

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

**130th General Assembly
Regular Session
2013-2014**

Sub. H. B. No. 483

Representative Amstutz

Cosponsors: Representatives Sprague, McGregor

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A B I L L

To amend sections 9.37, 9.482, 9.90, 9.91, 103.63,	1
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5126.42, 5126.43, 5126.45, 5513.01, 5531.10,	32
5533.051, 5709.17, 5709.40, and 5713.012; to enact	33
sections 5.074, 5.077, 9.911, 164.261, 175.053,	34
306.14, 307.678, 307.6910, 307.863, 340.092,	35
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5119.364, 5119.365, 5123.0420, 5139.12, 5139.45,	41
and 5533.831; to repeal sections 3125.191,	42
3702.93, 4171.03, 4171.04, 5124.63, 5124.64, and	43
5126.037 of the Revised Code; to amend Sections	44
207.10, 209.30, 211.10, 221.10, 241.10, 257.10,	45
257.20, 257.50, 259.10, 263.10, 263.40, 263.160,	46
263.230, 263.240, 263.250, 263.270, 263.325,	47
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349.10, 359.10, 363.10, 365.10, 395.10, 403.10,	50
512.80, and 751.10 of Am. Sub. H.B. 59 of the	51
130th General Assembly; to amend Sections 207.100,	52
207.250, 207.340, 207.440, 223.10, 239.10, and	53
701.50 of Am. H.B. 497 of the 130th General	54
Assembly; and to repeal Sections 327.83 and 747.40	55

of Am. Sub. H.B. 59 of the 130th General Assembly 56
to make operating and other appropriations and to 57
provide authorization and conditions for the 58
operation of state programs. 59

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

Section 101.01. That sections 9.37, 9.482, 9.90, 9.91, 60
103.63, 121.084, 122.12, 122.121, 122.861, 124.32, 124.82, 125.13, 61
126.21, 126.25, 133.07, 149.30, 149.311, 149.38, 150.05, 150.07, 62
153.56, 163.15, 163.53, 163.54, 163.55, 164.26, 175.04, 175.05, 63
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2151.421, 2305.11, 2915.08, 2945.402, 3123.89, 3313.539, 3313.617, 68
3314.08, 3317.01, 3317.02, 3317.0217, 3318.36, 3333.04, 3701.132, 69
3701.34, 3701.74, 3701.83, 3702.59, 3702.71, 3702.74, 3702.75, 70
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4141.09, 4141.11, 4141.131, 4141.20, 4141.25, 4141.26, 4141.35, 72
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5104.341, 5104.38, 5119.21, 5119.22, 5119.23, 5119.25, 5123.01, 78
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5124.60, 5124.61, 5124.62, 5124.67, 5126.01, 5126.02, 5126.0219, 81
5126.041, 5126.046, 5126.051, 5126.08, 5126.21, 5126.25, 5126.42, 82
5126.43, 5126.45, 5513.01, 5531.10, 5533.051, 5709.17, 5709.40, 83
and 5713.012 be amended; and sections 5.074, 5.077, 9.911, 84
164.261, 175.053, 306.14, 307.678, 307.6910, 307.863, 340.092, 85

340.093, 340.20, 3123.90, 3313.902, 3314.38, 3317.036, 3317.23, 86
3317.24, 3345.56, 3345.86, 3702.595, 3721.122, 4715.15, 4723.433, 87
4730.093, 4731.77, 4741.49, 4758.48, 4758.62, 4758.63, 4758.64, 88
4928.641, 4928.642, 5119.362, 5119.363, 5119.364, 5119.365, 89
5123.0420, 5139.12, 5139.45, and 5533.831 of the Revised Code be 90
enacted to read as follows: 91

Sec. 5.074. The Ohio Veterans Memorial and Museum, located in 92
Franklin county at the site described in division (B) of section 93
307.6910 of the Revised Code, is the official state veterans 94
memorial and museum. 95

Sec. 5.077. The museum located on the grounds of the Ohio 96
state reformatory, operated by the Mansfield reformatory 97
preservation society, is the official state penal museum. 98

Sec. 9.37. (A) As used in this section, "public official" 99
means any elected or appointed officer, employee, or agent of the 100
state, any state institution of higher education, any political 101
subdivision, board, commission, bureau, or other public body 102
established by law. "State institution of higher education" means 103
any state university or college as defined in division (A)(1) of 104
section 3345.12 of the Revised Code, community college, state 105
community college, university branch, or technical college. 106

(B) Except as provided in divisions (F) and (G) of this 107
section, any public official may make by direct deposit of funds 108
by electronic transfer, if the payee provides a written 109
authorization designating a financial institution and an account 110
number to which the payment is to be credited, any payment such 111
public official is permitted or required by law in the performance 112
of official duties to make by issuing a check or warrant. 113

(C) Such public official may contract with a financial 114

institution for the services necessary to make direct deposits and 115
draw lump-sum checks or warrants payable to that institution in 116
the amount of the payments to be transferred. 117

(D) Before making any direct deposit as authorized under this 118
section, the public official shall ascertain that the account from 119
which the payment is to be made contains sufficient funds to cover 120
the amount of the payment. 121

(E) If the issuance of checks and warrants by a public 122
official requires authorization by a governing board, commission, 123
bureau, or other public body having jurisdiction over the public 124
official, the public official may only make direct deposits and 125
contracts under this section pursuant to a resolution of 126
authorization duly adopted by such governing board, commission, 127
bureau, or other public body. 128

(F) Pursuant to sections 307.55, 319.16, and 321.15 of the 129
Revised Code, a county auditor may issue, and a county treasurer 130
may redeem, electronic warrants authorizing direct deposit for 131
payment of county obligations in accordance with rules adopted by 132
the director of budget and management pursuant to Chapter 119. of 133
the Revised Code. 134

(G) The legislative authority of a municipal corporation, for 135
~~employees~~ public officials of the municipal corporation, a county 136
auditor, for county ~~employees~~ public officials, or a board of 137
township trustees, for township ~~employees~~ public officials, may 138
adopt a direct deposit payroll policy under which all ~~employees~~ 139
public officials of the municipal corporation, all county 140
~~employees~~ public officials, or all township ~~employees~~ public 141
officials, as the case may be, provide a written authorization 142
designating a financial institution and an account number to which 143
payment of the ~~employee's~~ public official's compensation shall be 144
credited under the municipal corporation's, county's, or 145
township's direct deposit payroll policy. The direct deposit 146

payroll policy adopted by the legislative authority of a municipal 147
corporation, a county auditor, or a board of township trustees may 148
exempt from the direct deposit requirement those municipal, 149
county, or township ~~employees~~ public officials who cannot provide 150
an account number, or for other reasons specified in the policy. 151
The written authorization is not a public record under section 152
149.43 of the Revised Code. 153

Sec. 9.482. (A) As used in this section, ~~"political:~~ 154

(1) "Political subdivision" has the meaning defined in 155
section 2744.01 of the Revised Code. 156

(2) "State agency" means any organized body, office, agency, 157
institution, or other entity established by the laws of the state 158
for the exercise of any function of state government. The term 159
includes a state institution of higher education as defined in 160
section 3345.011 of the Revised Code. 161

(B)(1) When legally authorized by their respective 162
legislative authorities to do so, a political subdivision may 163
enter into an agreement with another political subdivision or a 164
state agency whereby a the contracting political subdivision or 165
state agency agrees to exercise any power, perform any function, 166
or render any service for ~~another~~ the contracting recipient 167
political subdivision that the contracting recipient political 168
subdivision is otherwise legally authorized to exercise, perform, 169
or render. 170

~~In~~ (2) When legally authorized to do so, a state agency may 171
enter into an agreement with a political subdivision whereby the 172
contracting political subdivision agrees to exercise any power, 173
perform any function, or render any service for the contracting 174
recipient state agency that the contracting recipient state agency 175
is otherwise legally authorized to exercise, perform, or render. 176

(C) In the absence in the agreement of provisions determining 177
by what officer, office, department, agency, or other authority 178
the powers and duties of a contracting political subdivision shall 179
be exercised or performed, the legislative authority of the 180
contracting political subdivision shall determine and assign the 181
powers and duties. 182

An agreement shall not suspend the possession by a 183
contracting recipient political subdivision or state agency of any 184
power or function that is exercised or performed on its behalf by 185
~~another~~ the other contracting political subdivision or the 186
contracting state agency under the agreement. 187

