incurred in examining domestic 81254  
fraternal benefit societies as required by section 3921.28 of the 81255  
Revised Code. 81256

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 81257

Not later than the thirty-first day of July each fiscal year, 81258  
the Director of Budget and Management shall transfer \$5,000,000 81259  
from the Department of Insurance Operating Fund (Fund 5540) to the 81260  
General Revenue Fund. 81261

|                                                               |                                |                |                                               |       |
|---------------------------------------------------------------|--------------------------------|----------------|-----------------------------------------------|-------|
| <b>Sec. 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b> |                                |                |                                               | 81262 |
| General Revenue Fund                                          |                                |                |                                               | 81263 |
| GRF 600321                                                    | <u>Program Support</u>         |                |                                               | 81264 |
|                                                               | <u>Services</u>                |                |                                               |       |
|                                                               | State                          | \$ 34,801,760  | \$ <del>31,932,117</del><br><u>31,612,796</u> | 81265 |
|                                                               | Federal                        | \$ 9,322,222   | \$ <del>9,207,441</del><br><u>9,115,366</u>   | 81266 |
|                                                               | <u>Program Support</u>         | \$ 44,123,982  | \$ <del>41,139,558</del><br><u>40,728,162</u> | 81267 |
|                                                               | <u>Services Total</u>          |                |                                               |       |
| GRF 600410                                                    | <u>TANF State/Maintenance</u>  | \$ 151,386,934 | \$ 151,386,934                                | 81268 |
|                                                               | <u>of Effort</u>               |                |                                               |       |
| GRF 600413                                                    | <u>Child Care Match</u>        | \$ 84,732,730  | \$ 84,732,730                                 | 81269 |
|                                                               | <u>State/Maintenance of</u>    |                |                                               |       |
|                                                               | <u>Effort</u>                  |                |                                               |       |
| GRF 600416                                                    | <u>Computer Information</u>    |                |                                               | 81270 |
|                                                               | <u>Technology Projects</u>     |                |                                               |       |
|                                                               | State                          | \$ 67,955,340  | \$ <del>69,263,506</del><br><u>68,570,871</u> | 81271 |
|                                                               | Federal                        | \$ 13,105,167  | \$ <del>12,937,222</del><br><u>12,807,850</u> | 81272 |
|                                                               | <u>Computer Information</u>    | \$ 81,060,507  | \$ <del>82,200,728</del><br><u>81,378,721</u> | 81273 |
|                                                               | <u>Technology Projects</u>     |                |                                               |       |
|                                                               | Total                          |                |                                               |       |
| GRF 600417                                                    | Medicaid Provider              | \$ 1,312,992   | \$ <del>1,312,992</del><br><u>1,299,862</u>   | 81274 |
|                                                               | Audits                         |                |                                               |       |
| GRF 600420                                                    | Child Support                  | \$ 6,163,534   | \$ <del>6,065,588</del><br><u>6,004,932</u>   | 81275 |
|                                                               | <u>Administration Programs</u> |                |                                               |       |
| GRF 600421                                                    | <u>Office of Family</u>        | \$ 3,768,929   | \$ <del>3,757,493</del><br><u>3,719,918</u>   | 81276 |
|                                                               | <u>Stability Assistance</u>    |                |                                               |       |
|                                                               | <u>Programs</u>                |                |                                               |       |
| GRF 600423                                                    | <u>Office of Children and</u>  | \$ 5,123,406   | \$ 4,978,756                                  | 81277 |

|            |                                         |                          |                                                       |       |
|------------|-----------------------------------------|--------------------------|-------------------------------------------------------|-------|
|            | <u>Families and Children</u>            |                          |                                                       |       |
|            | <u>Programs</u>                         |                          |                                                       |       |
| GRF 600425 | <del>Office of Ohio Health</del>        |                          |                                                       | 81278 |
|            | <u>Plans Care Programs</u>              |                          |                                                       |       |
|            | State                                   | \$ 13,149,582            | \$ <del>15,740,987</del><br><u>15,583,577</u>         | 81279 |
|            | Federal                                 | \$ 12,556,921            | \$ <del>12,286,234</del><br><u>12,163,372</u>         | 81280 |
|            | <del>Office of Ohio Health</del>        | \$ 25,706,503            | \$ <del>28,027,221</del><br><u>27,746,949</u>         | 81281 |
|            | <u>Plans Care Programs</u>              |                          |                                                       |       |
|            | Total                                   |                          |                                                       |       |
| GRF 600502 | <del>Administration</del> <u>Child</u>  | \$ 23,814,103            | \$ 23,814,103                                         | 81282 |
|            | <u>Support</u> - Local                  |                          |                                                       |       |
| GRF 600511 | Disability Financial                    | \$ 26,599,666            | \$ 27,108,734                                         | 81283 |
|            | Assistance                              |                          |                                                       |       |
| GRF 600521 | <del>Entitlement</del>                  | \$ 72,200,721            | \$ 72,200,721                                         | 81284 |
|            | <del>Administration</del> <u>Family</u> |                          |                                                       |       |
|            | <u>Assistance</u> - Local               |                          |                                                       |       |
| GRF 600523 | <u>Family and Children</u> and          | \$ <del>53,605,323</del> | \$ <del>53,105,323</del>                              | 81285 |
|            | <del>Families</del> Services            | <u>52,605,323</u>        | <u>54,105,323</u>                                     |       |
| GRF 600525 | Health Care/Medicaid                    |                          |                                                       | 81286 |
|            | State                                   | \$ 4,313,761,372         | \$ <del>4,689,051,017</del><br><u>4,689,701,017</u>   | 81287 |
|            | Federal                                 | \$ 7,530,008,024         | \$ <del>8,429,762,527</del><br><u>8,430,897,261</u>   | 81288 |
|            | Health Care Total                       | \$11,843,769,396         | \$ <del>13,118,813,544</del><br><u>13,120,598,278</u> | 81289 |
| GRF 600526 | Medicare Part D                         | \$ 277,996,490           | \$ 296,964,743                                        | 81290 |
| GRF 600528 | Adoption Services                       |                          |                                                       | 81291 |
|            | State                                   | \$ 29,257,932            | \$ 29,257,932                                         | 81292 |
|            | Federal                                 | \$ 41,085,169            | \$ 41,085,169                                         | 81293 |
|            | Adoption Services Total                 | \$ 70,343,101            | \$ 70,343,101                                         | 81294 |
| GRF 600533 | Child, Family, and                      | \$ 13,500,000            | \$ <del>13,500,000</del>                              | 81295 |

|                             |                                                                                                          |    |                           |                   |                                |       |
|-----------------------------|----------------------------------------------------------------------------------------------------------|----|---------------------------|-------------------|--------------------------------|-------|
|                             | Adult Community &<br>Protective Services                                                                 |    |                           | <u>13,866,003</u> |                                |       |
| GRF 600534                  | Adult Protective<br>Services                                                                             | \$ | 366,003                   | \$                | <del>366,003</del> <u>0</u>    | 81296 |
| GRF 600535                  | Early Care and<br>Education                                                                              | \$ | 123,596,474               | \$                | 123,596,474                    | 81297 |
| GRF 600537                  | Children's Hospital                                                                                      | \$ | 6,000,000                 | \$                | 6,000,000                      | 81298 |
| GRF 600540                  | Second Harvest Food<br>Banks                                                                             | \$ | 4,000,000                 | \$                | 4,000,000                      | 81299 |
| GRF 600541                  | Kinship Permanency<br>Incentive Program                                                                  | \$ | 2,500,000                 | \$                | 3,500,000                      | 81300 |
| TOTAL GRF                   | General Revenue Fund                                                                                     |    |                           |                   |                                | 81301 |
|                             | State                                                                                                    | \$ | <del>5,315,593,291</del>  | \$                | <del>5,711,636,153</del>       | 81302 |
|                             |                                                                                                          |    | <u>5,314,593,291</u>      |                   | <u>5,712,005,426</u>           |       |
|                             | Federal                                                                                                  | \$ | 7,606,077,503             | \$                | <del>8,505,278,593</del>       | 81303 |
|                             |                                                                                                          |    |                           |                   | <u>8,506,069,018</u>           |       |
|                             | GRF Total                                                                                                | \$ | <del>12,921,670,794</del> | \$                | <del>14,216,914,746</del>      | 81304 |
|                             |                                                                                                          |    | <u>12,920,670,794</u>     |                   | <u>14,218,074,444</u>          |       |
| General Services Fund Group |                                                                                                          |    |                           |                   |                                | 81305 |
| 4A80 600658                 | Public Assistance<br>Activities                                                                          | \$ | 34,000,000                | \$                | 34,000,000                     | 81306 |
| 5C90 600671                 | Medicaid Program<br>Support                                                                              | \$ | 85,800,878                | \$                | <del>82,839,266</del> <u>0</u> | 81307 |
| 5DL0 600639                 | <del>Medicaid Revenue and<br/>Collections</del> <u>Health<br/>Care/Medicaid Support<br/>- Recoveries</u> | \$ | 89,256,974                | \$                | <del>84,156,974</del>          | 81308 |
|                             |                                                                                                          |    |                           |                   | <u>166,996,240</u>             |       |
| 5DM0 600633                 | Administration &<br>Operating                                                                            | \$ | 20,392,173                | \$                | <del>19,858,928</del>          | 81309 |
|                             |                                                                                                          |    |                           |                   | <u>19,660,339</u>              |       |
| 5FX0 600638                 | Medicaid Payment<br>Withholding                                                                          | \$ | 5,000,000                 | \$                | 6,000,000                      | 81310 |
| 5HL0 600602                 | State and County<br>Shared services                                                                      | \$ | 3,020,000                 | \$                | 3,020,000                      | 81311 |

|                                    |               |                                                                                                                                      |           |             |           |                                              |       |
|------------------------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------|-----------|-------------|-----------|----------------------------------------------|-------|
| 5P50                               | 600692        | <del>Prescription Drug</del><br>Rebate— <u>State Health</u><br><u>Care/Medicaid Support</u><br><u>- Drug Rebates</u>                 | \$        | 220,600,000 | \$        | 242,600,000                                  | 81312 |
| 6130                               | 600645        | Training Activities                                                                                                                  | \$        | 500,000     | \$        | 500,000                                      | 81313 |
| TOTAL GSF General Services         |               |                                                                                                                                      |           |             |           |                                              | 81314 |
| Fund Group                         |               |                                                                                                                                      | \$        | 458,570,025 | \$        | <del>472,975,168</del><br><u>472,776,579</u> | 81315 |
| Federal Special Revenue Fund Group |               |                                                                                                                                      |           |             |           |                                              | 81316 |
| 3270                               | 600606        | Child Welfare                                                                                                                        | \$        | 29,769,865  | \$        | 29,769,866                                   | 81317 |
| <u>3310</u>                        | <u>600615</u> | <u>Veterans Programs</u>                                                                                                             | <u>\$</u> | <u>0</u>    | <u>\$</u> | <u>8,000,000</u>                             | 81318 |
| <u>3310</u>                        | <u>600624</u> | <u>Employment Services</u><br><u>Programs</u>                                                                                        | <u>\$</u> | <u>0</u>    | <u>\$</u> | <u>33,943,023</u>                            | 81319 |
| 3310                               | 600686        | <del>Federal Operating</del><br><u>Workforce Programs</u>                                                                            | \$        | 49,128,140  | \$        | <del>48,203,023</del><br><u>6,260,000</u>    | 81320 |
| 3840                               | 600610        | Food Assistance <del>and</del><br><del>State Administration</del><br><u>Programs</u>                                                 | \$        | 180,381,394 | \$        | 180,381,394                                  | 81321 |
| 3850                               | 600614        | Refugee Services                                                                                                                     | \$        | 11,582,440  | \$        | 12,564,952                                   | 81322 |
| 3950                               | 600616        | <del>Special</del><br><del>Activities/Child and</del><br><del>Family Services</del><br><u>Federal Discretionary</u><br><u>Grants</u> | \$        | 2,259,264   | \$        | 2,259,264                                    | 81323 |
| 3960                               | 600620        | Social Services Block<br>Grant                                                                                                       | \$        | 64,999,999  | \$        | 64,999,998                                   | 81324 |
| 3970                               | 600626        | Child Support —<br><u>Federal</u>                                                                                                    | \$        | 255,812,837 | \$        | 255,813,528                                  | 81325 |
| 3980                               | 600627        | Adoption <del>Maintenance/</del><br><del>Administration Program</del><br><u>- Federal</u>                                            | \$        | 352,183,862 | \$        | <del>352,184,253</del><br><u>174,178,779</u> | 81326 |
| 3A20                               | 600641        | Emergency Food<br>Distribution                                                                                                       | \$        | 5,000,000   | \$        | 5,000,000                                    | 81327 |

|                                              |        |                                                                            |    |               |    |                                              |       |
|----------------------------------------------|--------|----------------------------------------------------------------------------|----|---------------|----|----------------------------------------------|-------|
| 3AW0                                         | 600675 | Faith Based Initiatives                                                    | \$ | 544,140       | \$ | 544,140                                      | 81328 |
| 3D30                                         | 600648 | Children's Trust Fund Federal                                              | \$ | 2,040,524     | \$ | 2,040,524                                    | 81329 |
| 3ER0                                         | 600603 | Health Information Technology                                              | \$ | 411,661,286   | \$ | 416,395,286                                  | 81330 |
| 3F00                                         | 600623 | Health Care Federal                                                        | \$ | 2,637,061,505 | \$ | 2,720,724,869                                | 81331 |
| 3F00                                         | 600650 | Hospital Care Assurance Match - <u>Federal</u>                             | \$ | 372,784,046   | \$ | 380,645,627                                  | 81332 |
| 3FA0                                         | 600680 | <del>Ohio</del> Health Care Grants - <u>Federal</u>                        | \$ | 9,405,000     | \$ | 20,000,000                                   | 81333 |
| 3G50                                         | 600655 | Interagency Reimbursement                                                  | \$ | 1,621,305,787 | \$ | 1,380,391,478                                | 81334 |
| 3H70                                         | 600617 | Child Care Federal                                                         | \$ | 208,290,036   | \$ | 204,813,731                                  | 81335 |
| 3N00                                         | 600628 | <del>IV-E</del> Foster Care Maintenance Program - <u>Federal</u>           | \$ | 133,963,142   | \$ | <del>133,963,142</del><br><u>311,968,616</u> | 81336 |
| 3S50                                         | 600622 | Child Support Projects                                                     | \$ | 534,050       | \$ | 534,050                                      | 81337 |
| 3V00                                         | 600688 | Workforce Investment Act <u>Programs</u>                                   | \$ | 176,496,250   | \$ | 172,805,562                                  | 81338 |
| 3V40                                         | 600678 | Federal Unemployment Programs                                              | \$ | 188,680,096   | \$ | 186,723,415                                  | 81339 |
| 3V40                                         | 600679 | <del>Unemployment Compensation</del> <u>UC</u> Review Commission - Federal | \$ | 4,166,988     | \$ | 4,068,758                                    | 81340 |
| 3V60                                         | 600689 | TANF Block Grant                                                           | \$ | 727,968,260   | \$ | 727,968,260                                  | 81341 |
| TOTAL FED Federal Special Revenue Fund Group |        |                                                                            |    |               |    |                                              | 81342 |
| State Special Revenue Fund Group             |        |                                                                            |    |               |    |                                              | 81343 |
| 1980                                         | 600647 | Children's Trust Fund                                                      | \$ | 5,873,637     | \$ | 5,873,848                                    | 81344 |
| 4A90                                         | 600607 | Unemployment Compensation                                                  | \$ | 21,924,998    | \$ | 21,424,998                                   | 81345 |

|             |               |                                   |           |                  |           |                  |       |
|-------------|---------------|-----------------------------------|-----------|------------------|-----------|------------------|-------|
|             |               | Administration Fund               |           |                  |           |                  |       |
| 4A90        | 600694        | <del>Unemployment</del>           | \$        | 2,173,167        | \$        | 2,117,031        | 81347 |
|             |               | <del>Compensation UC Review</del> |           |                  |           |                  |       |
|             |               | <del>Commission - SAF</del>       |           |                  |           |                  |       |
| 4E30        | 600605        | <del>Nursing Home</del>           | \$        | 2,878,320        | \$        | 2,878,319        | 81348 |
|             |               | <del>Assessments Resident</del>   |           |                  |           |                  |       |
|             |               | <del>Protection Fund</del>        |           |                  |           |                  |       |
| 4E70        | 600604        | <del>Child and Family and</del>   | \$        | 400,000          | \$        | 400,000          | 81349 |
|             |               | <del>Children Services</del>      |           |                  |           |                  |       |
|             |               | <del>Collections</del>            |           |                  |           |                  |       |
| 4F10        | 600609        | <del>Family and Children</del>    | \$        | 683,359          | \$        | 683,549          | 81350 |
|             |               | <del>and Family Services</del>    |           |                  |           |                  |       |
|             |               | <del>Activities</del>             |           |                  |           |                  |       |
| 4K10        | 600621        | <del>ICF/MR Bed Assessments</del> | \$        | 41,405,596       | \$        | 44,372,874       | 81351 |
|             |               | <del>DDD Support -</del>          |           |                  |           |                  |       |
|             |               | <del>Franchise Fee</del>          |           |                  |           |                  |       |
| 4Z10        | 600625        | HealthCare Compliance             | \$        | 11,551,076       | \$        | 14,582,000       | 81352 |
| 5AJ0        | 600631        | Money Follows the                 | \$        | 5,483,080        | \$        | 4,733,080        | 81353 |
|             |               | Person                            |           |                  |           |                  |       |
| 5DB0        | 600637        | <del>Military Injury Grants</del> | \$        | 2,000,000        | \$        | 2,000,000        | 81354 |
|             |               | <del>Relief Subsidies</del>       |           |                  |           |                  |       |
| 5DP0        | 600634        | Adoption Assistance               | \$        | 500,000          | \$        | 500,000          | 81355 |
|             |               | Loan                              |           |                  |           |                  |       |
| 5ES0        | 600630        | Food <u>Bank</u> Assistance       | \$        | 500,000          | \$        | 500,000          | 81356 |
| 5GF0        | 600656        | <del>Medicaid Health</del>        | \$        | 436,000,000      | \$        | 436,000,000      | 81357 |
|             |               | <del>Care/Medicaid Support</del>  |           |                  |           |                  |       |
|             |               | <del>- Hospital/UPL</del>         |           |                  |           |                  |       |
| 5KC0        | 600682        | Health Care <del>Special</del>    | \$        | 10,000,000       | \$        | 10,000,000       | 81358 |
|             |               | <del>Activities Grants -</del>    |           |                  |           |                  |       |
|             |               | <del>State</del>                  |           |                  |           |                  |       |
| <u>5KU0</u> | <u>600611</u> | <u>Unemployment</u>               | <u>\$</u> | <u>2,000,000</u> | <u>\$</u> | <u>4,000,000</u> | 81359 |
|             |               | <u>Compensation Support -</u>     |           |                  |           |                  |       |
|             |               | <u>Other Sources</u>              |           |                  |           |                  |       |



|                                           |        |                                                                                                                      |                             |                                                 |       |
|-------------------------------------------|--------|----------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------------|-------|
| 5R20                                      | 600608 | <del>Medicaid Nursing</del><br>Facilities <u>Long-Term</u><br><u>Care Support</u>                                    | \$ 402,489,308              | \$ 407,100,746                                  | 81360 |
| 5S30                                      | 600629 | <del>MR/DD Medicaid</del><br>Administration <u>Health</u><br><u>Care Program</u> and<br><u>Oversight DDD Support</u> | \$ 9,252,738                | \$ 9,147,791                                    | 81361 |
| 5U30                                      | 600654 | Health Care <del>Services</del><br>Administration <u>Program</u><br><u>Support</u>                                   | \$ 24,400,000               | \$ <del>24,400,000</del><br><u>24,156,000</u>   | 81362 |
| 5U60                                      | 600663 | <del>Children Family</del> and<br><u>Family Children</u><br>Support                                                  | \$ 4,000,000                | \$ 4,000,000                                    | 81363 |
| 6510                                      | 600649 | Hospital Care<br>Assurance Program Fund                                                                              | \$ 212,526,123              | \$ 217,008,050                                  | 81364 |
| TOTAL SSR State Special Revenue           |        |                                                                                                                      |                             |                                                 | 81365 |
| Fund Group                                |        |                                                                                                                      | \$ <del>1,194,041,402</del> | \$ <del>1,207,722,286</del>                     | 81366 |
|                                           |        |                                                                                                                      | <u>1,196,041,402</u>        | <u>1,207,478,286</u>                            |       |
| Agency Fund Group                         |        |                                                                                                                      |                             |                                                 | 81367 |
| 1920                                      | 600646 | <u>Child</u> Support<br>Intercept - Federal                                                                          | \$ 130,000,000              | \$ <del>130,000,000</del><br><u>129,250,000</u> | 81368 |
| 5830                                      | 600642 | <u>Child</u> Support<br>Intercept - State                                                                            | \$ 16,000,000               | \$ <del>16,000,000</del><br><u>14,000,000</u>   | 81369 |
| 5B60                                      | 600601 | Food Assistance<br>Intercept                                                                                         | \$ 2,000,000                | \$ <del>2,000,000</del><br><u>1,000,000</u>     | 81370 |
| TOTAL AGY Agency Fund Group               |        |                                                                                                                      | \$ 148,000,000              | \$ <del>148,000,000</del><br><u>144,250,000</u> | 81371 |
| Holding Account Redistribution Fund Group |        |                                                                                                                      |                             |                                                 | 81372 |
| R012                                      | 600643 | Refunds and Audit<br>Settlements                                                                                     | \$ 2,200,000                | \$ 2,200,000                                    | 81373 |
| R013                                      | 600644 | Forgery Collections                                                                                                  | \$ 10,000                   | \$ 10,000                                       | 81374 |
| TOTAL 090 Holding Account                 |        |                                                                                                                      | \$ 2,210,000                | \$ 2,210,000                                    | 81375 |

Redistribution Fund Group

|                              |                       |                             |       |
|------------------------------|-----------------------|-----------------------------|-------|
| TOTAL ALL BUDGET FUND GROUPS | \$22,170,511,132      | <del>\$23,350,617,320</del> | 81376 |
|                              | <u>22,171,511,132</u> | <u>23,351,584,429</u>       |       |

**Sec. 309.30.30.** REDUCTION IN MEDICAID PAYMENT RATES 81378

(A) As used in this section, "charge high trim point" means a 81379  
measure, excluding the measure established by paragraph (A)(6) of 81380  
rule 5101:3-2-07.9 of the Administrative Code, used to determine 81381  
whether a claim for a hospital inpatient service qualifies for a 81382  
cost outlier payment under the Medicaid program. 81383

(B) For fiscal year 2012 and fiscal year 2013, the Director 81384  
of Job and Family Services shall implement purchasing strategies 81385  
and rate reductions for hospital and other Medicaid-covered 81386  
services, as determined by the Director, that result in payment 81387  
rates for those services being at least two per cent less than the 81388  
respective payment rates for fiscal year 2011. In implementing the 81389  
purchasing strategies and rate reductions, the Director shall do 81390  
the following: 81391

(1) Notwithstanding the section of ~~this act~~ Am. Sub. H.B. 153 81392  
of the 129th General Assembly titled "CONTINUATION OF MEDICAID 81393  
RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES," modernize 81394  
hospital inpatient and outpatient reimbursement methodologies by 81395  
doing the following: 81396

(a) Modifying the inpatient hospital capital reimbursement 81397  
methodology; 81398

(b) Establishing new diagnosis-related groups in a 81399  
cost-neutral manner; 81400

(c) For hospital discharges that occur during the period 81401  
beginning October 1, 2011, and ending January 1, 2012, modifying 81402  
charge high trim points, as in effect on January 1, 2011, by a 81403  
factor of 13.6%; 81404

(d) For hospital discharges that occur during the period 81405  
beginning January 1, 2012, and ending on the effective date of the 81406  
first of the new diagnosis-related groups established under 81407  
division (B)(1)(b) of this section, modifying charge high trim 81408  
points, as in effect on October 1, 2011, by a factor of 9.72%; 81409

(e) Implementing other changes the Director considers 81410  
appropriate. 81411

(2) Establish selective contracting and prior authorization 81412  
requirements for types of medical assistance the Director 81413  
identifies. 81414

(C) The Director shall adopt rules under section 5111.02 and 81415  
5111.85 of the Revised Code as necessary to implement this 81416  
section. The rules adopted to implement divisions (B)(1)(a), (b), 81417  
and (e) of this section shall include quality factors and 81418  
quality-based incentive payments. 81419

(D) This section does not apply to nursing facility and 81420  
intermediate care facility for the mentally retarded services 81421  
provided under the Medicaid program. 81422

**Sec. 309.30.33. HOSPITAL INPATIENT AND OUTPATIENT 81423**  
SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM; MEDICAID MANAGED CARE 81424  
HOSPITAL INCENTIVE PAYMENT PROGRAM 81425

(A) As used in this section: 81426

(1) "Hospital" has the same meaning as in section 5112.40 of 81427  
the Revised Code. 81428

(2) "Hospital Assessment Fund" means the fund created under 81429  
section 5112.45 of the Revised Code. 81430

(3) "Medicaid managed care organization" means an entity 81431  
under contract pursuant to section 5111.17 of the Revised Code to 81432  
provide or arrange services for Medicaid recipients who are 81433  
required or permitted to participate in the Medicaid care 81434

management system. 81435

(B) The Department of Job and Family Services shall submit to 81436  
the United States Secretary of Health and Human Services a 81437  
Medicaid state plan amendment to do both of the following: 81438

(1) Continue the Hospital Inpatient and Outpatient 81439  
Supplemental Upper Payment Limit Program that was established 81440  
pursuant to Section 309.30.17 of Am. Sub. H.B. 1 of the 128th 81441  
General Assembly, with any modifications necessary to implement 81442  
the program as described under division (D) of this section; 81443

(2) Create the Medicaid Managed Care Hospital Incentive 81444  
Payment Program, as described under division (E) of this section. 81445

(C) Of the amounts deposited into the Hospital Assessment 81446  
Fund in fiscal year 2012 and fiscal year 2013: 81447

(1) Up to \$432,432,725 (state and federal) in fiscal year 81448  
2012 and up to \$415,162,388 (state and federal) in fiscal year 81449  
2013 shall be used for the Hospital Inpatient and Outpatient 81450  
Supplemental Upper Payment Limit Program; 81451

(2) Up to \$162,000,000 (state and federal) in each fiscal 81452  
year shall be used for the Medicaid Managed Care Hospital 81453  
Incentive Payment Program; 81454

(3) Up to \$176,021,111 (state and federal) in fiscal year 81455  
2012 and up to \$195,158,394 (state and federal) in fiscal year 81456  
2013 shall be used for the program authorized by the section of 81457  
~~this act~~ Am. Sub. H.B. 153 of the 129th General Assembly titled 81458  
"CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT AND 81459  
OUTPATIENT SERVICES." 81460

(D)(1) If the Medicaid state plan amendment submitted under 81461  
division (B)(1) of this section is approved, the Department shall 81462  
implement the Hospital Inpatient and Outpatient Supplemental Upper 81463  
Payment Limit Program during fiscal year 2012 and fiscal year 81464

2013. Under the Program, subject to division (D)(2) of this section, supplemental Medicaid payments shall be made to hospitals for Medicaid-covered inpatient and outpatient services. The Department shall make the payments through amounts that are made available for the Program under division (C) of this section and any federal financial participation available for the Program.

(2) The Department shall take all actions necessary to cease implementation of the Program if the United States Secretary determines that the assessment imposed under section 5112.41 of the Revised Code is an impermissible healthcare-related tax under section 1903(w) of the "Social Security Act," 105 Stat. 1793 (1991), 42 U.S.C. 1396b(w), as amended.

(E)(1) If the Medicaid state plan amendment submitted under division (B)(2) of this section is approved, the Department shall implement the Medicaid Managed Care Hospital Incentive Payment Program. The purpose of the Program is to increase access to hospital services for Medicaid recipients who are enrolled in Medicaid managed care organizations.

Under the Program, subject to division (E)(3) of this section, funds shall be provided to Medicaid managed care organizations, which shall use the funds to increase payments to hospitals for providing services to Medicaid recipients who are enrolled in the organizations. The Department shall provide the funds through amounts that are made available for the Program under division (C) of this section and any federal financial participation available for the Program.

(2) Not later than July 1, 2012, the Department shall select an actuary to conduct a study of the contracted reimbursement rates between Medicaid managed care organizations and hospitals. The actuary shall determine if a reduction in the capitation rates paid to Medicaid managed care organizations in fiscal year 2013 is appropriate as a result of the contracted reimbursement rates

between the organizations and hospitals. The actuary shall notify 81497  
the Department of its determination. 81498

If the actuary determines that a reduction in the capitation 81499  
rates paid to Medicaid managed care organizations in fiscal year 81500  
2013 will not achieve \$22 million in state savings in fiscal year 81501  
2013, the state shall receive the difference between what the 81502  
actuary determines the state will save and \$22 million. The 81503  
Department, in consultation with the Ohio Association of Health 81504  
Plans and the Ohio Hospital Association, shall establish a 81505  
methodology under which the difference is paid equally by Medicaid 81506  
managed care organizations and hospitals in this state. 81507

Notwithstanding anything to the contrary specified in 81508  
division (E)(3)(b) or (c) of this section, the Medicaid managed 81509  
care organizations and hospitals shall pay the amounts determined 81510  
under the methodology, unless the Department waives the 81511  
requirement to make the payments. The requirement may be waived if 81512  
spending for the Medicaid program in fiscal year 2013 is less than 81513  
the amount that is budgeted for that fiscal year. If payments are 81514  
made, the amount received by the Department shall be deposited 81515  
into the state treasury to the credit of the Health Care 81516  
Compliance Fund created under section ~~5111.171~~ 5111.946 of the 81517  
Revised Code. 81518

(3)(a) The Department shall not provide funds to Medicaid 81519  
managed care organizations under the Program unless an actuary 81520  
selected by the Department certifies that the Program would not 81521  
violate the actuarial soundness of the capitation rates paid to 81522  
Medicaid managed care organizations. 81523

(b) The Department shall not implement the Program in a 81524  
manner that causes a hospital to receive less money from the 81525  
Hospital Assessment Fund than the hospital would have received if 81526  
the Program were not implemented. 81527

(c) The Department shall not implement the Program in a manner that causes a Medicaid managed care organization to receive a lower capitation payment rate solely because funds are made available to the organization under the Program.

(d) The Department shall take all necessary actions to cease implementation of the Program if the United States Secretary determines that the assessment imposed under section 5112.41 of the Revised Code is an impermissible healthcare-related tax under section 1903(w) of the "Social Security Act," 105 Stat. 1793 (1991), 42 U.S.C. 1396b(w), as amended.

(F) The Director of Budget and Management may authorize additional expenditures from appropriation item 600623, Health Care Federal, appropriation item 600525, Health Care/Medicaid, and appropriation item 600656, Medicaid-Hospital, in order to implement the programs authorized by this section and to implement the section of ~~this act~~ Am. Sub. H.B. 153 of the 129th General Assembly titled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES." Any amounts authorized are hereby appropriated.

(G) Nothing in this section reduces payments to children's hospitals authorized under the section of ~~this act~~ Am. Sub. H.B. 153 of the 129th General Assembly titled "CHILDREN'S HOSPITALS SUPPLEMENTAL FUNDING."

**Sec. 309.35.73. HEALTHCARE COMPLIANCE APPROPRIATION**

Notwithstanding the provisions of section ~~5111.171~~ 5111.946 of the Revised Code specifying the uses of the ~~HealthCare~~ Health Care Compliance Fund, appropriations in appropriation item 600625, HealthCare Compliance, may be used for expenses incurred in implementation or operation of Health Home programs, contracts for consultants regarding Medicaid, and for the creation, modification, or replacement of any federally funded Medicaid

|                                                              |                       |    |                        |       |                        |       |
|--------------------------------------------------------------|-----------------------|----|------------------------|-------|------------------------|-------|
| healthcare systems in fiscal year 2012 and fiscal year 2013. |                       |    |                        | 81559 |                        |       |
| <b>Sec. 315.10. JSC THE JUDICIARY/SUPREME COURT</b>          |                       |    |                        | 81560 |                        |       |
| General Revenue Fund                                         |                       |    |                        | 81561 |                        |       |
| GRF 005321                                                   | Operating Expenses -  | \$ | <del>133,704,620</del> | \$    | <del>132,565,410</del> | 81562 |
|                                                              | Judiciary/Supreme     |    | <u>132,347,507</u>     |       | <u>133,922,523</u>     |       |
|                                                              | Court                 |    |                        |       |                        |       |
| GRF 005406                                                   | Law_Related Education | \$ | 236,172                | \$    | 236,172                | 81563 |
| GRF 005409                                                   | Ohio Courts           | \$ | 2,150,000              | \$    | 2,150,000              | 81564 |
|                                                              | Technology Initiative |    |                        |       |                        |       |
| TOTAL GRF General Revenue Fund                               |                       | \$ | <del>136,090,792</del> | \$    | <del>134,951,582</del> | 81565 |
|                                                              |                       |    | <u>134,733,679</u>     |       | <u>136,308,695</u>     |       |
| General Services Fund Group                                  |                       |    |                        | 81566 |                        |       |
| 6720 005601                                                  | Continuing Judicial   | \$ | 172,142                | \$    | 169,420                | 81567 |
|                                                              | Education             |    |                        |       |                        |       |
| TOTAL GSF General Services Fund                              |                       | \$ | 172,142                | \$    | 169,420                | 81568 |
| Group                                                        |                       |    |                        |       |                        |       |
| Federal Special Revenue Fund Group                           |                       |    |                        | 81569 |                        |       |
| 3J00 005603                                                  | Federal Grants        | \$ | 1,653,317              | \$    | 1,605,717              | 81570 |
| TOTAL FED Federal Special Revenue                            |                       | \$ | 1,653,317              | \$    | 1,605,717              | 81571 |
| Fund Group                                                   |                       |    |                        |       |                        |       |
| State Special Revenue Fund Group                             |                       |    |                        | 81572 |                        |       |
| 4C80 005605                                                  | Attorney Services     | \$ | 3,718,328              | \$    | 3,695,192              | 81573 |
| 5HT0 005617                                                  | Court Interpreter     | \$ | 39,000                 | \$    | 39,000                 | 81574 |
|                                                              | Certification         |    |                        |       |                        |       |
| 5T80 005609                                                  | Grants and Awards     | \$ | 50,000                 | \$    | 50,000                 | 81575 |
| 6A80 005606                                                  | Supreme Court         | \$ | 1,223,340              | \$    | 1,205,056              | 81576 |
|                                                              | Admissions            |    |                        |       |                        |       |
| TOTAL SSR State Special Revenue                              |                       | \$ | 5,030,668              | \$    | 4,989,248              | 81577 |
| Fund Group                                                   |                       |    |                        |       |                        |       |
| TOTAL ALL BUDGET FUND GROUPS                                 |                       | \$ | <del>142,946,919</del> | \$    | <del>141,715,967</del> | 81578 |



141,589,806      143,073,080

OPERATING EXPENSES - JUDICIARY/SUPREME COURT 81579

Of the foregoing appropriation item 005321, Operating 81580  
Expenses - Judiciary/Supreme Court, up to \$206,770 in each fiscal 81581  
year may be used to support the functions of the State Criminal 81582  
Sentencing Council. 81583

LAW-RELATED EDUCATION 81584

The foregoing appropriation item 005406, Law-Related 81585  
Education, shall be distributed directly to the Ohio Center for 81586  
Law-Related Education for the purposes of providing continuing 81587  
citizenship education activities to primary and secondary 81588  
students, expanding delinquency prevention programs, increasing 81589  
activities for at-risk youth, and accessing additional public and 81590  
private money for new programs. 81591

OHIO COURTS TECHNOLOGY INITIATIVE 81592

The foregoing appropriation item 005409, Ohio Courts 81593  
Technology Initiative, shall be used to fund an initiative by the 81594  
Supreme Court to facilitate the exchange of information and 81595  
warehousing of data by and between Ohio courts and other justice 81596  
system partners through the creation of an Ohio Courts Network, 81597  
the delivery of technology services to courts throughout the 81598  
state, including the provision of hardware, software, and the 81599  
development and implementation of educational and training 81600  
programs for judges and court personnel, and operation of the 81601  
Commission on Technology and the Courts by the Supreme Court for 81602  
the promulgation of statewide rules, policies, and uniform 81603  
standards, and to aid in the orderly adoption and comprehensive 81604  
use of technology in Ohio courts. 81605

CONTINUING JUDICIAL EDUCATION 81606

The Continuing Judicial Education Fund (Fund 6720) shall 81607  
consist of fees paid by judges and court personnel for attending 81608

continuing education courses and other gifts and grants received 81609  
for the purpose of continuing judicial education. The foregoing 81610  
appropriation item 005601, Continuing Judicial Education, shall be 81611  
used to pay expenses for continuing education courses for judges 81612  
and court personnel. If it is determined by the Administrative 81613  
Director of the Supreme Court that additional appropriations are 81614  
necessary, the amounts are hereby appropriated. 81615

No money in Fund 6720 shall be transferred to any other fund 81616  
by the Director of Budget and Management or the Controlling Board. 81617  
Interest earned on money in Fund 6720 shall be credited to the 81618  
fund. 81619

FEDERAL GRANTS 81620

The Federal Grants Fund (Fund 3J00) shall consist of grants 81621  
and other moneys awarded to the Supreme Court (The Judiciary) by 81622  
the United States Government or other entities that receive the 81623  
moneys directly from the United States Government and distribute 81624  
those moneys to the Supreme Court (The Judiciary). The foregoing 81625  
appropriation item 005603, Federal Grants, shall be used in a 81626  
manner consistent with the purpose of the grant or award. If it is 81627  
determined by the Administrative Director of the Supreme Court 81628  
that additional appropriations are necessary, the amounts are 81629  
hereby appropriated. 81630

No money in Fund 3J00 shall be transferred to any other fund 81631  
by the Director of Budget and Management or the Controlling Board. 81632  
However, interest earned on money in Fund 3J00 shall be credited 81633  
or transferred to the General Revenue Fund. 81634

ATTORNEY SERVICES 81635

The Attorney Services Fund (Fund 4C80), formerly known as the 81636  
Attorney Registration Fund, shall consist of money received by the 81637  
Supreme Court (The Judiciary) pursuant to the Rules for the 81638  
Government of the Bar of Ohio. In addition to funding other 81639

activities considered appropriate by the Supreme Court, the 81640  
foregoing appropriation item 005605, Attorney Services, may be 81641  
used to compensate employees and to fund appropriate activities of 81642  
the following offices established by the Supreme Court: the Office 81643  
of Disciplinary Counsel, the Board of Commissioners on Grievances 81644  
and Discipline, the Clients' Security Fund, and the Attorney 81645  
Services Division. If it is determined by the Administrative 81646  
Director of the Supreme Court that additional appropriations are 81647  
necessary, the amounts are hereby appropriated. 81648

No money in Fund 4C80 shall be transferred to any other fund 81649  
by the Director of Budget and Management or the Controlling Board. 81650  
Interest earned on money in Fund 4C80 shall be credited to the 81651  
fund. 81652

COURT INTERPRETER CERTIFICATION 81653

The Court Interpreter Certification Fund (Fund 5HT0) shall 81654  
consist of money received by the Supreme Court (The Judiciary) 81655  
pursuant to Rules 80 through 87 of the Rules of Superintendence 81656  
for the Courts of Ohio. The foregoing appropriation item 005617, 81657  
Court Interpreter Certification, shall be used to provide 81658  
training, to provide the written examination, and to pay language 81659  
experts to rate, or grade, the oral examinations of those applying 81660  
to become certified court interpreters. If it is determined by the 81661  
Administrative Director that additional appropriations are 81662  
necessary, the amounts are hereby appropriated. 81663

No money in Fund 5HT0 shall be transferred to any other fund 81664  
by the Director of Budget and Management or the Controlling Board. 81665  
Interest earned on money in Fund 5HT0 shall be credited to the 81666  
fund. 81667

GRANTS AND AWARDS 81668

The Grants and Awards Fund (Fund 5T80) shall consist of 81669  
grants and other money awarded to the Supreme Court (The 81670

Judiciary) by the State Justice Institute, the Division of 81671  
Criminal Justice Services, or other entities. The foregoing 81672  
appropriation item 005609, Grants and Awards, shall be used in a 81673  
manner consistent with the purpose of the grant or award. If it is 81674  
determined by the Administrative Director of the Supreme Court 81675  
that additional appropriations are necessary, the amounts are 81676  
hereby appropriated. 81677

No money in Fund 5T80 shall be transferred to any other fund 81678  
by the Director of Budget and Management or the Controlling Board. 81679  
However, interest earned on money in Fund 5T80 shall be credited 81680  
or transferred to the General Revenue Fund. 81681

SUPREME COURT ADMISSIONS 81682

The foregoing appropriation item 005606, Supreme Court 81683  
Admissions, shall be used to compensate Supreme Court employees 81684  
who are primarily responsible for administering the attorney 81685  
admissions program under the Rules for the Government of the Bar 81686  
of Ohio, and to fund any other activities considered appropriate 81687  
by the court. Moneys shall be deposited into the Supreme Court 81688  
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 81689  
Government of the Bar of Ohio. If it is determined by the 81690  
Administrative Director of the Supreme Court that additional 81691  
appropriations are necessary, the amounts are hereby appropriated. 81692

No money in Fund 6A80 shall be transferred to any other fund 81693  
by the Director of Budget and Management or the Controlling Board. 81694  
Interest earned on money in Fund 6A80 shall be credited to the 81695  
fund. 81696