A political subdivision shall not enter into an agreement to 188
levy any tax or to exercise, with regard to public moneys, any 189
investment powers, perform any investment function, or render any 190
investment service on behalf of a contracting subdivision. Nothing 191
in this paragraph prohibits a political subdivision from entering 192
into an agreement to collect, administer, or enforce any tax on 193
behalf of another political subdivision or to limit the authority 194
of political subdivisions to create and operate joint economic 195
development zones or joint economic development districts as 196
provided in sections 715.69 to 715.83 of the Revised Code. 197

~~(C)~~(D) No county elected officer may be required to exercise 198
any power, perform any function, or render any service under an 199
agreement entered into under this section without the written 200
consent of the county elected officer. No county may enter into an 201
agreement under this section for the exercise, performance, or 202
rendering of any statutory powers, functions, or services of any 203
county elected officer without the written consent of the county 204
elected officer. 205

~~(D)~~(E) No power shall be exercised, no function shall be 206
performed, and no service shall be rendered by a contracting 207
political subdivision or state agency pursuant to an agreement 208

entered into under this section within a political subdivision 209
that is not a party to the agreement, without first obtaining the 210
written consent of the political subdivision that is not a party 211
to the agreement and within which the power is to be exercised, a 212
function is to be performed, or a service is to be rendered. 213

~~(E)~~(F) Chapter 2744. of the Revised Code, insofar as it 214
applies to the operation of a political subdivision, applies to 215
the political subdivisions that are parties to an agreement and to 216
their employees when they are rendering a service outside the 217
boundaries of their employing political subdivision under the 218
agreement. Employees acting outside the boundaries of their 219
employing political subdivision while providing a service under an 220
agreement may participate in any pension or indemnity fund 221
established by the political subdivision to the same extent as 222
while they are acting within the boundaries of the political 223
subdivision, and are entitled to all the rights and benefits of 224
Chapter 4123. of the Revised Code to the same extent as while they 225
are performing a service within the boundaries of the political 226
subdivision. 227

Sec. 9.90. (A) The board of trustees or other governing body 228
of a state institution of higher education, as defined in section 229
3345.011 of the Revised Code, board of education of a school 230
district, or governing board of an educational service center may, 231
in addition to all other powers provided in the Revised Code: 232

(1) Contract for, purchase, or otherwise procure from an 233
insurer or insurers licensed to do business by the state of Ohio 234
for or on behalf of such of its employees as it may determine, 235
life insurance, or sickness, accident, annuity, endowment, health, 236
medical, hospital, dental, or surgical coverage and benefits, or 237
any combination thereof, by means of insurance plans or other 238
types of coverage, family, group or otherwise, and may pay from 239

funds under its control and available for such purpose all or any 240
portion of the cost, premium, or charge for such insurance, 241
coverage, or benefits. However, the governing board, in addition 242
to or as an alternative to the authority otherwise granted by 243
division (A)(1) of this section, may elect to procure coverage for 244
health care services, for or on behalf of such of its employees as 245
it may determine, by means of policies, contracts, certificates, 246
or agreements issued by at least two health insuring corporations 247
holding a certificate of authority under Chapter 1751. of the 248
Revised Code and may pay from funds under the governing board's 249
control and available for such purpose all or any portion of the 250
cost of such coverage. 251

(2) Make payments to a custodial account for investment in 252
regulated investment company stock ~~for the purpose of providing~~ 253
~~retirement benefits as described in section 403(b)(7) of the that~~ 254
~~is treated as an annuity under~~ Internal Revenue Code ~~of 1954, as~~ 255
~~amended. Such stock shall be purchased only from persons~~ 256
~~authorized to sell such stock in this state~~ section 403(b). 257

Any income of an employee deferred under divisions (A)(1) and 258
(2) of this section in a deferred compensation program eligible 259
for favorable tax treatment under the Internal Revenue Code ~~of~~ 260
~~1954, as amended,~~ shall continue to be included as regular 261
compensation for the purpose of computing the contributions to and 262
benefits from the retirement system of such employee. Any sum so 263
deferred shall not be included in the computation of any federal 264
and state income taxes withheld on behalf of any such employee. 265

(B) All or any portion of the cost, premium, or charge 266
therefor may be paid in such other manner or combination of 267
manners as the board or governing body may determine, including 268
direct payment by the employee in cases under division (A)(1) of 269
this section, and, if authorized in writing by the employee in 270
cases under division (A)(1) or (2) of this section, by the board 271

or governing body with moneys made available by deduction from or 272
reduction in salary or wages or by the foregoing of a salary or 273
wage increase. Nothing in section 3917.01 or section 3917.06 of 274
the Revised Code shall prohibit the issuance or purchase of group 275
life insurance authorized by this section by reason of payment of 276
premiums therefor by the board or governing body from its funds, 277
and such group life insurance may be so issued and purchased if 278
otherwise consistent with the provisions of sections 3917.01 to 279
3917.07 of the Revised Code. 280

(C) The board of education of any school district may 281
exercise any of the powers granted to the governing boards of 282
public institutions of higher education under divisions (A) and 283
(B) of this section. All health care benefits provided to persons 284
employed by the public schools of this state shall be through 285
health care plans that contain best practices established by the 286
department of administrative services pursuant to section 9.901 of 287
the Revised Code. 288

Sec. 9.91. ~~If the governing board of a public institution of~~ 289
~~higher education or~~ the board of education of a school district 290
procures a tax-sheltered annuity for an employee, pursuant to 291
section 9.90 of the Revised Code, that meets the requirements of 292
~~section 403(b) of the Internal Revenue Code of 1954, 26 U.S.C.A.~~ 293
section 403(b), the employee has the right to designate the 294
licensed agent, broker, or company through whom the board shall 295
arrange for the placement or purchase of the tax-sheltered 296
annuity. In any case in which the employee has designated such an 297
agent, broker, or company, the board shall comply with the 298
designation, provided that the board may impose either or both of 299
the following as conditions to complying with any such 300
designations: 301

(A) The designee must execute a reasonable agreement 302

protecting the institution or district from any liability 303
attendant to procuring the annuity; 304

(B) The designee must be designated by a number of employees 305
equal to at least one per cent of the board's full-time employees 306
or at least five employees, whichever is greater, except that the 307
board may not require that the agent, broker, or company be 308
designated by more than fifty employees. 309

Sec. 9.911. (A) An annuity contract or custodial account 310
procured for an employee of a public institution of higher 311
education pursuant to section 9.90 of the Revised Code shall 312
comply with both of the following: 313

(1) The annuity contract or custodial account must meet the 314
requirements of Internal Revenue Code section 403(b). 315

(2) The institution, in its sole and absolute discretion, 316
shall arrange for the procurement of the annuity contract or 317
custodial account by doing one of the following: 318

(a) Selecting a minimum of four providers of annuity 319
contracts or custodial accounts through a selection process 320
determined by the institution in its sole and absolute discretion, 321
except that if fewer than four providers are available the 322
institution shall select the number of providers available. 323

(b) Subject to division (D) of this section, allowing each 324
eligible employee to designate a licensed agent, broker, or 325
company as a provider. 326

(B) Division (A)(2)(a) of this section does not require a 327
public institution of higher education to select a provider if 328
either of the following is the case: 329

(1) The provider is not willing to provide an annuity 330
contract or custodial account at that public institution. 331

(2) The provider is not willing to agree to the terms and 332

conditions of the agreement described in division (E) of this 333
section. 334

(C) Designation as a provider under section 9.90 of the 335
Revised Code prior to the effective date of this section does not 336
give a licensed agent, broker, or company a right to be selected 337
as a provider under this section, but subject to division (D) of 338
this section, such a licensed agent, broker, or company shall 339
remain a provider until another provider is selected under 340
division (A)(2) of this section. 341

(D) If an employee designates a provider under division 342
(A)(2)(b) of this section, the employing institution shall comply 343
with the designation but may require either or both of the 344
following: 345

(1) That the provider enter into an agreement with the 346
institution that does either or both of the following: 347

(a) Prohibits the provider from transferring funds to a third 348
party without the express consent of the institution or its 349
authorized representative; 350

(b) Includes such other terms and conditions as are 351
established by the institution in its sole discretion. 352

(2) That the provider be designated by a number of employees 353
equal to at least one per cent of the institution's eligible 354
employees or at least five employees, whichever is greater, except 355
that the institution may not require that the provider be 356
designated by more than fifty employees. 357

(E) An institution may require a provider selected under 358
division (A)(2)(a) of this section to enter into an agreement with 359
the institution that does either or both of the following: 360