**Sec. 327.10.** LCO LIQUOR CONTROL COMMISSION 81697

State Special Revenue Fund Group 81698

5LP0 970601 Commission Operating \$ 0 \$ 754,146 81699  
Expense

|                                                           |    |             |    |                             |       |
|-----------------------------------------------------------|----|-------------|----|-----------------------------|-------|
| <u>TOTAL SSR State Special Revenue</u>                    | \$ | <u>0</u>    | \$ | <u>754,146</u>              | 81700 |
| <u>Fund Group</u>                                         |    |             |    |                             |       |
| Liquor Control Fund Group                                 |    |             |    |                             | 81701 |
| 7043 970321 Operating Expenses                            | \$ | 753,933     | \$ | <del>754,146</del> <u>0</u> | 81702 |
| TOTAL LCF Liquor Control Fund Group                       | \$ | 753,933     | \$ | <del>754,146</del> <u>0</u> | 81703 |
| TOTAL ALL BUDGET FUND GROUPS                              | \$ | 753,933     | \$ | 754,146                     | 81704 |
| <br>                                                      |    |             |    |                             |       |
| <b>Sec. 335.10. AMB OHIO MEDICAL TRANSPORTATION BOARD</b> |    |             |    |                             | 81706 |
| <br>                                                      |    |             |    |                             |       |
| General Services Fund Group                               |    |             |    |                             | 81707 |
| 4K90 915604 Operating Expenses                            | \$ | 493,641     | \$ | <del>493,856</del> <u>0</u> | 81708 |
| TOTAL GSF General Services                                |    |             |    |                             | 81709 |
| Fund Group                                                | \$ | 493,641     | \$ | <del>493,856</del> <u>0</u> | 81710 |
| TOTAL ALL BUDGET FUND GROUPS                              | \$ | 493,641     | \$ | <del>493,856</del> <u>0</u> | 81711 |
| <br>                                                      |    |             |    |                             |       |
| <b>Sec. 337.10. DMH DEPARTMENT OF MENTAL HEALTH</b>       |    |             |    |                             | 81713 |
| <br>                                                      |    |             |    |                             |       |
| General Revenue Fund                                      |    |             |    |                             | 81714 |
| GRF 332401 Forensic Services                              | \$ | 3,244,251   | \$ | 3,244,251                   | 81715 |
| GRF 333321 Central                                        | \$ | 16,000,000  | \$ | 16,000,000                  | 81716 |
| Administration                                            |    |             |    |                             |       |
| GRF 333402 Resident Trainees                              | \$ | 450,000     | \$ | 450,000                     | 81717 |
| GRF 333403 Pre-Admission                                  | \$ | 486,119     | \$ | <del>486,119</del>          | 81718 |
| Screening Expenses                                        |    |             |    | <u>286,119</u>              |       |
| GRF 333415 Lease-Rental Payments                          | \$ | 18,394,250  | \$ | <del>19,907,900</del>       | 81719 |
|                                                           |    |             |    | <u>17,907,900</u>           |       |
| GRF 333416 Research Program                               | \$ | 421,724     | \$ | 421,998                     | 81720 |
| Evaluation                                                |    |             |    |                             |       |
| GRF 334412 Hospital Services                              | \$ | 194,918,888 | \$ | <del>192,051,209</del>      | 81721 |
|                                                           |    |             |    | <u>191,051,209</u>          |       |
| GRF 334506 Court Costs                                    | \$ | 584,210     | \$ | 584,210                     | 81722 |
| GRF 335405 Family & Children                              | \$ | 1,386,000   | \$ | 1,386,000                   | 81723 |
| First                                                     |    |             |    |                             |       |
| GRF 335419 Community Medication                           | \$ | 8,963,818   | \$ | 8,963,818                   | 81724 |

|                                    |                       |                       |    |             |    |                        |       |
|------------------------------------|-----------------------|-----------------------|----|-------------|----|------------------------|-------|
|                                    |                       | Subsidy               |    |             |    |                        |       |
| GRF                                | 335501                | Mental Health         | \$ | 186,400,000 | \$ | 0                      | 81725 |
|                                    |                       | Medicaid Match        |    |             |    |                        |       |
| GRF                                | 335505                | Local Mental Health   | \$ | 49,963,776  | \$ | <del>59,087,955</del>  | 81726 |
|                                    |                       | Systems of Care       |    |             |    | <u>62,087,955</u>      |       |
| GRF                                | 335506                | Residential State     | \$ | 4,702,875   | \$ | 4,702,875              | 81727 |
|                                    |                       | Supplement            |    |             |    |                        |       |
| TOTAL GRF                          | General Revenue Fund  |                       | \$ | 485,915,911 | \$ | <del>307,286,335</del> | 81728 |
|                                    |                       |                       |    |             |    | <u>307,086,335</u>     |       |
| General Services Fund Group        |                       |                       |    |             |    |                        | 81729 |
| 1490                               | 333609                | Central Office        | \$ | 1,343,190   | \$ | 1,343,190              | 81730 |
|                                    |                       | Operating             |    |             |    |                        |       |
| 1490                               | 334609                | Hospital - Operating  | \$ | 28,190,000  | \$ | 28,190,000             | 81731 |
|                                    |                       | Expenses              |    |             |    |                        |       |
| 1500                               | 334620                | Special Education     | \$ | 150,000     | \$ | 150,000                | 81732 |
| 4P90                               | 335604                | Community Mental      | \$ | 4,061,100   | \$ | 250,000                | 81733 |
|                                    |                       | Health Projects       |    |             |    |                        |       |
| 1510                               | 336601                | Office of Support     | \$ | 129,770,770 | \$ | <del>129,779,822</del> | 81734 |
|                                    |                       | Services              |    |             |    | <u>127,297,130</u>     |       |
| TOTAL GSF                          | General Services Fund |                       | \$ | 163,515,060 | \$ | <del>159,713,012</del> | 81735 |
|                                    | Group                 |                       |    |             |    | <u>157,230,320</u>     |       |
| Federal Special Revenue Fund Group |                       |                       |    |             |    |                        | 81736 |
| 3240                               | 333605                | Medicaid/Medicare     | \$ | 154,500     | \$ | 154,500                | 81737 |
| 3A60                               | 333608                | Federal Miscellaneous | \$ | 140,000     | \$ | 140,000                | 81738 |
| 3A70                               | 333612                | Social Services Block | \$ | 50,000      | \$ | 50,000                 | 81739 |
|                                    |                       | Grant                 |    |             |    |                        |       |
| 3A80                               | 333613                | Federal Grant -       | \$ | 4,717,000   | \$ | 4,717,000              | 81740 |
|                                    |                       | Administration        |    |             |    |                        |       |
| 3A90                               | 333614                | Mental Health Block   | \$ | 748,470     | \$ | 748,470                | 81741 |
|                                    |                       | Grant -               |    |             |    |                        |       |
|                                    |                       | Administration        |    |             |    |                        |       |
| 3B10                               | 333635                | Community Medicaid    | \$ | 13,691,682  | \$ | 13,691,682             | 81742 |

|           |        |                                  |    |             |    |            |       |
|-----------|--------|----------------------------------|----|-------------|----|------------|-------|
|           |        | Expansion                        |    |             |    |            |       |
| 3240      | 334605 | Medicaid/Medicare                | \$ | 28,200,000  | \$ | 28,200,000 | 81743 |
| 3A60      | 334608 | Federal Miscellaneous            | \$ | 200,000     | \$ | 200,000    | 81744 |
| 3A80      | 334613 | Federal Letter of                | \$ | 200,000     | \$ | 200,000    | 81745 |
|           |        | Credit                           |    |             |    |            |       |
| 3A60      | 335608 | Federal Miscellaneous            | \$ | 2,170,000   | \$ | 2,170,000  | 81746 |
| 3A70      | 335612 | Social Services Block            | \$ | 8,400,000   | \$ | 8,400,000  | 81747 |
|           |        | Grant                            |    |             |    |            |       |
| 3A80      | 335613 | Federal Grant -                  | \$ | 2,500,000   | \$ | 2,500,000  | 81748 |
|           |        | Community Mental                 |    |             |    |            |       |
|           |        | Health Board Subsidy             |    |             |    |            |       |
| 3A90      | 335614 | Mental Health Block              | \$ | 14,200,000  | \$ | 14,200,000 | 81749 |
|           |        | Grant                            |    |             |    |            |       |
| 3B10      | 335635 | Community Medicaid               | \$ | 346,200,000 | \$ | 0          | 81750 |
|           |        | Expansion                        |    |             |    |            |       |
| TOTAL FED |        | Federal Special Revenue          | \$ | 421,571,652 | \$ | 75,371,652 | 81751 |
|           |        | Fund Group                       |    |             |    |            |       |
|           |        | State Special Revenue Fund Group |    |             |    |            | 81752 |
| 2320      | 333621 | Family and Children              | \$ | 448,286     | \$ | 432,197    | 81753 |
|           |        | First Administration             |    |             |    |            |       |
| 4850      | 333632 | Mental Health                    | \$ | 134,233     | \$ | 134,233    | 81754 |
|           |        | Operating                        |    |             |    |            |       |
| 4X50      | 333607 | Behavioral Health                | \$ | 3,000,624   | \$ | 3,000,624  | 81755 |
|           |        | Medicaid Services                |    |             |    |            |       |
| 5V20      | 333611 | Non-Federal                      | \$ | 100,000     | \$ | 100,000    | 81756 |
|           |        | Miscellaneous                    |    |             |    |            |       |
| 4850      | 334632 | Mental Health                    | \$ | 2,477,500   | \$ | 2,477,500  | 81757 |
|           |        | Operating                        |    |             |    |            |       |
| 5AU0      | 335615 | Behavioral Healthcare            | \$ | 6,690,000   | \$ | 6,690,000  | 81758 |
| 6320      | 335616 | Community Capital                | \$ | 350,000     | \$ | 350,000    | 81759 |
|           |        | Replacement                      |    |             |    |            |       |
| TOTAL SSR |        | State Special Revenue            | \$ | 13,200,643  | \$ | 13,184,554 | 81760 |
|           |        | Fund Group                       |    |             |    |            |       |

|                                                         |                       |                  |    |                        |       |
|---------------------------------------------------------|-----------------------|------------------|----|------------------------|-------|
| TOTAL ALL BUDGET FUND GROUPS                            |                       | \$ 1,084,203,266 | \$ | <del>555,555,553</del> | 81761 |
|                                                         |                       |                  |    | <u>552,872,861</u>     |       |
| <b>Sec. 343.10. DNR DEPARTMENT OF NATURAL RESOURCES</b> |                       |                  |    |                        | 81763 |
| General Revenue Fund                                    |                       |                  |    |                        | 81764 |
| GRF 725401                                              | Wildlife-GRF Central  | \$ 1,800,000     | \$ | 1,800,000              | 81765 |
|                                                         | Support               |                  |    |                        |       |
| GRF 725413                                              | Lease Rental Payments | \$ 20,568,600    | \$ | 19,734,700             | 81766 |
| GRF 725456                                              | Canal Lands           | \$ 135,000       | \$ | 135,000                | 81767 |
| GRF 725502                                              | Soil and Water        | \$ 2,900,000     | \$ | 2,900,000              | 81768 |
|                                                         | Districts             |                  |    |                        |       |
| GRF 725903                                              | Natural Resources     | \$ 5,375,300     | \$ | 25,209,100             | 81769 |
|                                                         | General Obligation    |                  |    |                        |       |
|                                                         | Debt Service          |                  |    |                        |       |
| GRF 727321                                              | Division of Forestry  | \$ 4,878,338     | \$ | 4,880,000              | 81770 |
| GRF 729321                                              | Office of Information | \$ 194,118       | \$ | 197,117                | 81771 |
|                                                         | Technology            |                  |    |                        |       |
| GRF 730321                                              | Division of Parks and | \$ 30,000,000    | \$ | 30,000,000             | 81772 |
|                                                         | Recreation            |                  |    |                        |       |
| GRF 736321                                              | Division of           | \$ 3,024,459     | \$ | <del>3,025,078</del>   | 81773 |
|                                                         | Engineering           |                  |    | <u>2,995,078</u>       |       |
| GRF 737321                                              | Division of Soil and  | \$ 4,982,961     | \$ | 4,983,356              | 81774 |
|                                                         | Water Resources       |                  |    |                        |       |
| GRF 741321                                              | Division of Natural   | \$ 1,200,000     | \$ | 1,200,000              | 81775 |
|                                                         | Areas and Preserves   |                  |    |                        |       |
| TOTAL GRF General Revenue Fund                          |                       | \$ 75,058,776    | \$ | <del>94,064,351</del>  | 81776 |
|                                                         |                       |                  |    | <u>94,034,351</u>      |       |
| General Services Fund Group                             |                       |                  |    |                        | 81777 |
| 1550 725601                                             | Departmental Projects | \$ 3,365,651     | \$ | <del>2,725,484</del>   | 81778 |
|                                                         |                       |                  |    | <u>2,512,977</u>       |       |
| 1570 725651                                             | Central Support       | \$ 5,854,167     | \$ | 5,857,800              | 81779 |
|                                                         | Indirect              |                  |    |                        |       |



|                                    |        |                                            |    |            |    |                                            |       |
|------------------------------------|--------|--------------------------------------------|----|------------|----|--------------------------------------------|-------|
| 2040                               | 725687 | Information Services                       | \$ | 4,659,276  | \$ | 4,643,835                                  | 81780 |
| 2070                               | 725690 | Real Estate Services                       | \$ | 50,000     | \$ | 50,000                                     | 81781 |
| 2230                               | 725665 | Law Enforcement<br>Administration          | \$ | 2,106,776  | \$ | 2,126,432                                  | 81782 |
| 2270                               | 725406 | Parks Projects<br>Personnel                | \$ | 436,500    | \$ | 436,500                                    | 81783 |
| 4300                               | 725671 | Canal Lands                                | \$ | 907,618    | \$ | <del>907,879</del><br><u>883,879</u>       | 81784 |
| 4D50                               | 725618 | Recycled Materials                         | \$ | 50,000     | \$ | <del>50,000</del> <u>0</u>                 | 81785 |
| 4S90                               | 725622 | NatureWorks Personnel                      | \$ | 400,358    | \$ | 400,358                                    | 81786 |
| 4X80                               | 725662 | Water Resources<br>Council                 | \$ | 138,011    | \$ | 138,005                                    | 81787 |
| 5100                               | 725631 | Maintenance -<br>State-owned<br>Residences | \$ | 303,611    | \$ | 303,611                                    | 81788 |
| 5160                               | 725620 | Water Management                           | \$ | 2,541,565  | \$ | 2,559,292                                  | 81789 |
| 6350                               | 725664 | Fountain Square<br>Facilities Management   | \$ | 3,544,623  | \$ | <del>3,548,445</del><br><u>3,473,413</u>   | 81790 |
| 6970                               | 725670 | Submerged Lands                            | \$ | 836,162    | \$ | 848,546                                    | 81791 |
| TOTAL GSF General Services         |        |                                            |    |            |    |                                            | 81792 |
| Fund Group                         |        |                                            | \$ | 25,194,318 | \$ | <del>24,596,187</del><br><u>24,234,648</u> | 81793 |
| Federal Special Revenue Fund Group |        |                                            |    |            |    |                                            | 81794 |
| 3320                               | 725669 | Federal Mine Safety<br>Grant               | \$ | 258,102    | \$ | 258,102                                    | 81795 |
| 3B30                               | 725640 | Federal Forest<br>Pass-Thru                | \$ | 600,000    | \$ | 600,000                                    | 81796 |
| 3B40                               | 725641 | Federal Flood<br>Pass-Thru                 | \$ | 600,000    | \$ | 600,000                                    | 81797 |
| 3B50                               | 725645 | Federal Abandoned<br>Mine Lands            | \$ | 21,007,667 | \$ | 21,207,667                                 | 81798 |
| 3B60                               | 725653 | Federal Land and<br>Water Conservation     | \$ | 1,150,000  | \$ | 1,150,000                                  | 81799 |

|                                  |        |                         |    |            |    |                      |       |
|----------------------------------|--------|-------------------------|----|------------|----|----------------------|-------|
|                                  |        | Grants                  |    |            |    |                      |       |
| 3B70                             | 725654 | Reclamation -           | \$ | 3,200,000  | \$ | 3,200,000            | 81800 |
|                                  |        | Regulatory              |    |            |    |                      |       |
| 3P10                             | 725632 | Geological Survey -     | \$ | 692,401    | \$ | 692,401              | 81801 |
|                                  |        | Federal                 |    |            |    |                      |       |
| 3P20                             | 725642 | Oil and Gas-Federal     | \$ | 234,509    | \$ | 234,509              | 81802 |
| 3P30                             | 725650 | Coastal Management -    | \$ | 3,290,633  | \$ | 3,290,633            | 81803 |
|                                  |        | Federal                 |    |            |    |                      |       |
| 3P40                             | 725660 | Federal - Soil and      | \$ | 1,213,048  | \$ | 1,209,957            | 81804 |
|                                  |        | Water Resources         |    |            |    |                      |       |
| 3R50                             | 725673 | Acid Mine Drainage      | \$ | 2,025,001  | \$ | 2,025,001            | 81805 |
|                                  |        | Abatement/Treatment     |    |            |    |                      |       |
| 3Z50                             | 725657 | Federal Recreation      | \$ | 1,850,000  | \$ | 1,850,000            | 81806 |
|                                  |        | and Trails              |    |            |    |                      |       |
| TOTAL FED                        |        | Federal Special Revenue |    |            |    |                      | 81807 |
| Fund Group                       |        |                         | \$ | 36,121,361 | \$ | 36,318,270           | 81808 |
| State Special Revenue Fund Group |        |                         |    |            |    |                      | 81809 |
| 4J20                             | 725628 | Injection Well Review   | \$ | 130,899    | \$ | 128,466              | 81810 |
| 4M70                             | 725686 | Wildfire Suppression    | \$ | 100,000    | \$ | 100,000              | 81811 |
| 4U60                             | 725668 | Scenic Rivers           | \$ | 100,000    | \$ | 100,000              | 81812 |
|                                  |        | Protection              |    |            |    |                      |       |
| 5090                             | 725602 | State Forest            | \$ | 7,891,747  | \$ | 7,058,793            | 81813 |
| 5110                             | 725646 | Ohio Geological         | \$ | 704,777    | \$ | 705,130              | 81814 |
|                                  |        | Mapping                 |    |            |    |                      |       |
| 5120                             | 725605 | State Parks Operations  | \$ | 32,284,117 | \$ | 31,550,444           | 81815 |
| 5140                             | 725606 | Lake Erie Shoreline     | \$ | 1,502,654  | \$ | 1,505,983            | 81816 |
| 5180                             | 725643 | Oil and Gas Permit      | \$ | 5,821,970  | \$ | <del>5,623,645</del> | 81817 |
|                                  |        | Fees                    |    |            |    | <u>9,823,645</u>     |       |
| 5180                             | 725677 | Oil and Gas Well        | \$ | 800,000    | \$ | 800,000              | 81818 |
|                                  |        | Plugging                |    |            |    |                      |       |
| 5210                             | 725627 | Off-Road Vehicle        | \$ | 143,490    | \$ | 143,490              | 81819 |
|                                  |        | Trails                  |    |            |    |                      |       |
| 5220                             | 725656 | Natural Areas and       | \$ | 546,580    | \$ | 546,639              | 81820 |



|                                    |        |                         |    |            |    |            |       |
|------------------------------------|--------|-------------------------|----|------------|----|------------|-------|
| 7061                               | 725405 | Clean Ohio Operating    | \$ | 300,775    | \$ | 300,775    | 81841 |
| TOTAL CLF                          |        | Clean Ohio Conservation | \$ | 300,775    | \$ | 300,775    | 81842 |
| Fund Group                         |        |                         |    |            |    |            |       |
| Wildlife Fund Group                |        |                         |    |            |    |            | 81843 |
| 5P20                               | 725634 | Wildlife Boater         | \$ | 4,000,000  | \$ | 4,000,000  | 81844 |
|                                    |        | Angler Administration   |    |            |    |            |       |
| 7015                               | 740401 | Division of Wildlife    | \$ | 52,721,044 | \$ | 51,669,158 | 81845 |
|                                    |        | Conservation            |    |            |    |            |       |
| 8150                               | 725636 | Cooperative             | \$ | 120,449    | \$ | 120,449    | 81846 |
|                                    |        | Management Projects     |    |            |    |            |       |
| 8160                               | 725649 | Wetlands Habitat        | \$ | 966,885    | \$ | 966,885    | 81847 |
| 8170                               | 725655 | Wildlife Conservation   | \$ | 3,240,000  | \$ | 3,240,000  | 81848 |
|                                    |        | Checkoff Fund           |    |            |    |            |       |
| 8180                               | 725629 | Cooperative Fisheries   | \$ | 1,500,000  | \$ | 1,500,000  | 81849 |
|                                    |        | Research                |    |            |    |            |       |
| 8190                               | 725685 | Ohio River Management   | \$ | 128,584    | \$ | 128,584    | 81850 |
| TOTAL WLF                          |        | Wildlife Fund Group     | \$ | 62,676,962 | \$ | 61,625,076 | 81851 |
| Waterways Safety Fund Group        |        |                         |    |            |    |            | 81852 |
| 7086                               | 725414 | Waterways Improvement   | \$ | 5,692,601  | \$ | 5,693,671  | 81853 |
| 7086                               | 725418 | Buoy Placement          | \$ | 52,182     | \$ | 52,182     | 81854 |
| 7086                               | 725501 | Waterway Safety         | \$ | 120,000    | \$ | 120,000    | 81855 |
|                                    |        | Grants                  |    |            |    |            |       |
| 7086                               | 725506 | Watercraft Marine       | \$ | 576,153    | \$ | 576,153    | 81856 |
|                                    |        | Patrol                  |    |            |    |            |       |
| 7086                               | 725513 | Watercraft              | \$ | 366,643    | \$ | 366,643    | 81857 |
|                                    |        | Educational Grants      |    |            |    |            |       |
| 7086                               | 739401 | Division of             | \$ | 18,040,593 | \$ | 17,552,370 | 81858 |
|                                    |        | Watercraft              |    |            |    |            |       |
| TOTAL WSF                          |        | Waterways Safety Fund   |    |            |    |            | 81859 |
| Group                              |        |                         | \$ | 24,848,172 | \$ | 24,361,019 | 81860 |
| Accrued Leave Liability Fund Group |        |                         |    |            |    |            | 81861 |
| 4M80                               | 725675 | FOP Contract            | \$ | 20,219     | \$ | 20,219     | 81862 |

|                                           |    |             |                                                 |       |
|-------------------------------------------|----|-------------|-------------------------------------------------|-------|
| TOTAL ALF Accrued Leave                   |    |             |                                                 | 81863 |
| Liability Fund Group                      | \$ | 20,219      | \$ 20,219                                       | 81864 |
| Holding Account Redistribution Fund Group |    |             |                                                 | 81865 |
| R017 725659 Performance Cash Bond         | \$ | 296,263     | \$ 296,263                                      | 81866 |
| Refunds                                   |    |             |                                                 |       |
| R043 725624 Forestry                      | \$ | 2,000,000   | \$ 2,154,750                                    | 81867 |
| TOTAL 090 Holding Account                 |    |             |                                                 | 81868 |
| Redistribution Fund Group                 | \$ | 2,296,263   | \$ 2,451,013                                    | 81869 |
| TOTAL ALL BUDGET FUND GROUPS              | \$ | 302,590,591 | \$ <del>318,033,095</del><br><u>314,509,336</u> | 81870 |

**Sec. 365.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO** 81872

|                                    |    |            |                                               |       |
|------------------------------------|----|------------|-----------------------------------------------|-------|
| General Services Fund Group        |    |            |                                               | 81873 |
| 5F60 870622 Utility and Railroad   | \$ | 30,637,234 | \$ 31,638,708                                 | 81874 |
| Regulation                         |    |            |                                               |       |
| 5F60 870624 NARUC/NRRI Subsidy     | \$ | 158,000    | \$ <del>158,000</del><br><u>100,000</u>       | 81875 |
| 5F60 870625 Motor Transportation   | \$ | 4,976,641  | \$ <del>5,971,218</del> <u>0</u>              | 81876 |
| Regulation                         |    |            |                                               |       |
| 5Q50 870626 Telecommunications     | \$ | 5,000,000  | \$ 5,000,000                                  | 81877 |
| Relay Service                      |    |            |                                               |       |
| TOTAL GSF General Services         |    |            |                                               | 81878 |
| Fund Group                         | \$ | 40,771,875 | \$ <del>42,767,926</del><br><u>36,738,708</u> | 81879 |
| Federal Special Revenue Fund Group |    |            |                                               | 81880 |
| 3330 870601 Gas Pipeline Safety    | \$ | 597,959    | \$ 597,959                                    | 81881 |
| 3500 870608 Motor Carrier Safety   | \$ | 7,351,660  | \$ 7,351,660                                  | 81882 |
| 3CU0 870627 Electric Market        | \$ | 91,183     | \$ 0                                          | 81883 |
| Modeling                           |    |            |                                               |       |
| 3EA0 870630 Energy Assurance       | \$ | 384,000    | \$ 384,000                                    | 81884 |
| Planning                           |    |            |                                               |       |
| 3ED0 870631 State Regulators       | \$ | 231,824    | \$ 231,824                                    | 81885 |

|                                  |               |                            |           |            |           |                       |       |
|----------------------------------|---------------|----------------------------|-----------|------------|-----------|-----------------------|-------|
|                                  |               | Assistance                 |           |            |           |                       |       |
| 3V30                             | 870604        | Commercial Vehicle         | \$        | 100,000    | \$        | 100,000               | 81886 |
|                                  |               | Information                |           |            |           |                       |       |
|                                  |               | Systems/Networks           |           |            |           |                       |       |
| TOTAL FED                        |               | Federal Special Revenue    |           |            |           |                       | 81887 |
| Fund Group                       |               |                            | \$        | 8,756,626  | \$        | 8,665,443             | 81888 |
| State Special Revenue Fund Group |               |                            |           |            |           |                       | 81889 |
| 4A30                             | 870614        | Grade Crossing             | \$        | 1,347,357  | \$        | 1,347,357             | 81890 |
|                                  |               | Protection                 |           |            |           |                       |       |
|                                  |               | Devices-State              |           |            |           |                       |       |
| 4L80                             | 870617        | Pipeline Safety-State      | \$        | 181,992    | \$        | 181,992               | 81891 |
| 4S60                             | 870618        | Hazardous Material         | \$        | 450,395    | \$        | <del>450,395</del> 0  | 81892 |
|                                  |               | Registration               |           |            |           |                       |       |
| 4S60                             | 870621        | Hazardous Materials        | \$        | 373,346    | \$        | <del>373,346</del> 0  | 81893 |
|                                  |               | Base State                 |           |            |           |                       |       |
|                                  |               | Registration               |           |            |           |                       |       |
| 4U80                             | 870620        | Civil Forfeitures          | \$        | 277,347    | \$        | <del>277,496</del> 0  | 81894 |
| 5590                             | 870605        | Public Utilities           | \$        | 3,880      | \$        | <del>3,880</del> 0    | 81895 |
|                                  |               | Territorial                |           |            |           |                       |       |
|                                  |               | Administration             |           |            |           |                       |       |
| 5600                             | 870607        | Special Assessment         | \$        | 97,000     | \$        | <del>97,000</del> 0   | 81896 |
| 5610                             | 870606        | Power Siting Board         | \$        | 631,508    | \$        | <del>631,618</del>    | 81897 |
|                                  |               |                            |           |            |           | <u>581,618</u>        |       |
| 5BP0                             | 870623        | Wireless 9-1-1             | \$        | 36,440,000 | \$        | <del>18,220,000</del> | 81898 |
|                                  |               | Administration             |           |            |           | <u>17,757,250</u>     |       |
| 5HD0                             | 870629        | Radioactive Waste          | \$        | 98,800     | \$        | <del>98,800</del> 0   | 81899 |
|                                  |               | Transportation             |           |            |           |                       |       |
| <u>5LT0</u>                      | <u>870640</u> | <u>Intrastate</u>          | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>180,000</u>        | 81900 |
|                                  |               | <u>Registration</u>        |           |            |           |                       |       |
| <u>5LT0</u>                      | <u>870641</u> | <u>Unified Carrier</u>     | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>420,000</u>        | 81901 |
|                                  |               | <u>Registration</u>        |           |            |           |                       |       |
| <u>5LT0</u>                      | <u>870642</u> | <u>Hazardous Materials</u> | <u>\$</u> | <u>0</u>   | <u>\$</u> | <u>823,741</u>        | 81902 |
|                                  |               | <u>Registration</u>        |           |            |           |                       |       |

|                                 |        |                        |    |            |    |                       |                   |
|---------------------------------|--------|------------------------|----|------------|----|-----------------------|-------------------|
| 5LT0                            | 870643 | Nonhazardous Materials | \$ | 0          | \$ | 277,496               | 81903             |
|                                 |        | Civil Forfeiture       |    |            |    |                       |                   |
| 5LT0                            | 870644 | Hazardous Materials    | \$ | 0          | \$ | 898,800               | 81904             |
|                                 |        | Civil Forfeiture       |    |            |    |                       |                   |
| 5LT0                            | 870645 | Motor Carrier          | \$ | 0          | \$ | 5,401,318             | 81905             |
|                                 |        | Enforcement            |    |            |    |                       |                   |
| 6380                            | 870611 | Biofuels/Municipal     | \$ | 570        | \$ | 0                     | 81906             |
|                                 |        | Waste Technology       |    |            |    |                       |                   |
| 6610                            | 870612 | Hazardous Materials    | \$ | 898,800    | \$ | <del>898,800</del> 0  | 81907             |
|                                 |        | Transportation         |    |            |    |                       |                   |
| TOTAL SSR State Special Revenue |        |                        |    |            |    |                       | 81908             |
| Fund Group                      |        |                        | \$ | 40,800,995 | \$ | <del>22,580,684</del> | 81909             |
|                                 |        |                        |    |            |    |                       | <u>27,869,572</u> |
| TOTAL ALL BUDGET FUND GROUPS    |        |                        | \$ | 90,329,496 | \$ | <del>74,014,053</del> | 81910             |
|                                 |        |                        |    |            |    |                       | <u>73,273,723</u> |

COMMUNITY-VOICEMAIL SERVICE PILOT PROGRAM 81911

The Community-voicemail Service Pilot Program assessments 81912  
 authorized by Section 6 of Sub. S.B. 162 of the 128th General 81913  
 Assembly shall cease. These assessments shall be refunded without 81914  
 interest to those assessed under the program by the Public 81915  
 Utilities Commission within 60 days of the effective date of this 81916  
 section. 81917

FUND ADJUSTMENTS 81918

On July 1, 2012, or as soon as practicable thereafter, the 81919  
Director of Budget and Management shall transfer the cash balances 81920  
in the Hazardous Materials Registration Fund (Fund 4S60) and the 81921  
Base State Registration Fund (Fund 4G40) to the Public Utilities 81922  
Transportation Safety Fund (Fund 5LT0). The Director shall cancel 81923  
any existing encumbrances against appropriation items 870618, 81924  
Hazardous Material Registration, and 870621, Hazardous Materials 81925  
Base State Registration, and reestablish them against 81926  
appropriation item 870642, Hazardous Materials Registration. The 81927

amounts of the reestablished encumbrances are hereby appropriated. 81928  
Upon completion of these transfers, the Hazardous Materials 81929  
Registration Fund (Fund 4S60) and the Base State Registration Fund 81930  
(Fund 4G40) are hereby abolished. 81931

On July 1, 2012, or as soon as practicable thereafter, the 81932  
Director of Budget and Management shall transfer the cash balance 81933  
in the Transportation Enforcement Fund (Fund 4U80) to the Public 81934  
Utilities Transportation Safety Fund (Fund 5LT0). The Director 81935  
shall cancel any existing encumbrances against appropriation item 81936  
870620, Civil Forfeitures, and reestablish them against 81937  
appropriation item 870643, Nonhazardous Materials Civil 81938  
Forfeitures. The amounts of the reestablished encumbrances are 81939  
hereby appropriated. Upon completion of these transfers, the 81940  
Transportation Enforcement Fund (Fund 4U80) is hereby abolished. 81941

On July 1, 2012, or as soon as practicable thereafter, the 81942  
Director of Budget and Management shall transfer the cash balance 81943  
in the Radioactive Waste Transportation Fund (Fund 5HD0) to the 81944  
Public Utilities Transportation Safety Fund (Fund 5LT0). The 81945  
Director shall cancel any existing encumbrances against 81946  
appropriation item 870629, Radioactive Waste Transportation, and 81947  
reestablish them against appropriation item 870645, Motor Carrier 81948  
Enforcement. The amounts of the reestablished encumbrances are 81949  
hereby appropriated. Upon completion of these transfers, the 81950  
Radioactive Waste Transportation Fund (Fund 5HD0) is hereby 81951  
abolished. 81952

On July 1, 2012, or as soon as practicable thereafter, the 81953  
Director of Budget and Management shall transfer the cash balance 81954  
in the Hazardous Materials Transportation Fund (Fund 6610) to the 81955  
Public Utilities Transportation Safety Fund (Fund 5LT0). The 81956  
Director shall cancel any existing encumbrances against 81957  
appropriation item 870612, Hazardous Materials Transportation, and 81958  
reestablish them against appropriation item 870644, Hazardous 81959



Materials Civil Forfeitures. The amounts of the reestablished 81960  
encumbrances are hereby appropriated. Upon completion of these 81961  
transfers, the Hazardous Materials Transportation Fund (Fund 6610) 81962  
is hereby abolished. 81963

On July 1, 2012, or as soon as practicable thereafter, the 81964  
Director of Budget and Management shall transfer cash in an amount 81965  
up to \$21,000,000 from the Public Utilities Fund (Fund 5F60) to 81966  
the Public Utilities Transportation Safety Fund (Fund 5LT0). The 81967  
Director shall cancel any existing encumbrances against 81968  
appropriation item 870625, Motor Transportation Regulation, and 81969  
reestablish encumbrances or parts of encumbrances as needed in the 81970  
fiscal year in the appropriate fund and appropriation item for the 81971  
same purpose and to the same vendor. The amounts of the 81972  
reestablished encumbrances are hereby appropriated. 81973

The fund created by division (E) of section 4921.21 of the 81974  
Revised Code is the same fund, with the same name, as the Motor 81975  
Carrier Safety Fund (Fund 3500). 81976

The fund created by division (D) of section 4921.21 of the 81977  
Revised Code is the same fund, with the same name, as the 81978  
Commercial Vehicle Transportation Systems Fund (Fund 3V30). 81979

**Sec. 367.10. PWC PUBLIC WORKS COMMISSION** 81980

General Revenue Fund 81981

|     |        |                      |    |            |    |            |       |
|-----|--------|----------------------|----|------------|----|------------|-------|
| GRF | 150904 | Conservation General | \$ | 21,953,000 | \$ | 29,297,300 | 81982 |
|     |        | Obligation Debt      |    |            |    |            |       |
|     |        | Service              |    |            |    |            |       |

|     |        |                    |    |             |    |                        |       |
|-----|--------|--------------------|----|-------------|----|------------------------|-------|
| GRF | 150907 | State Capital      | \$ | 106,770,600 | \$ | <del>215,571,100</del> | 81983 |
|     |        | Improvements       |    |             |    | <u>208,571,100</u>     |       |
|     |        | General Obligation |    |             |    |                        | 81984 |
|     |        | Debt Service       |    |             |    |                        |       |

|           |                      |    |             |    |                        |  |       |
|-----------|----------------------|----|-------------|----|------------------------|--|-------|
| TOTAL GRF | General Revenue Fund | \$ | 128,723,600 | \$ | <del>244,868,400</del> |  | 81985 |
|-----------|----------------------|----|-------------|----|------------------------|--|-------|

|                                                                    |    |             |    |                        |       |
|--------------------------------------------------------------------|----|-------------|----|------------------------|-------|
|                                                                    |    |             |    | <u>237,868,400</u>     |       |
| Clean Ohio Conservation Fund Group                                 |    |             |    |                        | 81986 |
| 7056 150403 Clean Ohio Operating                                   | \$ | 300,000     | \$ | 288,980                | 81987 |
| Expenses                                                           |    |             |    |                        |       |
| TOTAL 056 Clean Ohio Conservation                                  | \$ | 300,000     | \$ | 288,980                | 81988 |
| Fund Group                                                         |    |             |    |                        |       |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 129,023,600 | \$ | <del>245,157,380</del> | 81989 |
|                                                                    |    |             |    | <u>238,157,380</u>     |       |
| CONSERVATION GENERAL OBLIGATION DEBT SERVICE                       |    |             |    |                        | 81990 |
| The foregoing appropriation item 150904, Conservation General      |    |             |    |                        | 81991 |
| Obligation Debt Service, shall be used to pay all debt service and |    |             |    |                        | 81992 |
| related financing costs during the period from July 1, 2011,       |    |             |    |                        | 81993 |
| through June 30, 2013, at the times they are required to be made   |    |             |    |                        | 81994 |
| for obligations issued under sections 151.01 and 151.09 of the     |    |             |    |                        | 81995 |
| Revised Code.                                                      |    |             |    |                        | 81996 |
| STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE         |    |             |    |                        | 81997 |
| The foregoing appropriation item 150907, State Capital             |    |             |    |                        | 81998 |
| Improvements General Obligation Debt Service, shall be used to pay |    |             |    |                        | 81999 |
| all debt service and related financing costs during the period     |    |             |    |                        | 82000 |
| from July 1, 2011, through June 30, 2013, at the times they are    |    |             |    |                        | 82001 |
| required to be made for obligations issued under sections 151.01   |    |             |    |                        | 82002 |
| and 151.08 of the Revised Code.                                    |    |             |    |                        | 82003 |
| CLEAN OHIO OPERATING EXPENSES                                      |    |             |    |                        | 82004 |
| The foregoing appropriation item 150403, Clean Ohio Operating      |    |             |    |                        | 82005 |
| Expenses, shall be used by the Ohio Public Works Commission in     |    |             |    |                        | 82006 |
| administering Clean Ohio Conservation Fund (Fund 7056) projects    |    |             |    |                        | 82007 |
| pursuant to sections 164.20 to 164.27 of the Revised Code.         |    |             |    |                        | 82008 |
| REIMBURSEMENT TO THE GENERAL REVENUE FUND                          |    |             |    |                        | 82009 |
| (A) On or before July 15, 2013, the Director of the Public         |    |             |    |                        | 82010 |
| Works Commission shall certify to the Director of Budget and       |    |             |    |                        | 82011 |

|                                                                    |           |                |           |                  |       |
|--------------------------------------------------------------------|-----------|----------------|-----------|------------------|-------|
| Management the following:                                          |           |                |           |                  | 82012 |
| (1) The total amount disbursed from appropriation item             |           |                |           |                  | 82013 |
| 700409, Farmland Preservation, during the FY 2012-FY 2013          |           |                |           |                  | 82014 |
| biennium; and                                                      |           |                |           |                  | 82015 |
| (2) The amount of interest earnings that have been credited        |           |                |           |                  | 82016 |
| to the Clean Ohio Conservation Fund (Fund 7056) that are in excess |           |                |           |                  | 82017 |
| of the amount needed for other purposes as calculated by the       |           |                |           |                  | 82018 |
| Director of the Public Works Commission.                           |           |                |           |                  | 82019 |
| (B) If the Director of Budget and Management determines under      |           |                |           |                  | 82020 |
| division (A)(2) of this section that there are excess interest     |           |                |           |                  | 82021 |
| earnings, the Director of Budget and Management shall, on or       |           |                |           |                  | 82022 |
| before July 15, 2013, transfer the excess interest earnings to the |           |                |           |                  | 82023 |
| General Revenue Fund in an amount equal to the total amount        |           |                |           |                  | 82024 |
| disbursed under division (A)(1) of this section from the Clean     |           |                |           |                  | 82025 |
| Ohio Conservation Fund (Fund 7056).                                |           |                |           |                  | 82026 |
| <b>Sec. 369.10. RAC STATE RACING COMMISSION</b>                    |           |                |           |                  | 82027 |
| State Special Revenue Fund Group                                   |           |                |           |                  | 82028 |
| 5620 875601 Thoroughbred Race                                      | \$        | 1,796,328      | \$        | 1,696,456        | 82029 |
| Fund                                                               |           |                |           |                  |       |
| 5630 875602 Standardbred                                           | \$        | 1,697,418      | \$        | 1,697,452        | 82030 |
| Development Fund                                                   |           |                |           |                  |       |
| 5640 875603 Quarter Horse                                          | \$        | 1,000          | \$        | 1,000            | 82031 |
| Development Fund                                                   |           |                |           |                  |       |
| 5650 875604 Racing Commission                                      | \$        | 3,095,331      | \$        | 2,934,178        | 82032 |
| Operating                                                          |           |                |           |                  |       |
| 5C40 875607 Simulcast Horse                                        | \$        | 12,000,000     | \$        | 12,000,000       | 82033 |
| Racing Purse                                                       |           |                |           |                  |       |
| <u>5JK0 875610 Racing Commission</u>                               | <u>\$</u> | <u>339,919</u> | <u>\$</u> | <u>8,169,547</u> | 82034 |
| <u>Fund</u>                                                        |           |                |           |                  |       |
| TOTAL SSR State Special Revenue                                    |           |                |           |                  | 82035 |

|                                           |    |                       |    |                       |       |
|-------------------------------------------|----|-----------------------|----|-----------------------|-------|
| Fund Group                                | \$ | <del>18,590,078</del> | \$ | <del>18,329,087</del> | 82036 |
|                                           |    | <u>18,929,996</u>     |    | <u>26,498,633</u>     |       |
| Holding Account Redistribution Fund Group |    |                       |    |                       | 82037 |
| R021 875605 Bond Reimbursements           | \$ | 100,000               | \$ | 100,000               | 82038 |
| TOTAL 090 Holding Account                 |    |                       |    |                       | 82039 |
| Redistribution                            |    |                       |    |                       |       |
| Fund Group                                | \$ | 100,000               | \$ | 100,000               | 82040 |
| TOTAL ALL BUDGET FUND GROUPS              | \$ | <del>18,690,078</del> | \$ | <del>18,429,087</del> | 82041 |
|                                           |    | <u>19,029,996</u>     |    | <u>26,598,633</u>     |       |

**Sec. 371.10. BOR BOARD OF REGENTS** 82043

|                                                                      |    |            |    |            |       |
|----------------------------------------------------------------------|----|------------|----|------------|-------|
| General Revenue Fund                                                 |    |            |    |            | 82044 |
| GRF 235321 Operating Expenses                                        | \$ | 2,300,000  | \$ | 2,300,000  | 82045 |
| GRF 235401 Lease Rental Payments                                     | \$ | 83,151,600 | \$ | 57,634,400 | 82046 |
| GRF 235402 Sea Grants                                                | \$ | 285,000    | \$ | 285,000    | 82047 |
| GRF 235406 Articulation and Transfer                                 | \$ | 2,000,000  | \$ | 2,000,000  | 82048 |
| GRF 235408 Midwest Higher Education Compact                          | \$ | 95,000     | \$ | 95,000     | 82049 |
| GRF 235409 <u>HEI</u> Information System                             | \$ | 800,000    | \$ | 800,000    | 82050 |
| GRF 235414 State Grants and Scholarship Administration               | \$ | 1,230,000  | \$ | 1,230,000  | 82051 |
| GRF 235417 <del>Ohio Learning Network</del> <u>eStudent Services</u> | \$ | 2,532,688  | \$ | 2,532,688  | 82052 |
| GRF 235428 Appalachian New Economy Partnership                       | \$ | 737,366    | \$ | 737,366    | 82053 |
| GRF 235433 Economic Growth Challenge                                 | \$ | 440,000    | \$ | 440,000    | 82054 |
| GRF 235438 Choose Ohio First Scholarship                             | \$ | 15,750,085 | \$ | 15,750,085 | 82055 |
| GRF 235443 Adult Basic and                                           | \$ | 7,302,416  | \$ | 7,302,416  | 82056 |

|            |                                                          |                  |                  |       |  |
|------------|----------------------------------------------------------|------------------|------------------|-------|--|
|            | Literacy Education -<br>State                            |                  |                  |       |  |
| GRF 235444 | Post-Secondary Adult<br>Career-Technical<br>Education    | \$ 15,317,547    | \$ 15,317,547    | 82057 |  |
| GRF 235474 | Area Health Education<br>Centers Program<br>Support      | \$ 900,000       | \$ 900,000       | 82058 |  |
| GRF 235501 | State Share of<br>Instruction                            | \$ 1,735,530,031 | \$ 1,751,225,497 | 82059 |  |
| GRF 235502 | Student Support<br>Services                              | \$ 632,974       | \$ 632,974       | 82060 |  |
| GRF 235504 | War Orphans<br>Scholarships                              | \$ 4,787,833     | \$ 4,787,833     | 82061 |  |
| GRF 235507 | OhioLINK                                                 | \$ 6,100,000     | \$ 6,100,000     | 82062 |  |
| GRF 235508 | Air Force Institute of<br>Technology                     | \$ 1,740,803     | \$ 1,740,803     | 82063 |  |
| GRF 235510 | Ohio Supercomputer<br>Center                             | \$ 3,347,418     | \$ 3,347,418     | 82064 |  |
| GRF 235511 | Cooperative Extension<br>Service                         | \$ 22,220,910    | \$ 22,220,910    | 82065 |  |
| GRF 235514 | Central State<br>Supplement                              | \$ 11,503,651    | \$ 10,928,468    | 82066 |  |
| GRF 235515 | Case Western Reserve<br>University School of<br>Medicine | \$ 2,146,253     | \$ 2,146,253     | 82067 |  |
| GRF 235519 | Family Practice                                          | \$ 3,166,185     | \$ 3,166,185     | 82068 |  |
| GRF 235520 | Shawnee State<br>Supplement                              | \$ 2,448,523     | \$ 2,326,097     | 82069 |  |
| GRF 235524 | Police and Fire<br>Protection                            | \$ 107,814       | \$ 107,814       | 82070 |  |
| GRF 235525 | Geriatric Medicine                                       | \$ 522,151       | \$ 522,151       | 82071 |  |
| GRF 235526 | Primary Care                                             | \$ 1,500,000     | \$ 1,500,000     | 82072 |  |

|            |                                                           |    |            |    |                                            |       |
|------------|-----------------------------------------------------------|----|------------|----|--------------------------------------------|-------|
|            | Residencies                                               |    |            |    |                                            |       |
| GRF 235535 | Ohio Agricultural<br>Research and<br>Development Center   | \$ | 33,100,000 | \$ | 33,100,000                                 | 82073 |
| GRF 235536 | The Ohio State<br>University Clinical<br>Teaching         | \$ | 9,668,941  | \$ | 9,668,941                                  | 82074 |
| GRF 235537 | University of<br>Cincinnati Clinical<br>Teaching          | \$ | 7,952,573  | \$ | 7,952,573                                  | 82075 |
| GRF 235538 | University of Toledo<br>Clinical Teaching                 | \$ | 6,198,600  | \$ | 6,198,600                                  | 82076 |
| GRF 235539 | Wright State<br>University Clinical<br>Teaching           | \$ | 3,011,400  | \$ | 3,011,400                                  | 82077 |
| GRF 235540 | Ohio University<br>Clinical Teaching                      | \$ | 2,911,212  | \$ | 2,911,212                                  | 82078 |
| GRF 235541 | Northeast Ohio Medical<br>University Clinical<br>Teaching | \$ | 2,994,178  | \$ | 2,994,178                                  | 82079 |
| GRF 235552 | Capital Component                                         | \$ | 20,638,274 | \$ | <del>20,638,274</del><br><u>13,628,639</u> | 82080 |
| GRF 235555 | Library Depositories                                      | \$ | 1,440,342  | \$ | 1,440,342                                  | 82081 |
| GRF 235556 | Ohio Academic<br>Resources Network                        | \$ | 3,172,519  | \$ | 3,172,519                                  | 82082 |
| GRF 235558 | Long-term Care<br>Research                                | \$ | 195,300    | \$ | 195,300                                    | 82083 |
| GRF 235563 | Ohio College<br>Opportunity Grant                         | \$ | 80,284,265 | \$ | 80,284,265                                 | 82084 |
| GRF 235572 | The Ohio State<br>University Clinic<br>Support            | \$ | 766,533    | \$ | 766,533                                    | 82085 |
| GRF 235599 | National Guard                                            | \$ | 16,912,271 | \$ | 18,143,293                                 | 82086 |

|             |  |                                    |    |               |    |                          |       |
|-------------|--|------------------------------------|----|---------------|----|--------------------------|-------|
|             |  | Scholarship Program                |    |               |    |                          |       |
| GRF 235909  |  | Higher Education                   | \$ | 108,262,500   | \$ | 201,555,000              | 82087 |
|             |  | General Obligation                 |    |               |    |                          |       |
|             |  | Debt Service                       |    |               |    |                          |       |
| TOTAL GRF   |  | General Revenue Fund               | \$ | 2,226,105,156 | \$ | <del>2,310,109,335</del> | 82088 |
|             |  |                                    |    |               |    | <u>2,303,099,700</u>     |       |
|             |  | General Services Fund Group        |    |               |    |                          | 82089 |
| 2200 235614 |  | Program Approval and               | \$ | 1,311,567     | \$ | 1,457,959                | 82090 |
|             |  | Reauthorization                    |    |               |    |                          |       |
| 4560 235603 |  | Sales and Services                 | \$ | 199,250       | \$ | 199,250                  | 82091 |
| 5JC0 235649 |  | Co-op Internship                   | \$ | 12,000,000    | \$ | 12,000,000               | 82092 |
|             |  | Program                            |    |               |    |                          |       |
| 5JC0 235667 |  | Ohio College                       | \$ | 6,000,000     | \$ | 6,000,000                | 82093 |
|             |  | Opportunity                        |    |               |    |                          |       |
|             |  | Grant-Proprietary                  |    |               |    |                          |       |
| 5JC0 235668 |  | Air Force Institute                | \$ | 4,000,000     | \$ | 4,000,000                | 82094 |
|             |  | of Technology -                    |    |               |    |                          |       |
|             |  | Defense/Aerospace                  |    |               |    |                          |       |
|             |  | Graduate Studies                   |    |               |    |                          |       |
|             |  | Institute                          |    |               |    |                          |       |
| TOTAL GSF   |  | General Services                   |    |               |    |                          | 82095 |
| Fund Group  |  |                                    | \$ | 23,510,817    | \$ | 23,657,209               | 82096 |
|             |  | Federal Special Revenue Fund Group |    |               |    |                          | 82097 |
| 3120 235609 |  | Tech Prep                          | \$ | 183,850       | \$ | <del>183,850</del> 0     | 82098 |
| 3120 235611 |  | Gear-up Grant                      | \$ | 3,900,000     | \$ | <del>3,900,000</del>     | 82099 |
|             |  |                                    |    |               |    | <u>50,000</u>            |       |
| 3120 235612 |  | Carl D. Perkins                    | \$ | 912,961       | \$ | 912,961                  | 82100 |
|             |  | Grant/Plan                         |    |               |    |                          |       |
|             |  | Administration                     |    |               |    |                          |       |
| 3120 235617 |  | Improving Teacher                  | \$ | 3,200,000     | \$ | 3,200,000                | 82101 |
|             |  | Quality Grant                      |    |               |    |                          |       |
| 3120 235641 |  | Adult Basic and                    | \$ | 14,835,671    | \$ | 14,835,671               | 82102 |

|                                       |        |                                                              |    |            |    |                                            |       |
|---------------------------------------|--------|--------------------------------------------------------------|----|------------|----|--------------------------------------------|-------|
|                                       |        | Literacy Education -<br>Federal                              |    |            |    |                                            |       |
| 3120                                  | 235659 | Race to the Top<br>Scholarship Program                       | \$ | 2,400,000  | \$ | <del>3,780,000</del> 0                     | 82103 |
| 3120                                  | 235660 | Race to the Top<br>Educator Preparation<br>Reform Initiative | \$ | 448,000    | \$ | <del>1,120,000</del> 0                     | 82104 |
| 3120                                  | 235661 | Americorps Grant                                             | \$ | 260,000    | \$ | <del>260,000</del> 0                       | 82105 |
| 3H20                                  | 235608 | Human Services<br>Project                                    | \$ | 3,500,000  | \$ | 3,500,000                                  | 82106 |
| 3N60                                  | 235638 | College Access<br>Challenge Grant                            | \$ | 4,381,431  | \$ | 4,381,431                                  | 82107 |
| TOTAL FED                             |        | Federal Special Revenue                                      |    |            |    |                                            | 82108 |
| Fund Group                            |        |                                                              | \$ | 34,021,913 | \$ | <del>36,073,913</del><br><u>26,880,063</u> | 82109 |
| State Special Revenue                 |        | Fund Group                                                   |    |            |    |                                            | 82110 |
| 4E80                                  | 235602 | Higher Educational<br>Facility Commission<br>Administration  | \$ | 29,100     | \$ | 29,100                                     | 82111 |
| 5FR0                                  | 235640 | <del>Joyce Foundation</del><br><u>Shifting Gears</u> Grant   | \$ | 919,719    | \$ | 919,719                                    | 82112 |
| 5FR0                                  | 235647 | Developmental<br>Education Initiatives                       | \$ | 135,000    | \$ | 135,000                                    | 82113 |
| 5FR0                                  | 235657 | Win-Win Grant                                                | \$ | 37,000     | \$ | 15,000                                     | 82114 |
| 5P30                                  | 235663 | Variable Savings Plan                                        | \$ | 8,946,994  | \$ | 9,072,136                                  | 82115 |
| 6450                                  | 235664 | Guaranteed Savings<br>Plan                                   | \$ | 900,293    | \$ | 907,514                                    | 82116 |
| 6820                                  | 235606 | Nursing Loan Program                                         | \$ | 891,320    | \$ | 891,320                                    | 82117 |
| TOTAL SSR                             |        | State Special Revenue                                        |    |            |    |                                            | 82118 |
| Fund Group                            |        |                                                              | \$ | 11,859,426 | \$ | 11,969,789                                 | 82119 |
| Third Frontier Research & Development |        | Fund Group                                                   |    |            |    |                                            | 82120 |
| 7011                                  | 235634 | Research Incentive                                           | \$ | 8,000,000  | \$ | 8,000,000                                  | 82121 |



Third Frontier Fund

|                                                            |                  |                                                     |       |
|------------------------------------------------------------|------------------|-----------------------------------------------------|-------|
| TOTAL 011 Third Frontier Research & Development Fund Group | \$ 8,000,000     | \$ 8,000,000                                        | 82122 |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ 2,303,497,312 | \$ <del>2,389,810,246</del><br><u>2,373,606,761</u> | 82123 |

**Sec. 371.60.80.** (A) The Ohio Digital Learning Task Force is hereby established to develop a strategy for the expansion of digital learning that enables students to customize their education, produces cost savings, and meets the needs of Ohio's economy. The Task Force shall consist of the following members:

(1) The Chancellor of the Ohio Board of Regents or the Chancellor's designee;

(2) The Superintendent of Public Instruction or the Superintendent's designee;

(3) The Director of the Governor's Office of 21st Century Education or the Director's designee;

(4) Up to six members appointed by the Governor, who shall be representatives of school districts or community schools, established under Chapter 3314. of the Revised Code, that are high-performing of their type and have demonstrated the ability to incorporate technology into the classroom successfully;

(5) A member appointed by the President of the Senate;

(6) A member appointed by the Speaker of the House of Representatives.

(B) Members of the Task Force shall be appointed not later than sixty days after the effective date of this section. Vacancies on the Task Force shall be filled in the same manner as the original appointments. Members shall serve without compensation.

(C) The Governor shall designate the chairperson of the Task

Force. All meetings of the Task Force shall be held at the call of the chairperson. 82150  
82151

(D) The Task Force shall do all of the following: 82152

(1) Request information from textbook publishers about the development of digital textbooks and other new digital content distribution methods for use by primary, secondary, and post-secondary schools and institutions and examine that information; 82153  
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(2) Examine potential cost savings and efficiency of utilizing digital textbooks and other new digital content distribution methods in primary, secondary, and post-secondary schools and institutions; 82158  
82159  
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(3) Examine potential academic benefits of utilizing digital textbooks and other new digital content distribution methods, including, but not limited to, the ability to individualize content to specific student learning styles, accessibility for individuals with disabilities, and the integration of formative and other online assessments; 82162  
82163  
82164  
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(4) Examine digital content pilot programs and initiatives currently operating at primary, secondary, and post-secondary schools and institutions in Ohio, including, but not limited to, those financed in part with federal funds; 82168  
82169  
82170  
82171

(5) Examine any state-level initiatives to provide or facilitate use of digital content in primary, secondary, and post-secondary schools and institutions in Ohio. 82172  
82173  
82174

(E) The Task Force shall make recommendations regarding all of the following: 82175  
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(1) The creation of high quality digital content and instruction in grades kindergarten to twelve for free access by public and nonpublic schools and students receiving home 82177  
82178  
82179

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| instruction;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 82180                                                                                  |
| (2) High quality professional development for teachers and principals providing online instruction or blended learning programs;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 82181<br>82182<br>82183                                                                |
| (3) Funding strategies that create incentives for high performance, innovation, and options in course providers and delivery;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 82184<br>82185<br>82186                                                                |
| (4) Student assessment and accountability;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 82187                                                                                  |
| (5) Infrastructure to support digital learning;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 82188                                                                                  |
| (6) Mobile learning and mobile learning applications;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 82189                                                                                  |
| (7) The clearinghouse established under section 3333.82 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 82190<br>82191                                                                         |
| (8) Ways to align the resources and digital learning initiatives of state agencies and offices;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 82192<br>82193                                                                         |
| (9) Methods for removing redundancy and inefficiency in, and for providing coordination, of all digital learning programs, including the provision of free online instruction to public and nonpublic schools on a statewide basis;                                                                                                                                                                                                                                                                                                                                                                                                                                            | 82194<br>82195<br>82196<br>82197                                                       |
| (10) Methods of addressing future changes in technology and learning.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 82198<br>82199                                                                         |
| <del>(E)</del> (F) Not later than March 1, 2012, the Task Force shall issue a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. <u>Upon issuance of</u> <u>After issuing</u> its report, the Task Force shall <u>monitor the implementation of its recommendations. Not later than June 30, 2013, the Task Force shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives whether digital learning is advancing in Ohio schools and submit any recommendations to further enhance the full deployment of useful digital learning</u> | 82200<br>82201<br>82202<br>82203<br>82204<br>82205<br>82206<br>82207<br>82208<br>82209 |

programs and services. The Task Force shall cease to exist on June 30, 2013. 82210  
82211

**Sec. 373.10.** DRC DEPARTMENT OF REHABILITATION AND CORRECTION 82212

General Revenue Fund 82213

GRF 501321 Institutional \$ 909,547,156 \$ 866,592,589 82214  
Operations

GRF 501403 Prisoner Compensation \$ 8,599,255 \$ 8,599,255 82215

GRF 501405 Halfway House \$ 43,637,069 \$ 43,622,104 82216

GRF 501406 Lease Rental Payments \$ 42,863,100 \$ 104,301,500 82217

GRF 501407 Community \$ 25,859,382 \$ 25,839,390 82218  
Nonresidential  
Programs

GRF 501408 Community Misdemeanor \$ 14,906,800 \$ 14,906,800 82219  
Programs

GRF 501501 Community Residential \$ 62,692,785 \$ 62,477,785 82220  
Programs - CBCF

GRF 502321 Mental Health Services \$ 58,525,816 \$ 51,778,513 82221

GRF 503321 Parole and Community \$ 68,197,272 \$ 63,783,848 82222  
Operations

GRF 504321 Administrative \$ 21,996,504 \$ 20,085,474 82223  
Operations

GRF 505321 Institution Medical \$ 209,231,014 \$ 195,241,961 82224  
Services

GRF 506321 Institution Education \$ 20,237,576 \$ 18,086,492 82225  
Services

GRF 507321 Institution Recovery \$ 5,786,109 \$ 5,375,737 82226  
Services

TOTAL GRF General Revenue Fund \$ 1,492,079,838 \$ 1,480,691,448 82227

General Services Fund Group 82228

1480 501602 ~~Services and~~ \$ 3,579,250 \$ 3,584,263 82229  
~~Agricultural~~

|                                                                 |                         | <u>Institutional</u>  |                  |                             |  |       |
|-----------------------------------------------------------------|-------------------------|-----------------------|------------------|-----------------------------|--|-------|
|                                                                 |                         | <u>Services</u>       |                  |                             |  |       |
| 2000                                                            | 501607                  | Ohio Penal Industries | \$ 38,000,000    | \$ 38,000,000               |  | 82230 |
| 4830                                                            | 501605                  | Property Receipts     | \$ 182,723       | \$ 182,086                  |  | 82231 |
| 4B00                                                            | 501601                  | Sewer Treatment       | \$ 2,145,630     | \$ <del>2,157,682</del>     |  | 82232 |
|                                                                 |                         | Services              |                  | <u>2,057,682</u>            |  |       |
| 4D40                                                            | 501603                  | Prisoner Programs     | \$ 14,900,000    | \$ 14,900,000               |  | 82233 |
| 4L40                                                            | 501604                  | Transitional Control  | \$ 1,168,843     | \$ <del>1,213,120</del>     |  | 82234 |
|                                                                 |                         |                       |                  | <u>1,113,120</u>            |  |       |
| 4S50                                                            | 501608                  | Education Services    | \$ 2,376,041     | \$ 2,359,775                |  | 82235 |
| 5710                                                            | 501606                  | Training Academy      | \$ 125,000       | \$ 125,000                  |  | 82236 |
|                                                                 |                         | Receipts              |                  |                             |  |       |
| 5930                                                            | 501618                  | Laboratory Services   | \$ 6,665,137     | \$ 6,664,729                |  | 82237 |
| 5AF0                                                            | 501609                  | State and Non-Federal | \$ 1,440,000     | \$ 1,440,000                |  | 82238 |
|                                                                 |                         | Awards                |                  |                             |  |       |
| 5H80                                                            | 501617                  | Offender Financial    | \$ 2,000,000     | \$ 2,000,000                |  | 82239 |
|                                                                 |                         | Responsibility        |                  |                             |  |       |
| 5L60                                                            | 501611                  | Information           | \$ 600,000       | \$ <del>600,000</del>       |  | 82240 |
|                                                                 |                         | Technology Services   |                  | <u>350,000</u>              |  |       |
| TOTAL GSF                                                       | General Services Fund   |                       | \$ 73,182,624    | \$ <del>73,226,655</del>    |  | 82241 |
| Group                                                           |                         |                       |                  | <u>72,776,655</u>           |  |       |
| Federal Special Revenue Fund Group                              |                         |                       |                  |                             |  | 82242 |
| 3230                                                            | 501619                  | Federal Grants        | \$ 9,013,558     | \$ 9,180,703                |  | 82243 |
| TOTAL FED                                                       | Federal Special Revenue |                       |                  |                             |  | 82244 |
| Fund Group                                                      |                         |                       | \$ 9,013,558     | \$ 9,180,703                |  | 82245 |
| TOTAL ALL BUDGET FUND GROUPS                                    |                         |                       | \$ 1,574,276,020 | \$ <del>1,563,098,806</del> |  | 82246 |
|                                                                 |                         |                       |                  | <u>1,562,648,806</u>        |  |       |
| TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL      |                         |                       |                  |                             |  | 82247 |
| SENTENCING REFORMS                                              |                         |                       |                  |                             |  | 82248 |
| For the purposes of implementing criminal sentencing reforms,   |                         |                       |                  |                             |  | 82249 |
| and notwithstanding any other provision of law to the contrary, |                         |                       |                  |                             |  | 82250 |
| the Director of Budget and Management, at the request of the    |                         |                       |                  |                             |  | 82251 |

Director of Rehabilitation and Correction, may transfer up to 82252  
\$14,000,000 in appropriations, in each of fiscal years 2012 and 82253  
2013, from appropriation item 501321, Institutional Operations, to 82254  
any combination of appropriation items 501405, Halfway House; 82255  
501407, Community Residential Programs; 501408, Community 82256  
Misdemeanor Programs; and 501501, Community Residential Programs - 82257  
CBCF. 82258

OHIO BUILDING AUTHORITY LEASE PAYMENTS 82259

The foregoing appropriation item 501406, Lease Rental 82260  
Payments, shall be used to meet all payments at the times they are 82261  
required to be made during the period from July 1, 2011, through 82262  
June 30, 2013, by the Department of Rehabilitation and Correction 82263  
to the Ohio Building Authority under the primary leases and 82264  
agreements for those buildings made under Chapter 152. of the 82265  
Revised Code. These appropriations are the source of funds pledged 82266  
for bond service charges or obligations issued pursuant to Chapter 82267  
152. of the Revised Code. 82268

OSU MEDICAL CHARGES 82269

Notwithstanding section 341.192 of the Revised Code, at the 82270  
request of the Department of Rehabilitation and Correction, The 82271  
Ohio State University Medical Center, including the James Cancer 82272  
Hospital and Solove Research Institute and the Richard M. Ross 82273  
Heart Hospital, shall provide necessary care to persons who are 82274  
confined in state adult correctional facilities. The provision of 82275  
necessary care shall be billed to the Department at a rate not to 82276  
exceed the authorized reimbursement rate for the same service 82277  
established by the Department of Job and Family Services under the 82278  
Medical Assistance Program. 82279

CASH TRANSFER FROM INSTITUTIONAL SERVICES FUND TO OHIO PENAL 82280  
INDUSTRIES FUND 82281

The Director of Budget and Management may transfer an amount 82282

|                                                                       |       |
|-----------------------------------------------------------------------|-------|
| <u>not to exceed \$4,000,000 in cash in fiscal year 2013 from the</u> | 82283 |
| <u>Institutional Services Fund (Fund 1480) to the Ohio Penal</u>      | 82284 |
| <u>Industries Fund (Fund 2000).</u>                                   | 82285 |

**Sec. 375.10. RSC REHABILITATION SERVICES COMMISSION** 82286

General Revenue Fund 82287

|            |                    |    |         |    |         |       |
|------------|--------------------|----|---------|----|---------|-------|
| GRF 415402 | Independent Living | \$ | 252,000 | \$ | 252,000 | 82288 |
|            | Council            |    |         |    |         |       |

|            |                      |    |        |    |        |       |
|------------|----------------------|----|--------|----|--------|-------|
| GRF 415406 | Assistive Technology | \$ | 26,618 | \$ | 26,618 | 82289 |
|------------|----------------------|----|--------|----|--------|-------|

|            |                   |    |         |    |         |       |
|------------|-------------------|----|---------|----|---------|-------|
| GRF 415431 | Office for People | \$ | 126,567 | \$ | 126,567 | 82290 |
|            | with Brain Injury |    |         |    |         |       |

|            |                     |    |            |    |            |       |
|------------|---------------------|----|------------|----|------------|-------|
| GRF 415506 | Services for People | \$ | 12,777,884 | \$ | 12,777,884 | 82291 |
|            | with Disabilities   |    |            |    |            |       |

|            |                       |    |        |    |        |       |
|------------|-----------------------|----|--------|----|--------|-------|
| GRF 415508 | Services for the Deaf | \$ | 28,000 | \$ | 28,000 | 82292 |
|------------|-----------------------|----|--------|----|--------|-------|

|                                |    |            |    |            |       |
|--------------------------------|----|------------|----|------------|-------|
| TOTAL GRF General Revenue Fund | \$ | 13,211,069 | \$ | 13,211,069 | 82293 |
|--------------------------------|----|------------|----|------------|-------|

General Services Fund Group 82294

|             |                     |    |           |    |           |       |
|-------------|---------------------|----|-----------|----|-----------|-------|
| 4670 415609 | Business Enterprise | \$ | 1,308,431 | \$ | 1,303,090 | 82295 |
|             | Operating Expenses  |    |           |    |           |       |

|                            |  |  |  |  |  |       |
|----------------------------|--|--|--|--|--|-------|
| TOTAL GSF General Services |  |  |  |  |  | 82296 |
|----------------------------|--|--|--|--|--|-------|

|            |    |           |    |           |       |
|------------|----|-----------|----|-----------|-------|
| Fund Group | \$ | 1,308,431 | \$ | 1,303,090 | 82297 |
|------------|----|-----------|----|-----------|-------|

Federal Special Revenue Fund Group 82298

|             |               |    |            |    |                       |       |
|-------------|---------------|----|------------|----|-----------------------|-------|
| 3170 415620 | Disability    | \$ | 97,579,095 | \$ | <del>97,579,095</del> | 82299 |
|             | Determination |    |            |    | <u>87,579,095</u>     |       |

|             |                      |    |             |    |             |       |
|-------------|----------------------|----|-------------|----|-------------|-------|
| 3790 415616 | Federal - Vocational | \$ | 103,160,426 | \$ | 103,150,102 | 82300 |
|             | Rehabilitation       |    |             |    |             |       |

|             |                 |    |           |    |           |       |
|-------------|-----------------|----|-----------|----|-----------|-------|
| 3L10 415601 | Social Security | \$ | 3,370,000 | \$ | 3,370,000 | 82301 |
|             | Personal Care   |    |           |    |           |       |
|             | Assistance      |    |           |    |           |       |

|             |                       |    |         |    |         |       |
|-------------|-----------------------|----|---------|----|---------|-------|
| 3L10 415605 | Social Security       | \$ | 772,000 | \$ | 772,000 | 82302 |
|             | Community Centers for |    |         |    |         |       |
|             | the Deaf              |    |         |    |         |       |

|             |                 |    |           |    |           |       |
|-------------|-----------------|----|-----------|----|-----------|-------|
| 3L10 415608 | Social Security | \$ | 1,521,406 | \$ | 1,520,184 | 82303 |
|-------------|-----------------|----|-----------|----|-----------|-------|

|                                                                    |        |                     |    |             |    |                        |                    |
|--------------------------------------------------------------------|--------|---------------------|----|-------------|----|------------------------|--------------------|
|                                                                    |        | Special             |    |             |    |                        |                    |
|                                                                    |        | Programs/Assistance |    |             |    |                        |                    |
| 3L40                                                               | 415612 | Federal Independent | \$ | 652,222     | \$ | 652,222                | 82304              |
|                                                                    |        | Living Centers or   |    |             |    |                        |                    |
|                                                                    |        | Services            |    |             |    |                        |                    |
| 3L40                                                               | 415615 | Federal - Supported | \$ | 929,755     | \$ | 929,755                | 82305              |
|                                                                    |        | Employment          |    |             |    |                        |                    |
| 3L40                                                               | 415617 | Independent         | \$ | 2,137,338   | \$ | 2,137,338              | 82306              |
|                                                                    |        | Living/Vocational   |    |             |    |                        |                    |
|                                                                    |        | Rehabilitation      |    |             |    |                        |                    |
|                                                                    |        | Programs            |    |             |    |                        |                    |
| TOTAL FED Federal Special                                          |        |                     |    |             |    |                        | 82307              |
| Revenue Fund Group                                                 |        |                     | \$ | 210,122,242 | \$ | <del>210,110,696</del> | 82308              |
|                                                                    |        |                     |    |             |    |                        | <u>200,110,696</u> |
| State Special Revenue Fund Group                                   |        |                     |    |             |    |                        | 82309              |
| 4680                                                               | 415618 | Third Party Funding | \$ | 10,802,589  | \$ | 10,802,589             | 82310              |
| 4L10                                                               | 415619 | Services for        | \$ | 3,700,000   | \$ | 3,700,000              | 82311              |
|                                                                    |        | Rehabilitation      |    |             |    |                        |                    |
| 4W50                                                               | 415606 | Program Management  | \$ | 11,636,730  | \$ | 11,587,201             | 82312              |
|                                                                    |        | Expenses            |    |             |    |                        |                    |
| TOTAL SSR State Special                                            |        |                     |    |             |    |                        | 82313              |
| Revenue Fund Group                                                 |        |                     | \$ | 26,139,319  | \$ | 26,089,790             | 82314              |
| TOTAL ALL BUDGET FUND GROUPS                                       |        |                     | \$ | 250,781,061 | \$ | <del>250,714,645</del> | 82315              |
|                                                                    |        |                     |    |             |    |                        | <u>240,714,645</u> |
| INDEPENDENT LIVING COUNCIL                                         |        |                     |    |             |    |                        | 82316              |
| The foregoing appropriation item 415402, Independent Living        |        |                     |    |             |    |                        | 82317              |
| Council, shall be used to fund the operations of the State         |        |                     |    |             |    |                        | 82318              |
| Independent Living Council and to support state independent living |        |                     |    |             |    |                        | 82319              |
| centers and independent living services under Title VII of the     |        |                     |    |             |    |                        | 82320              |
| Independent Living Services and Centers for Independent Living of  |        |                     |    |             |    |                        | 82321              |
| the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29      |        |                     |    |             |    |                        | 82322              |
| U.S.C. 796d.                                                       |        |                     |    |             |    |                        | 82323              |



Of the foregoing appropriation item 415402, Independent Living Council, \$67,662 in each fiscal year shall be used as state matching funds for vocational rehabilitation innovation and expansion activities.

ASSISTIVE TECHNOLOGY

The total amount of the foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.

OFFICE FOR PEOPLE WITH BRAIN INJURY

The foregoing appropriation item 415431, Office for People with Brain Injury, shall be used to plan and coordinate head-injury-related services provided by state agencies and other government or private entities, to assess the needs for such services, and to set priorities in this area.

Of the foregoing appropriation item 415431, Office for People with Brain Injury, \$44,067 in each fiscal year shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers.

VOCATIONAL REHABILITATION SERVICES

The foregoing appropriation item 415506, Services for People with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers.

At the request of the Chancellor of the Board of Regents, the Director of Budget and Management may transfer any unexpended, unencumbered appropriation in fiscal year 2012 or fiscal year 2013 from appropriation item 235502, Student Support Services, to appropriation item 415506, Services for People with Disabilities. Any appropriation so transferred shall be used by the Ohio Rehabilitation Services Commission to obtain additional federal

matching funds to serve disabled students. 82354

SERVICES FOR THE DEAF 82355

The foregoing appropriation item 415508, Services for the 82356  
Deaf, shall be used to provide grants to community centers for the 82357  
deaf. 82358

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 82359

The foregoing appropriation item 415617, Independent 82360  
Living/Vocational Rehabilitation Programs, shall be used to 82361  
support vocational rehabilitation programs. 82362

SOCIAL SECURITY REIMBURSEMENT FUNDS 82363

Reimbursement funds received from the Social Security 82364  
Administration, United States Department of Health and Human 82365  
Services, for the costs of providing services and training to 82366  
return disability recipients to gainful employment shall be 82367  
expended from the Social Security Reimbursement Fund (Fund 3L10), 82368  
to the extent funds are available, as follows: 82369

(A) Appropriation item 415601, Social Security Personal Care 82370  
Assistance, to provide personal care services in accordance with 82371  
section 3304.41 of the Revised Code; 82372

(B) Appropriation item 415605, Social Security Community 82373  
Centers for the Deaf, to provide grants to community centers for 82374  
the deaf in Ohio for services to individuals with hearing 82375  
impairments; and 82376

(C) Appropriation item 415608, Social Security Special 82377  
Programs/Assistance, to provide vocational rehabilitation services 82378  
to individuals with severe disabilities who are Social Security 82379  
beneficiaries, to enable them to achieve competitive employment. 82380  
This appropriation item shall also be used to pay a portion of 82381  
indirect costs of the Personal Care Assistance Program and the 82382  
Independent Living Programs as mandated by federal OMB Circular 82383

|                 |                                                                    |               |                    |               |                      |       |
|-----------------|--------------------------------------------------------------------|---------------|--------------------|---------------|----------------------|-------|
| A-87.           |                                                                    |               |                    |               |                      | 82384 |
|                 | PROGRAM MANAGEMENT EXPENSES                                        |               |                    |               |                      | 82385 |
|                 | The foregoing appropriation item 415606, Program Management        |               |                    |               |                      | 82386 |
|                 | Expenses, shall be used to support the administrative functions of |               |                    |               |                      | 82387 |
|                 | the commission related to the provision of vocational              |               |                    |               |                      | 82388 |
|                 | rehabilitation, disability determination services, and ancillary   |               |                    |               |                      | 82389 |
|                 | programs.                                                          |               |                    |               |                      | 82390 |
|                 | <b>Sec. 379.10. RDF REVENUE DISTRIBUTION FUNDS</b>                 |               |                    |               |                      | 82391 |
|                 | Volunteer Firefighters' Dependents Fund                            |               |                    |               |                      | 82392 |
| 7085            | 800985 Volunteer Firemen's                                         | \$            | 300,000            | \$            | 300,000              | 82393 |
|                 | Dependents Fund                                                    |               |                    |               |                      |       |
|                 | TOTAL 085 Volunteer Firefighters'                                  |               |                    |               |                      | 82394 |
|                 | Dependents Fund                                                    | \$            | 300,000            | \$            | 300,000              | 82395 |
|                 | Agency Fund Group                                                  |               |                    |               |                      | 82396 |
| 4P80            | 001698 Cash Management                                             | \$            | 3,100,000          | \$            | 3,100,000            | 82397 |
|                 | Improvement Fund                                                   |               |                    |               |                      |       |
| 5JG0            | 110633 Gross Casino Revenue                                        | \$            | 5,778,617          | \$            | 138,882,294          | 82398 |
|                 | County Fund                                                        |               |                    |               |                      |       |
| 5JH0            | 110634 Gross Casino Revenue                                        | \$            | 3,852,412          | \$            | 92,588,196           | 82399 |
|                 | County Student Fund                                                |               |                    |               |                      |       |
| 5JJ0            | 110636 Gross Casino Revenue                                        | \$            | 566,531            | \$            | 13,615,911           | 82400 |
|                 | Host City Fund                                                     |               |                    |               |                      |       |
| <del>5JK0</del> | <del>875610 Ohio State Racing</del>                                | <del>\$</del> | <del>339,919</del> | <del>\$</del> | <del>8,169,547</del> | 82401 |
|                 | <del>Commission Fund</del>                                         |               |                    |               |                      |       |
| <del>5JL0</del> | <del>038629 Problem Casino</del>                                   | <del>\$</del> | <del>226,612</del> | <del>\$</del> | <del>5,446,364</del> | 82402 |
|                 | <del>Gambling and</del>                                            |               |                    |               |                      |       |
|                 | <del>Addictions Fund</del>                                         |               |                    |               |                      |       |
| <del>5JN0</del> | <del>055654 Ohio Law Enforcement</del>                             | <del>\$</del> | <del>226,612</del> | <del>\$</del> | <del>5,446,364</del> | 82403 |
|                 | <del>Training Fund</del>                                           |               |                    |               |                      |       |
| 6080            | 001699 Investment Earnings                                         | \$            | 50,000,000         | \$            | 150,000,000          | 82404 |
| 7062            | 110962 Resort Area Excise                                          | \$            | 1,000,000          | \$            | 1,000,000            | 82405 |

|           |                   |                                 |                             |                             |       |
|-----------|-------------------|---------------------------------|-----------------------------|-----------------------------|-------|
|           |                   | Tax                             |                             |                             |       |
| 7063      | 110963            | Permissive Tax                  | \$ 1,904,500,000            | \$ 1,980,700,000            | 82406 |
|           |                   | Distribution                    |                             |                             |       |
| 7067      | 110967            | School District                 | \$ 317,000,000              | \$ 330,000,000              | 82407 |
|           |                   | Income Tax                      |                             |                             |       |
| TOTAL AGY | Agency Fund Group |                                 | \$ <del>2,286,590,703</del> | \$ <del>2,728,948,676</del> | 82408 |
|           |                   |                                 | <u>2,285,797,560</u>        | <u>2,709,886,401</u>        |       |
|           |                   | Holding Account Redistribution  |                             |                             | 82409 |
| R045      | 110617            | International Fuel              | \$ 40,000,000               | \$ 40,000,000               | 82410 |
|           |                   | Tax Distribution                |                             |                             |       |
| TOTAL 090 | Holding Account   |                                 |                             |                             | 82411 |
|           |                   | Redistribution Fund             |                             |                             |       |
|           |                   | Revenue Distribution Fund Group | \$ 40,000,000               | \$ 40,000,000               | 82412 |
| 7049      | 038900            | Indigent Drivers                | \$ 2,200,000                | \$ 2,200,000                | 82413 |
|           |                   | Alcohol Treatment               |                             |                             |       |
| 7050      | 762900            | International                   | \$ 30,000,000               | \$ 30,000,000               | 82414 |
|           |                   | Registration Plan               |                             |                             |       |
|           |                   | Distribution                    |                             |                             |       |
| 7051      | 762901            | Auto Registration               | \$ 539,000,000              | \$ 539,000,000              | 82415 |
|           |                   | Distribution                    |                             |                             |       |
| 7054      | 110954            | Local Government                | \$ 16,000,000               | \$ 11,000,000               | 82416 |
|           |                   | Property Tax                    |                             |                             |       |
|           |                   | Replacement - Utility           |                             |                             |       |
| 7060      | 110960            | Gasoline Excise Tax             | \$ 393,000,000              | \$ 395,000,000              | 82417 |
|           |                   | Fund                            |                             |                             |       |
| 7065      | 110965            | Public Library Fund             | \$ 354,000,000              | \$ 345,000,000              | 82418 |
| 7066      | 800966            | Undivided Liquor                | \$ 14,100,000               | \$ 14,100,000               | 82419 |
|           |                   | Permits                         |                             |                             |       |
| 7068      | 110968            | State and Local                 | \$ 193,000,000              | \$ 196,000,000              | 82420 |
|           |                   | Government Highway              |                             |                             |       |
|           |                   | Distribution                    |                             |                             |       |
| 7069      | 110969            | Local Government Fund           | \$ 577,000,000              | \$ 348,000,000              | 82421 |
| 7081      | 110981            | Local Government                | \$ 291,000,000              | \$ 181,000,000              | 82422 |

|                                                                    |                      |                  |                             |                             |       |
|--------------------------------------------------------------------|----------------------|------------------|-----------------------------|-----------------------------|-------|
|                                                                    | Property Tax         |                  |                             |                             |       |
|                                                                    | Replacement-Business |                  |                             |                             |       |
| 7082                                                               | 110982               | Horse Racing Tax | \$ 100,000                  | \$ 100,000                  | 82423 |
| 7083                                                               | 700900               | Ohio Fairs Fund  | \$ 1,400,000                | \$ 1,400,000                | 82424 |
| TOTAL RDF Revenue Distribution                                     |                      |                  |                             |                             | 82425 |
| Fund Group                                                         |                      |                  | \$ 2,410,800,000            | \$ 2,062,800,000            | 82426 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                      |                  | \$ <del>4,737,690,703</del> | \$ <del>4,832,048,676</del> | 82427 |
|                                                                    |                      |                  | <u>4,736,897,560</u>        | <u>4,812,986,401</u>        |       |
| ADDITIONAL APPROPRIATIONS                                          |                      |                  |                             |                             | 82428 |
| Appropriation items in this section shall be used for the          |                      |                  |                             |                             | 82429 |
| purpose of administering and distributing the designated revenue   |                      |                  |                             |                             | 82430 |
| distribution funds according to the Revised Code. If it is         |                      |                  |                             |                             | 82431 |
| determined that additional appropriations are necessary for this   |                      |                  |                             |                             | 82432 |
| purpose, such amounts are hereby appropriated.                     |                      |                  |                             |                             | 82433 |
| GENERAL REVENUE FUND TRANSFERS                                     |                      |                  |                             |                             | 82434 |
| Notwithstanding any provision of law to the contrary, in           |                      |                  |                             |                             | 82435 |
| fiscal year 2012 and fiscal year 2013, the Director of Budget and  |                      |                  |                             |                             | 82436 |
| Management may transfer from the General Revenue Fund to the Local |                      |                  |                             |                             | 82437 |
| Government Tangible Property Tax Replacement Fund (Fund 7081) in   |                      |                  |                             |                             | 82438 |
| the Revenue Distribution Fund Group, those amounts necessary to    |                      |                  |                             |                             | 82439 |
| reimburse local taxing units under section 5751.22 of the Revised  |                      |                  |                             |                             | 82440 |
| Code. Also, in fiscal year 2012 and fiscal year 2013, the Director |                      |                  |                             |                             | 82441 |
| of Budget and Management may make temporary transfers from the     |                      |                  |                             |                             | 82442 |
| General Revenue Fund to ensure sufficient balances in the Local    |                      |                  |                             |                             | 82443 |
| Government Tangible Property Tax Replacement Fund (Fund 7081) and  |                      |                  |                             |                             | 82444 |
| to replenish the General Revenue Fund for such transfers.          |                      |                  |                             |                             | 82445 |
| <b>Sec. 387.10. SFC SCHOOL FACILITIES COMMISSION</b>               |                      |                  |                             |                             | 82446 |
| General Revenue Fund                                               |                      |                  |                             |                             | 82447 |
| GRF                                                                | 230908               | Common Schools   | \$ 150,604,900              | \$ <del>341,919,400</del>   | 82448 |
| General Obligation                                                 |                      |                  |                             | <u>329,919,400</u>          |       |

Debt Service

|                                  |    |             |    |                        |       |
|----------------------------------|----|-------------|----|------------------------|-------|
| TOTAL GRF General Revenue Fund   | \$ | 150,604,900 | \$ | <del>341,919,400</del> | 82449 |
|                                  |    |             |    | <u>329,919,400</u>     |       |
| State Special Revenue Fund Group |    |             |    |                        | 82450 |
| 5E30 230644 Operating Expenses   | \$ | 8,950,000   | \$ | 8,550,000              | 82451 |
| TOTAL SSR State Special Revenue  |    |             |    |                        | 82452 |
| Fund Group                       | \$ | 8,950,000   | \$ | 8,550,000              | 82453 |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 159,554,900 | \$ | <del>350,469,400</del> | 82454 |
|                                  |    |             |    | <u>338,469,400</u>     |       |

**Sec. 403.10. TAX DEPARTMENT OF TAXATION**

|                                   |    |             |    |                        |       |
|-----------------------------------|----|-------------|----|------------------------|-------|
|                                   |    |             |    |                        | 82456 |
| General Revenue Fund              |    |             |    |                        | 82457 |
| GRF 110321 Operating Expenses     | \$ | 73,500,000  | \$ | <del>73,550,000</del>  | 82458 |
|                                   |    |             |    | <u>72,814,500</u>      |       |
| GRF 110404 Tobacco Settlement     | \$ | 200,000     | \$ | <del>200,000</del>     | 82459 |
| Enforcement                       |    |             |    | <u>198,000</u>         |       |
| GRF 110412 Child Support          | \$ | 15,804      | \$ | <del>15,804</del>      | 82460 |
| Administration                    |    |             |    | <u>15,646</u>          |       |
| GRF 110901 Property Tax           | \$ | 610,900,000 | \$ | 616,000,000            | 82461 |
| Allocation - Taxation             |    |             |    |                        |       |
| TOTAL GRF General Revenue Fund    | \$ | 684,615,804 | \$ | <del>689,765,804</del> | 82462 |
|                                   |    |             |    | <u>689,028,146</u>     |       |
| General Services Fund Group       |    |             |    |                        | 82463 |
| 2280 110628 Tax Reform System     | \$ | 13,638,008  | \$ | <del>13,642,176</del>  | 82464 |
| Implementation                    |    |             |    | <u>13,505,754</u>      |       |
| 4330 110602 Tape File Account     | \$ | 197,802     | \$ | <del>197,878</del>     | 82465 |
|                                   |    |             |    | <u>195,899</u>         |       |
| 5AP0 110632 Discovery Project     | \$ | 2,445,799   | \$ | <del>2,445,657</del>   | 82466 |
|                                   |    |             |    | <u>2,421,200</u>       |       |
| 5BW0 110630 Tax Amnesty Promotion | \$ | 2,500,000   | \$ | 0                      | 82467 |
| and Administration                |    |             |    |                        |       |
| 5CZ0 110631 Vendor's License      | \$ | 250,000     | \$ | 250,000                | 82468 |

|                                  |        |                        |    |            |    |                       |       |
|----------------------------------|--------|------------------------|----|------------|----|-----------------------|-------|
|                                  |        | Application            |    |            |    |                       |       |
| 5N50                             | 110605 | Municipal Income Tax   | \$ | 339,798    | \$ | <del>339,975</del>    | 82469 |
|                                  |        | Administration         |    |            |    | <u>336,575</u>        |       |
| 5N60                             | 110618 | Kilowatt Hour Tax      | \$ | 150,000    | \$ | <del>150,000</del>    | 82470 |
|                                  |        | Administration         |    |            |    | <u>148,500</u>        |       |
| 5V80                             | 110623 | Property Tax           | \$ | 12,195,733 | \$ | <del>12,099,303</del> | 82471 |
|                                  |        | Administration         |    |            |    | <u>11,978,310</u>     |       |
| 5W40                             | 110625 | Centralized Tax        | \$ | 200,000    | \$ | <del>200,000</del>    | 82472 |
|                                  |        | Filing and Payment     |    |            |    | <u>198,000</u>        |       |
| 5W70                             | 110627 | Exempt Facility        | \$ | 50,000     | \$ | <del>50,000</del>     | 82473 |
|                                  |        | Administration         |    |            |    | <u>49,500</u>         |       |
| TOTAL GSF General Services       |        |                        |    |            |    |                       | 82474 |
| Fund Group                       |        |                        | \$ | 31,967,140 | \$ | <del>29,374,989</del> | 82475 |
|                                  |        |                        |    |            |    | <u>29,083,738</u>     |       |
| State Special Revenue Fund Group |        |                        |    |            |    |                       | 82476 |
| 4350                             | 110607 | Local Tax              | \$ | 19,028,339 | \$ | <del>19,225,941</del> | 82477 |
|                                  |        | Administration         |    |            |    | <u>19,033,682</u>     |       |
| 4360                             | 110608 | Motor Vehicle Audit    | \$ | 1,474,081  | \$ | <del>1,474,353</del>  | 82478 |
|                                  |        |                        |    |            |    | <u>1,459,609</u>      |       |
| 4370                             | 110606 | Litter/Natural         | \$ | 20,000     | \$ | <del>20,000</del>     | 82479 |
|                                  |        | Resource Tax           |    |            |    | <u>19,800</u>         |       |
|                                  |        | Administration         |    |            |    |                       |       |
| 4380                             | 110609 | School District Income | \$ | 5,859,041  | \$ | <del>5,860,650</del>  | 82480 |
|                                  |        | Tax                    |    |            |    | <u>5,802,044</u>      |       |
| 4C60                             | 110616 | International          | \$ | 689,296    | \$ | <del>689,308</del>    | 82481 |
|                                  |        | Registration Plan      |    |            |    | <u>682,415</u>        |       |
| 4R60                             | 110610 | Tire Tax               | \$ | 245,462    | \$ | <del>246,660</del>    | 82482 |
|                                  |        | Administration         |    |            |    | <u>244,193</u>        |       |
| 5V70                             | 110622 | Motor Fuel Tax         | \$ | 5,384,254  | \$ | <del>5,086,236</del>  | 82483 |
|                                  |        | Administration         |    |            |    | <u>5,035,374</u>      |       |
| 6390                             | 110614 | Cigarette Tax          | \$ | 1,384,217  | \$ | <del>1,384,314</del>  | 82484 |
|                                  |        | Enforcement            |    |            |    | <u>1,370,471</u>      |       |
| 6420                             | 110613 | Ohio Political Party   | \$ | 500,000    | \$ | 500,000               | 82485 |

|                                                                    |                      |                  |                             |       |
|--------------------------------------------------------------------|----------------------|------------------|-----------------------------|-------|
|                                                                    | Distributions        |                  |                             |       |
| 6880 110615                                                        | Local Excise Tax     | \$ 782,630       | \$ <del>782,843</del>       | 82486 |
|                                                                    | Administration       |                  |                             |       |
|                                                                    |                      |                  | <u>775,015</u>              |       |
| TOTAL SSR State Special Revenue                                    |                      |                  |                             | 82487 |
| Fund Group                                                         |                      | \$ 35,367,320    | \$ <del>35,270,305</del>    | 82488 |
|                                                                    |                      |                  | <u>34,922,603</u>           |       |
| Agency Fund Group                                                  |                      |                  |                             | 82489 |
| 4250 110635                                                        | Tax Refunds          | \$ 1,546,800,000 | \$ 1,546,800,000            | 82490 |
| 7095 110995                                                        | Municipal Income Tax | \$ 21,000,000    | \$ 21,000,000               | 82491 |
| TOTAL AGY Agency Fund Group                                        |                      |                  |                             | 82492 |
| Holding Account Redistribution Fund Group                          |                      |                  |                             | 82493 |
| R010 110611                                                        | Tax Distributions    | \$ 50,000        | \$ 50,000                   | 82494 |
| R011 110612                                                        | Miscellaneous Income | \$ 50,000        | \$ 50,000                   | 82495 |
|                                                                    | Tax Receipts         |                  |                             |       |
| TOTAL 090 Holding Account                                          |                      |                  |                             | 82496 |
| Redistribution Fund Group                                          |                      | \$ 100,000       | \$ 100,000                  | 82497 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                      |                  |                             | 82498 |
|                                                                    |                      | \$ 2,319,850,264 | \$ <del>2,322,311,098</del> |       |
|                                                                    |                      |                  | <u>2,320,934,487</u>        |       |
| HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK                         |                      |                  |                             | 82499 |
| The foregoing appropriation item 110901, Property Tax              |                      |                  |                             | 82500 |
| Allocation - Taxation, is hereby appropriated to pay for the       |                      |                  |                             | 82501 |
| state's costs incurred due to the Homestead Exemption, the         |                      |                  |                             | 82502 |
| Manufactured Home Property Tax Rollback, and the Property Tax      |                      |                  |                             | 82503 |
| Rollback. The Tax Commissioner shall distribute these funds        |                      |                  |                             | 82504 |
| directly to the appropriate local taxing districts, except for     |                      |                  |                             | 82505 |
| school districts, notwithstanding the provisions in sections       |                      |                  |                             | 82506 |
| 321.24 and 323.156 of the Revised Code, which provide for payment  |                      |                  |                             | 82507 |
| of the Homestead Exemption, the Manufactured Home Property Tax     |                      |                  |                             | 82508 |
| Rollback, and Property Tax Rollback by the Tax Commissioner to the |                      |                  |                             | 82509 |
| appropriate county treasurer and the subsequent redistribution of  |                      |                  |                             | 82510 |
| these funds to the appropriate local taxing districts by the       |                      |                  |                             | 82511 |
| county auditor.                                                    |                      |                  |                             | 82512 |



Upon receipt of these amounts, each local taxing district 82513  
shall distribute the amount among the proper funds as if it had 82514  
been paid as real property taxes. Payments for the costs of 82515  
administration shall continue to be paid to the county treasurer 82516  
and county auditor as provided for in sections 319.54, 321.26, and 82517  
323.156 of the Revised Code. 82518

Any sums, in addition to the amounts specifically 82519  
appropriated in appropriation item 110901, Property Tax Allocation 82520  
- Taxation, for the Homestead Exemption, the Manufactured Home 82521  
Property Tax Rollback, and the Property Tax Rollback payments, 82522  
which are determined to be necessary for these purposes, are 82523  
hereby appropriated. 82524

TAX AMNESTY PROMOTION AND ADMINISTRATION 82525

The foregoing appropriation item 110630, Tax Amnesty 82526  
Promotion and Administration, shall be used to pay expenses 82527  
incurred to promote and administer the tax amnesty program to be 82528  
conducted from May 1, 2012, through June 15, 2012, by the 82529  
Department of Taxation pursuant to Section 757.40 of ~~this act~~ Am. 82530  
Sub. H.B. 153 of the 129th General Assembly. 82531

MUNICIPAL INCOME TAX 82532

The foregoing appropriation item 110995, Municipal Income 82533  
Tax, shall be used to make payments to municipal corporations 82534  
under section 5745.05 of the Revised Code. If it is determined 82535  
that additional appropriations are necessary to make such 82536  
payments, such amounts are hereby appropriated. 82537

TAX REFUNDS 82538

The foregoing appropriation item 110635, Tax Refunds, shall 82539  
be used to pay refunds under section 5703.052 of the Revised Code. 82540  
If it is determined that additional appropriations are necessary 82541  
for this purpose, such amounts are hereby appropriated. 82542

|                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| INTERNATIONAL REGISTRATION PLAN AUDIT                                                                                                                                                                                                                                                                                                                                                                                                                         | 82543                                                       |
| The foregoing appropriation item 110616, International Registration Plan, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.                                                                                                                                                                                                                                   | 82544<br>82545<br>82546<br>82547                            |
| TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT                                                                                                                                                                                                                                                                                                                                                                                                         | 82548                                                       |
| Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines. | 82549<br>82550<br>82551<br>82552<br>82553<br>82554<br>82555 |
| CENTRALIZED TAX FILING AND PAYMENT FUND                                                                                                                                                                                                                                                                                                                                                                                                                       | 82556                                                       |
| The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the General Revenue Fund to the credit of the Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers of cash shall not exceed \$400,000 in the biennium.                                                                                   | 82557<br>82558<br>82559<br>82560<br>82561<br>82562          |
| TOBACCO SETTLEMENT ENFORCEMENT                                                                                                                                                                                                                                                                                                                                                                                                                                | 82563                                                       |
| The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.                                                                                                                                                                                                                                      | 82564<br>82565<br>82566<br>82567                            |
| <b>Sec. 411.10. DVS DEPARTMENT OF VETERANS SERVICES</b>                                                                                                                                                                                                                                                                                                                                                                                                       | 82568                                                       |
| General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                                                                                          | 82569                                                       |
| GRF 900321 Veterans' Homes \$ 27,369,946 \$ 27,369,946                                                                                                                                                                                                                                                                                                                                                                                                        | 82570                                                       |
| GRF 900402 Hall of Fame \$ 107,075 \$ 107,075                                                                                                                                                                                                                                                                                                                                                                                                                 | 82571                                                       |

|                                                             |                                       |                                                                        |    |            |    |                                            |                |
|-------------------------------------------------------------|---------------------------------------|------------------------------------------------------------------------|----|------------|----|--------------------------------------------|----------------|
| GRF                                                         | 900408                                | Department of<br>Veterans Services                                     | \$ | 1,901,823  | \$ | <del>1,901,823</del><br><u>2,001,823</u>   | 82572          |
| GRF                                                         | 900901                                | Persian Gulf,<br>Afghanistan, and Iraq<br>Compensation Debt<br>Service | \$ | 5,486,600  | \$ | 10,112,100                                 | 82573          |
| TOTAL GRF                                                   | General Revenue Fund                  |                                                                        | \$ | 34,865,444 | \$ | <del>39,490,944</del><br><u>39,590,944</u> | 82574          |
| General Services Fund Group                                 |                                       |                                                                        |    |            |    |                                            | 82575          |
| 4840                                                        | 900603                                | Veterans' Homes<br>Services                                            | \$ | 305,806    | \$ | 312,458                                    | 82576          |
| TOTAL GSF                                                   | General Services Fund<br>Group        |                                                                        | \$ | 305,806    | \$ | 312,458                                    | 82577          |
| Federal Special Revenue Fund Group                          |                                       |                                                                        |    |            |    |                                            | 82578          |
| 3680                                                        | 900614                                | Veterans Training                                                      | \$ | 769,500    | \$ | 754,377                                    | 82579          |
| 3740                                                        | 900606                                | Troops to Teachers                                                     | \$ | 136,786    | \$ | 133,461                                    | 82580          |
| 3BX0                                                        | 900609                                | Medicare Services                                                      | \$ | 2,500,000  | \$ | 2,490,169                                  | 82581          |
| 3L20                                                        | 900601                                | Veterans' Homes<br>Operations - Federal                                | \$ | 23,455,379 | \$ | 23,476,269                                 | 82582          |
| TOTAL FED                                                   | Federal Special Revenue<br>Fund Group |                                                                        | \$ | 26,861,665 | \$ | 26,854,276                                 | 82583<br>82584 |
| State Special Revenue Fund Group                            |                                       |                                                                        |    |            |    |                                            | 82585          |
| 4E20                                                        | 900602                                | Veterans' Homes<br>Operating                                           | \$ | 10,117,680 | \$ | 10,319,078                                 | 82586          |
| 6040                                                        | 900604                                | Veterans' Homes<br>Improvement                                         | \$ | 347,598    | \$ | 398,731                                    | 82587          |
| TOTAL SSR                                                   | State Special Revenue<br>Fund Group   |                                                                        | \$ | 10,465,278 | \$ | 10,717,809                                 | 82588<br>82589 |
| Persian Gulf, Afghanistan, and Iraq Compensation Fund Group |                                       |                                                                        |    |            |    |                                            | 82590          |
| 7041                                                        | 900615                                | Veteran Bonus Program<br>- Administration                              | \$ | 1,605,410  | \$ | 1,147,703                                  | 82591          |
| 7041                                                        | 900641                                | Persian Gulf,                                                          | \$ | 25,425,000 | \$ | 24,300,000                                 | 82592          |

Afghanistan, and Iraq  
Compensation

|                              |    |            |                                                 |       |
|------------------------------|----|------------|-------------------------------------------------|-------|
| TOTAL 041 Persian Gulf,      |    |            |                                                 | 82593 |
| Afghanistan, and Iraq        |    |            |                                                 | 82594 |
| Compensation Fund Group      | \$ | 27,030,410 | \$ 25,447,703                                   | 82595 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 99,528,603 | \$ <del>102,823,190</del><br><u>102,923,190</u> | 82596 |

|                                                         |  |  |  |       |
|---------------------------------------------------------|--|--|--|-------|
| PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL |  |  |  | 82597 |
| OBLIGATION DEBT SERVICE                                 |  |  |  | 82598 |

The foregoing appropriation item 900901, Persian Gulf, 82599  
Afghanistan and Iraq Compensation Debt Service, shall be used to 82600  
pay all debt service and related financing costs during the period 82601  
from July 1, 2011, through June 30, 2013, on obligations issued 82602  
for Persian Gulf, Afghanistan and Iraq Conflicts Compensation 82603  
purposes under sections 151.01 and 151.12 of the Revised Code. 82604