(1) Prohibits the provider from transferring funds to a third 361
party without the express consent of the institution or its 362

authorized representative; 363

(2) Includes such other terms and conditions as are 364

established by the institution in its sole discretion. 365

Sec. 103.63. There is established an Ohio constitutional 366
modernization commission consisting of thirty-two members. Twelve 367
members shall be appointed from the general assembly as follows: 368
three by the president of the senate, three by the minority leader 369
of the senate, three by the speaker of the house of 370
representatives, and three by the minority leader of the house of 371
representatives. ~~Not later than~~ On or before the tenth day of 372
January 1, 2012, and every two years thereafter even-numbered 373
year, the twelve general assembly members shall meet, organize, 374
and elect two co-chairpersons, who shall be from different 375
political parties. Beginning in 2014, the twelve general assembly 376
members shall elect one co-chairperson from each house of the 377
general assembly. The members shall then, by majority vote, 378
appoint twenty commission members, not from the general assembly. 379
All appointments shall end on the first day of January of every 380
even-numbered year, or as soon thereafter as successors are 381
appointed, and the commission shall then be re-created in the 382
manner provided above. Members may be reappointed. Vacancies on 383
the commission shall be filled in the manner provided for original 384
appointments. 385

The members of the commission shall serve without 386
compensation, but each member shall be reimbursed for actual and 387
necessary expenses incurred while engaging in the performance of 388
the member's official duties. Membership on the commission does 389
not constitute holding another public office. The joint 390
legislative ethics committee is the appropriate ethics commission 391
as described in division (F) of section 102.01 of the Revised Code 392
for matters relating to the public members appointed to the Ohio 393

constitutional modernization commission. 394

Sec. 121.084. (A) All moneys collected under sections 395
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 396
4169.03, ~~4171.04~~, and 5104.051 of the Revised Code, and any other 397
moneys collected by the division of industrial compliance shall be 398
paid into the state treasury to the credit of the industrial 399
compliance operating fund, which is hereby created. The department 400
of commerce shall use the moneys in the fund for paying the 401
operating expenses of the division and the administrative 402
assessment described in division (B) of this section. 403

(B) The director of commerce, with the approval of the 404
director of budget and management, shall prescribe procedures for 405
assessing the industrial compliance operating fund a proportionate 406
share of the administrative costs of the department of commerce. 407
The assessment shall be made in accordance with those procedures 408
and be paid from the industrial compliance operating fund to the 409
division of administration fund created in section 121.08 of the 410
Revised Code. 411

Sec. 122.12. As used in this section and in section 122.121 412
of the Revised Code: 413

(A) "Endorsing county" means a county that contains a site 414
selected by a site selection organization for one or more games. 415

(B) "Endorsing municipality" means a municipal corporation 416
that contains a site selected by a site selection organization for 417
one or more games. 418

(C) "Game support contract" means a joinder undertaking, 419
joinder agreement, or similar contract executed by an endorsing 420
municipality or endorsing county and a site selection 421
organization. 422

(D)(1) "Game" means a national or international competition 423

of football, auto racing, rugby, cricket, horse racing, mixed martial arts, boxing, or any sport that is governed by an international federation and included in at least one of the following:

~~(1)~~(a) Olympic games;

~~(2)~~(b) Pan American games;

~~(3)~~(c) Commonwealth games.

(2) "Game" includes the special olympics.

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

(F) "Joinder undertaking" means an agreement entered into by a local organizing committee, endorsing municipality, or endorsing county, or more than one endorsing municipality or county acting collectively and a site selection organization that each endorsing municipality or endorsing county will execute a joinder agreement in the event that the site selection organization selects a site in this state for a game.

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

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

(2) With the authorization of an endorsing municipality,

endorsing county, or more than one endorsing municipality or 454
county acting collectively, has executed an agreement with a site 455
selection organization regarding a bid to host one or more games. 456

(H) "Site selection organization" means the national or 457
international governing body of a sport that is recognized as such 458
by the endorsing municipality, endorsing county, or local 459
organizing committee. 460

Sec. 122.121. (A) If a local organizing committee, endorsing 461
municipality, or endorsing county enters into a joinder 462
undertaking with a site selection organization, the local 463
organizing committee, endorsing municipality, or endorsing county 464
may apply to the director of development services, on a form and 465
in the manner prescribed by the director, for a grant based on the 466
projected incremental increase in the receipts from the tax 467
imposed under section 5739.02 of the Revised Code within the 468
market area designated under division (C) of this section, for the 469
two-week period that ends at the end of the day after the date on 470
which a game will be held, that is directly attributable, as 471
determined by the director, to the preparation for and 472
presentation of the game. The director shall determine the 473
projected incremental increase in the tax imposed under section 474
5739.02 of the Revised Code by using a formula approved by the 475
destination marketing association international for event impact 476
or another formula of similar purpose approved by the director. 477
The local organizing committee, endorsing municipality, or 478
endorsing county is eligible to receive a grant under this section 479
only if the projected incremental increase in receipts from the 480
tax imposed under section 5739.02 of the Revised Code, as 481
determined by the director, exceeds two hundred fifty thousand 482
dollars. The amount of the grant shall be not less than fifty per 483
cent of the projected incremental increase in receipts, as 484
determined by the director, but shall not exceed five hundred 485

thousand dollars. The director shall not issue grants with a total 486
value of more than one million dollars in any fiscal year, and 487
shall not issue any grant before July 1, 2013. 488

(B) If the director of development services approves an 489
application for a local organizing committee, endorsing 490
municipality, or endorsing county and that local organizing 491
committee, endorsing municipality, or endorsing county enters into 492
a joinder agreement with a site selection organization, the local 493
organizing committee, endorsing municipality, or endorsing county 494
shall file a copy of the joinder agreement with the director of 495
~~development, who immediately shall notify the director of budget~~ 496
~~and management of the filing. Within thirty days after receiving~~ 497
~~the notice, the director of budget and management shall establish~~ 498
~~a schedule to disburse from the general revenue fund to such local~~ 499
~~organizing committee, endorsing municipality, or endorsing county~~ 500
~~payments that total the amount certified by the director of~~ 501
~~development under division (A) of this section, but in no event~~ 502
~~shall the total amount disbursed exceed five hundred thousand~~ 503
~~dollars, and no disbursement shall be made before July 1, 2013.~~ 504
The ~~payments~~ grant shall be used exclusively by the local 505
organizing committee, endorsing municipality, or endorsing county 506
to fulfill a portion of its obligations to a site selection 507
organization under game support contracts, which obligations may 508
include the payment of costs relating to the preparations 509
necessary for the conduct of the game, including acquiring, 510
renovating, or constructing facilities; to pay the costs of 511
conducting the game; and to assist the local organizing committee, 512
endorsing municipality, or endorsing county in providing 513
assurances required by a site selection organization sponsoring 514
one or more games. 515

(C) For the purposes of division (A) of this section, the 516
director of development services, in consultation with the tax 517

commissioner, shall designate the market area for a game. The 518
market area shall consist of the combined statistical area, as 519
defined by the United States office of management and budget, in 520
which an endorsing municipality or endorsing county is located. 521

(D) A local organizing committee, endorsing municipality, or 522
endorsing county shall provide information required by the 523
director of development services and tax commissioner to enable 524
the director and commissioner to fulfill their duties under this 525
section, including annual audited statements of any financial 526
records required by a site selection organization and data 527
obtained by the local organizing committee, endorsing 528
municipality, or endorsing county relating to attendance at a game 529
and to the economic impact of the game. A local organizing 530
committee, an endorsing municipality, or an endorsing county shall 531
provide an annual audited financial statement if so required by 532
the director and commissioner, not later than the end of the 533
fourth month after the date the period covered by the financial 534
statement ends. 535

(E) Within thirty days after the game, the local organizing 536
committee, endorsing municipality, or endorsing county shall 537
report to the director of development services about the economic 538
impact of the game. The report shall be in the form and substance 539
required by the director, including, but not limited to, a final 540
income statement for the event showing total revenue and 541
expenditures and revenue and expenditures in the market area for 542
the game, and ticket sales for the game and any related activities 543
for which admission was charged. The director ~~of development~~ shall 544
determine, based on the reported information and the exercise of 545
reasonable judgment, the incremental increase in receipts from the 546
tax imposed under section 5739.02 of the Revised Code directly 547
attributable to the game. If the actual incremental increase in 548
such receipts is less than the projected incremental increase in 549

receipts, the director may require the local organizing committee, 550
endorsing municipality, or endorsing county to refund to the state 551
all or a portion of the grant. 552

(F) No disbursement may be made under this section if the 553
director of development services determines that it would be used 554
for the purpose of soliciting the relocation of a professional 555
sports franchise located in this state. 556

(G) This section may not be construed as creating or 557
requiring a state guarantee of obligations imposed on an endorsing 558
municipality or endorsing county under a game support contract or 559
any other agreement relating to hosting one or more games in this 560
state. 561

Sec. 122.861. (A) As used in this section: 562

(1) "Certified engine configuration" means a new, rebuilt, or 563
remanufactured engine configuration that satisfies divisions 564
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this 565
section: 566

(a) It has been certified by the administrator of the United 567
States environmental protection agency or the California air 568
resources board. 569

(b) It meets or is rebuilt or remanufactured to a more 570
stringent set of engine emission standards than when originally 571
manufactured, as determined pursuant to Subtitle G of Title VII of 572
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 573
et seq. 574

(c) In the case of a certified engine configuration involving 575
the replacement of an existing engine, an engine configuration 576
that replaced an engine that was removed from the vehicle and 577
returned to the supplier for remanufacturing to a more stringent 578
set of engine emissions standards or for scrappage. 579

(2) "Section 793" means section 793 of the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq.

(3) "Verified technology" means a pollution control technology, including a retrofit technology, advanced truckstop electrification system, or auxiliary power unit, that has been verified by the administrator of the United States environmental protection agency or the California air resources board.

(B) For the purpose of reducing emissions from diesel engines, the director of environmental protection shall administer a diesel emissions reduction grant program and a ~~diesel emissions reduction revolving loan~~ clean diesel school bus program. The programs shall provide for the implementation in this state of section 793 and shall otherwise be administered in compliance with the requirements of section 793, and any regulations issued pursuant to that section.

The director shall apply to the administrator of the United States environmental protection agency for grant or loan funds available under section 793 to help fund the diesel emissions reduction grant program and the ~~diesel emissions reduction revolving loan~~ clean diesel school bus program.

~~(C) There is hereby created in the state treasury the diesel emissions reduction revolving loan fund consisting of money appropriated to it by the general assembly, any grants obtained from the federal government under section 793, and any other grants, gifts, or other contributions of money made to the credit of the fund. Money in the fund shall be used for the purpose of making loans for projects relating to certified engine configurations and verified technologies in a manner consistent with the requirements of section 793 and any regulations issued pursuant to that section. Interest earned from moneys in the fund shall be used to administer the diesel emissions reduction revolving loan program.~~

Sec. 124.32. (A) A person holding an office or position in 612
the classified service may be transferred to a similar position in 613
another office, department, or institution having the same pay and 614
similar duties, but no transfer shall be made as follows: 615

(1) From an office or position in one class to an office or 616
position in another class; 617

(2) To an office or position for original entrance to which 618
there is required by sections 124.01 to 124.64 of the Revised 619
Code, or the rules adopted pursuant to those sections, an 620
examination involving essential tests or qualifications or 621
carrying a salary different from or higher than those required for 622
original entrance to an office or position held by the person 623
proposed to be transferred. 624

No person in the classified civil service of the state may be 625
transferred without the consent of the director of administrative 626
services. 627

(B) Any person holding an office or position in the 628
classified service who has been separated from the service without 629
delinquency or misconduct on the person's part may be reinstated 630
within one year from the date of that separation to a vacancy in 631
the same office or in a similar position in the same department, 632
except that a person in the classified service of the state only 633
may be reinstated with the consent of the director of 634
administrative services. But, if that separation is due to injury 635
or physical or psychiatric disability, the person shall be 636
reinstated in the same office held or in a similar position to 637
that held at the time of separation, within ~~thirty~~ sixty days 638
after written application for reinstatement, if the person passes 639
a physical or psychiatric examination made by a licensed 640
physician, a physician assistant, a clinical nurse specialist, a 641
certified nurse practitioner, or a certified nurse-midwife showing 642

that the person has recovered from the injury or physical or 643
psychiatric disability, if the application for reinstatement is 644
filed within two years from the date of separation, and if the 645
application is not filed after the date of service eligibility 646
retirement. The physician, physician assistant, clinical nurse 647
specialist, certified nurse practitioner, or certified 648
nurse-midwife shall be designated by the appointing authority and 649
shall complete any written documentation of the physical or 650
psychiatric examination. 651

Sec. 124.82. (A) Except as provided in division (D) of this 652
section, the department of administrative services, in 653
consultation with the superintendent of insurance, shall, in 654
accordance with competitive selection procedures of Chapter 125. 655
of the Revised Code, contract with an insurance company or a 656
health plan in combination with an insurance company, authorized 657
to do business in this state, for the issuance of a policy or 658
contract of health, medical, hospital, dental, or surgical 659
benefits, or any combination of those benefits, covering state 660
employees who are paid directly by warrant of the director of 661
budget and management, including elected state officials. The 662
department may fulfill its obligation under this division by 663
exercising its authority under division (A)(2) of section 124.81 664
of the Revised Code. 665

(B) The department may, in addition, in consultation with the 666
superintendent of insurance, negotiate and contract with health 667
insuring corporations holding a certificate of authority under 668
Chapter 1751. of the Revised Code, in their approved service areas 669
only, for issuance of a contract or contracts of health care 670
services, covering state employees who are paid directly by 671
warrant of the director of budget and management, including 672
elected state officials. The department may enter into contracts 673
with one or more insurance carriers or health plans to provide the 674

same plan of benefits, provided that: 675

(1) The amount of the premium or cost for such coverage 676
contributed by the state, for an individual or for an individual 677
and the individual's family, does not exceed that same amount of 678
the premium or cost contributed by the state under division (A) of 679
this section; 680

(2) The employee be permitted to exercise the option as to 681
which plan the employee will select under division (A) or (B) of 682
this section, at a time that shall be determined by the 683
department; 684

(3) The health insuring corporations do not refuse to accept 685
the employee, or the employee and the employee's family, if the 686
employee exercises the option to select care provided by the 687
corporations; 688

(4) The employee may choose participation in only one of the 689
plans sponsored by the department; 690

(5) The director of health examines and certifies to the 691
department that the quality and adequacy of care rendered by the 692
health insuring corporations meet at least the standards of care 693
provided by hospitals and physicians in that employee's community, 694
who would be providing such care as would be covered by a contract 695
awarded under division (A) of this section. 696

(C) All or any portion of the cost, premium, or charge for 697
the coverage in divisions (A) and (B) of this section may be paid 698
in such manner or combination of manners as the department 699
determines and may include the proration of health care costs, 700
premiums, or charges for part-time employees. 701

(D) Notwithstanding division (A) of this section, the 702
department may provide benefits equivalent to those that may be 703
paid under a policy or contract issued by an insurance company or 704
a health plan pursuant to division (A) of this section. 705

(E) This section does not prohibit the state office of 706
collective bargaining from entering into an agreement with an 707
employee representative for the purposes of providing fringe 708
benefits, including, but not limited to, hospitalization, surgical 709
care, major medical care, disability, dental care, vision care, 710
medical care, hearing aids, prescription drugs, group life 711
insurance, sickness and accident insurance, group legal services 712
or other benefits, or any combination of those benefits, to 713
employees paid directly by warrant of the director of budget and 714
management through a jointly administered trust fund. The 715
employer's contribution for the cost of the benefit care shall be 716
mutually agreed to in the collectively bargained agreement. The 717
amount, type, and structure of fringe benefits provided under this 718
division is subject to the determination of the board of trustees 719
of the jointly administered trust fund. Notwithstanding any other 720
provision of the Revised Code, competitive bidding does not apply 721
to the purchase of fringe benefits for employees under this 722
division when those benefits are provided through a jointly 723
administered trust fund. 724

(F) Members of state boards or commissions may be covered by 725
any policy, contract, or plan of benefits or services described in 726
division (A) or (B) of this section. Board or commission members 727
who are appointed for a fixed term and who are compensated on a 728
per meeting basis, or paid only for expenses, or receive a 729
combination of per diem payments and expenses shall pay the entire 730
amount of the premiums, costs, or charges for that coverage. 731

(G) Employees of the Ohio historical society may be covered 732
by any policy, contract, or plan of benefits or services described 733
in division (A) or (B) of this section. The Ohio historical 734
society and its employees shall pay the entire amount of the 735
premiums, costs, or charges for that coverage. 736