**Sec. 415.10. DYS DEPARTMENT OF YOUTH SERVICES** 82605

|                                   |    |             |                                             |       |
|-----------------------------------|----|-------------|---------------------------------------------|-------|
| General Revenue Fund              |    |             |                                             | 82606 |
| GRF 470401 RECLAIM Ohio           | \$ | 168,716,967 | \$ 162,362,228                              | 82607 |
| GRF 470412 Lease Rental Payments  | \$ | 10,221,800  | \$ 27,230,100                               | 82608 |
| GRF 470510 Youth Services         | \$ | 16,702,728  | \$ 16,702,728                               | 82609 |
| GRF 472321 Parole Operations      | \$ | 10,830,019  | \$ 10,583,118                               | 82610 |
| GRF 477321 Administrative         | \$ | 12,222,051  | \$ 11,855,389                               | 82611 |
| Operations                        |    |             |                                             |       |
| TOTAL GRF General Revenue Fund    | \$ | 218,693,565 | \$ 228,733,563                              | 82612 |
| General Services Fund Group       |    |             |                                             | 82613 |
| 1750 470613 Education             | \$ | 8,160,277   | \$ <del>8,151,056</del><br><u>6,251,056</u> | 82614 |
| Reimbursement                     |    |             |                                             |       |
| 4790 470609 Employee Food Service | \$ | 150,000     | \$ 150,000                                  | 82615 |
| 4A20 470602 Child Support         | \$ | 450,000     | \$ 400,000                                  | 82616 |
| 4G60 470605 General Operational   | \$ | 125,000     | \$ 125,000                                  | 82617 |
| Funds                             |    |             |                                             |       |

|                                    |        |                                               |    |            |    |                       |       |
|------------------------------------|--------|-----------------------------------------------|----|------------|----|-----------------------|-------|
| 5BN0                               | 470629 | E-Rate Program                                | \$ | 535,000    | \$ | 535,000               | 82618 |
| TOTAL GSF General Services         |        |                                               |    |            |    |                       | 82619 |
| Fund Group                         |        |                                               | \$ | 9,420,277  | \$ | <del>9,361,056</del>  | 82620 |
|                                    |        |                                               |    |            |    | <u>7,461,056</u>      |       |
| Federal Special Revenue Fund Group |        |                                               |    |            |    |                       | 82621 |
| 3210                               | 470601 | Education                                     | \$ | 1,774,469  | \$ | 1,517,840             | 82622 |
| 3210                               | 470603 | Juvenile Justice<br>Prevention                | \$ | 300,000    | \$ | 300,000               | 82623 |
| 3210                               | 470606 | Nutrition                                     | \$ | 1,747,432  | \$ | <del>1,704,022</del>  | 82624 |
|                                    |        |                                               |    |            |    | <u>1,400,000</u>      |       |
| 3210                               | 470610 | Rehabilitation<br>Programs                    | \$ | 36,000     | \$ | <del>36,000</del> 0   | 82625 |
| 3210                               | 470614 | Title IV-E<br>Reimbursements                  | \$ | 6,000,000  | \$ | 6,000,000             | 82626 |
| 3BY0                               | 470635 | Federal Juvenile<br>Programs FFY 07           | \$ | 56,471     | \$ | 2,000                 | 82627 |
| 3BZ0                               | 470636 | Federal Juvenile<br>Programs FFY 08           | \$ | 82,000     | \$ | 1,618                 | 82628 |
| 3CP0                               | 470638 | Federal Juvenile<br>Programs FFY 09           | \$ | 500,000    | \$ | 300,730               | 82629 |
| 3CR0                               | 470639 | Federal Juvenile<br>Programs FFY 10           | \$ | 800,000    | \$ | 479,900               | 82630 |
| 3FB0                               | 470641 | Federal Juvenile<br>Programs FFY 11           | \$ | 135,000    | \$ | 600,000               | 82631 |
| 3FC0                               | 470642 | Federal Juvenile<br>Programs FFY 12           | \$ | 0          | \$ | 135,000               | 82632 |
| 3V50                               | 470604 | Juvenile<br>Justice/Delinquency<br>Prevention | \$ | 2,010,000  | \$ | 2,000,000             | 82633 |
| TOTAL FED Federal Special Revenue  |        |                                               |    |            |    |                       | 82634 |
| Fund Group                         |        |                                               | \$ | 13,441,372 | \$ | <del>13,077,110</del> | 82635 |
|                                    |        |                                               |    |            |    | <u>12,737,088</u>     |       |
| State Special Revenue Fund Group   |        |                                               |    |            |    |                       | 82636 |

|                                  |    |             |    |                                              |       |
|----------------------------------|----|-------------|----|----------------------------------------------|-------|
| 1470 470612 Vocational Education | \$ | 762,126     | \$ | 758,210                                      | 82637 |
| TOTAL SSR State Special Revenue  |    |             |    |                                              | 82638 |
| Fund Group                       | \$ | 762,126     | \$ | 758,210                                      | 82639 |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 242,317,340 | \$ | <del>251,929,939</del><br><u>249,689,917</u> | 82640 |

COMMUNITY PROGRAMS 82641

For purposes of implementing juvenile sentencing reforms, and 82642  
notwithstanding any provision of law to the contrary, the 82643  
Department of Youth Services may use up to forty-five per cent of 82644  
the unexpended, unencumbered balance of the portion of 82645  
appropriation item 470401, RECLAIM Ohio, that is allocated to 82646  
juvenile correctional facilities in each fiscal year to expand 82647  
Targeted RECLAIM, the Behavioral Health Juvenile Justice 82648  
Initiative, and other evidence-based community programs. 82649

OHIO BUILDING AUTHORITY LEASE PAYMENTS 82650

The foregoing appropriation item 470412, Lease Rental 82651  
Payments, shall be used to meet all payments at the times they are 82652  
required to be made for the period from July 1, 2011, through June 82653  
30, 2013, by the Department of Youth Services to the Ohio Building 82654  
Authority under the leases and agreements for facilities made 82655  
under Chapter 152. of the Revised Code. This appropriation is the 82656  
source of funds pledged for bond service charges on related 82657  
obligations issued pursuant to Chapter 152. of the Revised Code. 82658

EDUCATION REIMBURSEMENT 82659

The foregoing appropriation item 470613, Education 82660  
Reimbursement, shall be used to fund the operating expenses of 82661  
providing educational services to youth supervised by the 82662  
Department of Youth Services. Operating expenses include, but are 82663  
not limited to, teachers' salaries, maintenance costs, and 82664  
educational equipment. This appropriation item may be used for 82665  
capital expenses related to the education program. 82666

EMPLOYEE FOOD SERVICE AND EQUIPMENT 82667

Notwithstanding section 125.14 of the Revised Code, the 82668  
foregoing appropriation item 470609, Employee Food Service, may be 82669  
used to purchase any food operational items with funds received 82670  
into the fund from reimbursements for state surplus property. 82671

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 82672

In collaboration with the county family and children first 82673  
council, the juvenile court of that county that receives 82674  
allocations from one or both of the foregoing appropriation items 82675  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 82676  
portions of those allocations to a flexible funding pool as 82677  
authorized by the section of ~~this act~~ Am. Sub. H.B. 153 of the 82678  
129th General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 82679  
FUNDING POOL." 82680

**Sec. 503.50.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED 82681  
BALANCES OF OPERATING APPROPRIATIONS 82682

(A) An unexpended balance of an operating appropriation or 82683  
reappropriation that a state agency lawfully encumbered prior to 82684  
the close of a fiscal year is hereby reappropriated on the first 82685  
day of July of the following fiscal year from the fund from which 82686  
it was originally appropriated or reappropriated for the following 82687  
period and shall remain available only for the purpose of 82688  
discharging the encumbrance: 82689

(1) For an encumbrance for personal services, maintenance, 82690  
equipment, or items for resale, other than an encumbrance for an 82691  
item of special order manufacture not available on term contract 82692  
or in the open market or for reclamation of land or oil and gas 82693  
wells, for a period of not more than five months from the end of 82694  
the fiscal year; 82695

(2) For an encumbrance for an item of special order 82696

manufacture not available on term contract or in the open market, 82697  
for a period of not more than five months from the end of the 82698  
fiscal year or, with the written approval of the Director of 82699  
Budget and Management, for a period of not more than twelve months 82700  
from the end of the fiscal year; 82701

(3) For an encumbrance for reclamation of land or oil and gas 82702  
wells, for a period ending when the encumbered appropriation is 82703  
expended or for a period of two years, whichever is less; 82704

(4) For an encumbrance for any other expense, for such period 82705  
as the Director approves, provided such period does not exceed two 82706  
years. 82707

(B) Any operating appropriations for which unexpended 82708  
balances are reappropriated beyond a five-month period from the 82709  
end of the fiscal year by division (A)(2) of this section shall be 82710  
reported to the Controlling Board by the Director of Budget and 82711  
Management by the thirty-first day of December of each year. The 82712  
report on each such item shall include the item, the cost of the 82713  
item, and the name of the vendor. The report shall be updated on a 82714  
quarterly basis for encumbrances remaining open. 82715

(C) Upon the expiration of the reappropriation period set out 82716  
in division (A) of this section, a reappropriation made by this 82717  
section lapses, and the Director of Budget and Management shall 82718  
cancel the encumbrance of the unexpended reappropriation not later 82719  
than the end of the weekend following the expiration of the 82720  
reappropriation period. 82721

(D) Notwithstanding division (C) of this section, with the 82722  
approval of the Director of Budget and Management, an unexpended 82723  
balance of an encumbrance that was reappropriated on the first day 82724  
of July by this section for a period specified in division (A)(3) 82725  
or (4) of this section and that remains encumbered at the close of 82726  
the fiscal biennium is hereby reappropriated on the first day of 82727



July of the following fiscal biennium from the fund from which it 82728  
was originally appropriated or reappropriated for the applicable 82729  
period specified in division (A)(3) or (4) of this section and 82730  
shall remain available only for the purpose of discharging the 82731  
encumbrance. 82732

(E) The Director of Budget and Management may correct 82733  
accounting errors committed by the staff of the Office of Budget 82734  
and Management, such as re-establishing encumbrances or 82735  
appropriations cancelled in error, during the cancellation of 82736  
operating encumbrances in November and of nonoperating 82737  
encumbrances in December. 82738

(F) The Director of Budget and Management may at any time 82739  
correct accounting errors committed by the staff of a state 82740  
institution of higher education, as defined in section 3345.011 of 82741  
the Revised Code, such as reestablishing prior year nonoperating 82742  
encumbrances canceled or modified in error. The reestablished 82743  
encumbrance amounts are hereby appropriated. 82744

(G) If the Controlling Board approved a purchase, that 82745  
approval remains in effect so long as the appropriation used to 82746  
make that purchase remains encumbered. 82747

**Sec. 521.70. OVERSIGHT OF FEDERAL STIMULUS FUNDS** 82748

(A) The Office of Internal Auditing within the Office of 82749  
Budget and Management shall, in connection with its duties under 82750  
sections 126.45 to 126.48 of the Revised Code, monitor and measure 82751  
the effectiveness of funds allocated to the state as part of the 82752  
federal American Recovery and Reinvestment Act of 2009. As such, 82753  
the Office of Internal Auditing shall review how funds allocated 82754  
to each state agency are spent. For purposes of this section, 82755  
"state agency" has the same meaning as in division (A) of section 82756  
126.45 of the Revised Code. 82757

In addition to the reports required under section 126.47 of 82758  
the Revised Code, the Office of Internal Auditing shall ~~submit~~ 82759  
prepare a report of its findings for the period beginning July 1, 82760  
2011, and ending December 31, 2011. The Office shall submit the 82761  
report to the President of the Senate, Minority Leader of the 82762  
Senate, Speaker of the House of Representatives, Minority Leader 82763  
of the House of Representatives, and the Chairs of the committees 82764  
in the Senate and House of Representatives handling finance and 82765  
appropriations. ~~The report shall be submitted every six months at~~ 82766  
~~the following intervals:~~ 82767

~~(1) For the six month period ending December 31, 2011, not~~ 82768  
~~later than by February 1, 2012;~~ 82769

~~(2) For the six month period ending June 30, 2012, not later~~ 82770  
~~than August 1, 2012;~~ 82771

~~(3) For the six month period ending December 31, 2012, not~~ 82772  
~~later than February 1, 2013;~~ 82773

~~(4) For the six month period ending June 30, 2013, not later~~ 82774  
~~than August 1, 2013.~~ 82775

(B) When, as part of its compliance with the federal American 82776  
Recovery and Reinvestment Act of 2009 requirements to monitor and 82777  
measure the effectiveness of funds for which the state of Ohio is 82778  
the prime recipient, and for which reporting authority has not 82779  
been delegated to a ~~sub-recipient~~ subrecipient, the Office of 82780  
Budget and Management submits quarterly reports to the federal 82781  
government, the Office of Budget and Management shall also submit 82782  
those reports to the President of the Senate, Minority Leader of 82783  
the Senate, Speaker of the House of Representatives, Minority 82784  
Leader of the House of Representatives, and Chairs and ranking 82785  
members of the committees in the Senate and House of 82786  
Representatives handling finance and appropriations. The Office of 82787  
Budget and Management shall continue to submit quarterly reports 82788

to the legislature for the duration of the period in which the 82789  
state of Ohio is required to make reports to the federal 82790  
government concerning Ohio's use of the federal American Recovery 82791  
and Reinvestment Act of 2009 funds. 82792

**Sec. 753.25.** (A) The Governor is authorized to execute a deed 82793  
in the name of the state conveying to the Board of County Hospital 82794  
Trustees of The MetroHealth System ("MetroHealth"), in the name of 82795  
the County of Cuyahoga, State of Ohio, its successors and assigns, 82796  
all of the state's right, title, and interest in the following 82797  
~~listed parcels of described~~ real estate located in the County of 82798  
Cuyahoga, State of Ohio: ~~00821-008, 00821-009, 00821-010,~~ 82799  
~~00821-011, 00821-012, 00821-013, 00821-014, 00821-015, 00821-016,~~ 82800  
~~and 00821-017.~~ 82801

~~In preparing the deed, the Auditor of State, with the 82802  
assistance of the Attorney General, shall develop a legal 82803  
description of the real estate in conformity with the actual 82804  
bounds of the real estate.~~ 82805

Parcel I 82806

Description of a 2.732 Acre Tract 82807

Located northerly of the intersection of South Point Drive and 82808  
Ginger Court, Cleveland, Ohio. 82809

Situated in the City of Cleveland, County of Cuyahoga, State of 82810  
Ohio, being part of the Original Brooklyn Township Lot No. 73, 82811  
Range 13 West, Township 7 North of the Connecticut Western Reserve 82812  
Survey and being all of a tract of land as conveyed to the State 82813  
of Ohio by deed of record in Deed Volume 10350, Page 563 and being 82814  
of all of subplot numbers 18 through 26 and part of subplot number 82815  
27 as shown in the East View Addition by plat of record in Plat 82816  
Volume 16, Page 19 as conveyed to the State of Ohio by deeds of 82817  
records in Deed Volume 6640, Page 166; Deed Volume 6640, Page 168; 82818

Deed Volume 7285, Page 321; Deed Volume 7227, Page 11; Deed Volume 82819  
7678, Page 487; Deed Volume 7627, Page 589; Deed Volume 7287, page 82820  
718; Deed Volume 7285, page 319; Deed Volume 7420, Page 102; and 82821  
Deed Volume 7638, Page 296 respectively; all record document 82822  
references in this legal description being to the Recorder's 82823  
Office, Cuyahoga County, Ohio and being more particularly bounded 82824  
and described as follows: 82825

Beginning at the southwesterly corner of said subplot 18, at a 82826  
southeasterly corner of a tract of land conveyed to the County of 82827  
Cuyahoga, Ohio by deed of record in Automatic Filing Number 82828  
(A.F.N.) 199911231424 and on the northerly right-of-way line of 82829  
South Point Drive, 50 feet in width and also known as Aiken 82830  
Avenue, said point also being the TRUE POINT OF BEGINNING of the 82831  
herein described tract of land; 82832

01. Thence North 00°02'06" West, a distance of 362.37 along the 82833  
extension of and the westerly line of said subplot number 18, along 82834  
the westerly line of said State of Ohio tract as conveyed in Deed 82835  
Volume 10350, Page 563 and along an easterly line of said County 82836  
of Cuyahoga, Ohio tract to a point; 82837

02. Thence South 76°52' 15" East, a distance of 415.12 feet along 82838  
the northerly line of said State of Ohio tract as conveyed in Deed 82839  
Volume 10350, Page 563 and along a southerly line of said County 82840  
of Cuyahoga, Ohio tract to a point; 82841

03. Thence South 13°06'56" West, a distance of 275.04 feet along 82842  
the easterly line of said State of Ohio tract as conveyed in Deed 82843  
Volume 10350, Page 563, along a westerly line of said County of 82844  
Cuyahoga tract and along the westerly line of a tract of land as 82845  
conveyed to the Board of Trustees of the Cuyahoga County Hospital 82846  
by deed of record in Deed Volume 11670, Page 921 passing through 82847  
said subplot number 27 to a point on the southerly line of said 82848  
subplot number 27 and on the northerly right-of-way line of said 82849  
South Point Drive; 82850

04. Thence South 89°57'54" West, a distance of 341.64 feet along 82851  
the southerly lines of said subplot numbers 27, 26, 25, 24, 23, 22, 82852  
21, 20, 19 and 18 and along the northerly line of said South Point 82853  
Drive to the True Point of Beginning and containing 2.732 acres, 82854  
more or less, and subject to all legal easements, restrictions, 82855  
reservations, conditions and right-of-ways of previous record. 82856

The basis of bearing in this description is based on the 82857  
centerline line of South Point Drive being 82858

North 89°58'22" East as recorded in the Map of Lot Split and 82859  
Consolidation for The County of Cuyahoga in Plat Volume 300, Page 82860  
30. 82861

This description is intended to describe Cuyahoga County Auditor's 82862  
parcel numbers 008-21-008, 008-21-009, 008-21-010, 008-21-011, 82863  
008-21-012, 008-21-013, 008-21-014, 008-21-015, 008-21 -016 and 82864  
008-21-017. 82865

This description is based on a field survey made by Michael Benza 82866  
& Associates, Inc. in October 2011 under project number 5290. 82867

Parcel 2 82868

Description of a 0.597 Acre Tract 82869

Located southwesterly of the intersection of South Point Drive and 82870  
Ginger Court, Cleveland, Ohio. 82871

Situated in the City of Cleveland, County of Cuyahoga, State of 82872  
Ohio, being part of the Original Brooklyn Township Lot No. 73, 82873  
Range 13 West, Township 7 North of the Connecticut Western Reserve 82874  
Survey and being of all of subplot numbers 32 through 38 and part 82875  
of subplot number 39 as shown in the East View Addition by plat of 82876  
record in Plat Volume 16, Page 19 as conveyed to the State of Ohio 82877  
by deeds of records in Deed Volume 11317, Page 91; Deed Volume 82878  
11369, Page 27; Deed Volume 12168, Page 997; Deed Volume 12117, 82879  
Page 239; Deed Volume 11861, Page 587; Deed Volume 121 1I, Page 82880

951 and Deed Volume 11870, page 961; respectively; all record 82881  
document references in this legal description being to the 82882  
Recorder's Office, Cuyahoga County, Ohio and being more 82883  
particularly bounded and described as follows: 82884

Beginning at the northeasterly corner of said subplot number 32, at 82885  
the southwesterly corner of the intersection of South Point Drive, 82886  
50 feet in width and also known as Aiken Avenue, and Ginger Court, 82887  
12 feet in width, said point also being the TRUE POINT OF 82888  
BEGINNING of the herein described tract of land; 82889

01. Thence South 02°57'49" West, a distance of 94.11 along the 82890  
easterly line of said subplot number 32 and along the westerly 82891  
right-of-way line of said Ginger Court to a point; 82892

02. Thence South 46°10'37" West, a distance of 8.77 feet along the 82893  
southeasterly line of said subplot number 32 and along the 82894  
northwesterly right-of-way line of said Ginger Court to a point; 82895

03. Thence South 89°58'22" West, a distance of 251.42 feet along 82896  
the southerly lines of said subplot numbers 32 through 29 and along 82897  
the northerly line of said Ginger Court to a point; 82898

04. Thence North 00°01'38" West, a distance of 100.05 feet along 82899  
the westerly of line of the said tract of land conveyed to the 82900  
State of Ohio by Deed Volume 11870, Page 961 and along the 82901  
easterly line of the tract of land as conveyed to the County of 82902  
Cuyahoga by deed of record in Deed Volume 12525, Page 665 to a 82903  
point on the southerly right-of-way line of said South Point 82904  
Drive; 82905

05. Thence North 89°58'18" East, a distance of 262.66 feet along 82906  
the northerly lines of said subplot numbers 39, 38, 37, 36, 35, 34, 82907  
33 and 32 and along the southerly line of said South Point Drive 82908  
to the True Point of Beginning and containing 0.597 acres, more or 82909  
less, and subject to all legal easements, restrictions, 82910  
reservations, conditions and right-of-ways of previous record. 82911

The basis of bearing in this description is based on the 82912  
centerline line of South Point Drive being North 89°57'55" East as 82913  
recorded in the Map of Lot Split and Consolidation for The County 82914  
of Cuyahoga in Plat Volume 300, Page 30. 82915

This description is intended to describe Cuyahoga County Auditor's 82916  
parcel numbers 008-21-19, 008-21-020, 008-21-021, 008-21-022, 82917  
008-21-023, 008-21-024 and 008-21-025. 82918

This description is based on a field survey made by Michael Benza 82919  
& Associates, Inc in October 2011 under project number 5290. 82920

Parcel 3 82921

Description of a 0.035 Acre Tract 82922

Located southeasterly of the intersection of South Point Drive and 82923  
Ginger Court, Cleveland, Ohio. 82924

Situated in the City of Cleveland, County of Cuyahoga, State of 82925  
Ohio, being part of the Original Brooklyn Township Lot No. 73, 82926  
Range 13 West, Township 7 North of the Connecticut Western Reserve 82927  
Survey and being part of subplot numbers 29, 30 and 31 as shown in 82928  
the East View Addition by plat of record in Plat Volume 16, Page 82929  
19 as conveyed to the State of Ohio by deeds of records in Deed 82930  
Volume 11177, Page 349; Deed Volume 11164, Page 285 and Deed 82931  
Volume 11165, Page 113; respectively; all record document 82932  
references in this legal description being to the Recorder's 82933  
Office, Cuyahoga County, Ohio and being more particularly bounded 82934  
and described as follows: 82935

Beginning at the northwesterly corner of said subplot number 29, at 82936  
a southeasterly corner of the intersection of South Point Drive, 82937  
50 feet in width and also known as Aiken Avenue, and Ginger Court, 82938  
12 feet in width, said point also being the TRUE POINT OF 82939  
BEGINNING of the herein described tract of land; 82940

01. Thence North 89°57'55" East, a distance of 15.85 along the 82941

northerly line of said subplot number 29 and along the southerly 82942  
right-of-way line of said South Point Drive to a point on the 82943  
northwesterly corner of a tract of land conveyed to the Cuyahoga 82944  
County Commissioners, Cuyahoga County, Ohio by deed of record in 82945  
Automatic Filing Number (A.F.N.) 199904160080, designated as State 82946  
Parcel 3049EL; 82947

02. Thence along a curve to the right having a radius of 23.50 82948  
feet, an arc length of 23.01 a chord bearing South 39°31'07" East 82949  
and chord distance of 22.10 feet and along an easterly line of 82950  
said Cuyahoga County Commissioners tract, passing through said 82951  
subplot number 29 to a point; 82952

03. Thence along a curve to the right having a radius of 520.30 82953  
feet, an arc length of 73.94 feet, a chord bearing of South 82954  
27°33'59" West and a chord distance of 73.88 feet and along an 82955  
easterly line of said Cuyahoga County Commissioners tract, passing 82956  
through said subplot numbers 29, 30 and 31 to a point on the 82957  
easterly right-of-way line of said Ginger Court; 82958

04. Thence North 02°57'49" East, a distance of 82.65 feet along 82959  
the westerly of lines of said subplot numbers 31, 30 and 29 and 82960  
along the easterly right-of-way line of said Ginger Court to the 82961  
True Point of Beginning and containing 0.035 acres, more or less, 82962  
and subject to all legal easements, restrictions, reservations, 82963  
conditions and right-of-ways of previous record. 82964

The basis of bearing in this description is based on the 82965  
centerline line of South Point Drive being North 89°57'55" East as 82966  
recorded in the Map of Lot Split and Consolidation for The County 82967  
of Cuyahoga in Plat Volume 300, Page 30. 82968

This description is intended to describe Cuyahoga County Auditor's 82969  
parcel numbers 008-21-074, 008-21-075 and 008-21-076. 82970

This description is based on a field survey made by Michael Benza 82971  
& Associates, Inc. in October 82972



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <u>2011 under project number 5290.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 82973                                                                                                             |
| <u>Parcel 4</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 82974                                                                                                             |
| <u>Description of a 0.494 Acre Tract</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 82975                                                                                                             |
| <u>Located northerly of the Eglindale Avenue, southerly of Ginger Court and easterly of Scranton Road Cleveland, Ohio.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 82976<br>82977                                                                                                    |
| <u>Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of the Original Brooklyn Township Lot No. 73, Range 13 West, Township 7 North of the Connecticut Western Reserve Survey and being all of subplot numbers 77 through 81 and being part of subplot numbers 82 and 83 as shown in the East View Addition by plat of record in Plat Volume 16, Page 19 as conveyed to the State of Ohio by deeds of records in Deed Volume 12789, Page 311; Deed Volume 12930, Page 567; Deed Volume 12781, Page 999; Deed Volume 12902, Page 155; Deed Volume 12773, Page 135; Deed Volume 12777, Page 287 and Deed Volume 11362, Page 445; respectively; all record document references in this legal description being to the Recorder's Office, Cuyahoga County, Ohio and being more particularly bounded and described as follows:</u> | 82978<br>82979<br>82980<br>82981<br>82982<br>82983<br>82984<br>82985<br>82986<br>82987<br>82988<br>82989<br>82990 |
| <u>Beginning at the southwesterly corner of said subplot number 77 and on the northerly right-of-way line of Eglindale Avenue, 50 feet in width, said point also being the TRUE POINT OF BEGINNING of the herein described tract of land;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 82991<br>82992<br>82993<br>82994                                                                                  |
| <u>01. Thence North 00°01'38" West, a distance of 100.02 along the westerly line of said subplot number 77 and along the easterly line of a tract of land as conveyed to the County of Cuyahoga by deed of record in Deed Volume 12527, Page 595 to a point on the southerly right-of-way line of Ginger Court;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 82995<br>82996<br>82997<br>82998<br>82999                                                                         |
| <u>02. Thence North 89°58'22" East, a distance of 255.00 along the northerly lines of said subplot numbers 77 through 83 and along the southerly right-of-way line of Ginger Court to a point on an westerly line of a tract of land conveyed to the Cuyahoga County</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 83000<br>83001<br>83002<br>83003                                                                                  |

Commissioners, Cuyahoga County, Ohio by deed of record in 83004  
Automatic Filing Number (A.F.N.) 199904160080, designated as State 83005  
Parcel 3049EL; 83006

03. Thence South 38°37'28" West, a distance of 128.09 along an 83007  
easterly line of said Cuyahoga County Commissioners tract, passing 83008  
through said subplot numbers 82 and 83 to a point on the 83009  
southeasterly corner of said subplot 81 and on the northerly 83010  
right-of-way line of said Eglindale Avenue; 83011

04. Thence South 89°58'45" West, a distance of 175.00 feet along 83012  
the southerly lines of said subplot numbers 81, 80, 79, 78 and 77 83013  
and along the northerly right-of-way line of said Eglindale Avenue 83014  
to the True Point of Beginning and containing 0.494 acres, more or 83015  
less, and subject to all legal easements, restrictions, 83016  
reservations, conditions and right-of- ways of previous record. 83017

The basis of bearing in this description is based on the 83018  
centerline line of Eglindale Avenue being North 89°58'45" East as 83019  
recorded in the Map of Lot Split and Consolidation for The County 83020  
of Cuyahoga in Plat Volume 300, Page 30. 83021

This description is intended to describe Cuyahoga County Auditor's 83022  
parcel numbers 008-21-040, 008-21-041, 008-21-042, 008-21-043, 83023  
008-21-044, 008-21-045 and 008-21-046. 83024

This description is based on a field survey made by Michael Benza 83025  
& Associates, Inc. in October 2011 under project number 5290. 83026

This description may be modified to final form if modifications 83027  
are needed. 83028

Authority to complete this conveyance is dependent upon the 83029  
City of Cleveland's release of its reversionary interest in the 83030  
property, where applicable. 83031

Notwithstanding ORC Chapter 5709, on the effective date of this 83032  
section, any real estate taxes, interest, penalties, or 83033

assessments, if any, now payable or as a lien on the parcels of 83034  
this section, are abated, remitted, and exempted. 83035

(B) Consideration for conveyance of the real estate shall be 83036  
ten dollars. 83037

(C) The state shall convey the real estate described in 83038  
division (A) of this section together with the building situated 83039  
upon it, along with the amount of \$3,400,000 to demolish the 83040  
building. Notwithstanding any provision of law to the contrary, 83041  
the Director of Mental Health shall disburse \$3,400,000 from 83042  
appropriation item C58010, Campus Consolidation, as set forth in 83043  
Sub. H.B. 462 of the 128th General Assembly, to the grantee within 83044  
thirty days after the conveyance of the real estate. After the 83045  
disbursement, the state shall, within four months, complete a 83046  
physical inventory of assets, relocate assets that are to be 83047  
removed from the building, and itemize assets that are to remain 83048  
with the transferred real estate and building. 83049

(D) The real estate described in division (A) of this section 83050  
shall be sold as an entire tract and not in parcels. 83051

(E) The grantee shall pay all costs associated with the 83052  
purchase and conveyance of the real estate, including costs of any 83053  
surveys and recordation costs of the deed. 83054

(F) The grantee shall not, during any period that any bonds 83055  
issued by the state to finance or refinance all or a portion of 83056  
the real estate described in division (A) of this section are 83057  
outstanding, use any portion of the real estate for a private 83058  
business use without the prior written consent of the state. As 83059  
used in this division: 83060

(1) "Private business use" means use, directly or indirectly, 83061  
in a trade or business carried on by any private person other than 83062  
use as a member of, and on the same basis as, the general public. 83063  
Any activity carried on by a private person who is not a natural 83064

person shall be presumed to be a trade or business. 83065

(2) "Private person" means any natural person or any 83066  
artificial person, including a corporation, partnership, limited 83067  
liability company, trust, or other entity and including the United 83068  
States or any agency or instrumentality of the United States, but 83069  
excluding any state, territory, or possession of the United 83070  
States, the District of Columbia, or any political subdivision 83071  
thereof that is referred to as a "state or local governmental 83072  
unit" in Treasury Regulation 1.103-1(a) and any person that is 83073  
acting solely and directly as an officer or employee of or on 83074  
behalf of such a governmental unit. 83075

(G) The grantee shall not sell, convey, or transfer ownership 83076  
of the real estate described in division (A) of this section 83077  
before December 1, 2019, or before receiving written confirmation 83078  
from the state that all of the state's bonded capital indebtedness 83079  
associated with any of the buildings located on the real estate 83080  
has been fully satisfied. 83081

(H) The Auditor of State, with the assistance of the Attorney 83082  
General, shall prepare a deed to the real estate. The deed shall 83083  
state the consideration and the conditions and restrictions and 83084  
shall be executed by the Governor in the name of the state, 83085  
countersigned by the Secretary of State, sealed with the Great 83086  
Seal of the State, presented in the Office of the Auditor of State 83087  
for recording, and delivered to the grantee. The grantee shall 83088  
present the deed for recording in the Office of the Cuyahoga 83089  
County Recorder. 83090

(I) This section expires one year after its effective date. 83091

**Section 601.41.** That existing Sections 205.10, 207.10, 83092  
207.10.80, 207.20.30, 207.20.90, 209.10, 209.20, 211.10, 215.10, 83093  
223.10, 229.10, 243.10, 247.10, 263.10, 263.10.30, 263.10.90, 83094  
263.20.40, 263.20.70, 267.10, 267.10.10, 267.10.20, 267.10.40, 83095

267.30.20, 267.30.40, 279.10, 291.10, 307.10, 309.10, 309.30.30, 83096  
 309.30.33, 309.35.73, 315.10, 327.10, 335.10, 343.10, 365.10, 83097  
 367.10, 369.10, 371.10, 371.60.80, 373.10, 375.10, 379.10, 387.10, 83098  
 403.10, 411.10, 415.10, 503.50, 521.70, and 753.25 of Am. Sub. 83099  
 H.B. 153 of the 129th General Assembly are hereby repealed. 83100

**Section 601.50.** That Section 4 of Sub. S.B. 171 of the 129th 83101  
 General Assembly be amended to read as follows: 83102

**Sec. 4.** The following agencies are retained under division 83103  
 (D) of section 101.83 of the Revised Code and expire on December 83104  
 31, 2016: 83105

| AGENCY NAME                                                                                                | REVISED CODE OR<br>UNCODIFIED<br>SECTION |       |
|------------------------------------------------------------------------------------------------------------|------------------------------------------|-------|
| Academic Distress Commission                                                                               | 3302.10                                  | 83107 |
| Advisory Board of Governor's Office of<br>Faith-Based and Community Initiatives                            | 107.12                                   | 83108 |
| Advisory Board to Assist and Advise in the<br>Operation of the Ohio Center for Autism and Low<br>Incidence | 3323.33, 3323.34                         | 83109 |
| Advisory Council on Amusement Ride Safety                                                                  | 1711.51, 1711.52                         | 83110 |
| Advisory Council of Directors for Prison Labor                                                             | 5145.162                                 | 83111 |
| Advisory Council for Wild, Scenic, or<br>Recreational River Area(s)                                        | 1547.84                                  | 83112 |
| Advisory Committee on Livestock Exhibitions                                                                | 901.71                                   | 83113 |
| Agricultural Commodity Marketing Programs<br>Operating Committees                                          | 924.07                                   | 83114 |
| Agricultural Commodity Marketing Programs<br>Coordinating Committee                                        | 924.14                                   | 83115 |
| Alternative Energy Advisory Committee                                                                      | 4928.64(D)                               | 83116 |
| AMBER Alert Advisory Committee                                                                             | 5502.521                                 | 83117 |

|                                                                                         |                                          |       |
|-----------------------------------------------------------------------------------------|------------------------------------------|-------|
| Apprenticeship Council                                                                  | Chapter 4139.                            | 83118 |
| Armory Board of Control                                                                 | 5911.09, 5911.12                         | 83119 |
| Automated Title Processing Board                                                        | 4505.09(C)(1)                            | 83120 |
| Backflow Advisory Board                                                                 | 3703.21                                  | 83121 |
| Banking Commission                                                                      | 1123.01                                  | 83122 |
| Board of Directors of the Great Lakes Protection Fund                                   | 1506.22<br>(6161.04)                     | 83123 |
| Board of Directors of the Medical Liability Underwriting Association Stabilization Fund | 3929.631                                 | 83124 |
| Board of Directors of the Ohio Appalachian Center for Higher Education                  | 3333.58                                  | 83125 |
| Board of Directors of the Ohio Health Reinsurance Program                               | 3924.08 -<br>3924.11                     | 83126 |
| Board of Governors of the Commercial Insurance Joint Underwriting Association           | 3930.03                                  | 83127 |
| Board of Governors of the Medical Liability Underwriting Association                    | 3929.64                                  | 83128 |
| Board of Voting Machines Examiners                                                      | 3506.05                                  | 83129 |
| Budget Planning and Management Commission                                               | Section 509.10,<br>H.B. 1, 128th<br>G.A. | 83130 |
| Brain Injury Advisory Committee                                                         | 3304.231                                 | 83131 |
| Bureau of Workers' Compensation Board of Directors                                      | 4121.12                                  | 83132 |
| Capitol Square Review and Advisory Board                                                | 105.41                                   | 83133 |
| Child Care Advisory Council                                                             | 5104.08                                  | 83134 |
| Child Support Guideline Advisory Council                                                | 3119.024                                 | 83135 |
| Children's Trust Fund Board                                                             | 3109.15 -<br>3109.17                     | 83136 |
| Citizen's Advisory Council                                                              | 5123.092,<br>5123.093                    | 83137 |
| Clean Ohio Trail Advisory Board                                                         | 1519.06                                  | 83138 |
| Coastal Resources Advisory Council                                                      | 1506.12                                  | 83139 |

|                                                                          |                             |       |
|--------------------------------------------------------------------------|-----------------------------|-------|
| Commission on African-American Males                                     | 4112.12, 4112.13            | 83140 |
| Commission on Hispanic-Latino Affairs                                    | 121.31                      | 83141 |
| Commission on Minority Health                                            | 3701.78                     | 83142 |
| Committee on Prescriptive Governance                                     | 4723.49 -<br>4723.492       | 83143 |
| Commodity Advisory Commission                                            | 926.32                      | 83144 |
| Consumer Advisory Committee to the Rehabilitation<br>Services Commission | 3304.24                     | 83145 |
| Continuing Education Committee                                           | 109.80(B)                   | 83146 |
| Council on Alcohol and Drug Addiction Services                           | 3793.09                     | 83147 |
| Council on Unreclaimed Strip Mined Lands                                 | 1513.29                     | 83148 |
| County Sheriff's Standard Car Marking and Uniform<br>Commission          | 311.25 - 311.27             | 83149 |
| Credential Review Board                                                  | 3319.65                     | 83150 |
| Credit Union Council                                                     | 1733.329                    | 83151 |
| Criminal Sentencing Advisory Committee                                   | 181.22                      | 83152 |
| Data Collection and Analysis Group                                       | 3727.32                     | 83153 |
| Dentist Loan Repayment Advisory Board                                    | 3702.92                     | 83154 |
| Department Advisory Council(s)                                           | 107.18, 121.13              | 83155 |
| Development Financing Advisory Council                                   | 122.40, 122.41              | 83156 |
| Early Childhood Advisory Council                                         | 3301.90                     | 83157 |
| Education Commission of the States (Interstate<br>Compact for Education) | 3301.48, 3301.49            | 83158 |
| Education Management Information System Advisory<br>Board                | 3301.0713                   | 83159 |
| Educator Standards Board                                                 | 3319.60                     | 83160 |
| Electrical Safety Inspector Advisory Committee                           | 3783.08                     | 83161 |
| Emergency Response Commission                                            | 3750.02                     | 83162 |
| Engineering Experiment Station Advisory Committee                        | 3335.27                     | 83163 |
| Environmental Education Council                                          | 3745.21                     | 83164 |
| Environmental Protection Agency Advisory Board(s)                        | 121.13, 3704.03,<br>3745.01 | 83165 |
| eTech Ohio Commission                                                    | 3353.02 -                   | 83166 |

|                                                                                                      |                                         |       |
|------------------------------------------------------------------------------------------------------|-----------------------------------------|-------|
|                                                                                                      | 3353.04                                 |       |
| Ex-Offender Reentry Coalition                                                                        | 5120.07                                 | 83167 |
| Farmland Preservation Advisory Board                                                                 | 901.23                                  | 83168 |
| Financial Planning and Supervision Commission(s)<br>for Municipal Corporation, County, or Township   | 118.05                                  | 83169 |
| Financial Planning and Supervision Commission for<br>a school district                               | 3316.05                                 | 83170 |
| Forestry Advisory Council                                                                            | 1503.40                                 | 83171 |
| Governance Authority for a State University or<br>College                                            | 3345.75                                 | 83172 |
| Governor's Council on People with Disabilities                                                       | 3303.41                                 | 83173 |
| Governor's Policy Information Working Group                                                          | Section 313,<br>H.B. 420, 127th<br>G.A. | 83174 |
| Governor's Residence Advisory Commission                                                             | 107.40                                  | 83175 |
| Grain Marketing Program Operating Committee                                                          | 924.20 - 924.30                         | 83176 |
| Great Lakes Commission (Great Lakes Basin<br>Compact)                                                | 6161.01                                 | 83177 |
| Gubernatorial Transition Committee                                                                   | 107.29, 126.26                          | 83178 |
| Help Me Grow Advisory Council                                                                        | 3701.611                                | 83179 |
| Hemophilia Advisory Subcommittee of the Medically<br>Handicapped Children's Medical Advisory Council | 3701.0210                               | 83180 |
| Homeland Security Advisory Council                                                                   | 5502.011(E)                             | 83181 |
| Hospital Measures Advisory Council                                                                   | 3727.31                                 | 83182 |
| Housing Trust Fund Advisory Committee                                                                | 174.06                                  | 83183 |
| Industrial Commission Nominating Council                                                             | 4121.04                                 | 83184 |
| Industrial Technology and Enterprise Advisory<br>Council                                             | 122.29, 122.30                          | 83185 |
| Infant Hearing Screening Subcommittee                                                                | 3701.507                                | 83186 |
| Infection Control Group                                                                              | 3727.312(D)                             | 83187 |
| Insurance Agent Education Advisory Council                                                           | 3905.483                                | 83188 |
| Interstate Rail Passenger Advisory Council                                                           | 4981.35                                 | 83189 |
| Joint Select Committee on Volume Cap                                                                 | 133.021                                 | 83190 |



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|----------------------------------------------------------------------------------------|-------------------------------------------|-------|
| Labor-Management Government Advisory Council                                           | 4121.70                                   | 83191 |
| Legislative Programming Committee of the Ohio<br>Government Telecommunications Service | 3353.07                                   | 83192 |
| Legislative Task Force on Redistricting,<br>Reapportionment, and Demographic Research  | 103.51                                    | 83193 |
| Maternity and Newborn Advisory Council                                                 | 3711.20, 3711.21                          | 83194 |
| Medically Handicapped Children's Medical Advisory<br>Council                           | 3701.025                                  | 83195 |
| Midwest Interstate Passenger Rail Compact<br>Commission                                | 4981.361                                  | 83196 |
| Milk Sanitation Board                                                                  | 917.03 - 917.032                          | 83197 |
| Mine Subsidence Insurance Governing Board                                              | 3929.51                                   | 83198 |
| Minority Development Financing Advisory Board                                          | 122.72, 122.73                            | 83199 |
| Multi-Agency Radio Communications System (MARCS)<br>Steering Committee                 | Section 15.02,<br>H.B. 640, 123rd<br>G.A. | 83200 |
| National Museum of Afro-American History and<br>Culture Planning Committee             | 149.303                                   | 83201 |
| New African Immigrants Commission                                                      | 4112.31, 4112.32                          | 83202 |
| Ohio Accountability Task Force                                                         | 3302.021(E)                               | 83203 |
| Ohio Advisory Council for the Aging                                                    | 173.03                                    | 83204 |
| Ohio Agriculture License Plate Scholarship Fund<br>Board                               | 901.90                                    | 83205 |
| Ohio Arts Council                                                                      | Chapter 3379.                             | 83206 |
| Ohio Business Gateway Steering Committee                                               | 5703.57                                   | 83207 |
| Ohio Cemetery Dispute Resolution Commission                                            | 4767.05, 4767.06                          | 83208 |
| Ohio Civil Rights Commission Advisory Agencies<br>and Conciliation Councils            | 4112.04(B)(4)                             | 83209 |
| Ohio Commercial Market Assistance Plan Executive<br>Committee                          | 3930.02                                   | 83210 |
| Ohio Commission on Dispute Resolution and<br>Conflict Management                       | 179.02 - 179.04                           | 83211 |
| Ohio Commission on Fatherhood                                                          | 5101.34                                   | 83212 |

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|-----------------------------------------------------------------------------------|------------------------------------------|-------|
| Ohio Community Service Council                                                    | 121.40 - 121.404                         | 83213 |
| Ohio Council for Interstate Adult Offender<br>Supervision                         | 5149.22                                  | 83214 |
| Ohio Cultural Facilities Commission                                               | Chapter 3383.                            | 83215 |
| Ohio Cystic Fibrosis Legislative Task Force                                       | 101.38                                   | 83216 |
| Ohio Developmental Disabilities Council                                           | 5123.35                                  | 83217 |
| Ohio Expositions Commission                                                       | 991.02                                   | 83218 |
| Ohio Family and Children First Cabinet Council                                    | 121.37                                   | 83219 |
| Ohio Geographically Referenced Information<br>Program Council                     | 125.901, 125.902                         | 83220 |
| Ohio Geology Advisory Council                                                     | 1501.11                                  | 83221 |
| Ohio Grape Industries Committee                                                   | 924.51 - 924.55                          | 83222 |
| Ohio Historic Site Preservation Advisory Board                                    | 149.301                                  | 83223 |
| Ohio Historical Society Board of Trustees                                         | 149.30                                   | 83224 |
| Ohio Judicial Conference                                                          | 105.91 - 105.97                          | 83225 |
| Ohio Lake Erie Commission                                                         | 1506.21                                  | 83226 |
| Ohio Legislative Commission on the Education and<br>Preservation of State History | Section 701.05,<br>H.B. 1, 128th<br>G.A. | 83227 |
| Ohio Medical Quality Foundation                                                   | 3701.89                                  | 83228 |
| Ohio Parks and Recreation Council                                                 | 1541.40                                  | 83229 |
| Ohio Peace Officer Training Commission                                            | 109.71, 109.72                           | 83230 |
| Ohio Private Investigation and Security Services<br>Commission                    | 4749.021,<br>4743.01                     | 83231 |
| Ohio Public Defender Commission                                                   | 120.01 - 120.03                          | 83232 |
| Ohio Public Library Information Network Board of<br>Trustees                      | 3375.65, 3375.66                         | 83233 |
| Ohio Quarter Horse Development Commission                                         | 3769.086                                 | 83234 |
| Ohio Small Government Capital Improvements<br>Commission                          | 164.02(C)(D)                             | 83235 |
| Ohio Soil and Water Conservation Commission                                       | 1515.02                                  | 83236 |
| Ohio Standardbred Development Commission                                          | 3769.085                                 | 83237 |
| Ohio Subrogation Rights Commission                                                | 2323.44                                  | 83238 |

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|-------------------------------------------------------------------------------------|-----------------------------|-------|
| Ohio Thoroughbred Racing Advisory Committee                                         | 3769.084                    | 83239 |
| Ohio Transportation Finance Commission                                              | 5531.12(B) to<br>(D)        | 83240 |
| Ohio Tuition Trust Authority                                                        | 3334.03, 3334.08            | 83241 |
| Ohio University College of Osteopathic Medicine<br>Advisory Committee               | 3337.10, 3337.11            | 83242 |
| Ohio Vendors Representative Committee                                               | 3304.34, 20 USC<br>107      | 83243 |
| Ohio War Orphans Scholarship Board                                                  | 5910.02 -<br>5910.06        | 83244 |
| Ohio Water Advisory Council                                                         | 1521.031                    | 83245 |
| Ohio Water Resources Council Advisory Group                                         | 1521.19                     | 83246 |
| Ohio Water Resources Council                                                        | 1521.19                     | 83247 |
| Oil and Gas Commission                                                              | 1509.35                     | 83248 |
| Operating Committee of the Oil and Gas Marketing<br>Program                         | 1510.06, 1510.11            | 83249 |
| Organized Crime Investigations Commission                                           | 177.01                      | 83250 |
| Pharmacy and Therapeutics Committee of the<br>Department of Job and Family Services | 5111.084                    | 83251 |
| Physician Assistant Policy Committee of the State<br>Medical Board                  | 4730.05, 4730.06            | 83252 |
| Physician Loan Repayment Advisory Board                                             | 3702.81                     | 83253 |
| Power Siting Board                                                                  | 4906.02                     | 83254 |
| Prequalification Review Board                                                       | 5525.07                     | 83255 |
| Private Water Systems Advisory Council                                              | 3701.346                    | 83256 |
| <del>Public Health Council</del>                                                    | <del>3701.33, 3701.34</del> | 83257 |
| Public Utilities Commission Nominating Council                                      | 4901.021                    | 83258 |
| Public Utility Property Tax Study Committee                                         | 5727.85(K)                  | 83259 |
| Radiation Advisory Council                                                          | 3748.20                     | 83260 |
| Reclamation Commission                                                              | 1513.05                     | 83261 |
| Reclamation Forfeiture Fund Advisory Board                                          | 1513.182                    | 83262 |
| Recreation and Resources Commission                                                 | 1501.04                     | 83263 |
| Recycling and Litter Prevention Advisory Council                                    | 1502.04                     | 83264 |

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|-----------------------------------------------------------------------------------------------|-----------------------------------------------|-------|
| School and Ministerial Lands Divestiture<br>Committee                                         | 501.041                                       | 83265 |
| Savings and Loan Associations and Savings Banks<br>Board                                      | 1181.16                                       | 83266 |
| Second Chance Trust Fund Advisory Committee                                                   | 2108.35                                       | 83267 |
| Service Coordination Workgroup                                                                | Section 751.20,<br>H.B. 1, 128th<br>G.A.      | 83268 |
| Ski Tramway Board                                                                             | 4169.02                                       | 83269 |
| Small Business Stationary Source Technical and<br>Environmental Compliance Assistance Council | 3704.19                                       | 83270 |
| Solid Waste Management Advisory Council                                                       | 3734.51                                       | 83271 |
| Special Commission to Consider the Suspension of<br>Local Government Officials                | 3.16                                          | 83272 |
| Speed to Scale Task Force                                                                     | Section<br>375.60.80, H.B.<br>119, 128th G.A. | 83273 |
| State Agency Coordinating Group                                                               | 1521.19                                       | 83274 |
| State Audit Committee                                                                         | 126.46                                        | 83275 |
| State Council of Uniform State Laws                                                           | 105.21 - 105.27                               | 83276 |
| State Criminal Sentencing Commission                                                          | 181.22 - 181.26                               | 83277 |
| State Fire Council                                                                            | 3737.81                                       | 83278 |
| State Library Board                                                                           | 3375.01                                       | 83279 |
| State Victims Assistance Advisory Council                                                     | 109.91(B) and<br>(C)                          | 83280 |
| Statewide Consortium of County Law Library<br>Resource Boards                                 | 3375.481                                      | 83281 |
| STEM Committee                                                                                | 3326.02                                       | 83282 |
| Student Tuition Recovery Authority                                                            | 3332.081                                      | 83283 |
| Sunset Review Committee                                                                       | 101.84 - 101.87                               | 83284 |
| Tax Credit Authority                                                                          | 122.17(M)                                     | 83285 |
| Technical Advisory Committee to Assist Director<br>of the Ohio Coal Development Office        | 1551.35                                       | 83286 |

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|------------------------------------------------------------------------|----------------------|-------|
| Technical Advisory Council on Oil and Gas                              | 1509.38              | 83287 |
| Transportation Review Advisory Council                                 | 5512.07 -<br>5512.09 | 83288 |
| Unemployment Compensation Advisory Council                             | 4141.08              | 83289 |
| Unemployment Compensation Review Commission                            | 4141.06              | 83290 |
| Veterans Advisory Committee                                            | 5902.02(K)           | 83291 |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(private volunteer) | 146.02 - 146.06      | 83292 |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(public)            | 146.02 - 146.06      | 83293 |
| Water and Sewer Commission                                             | 1525.11(C)           | 83294 |
| Waterways Safety Council                                               | 1547.73              | 83295 |
| Wildlife Council                                                       | 1531.03 -<br>1531.05 | 83296 |
| Workers' Compensation Board of Directors<br>Nominating Committee       | 4121.123             | 83297 |

**Section 601.51.** That existing Section 4 of Sub. S.B. 171 of the 129th General Assembly is hereby repealed. 83298  
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**Section 610.10.** That Section 3 of Am. Sub. S.B. 160 of the 121st General Assembly be amended to read as follows: 83300  
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**Sec. 3.** Sections 109.57, 109.572, 2950.08, and 2953.32,~~and~~ 83302  
~~3701.881~~ of the Revised Code, as amended by ~~this act~~ Am. Sub. S.B. 83303  
160 of the 121st General Assembly regarding employment of persons 83304  
who provide direct care to older adults, and sections ~~173.41,~~ 83305  
3712.09, 3721.121, and 3722.151 of the Revised Code, as enacted by 83306  
~~this act~~ Am. Sub. S.B. 160 of the 121st General Assembly, apply 83307  
only to persons who apply for employment on or after ~~the effective~~ 83308  
~~date of this act~~ January 27, 1997. 83309

**Section 610.11.** That existing Section 3 of Am. Sub. S.B. 160 of the 121st General Assembly is hereby repealed. 83310  
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**Section 620.10.** That Section 3 of Am. Sub. S.B. 38 of the 120th General Assembly be amended to read as follows:

**Sec. 3.** Sections 3301.54, and 5104.09, ~~and 5126.28~~ of the Revised Code, as amended by ~~this act~~ Am. Sub. S.B. 38 of the 120th General Assembly, and sections 109.572, 2151.86, 3301.32, 3301.541, ~~3319.311~~ 3319.39, ~~3701.881~~, 5104.012, 5104.013, and 5153.111 of the Revised Code, as enacted by ~~this act~~ Am. Sub. S.B. 38 of the 120th General Assembly, apply only to persons who apply for employment for a position on or after ~~the effective date of this act~~ October 29, 1993.