Sec. 125.13. (A) As used in this section:	737
(1) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.	738 739
(2) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.	740 741
(B) Except as otherwise provided in section 5139.03 of the Revised Code, whenever a state agency determines that it has excess or surplus supplies, it shall notify the director of administrative services. Upon request by the director and on forms provided by the director, the state agency shall furnish to the director a list of all those excess and surplus supplies and an appraisal of their value.	742 743 744 745 746 747 748
(C) The director of administrative services shall take immediate control of a state agency's excess and surplus supplies, except for the following excess and surplus supplies:	749 750 751
(1) Excess or surplus supplies that have a value below the minimum value that the director establishes for excess and surplus supplies under division (F) of this section;	752 753 754
(2) Excess or surplus supplies that the director has authorized an agency to donate to a public entity, including, but not limited to, public schools and surplus computers and computer equipment transferred to a public school under division (H) of this section;	755 756 757 758 759
(3) Excess or surplus supplies that an agency trades in as full or partial payment when purchasing a replacement item;	760 761
(4) Hazardous property.	762
(D) The director shall inventory excess and surplus supplies in the director's control and may have the supplies repaired.	763 764
(E) The director may do either of the following:	765

(1) Dispose of declared surplus or excess supplies in the director's control by sale, lease, donation, or transfer. If the director does so, the director shall dispose of those supplies in the following order of priority:	766
(a) To state agencies;	767
(b) To state-supported or state-assisted institutions of higher education;	768
(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state, private fire companies, or private, nonprofit emergency medical service organizations;	769
(d) To nonpublic elementary and secondary schools chartered by the state board of education under section 3301.16 of the Revised Code;	770
(e) To the general public by auction, sealed bid, <u>sale</u> , or negotiation.	771
(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E)(1)(a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division.	772
(F) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's control by public auction, sealed bid, <u>sale</u> , or negotiation,	773
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except that no employee of the disposing agency shall be allowed 797
to purchase, lease, or receive any such supplies. The director may 798
dispose of declared surplus or excess supplies, including motor 799
vehicles, in the director's control as the director determines 800
proper if such supplies cannot be disposed of pursuant to division 801
(E) of this section. The director shall by rule establish a 802
minimum value for excess and surplus supplies and prescribe 803
procedures for a state agency to follow in disposing of excess and 804
surplus supplies in its control that have a value below the 805
minimum value established by the director. 806

(G) No state-supported or state-assisted institution of 807
higher education, tax-supported agency, municipal corporation, or 808
other political subdivision of this state, private fire company, 809
or private, nonprofit emergency medical service organization shall 810
sell, lease, or transfer excess or surplus supplies acquired under 811
this section to private entities or the general public at a price 812
greater than the price it originally paid for those supplies. 813

(H) The director of administrative services may authorize any 814
state agency to transfer surplus computers and computer equipment 815
that are not needed by other state agencies directly to an 816
accredited public school within the state. The computers and 817
computer equipment may be repaired or refurbished prior to 818
transfer. The state agency may charge a service fee to the public 819
schools for the property not to exceed the direct cost of 820
repairing or refurbishing it. The state agency shall deposit such 821
funds into the account used for repair or refurbishment. 822

Sec. 126.21. (A) The director of budget and management shall 823
do all of the following: 824

(1) Keep all necessary accounting records; 825

(2) Prescribe and maintain the accounting system of the state 826
and establish appropriate accounting procedures and charts of 827

accounts;	828
(3) Establish procedures for the use of written, electronic, optical, or other communications media for approving and reviewing payment vouchers;	829 830 831
(4) Reconcile, in the case of any variation between the amount of any appropriation and the aggregate amount of items of the appropriation, with the advice and assistance of the state agency affected by it and the legislative service commission, totals so as to correspond in the aggregate with the total appropriation. In the case of a conflict between the item and the total of which it is a part, the item shall be considered the intended appropriation.	832 833 834 835 836 837 838 839
(5) Evaluate on an ongoing basis and, if necessary, recommend improvements to the internal controls used in state agencies;	840 841
(6) Authorize the establishment of petty cash accounts. The director may withdraw approval for any petty cash account and require the officer in charge to return to the state treasury any unexpended balance shown by the officer's accounts to be on hand. Any officer who is issued a warrant for petty cash shall render a detailed account of the expenditures of the petty cash and shall report when requested the balance of petty cash on hand at any time.	842 843 844 845 846 847 848 849
(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements;	850 851
(8) Perform extensions, reviews, and compliance checks prior to or after approving a payment as the director considers necessary;	852 853 854
(9) Issue the official comprehensive annual financial report of the state. The report shall cover all funds of the state reporting entity and shall include basic financial statements and required supplementary information prepared in accordance with	855 856 857 858

generally accepted accounting principles and other information as 859
the director provides. All state agencies, authorities, 860
institutions, offices, retirement systems, and other component 861
units of the state reporting entity as determined by the director 862
shall furnish the director whatever financial statements and other 863
information the director requests for the report, in the form, at 864
the times, covering the periods, and with the attestation the 865
director prescribes. The information for state institutions of 866
higher education, as defined in section 3345.011 of the Revised 867
Code, shall be submitted to the chancellor by the Ohio board of 868
regents. The board shall establish a due date by which each such 869
institution shall submit the information to the board, but no such 870
date shall be later than one hundred twenty days after the end of 871
the state fiscal year unless a later date is approved by the 872
director. 873

(B) In addition to the director's duties under division (A) 874
of this section, the director may establish and administer one or 875
more ~~state~~ payment card programs that permit ~~or require~~ state 876
agencies and political subdivisions to use a payment card to 877
purchase equipment, materials, supplies, or services in accordance 878
with guidelines issued by the director. The chief administrative 879
officer of a state agency or political subdivision that uses a 880
payment card for such purposes shall ensure that purchases made 881
with the card are made in accordance with the guidelines issued by 882
the director ~~and do not exceed the unexpended, unencumbered,~~ 883
~~unobligated balance in the appropriation to be charged for the~~ 884
~~purchase.~~ State agencies may participate in only those ~~state~~ 885
payment card programs that the director establishes pursuant to 886
this section. 887

(C) In addition to the director's duties under divisions (A) 888
and (B) of this section, the director may enter into any contract 889
or agreement necessary for and incidental to the performance of 890

the director's duties or the duties of the office of budget and management. 891
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(D) In addition to the director's duties under divisions (A), (B), and (C) of this section, the director may operate a shared services center within the office of budget and management for the purpose of consolidating common business functions and transactional processes. The services offered by the shared services center may be provided to any state agency or political subdivision. In consultation with the director of administrative services, the director may appoint and fix the compensation of employees of the office of ~~budget and management~~ whose primary duties include the consolidation of ~~statewide financing~~ common business functions and ~~common~~ transactional processes. 893
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(E) The director may transfer cash between funds other than the general revenue fund in order to correct an erroneous payment or deposit regardless of the fiscal year during which the erroneous payment or deposit occurred. 904
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(F) As used in divisions (B) and (D) of this section: 908

(1) "Political subdivision" has the same meaning as in section 2744.01 of the Revised Code. 909
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(2) "State agency" has the same meaning as in section 9.482 of the Revised Code. 911
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Sec. 126.25. The ~~accounting and budgeting~~ services provided by the director of budget and management under section 126.21 of the Revised Code shall be supported by ~~user~~ charges. The director shall determine a rate that is sufficient to defray the expense of those services and the manner by which those charges shall be collected. All money collected from ~~user~~ the charges shall be deposited in the state treasury to the credit of the accounting and budgeting fund, which is hereby created. Rebates or revenue 913
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shares received from any ~~state~~ payment card program established 921
under division (B) of section 126.21 of the Revised Code and 922
miscellaneous payments that reimburse expenses paid from the 923
accounting and budgeting fund may be deposited into the accounting 924
and budgeting fund and used to support ~~accounting and budgeting~~ 925
the services provided by the director. 926

Sec. 133.07. (A) A county shall not incur, without a vote of 927
the electors, either of the following: 928

(1) Net indebtedness for all purposes that exceeds an amount 929
equal to one per cent of its tax valuation; 930

(2) Net indebtedness for the purpose of paying the county's 931
share of the cost of the construction, improvement, maintenance, 932
or repair of state highways that exceeds an amount equal to 933
one-half of one per cent of its tax valuation. 934

(B) A county shall not incur total net indebtedness that 935
exceeds an amount equal to one of the following limitations that 936
applies to the county: 937

(1) A county with a valuation not exceeding one hundred 938
million dollars, three per cent of that tax valuation; 939

(2) A county with a tax valuation exceeding one hundred 940
million dollars but not exceeding three hundred million dollars, 941
three million dollars plus one and one-half per cent of that tax 942
valuation in excess of one hundred million dollars; 943

(3) A county with a tax valuation exceeding three hundred 944
million dollars, six million dollars plus two and one-half per 945
cent of that tax valuation in excess of three hundred million 946
dollars. 947

(C) In calculating the net indebtedness of a county, none of 948
the following securities shall be considered: 949

(1) Securities described in section 307.201 of the Revised 950

Code;	951
(2) Self-supporting securities issued for any purposes,	952
including, but not limited to, any of the following general	953
purposes:	954
(a) Water systems or facilities;	955
(b) Sanitary sewerage systems or facilities, or surface and	956
storm water drainage and sewerage systems or facilities, or a	957
combination of those systems or facilities;	958
(c) County or joint county scrap tire collection, storage,	959
monocell, monofill, or recovery facilities, or any combination of	960
those facilities;	961
(d) Off-street parking lots, facilities, or buildings, or	962
on-street parking facilities, or any combination of off-street and	963
on-street parking facilities;	964
(e) Facilities for the care or treatment of the sick or	965
infirm, and for housing the persons providing that care or	966
treatment and their families;	967
(f) Recreational, sports, convention, auditorium, museum,	968
trade show, and other public attraction facilities;	969
(g) Facilities for natural resources exploration,	970
development, recovery, use, and sale;	971
(h) Correctional and detention facilities and related	972
rehabilitation facilities.	973
(3) Securities issued for the purpose of purchasing,	974
constructing, improving, or extending water or sanitary or surface	975
and storm water sewerage systems or facilities, or a combination	976
of those systems or facilities, to the extent that an agreement	977
entered into with another subdivision requires the other	978
subdivision to pay to the county amounts equivalent to debt	979
charges on the securities;	980

(4) Voted general obligation securities issued for the 981
purpose of permanent improvements for sanitary sewerage or water 982
systems or facilities to the extent that the total principal 983
amount of voted securities outstanding for the purpose does not 984
exceed an amount equal to two per cent of the county's tax 985
valuation; 986

(5) Securities issued for permanent improvements to house 987
agencies, departments, boards, or commissions of the county or of 988
any municipal corporation located, in whole or in part, in the 989
county, to the extent that the revenues, other than revenues from 990
unvoted county property taxes, derived from leases or other 991
agreements between the county and those agencies, departments, 992
boards, commissions, or municipal corporations relating to the use 993
of the permanent improvements are sufficient to cover the cost of 994
all operating expenses of the permanent improvements paid by the 995
county and debt charges on the securities; 996

(6) Securities issued pursuant to section 133.08 of the 997
Revised Code; 998

(7) Securities issued for the purpose of acquiring or 999
constructing roads, highways, bridges, or viaducts, for the 1000
purpose of acquiring or making other highway permanent 1001
improvements, or for the purpose of procuring and maintaining 1002
computer systems for the office of the clerk of any 1003
county-operated municipal court, for the office of the clerk of 1004
the court of common pleas, or for the office of the clerk of the 1005
probate, juvenile, or domestic relations division of the court of 1006
common pleas to the extent that the legislation authorizing the 1007
issuance of the securities includes a covenant to appropriate from 1008
moneys distributed to the county pursuant to division (B) of 1009
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 1010
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 1011
sufficient amount to cover debt charges on and financing costs 1012

relating to the securities as they become due;	1013
(8) Securities issued for the purpose of acquiring,	1014
constructing, improving, and equipping a county, multicounty, or	1015
multicounty-municipal jail, workhouse, juvenile detention	1016
facility, or correctional facility;	1017
(9) Securities issued for the acquisition, construction,	1018
equipping, or repair of any permanent improvement or any class or	1019
group of permanent improvements enumerated in a resolution adopted	1020
pursuant to division (D) of section 5739.026 of the Revised Code	1021
to the extent that the legislation authorizing the issuance of the	1022
securities includes a covenant to appropriate from moneys received	1023
from the taxes authorized under section 5739.023 and division	1024
(A)(5) of section 5739.026 of the Revised Code an amount	1025
sufficient to pay debt charges on the securities and those moneys	1026
shall be pledged for that purpose;	1027
(10) Securities issued for county or joint county solid waste	1028
or hazardous waste collection, transfer, or disposal facilities,	1029
or resource recovery and solid or hazardous waste recycling	1030
facilities, or any combination of those facilities;	1031
(11) Securities issued for the acquisition, construction, and	1032
equipping of a port authority educational and cultural facility	1033
under section 307.671 of the Revised Code;	1034
(12) Securities issued for the acquisition, construction,	1035
equipping, and improving of a municipal educational and cultural	1036
facility under division (B)(1) of section 307.672 of the Revised	1037
Code;	1038
(13) Securities issued for energy conservation measures under	1039
section 307.041 of the Revised Code;	1040
(14) Securities issued for the acquisition, construction,	1041
equipping, improving, or repair of a sports facility, including	1042
obligations issued to pay costs of a sports facility under section	1043

307.673 of the Revised Code;	1044
(15) Securities issued under section 755.17 of the Revised Code if the legislation authorizing issuance of the securities includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code;	1045 1046 1047 1048 1049 1050 1051 1052
(16) Sales tax supported bonds issued pursuant to section 133.081 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance of the sales tax supported bonds pledges county sales taxes to the payment of debt charges on the sales tax supported bonds and contains a covenant to appropriate from county sales taxes a sufficient amount to cover debt charges or the financing costs related to the sales tax supported bonds as they become due;	1053 1054 1055 1056 1057 1058 1059 1060 1061
(17) Bonds or notes issued under section 133.60 of the Revised Code if the legislation authorizing issuance of the bonds or notes includes a covenant to appropriate from revenue received from a tax authorized under division (A)(9) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay the debt charges on the bonds or notes, and the board of county commissioners pledges that revenue for that purpose;	1062 1063 1064 1065 1066 1067 1068
(18) Securities issued under section 3707.55 of the Revised Code for the acquisition of real property by a general health district;	1069 1070 1071
(19) Securities issued under division (A)(3) of section 3313.37 of the Revised Code for the acquisition of real and personal property by an educational service center;	1072 1073 1074

(20) Securities issued for the purpose of paying the costs of 1075
acquiring, constructing, reconstructing, renovating, 1076
rehabilitating, expanding, adding to, equipping, furnishing, or 1077
otherwise improving an arena, convention center, or a combination 1078
of an arena and convention center under section 307.695 of the 1079
Revised Code; 1080

(21) Securities issued for the purpose of paying project 1081
costs under section 307.678 of the Revised Code. 1082

(D) In calculating the net indebtedness of a county, no 1083
obligation incurred under division (F) of section 339.06 of the 1084
Revised Code shall be considered. 1085

Sec. 149.30. The Ohio historical society, chartered by this 1086
state as a corporation not for profit to promote a knowledge of 1087
history and archaeology, especially of Ohio, and operated 1088
continuously in the public interest since 1885, may perform public 1089
functions as prescribed by law. 1090

The general assembly may appropriate money to the Ohio 1091
historical society each biennium to carry out the public functions 1092
of the society as enumerated in this section. An appropriation by 1093
the general assembly to the society constitutes an offer to 1094
contract with the society to carry out those public functions for 1095
which appropriations are made. An acceptance by the society of the 1096
appropriated funds constitutes an acceptance by the society of the 1097
offer and is considered an agreement by the society to perform 1098
those functions in accordance with the terms of the appropriation 1099
and the law and to expend the funds only for the purposes for 1100
which appropriated. The governor may request on behalf of the 1101
society, and the controlling board may release, additional funds 1102
to the society for survey, salvage, repair, or rehabilitation of 1103
an emergency nature for which funds have not been appropriated, 1104
and acceptance by the society of those funds constitutes an 1105

agreement on the part of the society to expend those funds only 1106
for the purpose for which released by the controlling board. 1107

The society shall faithfully expend and apply all moneys 1108
received from the state to the uses and purposes directed by law 1109
and for necessary administrative expenses. If the general assembly 1110
appropriates money to the society for grants or subsidies to other 1111
entities for their site-related programs, the society, except for 1112
good cause, shall distribute the money within ninety days of 1113
accepting a grant or subsidy application for the money. 1114

The society shall perform the public function of sending 1115
notice by certified mail to the owner of any property at the time 1116
it is listed on the national register of historic places. The 1117
society shall accurately record all expenditures of such funds in 1118
conformity with generally accepted accounting principles. 1119

The auditor of state shall audit all funds and fiscal records 1120
of the society. 1121

The public functions to be performed by the Ohio historical 1122
society shall include all of the following: 1123