**Section 620.11.** That existing Section 3 of Am. Sub. S.B. 38 of the 120th General Assembly is hereby repealed.

**Section 701.10.10.** OHIO STATEHOUSE SAFETY AND SECURITY STUDY

The Department of Public Safety shall conduct a study of the safety and security of the Ohio Statehouse complex. The study shall include recommendations for improving the security protocols while providing for the health, safety, and convenience of those who work in, or visit, the statehouse. The report shall be submitted to the Capitol Square Review and Advisory Board for adoption not later than December 1, 2012.

**Section 701.10.20.** Notwithstanding any contrary provision in section 105.41 of the Revised Code or in any rule or procedure adopted by the Capitol Square Review and Advisory Board, the Board shall designate, not later than October 1, 2012, a prominent place on the lawn or other outside grounds of Capitol Square for the erection of a permanent memorial to victims of the European Nazi-Promulgated Holocaust (1933-1945) and to those Ohioans who participated in the liberation of the death camps during World War

II. The Board shall invite, accept, and evaluate proposals for the 83340  
concept, design, financing, and erection of such a memorial, and 83341  
shall select from among the proposals the memorial to be designed 83342  
and erected at the place designated for that purpose. Site 83343  
preparation, utility placement, and other preliminary construction 83344  
activities shall be paid for with public funds. Planning for and 83345  
designing and erecting the memorial shall be paid for with only 83346  
private contributions. The Board shall accept private 83347  
contributions for those purposes, and shall deposit the 83348  
contributions into the Capitol Square Holocaust Memorial Fund. The 83349  
Treasurer of State shall hold the Fund, not as part of the state 83350  
treasury, but as a custodial account for the benefit of the Board. 83351  
Investment earnings of the Fund shall be deposited into the Fund. 83352  
The Board shall draw money from the Fund to pay the cost of 83353  
planning for and designing and erecting the memorial, and shall 83354  
maintain a thorough and accurate account of all its expenditures 83355  
from the Fund. The accounts are a public record. 83356

**Section 701.10.30.** Notwithstanding the amendment by this act 83357  
to section 105.41 of the Revised Code, the member of the Capitol 83358  
Square Review and Advisory Board who represents the Ohio Building 83359  
Authority continues to hold office until the end of the term for 83360  
which the member was appointed. Upon expiration of that member's 83361  
term, or upon the earlier occurrence of a vacancy in that 83362  
membership, the Governor shall appoint a representative of the 83363  
Department of Administrative Services to membership on the Board 83364  
as required by the amendment. The member thus appointed holds 83365  
office as a member of the Board for a term ending at the same time 83366  
as the other members appointed by the Governor who are holding 83367  
office as members of the Board at the time the appointment is 83368  
made. 83369

**Section 701.20.** As used in this section, "political subdivision" has the meaning defined in section 2744.01 of the Revised Code. 83370  
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The Auditor of State shall establish, operate, and maintain one or more web sites to serve as an online clearinghouse of information about streamlining government operations, collaboration, and shared services to reduce the cost of government in this state. The web site may be developed by the Auditor of State or through the use of outside vendors. Existing web sites may be used if their content conforms to the requirements of this section. In establishing, maintaining, and operating the online clearinghouse web site, the Auditor of State shall: 83373  
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(A) Use a domain name for the web site that will be easily recognized, remembered, and understood by the users of the web site; 83383  
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(B) Maintain the web site so that it is fully accessible to and searchable by members of the public at all times; 83386  
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(C) Not charge a fee to a person who accesses, searches, or otherwise uses the web site; 83388  
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(D) Compile information provided by political subdivisions that includes savings recommendations from performance audits, examples of shared services among communities, shared services agreements to use as templates, and other tools developed independently by the Auditor of State or requested by political subdivisions and agreed to by the Auditor of State; 83390  
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(E) Enable political subdivisions to register and request inclusion of their submitted information on the web site, as well as to report state and local barriers to collaboration; 83396  
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(F) Enable information to be accessed by key word or other 83399



useful identifiers; 83400

(G) Maintain adequate systemic security and back-up features, 83401  
and develop and maintain a contingency plan for coping with and 83402  
recovering from power outages, systemic failures, and other 83403  
unforeseen difficulties; and 83404

(H) Maintain the web site in such a manner that it will not 83405  
infringe legally protected interests, so that vulnerability of the 83406  
web site to interruption because of litigation or the threat of 83407  
litigation is reduced. 83408

**Section 701.30.** As used in this section, "political 83409  
subdivision" has the meaning defined in section 2744.01 of the 83410  
Revised Code. 83411

The Department of Administrative Services, by itself or by 83412  
contract with another entity, shall establish, operate, and 83413  
maintain a web site to serve as an online clearinghouse of 83414  
information about existing joint purchasing programs between or 83415  
among political subdivisions in the state. In establishing, 83416  
maintaining, and operating the online clearinghouse web site, the 83417  
department shall: 83418

(A) Use a domain name for the web site that will be easily 83419  
recognized, remembered, and understood by the users of the web 83420  
site; 83421

(B) Maintain the web site so that it is fully accessible to 83422  
and searchable by members of the public at all times; 83423

(C) Not charge a fee to a person who accesses, searches, or 83424  
otherwise uses the web site; 83425

(D) Compile information provided by political subdivisions 83426  
about joint purchasing arrangements they are involved in that the 83427  
department verifies, through meetings with various statewide 83428  
associations and others, to have resulted in verifiable cost 83429

savings, and consolidate that information on the web site in a consistent manner;

(E) Enable political subdivisions to register and request inclusion of their submitted information on the web site;

(F) Enable information to be accessed by key word, by program name, by county, by type of product or service, and by other useful identifiers;

(G) Maintain adequate systemic security and back-up features, and develop and maintain a contingency plan for coping with and recovering from power outages, systemic failures, and other unforeseen difficulties; and

(H) Maintain the web site in such a manner that it will not infringe legally protected interests, so that vulnerability of the web site to interruption because of litigation or the threat of litigation is reduced.

The department shall bear the expense of establishing, operating, and maintaining the online clearinghouse web site.

**Section 701.40.** The Director of Budget and Management and the Director of Administrative Services shall determine ways to improve efficiencies of enterprise services, including, but not limited to, the areas of procurement, human resources, and information technology. The improvements may result in the consolidation and transfer of the enterprise services. The Director of Budget and Management, upon agreement with the Director of Administrative Services and notwithstanding any law to the contrary, may make budget changes and program transfers between agencies as determined necessary for successful implementation of this section. Notwithstanding any law to the contrary, the Director of Budget and Management, upon agreement with the Director of Administrative Services, may establish any

necessary new funds, appropriations, full or partial encumbrances, 83460  
and consolidate funds and transfer cash. Any employees, assets and 83461  
liabilities, including, but not limited to, records and contracts 83462  
and agreements, may also be transferred by the Director of Budget 83463  
and Management and the Director of Administrative Services in 83464  
order to facilitate the improvements determined under this 83465  
section. 83466

**Section 701.50.** MARCS STEERING COMMITTEE AND STATEWIDE 83467  
COMMUNICATIONS SYSTEM 83468

There is hereby created a Multi-Agency Radio Communications 83469  
System (MARCS) Steering Committee consisting of the designees of 83470  
the Directors of Administrative Services, Public Safety, Natural 83471  
Resources, Transportation, Rehabilitation and Correction, and 83472  
Budget and Management, and the State Fire Marshal or the State 83473  
Fire Marshal's designee. The Director of Administrative Services 83474  
or the Director's designee shall chair the Committee. The 83475  
Committee shall provide assistance to the Director of 83476  
Administrative Services for effective and efficient implementation 83477  
of the MARCS system as well as develop policies for the ongoing 83478  
management of the system. Upon dates prescribed by the Directors 83479  
of Administrative Services and Budget and Management, the MARCS 83480  
Steering Committee shall report to the Directors on the progress 83481  
of MARCS implementation and the development of policies related to 83482  
the system. 83483

**Section 701.60.** As used in this section, "business day" means 83484  
a day of the week, excluding Saturday, Sunday, or a legal holiday 83485  
as defined in section 1.14 of the Revised Code. 83486

Any regional council of governments that was formed and is 83487  
operating before the effective date of the amendment by this act 83488  
of section 167.04 of the Revised Code shall notify the Auditor of 83489

State of its existence within 30 business days after the effective 83490  
date of that amendment, and shall provide on a form prescribed by 83491  
the Auditor of State the information required under that section. 83492  
The Auditor of State shall review the information and, within one 83493  
year after the effective date of that amendment, shall issue a 83494  
report to the Governor and the General Assembly. The report shall 83495  
address how many regional councils of governments are operating 83496  
under Chapter 167. of the Revised Code, whether those regional 83497  
councils continue to meet the objectives for which regional 83498  
councils were first authorized in 1967, and whether regional 83499  
councils are an efficient and effective way for local governments 83500  
to share services or to participate in cooperative arrangements. 83501

**Section 701.70.10.** (A) The construction and energy operations 83502  
of the Office of the State Architect and Engineer (OSAE) under 83503  
Chapters 123. and 153. are transferred and consolidated into the 83504  
construction and capital funding operations of the Ohio Facilities 83505  
Construction Commission (OFCC). And the Ohio School Facilities 83506  
Commission (OSFC) becomes an independent agency within the Ohio 83507  
Facilities Construction Commission. Notwithstanding Chapter 153. 83508  
of the Revised Code, the OFCC is thereupon and thereafter 83509  
successor to, assumes the power and obligations of, and otherwise 83510  
constitutes the continuation of the construction and energy 83511  
operations and related management functions of the OSAE as 83512  
provided in the applicable sections of Chapter 153. of the Revised 83513  
Code or in any agreements relating to capital expenditures for 83514  
construction operations functions to which the OSAE is a party. 83515  
All statutory references to the OSAE are deemed to be references 83516  
to the OFCC. 83517

(B) Any activities relating to the operations and related 83518  
management functions commenced but not completed by the OSAE shall 83519  
be completed by the OFCC in the same manner and with the same 83520  
effect as if completed by the OSAE. No validation, cure, right, 83521

privilege, remedy, obligation, or liability is lost or impaired by 83522  
reason of the consolidation, and shall be administered by the 83523  
OFCC. All rules, orders, and determinations related to design, 83524  
planning, and construction and energy operations and related 83525  
management functions of the OSAE continue in effect as rules, 83526  
orders, and determinations of the OFCC, until modified or 83527  
rescinded by the OFCC. The Director of the Legislative Service 83528  
Commission shall renumber the OSAE rules related to the design, 83529  
planning, and construction and energy operations and related 83530  
management functions to reflect their transfer to the OFCC. 83531

(C) To the extent possible, all employees of the OSAE shall 83532  
be transferred to the OFCC, as the OFCC determines to be necessary 83533  
for the successful implementation of this section. All employees 83534  
of the OSFC shall remain in their current classifications unless 83535  
the OFCC determines otherwise. 83536

(D) No judicial or administrative action or proceeding, to 83537  
which the OSAE or an authorized officer of either is a party, that 83538  
is pending on the effective date of this section, or on such later 83539  
date as may be established by an authorized officer of the OFCC 83540  
and that is related to its construction, capital funding, or 83541  
energy operation or related management functions, is affected by 83542  
the transfer and consolidation of functions. Any such action or 83543  
proceeding shall be prosecuted or defended in the name of the 83544  
OFCC. On application to the court or agency, the OFCC shall be 83545  
substituted for the OSAE or an authorized officer of either as a 83546  
party to the action or proceeding. 83547

(E) Notwithstanding any provision of the law to the contrary, 83548  
and not sooner than 90 days after the effective date of this 83549  
section, and if requested by the OFCC, the Director of Budget and 83550  
Management shall make budget changes made necessary by the 83551  
transfer, if any, including administrative organization, program 83552  
transfers, the creation of new funds, the transfer of state funds, 83553

and the consolidation of funds, as authorized by this section. The 83554  
Director of Budget and Management may, if necessary, establish 83555  
encumbrances or parts of encumbrances created in fiscal years 2012 83556  
and 2013 in the appropriate fund and appropriation item for the 83557  
same purpose and for payment to the same vendor in fiscal year 83558  
2013. The established encumbrances plus any additional amounts 83559  
determined to be necessary for the OFCC to perform the 83560  
construction, energy, and capital funding operation and related 83561  
management functions of the OSAE are hereby appropriated. 83562

(F) Not later than 30 days after the transfer and 83563  
consolidation of the construction, energy, and capital funding 83564  
operations and related management functions of the OSAE to the 83565  
OFCC, an authorized officer of the OSAE shall certify to the OFCC 83566  
the unexpended balance and location of any funds and accounts 83567  
designated for building and facility operation and management 83568  
functions, and the custody of such funds and accounts shall be 83569  
transferred to the OFCC. 83570

(G) The OFCC and the Department of Natural Resources (DNR) 83571  
shall cooperate in a study to determine which operation functions, 83572  
if any, of the DNR Division of Engineering should be integrated 83573  
and consolidated into the OFCC. The study shall be completed not 83574  
later than December 31, 2012. 83575

**Section 701.70.20.** The Division of Labor in the Department of 83576  
Commerce is hereby renamed the Division of Industrial Compliance 83577  
on the effective date of section 121.04 of the Revised Code, as 83578  
amended by this act. The Division and the Superintendent of 83579  
Industrial Compliance shall have and perform all the duties, 83580  
powers, and obligations of the Division and Superintendent of 83581  
Labor. All rules, actions, determinations, commitments, 83582  
resolutions, decisions, and agreements pertaining to the duties, 83583  
powers, obligations, functions, and rights of the Division or 83584

Superintendent of Labor, in force or in effect on the effective 83585  
date of section 121.04 of the Revised Code, as amended by this 83586  
act, shall continue in force and effect and apply to the Division 83587  
or Superintendent of Industrial Compliance as applicable and 83588  
subject to any further lawful action thereon by the Division or 83589  
Superintendent of Industrial Compliance. Wherever the 83590  
Superintendent of Labor or Division of Labor are referred to in 83591  
any provision of law, or in any agreement or document that 83592  
pertains to those duties, powers, obligations, functions, and 83593  
rights, the reference is to the Superintendent of Industrial 83594  
Compliance or Division of Industrial Compliance, as appropriate. 83595

All authorized obligations and supplements thereto of the 83596  
Superintendent and Division of Labor are binding on the 83597  
Superintendent or Division of Industrial Compliance and nothing in 83598  
this act impairs those obligations or rights or the obligations or 83599  
rights under any contract. The renaming of the Division of Labor 83600  
and Superintendent of Labor does not affect the validity of 83601  
agreements or obligations made by that superintendent or division 83602  
pursuant to Chapters 121., 3703., 3781., 3791., 4104., 4105., and 83603  
4740. of the Revised Code or any other provisions of law. 83604

In connection with the renaming of the Division of Labor, all 83605  
real property and interest therein, documents, books, money, 83606  
papers, records, machinery, furnishings, office equipment, 83607  
furniture, and all other property over which the Superintendent 83608  
and Division of Labor have control and the rights of the 83609  
Superintendent and Division of Labor to enforce or receive any of 83610  
those is automatically transferred to the Superintendent and 83611  
Division of Industrial Compliance without necessity for further 83612  
action on the part of the Superintendent or Division of Industrial 83613  
Compliance, or the Director of Commerce. Additionally, all 83614  
appropriations or reappropriations made to the Superintendent and 83615  
Division of Labor for the purposes of the performance of their 83616

duties, powers, and obligations, are transferred to the 83617  
Superintendent and Division of Industrial Compliance to the extent 83618  
of the remaining unexpended or unencumbered balance thereof, 83619  
whether allocated or unallocated, and whether obligated or 83620  
unobligated. 83621

**Section 729.10.** The amendments to divisions (D)(4) and (5) of 83622  
section 2967.193 of the Revised Code that are made in this act 83623  
apply with respect to the calculation of credit earned by a 83624  
prisoner for programs or activities that the prisoner participates 83625  
in on or after the first day of the calendar month that 83626  
immediately follows the calendar month in which this section takes 83627  
effect. 83628

**Section 737.10. ABOLISHMENT OF THE PUBLIC HEALTH COUNCIL** 83629

On the effective date of this section, the Public Health 83630  
Council is abolished and the responsibilities of the Public Health 83631  
Council are transferred to the Director of Health. 83632

Any business before the Public Health Council commenced but 83633  
not completed before the effective date of this section shall be 83634  
completed by the Director of Health. The business shall be 83635  
completed in the same manner, and with the same effect, as if 83636  
completed by the Director of Health immediately prior to the 83637  
effective date of this section. 83638

No validation, cure, right, privilege, remedy, obligation, or 83639  
liability is lost or impaired by reason of this act's abolishment 83640  
of the Public Health Council and transfer of responsibility to the 83641  
Director of Health. Each such validation, cure, right, privilege, 83642  
remedy, obligation, or liability shall be administered by the 83643  
Director of Health. 83644

All rules, orders, and determinations of the Public Health 83645  
Council adopted or made immediately prior to the effective date of 83646



this section shall continue in effect as rules, orders, and 83647  
determinations of the Director of Health until modified or 83648  
rescinded by the Director of Health. If necessary to ensure the 83649  
integrity of the numbering system of the Administrative Code, the 83650  
Director of the Legislative Service Commission shall renumber the 83651  
rules to reflect the transfer of the Public Health Council's 83652  
responsibilities to the Director of Health. 83653

Any action or proceeding that is related to the functions or 83654  
duties of the Public Health Council pending on the effective date 83655  
of this section is not affected by the transfer and shall be 83656  
prosecuted or defended in the name of the Director of Health. In 83657  
all such actions and proceedings, the Director of Health, on 83658  
application to the court, shall be substituted as a party. 83659

**Section 737.20.** (A) On the effective date of the amendment of 83660  
the statutes governing the Division of Recycling and Litter 83661  
Prevention in the Department of Natural Resources by this act or 83662  
on July 1, 2012, whichever is later, the Division of Recycling and 83663  
Litter Prevention is abolished, and all of its functions, together 83664  
with its assets and liabilities, are transferred from within the 83665  
Department of Natural Resources to within the Environmental 83666  
Protection Agency. 83667

(B) Any business commenced but not completed by the Division 83668  
of Recycling and Litter Prevention in the Department of Natural 83669  
Resources on the effective date of the transfer shall be completed 83670  
by the Environmental Protection Agency. Any validation, cure, 83671  
right, privilege, remedy, obligation, or liability is not lost or 83672  
impaired solely by reason of the transfer required by this section 83673  
and shall be administered by the Environmental Protection Agency 83674  
in accordance with this act. 83675

(C) All of the rules, orders, and determinations of the 83676  
Division of Recycling and Litter Prevention in the Department of 83677

Natural Resources or of the Department of Natural Resources in 83678  
relation to that Division continue in effect as rules, orders, and 83679  
determinations of the Environmental Protection Agency until 83680  
modified or rescinded by the Environmental Protection Agency. If 83681  
necessary to ensure the integrity of the numbering of the 83682  
Administrative Code, the Director of the Legislative Service 83683  
Commission shall renumber rules of the Department of Natural 83684  
Resources in relation to the former Division of Recycling and 83685  
Litter Prevention in that Department to reflect the transfer to 83686  
the Environmental Protection Agency. 83687

(D) Subject to the provisions of the applicable bargaining 83688  
unit agreements, all of the positions of the Division of Recycling 83689  
and Litter Prevention in the Department of Natural Resources are 83690  
transferred to the Environmental Protection Agency. Employees who 83691  
transfer with the positions shall retain their same or 83692  
substantially similar positions and all the benefits accruing 83693  
thereto. Upon completion of the transfer, the employees shall be 83694  
subject to the policies and procedures of the Environmental 83695  
Protection Agency. 83696

(E) Whenever the Division of Recycling and Litter Prevention 83697  
in the Department of Natural Resources or the Chief of the 83698  
Division of Recycling and Litter Prevention is referred to in any 83699  
law, contract, or other document, the reference shall be deemed to 83700  
refer to the Environmental Protection Agency or to the Director of 83701  
Environmental Protection, whichever is appropriate in context. 83702

(F) Any action or proceeding pending on the effective date of 83703  
the amendment of the statutes governing the Division of Recycling 83704  
and Litter Prevention by this act is not affected by the transfer 83705  
of the functions of that Division by this act and shall be 83706  
prosecuted or defended in the name of the Environmental Protection 83707  
Agency. In all such actions and proceedings, the Environmental 83708  
Protection Agency, upon application to the court, shall be 83709

substituted as a party. 83710

**Section 737.30.** The Recycling and Litter Prevention Advisory 83711  
Council created within the Environmental Protection Agency by 83712  
section 3736.04 of the Revised Code, as amended and renumbered by 83713  
this act, is a continuation of the Recycling and Litter Prevention 83714  
Advisory Council created within the Division of Recycling and 83715  
Litter Prevention in the Department of Natural Resources by 83716  
section 1502.04 of the Revised Code prior to its amendment and 83717  
renumbering by this act. 83718

**Section 747.10.10.** (A) The Manufactured Homes Commission 83719  
shall adopt the rules required by section 4781.26 of the Revised 83720  
Code as amended by this act not later than December 1, 2012. After 83721  
adopting the rules, the Commission immediately shall notify the 83722  
Director of Health. 83723

(B)(1) The rules governing manufactured home parks adopted by 83724  
the Public Health Council under former section 3733.02 of the 83725  
Revised Code shall remain in effect in a health district until the 83726  
Commission adopts rules under section 4781.26 of the Revised Code 83727  
as amended by this act. 83728

(2) On the effective date of the rules adopted by the 83729  
Commission as required by section 4781.26 of the Revised Code as 83730  
amended by this act, the Public Health Council rules adopted under 83731  
former section 3733.02 of the Revised Code cease to be effective 83732  
within the jurisdiction of that board of health. 83733

(C) No board of health of a city or general health district 83734  
shall invoice or collect manufactured home park licensing fees for 83735  
calendar year 2013. 83736

(D) As used in this section: 83737

(1) "Manufactured home park," "board of health," and "health 83738  
district" have the same meanings as in section 4781.01 of the 83739

Revised Code, as amended by this act. 83740

(2) "Public Health Council" means the Public Health Council 83741  
created by section 3701.33 of the Revised Code. 83742

**Section 747.10.20.** Any manufactured home park license and 83743  
inspection fees collected pursuant to former section 3733.04 of 83744  
the Revised Code by a board of health prior to the transition of 83745  
the annual license and inspection program to the Manufactured 83746  
Homes Commission as required under this act in the amount of two 83747  
thousand dollars or less may be transferred to the health fund of 83748  
the city or general health district. Any of those funds in excess 83749  
of two thousand dollars shall be transferred to the Manufactured 83750  
Homes Commission Regulatory Fund created in section 4781.54 of the 83751  
Revised Code as enacted by this act. 83752

**Section 747.10.30.** Notwithstanding the original term of the 83753  
appointment, the term of the Manufactured Homes Commission member 83754  
who was appointed by the Governor as a representative of the 83755  
Department of Health pursuant to division (B)(2)(b) of section 83756  
4781.02 of the Revised Code shall end on the effective date of 83757  
that section as amended by this act. The initial term of the 83758  
registered sanitarian appointed to the Manufactured Homes 83759  
Commission pursuant to section 4781.02 of the Revised Code, as 83760  
amended by this act, shall expire on the date when the 83761  
representative of the Department of Health's term would have 83762  
expired, but for this section. 83763

**Section 747.20.10.** On the effective date of the amendments 83764  
made to section 4765.02 of the Revised Code by this act, the 83765  
member of the renamed State Board of Emergency Medical and 83766  
Transportation Services who is a physician certified by the 83767  
American Board of Emergency Medicine or the American Osteopathic 83768  
Board of Emergency Medicine and is active in the practice of 83769

emergency medicine and is actively involved with an emergency 83770  
medical service organization shall cease to be a member of the 83771  
Board. On the effective date of the amendments made to section 83772  
4765.02 of the Revised Code by this act, the member of the renamed 83773  
State Board of Emergency Medical and Transportation Services who 83774  
is a member of the Ohio Ambulance Association shall cease to be a 83775  
member of the Board. On the effective date of the amendments made 83776  
to section 4765.02 of the Revised Code by this act, of the two 83777  
members of the renamed State Board of Emergency Medical and 83778  
Transportation Services each of whom is an Emergency Medical 83779  
Technician-Basic and was appointed to the Board in that capacity, 83780  
only the member who is designated by the Governor to continue to 83781  
be a member of the Board shall continue to be so; the other person 83782  
shall cease to be a member of the Board. On the effective date of 83783  
the amendments made to section 4765.02 of the Revised Code by this 83784  
act, of the three members of the renamed State Board of Emergency 83785  
Medical and Transportation Services each of whom is an Emergency 83786  
Medical Technician-Intermediate and was appointed to the Board in 83787  
that capacity, only the member who is designated by the Governor 83788  
to continue to be a member of the Board shall continue to be so; 83789  
the other two persons shall cease to be members of the Board. 83790

On the effective date of the amendments made to section 83791  
4765.02 of the Revised Code by this act, all members of the former 83792  
State Board of Emergency Medical Services who do not cease to be 83793  
members of the renamed State Board of Emergency Medical and 83794  
Transportation Services by the terms of this act shall continue to 83795  
be members of the renamed State Board of Emergency Medical and 83796  
Transportation Services, and the dates on which the terms of the 83797  
continuing members expire shall be the dates on which their terms 83798  
as members of the former State Board of Emergency Medical Services 83799  
expired. On the effective date of the amendments made to section 83800  
4765.02 of the Revised Code by this act, the following members of 83801

the former Ohio Medical Transportation Board shall become members 83802  
of the State Board of Emergency Medical and Transportation 83803  
Services, and the dates on which those members' terms on the State 83804  
Board of Emergency Medical and Transportation Services expire 83805  
shall be as follows: 83806

(A) The person who owns or operates a private emergency 83807  
medical service organization operating in this state, as 83808  
designated by the Governor, term ends November 12, 2012; 83809

(B) The person who owns or operates a nonemergency medical 83810  
service organization that provides only ambulette services, term 83811  
ends November 12, 2012; 83812

(C) The person who is a member of the Ohio Ambulance 83813  
Association, term ends November 12, 2013; 83814

(D) The person who is a consumer of emergency medical 83815  
services who is not associated with any public or private 83816  
emergency medical service organization, term ends November 12, 83817  
2013; 83818

(E) The person who is a member of the Ohio Association of 83819  
Critical Care Transport and represents air-based services, term 83820  
ends November 12, 2014. 83821

(F) The person who is a member of the Ohio Association of 83822  
Critical Care Transport and represents a ground-based mobile 83823  
intensive care unit organization, term ends November 12, 2014. 83824

All subsequent terms of office for these six positions on the 83825  
State Board of Emergency Medical and Transportation Services shall 83826  
be for three years as provided in section 4765.02 of the Revised 83827  
Code. 83828

**Section 747.20.20.** TRANSFER OF THE MEDICAL TRANSPORTATION 83829  
BOARD TO THE DEPARTMENT OF PUBLIC SAFETY 83830

On July 1, 2012, the Medical Transportation Board and all of 83831

its functions are transferred to the Department of Public Safety. 83832  
As of such date, the Medical Transportation Board shall operate 83833  
under the Department of Public Safety, which shall assume all of 83834  
the Board's functions. All assets, liabilities, any capital 83835  
spending authority related thereto, and equipment and records, 83836  
regardless of form or medium, related to the Medical 83837  
Transportation Board's functions are transferred to the Department 83838  
of Public Safety on July 1, 2012. 83839

No validation, cure, right, privilege, remedy, obligation, or 83840  
liability is lost or impaired by reason of the transfer. All of 83841  
the Medical Transportation Board's rules, orders, and 83842  
determinations continue in effect as rules, orders, and 83843  
determinations of the Department of Public Safety until modified 83844  
or rescinded by the Department of Public Safety. 83845

Subject to the lay-off provisions of sections 124.321 to 83846  
124.328 of the Revised Code, all employees of the Medical 83847  
Transportation Board are transferred to the Department of Public 83848  
Safety and shall retain their positions and all benefits accruing 83849  
thereto. 83850

No action or proceeding pending on July 1, 2012, is affected 83851  
by the transfer and any action or proceeding pending on July 1, 83852  
2012, shall be prosecuted or defended in the name of the 83853  
Department of Public Safety or its director. In all such actions 83854  
and proceedings, the Department of Public Safety or its director, 83855  
upon application to the court, shall be substituted as a party. 83856

On or after July 1, 2012, notwithstanding any provision of 83857  
law to the contrary, the Director of Budget and Management shall 83858  
take any action with respect to budget changes made necessary by 83859  
the transfer. The Director may transfer cash balances between 83860  
funds. The Director may cancel encumbrances and reestablish 83861  
encumbrances or parts of encumbrances as needed in the fiscal year 83862  
in the appropriate fund and appropriation item for the same 83863

purpose and to the same vendor. As determined by the Director, 83864  
encumbrances reestablished in the fiscal year in a different fund 83865  
or appropriation item used by an agency or between agencies are 83866  
appropriated. The Director shall reduce each year's appropriation 83867  
balances by the amount of the encumbrance canceled in their 83868  
respective funds and appropriation item. Any unencumbered or 83869  
unallocated appropriation balances from the previous fiscal year 83870  
may be transferred to the appropriate appropriation item to be 83871  
used for the same purposes, as determined by the Director. Any 83872  
such transfers are hereby appropriated. 83873

**Section 751.10. LICENSURE OF ICFs/MR AS RESIDENTIAL 83874**  
FACILITIES 83875

(A) Until July 1, 2013, a person or government agency that, 83876  
on the effective date of this section, operates an intermediate 83877  
care facility for the mentally retarded pursuant to a nursing home 83878  
license issued under Chapter 3721. of the Revised Code shall not 83879  
be subject to a penalty under section 5123.99 of the Revised Code 83880  
for operating the facility without a license issued under section 83881  
5123.19 of the Revised Code notwithstanding sections 5123.20 and 83882  
5123.99 of the Revised Code. 83883

(B) Notwithstanding the amendments by this act to sections 83884  
3702.62, 3721.01, and 5123.19 of the Revised Code and the repeal 83885  
by this act of section 5123.192 of the Revised Code, an 83886  
intermediate care facility for the mentally retarded that is 83887  
licensed as a nursing home under Chapter 3721. of the Revised Code 83888  
on the effective date of this section shall continue to be a 83889  
nursing home for the purposes for which it is considered to be a 83890  
nursing home under the law in effect on the day immediately 83891  
preceding the effective date of those amendments and that repeal 83892  
until the earliest of the following: 83893

(1) The date that the facility's nursing home license is 83894



revoked or voided under section 3721.07 of the Revised Code; 83895

(2) The date that a residential facility license is obtained 83896  
for the facility under section 5123.19 of the Revised Code; 83897

(3) July 1, 2013. 83898

(C) Notwithstanding the amendment by this act to section 83899  
3721.21 of the Revised Code, a nursing home or part of a nursing 83900  
home certified as an intermediate care facility for the mentally 83901  
retarded on the effective date of this section shall continue to 83902  
be excluded from the definition of "long-term care facility" in 83903  
that section for as long as it is certified as an intermediate 83904  
care facility for the mentally retarded. 83905

(D) Notwithstanding the amendment by this act to section 83906  
3721.50 of the Revised Code, a nursing home or part of a nursing 83907  
home licensed under section 3721.02 or 3721.09 of the Revised Code 83908  
that is certified as an intermediate care facility for the 83909  
mentally retarded on the effective date of this section shall 83910  
continue to be exempt from the franchise permit fee under sections 83911  
3721.50 to 3721.58 of the Revised Code and instead subject to the 83912  
franchise permit fee under sections 5112.30 to 5112.39 of the 83913  
Revised Code for as long as it is certified as an intermediate 83914  
care facility for the mentally retarded. 83915

(E) Notwithstanding the amendment by this act to section 83916  
5123.41 of the Revised Code, a nursing home or part of a nursing 83917  
home that is certified as an intermediate care facility for the 83918  
mentally retarded on the effective date of this section shall 83919  
continue to be a residential facility for the purpose of section 83920  
5123.41 of the Revised Code for as long as it is certified as an 83921  
intermediate care facility for the mentally retarded or is 83922  
licensed under section 5123.19 of the Revised Code. 83923

(F) Notwithstanding the amendment by this act to section 83924  
5126.51 of the Revised Code, a nursing home or part of a nursing 83925

home that is certified as an intermediate care facility for the 83926  
mentally retarded on the effective date of this section shall 83927  
continue to be a residential facility for the purpose of section 83928  
5126.51 of the Revised Code for as long as it is certified as an 83929  
intermediate care facility for the mentally retarded or otherwise 83930  
meets the definition of "residential facility" in section 5123.19 83931  
of the Revised Code. 83932

**Section 751.10.10. ADULT CARE FACILITY LICENSURE TRANSITION** 83933

Pursuant to the amendment and repeal by this act of sections 83934  
5119.22, 5119.70 to 5119.88, and 5119.99 of the Revised Code, the 83935  
Director of Mental Health may convert an adult care facility's 83936  
license in effect immediately before the effective date of this 83937  
section to a license as a residential facility. Until the Director 83938  
converts the license or issues an order denying the conversion, 83939  
the adult care facility's license is deemed to be a residential 83940  
facility license. All rules, orders, and determinations pertaining 83941  
to the adult care facility license continue in effect as rules, 83942  
orders, and determinations pertaining to the residential facility 83943  
license. 83944

**Section 751.20.** The amendments by this act to Section 3 of 83945  
Am. Sub. S.B. 38 of the 120th General Assembly eliminate the 83946  
exemptions from the requirements of sections 3701.881 and 5126.28 83947  
of the Revised Code that Section 3 of that act gave to persons 83948  
who, before October 29, 1993, were employed or had applied for 83949  
employment in positions covered by sections 3701.881 and 5126.28 83950  
of the Revised Code. The amendments by this act to Section 3 of 83951  
Am. Sub. S.B. 160 of the 121st General Assembly eliminate the 83952  
exemptions from the requirements of sections 173.41 (as 83953  
subsequently renumbered as 173.394) and 3701.881 of the Revised 83954  
Code that Section 3 of that act gave to persons who, before 83955  
January 27, 1997, were employed or had applied for employment in 83956

positions covered by sections 173.41 (173.394) and 3701.881 of the Revised Code. The exemptions are eliminated in conjunction with this act's amendments to sections 173.394, 3701.881, and 5123.081 of the Revised Code and the repeal of section 5126.28 of the Revised Code so that the Directors of Aging, Health, and Developmental Disabilities may adopt rules under those amended sections to make persons formerly exempt from the requirements of sections 173.394, 3701.881, and 5126.28 of the Revised Code subject to the requirements of sections 173.394, 3701.881, and 5123.081 of the Revised Code.

**Section 753.10.** (A) Pursuant to section 5911.10 of the Revised Code, the Governor is authorized to execute a deed in the name of the state, conveying to a purchaser or purchasers to be determined in the manner provided in division (E) of this section, and the purchaser or purchaser's successors and assigns or heirs and assigns, all of the state's right, title, and interest in the following described parcels of real estate, associated with the Marion Armory, the Eaton Armory, and the Eaton MVSB, that the Adjutant General has determined are no longer needed by the Ohio National Guard for armory or military purposes:

(1) Marion Armory property:

Situate in the State of Ohio, County of Marion and Township of Claridon, and being a part of the south half of Section No. 18 and part of the north half of Section No. 19 in Township 5 South, Range 16 East, more particularly described as follows;

Beginning at an Iron Pipe in the center of U. S. Highway No. 30, said Pipe being 71 feet northeasterly of the North-South half Section Line of aforesaid Section No. 18 and Three Thousand Eight Hundred Two (3,802') feet northeasterly (measured along the center line of U. S. Highway No. 30) from the center of Pole Lane Road

(Marion County Road No. 174) and the west line of aforesaid 83987  
Section No. 19. Said beginning point also being on the North 83988  
boundary line of the Marion Engineer Depot Land and at the 83989  
northeast corner of the herein described parcel of land; 83990  
Thence leaving the center line of said Highway and the north 83991  
boundary line of Engineer Depot Land and bearing South 24 degrees 83992  
30 minutes East, on a line parallel to and 50 feet westerly 83993  
(measured perpendicularly) from the center line of First Street in 83994  
the Marion Engineer Depot, a distance of One Thousand Two Hundred 83995  
Thirty-Six and Four tenths feet (1236.4') to an Iron Pipe; 83996  
Thence South 14 degrees 10 minutes East along the west bank of an 83997  
open ditch (crossing the main R. R, track of the Engineer Depot at 83998  
402 feet) a distance of Four Hundred Seventy-Four and Five-tenths 83999  
feet (474.5') to a U. S. government concrete survey monument at a 84000  
corner in the south and west boundary line of the Engineer Depot 84001  
Land; 84002  
Thence following the Southerly boundary line of the Engineer Depot 84003  
Land the following courses and distances; 84004  
North 79 degrees 53 minutes West a distance of Eight Hundred Four 84005  
feet (804') to a U. S. Government concrete survey monument; 84006  
Thence North 71 degrees 38 minutes West a distance of One Thousand 84007  
One Hundred Sixty-One feet (1161') to an Iron Pipe; 84008  
Thence North 8 degrees 30 minutes West (crossing the Main R. R. 84009  
track of the Engineer Depot) a distance of One Hundred 84010  
Twenty-Three and Eighty-five hundredths feet (123.85') to an Iron 84011  
Pipe; 84012  
Thence Easterly and Northerly along a survey line established by 84013  
Marion County Engineers, July 1963, the following courses and 84014  
distances; 84015  
South 88 degrees 10 minutes East One Hundred Thirty-Seven and 84016

Two-tenths feet (137.2') to an Iron Pipe; 84017

Thence North 73 degrees 22 minutes East Three Hundred Twenty-Four 84018  
and seventy-five hundredths feet (324.75') to an Iron Pipe; 84019

Thence North 65 degrees 28 minutes East Five Hundred Thirteen and 84020  
Seven tenths feet (513.7') to an Iron Pipe; 84021

Thence North 8 degrees 30 minutes West Five Hundred Sixty-five and 84022  
Five-tenths feet (565.5') to an Iron Pipe in the center of 84023  
aforesaid U. S. Highway No. 30 and the North Boundary Line of 84024  
Marion Engineer Depot Land; 84025

Thence North 81 degrees 30 minutes East along the center line of 84026  
U. S. Highway 30 and north boundary line of the Engineer Depot 84027  
Land One Hundred Forty-one and two tenths feet (141.2') to an Iron 84028  
Pipe at the P. C. (point of beginning) of a Three degree curve to 84029  
the left; 84030

Thence along the arc of said Three degree curve (radius 1910 feet, 84031  
tangent 267 feet, central angle 16 degrees) a distance of Three 84032  
Hundred Twenty-One (321) feet to an Iron Pipe in the center of 84033  
aforesaid U. S. Highway No. 30 and the Point of Beginning, 84034  
containing Thirty-Two and Naught Sixty-Two Thousandths acres 84035  
(32.062); more or less. Subject to any and all existing easements, 84036  
licenses, etc., recorded or unrecorded, for public highways, 84037  
roads, railroads, pipelines, drainage, sewer mains, and public 84038  
utilities, if any. 84039

Subject to the following specific conditions, restrictions, 84040  
easements and reservations to the United States of America, and 84041  
its assigns, as referenced in the deed from the United States of 84042  
America, acting by and through the Administrator of General 84043  
Services to the State of Ohio and recorded in Deed Book 405, Page 84044  
17, in the Recorder's Office, Marion County, Ohio: 84045

1. Title to the Railroad Tracks traversing the above-described 84046  
property and serving the Marion Engineer Depot; together with 84047

perpetual easements for rights-of-way, and the right of ingress 84048  
and egress thereto at all times over and through the 84049  
above-described property to use, maintain, repair, renew, relocate 84050  
or remove all or any portion of said railroad tracks or any of the 84051  
appurtenances, over, across, in and upon premises in question, and 84052  
described as follows: 84053

Situate in the State of Ohio, County of Marion, and Township of 84054  
Claridon, and being a part of the South half of Section No. 18 and 84055  
a part of the north half of Section No. 19 in Township 5 South, 84056  
Range 16 East. 84057

Easement for Main Railroad Track to Marion Engineer Depot – being 84058  
a strip of land Thirty (30') feet in width, with Fifteen (15) feet 84059  
lying on each side of the centerline of said main Railroad track. 84060  
The course of the centerline of said track is described as 84061  
follows: 84062

Beginning at a point on the west boundary line of aforesaid Parcel 84063  
No. 3, said point being North 8° 30' West 75.5 feet from the 84064  
Southwest corner of said Parcel No. 3; 84065

Thence South 75° 15' East and on the centerline of aforesaid Main 84066  
Railroad track a distance of Sixteen Hundred Ninety-one feet 84067  
(1691') to a point; 84068

Thence South 75° 50' East, Two Hundred Fifty-four feet (254') to a 84069  
point on the East Boundary Line of aforesaid Parcel No. 3. Said 84070  
point being North 14° 10' West 94.5 feet from the South East 84071  
corner of aforesaid Parcel No. 3. 84072

Also, an Easement for Railroad Track No. 3 to Marion Engineer 84073  
Depot: Being a strip of land thirty feet (30') in width, with 84074  
fifteen feet (15') lying on each side of the centerline of said 84075  
Railroad track No. 3. 84076

The course of the center line of said Track No. 3 is described as 84077  
follows; 84078

Beginning at a point on the East Boundary Line of aforesaid Parcel 84079  
No. 3 and on the center line of said Railroad track No. 3. Said 84080  
beginning point being 64 feet North of the center line of B Avenue 84081  
and 50 feet west of the center line of 1st Street in Marion 84082  
Engineer Depot; 84083

Thence Southwesterly on the center line of said Railroad track No. 84084  
3, One Hundred Thirty feet (130') to the (P. S.) point of Switch 84085  
for track No. 3 at track No. 4 to Marion Engineer Depot. 84086

Also, an Easement for Railroad Track No.4 to Marion Engineer 84087  
Depot. Being a strip of land thirty feet (30') in width, with 84088  
fifteen (15') feet lying on each side of the center line of said 84089  
Railroad Track No. 4. 84090

The course of the center line of said Rail road Track No. 4 is 84091  
described as follows: 84092

Beginning at a point on the East Boundary Line of aforesaid Parcel 84093  
No. 3 and on the center line of aforesaid Railroad track No. 4; 84094  
said point being 51 feet North of the center line of B Avenue and 84095  
50 feet West of the center line of 1st Street in Marion Engineer 84096  
Depot; 84097

thence South 65° 30' West on the center line of aforesaid Railroad 84098  
Track No. 4 a distance of One Thousand One Hundred Eighty feet 84099  
(1180') to the (P. C.) Point of beginning of a 10 degree curve to 84100  
the right; 84101

Thence along the arc of said curve and on the center line of 84102  
aforesaid Track No. 4 a distance of Four Hundred Ten feet (410') 84103  
to a point on the West Boundary line of aforesaid Parcel No. 3. 84104  
Said point being 84 feet North 8° 30' West from the South West 84105  
corner of said Parcel No. 3. 84106

Also, an Easement for Railroad Track No. 5 to Marion Engineer 84107  
Depot. Being a strip of land Thirty feet (30') in width, with 84108  
Fifteen feet (15') lying on each side of the center line of said 84109

Railroad Track No. 5; 84110

The course of the center line of Said Track No. 5 is described as 84111  
follows: 84112

Beginning at a point on the East Boundary Line of aforesaid Parcel 84113  
No. 3 and on the center line of aforesaid Railroad Track No. 5. 84114  
Said point being 40 feet South of the center line of B. Avenue and 84115  
50 feet West of the center line of 1st Street in Marion Engineer 84116  
Depot; 84117

Thence South 79° West on the center line of aforesaid Railroad 84118  
Track No. 5 a distance of Three Hundred feet (300') to the (P. C.) 84119  
Point of Curve to the left; 84120

Thence along the arc of said curve and on the center line of said 84121  
Railroad Track No. 5, One Hundred sixty-one feet (161') to (P. S.) 84122  
Point of Switch for Track No. 5 at Track No. 4 to Marion Engineer 84123  
Depot. 84124

Also, an Easement for Railroad Track No. 7 to Marion Engineer 84125  
Depot. Being a strip of land Thirty (30) feet in width, with 84126  
Fifteen (15) feet lying on each side of the center line of said 84127  
Railroad Track No. 7. 84128

The course of the center line of said Track No. 7 is described as 84129  
follows: 84130

Beginning at a point on the East Boundary Line of aforesaid Parcel 84131  
No. 3 and on the center line of aforesaid Railroad Track No. 7. 84132  
Said point being 86 feet south of the center line of C Avenue and 84133  
50 feet West of the center line of 1st Street in Marion Engineer 84134  
Depot. 84135

Thence South 65° 30' West on the center line of aforesaid Railroad 84136  
Track No. 7 a distance of Seven Hundred Sixty-six (766) feet to 84137  
the (P. C.) Point of Beginning of a 10 degree curve to the right; 84138

Thence along the arc of said curve and on the center line of 84139



aforesaid Railroad Track No. 7 a distance of Three Hundred 84140  
Ninety-eight feet (398') to the (P.S.) Point of Switch for Track 84141  
No. 7 at the Main Railroad track to Marion Engineer Depot. 84142

Also, an Easement for Railroad Track No. 8 to Marion Engineer 84143  
Depot. Being a strip of and Thirty feet (30') in width, with 84144  
Fifteen feet (15') lying on each side of the center line of said 84145  
Railroad Track No. 8. The course of the center line of said Track 84146  
No. 8 is described as follows: 84147

Beginning at a point on the East Boundary Line of aforesaid Parcel 84148  
No. 3 and on the center line of aforesaid Track No. 8, said point 84149  
being 106 feet south of the center line of C Avenue and 50 feet 84150  
west of the center line of 1st Street in Marion Engineer Depot; 84151

Thence South 65° 30' West on the center line of aforesaid Railroad 84152  
Track No. 8 a distance of Six Hundred Forty-four feet (644') to 84153  
the (P. C.) Point of Curve to the right; 84154

Thence along the arc of said curve and on the center line of said 84155  
Railroad Track No. 8 a distance of One Hundred Ninety feet (190') 84156  
to the (P. S.) Point of Switch for Track No. 8 at Track No. 7 to 84157  
Marion Engineer Depot. 84158

Also, an Easement for Railroad Track No. 9 to Marion Engineer 84159  
Depot. Being a strip of: land Thirty feet (30') in width, with 84160  
Fifteen feet (15') lying on each side of the center line of said 84161  
Railroad Track No. 9. 84162

The course of the center line of said Track No. 9 is described as 84163  
follows: 84164

Beginning at a point on the East Boundary line of aforesaid Parcel 84165  
No. 3 and on the center line of aforesaid Railroad Track No. 9. 84166  
Said point being 106 feet North of the center line of D Avenue and 84167  
50 feet West of the center line of 1st Street in Marion Engineer 84168  
Depot; 84169

Thence South 65° 30' west on the center line of aforesaid Railroad Track No. 9 a distance of Five Hundred Forty-seven feet (547') to the (P. C.) Point of Beginning of a 10 degree curve to the right; Thence along the arc of said curve and on the center line of aforesaid Railroad Track No. 9 a distance of Three Hundred Eighty-five feet (385') to the (P. S.) Point of Switch for Track No. 9 at the Main Railroad Track to the Marion Engineer Depot. Also, an Easement for Railroad Track No. 10 in Marion Engineer Depot. Being a strip of land Thirty (30) feet in width, with Fifteen (15) feet lying on each side of the center line of said Railroad Track No. 10, The course of the center line of said Track No. 10 is described as follows: Beginning at a point on the East Boundary line of aforesaid Parcel No. 3 and on the center line of aforesaid Track No. 10. Said point being 86 feet North of the center line of D Avenue and 50 feet west of the center line of 1st Street in Marion Engineer Depot; Thence South 65° 30' West on the center line of aforesaid Railroad Track No. 10 a distance of Two Hundred Eighty-five (285) feet to the (P. C.) Point of beginning of a 3 degree curve to the right; Thence along the arc of said curve and on the center line of said Railroad Track No. 10 a distance of Three Hundred Fifteen (315) feet to the (P. S.) Point of Switch for Track No. 10 at track No. 9 to the Marion Engineer Depot. 2. The right to use the existing water service line traversing the above-described property and serving the Marion Engineer Depot, and described as follows: Situate in the State of Ohio, County of Marion and Township of Claridon, and being a part of the North half of Section No. 19 in Township 5 South, Range 16 East, and being a strip of land Thirty (30) feet in width, (15 feet on each side of the center line of aforesaid water service line traversing aforesaid Parcel No. 3).