(A) Creating, supervising, operating, protecting, 1124
maintaining, and promoting for public use a system of state 1125
memorials, titles to which may reside wholly or in part with this 1126
state or wholly or in part with the society as provided in and in 1127
conformity to appropriate acts and resolves of the general 1128
assembly, and leasing for renewable periods of two years or less, 1129
with the advice and consent of the attorney general and the 1130
director of administrative services, lands and buildings owned by 1131
the state which are in the care, custody, and control of the 1132
society, all of which shall be maintained and kept for public use 1133
at reasonable hours; 1134

(B) Making alterations and improvements, marking, and 1135
constructing, reconstructing, protecting, or restoring structures, 1136

earthworks, and monuments in its care, and equipping such	1137
facilities with appropriate educational maintenance facilities;	1138
(C) Serving as the archives administration for the state and	1139
its political subdivisions as provided in sections 149.31 to	1140
149.42 of the Revised Code;	1141
(D) Administering a state historical museum, to be the	1142
headquarters of the society and its principal museum and library,	1143
which shall be maintained and kept for public use at reasonable	1144
hours;	1145
(E) Establishing a marking system to identify all designated	1146
historic and archaeological sites within the state and marking or	1147
causing to be marked historic sites and communities considered by	1148
the society to be historically or archaeologically significant;	1149
(F) Publishing books, pamphlets, periodicals, and other	1150
publications about history, archaeology, and natural science and	1151
offering one copy of each regular periodical issue to all public	1152
libraries in this state at a reasonable price, which shall not	1153
exceed one hundred ten per cent more than the total cost of	1154
publication;	1155
(G) Engaging in research in history, archaeology, and natural	1156
science and providing historical information upon request to all	1157
state agencies;	1158
(H) Collecting, preserving, and making available by all	1159
appropriate means and under approved safeguards all manuscript,	1160
print, or near-print library collections and all historical	1161
objects, specimens, and artifacts which pertain to the history of	1162
Ohio and its people, including the following original documents:	1163
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed	1164
Ohio Constitution of 1875; design and the letters of patent and	1165
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R.	1166
53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883);	1167

S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904);	1168 1169
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933);	1170 1171 1172
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 (1947);	1173 1174 1175 1176
(I) Encouraging and promoting the organization and development of county and local historical societies;	1177 1178
(J) Providing to Ohio schools such materials as the society may prepare to facilitate the instruction of Ohio history at a reasonable price, which shall not exceed one hundred ten per cent more than the total cost of preparation and delivery;	1179 1180 1181 1182
(K) Providing advisory and technical assistance to local societies for the preservation and restoration of historic and archaeological sites;	1183 1184 1185
(L) Devising uniform criteria for the designation of historic and archaeological sites throughout the state and advising local historical societies of the criteria and their application;	1186 1187 1188
(M) Taking inventory, in cooperation with the Ohio arts council, the Ohio archaeological council, and the archaeological society of Ohio, of significant designated and undesignated state and local sites and keeping an active registry of all designated sites within the state;	1189 1190 1191 1192 1193
(N) Contracting with the owners or persons having an interest in designated historic or archaeological sites or property adjacent or contiguous to those sites, or acquiring, by purchase, gift, or devise, easements in those sites or in property adjacent or contiguous to those sites, in order to control or restrict the	1194 1195 1196 1197 1198

use of those historic or archaeological sites or adjacent or 1199
contiguous property for the purpose of restoring or preserving the 1200
historical or archaeological significance or educational value of 1201
those sites; 1202

(O) Constructing a monument honoring Governor James A. 1203
Rhodes, which shall stand on the northeast quadrant of the grounds 1204
surrounding the capitol building. The monument shall be 1205
constructed with private funds donated to the Ohio historical 1206
society and designated for this purpose. No public funds shall be 1207
expended to construct this monument. The department of 1208
administrative services shall cooperate with the Ohio historical 1209
society in carrying out this function and shall maintain the 1210
monument in a manner compatible with the grounds of the capitol 1211
building. 1212

(P) Commissioning a portrait of each departing governor, 1213
which shall be displayed in the capitol building. The Ohio 1214
historical society may accept private contributions designated for 1215
this purpose and, at the discretion of its board of trustees, also 1216
may apply for the same purpose funds appropriated by the general 1217
assembly to the society pursuant to this section. 1218

(Q) Submitting an annual report of its activities, programs, 1219
and operations to the governor within two months after the close 1220
of each fiscal year of the state. 1221

The society shall not sell, mortgage, transfer, or dispose of 1222
historical or archaeological sites to which it has title and in 1223
which the state has monetary interest except by action of the 1224
general assembly. 1225

In consideration of the public functions performed by the 1226
Ohio historical society for the state, employees of the society 1227
shall be considered public employees within the meaning of section 1228
145.01 of the Revised Code, and employees of the society may 1229

participate in plans and contracts providing health benefits for 1230
state employees under section 124.82 of the Revised Code. 1231
Employees of the society shall not be considered public employees 1232
for any other purpose. 1233

Sec. 149.311. (A) As used in this section: 1234

(1) "Historic building" means a building, including its 1235
structural components, that is located in this state and that is 1236
either individually listed on the national register of historic 1237
places under 16 U.S.C. 470a, located in a registered historic 1238
district, and certified by the state historic preservation officer 1239
as being of historic significance to the district, or is 1240
individually listed as an historic landmark designated by a local 1241
government certified under 16 U.S.C. 470a(c). 1242

(2) "Qualified rehabilitation expenditures" means 1243
expenditures paid or incurred during the rehabilitation period, 1244
and before and after that period as determined under 26 U.S.C. 47, 1245
by an owner or qualified lessee of an historic building to 1246
rehabilitate the building. "Qualified rehabilitation expenditures" 1247
includes architectural or engineering fees paid or incurred in 1248
connection with the rehabilitation, and expenses incurred in the 1249
preparation of nomination forms for listing on the national 1250
register of historic places. "Qualified rehabilitation 1251
expenditures" does not include any of the following: 1252

(a) The cost of acquiring, expanding, or enlarging an 1253
historic building; 1254

(b) Expenditures attributable to work done to facilities 1255
related to the building, such as parking lots, sidewalks, and 1256
landscaping; 1257

(c) New building construction costs. 1258

(3) "Owner" of an historic building means a person holding 1259

the fee simple interest in the building. "Owner" does not include 1260
the state or a state agency, or any political subdivision as 1261
defined in section 9.23 of the Revised Code. 1262

(4) "Qualified lessee" means a person subject to a lease 1263
agreement for an historic building and eligible for the federal 1264
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 1265
does not include the state or a state agency or political 1266
subdivision as defined in section 9.23 of the Revised Code. 1267

(5) "Certificate owner" means the owner or qualified lessee 1268
of an historic building to which a rehabilitation tax credit 1269
certificate was issued under this section. 1270

(6) "Registered historic district" means an historic district 1271
listed in the national register of historic places under 16 U.S.C. 1272
470a, an historic district designated by a local government 1273
certified under 16 U.S.C. 470a(c), or a local historic district 1274
certified under 36 C.F.R. 67.8 and 67.9. 1275

(7) "Rehabilitation" means the process of repairing or 1276
altering an historic building or buildings, making possible an 1277
efficient use while preserving those portions and features of the 1278
building and its site and environment that are significant to its 1279
historic, architectural, and cultural values. 1280

(8) "Rehabilitation period" means one of the following: 1281

(a) If the rehabilitation initially was not planned to be 1282
completed in stages, a period chosen by the owner or qualified 1283
lessee not to exceed twenty-four months during which 1284
rehabilitation occurs; 1285

(b) If the rehabilitation initially was planned to be 1286
completed in stages, a period chosen by the owner or qualified 1287
lessee not to exceed sixty months during which rehabilitation 1288
occurs. Each stage shall be reviewed as a phase of a 1289
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 1290

successor to that section. 1291

(9) "State historic preservation officer" or "officer" means 1292
the state historic preservation officer appointed by the governor 1293
under 16 U.S.C. 470a. 1294

(10) "Catalytic project" means the rehabilitation of an 1295
historic building, the rehabilitation of which will foster 1296
economic development within two thousand five hundred feet of the 1297
historic building. 1298

(B) The owner or qualified lessee of an historic building may 1299
apply to the director of development services for a rehabilitation 1300
tax credit certificate for qualified rehabilitation expenditures 1301
paid or incurred by such owner or qualified lessee after April 4, 1302
2007, for rehabilitation of an historic building. If the owner of 1303
an historic building enters a pass-through agreement with a 1304
qualified lessee for the purposes of the federal rehabilitation 1305
tax credit under 26 U.S.C. 47, the qualified rehabilitation 1306
expenditures paid or incurred by the owner after April 4, 2007, 1307
may be attributed to the qualified lessee. 1308