The course of said center line is described as follows: 84201

Beginning at a point on the West boundary line of aforesaid Parcel 84202  
No. 3, said point being North 8° 30' East forty-four (44) feet 84203  
from the south west corner of aforesaid Parcel No. 3; 84204

Thence South 75°15' East, One Thousand Two Hundred Seventy (1270) 84205  
feet more or less to an angle in aforesaid water service line; 84206

Thence North 65° 30' East (passing under the main R. R. track to 84207  
Engineer Depot at about 50 feet) Two Hundred Seventy (270) feet to 84208  
an angle in said water service line; 84209

Thence North 86° East Seventy-five (75) feet, more or less, to an 84210  
angle in said water service line; 84211

Thence North 65° 30' East One Hundred Thirty (130) feet, more or 84212  
less, to an angle in said water service line; 84213

Thence North 42° East Seventy-five (75) feet, more or less, to an 84214  
angle in said water service line; 84215

Thence North 65° 30' East, sixty-five (65) feet, more or less, to 84216  
a point in the East Boundary line of aforesaid Parcel No. 3, said 84217  
point being 50 feet west of the center line of 1st Street and 84218  
about 31 feet south of the center line of D Avenue in Marion 84219  
Engineer Depot. 84220

3. The right to use the electric power lines and poles along U. S. 84221  
Highway No. 30S, which traverse premises in question and service 84222  
the Marion Engineer Depot, and described as follows: 84223

Situate in the State of Ohio, County of Marion and Township of 84224  
Claridon, and being a part of the South half of Section No. 18 in 84225  
Township 5 south, Range 16 East, and being the South half (30 feet 84226  
in width) of the 60 foot Right of way of aforesaid U. S. Highway 84227  
No. 30S and extending along the north side of aforesaid Parcel No. 84228  
3, and is described as follows: 84229

Beginning at the most northern Northwest corner of said Parcel No. 84230

3 and on the center line of aforesaid Highway No. 30S; 84231

Thence North 81° 30' East, along the center line of said Highway, 84232  
a distance of One Hundred Forty One and Two Tenths (141.2) feet to 84233  
the P. C. (Point of beginning) of a 3 degree curve to the left; 84234

Thence Northeasterly on the arc of said curve and on the center 84235  
line of said U. S. Highway 30S a distance of Three Hundred 84236  
Twenty-one (321) feet to the North East corner of aforesaid Parcel 84237  
No. 3; 84238

Thence South 24° 30' East, along the East boundary line of said 84239  
Parcel No. 3, a distance of Thirty (30) feet to a point on the 84240  
south Right of Way line of aforesaid U. S. Highway 30S; 84241

Thence Southwesterly along said Right of Way line, concentric to 84242  
and 30 feet distant from the center line of U. S. Highway No. 30S, 84243  
a distance of Three Hundred Thirty (330) feet to a Highway Right 84244  
of Way monument; 84245

Thence continuing along said Right of Way line, South 81° 30' 84246  
West, One Hundred Forty-one and Two tenths (141.2) feet to a point 84247  
in the West boundary line of aforesaid Parcel No. 3; 84248

Thence North 8° 30' West along said boundary line, a distance of 84249  
Thirty (30) feet to the point of beginning. 84250

4. The right to use the existing sanitary sewer lines, storm 84251  
sewers, and appurtenances thereto traversing premises in question 84252  
and servicing the Marion Engineer Depot. 84253

(2) Eaton Armory property: 84254

Situated in the County of Preble, State of Ohio, and in the 84255  
Village of Eaton, Ohio, and bounded and described as follows, to 84256  
wit: Being One Hundred and Forty-five (145) feet taken evenly off 84257  
the North end of Lots Numbered Two Hundred and Seventy-three and 84258  
Two Hundred and Seventy-four, as the same are known and designated 84259  
on the Recorded Plat of the Village of Eaton, Ohio. 84260

(3) Eaton MVSB property: 84261

Tract 1 84262

Situated in the Northwest Quarter of Section Two (2), Township 84263  
Seven (7) North, Range Two (2) East, City of Eaton, Washington 84264  
Township, Preble County, Ohio, being part of a 5.86 acre tract, 84265  
which is part of OutLot 153, as described in Deed Records Volume 84266  
256, Page 311, in the office of the Preble County Recorder, and 84267  
being more particularly described as follows: 84268

Commencing at the intersection of the south line of St. Clair 84269  
Street, and the west line of Nation Avenue, said intersection also 84270  
being the northeast corner of Lot 1943; 84271

thence North 89° 02' 05" West 100.00 feet along the south line of 84272  
St. Clair Street, to the northwest corner of Lot 1943, being the 84273  
TRUE POINT OF BEGINNING for the tract herein described, witness an 84274  
iron pipe found South 2° 16' 50" East 0.69 feet; 84275

thence South 00° 08' 01" West 251.41 feet along the west line of 84276  
Lot 1943 and the west line of a tract described in Deed Records 84277  
Volume 372, Page 495, to an iron pin set, witness an iron pin in 84278  
concrete found, North 89° 20' 28" East 2.95 feet; 84279

thence North 89° 02' 05" West 131.00 feet along the north line of 84280  
OutLot 154 as described in Deed Records Volume 195, Page 450, to 84281  
an iron pin set, witness an iron pin in concrete found South 75° 84282  
17' 45" East 3.13 feet; 84283

thence South 00° 07' 57" West 376.68 feet along the west line of 84284  
OutLot 154, to a point, witness an iron pin in concrete found 84285  
South 82° 38' 03" East 073 feet; 84286

thence North 88° 55' 44" West 155.36 feet along the north line of 84287  
a tract described in Deed Records Volume 115, Page 169, to the 84288  
centerline of the Norfolk and Western railroad, witness a railroad 84289  
spike found South 88° 55' 44" East 33.47 feet; 84290

thence North 10° 18' 54" West 512.14 feet along said [ centerline, 84291  
to a point, witness an iron pin set South 89° 21' 15" East 33.61 84292  
feet; 84293

thence South 89° 21' 15" East 169.93 feet along the south line of 84294  
OutLot 155 as described in Deed Records Volume 320, Page 787, said 84295  
south line being 40.15 feet south of and parallel with the south 84296  
line of the main building of the former Washington Motor Building, 84297  
to an Iron pin set, witness a railroad spike found North 39° 33' 84298  
05" West 2.47 feet; 84299

thence North 00° 03' 49" West 124.56 feet along the east line of 84300  
OutLot 155, said east line being 40.00 feet east of and parallel 84301  
with the east line of said building, to a point, witness a 84302  
railroad spike found South 89° 44 11" West 0.17 feet; 84303

thence South 89° 02' 05" East 209.73 feet along the south line of 84304  
St. Clair Street, to the point of beginning, containing 3.311 84305  
acres, more or less, being subject to legal easements of record. 84306

Bearings for the above description are based upon the south line 84307  
of the northeast quarter (North 89° 56' 20" East), per State Plane 84308  
Coordinates System per Kramer & Associates, Drawing D-057. 84309

Iron pins set in the above description are 5/8 inch by 30 inch 84310  
reinforcing rod, with aluminum cap stamped "Kramer, Eaton, 84311  
Richmond." 84312

Surveyed and prepared by Douglas E. Kramer, Registered Surveyor 84313  
#6329 on February 15, 1994, as shown on Drawing D-651, by Kramer a 84314  
Associates, Eaton, Ohio and RIchmond, Indiana. 84315

Prior Instrument References: Volume 378, Page 768 and Volume 393 84316  
Page 440 of the Deed Records of the Preble County, Ohio Recorder. 84317

Parcel No.: M40000608301006000 84318

Tract 2 84319

Being a tract of land situated in the northwest quarter of Section 84320

No. 2, Township 7, Range 2 East (Washington Township, Preble County, Ohio) and described as follows, to wit: 84321  
84322

Beginning at a stone on the south line of Public Lane Street, and 84323  
309.30 feet west of the west line of Nation Avenue (or Short 84324  
Street) of the Village of Eaton, in the said County, 84325

thence South 41' East 122.65 feet with a line 40 feet east and 84326  
parallel with the east end of the Washington Motor Building, to a 84327  
stake 40 feet east and 40.15 feet south of the south east corner 84328  
of the water table of said building, 84329

thence North 85°45' West 169.10 feet with a line 40.15 feet south 84330  
and parallel with the south line of the main building of said 84331  
Motor Company to the center of the P.C. C. & St. L. Railway, 84332

thence North 10°55' West 124.90 feet with the center of said 84333  
railroad to the south line of said Public Lane. 84334

Thence South 89°45' East 192.66 feet with the south line of said 84335  
Public Lane to the place of Beginning, containing 0.509 of an acre 84336  
of land, subject to the right of way of said railroad. 84337

Parcel No.: M40000608301009000 84338

The Director of Administrative Services may adjust the legal 84339  
descriptions to accommodate any corrections deemed necessary to 84340  
facilitate recordation of the deed. 84341

(B) The deed for the Marion Armory property shall contain the 84342  
following requirement: The grantee shall maintain all existing 84343  
utility lines, which include the water service line, sanitary 84344  
sewer lines, storm sewer lines, electric pole and power lines, and 84345  
appurtenances thereto, that traverse the property and service the 84346  
Marion Engineer Depot. The grantee shall bear the entire cost of 84347  
maintenance of the utilities. 84348

(C) If a parcel is sold to a municipal corporation, township, 84349  
or county and that political subdivision sells the parcel within 84350

two years after its purchase, the political subdivision shall pay 84351  
to the state, for deposit into the state treasury to the credit of 84352  
the Armory Improvements Fund pursuant to section 5911.10 of the 84353  
Revised Code, an amount representing one-half of any net profit 84354  
derived from that subsequent sale. The net profit shall be 84355  
computed by first subtracting the price at which the political 84356  
subdivision bought the parcel from the price at which the 84357  
political subdivision sold the parcel, and then subtracting from 84358  
that remainder the amount of any expenditures the political 84359  
subdivision made for improvements to the parcel. 84360

(D) At the request of the Adjutant General, the Department of 84361  
Administrative Services shall, pursuant to the procedures 84362  
described in division (e) of this section, assist in the sale of 84363  
any of the parcels. 84364

(E) The Adjutant General's Department shall appraise the 84365  
parcels or have them appraised by one or more disinterested 84366  
persons for a fee to be determined by the Adjutant General. The 84367  
Adjutant General shall offer the parcels for sale in their "as is" 84368  
condition as follows: 84369

(1) The Adjutant General first shall offer a parcel for sale 84370  
at its appraised value to the municipal corporation or township in 84371  
which it is located. 84372

(2) If, after sixty days, the municipal corporation or 84373  
township has not accepted the Adjutant General's offer to sell the 84374  
parcel at its appraised value or has accepted the offer but has 84375  
failed to complete the purchase, the Adjutant General shall offer 84376  
the parcel at its appraised value to the county in which it is 84377  
located. 84378

(3) If, after sixty days, the county has not accepted the 84379  
Adjutant General's offer to sell the parcel at its appraised value 84380  
or has accepted the offer but has failed to complete the purchase, 84381



the Adjutant General shall, in concert with the Department of 84382  
Administrative Services, arrange a public auction, and the parcel 84383  
shall be sold to the highest bidder at a price acceptable to the 84384  
Adjutant General. The Adjutant General may reject any and all bids 84385  
through the auctioneer. 84386

The Adjutant General shall advertise each public auction in a 84387  
newspaper of general circulation within the county in which the 84388  
parcel is located, once a week for three consecutive weeks prior 84389  
to the date of the auction. The terms of sale of the parcel 84390  
pursuant to the public auction shall be payment of ten per cent of 84391  
the purchase price in cash, bank draft, or certified check on the 84392  
date of sale, with the balance payable within sixty days after the 84393  
date of sale. A purchaser who does not timely complete the 84394  
conditions of the sale shall forfeit to the state the ten per cent 84395  
of the purchase price paid on the date of the sale as liquidated 84396  
damages. 84397

Should a purchaser not complete the conditions of sale as 84398  
described herein, the Adjutant General and its auctioneer is 84399  
authorized to accept the next highest bid from the auction by 84400  
collecting ten per cent of the purchase price from the secondary 84401  
bidder and proceed to close the sale, so long as the secondary bid 84402  
meets all other criteria provided for in this division. 84403

(F) Advertising costs, appraisal fees, and other costs of the 84404  
sale of the parcels shall be paid by the Adjutant General's 84405  
Department. 84406

(G) Upon the payment of ten per cent of the purchase price of 84407  
a parcel in accordance with division (E)(3) of this section or 84408  
upon notice from the Adjutant General's Department that a parcel 84409  
has been sold to a municipal corporation, township, or county in 84410  
accordance with division (E)(1) or (2) of this section, the Auditor 84411  
of State, with the assistance of the Attorney General, shall 84412  
prepare a deed for that parcel. The deed shall state the 84413

consideration and any applicable requirements. The deed shall be 84414  
executed by the Governor in the name of the state, countersigned 84415  
by the Secretary of State, sealed with the Great Seal of the 84416  
State, and presented for recording in the Office of the Auditor of 84417  
State. The deed shall be delivered to the buyer at closing when 84418  
the balance of the purchase price is collected by the state. The 84419  
buyer shall present the deed for recording in the office of the 84420  
county recorder of the county in which the parcel is located. 84421

(H) The net proceeds of the sale of the parcels shall be 84422  
deposited into the state treasury to the credit of the Armory 84423  
Improvements Fund pursuant to section 5911.10 of the Revised Code. 84424

(I) This section expires five years after its effective date. 84425

**Section 753.20.** (A) The Governor is authorized to execute a 84426  
deed in the name of the state conveying to the City of Defiance 84427  
(the "grantee"), and its successors and assigns, all of the 84428  
state's right, title, and interest in the following described real 84429  
estate: 84430

A tract of land lying in Defiance County, State of Ohio, Township 84431  
of Defiance, and known as a part lot 34 of the Auditors Plat of 84432  
Lots between the Maumee and Auglaize Rivers, being known as the 84433  
State Fish Hatchery Grounds. Being part southeast quarter (SE ¼) 84434  
of Section twenty-seven (27), Township four (4) North, Range four 84435  
(4) East, and being more particularly described as follows: 84436

Commencing at a point being the centerline at the southerly end of 84437  
the Miami and Erie Canal Lock No. 34; thence South 48°-06'-00"West 84438  
a distance of four hundred twenty-nine and one tenth (429.10) 84439  
feet, to a point; thence North 41°- 54'-00" West a distance of 84440  
five hundred seven and sixty-nine hundredths (507.69) feet to an 84441  
iron pin, said iron pin being the true point of beginning; thence 84442  
North 48°-06'-00" East a distance of four hundred twenty-nine and 84443  
ten hundredths (429.10) feet to an iron pin; thence South 84444

41°-54'00" East a distance of one hundred fifty and thirty-nine 84445  
hundredths (150.39) feet to an iron pin, said iron pin being on 84446  
the northerly right-of-way line of South Jackson Street; thence 84447  
North 46°-52'00" East along said northerly right-of-way line a 84448  
distance of one hundred ninety-one and twenty seven hundredths 84449  
(191.27) feet to an iron pin; thence North 16°-58'00" West a 84450  
distance of three hundred ninety-two and one hundredths (392.01) 84451  
feet to an iron pin; thence North 19°-56'-00" West a distance one 84452  
hundred ninety-one and sixty-five hundredths (191.65) feet to an 84453  
iron pin; thence North 00°-57'-00" West a distance of one hundred 84454  
four and no hundredths (104.00) feet to an iron pin; thence North 84455  
21°-23'-00" West a distance of three hundred forty-six and 84456  
twenty-five hundredths (346.25) feet to an iron pin, said point 84457  
being on the southerly right-of-way line of the Norfolk and 84458  
Western Railroad right-of-way line, being a curve 0°-30'-00" 84459  
right, South 68°-25'-15" West, a cord distance of four hundred 84460  
seventy-nine and seventy-four hundredths (479.74) feet to an iron 84461  
pipe; thence leaving the said southerly Norfolk and Western 84462  
Railroad right-of-way line, South 2°-39'-00" West, a distance of 84463  
eight hundred fifty and eighty-six hundredths (850.86) feet to an 84464  
iron pipe; thence South 41°-54'-00" East a distance of three 84465  
hundred fifty and two hundredths (350.02) feet to the above 84466  
mentioned true point of beginning. It being the intent of this 84467  
instrument to convey jurisdiction of that portion of land which is 84468  
presently occupied by the city of Defiance - Parks Department, and 84469  
containing fifteen and thirty-two hundredths (15.32) acres more or 84470  
less, subject to existing easements, restrictions and right-of-way 84471  
of record. 84472

Being part of Tax I.D. Parcel No. B110027001601. 84473

Note: All bearings used herein are assumed for descriptive 84474  
purposes only and are not referenced to true or magnetic North. 84475

(B) Consideration for conveyance of the real estate shall be 84476

\$90,000, as derived by mutual agreement reached between the state 84477  
and the grantee through an executed Offer to Purchase. Of this 84478  
amount, \$20,000 shall be paid at closing and transfer of title, 84479  
and \$70,000 shall be credited at closing for tenant improvements 84480  
the grantee has made to the real estate. 84481

(C) The real estate shall be sold as an entire tract and not 84482  
in parcels. 84483

(D) Prior to the execution of the deed, possession of the 84484  
real estate shall be governed by an existing interim lease between 84485  
the Department of Administrative Services and the grantee. 84486

(E) The grantee shall pay the costs of the conveyance, 84487  
including recordation costs of the deed. 84488

(F) Upon payment of the purchase price, the Auditor of State, 84489  
with the assistance of the Attorney General, shall prepare a deed 84490  
to the real estate. The deed shall state the consideration. The 84491  
deed be executed by the Governor in the name of the state, 84492  
countersigned by the Secretary of State, sealed with the Great 84493  
Seal of the State, presented in the Office of the Auditor of State 84494  
for recording, and delivered to the grantee. The grantee shall 84495  
present the deed for recording in the Office of the Defiance 84496  
County Recorder. 84497

(G) The net proceeds of the sale of the real estate shall be 84498  
deposited in the state treasury to the credit of the Armory 84499  
Improvements Fund pursuant to section 5911.10 of the Revised Code. 84500

(H) This section expires one year after its effective date. 84501

**Section 753.30.** (A) The Governor is authorized to execute a 84502  
deed in the name of the state conveying to the Spanish War Veteran 84503  
Association (the "grantee"), Erie County, Ohio, and its successors 84504  
and assigns, all of the state's right, title, and interest in the 84505  
following described real estate: 84506

Situated in the Third Section of Vermilion Township, County of Erie and State of Ohio: 84507  
84508

Being a part of Lot. No. 33 in the Third Section of Vermilion Township, Erie County, Ohio, lying north of the Cleveland-Sandusky Road and more fully described as follows: 84509  
84510  
84511

Beginning at a point in the center line of the Cleveland-Sandusky Road (I.C.H. No. 3) said point being 137 feet westerly from the intersection of said Cleveland-Sandusky Road and the east line of Lot No. 33; 84512  
84513  
84514  
84515

Thence westerly along the center line extended of the said Cleveland-Sandusky Road 263 feet to a point; 84516  
84517

Thence in a northwesterly direction along a line at right angles to the said center line extended of the said Cleveland-Sandusky Road 243 feet to a point in the waters of Lake Erie; 84518  
84519  
84520

Thence in an easterly direction and parallel to the said center line of the Cleveland-Sandusky Road to a point in the waters of Lake Erie; 84521  
84522  
84523

Thence southerly along a line parallel to the east line of Lot No. 33 to the place of beginning, excepting the south 81.6 feet as measured at right angles from the center line of the Cleveland-Sandusky Road. 84524  
84525  
84526  
84527

Parcel No.: 12-61002.000 84528

The Director of Administrative Services may adjust the legal description to accommodate any corrections necessary to facilitate recordation of the deed. 84529  
84530  
84531

(B) Consideration for conveyance of the real estate is the purchase price of \$10. 84532  
84533

(C) The real estate was originally conveyed to the state of Ohio in 1934 to qualify for a federal Works Projects Administration erosion and tidal wave mediation project. Once the 84534  
84535  
84536

construction project was completed, the state was to have returned 84537  
title to this property to the Spanish War Veteran Association. The 84538  
intent of this section is to correct this oversight. 84539

(D) The grantee shall pay all costs associated with the 84540  
conveyance, including recordation costs of the deed. 84541

(E) Upon payment of the purchase price, the Auditor of State, 84542  
with the assistance of the Attorney General, shall prepare a deed 84543  
to the real estate. The deed shall state the consideration. The 84544  
deed shall be executed by the Governor in the name of the state, 84545  
countersigned by the Secretary of State, sealed with the Great 84546  
Seal of the State, presented in the Office of the Auditor of State 84547  
for recording, and delivered to the grantee. The grantee shall 84548  
present the deed for recording in the Office of the Erie County 84549  
Recorder. 84550

(F) This section expires one year after its effective date. 84551

**Section 753.40.** (A) The Governor is authorized to execute a 84552  
deed in the name of the state conveying to a buyer or buyers to be 84553  
determined in the manner provided in this section, all of the 84554  
state's right, title and interest in the following described real 84555  
estate that the Director of Administrative Services has determined 84556  
is no longer required for state purposes: 84557

Situated in the Village of Apple Creek, Township of East Union, 84558  
County of Wayne and State of Ohio and being known as a part of Out 84559  
Lot Fourteen (14) as platted in Plat Volume 1, Pages 280 - 285 and 84560  
more fully described as follows: 84561

Beginning at a stone at the northeasterly comer of Lot No. 91 as 84562  
platted in Plat Vol. 1, Page 280, said point being at a bend in 84563  
Grange Street, according to the plat of the Village of Apple Creek 84564  
and also on the westerly line of lands owned by the State of Ohio; 84565

1. thence North 45° 00' 00"West along northerly line of 84566

Grange Street 85.20 feet to an iron pin; 84567

2. thence North 45° 00' 00" East 221.76 feet to an iron pin; 84568

3. thence North 81° 55' 00" East 232.38 feet to an iron pin; 84569

4. thence South 08° 05' 00" East 350.00 feet to an iron pin; 84570

5. thence South 81° 55' 00" West along the Northerly line of 84571  
O. L. 15, 285.00 feet to a point, referenced by an iron pin North 84572  
81° 55' 00" East 4.00 feet; 84573

6. thence North 34° 23' 24" West along the easterly line of 84574  
Lot No. 91 and the westerly line of lands owned by the State of 84575  
Ohio 165.86 feet to the place of beginning and containing 2.68 84576  
acres, more or less. 84577

See survey "DD"-492 84578

The real property described above is conveyed subject to all 84579  
easements, covenants, conditions and restrictions of record; all 84580  
legal highways; zoning, building and other laws, ordinances and 84581  
regulations; and real estate taxes and assessments not yet due and 84582  
payable. 84583

Tax Parcel Number: 28-00467.000 Prior Instrument Reference: 84584  
Official Record 623, Page 1611 of the Wayne County Records. 84585

The Director of Administrative Services may adjust the legal 84586  
description to accommodate any corrections deemed necessary to 84587  
facilitate recordation of the deed. 84588

(B) The Director of Administrative Services shall offer the 84589  
real estate, and the improvements and chattels located on the real 84590  
estate, for sale "as is" in its present condition according to the 84591  
following process: 84592

(1) The real estate shall be sold as an entire parcel and not 84593  
subdivided. 84594

(2) The Director of Administrative Services shall conduct a 84595

public auction and the real estate shall be sold to the highest 84596  
bidder at a price acceptable to both the Director of 84597  
Administrative Services and the Director of Developmental 84598  
Disabilities. 84599

The Director of Administrative Services shall advertise the 84600  
public auction in a newspaper of general circulation within Wayne 84601  
County, once a week for three consecutive weeks prior to the date 84602  
of the auction. 84603

The Director of Administrative Services may reject any and 84604  
all bids from the public auction. 84605

The terms of sale shall be ten per cent of the purchase price 84606  
in cash, bank draft, or certified check on the date of sale, with 84607  
the balance payable within sixty days after the date of sale. A 84608  
purchaser who does not complete the conditions of the sale shall 84609  
forfeit the ten per cent of the purchase price presented at the 84610  
time of sale to the state as liquidated damages. Should a 84611  
purchaser not complete the conditions of sale, the Director of 84612  
Administrative Services may accept the next highest bid by 84613  
collecting ten per cent of the revised purchase price from that 84614  
bidder and proceed to close the sale, so long as the secondary bid 84615  
meets all other criteria provided for in this division. 84616

(3) Advertising costs, appraisal fees, and other costs 84617  
incident to the conveyance shall be paid by the Department of 84618  
Developmental Disabilities. 84619

(C) Upon notice from the Director of Administrative Services 84620  
that the real estate has been sold, the Auditor of State, with the 84621  
assistance of the Attorney General, shall prepare a deed to the 84622  
real estate, conveying it to the purchaser identified by the 84623  
Director of Administrative Services. The deed shall be executed by 84624  
the Governor, countersigned by the Secretary of State, presented 84625  
in the Office of the Auditor of State for recording, and delivered 84626



to the grantee at closing and upon the grantee's payment of the 84627  
balance of the purchase price. The grantee shall present the deed 84628  
for recording in the Wayne County Recorder's Office. 84629

(D) The net proceeds of the sale of the real estate shall be 84630  
deposited in the state treasury to the credit of the Mental Health 84631  
Improvement Fund to offset bond indebtedness for Gallipolis 84632  
Developmental Center capital projects. 84633

(E) This section expires three years after its effective 84634  
date. 84635

**Section 753.50.** (A) The Governor is authorized to execute a 84636  
deed in the name of the state conveying to the Board of County 84637  
Commissioners of Guernsey County, Ohio (the "grantee"), and its 84638  
successors and assigns, all of the State's right, title, and 84639  
interest in the following described real estate: 84640

Situated in the State of Ohio, County of Guernsey, Township of 84641  
Cambridge, and being a part of the Northwest Quarter of Section 3, 84642  
Township 2, Range 3, of the United States Military Lands, and 84643  
being a part of a 256.55 Acre parcel as conveyed to The State of 84644  
Ohio by deed of record in Deed Volume 215, Page 522, and being a 84645  
part of parcel number 02-03838.000, all references being to those 84646  
of record in the Recorder's Office in Guernsey County, Ohio. The 84647  
1.07 Acre parcel being more particularly bounded and described as 84648  
follows: 84649

Commencing at a mag nail found marking the Southwest Corner of the 84650  
Northwest Quarter of Section 3, and also being the centerline 84651  
intersection of Oldham Road and Lalakus Drive. 84652

Thence North 1°53'49" East, 1281.16 Feet along the centerline of 84653  
Lalakus Drive to an iron pin found (5/8" rebar with yellow cap 84654  
labeled "WARD 7356"), marking the point of intersection of Lalakus 84655  
Drive and Toland Drive. 84656

Thence South 88°37'29" East, 825.61 Feet along the centerline of Toland Drive to a point. 84657  
84658

Thence South 1°22'31" West, 40.00 Feet to an iron pin set on the southerly right-of-way line of Toland Drive and being the Point of Beginning for the herein described 1.07 Acre Parcel. 84659  
84660  
84661

Thence South 88°37'29" East, 223.20 Feet along the southerly right-of-way line of Toland Drive to an iron pin set. 84662  
84663

Thence across the said 256.55 Acre State of Ohio parcel the following five courses and distances: 84664  
84665

    South 2°34'59" West, 218.95 Feet to an iron pin set. 84666

    North 88°40'03" West, 217.05 Feet to an iron pin set. 84667

    North 10°05'12" East, 136.85 Feet to an iron pin set. 84668

    Northwesterly with a curve to the right bearing North 30°43'34" West, 44.64 Feet, with a radius of 40.00 Feet, and a Arc Length of 47.36 Feet, to an iron pin set. 84669  
84670  
84671

    North 3°11'34" East, 45.99 Feet to the Point of Beginning and containing 1.07 Acres more or less according to a field survey made by the Department of Administrative Services General Services Division, Office of Real Estate and Planning, during September of 2009. 84672  
84673  
84674  
84675  
84676

Subject however to all legal easements and or rights-of-way if any of public record. All iron pins set are 5/8" rebar 30" in length with an orange I.D. Cap labeled "BLAINE 7830". 84677  
84678  
84679

    The Director of Administrative Services may adjust the legal description to accommodate any corrections necessary to facilitate recordation of the deed. 84680  
84681  
84682

    (B) Consideration for conveyance of the real estate shall be \$5,000 paid to the state at closing according to a mutual agreement reached between the state and the grantee through an executed Offer to Purchase. 84683  
84684  
84685  
84686

(C) The real estate shall be sold as an entire tract and not 84687  
in parcels. 84688

(D) The grantee shall pay the costs of the conveyance, 84689  
including recordation costs of the deed. 84690

(E) Prior to the execution of the deed, possession of the 84691  
real estate shall be governed by an existing interim lease between 84692  
the Department of Administrative Services and the grantee. 84693

(F) Upon payment of the purchase price, the Auditor of State, 84694  
with the assistance of the Attorney General, shall prepare a deed 84695  
to the real estate. The deed shall state the consideration. The 84696  
deed shall be executed by the Governor in the name of the state, 84697  
countersigned by the Secretary of State, sealed with the Great 84698  
Seal of the State, presented in the Office of the Auditor of State 84699  
for recording, and delivered to the grantee. The grantee shall 84700  
present the deed for recording in the Office of the Guernsey 84701  
County Recorder. 84702

(G) This section expires one year after its effective date. 84703

**Section 753.60.** (A) The Governor is authorized to execute a 84704  
deed in the name of the state conveying to a buyer or buyers to be 84705  
determined in the manner provided in this section, all of the 84706  
state's right, title, and interest in the following described real 84707  
estate that the Director of Administrative Services has determined 84708  
is no longer required for state purposes: 84709

Situated in the State of Ohio County of Gallia, Township of 84710  
Addison, being in Section 13, Town 4 N, Range 14 W, Ohio Company 84711  
Purchase. Being part of that parcel of land described in Volume 84712  
180 Page 825, conveyed to the State of Ohio, and being more 84713  
particularly described as follows: 84714

Commencing at a Concrete Monument found at centerline station 84715  
933+36.19, said monument and stationing referenced to right of way 84716

plan Gal-35-13.45; 84717

thence S 86°42' 42" W along a random line a distance of 185.72 84718  
feet to an iron pin set in the existing right of way line of S.R. 84719  
735 at 120.00 feet left of centerline station 931+95.16, and being 84720  
the Grantors south east comer, said point being the True Place of 84721  
Beginning; 84722

thence leaving said right of way line and along the Grantors 84723  
southerly property line N 87° 24' 01" W (passing an iron pin found 84724  
"Lambert" at 2.92 feet) a total distance of 403.54 feet to an iron 84725  
pin set; 84726

thence leaving said Grantors southerly property line the following 84727  
nine courses: 84728

1) N 02° 37' 33" E a distance of 14.43 feet to an iron pin 84729  
set; 84730

2) N 82° 15' 08" W a distance of 52.52 feet to an iron pin 84731  
set; 84732

3) N 64° 14' 07"W a distance of 103.83 feet to an iron pin 84733  
set; 84734

4) N 75° 59' 40" W a distance of 108.67 feet to an iron pin 84735  
set; 84736

5) N 83° 14' 38" W a distance of 109.48 feet to an iron pin 84737  
set; 84738

6) N 88° 17' 52" W a distance of 105.23 feet to an iron pin 84739  
set; 84740

7) S 88° 24' 56" W a distance of 100.13 feet to an iron pin 84741  
set; 84742

8) N 89° 31' 31" W a distance of 271.48 feet to an iron pin 84743  
set; 84744

9) S 86° 28' 30" W a distance of 170.51 feet to an iron pin 84745

set on the Grantors westerly property line; 84746

thence along the Grantors westerly property line N 19° 29' 41 " E 84747  
a distance of 378.98 feet to an iron pin found; 84748

thence along the Grantors northerly property line S 87° 20' 08" E 84749  
(passing an iron pin found at 670.77 feet and an iron pin set at 84750  
1603.75 feet) a total distance of 1702.02 feet to centerline 84751  
station 937+47.45, 156.21 feet left, said point also being on the 84752  
existing right of way line of State Route 735; 84753

thence along said existing right of way line, also being the 84754  
Grantors easterly property line S 60° 58' 53" W a distance of 84755  
12.57 feet to centerline station 937+36.19, 157.62 feet left; 84756

thence along said existing right of way line S 46° 19' 04" W 84757  
(passing an iron pin set at 203.63 feet) a total distance of 84758  
421.16 feet to an iron pin set; 84759

thence along said existing right of way line S 46° 19' 02' 1 W a 84760  
distance of 141.03 to the Place of Beginning. The above described 84761  
area of 13.240 acres, including the present road which occupies 84762  
0.00 acres is contained with Auditor's Parcel No. 002-355-192-00 84763  
which contains 14.860 acres more or less. 84764

This description is prepared under the direction and supervision 84765  
of Ronald F. Riser, Ohio Professional Surveyor No. S-7093\_ for the 84766  
Ohio Department of Transportation, and is based on a survey 84767  
performed by The Ohio Department of Transportation in 2008. 84768

Subject to all legal easements and rights of way. All iron pins 84769  
set are 5/8" x 30" with an attached plastic identification cap. 84770  
(ODOT District 10). Grantor claims title by instrument(s) recorded 84771  
in Volume 180, Page 825, in the Gallia County Recorder's Office. 84772

The bearings are based on the State Plane Coordinate System Ohio 84773  
South, NAD 83 (NSRS2007). 84774

The Director of Administrative Services may adjust the legal 84775  
description to accommodate any corrections necessary to facilitate 84776

recordation of the deed. 84777

(B) The Director of Administrative Services shall offer the 84778  
real estate, and the improvements and chattels located on the 84779  
parcel, for sale "as is" in its present condition according to the 84780  
following process: 84781

(1) The real estate shall be sold as an entire parcel and not 84782  
subdivided. 84783

(2) The Department of Developmental Disabilities, with the 84784  
assistance of the Department of Administrative Services, shall 84785  
have the parcel appraised by one or more disinterested persons for 84786  
a fee to be determined by and paid by the Department of 84787  
Developmental Disabilities. The Director of Administrative 84788  
Services shall then offer the real estate at the appraised value 84789  
to the Board of County Commissioners of Gallia County. 84790

(3) Acceptance of an offer to purchase the real estate shall 84791  
be made by executing a document entitled "Offer to Purchase Real 84792  
Estate" and delivering it to the Director of Administrative 84793  
Services. The document shall establish the terms of the 84794  
conveyance. 84795

(4) If, after thirty days, the Board of County Commissioners 84796  
of Gallia County has declined the offer to purchase the real 84797  
estate at the appraised value, or if the Board of County 84798  
Commissioners of Gallia County has accepted the offer but has 84799  
failed to complete the purchase, the Director of Administrative 84800  
Services shall offer the real estate at the appraised value to the 84801  
Board of Township Trustees of Addison Township. 84802

(5) If, after thirty days, the Board of Township Trustees of 84803  
Addison Township has declined the offer to purchase the real 84804  
estate at the appraised value, or if the Board of Township 84805  
Trustees of Addison Township has accepted the offer but has failed 84806  
to complete the purchase, the Director of Administrative Services 84807

shall conduct a public auction and the real estate shall be sold 84808  
to the highest bidder at a price acceptable to both the Director 84809  
of Administrative Services and the Director of Developmental 84810  
Disabilities. 84811

The Director of Administrative Services shall advertise the 84812  
public auction in a newspaper of general circulation within Gallia 84813  
County, once a week for three consecutive weeks prior to the date 84814  
of the auction. 84815

The Director of Administrative Services may reject any and 84816  
all bids from the public auction. 84817

The terms of sale shall be ten per cent of the purchase price 84818  
in cash, bank draft, or certified check on the date of sale, with 84819  
the balance payable within sixty days after the date of sale. A 84820  
purchaser who does not complete the conditions of the sale shall 84821  
forfeit the ten per cent of the purchase price presented at the 84822  
time of sale to the state as liquidated damages. Should a 84823  
purchaser not complete the conditions of sale, the Director of 84824  
Administrative Services may accept the next highest bid by 84825  
collecting ten per cent of the revised purchase price from that 84826  
bidder and proceed to close the sale, so long as the secondary bid 84827  
meets all other criteria provided for in this section. 84828

(6) Advertising costs, appraisal fees, and other costs 84829  
incident to the conveyance shall be paid by the Department of 84830  
Developmental Disabilities. 84831

(C) Upon notice from the Director of Administrative Services 84832  
that real estate has been sold, the Auditor of State, with the 84833  
assistance of the Attorney General, shall prepare a deed to the 84834  
real estate, conveying it to the purchaser identified by the 84835  
Director of Administrative Services. The deed shall state the 84836  
consideration. The deed shall be executed by the Governor in the 84837  
name of the state, countersigned by the Secretary of State, sealed 84838

with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee at closing and upon the grantee's payment of the balance of the purchase price. The grantee shall present the deed for recording in the Gallia County Recorder's Office.

(D) The net proceeds of the sale of the real estate shall be deposited in the state treasury to the credit of the Mental Health Improvement Fund (Fund 33) to offset bonded indebtedness for Gallipolis Developmental Center capital projects.

(E) This section expires three years after its effective date.

**Section 753.70.** (A) The Governor is authorized to execute a deed in the name of the state conveying to the Board of Education of the Columbus City School District (the "grantee"), and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military Survey Numbers 1393 and 2668 residual portion of 130 acres conveyed to the State of Ohio per Deed Book 82, Page 582, all references being recorded in the Franklin County Ohio Recorder's Office, and being more particularly described as follows:

Commencing for reference at a 5/8" iron pipe found undisturbed on the southeast corner of a 10.767 acre tract conveyed to the Board of Education of the City of Columbus School District per Inst. #200701290017021, and being on the westerly right of way line of South Central Ave.(60') as depicted on the Subdivision of M.L. Sullivants Land in Plat Book 11, Page 21, said pipe also being South 08°28'47" East 850.11 feet from an 5/8" iron pipe found undisturbed on the southeast corner of Lot #1 of Franklinton Square per Plat Book 67 Page 17, thence along the south line of



said 10.767 acre tract South 81°33' 15" West 20.00 feet to an iron pin set and being the TRUE POINT OF BEGINNING for the parcel herein conveyed;

Thence passing through said residual State of Ohio land, South 08°28'47" East a distance of 30.00 feet to a railroad spike set on the north line of a 3.00 acre tract of land conveyed to Netcare Corporation per Official Record Vol. 9563 Pg. I07;

Thence along said north line, the north line of a 9.796 acre tract conveyed to the Board of Commissioners of Franklin County, Ohio per Official Record Vol. 15066 Pg. A13, and along the south line of a 30 foot strip of said residual State of Ohio land, South 81°33' 15" West a distance of 1039.08 feet, passing the northwest corner of said 3.00 acre tract at 242.03 feet, to an iron pin set on the northwest corner of said 9.796 acre tract, and on the east Limited Access Right of Way line of I-70 as shown on ODOT right of way plan FRA-70-10.36S acquired per Deed Book 3160 Page 668;

Thence along said Limited Access Right of Way line, North 28° 15'14" West a distance of 31.89 feet to an iron pin set on the southwest corner of a 4.250 acre tract of land conveyed to AUM 99 LLC per Inst. #200910060144358 (also being Lot No. 10 of said Franklinton Square);

Thence along the south line of said 4.250 acre tract, and the north line of said residual State of Ohio land, North 81°33' 15" East a distance of 1049.87 feet, passing the southwest corner of said 10.767 acre tract at 220.17 feet, to the TRUE POINT OF BEGINNING and containing 0.719 acres more or less.

The above description was prepared by Korda/Nemeth Engineering, Inc. from field and record observations made March 21, 2011 under the direction and supervision of Nathan W. Anderson, Ohio Registered Surveyor No. 8322.

The basis of bearings of this description is based on the westerly

line of South Central Avenue being South 08°28'47" East as 84901  
referenced in the deed to the Board of Education of the City of 84902  
Columbus School District, per Inst. # 200701290017021, Recorder's 84903  
Office, Franklin County, Ohio. 84904

Monuments referred to as iron pins set will be 5/8 inch diameter x 84905  
30 inches long capped iron bars inscribed "KNE 8322". 84906

The Department of Administrative Services may adjust the 84907  
legal description to accommodate any corrections necessary to 84908  
facilitate recordation of the deed. 84909

(B) Consideration for conveyance of the real estate shall be 84910  
\$3,131.96, as derived by mutual agreement reached between the 84911  
Department of Administrative Services and the grantee through an 84912  
executed Offer to Purchase. The consideration shall be paid to 84913  
state at closing. 84914

(C) The real estate shall be sold as an entire tract and not 84915  
in parcels. 84916

(D) Prior to the execution of the deed, possession of the 84917  
real estate shall be governed by an interim lease between the 84918  
Department of Administrative Services and the grantee. 84919

(E) The net proceeds of the sale of the real estate shall be 84920  
deposited into the state treasury to the credit of the Department 84921  
of Developmental Disabilities Fund 1520 (sale of Town Street 84922  
Extension). 84923

(F) The grantee shall pay the costs of the conveyance, 84924  
including recordation costs of the deed. 84925

(G) The Auditor of State, with the assistance of the Attorney 84926  
General, shall prepare a deed to the real estate. The deed shall 84927  
state the consideration. The deed shall be executed by the 84928  
Governor in the name of the state, countersigned by the Secretary 84929  
of State, sealed with the Great Seal of the State, presented in 84930

the Office of the Auditor of State for recording, and delivered to 84931  
the grantee. The grantee shall present the deed for recording in 84932  
the Office of the Franklin County Recorder. 84933

(H) This section expires one year after its effective date. 84934

**Section 753.80.** (A) The Director of Administrative Services 84935  
is authorized to execute a perpetual easement in the name of the 84936  
state, granting to the City of Cambridge, and its successors and 84937  
assigns, a perpetual interest in the following described real 84938  
estate (hereinafter referred to as the "Easement Area"): 84939

**LEGAL DESCRIPTION FOR WATERLINE EASEMENT** 84940

**SECTION "A"** 84941

**0.390 ACRES** 84942

Situated in the State of Ohio, County of Guernsey, Township 84943  
of Cambridge, and being a part of the northwest Quarter of Section 84944  
3, and also being a part of a State of Ohio parcel as conveyed in 84945  
Deed Volume 215, Page 522, all references being to those of record 84946  
in the Recorder's Office in Guernsey County, Ohio. The 0.390 Acre 84947  
Waterline easement being more particularly bounded and described 84948  
as follows. 84949

Commencing at the southwest corner of the northwest quarter 84950  
of Section 3, and the centerline intersection of Oldham Road and 84951  
Lakakus Road. 84952

Thence South 89°12'53" East, 40.00 Feet along the centerline 84953  
of Oldham Road to a point. 84954

Thence North 1°19'03" East, 40.00 Feet to the intersection of 84955  
the northerly right-of-way line of Oldham Road and the easterly 84956  
right-of-way line of Lalakus Road, and being the Point of 84957  
Beginning for the herein described 0.390 Acre waterline easement. 84958

Thence North 1°19'03" East, 1178.58 Feet along the easterly 84959  
right-of-way line of Lalakus Road to a point of curvature of a 84960

curve to the right. 84961

Thence with a curve to the right bearing North 25°15'27" 84962  
East, 18.43 Feet with a radius of 22.78 Feet, and a Arc Length of 84963  
19.03 Feet, to a point. 84964

Thence across the said State of Ohio parcel the following six 84965  
courses and distances: 84966

South 1°19'03" West, 217.07 Feet to a point. 84967

North 88°59'19" East, 149.30 Feet to a point. 84968

North 0°47'07" East, 74.72 Feet to a point. 84969

South 89°12'53" East, 15.00 Feet to a point. 84970

South 0°47'07" West, 74.25 Feet to a point. 84971

North 88°59'19" East, 23.25 Feet to a point on the westerly 84972  
line of a 26.32 Acre State of Ohio parcel, known as Parcel One. 84973

Thence South 0°32'51" West, 81.04 Feet along the westerly 84974  
line of the said 26.32 Acre State of Ohio parcel to a point. 84975

Thence across the said State of Ohio parcel the following 84976  
nine courses and distances: 84977

North 89°12'53" West, 7.65 Feet to a point. 84978

North 0°56'21" East, 65.81 Feet to a point. 84979

South 88°59'19" West, 123.29 Feet to a point. 84980

South 0°47'07" West, 54.06 Feet to a point. 84981

North 89°12'53" West, 15.00 Feet to a point. 84982

North 0°47'07" East, 53.59 Feet to a point. 84983

South 88°59'19" West, 42.07 Feet to a point. 84984

South 1°19'03" West, 249.09 Feet to a point. 84985

South 89°16'17" East, 187.68 Feet to a point on the westerly 84986  
line o the said 26.32 Ace State of Ohio parcel. 84987

|                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Thence South 1°19'14" West, 15.00 Feet along the westerly line of the said 26.32 Acre State of Ohio parcel to a point.                                                                                                                                                                                                                                                                                             | 84988<br>84989                                              |
| Thence North 89°16'17" West, 187.73 Feet across the said State of Ohio parcel to a point.                                                                                                                                                                                                                                                                                                                          | 84990<br>84991                                              |
| Thence South 1°19'03" West, 699.22 Feet across the said State of Ohio parcel to a point on the northerly right-of-way line Oldham Road.                                                                                                                                                                                                                                                                            | 84992<br>84993<br>84994                                     |
| Thence North 89°12'53" West, 7.50 Feet along the northerly right-of-way line of Oldham Road to the Point of Beginning and containing 0.390 Acres more or less according to a field survey made by the Department of Administrative Services, General Services Division, Office of Real Estate and Planning, during February of 2009.                                                                               | 84995<br>84996<br>84997<br>84998<br>84999<br>85000          |
| Subject however to all legal easements and or rights-of-way if any of public record.                                                                                                                                                                                                                                                                                                                               | 85001<br>85002                                              |
| The bearings in the above description are based upon a survey made by Linn engineering Ltd., project no. CMH-758, dated 10-21-08.                                                                                                                                                                                                                                                                                  | 85003<br>85004<br>85005                                     |
| <b>LEGAL DESCRIPTION FOR WATERLINE EASEMENT</b>                                                                                                                                                                                                                                                                                                                                                                    | 85006                                                       |
| <b>SECTION "B"</b>                                                                                                                                                                                                                                                                                                                                                                                                 | 85007                                                       |
| <b>0.201 ACRES</b>                                                                                                                                                                                                                                                                                                                                                                                                 | 85008                                                       |
| Situated in the State of Ohio, County of Guernsey, Township of Cambridge, and being a part of the northwest Quarter of Section 3, and also being a part of a State of Ohio parcel as conveyed in Deed Volume 215, Page 522, all references being to those of record in the Recorder's Office in Guernsey County, Ohio. The 0.201 Acre Waterline easement being more particularly bounded and described as follows. | 85009<br>85010<br>85011<br>85012<br>85013<br>85014<br>85015 |
| Commencing at the southwest corner of the northwest quarter of Section 3, and the centerline intersection of Oldham Road and Lakakus Road.                                                                                                                                                                                                                                                                         | 85016<br>85017<br>85018                                     |

Thence South 89°12'53" East, 237.34 Feet along the centerline of Oldham Road to a point. 85019  
85020

Thence North 1°09'14" East, 40.00 Feet to the northerly right-of-way line of Oldham Road and being the Point of beginning for the herein described 0.201 Acre waterline easement. 85021  
85022  
85023

Thence across the said State of Ohio parcel the following fourteen courses and distances: 85024  
85025

North 1°09'14" East, 334.58 Feet to a point. 85026

South 90°00'00" West, 33.54 Feet to a point. 85027

North 00°00'00" East, 15.00 Feet to a point. 85028

North 90°00'00" East, 33.84 Feet to a point. 85029

North 1°09'14" East, 148.49 Feet to a point. 85030

North 89°47'35" West, 188.33 Feet to a point. 85031

North 1°19'03" East, 15.00 Feet to a point. 85032

South 89°47'35" East, 58.39 Feet to a point. 85033

North 0°47'07" East, 19.41 Feet to a point. 85034

South 89°12'53" East, 15.00 Feet to a point. 85035

South 0°47'07" West, 19.26 Feet to a point. 85036

South 89°47'35" East, 114.89 Feet to a point. 85037

North 1°09'14" East, 216.88 Feet to a point. 85038

South 89°27'09" East, 3.19 Feet to a point on the westerly line of a 26.32 Acre State of Ohio parcel, known as Parcel One. 85039  
85040

Thence South 0°32'51" West, 729.95 Feet along the westerly line of the said 26.32 Acre State of Ohio parcel to a point. 85041  
85042

Thence North 89°12'53" West, 10.92 Feet along the northerly right-of-way line of Oldham Road to the Point of Beginning and containing 0.390 Acres more or less according to a field survey 85043  
85044  
85045

made by the Department of Administrative Services, General 85046  
Services Division, Office of Real Estate and Planning, during 85047  
February of 2009. 85048

Subject however to all legal easements and or rights-of-way 85049  
if any of public record. 85050

The bearings in the above description are based upon a survey 85051  
made by Linn engineering Ltd., project no. CMH-758, dated 85052  
10-21-08. 85053

**LEGAL DESCRIPTION FOR WATERLINE EASEMENT** 85054

**SECTION "C"** 85055

**0.018 ACRES** 85056

Situated in the State of Ohio, County of Guernsey, Township 85057  
of Cambridge, and being a part of the northwest Quarter of Section 85058  
3, and also being a part of a State of Ohio parcel as conveyed in 85059  
Deed Volume 215, Page 522, all references being to those of record 85060  
in the Recorder's Office in Guernsey County, Ohio. The 0.018 Acre 85061  
Waterline easement being more particularly bounded and described 85062  
as follows. 85063

Commencing at the southwest corner of the northwest quarter 85064  
of Section 3, and the centerline intersection of Oldham Road and 85065  
Lakakus Road. 85066

Thence South 89°12'53" East, 248.68 Feet along the centerline 85067  
of Oldham Road to a point. 85068

Thence North 0°32'51" East, 1037.41 Feet along the westerly 85069  
line of a 26.32 Acre parcel as conveyed to the State of Ohio by 85070  
deed of record in Deed Volume 215, Page 522. 85071

Thence South 89°27'08" East, 65.11 Feet along the northerly 85072  
line of the said 26.32 Acre State of Ohio parcel, and being the 85073  
Point of beginning for the herein described 0.018 Acre waterline 85074  
easement. 85075

Thence across the said State of Ohio parcel the following 85076  
three courses and distances: 85077

North 0°38'24" West, 51.37 Feet to a point. 85078

South 89°42'53" East, 15.00 Feet to a point. 85079

South 0°38'54" East, 51.43 Feet to a point on the northerly 85080  
line of the said 26.32 Acre State of Ohio parcel. 85081

Thence North 89°27'08" West, 15.00 Feet along the northerly 85082  
line of the said 26.32 Acre State of Ohio parcel to the Point of 85083  
Beginning and containing 0.018 Acres more or less according to a 85084  
field survey made by the Department of Administrative Services, 85085  
General Services Division, Office of Real Estate and Planning, 85086  
during February of 2009. 85087

Subject however to all legal easements and or rights-of-way 85088  
if any of public record. 85089

The bearings in the above description are based upon a survey 85090  
made by Linn engineering Ltd., project no. CMH-758, dated 85091  
10-21-08. 85092

**LEGAL DESCRIPTION FOR WATERLINE EASEMENT** 85093

**SECTION "D"** 85094

**0.172 ACRES** 85095

Situated in the State of Ohio, County of Guernsey, Township 85096  
of Cambridge, and being a part of the northwest Quarter of Section 85097  
3, and also being a part of a State of Ohio parcel as conveyed in 85098  
Deed Volume 215, Page 522, all references being to those of record 85099  
in the Recorder's Office in Guernsey County, Ohio. The 0.172 Acre 85100  
Waterline easement being more particularly bounded and described 85101  
as follows. 85102

Commencing at the southwest corner of the northwest quarter 85103  
of Section 3, and the centerline intersection of Oldham Road and 85104  
Lakakus Road. 85105



Thence North 1°19'03" East, 1218.95 Feet along the centerline of Lalakus Road to the point of curvature of a curve to the right.

Thence with a curve to the right bearing North 46°03'24" East, 88.37 Feet with a radius of 62.78 Feet, and with an arc length of 98.03 Feet, along the centerline of Lalakus Road to the point of tangency.

Thence South 89°12'15" East, 721.17 Feet along the centerline of Toland Drive to a point.

Thence South 0°00'00" East, 40.00 Feet to a point on the southerly right-of-way line of Toland Drive and being the Point of beginning for the herein described 0.172 Acre waterline easement.

Thence across the said State of Ohio parcel the following twenty two courses and distances:

South 0°00'00" East, 83.30 Feet to a point.

South 89°01'32" East, 22.45 Feet to a point.

South 0°58'28" West, 15.00 Feet to a point

North 89°01'32" West, 23.00 Feet to a point.

South 6°24'45" West, 83.78 Feet to a point.

South 0°22'35" West, 67.24 Feet to a point.

North 89°37'25" West, 15.00 Feet to a point.

North 0°22'35" East, 60.32 Feet to a point.

North 88°10'46" West, 130.30 Feet to a point.

South 0°00'00" West, 38.73 Feet to a point.

North 85°09'17" West, 6.40 Feet to a point.

South 1°18'12" West, 24.42 Feet to a point.

North 88°41'48" West, 15.00 Feet to a point.

North 1°18'12' East, 25.35 Feet to a point.

|                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| North 85°09'17" West, 11.66 Feet to a point.                                                                                                                                                                                                                                                                                                                                                                                         | 85133                                                       |
| North 4°50'43" East, 15.00 Feet to a point.                                                                                                                                                                                                                                                                                                                                                                                          | 85134                                                       |
| South 85°09'17" East, 16.77 Feet to a point.                                                                                                                                                                                                                                                                                                                                                                                         | 85135                                                       |
| North 0°00'00" West, 37.89 Feet to a point.                                                                                                                                                                                                                                                                                                                                                                                          | 85136                                                       |
| South 88°10'46" East, 146.18 Feet to a point.                                                                                                                                                                                                                                                                                                                                                                                        | 85137                                                       |
| North 6°24'45" East, 83.66 Feet to a point.                                                                                                                                                                                                                                                                                                                                                                                          | 85138                                                       |
| North 0°00'00" East, 90.46 Feet to a point on the southerly<br>right-of-way line of Toland Road.                                                                                                                                                                                                                                                                                                                                     | 85139<br>85140                                              |
| Thence South 89°12'15" East, 15.00 Feet along the northerly<br>right-of-way line of Toland Road to the Point of Beginning and<br>containing 0.172 Acres more or less according to a field survey<br>made by the Department of Administrative Services, General<br>Services Division, Office of Real Estate and Planning, during<br>February of 2009.                                                                                 | 85141<br>85142<br>85143<br>85144<br>85145<br>85146          |
| Subject however to all legal easements and or rights-of-way<br>if any of public record.                                                                                                                                                                                                                                                                                                                                              | 85147<br>85148                                              |
| The bearings in the above description are based upon a survey<br>made by Linn engineering Ltd., project no. CMH-758, dated<br>10-21-08.                                                                                                                                                                                                                                                                                              | 85149<br>85150<br>85151                                     |
| <b>LEGAL DESCRIPTION FOR WATERLINE EASEMENT</b>                                                                                                                                                                                                                                                                                                                                                                                      | 85152                                                       |
| <b>SECTION "E"</b>                                                                                                                                                                                                                                                                                                                                                                                                                   | 85153                                                       |
| <b>0.025 ACRES</b>                                                                                                                                                                                                                                                                                                                                                                                                                   | 85154                                                       |
| Situated in the State of Ohio, County of Guernsey, Township<br>of Cambridge, and being a part of the northwest Quarter of Section<br>3, and also being a part of a State of Ohio parcel as conveyed in<br>Deed Volume 215, Page 522, all references being to those of record<br>in the Recorder's Office in Guernsey County, Ohio. The 0.025 Acre<br>Waterline easement being more particularly bounded and described<br>as follows. | 85155<br>85156<br>85157<br>85158<br>85159<br>85160<br>85161 |
| Commencing at the southwest corner of the northwest quarter                                                                                                                                                                                                                                                                                                                                                                          | 85162                                                       |

of Section 3, and the centerline intersection of Oldham Road and 85163  
Lalakus Road. 85164

Thence North 1°19'03" East, 1218.95 Feet along the centerline 85165  
of Lalakus Road to the point of curvature of a curve to the right. 85166

Thence with a curve to the right bearing North 46°03'24" 85167  
East, 88.37 Feet with a radius of 62.78 Feet, and with an arc 85168  
length of 98.03 Feet, along the centerline of Lalakus Road to the 85169  
point of tangency. 85170

Thence South 89°12'15" East, 815.29 Feet along the centerline 85171  
of Toland Drive to a point. 85172

Thence North 0°00'00" East, 40.00 Feet to a point on the 85173  
northerly right-of-way line of Toland Drive and being the Point of 85174  
beginning for the herein described 0.025 Acre waterline easement. 85175

Thence across the said State of Ohio parcel the following 85176  
three courses and distances: 85177

North 0°00'00" East, 71.97 Feet to a point. 85178

South 90°00'00" East, 15.00 Feet to a point. 85179

South 0°00'00" East, 72.18 Feet to a point on the northerly 85180  
right-of-way line of Toland Road. 85181

Thence North 89°12'15" West, 15.00 Feet along the northerly 85182  
right-of-way line of Toland Road to the Point of Beginning and 85183  
containing 0.025 Acres more or less according to a field survey 85184  
made by the Department of Administrative Services, General 85185  
Services Division, Office of Real Estate and Planning, during 85186  
February of 2009. 85187

Subject however to all legal easements and or rights-of-way 85188  
if any of public record. 85189

The bearings in the above description are based upon a survey 85190  
made by Linn engineering Ltd., project no. CMH-758, dated 85191  
10-21-08. 85192

LEGAL DESCRIPTION FOR WATERLINE EASEMENT

85193

SECTION "F"

85194

0.025 ACRES

85195

Situated in the State of Ohio, County of Guernsey, Township of Cambridge, and being a part of the northwest Quarter of Section 3, and also being a part of a State of Ohio parcel as conveyed in Deed Volume 215, Page 522, all references being to those of record in the Recorder's Office in Guernsey County, Ohio. The 0.025 Acre Waterline easement being more particularly bounded and described as follows.

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85202

Commencing at the southwest corner of the northwest quarter of Section 3, and the centerline intersection of Oldham Road and Lakakus Road.

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85205

Thence North 1°19'03" East, 1218.95 Feet along the centerline of Lalakus Road to the point of curvature of a curve to the right.

85206

85207

Thence with a curve to the right bearing North 46°03'24" East, 88.37 Feet with a radius of 62.78 Feet, and with an arc length of 98.03 Feet, along the centerline of Lalakus Road to the point of tangency.

85208

85209

85210

85211

Thence South 89°12'15" East, 877.12 Feet along the centerline of Toland Drive to a point.

85212

85213

Thence North 0°05'24" East, 40.00 Feet to a point on the northerly right-of-way line of Toland Drive and being the Point of beginning for the herein described 0.025 Acre waterline easement.

85214

85215

85216

Thence across the said State of Ohio parcel the following three courses and distances:

85217

85218

North 0°05'24" East, 71.99 Feet to a point.

85219

South 89°54'36" East, 15.00 Feet to a point.

85220

South 0°05'24" West, 72.17 Feet to a point on the northerly right-of-way line of Toland Road.

85221

85222

Thence North 89°12'15" West, 15.00 Feet along the northerly 85223  
right-of-way line of Toland Road to the Point of Beginning and 85224  
containing 0.025 Acres more or less according to a field survey 85225  
made by the Department of Administrative Services, General 85226  
Services Division, Office of Real Estate and Planning, during 85227  
February of 2009. 85228

Subject however to all legal easements and or rights-of-way 85229  
if any of public record. 85230

The bearings in the above description are based upon a survey 85231  
made by Linn engineering Ltd., project no. CMH-758, dated 85232  
10-21-08. 85233

**LEGAL DESCRIPTION FOR WATERLINE EASEMENT** 85234

**SECTION "G"** 85235

**0.518 ACRES** 85236

Situated in the State of Ohio, County of Guernsey, Township 85237  
of Cambridge, and being a part of the northwest Quarter of Section 85238  
3, and also being a part of a State of Ohio parcel as conveyed in 85239  
Deed Volume 215, Page 522, all references being to those of record 85240  
in the Recorder's Office in Guernsey County, Ohio. The 0.518 Acre 85241  
Waterline easement being more particularly bounded and described 85242  
as follows. 85243

Commencing at the northeast corner of a 26.32 acre parcel as 85244  
conveyed to the State of Ohio in Deed Volume 215, page 522 and is 85245  
shown on a survey drawing made by Linn engineering Ltd., project 85246  
no. CMH-758, dated 10-21-08, said point also being on the westerly 85247  
right-of-way line Gibson Road. 85248

Thence South 88°56'31" West, 41.44 Feet along the northerly 85249  
line of the said 26.32 Acre State of Ohio parcel to the Point of 85250  
Beginning for the herein described 0.518 Acre parcel. 85251

Thence along the northerly line of the said 26.32 Acre State 85252  
of Ohio parcel the following four courses and distances: 85253

|                                                              |       |
|--------------------------------------------------------------|-------|
| South 88°56'31" West, 8.47 Feet to a point.                  | 85254 |
| North 61°16'33" West, 50.20 Feet to a point                  | 85255 |
| South 88°36'50" West, 50.28 Feet to a point.                 | 85256 |
| North 61°54'41" West, 36.91 Feet to a point.                 | 85257 |
| Thence across the said State of Ohio parcel the following    | 85258 |
| nineteen courses and distances:                              | 85259 |
| North 47°16'21" West, 51.07 Feet to a point.                 | 85260 |
| North 1°01'59" West, 48.10 Feet to a point.                  | 85261 |
| North 87°56'34" West, 229.96 Feet to a point.                | 85262 |
| North 87°29'26" West, 230.21 Feet to a point.                | 85263 |
| South 0°00'00" West, 35.36 Feet to a point.                  | 85264 |
| North 90°00'00" West, 15.00 Feet to a point.                 | 85265 |
| North 0°00'00" West, 36.02 Feet to a point.                  | 85266 |
| North 87°29'26" West, 131.54 Feet to a point.                | 85267 |
| North 1°35'33" East, 65.86 Feet to a point.                  | 85268 |
| North 90°00'00" West, 78.57 Feet to a point.                 | 85269 |
| North 0°00'00" East, 15.00 Feet to a point.                  | 85270 |
| North 90°00'00" East, 78.99 Feet to a point.                 | 85271 |
| North 1°35'33" East, 15.78 Feet to a point.                  | 85272 |
| South 86°31'06" West, 18.54 Feet to a point.                 | 85273 |
| North 3°28'54" West, 15.00 Feet to a point.                  | 85274 |
| North 86°31'06" East, 19.87 Feet to a point.                 | 85275 |
| North 1°35'33" East, 90.72 Feet to a point.                  | 85276 |
| North 88°50'28" West, 46.89 Feet to a point.                 | 85277 |
| North 81°06'34" West, 44.95 Feet to a point on the southerly | 85278 |
| right-of-way line of Toland Drive.                           | 85279 |

|                                                              |       |
|--------------------------------------------------------------|-------|
| Thence South 89°12'15" East, 106.49 Feet along the southerly | 85280 |
| right-of-way line of Toland Drive to a point.                | 85281 |
| Thence across the said State of Ohio parcel the following    | 85282 |
| twenty four courses and distances:                           | 85283 |
| South 1°35'33" West, 194.50 Feet to a point.                 | 85284 |
| South 87°29'26" East, 138.16 Feet to a point.                | 85285 |
| North 0°00'00" East, 62.64 Feet to a point.                  | 85286 |
| North 90°00'00" East, 15.00 Feet to a point.                 | 85287 |
| South 0°00'00" West, 63.30 Feet to a point.                  | 85288 |
| North 87°29'26" East, 201.24 Feet to a point.                | 85289 |
| North 2°01'25" East, 68.36 Feet to a point.                  | 85290 |
| North 90°00'00" East, 104.07 Feet to a point                 | 85291 |
| South 0°00'00" East, 15.00 Feet to a point.                  | 85292 |
| South 90°00'00" West, 89.60 Feet to a point.                 | 85293 |
| South 2°01'25" West, 53.95 Feet to a point.                  | 85294 |
| South 87°56'34" East, 190.29 Feet to a point.                | 85295 |
| North 0°47'07" East, 67.70 Feet to a point.                  | 85296 |
| South 89°12'53" East, 88.92 Feet to a point.                 | 85297 |
| South 0°47'07" West, 35.50 Feet to a point.                  | 85298 |
| North 89°12'53" West, 15.00 Feet to a point                  | 85299 |
| North 0°47'07" East, 20.50 Feet to a point.                  | 85300 |
| North 89°12'53" West, 58.92 Feet to a point.                 | 85301 |
| South 0°47'07" West, 53.03 Feet to a point.                  | 85302 |
| South 87°56'34" East, 31.87 Feet to a point.                 | 85303 |
| South 1°01'59" West, 56.11 Feet to a point.                  | 85304 |
| South 47°16'21" East, 78.56 Feet to a point.                 | 85305 |

North 88°46'55" East, 65.24 Feet to a point. 85306

South 2°22'03" West, 10.04 Feet to the Point of Beginning and 85307  
containing 0.518 Acres more or less according to a field survey 85308  
made by the Department of Administrative Services, General 85309  
Services Division, Office of Real Estate and Planning, during 85310  
February of 2009. 85311

Subject however to all legal easements and or rights-of-way 85312  
if any of public record. 85313

The bearings in the above description are based upon a survey 85314  
made by Linn engineering Ltd., project no. CMH-758, dated 85315  
10-21-08. 85316

**LEGAL DESCRIPTION FOR WATERLINE EASEMENT** 85317

**SECTION "H"** 85318

**0.343 ACRES** 85319

Situated in the State of Ohio, County of Guernsey, Township 85320  
of Cambridge, and being a part of the northwest Quarter of Section 85321  
3, and also being a part of a State of Ohio parcel as conveyed in 85322  
Deed Volume 215, Page 522, all references being to those of record 85323  
in the Recorder's Office in Guernsey County, Ohio. The 0.343 Acre 85324  
Waterline easement being more particularly bounded and described 85325  
as follows. 85326

Commencing at the northeast corner of a 26.32 acre parcel as 85327  
conveyed to the State of Ohio in Deed Volume 215, page 522 and is 85328  
shown on a survey drawing made by Linn engineering Ltd., project 85329  
no. CMH-758, dated 10-21-08, said point also being on the westerly 85330  
right-of-way line Gibson Road. 85331

Thence South 88°56'31" West, 26.41 Feet along the northerly 85332  
line of the said 26.32 Acre State of Ohio parcel to the Point of 85333  
Beginning for the herein described 0.343 Acre parcel. 85334

Thence South 88°56'31" West, 15.03 Feet along the northerly 85335  
line of the said 26.32 Acre State of Ohio parcel to a point. 85336



Thence across the said State of Ohio parcel the following 85337  
eight courses and distances: 85338

North 2°22'03" East, 28.31 Feet to a point. 85339

North 24°13'28" East, 27.82 Feet to a point. 85340

North 0°39'34" East, 157.44 Feet to a point. 85341

North 61°10'57" West, 201.51 Feet to a point. 85342

North 89°43'46" West, 560.76 Feet to a point. 85343

North 1°35'33" East, 15.00 Feet to a point. 85344

South 89°43'46" East, 425.24 Feet to a point. 85345

North 0°41'19" West, 7.35 Feet to a point on the southerly 85346  
right-of-way line of Toland Drive. 85347

Thence South 89°12'15" East, 15.00 Feet along the southerly 85348  
line of Toland Drive to a point. 85349

South 0°41'19" East, 7.21 Feet to a point. 85350

South 89°43'46" East, 123.99 Feet to a point. 85351

South 61°10'57" East, 214.31 Feet to a point. 85352

South 0°39'34" West, 169.55 Feet to a point. 85353

South 24°13'28" West, 28.05 Feet to a point. 85354

South 2°22'03" West, 24.52 Feet to the Point of Beginning and 85355  
containing 0.343 Acres more or less according to a field survey 85356  
made by the Department of Administrative Services, General 85357  
Services Division, Office of Real Estate and Planning, during 85358  
February of 2009. 85359

Subject however to all legal easements and or rights-of-way 85360  
if any of public record. 85361

The bearings in the above description are based upon a survey 85362  
made by Linn engineering Ltd., project no. CMH-758, dated 85363  
10-21-08. 85364

(B) The Director of Administrative Services, pursuant to 85365  
division (A)(12) of section 123.01 of the Revised Code, exercises 85366  
general custodial care of all real property of the state, and has 85367  
determined the granting of a perpetual easement affecting an 85368  
existing water supply line at the Cambridge Developmental Center 85369  
in Cambridge, Guernsey County, Ohio would be in the best interest 85370  
of the state. 85371

(C) The Director of Administrative Services, with the 85372  
assistance of the Attorney General, shall prepare a perpetual 85373  
easement document affecting the real estate. The easement document 85374  
shall state the consideration and the duties. The easement 85375  
document shall be executed by the Director of Administrative 85376  
Services in the name of the state, and shall be countersigned by 85377  
the Governor. 85378

(D) Consideration for granting the easement shall be \$1.00. 85379  
The City of Cambridge, at its sole expense, shall present the 85380  
fully executed easement document for recording in the Office of 85381  
the Guernsey County Recorder. 85382

(E) Upon full execution of the easement, the City of 85383  
Cambridge shall assume perpetual responsibility to install, 85384  
construct, reconstruct, use, operate, maintain, repair, replace, 85385  
remove, service, and improve in, on, over, under, across, through, 85386  
and upon the Easement Area. 85387

(F) This section expires one year after its effective date. 85388

**Section 753.90.** (A) The Governor is authorized to execute a 85389  
deed in the name of the state conveying to Robert A. Olson and 85390  
Nancy A. Olson, husband and wife, the "grantees", and their heirs 85391  
and assigns, all of the state's right, title, and interest in the 85392  
following described real estate: 85393  
Situate in the State of Ohio, Hamilton County, Village of North 85394

Bend and being a part of Section 20, Fractional Range 2, Township 1, Symmes Purchase, Between the Miami Rivers Survey, also being a parcel out of those lands conveyed to the State of Ohio (Ohio Historical Society) by Deed of Record in Deed Book 1685, Page 594, Recorder's Office, Hamilton County, Ohio and being more particularly described as follows:

Situated in Sec. 20, Town. 1, F.R. 2 Miami Township, Hamilton Co. Ohio and being more particularly described as follows:

Beginning at the north corner of lots 32 and 33 of the J. Scott Harrison's Sub. Plat Book 3 Page 67;

Thence North 76 degrees 31' East 215.80 feet to an iron pin in the centerline of vacated Loup Ave.;

Thence North 1 degree West 64.44 feet to the South R/W line of the dedicated Loup Ave and the real point of beginning of this conveyance.

Thence South 51 degrees 14'30" East 195.48 feet along the south R/W of the dedicated Loup Ave. to a stake at the centerline of old Loup Ave.

Thence South 89 degrees 36' 06" West 150.28 feet along the old centerline to an iron pin;

Thence North 1 degree West 123.44 feet along the old centerline to place of beginning; being a triangular piece of property as shown by B and C on survey plat #263 5/27/92 by Alan S. Montague surveyor #4105"

The foregoing is recited from a description and plat prepared by Alan S. Montague, P .S. No. 4105, 39 East Harrison Avenue, North Bend, OH 45052, said description being signed by said Alan S. Montague and the included plat being sealed by said Alan S. Montague, P.S. Number 4105.

The Director of Administrative Services may adjust the legal

description to accommodate any corrections necessary to facilitate 85425  
recordation of the deed. 85426

(B) Consideration for conveyance of the real estate shall be 85427  
\$1,200.00, as derived by mutual agreement reached between the 85428  
state and the grantees through an executed Offer to Purchase. The 85429  
consideration shall be paid to the state at closing. 85430

(C) The real estate shall be sold as an entire tract and not 85431  
in parcels. 85432

(D) Prior to the execution of the deed, possession of the 85433  
real estate shall be governed by an existing interim lease between 85434  
the Department of Administrative Services and the grantees. 85435

(E) The grantees shall pay the costs of the conveyance, 85436  
including recordation costs of the deed. 85437

(F) Upon payment of the purchase price, the Auditor of State, 85438  
with the assistance of the Attorney General, shall prepare a deed 85439  
to the real estate. The deed shall state the consideration. The 85440  
deed shall be executed by the Governor in the name of the state, 85441  
countersigned by the Secretary of State, sealed with the Great 85442  
Seal of the State, presented in the Office of the Auditor of State 85443  
for recording, and delivered to the grantees. The grantees shall 85444  
present the deed for recording in the Office of the Hamilton 85445  
County Recorder. 85446

(G) This section expires one year after its effective date. 85447

**Section 753.100.** (A) The Ohio Historical Society (formerly 85448  
the Ohio State Archaeological and Historical Society) (the 85449  
"society") is authorized, as required by section 149.30 of the 85450  
Revised Code, to execute a deed conveying to the United States of 85451  
America and its assigns (the "grantee"), all of the society's 85452  
right, title, and interest in the following described real estate: 85453  
Situated in the State of Ohio, County of Ross and Township of 85454

Paxton and bounded and described as follows, to-wit: 85455

Parcel No. 1 85456

Beginning at a point in the center of the Chillicothe-Milford 85457  
Pike, from which a stone at the south side of the road bears S. 12 85458  
deg. E. 33 links, said point being the northwest corner of the 85459  
Seip Heir's land; thence with the center of said Pike S. 67 deg. 85460  
W. 3.58 chains to a point in said Pike; thence S. 11 deg. E. 23.71 85461  
chains to a stake or stone; thence S. 6 deg. 30 min., E. 2.63 85462  
chains to a stake or stone; thence N. 89 deg. E. 3.63 chains to a 85463  
stake or stone in the line of the Seip heirs land; thence with 85464  
said Seip heir's lines N. 3 deg. W. 3.81 chains to a stone; thence 85465  
N. 12 deg. W. 23.86 chains to the beginning, containing 10 acres 85466  
of land, more or less. 85467

The above described Parcel No. 1 is subject to a right of way for 85468  
ingress and egress reserved to Alice H. Camp and Alfred Camp, her 85469  
husband, as described in Deed Book No. 20, Page 100 Recorder's 85470  
Office, Ross County Ohio. 85471

Being all of Auditor's Parcel No. 221107005600. Being the same 85472  
tract of ground as acquired by The Ohio State Archaeological and 85473  
Historical Society in Deed Volume 207, page 100. 85474

Parcel No.2 85475

Beginning at the intersection of the two westerly lines of the 85476  
Seip land at a stake at the base of the said Mound; thence using 85477  
the old bearings, N. 12' 18' W. 30 feet to an iron pipe in said 85478  
line; thence S. 70°18' E. 50 feet to an iron pipe; thence S. 85479  
49°18' E. 50 feet to an iron pipe; thence S. 21° 28' E. 50 feet to 85480  
an iron pipe; thence S. 12°47' W. 50 feet to an iron pipe; thence 85481  
S. 35°22' W. 50 feet to an iron pipe; thence S. 62°42' W. 50 feet 85482  
to an iron pipe in the other old line; thence with said line N. 3° 85483  
17' W. 178 feet more or less to the beginning, containing 0.31 85484  
acres more or less and being a part of Virginia Military Survey 85485  
No. 392. 85486

And being a part of premises conveyed by Thomas Blackstone Exr. To 85487  
Charles Seip, on Aug. 30, 1883 as recorded in Vol. 95, page 256 85488  
Ross County Deed Records. 85489

Being all of Auditor's Parcel No. 221107006600. Being the same 85490  
tract of ground as acquired by The Ohio State Archaeological and 85491  
Historical Society in Deed Volume 209, page 48. 85492

Parcel No. 3 85493

Tract One: 85494

Being all of the lands of which Thomas Blackstone died seized 85495  
which lie north of Paint Creek, and being a part of Simeon 85496  
Morgan's Survey #392; then beginning at a stone on the North bank 85497  
of Paint Creek where three sugar trees are called for (now 85498  
missing) an upper corner of the creek to Richard Dill's running 85499  
thence up the creek, as it meanders and binding thereon N 88 deg W 85500  
34 poles; thence S 87 deg 45' W 27.76 poles to a stake from which 85501  
a white elm 11 inches in diameter bears S 48 deg E 5-3/4 links and 85502  
white elm 12 inches in diameter bears S 82 ½ deg E 31 links and a 85503  
stone bears N 3 deg 17' W 50 links distant; thence N 3 deg 17' W 85504  
146.7 poles to one of the parts in the post and rail fence in a 85505  
line of the tract of land conveyed to said Thomas Blackstone, Sen. 85506  
by R. R. Seymour and wife by deed dated November 13, 1852 85507  
(hereinafter referred to); thence N 12 deg 18' W 96.12 poles to a 85508  
stake in the center of the turnpike from which a stone bears south 85509  
12 deg 18' E 50 links; thence with the center of said turnpike N 85510  
66 deg 30' E 81.74 poles to a stake in the center of said turnpike 85511  
from which a stone bears S 3 deg 17' E 50 links distant; thence S 85512  
3 deg 17' E 273.4 poles to the beginning, containing 104 acres, 2 85513  
roods and 38 poles, more or less, being the same premises 85514  
described in two several deeds from R. R. Seymour and wife, to 85515  
said Thomas Blackstone, Sen. and bearing date November 13, 1852, 85516  
recorded in Volume 53 page 510 Ross County Ohio Deed Records, 85517  
calling for 100 acres, and the other bearing date April 23., 1853, 85518

recorded in Volume 55, page 14 of said records calling for 4 85519  
acres, 2 roods and 38 poles SAVE arid EXCEPTING from the NE corner 85520  
thereof 1 acre and 1 pole conveyed by Thomas Blackstone, Sen to 85521  
the Board of Education of Paxton Township, by deed dated September 85522  
13, 1878 and recorded in Volume 85, page 569 of the records of 85523  
Ross County, Ohio. SAVE and EXCEPTING .31 of an acre sold and 85524  
conveyed by Elizabeth Seip to the Ohio State Archaeological and 85525  
Historical Society December 9, 1927 and recorded in Volume 209 85526  
page 48, Ross County Ohio Deed Records. And being the same 85527  
premises conveyed to Charles G. Schlegel by deed dated November 9, 85528  
1955 and recorded in Volume 291, page 8 Ross County Ohio Deed 85529  
Records. 85530

Tract Two: 85531

Beginning at a point in the center of Chillicothe and Milford Pike 85532  
from which a stone at the south side of the road bears S 12 deg E 85533  
33 links, said point being the NW corner of the Seip Heir's land; 85534  
thence with the center of said pike S 67 deg W 14.085 poles to a 85535  
point in said pike; thence S 11 deg E 94.85 poles; thence S 6 deg 85536  
30' E 141.36 poles to Paint Creek; thence down Paint Creek with 85537  
the meanders thereof S 86 deg 45' E 6.77 poles to the SW corner of 85538  
the Seip Heirs; thence N 3 deg W 143.92 poles to a stone; thence N 85539  
12 deg W 95.44 poles to the beginning, containing 18 acres and 85540  
3.625 poles of land more or less. SAVE AND EXCEPT THEREFROM the 85541  
following described tract heretofore sold and conveyed by these 85542  
grantors to the State of Ohio, being deed recorded in Volume 207 85543  
page 100 of the Deed Records of Ross County, Ohio. 85544

Beginning at a point in the center of Chillicothe Milford Pike, 85545  
from which a stone at the south side of the road bears S 12 deg 33 85546  
links said point being the NW corner of the Seip heir's land; 85547  
thence with the center of said pike S 67 deg W 3.58 chains to a 85548  
point in said pike; thence S 11 deg E 23.71 chains to a stake or 85549  
stone; thence S 6 deg 30' E 2.63 chains to a stake or stone; 85550

thence N 89 deg E 3.63 chains to a stake or stone in the line of 85551  
Seip heir's land; thence with said Seip heir's lines N 3 deg W 85552  
3.81 chains to a stone; thence N 12 deg W 23.86 chains in the 85553  
beginning, containing 10 acres of land more or less. The above 85554  
exception is subject to a roadway reserved by Alice H. Camp and 85555  
Alfred Camp for themselves, their heirs and assigns leading from 85556  
U.S. Route 50 to the remainder of the tract above described. Being 85557  
the same premises conveyed to Charles C. Schlegel by deed dated 85558  
April 10, 1956 and recorded in V. 292 page 595 Ross County, Ohio 85559  
Deed Records. 85560

Being all of Auditor's Parcel No. 221107007000. Being the same 85561  
tract of ground as acquired by The Ohio State Archaeological and 85562  
Historical Society in Deed Volume 518, page 542. 85563

The Director of Administrative Services may adjust the legal 85564  
description to accommodate any corrections necessary to facilitate 85565  
recordation of the deed. 85566

(B) Consideration for conveyance of the real estate shall be 85567  
the mutual benefit accruing to the society and the United States 85568  
from the use of the real estate by the National Park Service as a 85569  
part of the Hopewell Culture National Historical Park. 85570

(C) The real estate shall be sold as an entire tract and not 85571  
in parcels. 85572

(D) The National Park Service shall pay the costs of the 85573  
conveyance. 85574

(E) Within two years after the effective date of this act, 85575  
the Ohio Historical Society shall prepare a deed to the real 85576  
estate. The deed shall state the consideration and the conditions. 85577  
The deed shall be executed by the society, presented in the Office 85578  
of the Auditor of State for recording, and delivered to the 85579  
National Park Service. The National Park Service shall present the 85580  
deed for recording in the Office of the Ross County Recorder. 85581



(F) This section expires two years after its effective date. 85582

**Section 753.110.** (A) The Governor is authorized to execute a deed in the name of the state conveying to the City of Columbus (the "grantee"), and its successors and assigns, all of the state's right, title, and interest in the following described real estate:

Situated in the State of Ohio, County of Franklin, City of Columbus, being a part of Township 1, Range 18, Quarter Township 3, United States Military Lands, being a part of Lot 1 of R.P. Woodruff's Subdivision of Lot 2 of his Subdivision of Lot Number 8 of Sidney L. Caffee's subdivision called Northwood Place Addition to the City of Columbus, as recorded in Plat Book 2, page 326, and being part of a tract of land as described as Parcel One in a Warranty Deed to The State of Ohio, of record in Deed Book Volume 3677, Page 247, all records referenced are on file at the Recorder's Office, Franklin County, Ohio, said 0.002 acre being more particularly bounded and described as follows:

Commencing for reference at a drill hole set at the intersection of the westerly right-of-way line of North High Street and the Southerly right-of-way line of Northwood Avenue, being the northeasterly corner of the said State of Ohio tract;

Thence South 08o21'22" East, along the westerly right-of-way line of North High Street, along the easterly line of the said State of Ohio tract, a distance of 18.97 feet to a drill hole set at the True Place of Beginning of the herein described tract;

Thence South 08o21'22" East, continuing along the westerly right-of-way line of North High Street, continuing along the easterly line of said State of Ohio tract, a distance of 11.00 feet to a drill hole set at the southeasterly corner of the herein described tract;

Thence over and across the said State of Ohio tract by the 85612  
following three (3) described courses: 85613

1. South 81o38'38" West, along a line perpendicular to the 85614  
westerly right-of-way line of North High Street and the easterly 85615  
line of the said State of Ohio tract, a distance of 10.00 feet to 85616  
a drill hole set at the southwesterly corner of the herein 85617  
described tract; 85618

2. North 08o21'22" West, along a line parallel to and 10.00 85619  
feet westerly from the westerly right-of-way line of North High 85620  
Street and the easterly line of the said State of Ohio tract, a 85621  
distance of 11.00 feet to an iron pin set at the northwesterly 85622  
corner of the herein described tract; 85623

3. North 81o38'38" East, along a line perpendicular to the 85624  
westerly right of way line of North High Street and the easterly 85625  
line of the said State of Ohio tract, a distance of 10.00 feet to 85626  
the True Place of Beginning and contains 0.002 acre out of 85627  
Auditor's Parcel Number 010-066692. 85628

The bearings are based on South 08o21'22" East, along the westerly 85629  
right-of-way line of North High Street and is referenced to the 85630  
Ohio State Plane Coordinate System, South Zone and the North 85631  
American Datum of 1983. 85632

The above description was prepared under the direct supervision of 85633  
John L. Price, registered professional surveyor number 7159 and 85634  
represents an actual field survey performed by ms consultants, 85635  
inc. Iron pins referenced as to be set are 5/8 inch by 30 inch 85636  
long rebar with yellow plastic caps stamped "7159-ms consultants". 85637

The Director of Administrative Services may adjust the legal 85638  
description to accommodate any corrections necessary to facilitate 85639  
recordation of the deed. 85640

(B) Consideration for conveyance of the real estate shall be 85641  
\$3,070.00, as derived by mutual agreement reached between the 85642

state and the grantee through an executed Offer to Purchase. The 85643  
grantee shall be credited at closing with the value paid by the 85644  
grantee for an existing easement on the real estate (OSU 6827), 85645  
receipt of which is hereby acknowledged, in the amount of 85646  
\$3,070.00. 85647

(C) The real estate shall be sold as an entire tract and not 85648  
in parcels. 85649

(D) Prior to execution of the deed, possession of the real 85650  
estate shall be governed by an existing interim easement between 85651  
the Department of Administrative Services and the grantee. 85652

(E) The grantee shall pay the costs of the conveyance, 85653  
including recordation costs of the deed. 85654

(F) Upon payment of the purchase price, the Auditor of State, 85655  
with the assistance of the Attorney General, shall prepare a deed 85656  
to the real estate. The deed shall state the consideration. The 85657  
deed shall be executed by the Governor in the name of the state, 85658  
countersigned by the Secretary of State, sealed with the Great 85659  
Seal of the State, presented in the Office of the Auditor of State 85660  
for recording, and delivered to the grantee. The grantee shall 85661  
present the deed for recording in the Office of the Franklin 85662  
County Recorder. 85663

(G) This section expires one year after its effective date. 85664

**Section 753.120.** (A) The Governor is authorized to execute a 85665  
deed in the name of the state conveying to one or more purchasers, 85666  
and the purchaser or purchasers' heirs and assigns or successors 85667  
and assigns, all of the state's right, title, and interest in any 85668  
or all parcels of real estate, held for the use and benefit of The 85669  
Ohio State University, described as follows: 85670

Property 1 85671

Parcel 1 85672

And known as being a part' of the southeast quarter of Section 15, 85673  
T-15 (Wooster) R-13, Wayne County, Ohio. 85674

Bounded and described as follows: 85675

Commencing at the center of Section 15, R-13; thence S 0° 00' 00" 85676  
W along the quarter section line 873.78 feet to a spike on the 85677  
centerline of U.S. Rte. 250; thence S 60° 14' 35" E (along said 85678  
centerline) 787.70 feet to a spike (witnessed by an iron- pin S 85679  
58° 25' 45" W 34 .19 feet) the place of BEGINNING; thence 85680  
continuing S 60° 14' 35" E (along said centerline) 509.88 feet to 85681  
a spike, witnessed by an iron pin S 29° 45' 25" W 30 feet; thence 85682  
S 29° 45' 25" W 300 feet to an iron pin; thence N 60° 14' 35" W 85683  
(parallel to U.S. Rte. 250) 389.98 feet to an iron pin; thence N 85684  
31° 34' 15" W 241.22 feet to an iron pin; thence N 58° 25° 43" E 85685  
210 feet to the place of beginning. This parcel contains 3.71 85686  
Acres of land. 85687

Parcel 2 85688

Real Estate situated in the 85689

State of Ohio 85690

County of Wayne 85691

Township of Wooster – Part of the southeast quarter of Section 15; 85692

T-15N; R-13W. 85693

Described as follows: 85694

Commencing at the center of Section 15; 85695

thence S 0° 00' 00" W 873.78 feet, along the section line to point 85696  
on the centerline of Dover Road, formerly U.S. Route 250; 85697

thence S 60° 14' 35" E 787.70 feet, along said centerline to a 85698  
point, witnessed by an iron pin set 85699

S 58° 25' 43" W 34.19 feet; 85700

thence S 58° 25' 43" W 210.00 feet to an iron pin found, the TRUE 85701

POINT OF BEGINNING; 85702

thence with the following FIVE courses: 85703

1.) S 31° 34' 15" E 241.22 feet, along a northerly line of the 85704  
Grantor, to a P.K. nail set; 85705

2.) S 60° 14' 35" E 198.98 feet, along the northerly line of the 85706  
Grantor to an iron pin set; 85707

3.) S 29° 45' 25" W 15.00 feet to an iron pin set; 85708

4.) N 60° 14' 35" W 253.85 feet to an iron pin set; 85709

5.) N 20° 25' 03" W 204.13 feet to the TRUE POINT or BEGINNING. 85710

This parcel contains 0.187 Acres. 85711

Property 2 85712

Located in the Village of Apple Creek, Wayne County Ohio 85713  
containing approximately 0.69 acres of real property out of a 85714  
7.226 acre tract acquired by The Ohio State University on March 5, 85715  
2001, and being part of Wayne County Auditor's tax parcel number 85716  
28-00466-000. 85717

Property 3 85718

Situated in the State of Ohio, County of Franklin, City of 85719  
Columbus, Virginia Military Survey No. 6641, being 6.310 acres of 85720  
land all out of that 16.614 acre tract as described in a deed to 85721  
Bob Evans Farms, Inc., of record in Official Record Volume 23714 85722  
H06, (all references to records being on file in the Recorder's 85723  
Office, Franklin County, Ohio), said 6.310 acre tract being more 85724  
particularly described as follows: 85725

Beginning for reference at an iron pin found at the intersection 85726  
of the westerly right-of-way line of Hilliard Rome Road and the 85727  
northerly tight-of-way line of Feder Road, being the southeasterly 85728  
comer of Lot 1, as delineated on the record plat "HARVEST PLACE", 85729  
of record in Plat Book 81, Page 32; Thence North 36°14'38" West, 85730  
along the northerly line of said Feder Road, the southerly line of 85731

said Lot 1, a distance of 271.81 feet to an iron pin found; Thence 85732  
South 3 West, along an easterly line of said plat "HARVEST PLACE", 85733  
a distance of 10.00 feet to a point; Thence North 36°14'38" West, 85734  
continuing along the northerly line of said Feder Road, the 85735  
southerly dedication line of Evans 'Way Court, as delineated on 85736  
said plat "HARVEST PLACE", a distance of 100.00 feet to an iron 85737  
pin set at the southwesterly corner of said Evans Way Court; and 85738  
being the TRUE PLACE OF BEGINNING of the 6.310 acre tract herein 85739  
described: 85740

Thence North 86°14' 38" West, along the northerly right-of-way 85741  
line of said Feder Road, the southerly line of said 16.614 acre 85742  
tract, as described in said deed to Bob Evans Farms, Inc., a 85743  
distance of 581.81 feet to an iron pin found at the southwesterly 85744  
corner of said 16.614 acre tract; 85745

Thence North 3° 14' 58" East, along the westerly line of said 85746  
16.614 acre tract, the easterly line of that 13.663 acre tract as 85747  
described in a deed to Waterford Pointe Ohio, Ltd., of record in 85748  
Official Record Volume 33216 D19, a distance of 473.85 feet to an 85749  
iron pin found; 85750

Thence South 86° 45' 57" East, through said 16.614 acre tract, a 85751  
distance of 536.50 feet to an iron pin found in the westerly 85752  
right-of-way line of Evans Way Court; 85753

Thence along the westerly right-of-way line of said Evans Way 85754  
Court the following four (4) courses and distances: 85755

1. South East, a distance of 33 I .52 feet to an iron pin set at a 85756  
point of curvature; 85757

2. Along the arc of a curve to the right, having a radius of 85758  
463.66 feet, a central angle of 10°41'13", an arc distance of 85759  
86.48 feet to an iron pin set at a point of tangency, said arc 85760  
being subtended by a chord bearing South 1° 35' 14" East, a chord 85761  
distance of 86.36 feet; 85762

3. South 3° 45' 22" West, a distance of 46.97 feet to an iron pin set at a point of curvature; 85763  
85764

4. Along the arc of a curve to the right, having a radius of 20.00 feet, a central angle of 90°00'00", an arc distance of 31.42 feet to the TRUE PLACE OF BEGINNING and containing 6.310 acres of land, said arc being subtended by a chord bearing South 48° 45' 22" West, a chord distance of 28.28 feet. 85765  
85766  
85767  
85768  
85769

The bearing meridian for this description is based on a bearing of North 86° 14' 38" West, along the northerly right-of-way line of Feder Road, as delineated on the plat of "HARVEST PLACE", of record in Plat Book 81, Page 32, on file in the Recorder's Office, Franklin County, Ohio. 85770  
85771  
85772  
85773  
85774

The forgoing description was prepared from an actual field survey of the premises in January 1998, by MS Consultants, Inc., iron pin sets are ¼" diameter x 30" long with plastic caps stamped MS Cons, Inc., Youngstown. 85775  
85776  
85777  
85778

Property 4 85779

Parcel 1 85780

Situated in the Township of Union, County of Brown, State of Ohio, being a part of Jordan Harris' Military Survey No. 756 and being the same real estate described as a 118 3/4 acres "Tract No. 1" as conveyed to State of Ohio-Ohio Agricultural Experiment Farm and recorded in Deed Book 64, Page 149 of the Brown County Recorder's Office and being further bounded and described as follows: 85781  
85782  
85783  
85784  
85785  
85786

Beginning at a Mag nail (set) marking the centerline intersection of Gardner Road (Township Road No. 233) and Schwallie Road (Township Road No. 263); 85787  
85788  
85789

thence with the centerline of Gardner Road S 85 deg. 42 min. 20 sec. E, a distance of 2343. 58 ft. to a Mag nail (set) over a spike (found) near the easterly terminus of Gardner Road, said Mag nail the westerly line of a 161 3/4 acres tract as conveyed to 85790  
85791  
85792  
85793

Duane Campbell, Trustee (D.B. 235, Page 668); 85794

thence with Campbell's westerly line S 03 deg. 54 min. 25 sec. W, 85795  
a distance of 1469.66 ft. to a 5/8" iron pin (found), said iron 85796  
pin being the northwesterly corner of an original 49.583 acres 85797  
tract as conveyed to Eric E. Weiss, et ux (O.R. 301, Page 1994); 85798

thence with Weiss' westerly line S 06 deg. 21 min. 58 sec. W, a 85799  
distance of 544.68 ft. to a 5/8" iron pin (found), said iron pin 85800  
being the northeasterly corner of a 52.715 acres tract as conveyed 85801  
to Martin E. Regenstein (D.B. 229, Page 84); 85802

thence with Regenstein's line N 83 deg. 37 min. 49 sec. W, a 85803  
distance of 1510.92 ft. to a 10" stone (found), said stone being 85804  
the northeasterly corner of a 110.942 acres tract as conveyed to 85805  
Mike Sidwell, Trustee (O.R. 293, Page 1451); 85806

thence with Sidwell's line for the next three calls: 85807

(1) N 84 deg. 01 min. 21 sec. W, a distance of 411.99 ft. to a 85808  
1/2" iron pin (found); 85809

(2) S 05 deg. 38 min. 01 sec. W, a distance of 341.31 ft. to a 85810  
1/2" iron pin (found); 85811

(3) N 87 deg. 11 min. 31 sec. W, a distance of 812.14 ft. to a 85812  
1/2" iron pin (found) by a corner post, said iron pin being the 85813  
southeasterly corner of an original 93 acres, 2 roods, 32 poles 85814  
tract as conveyed to Jeanne Klump (D.B. 103, Page 523); 85815

thence with Klump' s line for the next three calls: 85816

(1) N 07 deg. 48 min. 53 sec. E, a distance of 1239.33 ft. to a 85817  
5/8" iron pin (set) by a corner post; 85818

(2) S 85 deg. 51 min. 02 sec. E, passing a 5/8" iron pin (set) by 85819  
a corner post at 383.92 ft., a total distance of 392.39 ft. to a 85820  
5/8" iron pin (set), said iron pin being in the centerline of the 85821  
aforementioned Schwallie Road; 85822

(3) also with the centerline of Schwallie Road N 01 deg. 03 min. 85823



00 sec. E, a distance of 1073.15 ft. to the beginning, containing 85824  
119.318 acres of land. 85825

Subject to all legal easements and rights-of-way of record. 85826

Bearings are based upon the Grid Azimuth (AZ. 145 deg. 53 min. 85827  
58.8 sec.) between National Geodetic Survey Monument "BROWNPORT" 85828  
and McCarty Associates Geodetic Survey Monument "OSU (2001)" and 85829  
derived from GPS observations taken June 6, 2011, utilizing the 85830  
Trimble ODOT VRS (Virtual Reference System). 85831

Land surveyed in June 2011, under the direction of Eric N. Lutz, 85832  
Registered Professional Surveyor No. 7232, the survey plat of 85833  
which is referred to as Project No. on file in the office of 85834  
McCarty Associates, LLC, Hillsboro, Ohio. 85835

Parcel 2 85836

Situated in the Township of Union, County of Brown, State of Ohio, 85837  
being a part of Harris' Military Survey No. 756 and Williams' 85838  
Military Survey No. 888 and Shepherd' s Military Survey No. 1060 85839  
and Parker' s Military Survey No. 2787 and containing 27.964 acres 85840  
from the 36 acres tract and all of the 18 acres, 3 rods, 20 poles 85841  
tract being 19.619 acres and containing all of the 100 acres 85842  
"Tract No. 2", containing 100.697 acres as conveyed to the State 85843  
of Ohio—Ohio Agricultural Experiment Farm and recorded in Deed 85844  
Book 64, Page 149 of the Brown County Recorder's Office and being 85845  
further bounded and described as follows: 85846

Beginning at a 5/8" iron pin (set) marking Centerline Station 85847  
241+56.90 in the centerline of relocated U.S. Route 62-U.S. Route 85848  
68, being Section BRO-62-8.60 as found in Plat Book C-5, Page O.G. 85849  
, said iron pin being in the northerly line of the 100 acres 85850  
"Tract No. 2" of which is a part of this description and being in 85851  
the line between Shepherd' s Military Survey No. 1060 and Harris' 85852  
Military Survey No. 756; 85853

thence with the centerline of U.S. Route 62-U.S. Route 68 N 25 85854

deg. 13 min. 20 sec. E, a distance of 1287.40 ft. to a 5/8" iron 85855  
pin (set) marking Station 254+44.30, said iron pin being in the 85856  
southerly line of an 8.012 acres tract as conveyed to Paula 85857  
Pfeffer (O.R. 392, Page 861); 85858

thence with Pfeffer's southerly line N 87 deg. 07 min. 30 sec. E, 85859  
a distance of 630.55 ft. to a Mag nail (set) near the northerly 85860  
edge of Hartman Road (Township Road No. 231), said Mag nail being 85861  
a northwesterly corner of a 232.073 acres tract as conveyed to 85862  
Marilyn Parker, et al (O.R. 233, Page 1392); 85863

thence with Parker's westerly line for the five calls: 85864

(1) S 00 deg. 05 min. 52 sec. E, passing a Mag nail (found) in the 85865  
centerline of Hartman Road, at 6.82 ft. and passing a 5/8" iron 85866  
pin (set), at 56.86 ft., a total distance of 204.21 ft. to a 5/8" 85867  
iron pin (found); 85868

(2) S 19 deg. 15 min. 53 sec. E, a distance of 213.69 ft. to a 85869  
5/8" iron pin (found) by a post; 85870

(3) S 05 deg. 08 min. 02 sec. E, a distance of 888.91 ft. to a 85871  
5/8" iron pin (found) by a corner post, said iron pin being in the 85872  
line between V.M.S. No. 1060 and V.M.S. No. 756; 85873

(4) with said V.M.S. line S 85 deg. 54 min. 39 sec. E, a distance 85874  
of 1056. 17 ft. to a 5/8" iron pin (found) by corner post; 85875

(5) S 03 deg. 59 min. 43 sec. W, a distance of 1829. 95 ft. to a 85876  
5/8" iron pin (set) , said iron pin being a corner to an original 85877  
93 acres, 2 roods, 32 poles tract as conveyed to Jeanne Klump 85878  
(D.B. 103, Page 523); 85879

thence with Klump's northerly line and the centerline of Gardner 85880  
Road (Township Road No. 233) N 86 deg. 24 min. 20 sec. W, a 85881  
distance of 272.62 ft. to a Mag nail (set); 85882

thence with the centerline of Gardner Road for the next six calls: 85883

(1) N 86 deg. 04 min. 54 sec. W, a distance of 408.38 ft. to a Mag 85884

nail (set); 85885

(2) N 85 deg. 38 min. 32 sec. W, a distance of 384.15 ft. to a Mag 85886  
nail (set); 85887

(3) N 86 deg. 44 min. 42 sec. W, a distance of 310.88 ft. to a Mag 85888  
nail (set); 85889

(4) N 86 deg. 55 min. 56 sec. W, a distance of 220.07 ft. to a Mag 85890  
nail (set); 85891

(5) N 85 deg. 54 min. 57 sec. W, a distance of 374.84 ft. to a Mag 85892  
nail (set); 85893

(6) N 85 deg. 33 min. 47 sec. W, a distance of 1119.72 ft. to a 85894  
5/8" inch iron pin (set) in the centerline of the Old U.S. Route 85895  
62; 85896

thence with the centerline of U.S. Route 62 for the next ten 85897  
calls: 85898

(1) N 24 deg. 49 min. 35 sec. E, a distance of 199.45 ft. to a 85899  
5/8" iron pin (set); 85900

(2) with a curve to the left, having a radius of 5729.58 ft., an 85901  
arc length of 348.33 ft., and a chord which bears N 23 deg. 05 85902  
min. 05 sec. E, a distance of 348.28 ft. to a 5/8" iron pin (set); 85903

(3) N 21 deg. 20 min. 35 sec. E, a distance of 267.06 ft. to a 5/8" 85904  
iron pin (set); 85905

(4) with a curve to the left, having a radius of 954.93 ft., an arc 85906  
length of 227.50 ft., and a chord which bears N 14 deg. 31 min. 05 85907  
sec. E, a distance of 226.96 ft. to a 5/8" iron pin (set); 85908

(5) N 07 deg. 41 min. 35 sec. E, a distance of 130.44 ft. to a 5/8" 85909  
iron pin (set); 85910

(6) with a curve to the right, having a radius of 301.56 ft., an 85911  
arc length of 178.42 ft., and a chord which bears N 24 deg. 38 85912  
min. 36 sec. E, a distance of 175.83 ft. to a 5/8" iron pin 85913

(set); 85914

(7) N 41 deg. 35 min. 35 sec. E, a distance of 291.09 ft. to a 5/8" iron pin (set); 85915  
85916

(8) with a curve to the left, having a radius of 260.44 ft., an arc length of 103.56 ft., and a chord which bears N 30 deg. 12 min. 05 sec. E, a distance of 102.88 ft. to a 5/8" iron pin (set); 85917  
85918  
85919

(9) N 18 deg. 48 min. 35 sec. E, a distance of 143.83 ft. to a 5/8" iron pin (Set); 85920  
85921

(10) N 03 deg. 50 min. 29 sec. E, a distance of 109.42 ft. to a Mag nail (found) in the centerline of Cluxton South Road (Township Road No. 231-A) , said Mag nail being a corner of a 31.757 acres "Tract 4" as conveyed to Thomas Cluxton, et ux (O.R. 259, Page 653); 85922  
85923  
85924  
85925  
85926

thence with a new division line S 70 deg. 46 min. 00 sec. E, a distance of 150. 60 ft. to the beginning, containing 148 .280 acres of land. 85927  
85928  
85929

The above description is subject to Highway Easements as conveyed to the State of Ohio and being Parcel 33LA containing 16.66 acres (not recorded, departmental transfer), Parcel 33B containing 0.50 acre (not recorded, departmental transfer) and subject to a drainage easement as granted to the State of Ohio and being Parcel No. containing 0.02 acre (not recorded, departmental transfer). 85930  
85931  
85932  
85933  
85934  
85935

Subject to all other legal easements and rights0-of-way of record. 85936

Bearings are based upon the Grid Azimuth (AZ. 145 deg. min. 58.8 sec.) between National Geodetic Survey Monument "BROWNPORT" and McCarty Associates Geodetic Survey Monument "OSU (2001)" and derived from GPS observations taken June 6, 2011, utilizing the Trimble ODOT CORS VRS (Virtual Reference System). 85937  
85938  
85939  
85940  
85941

Land surveyed in June 2011, under the direction of Eric N. Lutz, Registered Professional Surveyor No. 7232, the survey plat of 85942  
85943

which is referred to as Project No. on file in the office of 85944  
McCarty Associates, LLC, Hillsboro, Ohio. 85945

Parcel 3 85946

Situated in the Township of Union, County of Brown, State of Ohio, 85947  
being a part of Shepherd's Military Survey No. 1060 and Parker's 85948  
Military Survey No. 2787 and being a part of the 36 acres, 2 85949  
roads, 17 poles tract as conveyed to the State of Ohio-Ohio 85950  
Agricultural Experiment Farm and recorded in Deed Book 64, Page 85951  
149 of the Brown County Recorder's Office and being further 85952  
bounded and described as follows: 85953

Beginning at a 5/8" iron pin (set) marking Centerline Station 85954  
241+56.90 in the centerline of relocated U.S. Route 62-U.S. Route 85955  
68, being Section BRO-62-8.60 as found in Plat Book C-5, Page O.G. 85956  
, said iron pin being in the northerly line of a 100 acres "Tract 85957  
No. 2" as conveyed to the State of Ohio (D.B. 64, Page 149) and 85958  
being in the line between Shepherd's Military Survey No. 1060 and 85959  
Harris Military Survey No. 756; 85960

thence with a new division line N 70 deg. 46 min. 00 sec. W, a 85961  
distance of 150.60 ft. to a Mag nail (found) in the centerline of 85962  
Cluxton South Road (Township Road No. 231-A), said Mag nail being 85963  
in the limited access right-of-way of U.S. Route 62-U.S. Route 68 85964  
and being a corner to a 31.757 acres "Tract 4" as conveyed to 85965  
Thomas Cluxton, et ux (O.R. 259, Page 653); 85966

thence with centerline of Cluxton South Road and Cluxton's line 85967  
for the next five calls: 85968

(1) N 03 deg. 58 min. 13 sec. E, a distance of 124.92 ft. to a Mag 85969  
nail (found); 85970

(2) N 18 deg. 17 min. 32 sec. W, a distance of 340.39 ft. to a Mag 85971  
nail (found); 85972

(3) N 12 deg. 15 min. 13 sec. E, a distance of 101.00 ft. to a Mag 85973

nail (found); 85974

(4) N 40 deg. 00 min. 46 sec. E, a distance of 274.002 ft. to a 85975  
Mag nail (found); 85976

(5) N 44 deg. 49 min. 41 sec. E, a distance of 224.54 ft. to a Mag 85977  
nail (found), said Mag nail being a corner to a 4.635 acres tract 85978  
as conveyed to Thomas Cluxton, et ux (D.B. 257, Page 142); 85979

thence continuing with the centerline of Cluxton South Road and 85980  
the line of Cluxton' s 4.635 acres tract N 46 deg. 04 min. 30 sec. 85981  
E, a distance of 211. 52 ft. to a spike (found); 85982

thence continuing with the line of Cluxton' s 4.635 acres tract N 85983  
61 deg. 10 min. 11 sec. E, a distance of 150.17 ft. to a 1/2" iron 85984  
pin (found); 85985

thence with a line of the tract of' land of which this description 85986  
is a part N 60 deg. 55 min. 38 sec. E, a distance of 147.94 ft. to 85987  
a Mag nail (set) , said Mag nail being in the westerly line of an 85988  
8.012 acres tract as conveyed to Paula Pfeffer (O.R. 392, Page 85989  
861); 85990

thence with Pfeffer' s westerly line S 18 deg. 00 min. 08 sec. 85991  
W, a distance of 99.00 ft. to a Mag nail (set); 85992

thence with Pfeffer' s southerly line N 87 deg. 07 min. 30 sec. E, 85993  
a distance of 50.52 ft. to a 5/8" iron pin (set) , marking 85994  
Centerline Station 254+44.30 of U.S. Route 62-U.S. Route 68 85995  
(Section BRO-62-8-8.60); 85996

thence with the centerline of U.S. Route 62-U.S. Route 68 S 25 85997  
deg. 13 min. 20 sec. W, a distance of 1287.40 ft. to the 85998  
beginning, containing 9.327 acres of land. 85999

The above description is subject to Highway Easements as conveyed 86000  
to the State of Ohio and being Parcel 33LA, containing 16.66 acres 86001  
(not recorded, departmental transfer), Parcel 33A containing 0.15 86002  
acres (not recorded, departmental transfer} and subject to a 86003

drainage easement as granted to the State of Ohio and being Parcel 86004  
No. 3324-2, containing 0.02 acres (not recorded, departmental 86005  
transfer) . 86006

Subject to all other legal easements and rights-of-way of record. 86007

Bearings are based upon the Grid Azimuth (AZ. 145 deg. 53 min. 86008  
58.8 sec.) between National Geodetic Survey Monument "BROWNPORT" 86009  
and McCarty Associates Geodetic Survey Monument "OSU (2001)" and 86010  
derived from GPS observations taken June 6, 2011, utilizing the 86011  
Trimble ODOT CORS VRS (Virtual Reference System) . 86012

Land surveyed in June 2011, wonder the direction of Eric N. Lutz, 86013  
Registered Professional Surveyor No. 7232, the survey plat of 86014  
which is referred to as Project No. S11-161 on file in the office 86015  
of McCarty Associates, LLC, Hillsboro, Ohio. 86016

Property 5 86017

Parcel 1 86018

Being Lot Number Four (4) and Four (4) feet off the North side of 86019  
Lot Number Three (3) of ELIZABETH J. MCMILLEN'S HOMESTEAD 86020  
ADDITION, as the same are numbered and delineated upon the 86021  
recorded plat thereof, of record in Plat Book 4, page 400, 86022  
Recorder's Office, Franklin County, Ohio. 86023

Parcel 2 86024

Being Lot Number Five (5) of ELIZABETH J. MCMILLEN'S HOMESTEAD 86025  
ADDITION, as the same is numbered and delineated upon the recorded 86026  
plat thereof, of record in Plat Book 4, page 400, Recorder's 86027  
Office, Franklin County, Ohio. 86028

Property 6 86029

Situated in the County of Franklin, in the State of Ohio, and in 86030  
the City of Columbus: 86031

Being Lot Number Six (6) of ELIZABETH J. MCMILLEN'S HOMESTEAD 86032  
ADDITION, as the same is numbered and delineated upon the recorded 86033

plat thereof, of record in Plat Book 4, page 400, Recorder's Office, Franklin County, Ohio. 86034  
86035

Also known as 1457 Neil Avenue 86036

Parcel #010-043009 86037

Property 7 86038

Situated in the County of Franklin, in the State of Ohio and in the City o Columbus: 86039  
86040

Being Lot Number Eight (8) of ELIZABETH J. MCMILLEN'S HOMESTEAD ADDITION to said city, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 400, Recorder's Franklin County. Ohio. 86041  
86042  
86043  
86044

Also known as 1469 Neil Avenue 86045

Parcel #010-025481 86046

Property 8 86047

Unimproved property located at the corner of Hamilton Road and Beecher Road, Gahanna, Ohio consisting of two parcels, Franklin County parcels, number 025-009952 containing 2.806 acres and parcel number 025-009951 containing 1.713 acres. 86048  
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86050  
86051

Parcel 1 86052

Situate in the State of Ohio, County of Franklin, City of Columbus, being located in Quarter Township 1, Township 1, Range 17, United States Military Lands and being part of the 22.950 acre tract conveyed to The Vista at Rocky Fork, Limited Partnership, by deed of record in Official Record 15946B20 , all references being to records in the Recorder's Office, Franklin County, Ohio and bounded and described as follows: 86053  
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86059

Beginning at a. point: in the westerly right-of-way line of Hamilton Road at the southwesterly corner of a 1.152 acre tract conveyed to The City of Gahanna, by deed of in Official Record 15946B09, said point also being in the southerly line of said The 86060  
86061  
86062  
86063



Vista at Rocky Fork L.P. 22.950 acre tract, the northerly line of 86064  
the 57.265 acre tract conveyed to Academy Development Limited 86065  
Partnership, by deed of record in Official Record 15030C06; 86066  
thence North 85° 51' 10" West, along said northerly line of, the 86067  
Academy Development L.P. 57.265 acre tract, a distance of 485.00 86068  
feet to a. point; 86069  
thence North 15° 23' 12" East, a distance of 74.20 feet to a 86070  
point; 86071  
thence North.67° 00' 00" East, a distance of 215.00 feet to a 86072  
point; 86073  
thence North 89° 00' 00" East, a distance of 180.00 feet to a 86074  
point; 86075  
thence South 85° 50' 13" East, a. distance of 100.00 feet to a 86076  
point in the westerly right-of-way line of Hamilton Road, the 86077  
westerly line of the City of Gahanna 1.152 acre tract; 86078  
thence South 4° 09' 47" West, along said right-of-way line of 86079  
Hamilton Road, being 50 feet westerly, as measured at right angles 86080  
and parallel with the centerline of Hamilton Road, a distance of 86081  
187.00 feet to the place of beginning, containing 1.713 acres, 86082  
more or less. 86083  
Parcel 2 86084  
Being situated in the City of Gahanna, Franklin County, Ohio and 86085  
being more particularly described as follows: 86086  
Being Lot 1 of Lion Academy Village as the same is numbered and 86087  
delineated upon the recorded plat thereof, of record in Plat Book 86088  
75, Page 99, Recorder's Office, Franklin County, Ohio. Parcel 86089  
#025-009952. 86090  
Property 9 86091  
Improved property located at 4475- 4485 N. High Street, Columbus, 86092  
Ohio 43214 also known as Franklin County Auditor's parcel numbers 86093

010-086636 and 010-086638, Lots 12, 13, and 14 of the Rosemary  
Subdivision. 86094  
86095

The Director of Administrative Services may adjust the 86096  
foregoing legal descriptions to accommodate any corrections 86097  
necessary to facilitate recordation of the deeds. 86098

(B) The parcels may be transferred individually as a group, 86099  
as multiple groups to a single purchaser, or to multiple 86100  
purchasers. 86101

(C) Consideration for conveyance of the real estate shall be 86102  
a purchase price and any terms and conditions acceptable to the 86103  
Board of Trustees of The Ohio State University. 86104

(D) The purchaser or purchasers shall pay the costs of the 86105  
conveyance, including recordation costs of the deed. 86106

(E) Upon adoption of a resolution by the Board of Trustees of 86107  
The Ohio State University specifically identifying the parcel or 86108  
parcels of real estate to be conveyed, the purchaser or purchasers 86109  
of the real estate, and the consideration paid or to be paid, the 86110  
Auditor of State, with the assistance of the Attorney General, 86111  
shall prepare a deed or deeds to the real estate identified in the 86112  
resolution. The deed or deeds shall state the consideration 86113  
specified in the resolution. The deed or deeds shall be executed 86114  
by the Governor in the name of the state, countersigned by the 86115  
Secretary of State, sealed with the Great Seal of the State, 86116  
presented in the Office of the Auditor of State for recording, and 86117  
delivered to the purchaser or purchasers. The purchaser or 86118  
purchasers shall present the deed or deeds for recording in the 86119  
office of the county recorder where each parcel of real estate is 86120  
located. 86121

(F) Each deed to any real estate described in this section 86122  
shall contain any exceptions, reservations, or conditions and any 86123  
right of reentry or reverter specified in the resolution adopted 86124

by the Board of Trustees of The Ohio State University. Any 86125  
exceptions, reservations, or conditions or any right of reentry or 86126  
reverter contained in any deed may be released by The Ohio State 86127  
University without the necessity of further legislation, provided 86128  
the release is specifically authorized by the Board of Trustees of 86129  
The Ohio State University. 86130

(G) The net proceeds of the sale of the real estate shall be 86131  
paid to The Ohio State University and deposited in university 86132  
accounts for purposes to be determined by the board of trustees. 86133

(H) This section expires three years after its effective 86134  
date. 86135

**Section 753.130.** (A) The Governor is authorized to execute a 86136  
deed in the name of the state conveying to the Brunswick City 86137  
School District, Medina County, Ohio, and its successors and 86138  
assigns, all of the state's right, title, and interest in the 86139  
following described real estate: 86140

Situated in the City of Brunswick, County of Medina and State of 86141  
Ohio and known as being part of Original Brunswick Township Lot 86142  
No. 15, Tract No.3, McCurdy Tract, and bounded and described as 86143  
follows: 86144

Beginning in the centerline of Laurel Road (C.H. 138) at the 86145  
Northeasterly corner of a parcel of land conveyed to Edward C. 86146  
Schultz and Anna Schultz by deed recorded in Volume 492, Page 874 86147  
of Medina County Records, said point being distant North 89 86148  
degrees 38 minutes 15 seconds West, measured along said 86149  
centerline, 669.24 feet from its intersection with the Easterly 86150  
line of Original Lot No. 14 in said Township; 86151

Thence South 0 degrees 57 minutes 37 seconds West along the 86152  
Easterly line of said land conveyed to Edward C. Schultz and Anna 86153  
Schultz, 1003.49 feet to the principal place of beginning of 86154

premises herein described; 86155

Thence South 0 degrees 57 minutes 37 seconds West continuing along 86156  
said Easterly line 1313.47 feet to the Southeasterly corner of 86157  
said land; 86158

Thence North 89 degrees 39 minutes 24 seconds West along the 86159  
Southerly line of said land conveyed to Edward C. Schultz and Anna 86160  
Schultz, being also the Southerly line of said Lot No. 15, 563.78 86161  
feet to the Southwesterly corner of said land: 86162

Thence North 0 degrees 57 minutes 37 seconds East along the 86163  
Westerly line of said land conveyed to Edward C. Schultz and Anna 86164  
Schultz, being also the Easterly lines of Coventry Terrace, Phase 86165  
2 as recorded in Volume 7, Page 42 of Medina County Plat Records 86166  
and Coventry Terrace, Phase 1 as recorded in Volume 7, Page 28 of 86167  
Medina County Plat Records, 1313.66 feet to a point; 86168

Thence South 89 degrees 38 minutes 15 seconds East parallel with 86169  
the centerline of Laurel Road, 563.78 feet to the principal place 86170  
of beginning and containing 17.000 Acres of land according to the 86171  
Survey of James B. Root & Associates, Civil Engineers & Surveyors. 86172

The courses used in this description are given to an assumed 86173  
meridian and are used to indicate angles only. 86174

PPN: 003-180-22-029 86175

The Director of Administrative Services may adjust the legal 86176  
description to accommodate any corrections necessary to facilitate 86177  
recordation of the deed. 86178

(B) Consideration for the conveyance of the real estate is 86179  
the purchase price of \$10.00. 86180

(C) The property was originally conveyed to the state of Ohio 86181  
as collateral for school construction facility bonds issued. Once 86182  
the construction project was completed, the state was to have 86183  
conveyed title to this property to the Brunswick City School 86184

District. The intent of this section is to correct this oversight. 86185

(D) The Brunswick City School District shall pay all costs 86186  
associated with the conveyance, including recordation costs of the 86187  
deed. 86188

(E) Prior to execution of the deed, possession of the real 86189  
estate shall be governed by an existing interim lease between the 86190  
state and the Brunswick City School District. 86191

(F) The net proceeds of the sale of the real estate shall be 86192  
deposited into the state treasury to the credit of the State 86193  
General Revenue Fund. 86194

(G) Upon payment of the purchase price, the Auditor of State, 86195  
with the assistance of the Attorney General, shall prepare a deed 86196  
to the real estate. The deed shall state the consideration. The 86197  
deed shall be executed by the Governor in the name of the state, 86198  
countersigned by the Secretary of State, sealed with the Great 86199  
Seal of the State, presented in the Office of the Auditor of State 86200  
for recording, and delivered to the Brunswick City School 86201  
District. The Brunswick City School District shall present the 86202  
deed for recording in the Office of the Medina County Recorder. 86203

(H) This section expires one year after its effective date. 86204

**Section 753.140.** (A) The Director of Administrative Services, 86205  
on behalf of the Department of Youth Services, is authorized to 86206  
enter into one or more real estate purchase agreements for the 86207  
sale to one or more purchasers of the state's right, title, and 86208  
interest in any or all of the real property described below. 86209

The Governor is authorized to execute a deed in the name of 86210  
the state conveying to one or more purchasers, and their 86211  
successors and assigns or heirs and assigns, all of the state's 86212  
right, title, and interest in any or all of the parcels of real 86213  
estate described as follows: 86214

Being part of the lands last transferred to the state of Ohio as 86215  
recorded in deed book 60 page 469 of the Delaware County 86216  
Recorder's Office and being further located as follows: 86217

Being all of Delaware County Auditor's Parcel No. 60024003007000, 86218  
that is lying west of State Route 745 and being located in Farm 86219  
Lot 2, in C. Baldwin's Virginia Military Survey No. 1421, Situated 86220  
in Concord Township, Delaware County, State of Ohio, and 86221  
containing approximately 30 acres more or less. 86222

In preparing the deed, the Auditor of State, with the 86223  
assistance of the Attorney General, may modify the foregoing legal 86224  
description insofar as necessary to bring it into conformity with 86225  
the actual bounds of the real estate being conveyed. 86226

(B) The real property is conveyed subject to all easements, 86227  
covenants, conditions, and restrictions of record; all legal 86228  
highways; zoning, building, and other laws, ordinances, and 86229  
regulations; and real estate taxes and assessments not yet due and 86230  
payable. 86231

(C) Consideration for conveyance of the real estate shall be 86232  
the purchase price set forth in the Purchase Agreements entered 86233  
into with the purchaser or purchasers, and shall be paid in 86234  
accordance with the terms of the Purchase Agreement. 86235

(D) The deed may contain any terms and conditions the 86236  
Director of Youth Services and the Director of Administrative 86237  
Services determine to be in the best interest of the state. The 86238  
deed may contain any restrictions that the Director of 86239  
Administrative Services and the Director of Youth Services 86240  
determine is reasonably necessary to protect the state's interest 86241  
in neighboring state-owned land. 86242

(E) The real estate may be sold as an entire tract or in 86243  
parcels. 86244

(F) The purchaser or purchasers shall pay the costs of the 86245

conveyance, including recordation costs of the deed. 86246

(G) The net proceeds from the sale of the real estate shall 86247  
be deposited into the state treasury to the credit of the Juvenile 86248  
Correctional Building Fund to offset bond indebtedness on state 86249  
bonds issued for the real estate. 86250

(H) The Auditor of State, with the assistance of the Attorney 86251  
General, shall prepare a deed or deeds to the real estate. The 86252  
deed or deeds shall state the consideration. The deed or deeds 86253  
shall be executed by the Governor in the name of the state, 86254  
countersigned by the Secretary of State, sealed with the Great 86255  
Seal of the State, presented in the Office of the Auditor of State 86256  
for recording, and delivered to the purchaser or purchasers. The 86257  
purchaser or purchasers shall present the deed or deeds for 86258  
recording in the Office of the Delaware county recorder. 86259

(I) This section expires three years after its effective 86260  
date. 86261

**Section 753.150.** (A) The Governor is authorized to execute a 86262  
deed in the name of the state conveying to the Ripley Union Lewis 86263  
Huntington Local School District, Brown County, Ohio (the 86264  
"grantee"), and its successors and assigns, all of the state's 86265  
right, title, and interest in the following described real estate: 86266

Parcel One 86267

Situated in M. Clements Military Survey No. 386, Union Township, 86268  
Brown County, Ohio, and being bounded and more particularly 86269  
described as follows: 86270

Beginning at a P.K. spike set on the centerline of U. S. Route 52, 86271  
said beginning point being the most easterly corner of Surgical 86272  
Appliance Industries, Inc. 2.00 Acre tract as recorded in Deed 86273  
Book 164, Page 778, of the Deed Records of Brown County, Ohio: 86274  
thence from said beginning point and with the centerline of said 86275

U. S. Route 52 and on a curve to the right having a radius of 86276  
11,459.16 feet, an interior angle of 00 deg 49 min 47 sec, an arc 86277  
length of 165.94 feet, a chord bearing of South 36 deg 06 min 07 86278  
sec East a chord distance of 165.94 feet, thence continuing with 86279  
the centerline of said road South 35 deg 41 min 14 sec East a 86280  
distance of 342.74 feet to a P.K. spike set on the line of Albert 86281  
Haitz, et al; thence with the line of said Haitz, et al South 86282  
51deg 40 min 31 sec West a distance of 1048.06 feet to an iron pin 86283  
set; thence continuing with the line of said Haitz, et al South 10 86284  
deg 07 min 16 sec West passing a reference pin set at 703.99 feet 86285  
for a total distance of 808.50 feet to a point of Eagle Creek; 86286  
thence down said creek North 84 deg 05 min 55 sec West a distance 86287  
of 1453.39 feet (witness a reference pin set North 50 deg 04 min 86288  
41 sec East a distance of 218.22 feet) to a point in the Ohio 86289  
river; thence down said river North 32 deg 27 min 00 sec West a 86290  
distance of 371.01 feet (witness a line stone found at North 52 86291  
deg 41 min 51 sec East a distance of 279.13 feet) to a point in 86292  
the Ohio River and corner to August and Betty Schwallie and on the 86293  
Village of Ripley corporation line; thence with the line of said 86294  
Schwallie and the Village of Ripley corporation line North 52 deg 86295  
41 min 51 sec East a distance of 1800.98 feet to an iron pin set 86296  
on the line of said Schwallie; thence on a new division line 86297  
through the land of Loretta Funk South 51 deg 44 min 33 sec East a 86298  
distance of 296.49 feet to an iron pin set; thence continuing on a 86299  
new division line through the land of said Funk North 52 deg 56 86300  
min 00 sec East a distance of 809.50 feet to the place of 86301  
beginning CONTAINING 49.875 acres, more or less, subject, however, 86302  
to all legal highways and easements of record and being a part of 86303  
the land conveyed to Loretta Funk as record in Deed Book 209, Page 86304  
395 of the Deed Records of Brown County, Ohio. 86305  
  
Survey by Gerald S. Renshaw, Registered Surveyor #4872 on 21 86306  
February 1991. 86307



Being 48.939 Acres annexed to the Village of Ripley in Plat Book 7, Page 118, Slide 736, plat record in Brown County Recorder's Office. 86308  
86309  
86310

Prior deed reference: Deed book 255, Page 550. 86311

Parcel Two 86312

Situated in M. Clements Military Survey No. 386, Union Township, Brown County, Ohio, and being bounded and more particularly described as follows: 86313  
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Beginning at a P.K. spike set on the centerline of U. S. Route 52, said beginning point being North 35 degrees 41 minutes 14 seconds West a distance of 208.92 feet from the centerline intersection of U. S. Route 52 and Scoffield Road; thence from said beginning point and with a new division line through the land of Albert L. and Mary Louise Haitz South 51 degrees 40 minutes 31 seconds West a distance of 1201.77 feet to an iron pin on the line of State of Ohio (proposed Ripley-Union Lewis School District); thence with the line of said State of Ohio North 10 degrees 07 minutes 16 seconds East a distance of 214.15 feet to an iron pin set corner to said State of Ohio; thence with the line of said State of Ohio North 51 degrees 40 minutes 31 seconds East a distance of 1048.06 feet to a P.K. spike set on the centerline of U. S. Route 52; thence with the centerline of U. S. Route 52 South 35 degrees 41 minutes 14 seconds East a distance of 142.20 feet to the place of beginning, CONTAINING 3.668 Acres more or less, subject, however, to all legal highways and easements of record and being a part of the land conveyed to Albert L. and Mary Louise Haitz as record in D. B. 56, P 490, Brown County Deed Records. 86316  
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Surveyed by Gerald S. Renshaw, Registered Surveyor #4872 on 24 May, 1991. 86335  
86336

Being 3.407 Acres annexed to the Village of Ripley in Plat Book 7, Page 118, Slide 736, plat record in Brown County Recorder's 86337  
86338

Office. 86339

Prior deed reference: Deeds Book 257, Page 431. 86340

The Director of Administrative Services may adjust the legal description to accommodate any corrections necessary to facilitate recordation of the deed. 86341  
86342  
86343

(B) Consideration for conveyance of the real estate shall be the purchase price of ten dollars. 86344  
86345

(C) The real estate was originally conveyed to the state as collateral for school construction facility bonds issued. Once the construction project was completed, the state was to have re-conveyed title to the real estate to the grantee. The intent of this section is to correct this oversight. 86346  
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(D) The grantee shall pay all costs associated with the conveyance, including recordation costs of the deed. 86351  
86352

(E) Possession of the premises prior to the conveyance shall be governed by an existing interim lease between the state and the grantee. 86353  
86354  
86355

(F) Upon payment of the purchase price, the Auditor of State, with the assistance of the Attorney General, shall prepare a deed to the real estate. The deed shall state the consideration. The deed shall be executed by the Governor in the name of the state, countersigned by the Secretary of State, sealed with the Great Seal of the State, presented in the Office of the Auditor of State for recording, and delivered to the grantee. The grantee shall present the deed for recording in the Office of the Brown County Recorder. 86356  
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(G) The net proceeds of the sale of the real estate shall be deposited into the state treasury to the credit of the State General Revenue Fund. 86365  
86366  
86367

(H) This section expires one year after its effective date. 86368

**Section 757.10.** Notwithstanding sections 5713.01 and 5715.24 86369  
of the Revised Code, for the purpose of equalizing and 86370  
regionalizing real property assessment cycles, beginning in tax 86371  
year 2014 and continuing for not more than five years, the Tax 86372  
Commissioner may extend the revaluation of real property required 86373  
in any county by not more than one year. 86374

**Section 757.20.** The Tax Commissioner is not required to issue 86375  
the certifications that are or were otherwise required to be made 86376  
on or before May 15, 2012, or June 1, 2012, under sections 86377  
3317.026, 3317.027, 3317.028, and divisions (A)(4), (6), and (7) 86378  
of section 3317.021 of the Revised Code. This section is intended 86379  
to be remedial in nature and to be construed liberally to 86380  
accomplish the purpose of avoiding unnecessary certifications. 86381

**Section 757.30.** This section applies to any residential 86382  
property case that has been appealed from a board of revision and 86383  
is docketed before the Board of Tax Appeals. Upon the written 86384  
consent of the parties to have the case transferred to the 86385  
Department of Taxation, the Tax Commissioner may process such 86386  
appeals and issue a determination that is final for all parties. 86387  
The Commissioner shall establish a practice and procedure for 86388  
processing such cases. Any request by a party for transfer of a 86389  
case to the Department of Taxation under this section shall be 86390  
made within two years from the effective date of this section. 86391  
This authority is granted in conjunction with section 5703.021 of 86392  
the Revised Code. 86393

**Section 757.40.** Notwithstanding the amendment by this act, 86394  
striking division (E)(8) of section 5751.01 of the Revised Code, 86395  
"excluded person" for the purposes of Chapter 5751. of the Revised 86396  
Code includes a person directly or indirectly owned by one or more 86397  
insurance companies described in division (E)(4) of section 86398

5751.01 of the Revised Code as amended by this act if the person 86399  
directly or indirectly owned is authorized to do the business of 86400  
insurance in this state. 86401

This section takes effect on the same date that the amendment 86402  
by this act of section 5751.01 of the Revised Code takes effect, 86403  
and continues in effect until January 1, 2013. 86404

This section is repealed effective January 1, 2013. 86405

**Section 803.10.** That the amendment by this act of division 86406  
(E) of section 5751.01 and sections 5751.011 and 5751.012 of the 86407  
Revised Code applies to tax periods beginning on or after January 86408  
1, 2014. 86409

**Section 806.10.** The items of law contained in this act, and 86410  
their applications, are severable. If any item of law contained in 86411  
this act, or if any application of any item of law contained in 86412  
this act, is held invalid, the invalidity does not affect other 86413  
items of law contained in this act and their applications that can 86414  
be given effect without the invalid item of law or application. 86415

**Section 812.10. Sections subject to referendum: general** 86416  
**effective date.** Except as otherwise provided in this act, the 86417  
amendment, enactment, or repeal by this act of a section is 86418  
subject to the referendum under Ohio Constitution, Article II, 86419  
Section 1c and therefore takes effect on the ninety-first day 86420  
after this act is filed with the Secretary of State. 86421

**Section 812.11. Sections subject to referendum: special** 86422  
**effective dates.** The amendment, enactment, or repeal by this act 86423  
of the following sections is subject to the referendum under Ohio 86424  
Constitution, Article II, Section 1c and therefore takes effect on 86425  
the ninety-first day after this act is filed with the Secretary of 86426

State or on the date specified below, whichever is later: 86427

Sections 121.22, 122.15, 122.151, 122.152, 122.153, 122.154, 86428  
122.28, 122.29, 122.30, 122.31, 122.32, 122.33, 122.34, 122.35, 86429  
122.36, and 184.02 of the Revised Code take effect October 1, 86430  
2012. 86431

Section 2152.131 of the Revised Code takes effect on January 86432  
1, 2013. 86433

**Section 812.20. Sections exempt from referendum: general** 86434  
**effective date.** The amendment, enactment, or repeal by this act of 86435  
the following sections is exempt from the referendum under Ohio 86436  
Constitution, Article II, Section 1d and section 1.471 of the 86437  
Revised Code and therefore takes effect immediately when this act 86438  
becomes law: 86439

Sections 120.08, 145.01, 145.012, 167.04, 306.04, 306.36, 86440  
340.091, 901.54, 2927.023, 2945.371, 2945.38, 2945.39, 2945.40, 86441  
2945.401, 3125.41, 3333.31, 3734.131, 3734.15, 3743.06, 3743.19, 86442  
3752.06, 4163.07, 4303.22, 4501.01, 4501.06, 4503.81, 4506.01, 86443  
4506.03, 4506.22, 4506.25, 4511.78, 4513.50, 4905.01, 4905.02, 86444  
4905.03, 4905.05, 4905.06, 4905.402, 4905.54, 4905.57, 4905.58, 86445  
4905.80, 4905.801, 4905.81, 4905.82, 4905.83, 4905.84, 4907.01, 86446  
4907.02, 4907.04, 4907.08, 4907.19, 4907.28, 4907.35, 4907.37, 86447  
4907.43, 4907.49, 4907.57, 4907.59, 4907.60, 4907.61, 4907.62, 86448  
4909.01, 4909.02, 4909.03, 4909.17, 4909.22, 4909.24, 4909.28, 86449  
4911.01, 4919.75, 4919.76, 4919.77, 4919.78, 4919.79, 4919.99, 86450  
4921.01, 4921.02, 4921.03, 4921.04, 4921.05, 4921.06, 4921.07, 86451  
4921.08, 4921.09, 4921.10, 4921.101, 4921.11, 4921.12, 4921.13, 86452  
4921.14, 4921.15, 4921.16, 4921.17, 4921.18, 4921.19, 4921.20, 86453  
4921.21, 4921.23, 4921.24, 4921.25, 4921.26, 4921.27, 4921.28, 86454  
4921.30, 4921.31, 4921.32, 4921.34, 4921.35, 4921.36, 4921.37, 86455  
4921.38, 4921.39, 4921.40, 4921.99, 4923.01, 4923.02, 4923.03, 86456

4923.04, 4923.05, 4923.06, 4923.07, 4923.08, 4923.09, 4923.10, 86457  
4923.11, 4923.12, 4923.13, 4923.14, 4923.15, 4923.17, 4923.20, 86458  
4923.26, 4923.99, 4927.01, 4928.23, 4928.2314, 4929.01, 4929.02, 86459  
4933.18, 4933.19, 4939.01, 4953.04, 4961.03, 4965.54, 5119.691, 86460  
5503.02, 5503.34, 5713.051, 5727.84, 5727.86, 5743.031, 5751.033, 86461  
5751.20, 5751.22, and 5753.03 of the Revised Code. 86462

Section 205.10 of Am. Sub. H.B. 114 of the 129th General 86463  
Assembly, as amended by Am. Sub. H.B. 153 of the 129th General 86464  
Assembly. 86465

Section 201 of Sub. H.B. 123 of the 129th General Assembly. 86466

Section 1 of H.B. 124 of the 129th General Assembly. 86467

Sections 205.10, 207.10, 207.10.80, 207.20.30, 207.20.90, 86468  
209.10, 211.10, 215.10, 223.10, 229.10, 243.10, 247.10, 263.10, 86469  
263.10.30, 263.10.90, 263.20.40, 263.20.70, 267.10, 267.10.20, 86470  
267.10.40, 267.30.40, 279.10, 291.10, 307.10, 309.10, 315.10, 86471  
327.10, 335.10, 343.10, 365.10, 367.10, 369.10, 371.10, 373.10, 86472  
375.10, 379.10, 387.10, 403.10, 411.10, 415.10, 503.50, 521.70, 86473  
and 753.25 of Am. Sub. H.B. 153 of the 129th General Assembly. 86474

Sections 701.40, 701.70.10, 753.10, 753.20, 753.30, 753.40, 86475  
753.50, 753.60, 753.70, 753.80, 753.90, 753.100, 753.110, 753.120, 86476  
753.130, 753.140, and 753.150 of this act. 86477

**Section 812.21. Sections exempt from referendum: special** 86478  
**effective dates.** The amendment, enactment, or repeal by this act 86479  
of the following sections is exempt from the referendum under Ohio 86480  
Constitution, Article II, Section 1d and section 1.471 of the 86481  
Revised Code and therefore takes effect immediately when this act 86482  
becomes law or on the date specified below, whichever is later: 86483

Sections 131.44, 131.46, 1509.01, 1509.51, 5703.21, 5713.051, 86484  
5713.052, 5727.01, 5727.111, 5747.02, 5749.01, 5749.02, and 86485  
5749.031 of the Revised Code take effect on the ninety-first day 86486

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                      |                                                         |                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| after the effective date of this act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                      |                                                         | 86487                                                                                                    |
| The repeal of the version of section 131.44 of the Revised Code that is scheduled to take effect June 1, 2013, takes effect on the ninety-first day after the effective date of this act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                      |                                                         | 86488<br>86489<br>86490                                                                                  |
| <b>Section 812.30. Mixed sections: general effective dates.</b> The sections listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum. The middle column identifies amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State. The right-hand column identifies amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law. |                                                                                                                                                                                                                      |                                                         | 86491<br>86492<br>86493<br>86494<br>86495<br>86496<br>86497<br>86498<br>86499<br>86500<br>86501<br>86502 |
| Section of law                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Amendments subject to referendum                                                                                                                                                                                     | Amendments exempt from referendum                       | 86503                                                                                                    |
| 120.08                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | The amendments in the second sentence (1) striking "purpose" as described in the and inserting "purposes" and (2) inserting the language that begins with "and operating" and ends with "120.33 of the Revised Code" | All amendments except middle column                     | 86504                                                                                                    |
| 4905.90                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | The amendment in division (A)                                                                                                                                                                                        | All amendments except as described in the middle column | 86505                                                                                                    |
| 5111.941                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | The amendment that inserts division (A)(4)                                                                                                                                                                           | All amendments except as described in the middle column | 86506                                                                                                    |

|         |                                                             |                                                                                                                                               |       |
|---------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 5119.61 | All amendments except as described in the right-hand column | The amendment in division (A) striking "(C)" and inserting "(D)" and the amendment in division (F) striking "abuse" and inserting "addiction" | 86507 |
| 5119.69 | The amendments in relettered divisions (D)(1)(b) and (c)    | All amendments except as described in the middle column                                                                                       | 86508 |
| 5502.01 | All amendments except as described in the right-hand column | The amendment in division (F)                                                                                                                 | 86509 |

**Section 815.20.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 102.02 of the Revised Code as amended by both Am. Sub. H.B. 153 and Sub. S.B. 171 of the 129th General Assembly.

Section 121.04 of the Revised Code as amended by both Am. Sub. H.B. 153 and Sub. H.B. 229 of the 129th General Assembly.

Section 122.33 of the Revised Code as amended by both Am. Sub. H.B. 117 and Am. Sub. H.B. 356 of the 121st General Assembly.

Section 123.01 of the Revised Code as amended by both Am. Sub. H.B. 133 and Am. Sub. H.B. 153 of the 129th General Assembly.

Section 124.11 of the Revised Code as amended by both Am.



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|------------------------------------------------------------------------------------------------------------------------------|----------------|
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.                                                                  | 86527          |
| Section 1923.01 of the Revised Code as amended by both Sub.<br>H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.   | 86528<br>86529 |
| Section 1923.02 of the Revised Code as amended by both Sub.<br>H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.   | 86530<br>86531 |
| Section 3301.55 of the Revised Code as amended by both Am.<br>Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.    | 86532<br>86533 |
| Section 4731.22 of the Revised Code as amended by both H.B.<br>78 and Am. Sub. H.B. 93 of the 129th General Assembly.        | 86534<br>86535 |
| Section 5747.01 of the Revised Code as amended by both Am.<br>Sub. H.B. 153 and Am. H.B. 167 of the 129th General Assembly.  | 86536<br>86537 |
| Section 5749.02 of the Revised Code as amended by both Am.<br>Sub. H.B. 1 and S.B. 73 of the 128th General Assembly.         | 86538<br>86539 |
| Section 5751.01 of the Revised Code as amended by both Am.<br>Sub. H.B. 153 and Sub. H.B. 277 of the 129th General Assembly. | 86540<br>86541 |