The form and manner of filing such applications shall be 1309
prescribed by rule of the director. Each application shall state 1310
the amount of qualified rehabilitation expenditures the applicant 1311
estimates will be paid or incurred. The director may require 1312
applicants to furnish documentation of such estimates. 1313

The director, after consultation with the tax commissioner 1314
and in accordance with Chapter 119. of the Revised Code, shall 1315
adopt rules that establish all of the following: 1316

(1) Forms and procedures by which applicants may apply for 1317
rehabilitation tax credit certificates; 1318

(2) Criteria for reviewing, evaluating, and approving 1319
applications for certificates within the limitations under 1320
division (D) of this section, criteria for assuring that the 1321

certificates issued encompass a mixture of high and low qualified	1322
rehabilitation expenditures, and criteria for issuing certificates	1323
under division (C)(3)(b) of this section;	1324
(3) Eligibility requirements for obtaining a certificate	1325
under this section;	1326
(4) The form of rehabilitation tax credit certificates;	1327
(5) Reporting requirements and monitoring procedures;	1328
(6) Procedures and criteria for conducting cost-benefit	1329
analyses of historic buildings that are the subjects of	1330
applications filed under this section. The purpose of a	1331
cost-benefit analysis shall be to determine whether rehabilitation	1332
of the historic building will result in a net revenue gain in	1333
state and local taxes once the building is used.	1334
(7) Any other rules necessary to implement and administer	1335
this section.	1336
(C) The director of development services shall review the	1337
applications with the assistance of the state historic	1338
preservation officer and determine whether all of the following	1339
criteria are met:	1340
(1) That the building that is the subject of the application	1341
is an historic building and the applicant is the owner or	1342
qualified lessee of the building;	1343
(2) That the rehabilitation will satisfy standards prescribed	1344
by the United States secretary of the interior under 16 U.S.C.	1345
470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to	1346
that section;	1347
(3) That receiving a rehabilitation tax credit certificate	1348
under this section is a major factor in:	1349
(a) The applicant's decision to rehabilitate the historic	1350
building; or	1351

(b) To increase the level of investment in such 1352
rehabilitation. 1353

An applicant shall demonstrate to the satisfaction of the 1354
state historic preservation officer and director of development 1355
services that the rehabilitation will satisfy the standards 1356
described in division (C)(2) of this section before the applicant 1357
begins the physical rehabilitation of the historic building. 1358

(D)(1) If the director of development services determines 1359
that an application meets the criteria in divisions (C)(1), (2), 1360
and (3) of this section, the director shall conduct a cost-benefit 1361
analysis for the historic building that is the subject of the 1362
application to determine whether rehabilitation of the historic 1363
building will result in a net revenue gain in state and local 1364
taxes once the building is used. The director shall consider the 1365
results of the cost-benefit analysis in determining whether to 1366
approve the application. The director shall also consider the 1367
potential economic impact and the regional distributive balance of 1368
the credits throughout the state. The director may approve an 1369
application only after completion of the cost-benefit analysis. 1370

(2) A rehabilitation tax credit certificate shall not be 1371
issued for an amount greater than the estimated amount furnished 1372
by the applicant on the application for such certificate and 1373
approved by the director. The director shall not approve more than 1374
a total of sixty million dollars of rehabilitation tax credits per 1375
fiscal year but the director may reallocate unused tax credits 1376
from a prior fiscal year for new applicants and such reallocated 1377
credits shall not apply toward the dollar limit of this division. 1378

(3) For rehabilitations with a rehabilitation period not 1379
exceeding twenty-four months as provided in division (A)~~(7)~~(8)(a) 1380
of this section, a rehabilitation tax credit certificate shall not 1381
be issued before the rehabilitation of the historic building is 1382
completed. 1383

(4) For rehabilitations with a rehabilitation period not exceeding sixty months as provided in division (A)~~(7)~~(8)(b) of this section, a rehabilitation tax credit certificate shall not be issued before a stage of rehabilitation is completed. After all stages of rehabilitation are completed, if the director cannot determine that the criteria in division (C) of this section are satisfied for all stages of rehabilitations, the director shall certify this finding to the tax commissioner, and any rehabilitation tax credits received by the applicant shall be repaid by the applicant and may be collected by assessment as unpaid tax by the commissioner.

(5) The director of development services shall require the applicant to provide a third-party cost certification by a certified public accountant of the actual costs attributed to the rehabilitation of the historic building when qualified rehabilitation expenditures exceed two hundred thousand dollars.

If an applicant whose application is approved for receipt of a rehabilitation tax credit certificate fails to provide to the director sufficient evidence of reviewable progress, including a viable financial plan, copies of final construction drawings, and evidence that the applicant has obtained all historic approvals within twelve months after the date the applicant received notification of approval, and if the applicant fails to provide evidence to the director that the applicant has secured and closed on financing for the rehabilitation within eighteen months after receiving notification of approval, the director may rescind the approval of the application. The director shall notify the applicant if the approval has been rescinded. Credits that would have been available to an applicant whose approval was rescinded shall be available for other qualified applicants. Nothing in this division prohibits an applicant whose approval has been rescinded from submitting a new application for a rehabilitation tax credit

certificate. 1416

(6) The director of development services may approve the 1417
application of, and issue a rehabilitation tax credit certificate 1418
to, the owner of a catalytic project, provided the application 1419
otherwise meets the criteria described in divisions (C) and (D) of 1420
this section. The director may not issue more than one 1421
rehabilitation tax credit certificate under division (D)(6) of 1422
this section during each state fiscal biennium. The director shall 1423
consider the following criteria in determining whether to issue a 1424
certificate under division (D)(6) of this section: 1425

(a) Whether the historic building is a catalytic project; 1426

(b) The effect issuance of the certificate would have on the 1427
availability of credits for other applicants that qualify for a 1428
credit certificate within the credit dollar limit described in 1429
division (D)(2) of this section; 1430

(c) The number of jobs, if any, the catalytic project will 1431
create; 1432

(d) The number of individuals, if any, who will reside in the 1433
catalytic project upon its completion. 1434

(E) Issuance of a certificate represents a finding by the 1435
director of development services of the matters described in 1436
divisions (C)(1), (2), and (3) of this section only; issuance of a 1437
certificate does not represent a verification or certification by 1438
the director of the amount of qualified rehabilitation 1439
expenditures for which a tax credit may be claimed under section 1440
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 1441
Revised Code. The amount of qualified rehabilitation expenditures 1442
for which a tax credit may be claimed is subject to inspection and 1443
examination by the tax commissioner or employees of the 1444
commissioner under section 5703.19 of the Revised Code and any 1445
other applicable law. Upon the issuance of a certificate, the 1446

director shall certify to the tax commissioner, in the form and 1447
manner requested by the tax commissioner, the name of the 1448
applicant, the amount of qualified rehabilitation expenditures 1449
shown on the certificate, and any other information required by 1450
the rules adopted under this section. 1451

(F)(1) On or before the first day of April each year, the 1452
director of development services and tax commissioner jointly 1453
shall submit to the president of the senate and the speaker of the 1454
house of representatives a report on the tax credit program 1455
established under this section and sections 5725.151, 5725.34, 1456
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 1457
report shall present an overview of the program and shall include 1458
information on the number of rehabilitation tax credit 1459
certificates issued under this section during the preceding fiscal 1460
year, an update on the status of each historic building for which 1461
an application was approved under this section, the dollar amount 1462
of the tax credits granted under sections 5725.151, 5725.34, 1463
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 1464
any other information the director and commissioner consider 1465
relevant to the topics addressed in the report. 1466

(2) On or before December 1, 2015, the director of 1467
development services and tax commissioner jointly shall submit to 1468
the president of the senate and the speaker of the house of 1469
representatives a comprehensive report that includes the 1470
information required by division (F)(1) of this section and a 1471
detailed analysis of the effectiveness of issuing tax credits for 1472
rehabilitating historic buildings. The report shall be prepared 1473
with the assistance of an economic research organization jointly 1474
chosen by the director and commissioner. 1475

(G) There is hereby created in the state treasury the 1476
historic rehabilitation tax credit operating fund. The director of 1477
development services is authorized to charge reasonable 1478

application and other fees in connection with the administration 1479
of tax credits authorized by this section and sections 5725.151, 1480
5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 of the 1481
Revised Code. Any such fees collected shall be credited to the 1482
fund and used to pay reasonable costs incurred by the department 1483
of development services in administering this section and sections 1484
5725.151, 5725.34, 5726.52, 5729.17, ~~5733.44~~ 5733.47, and 5747.76 1485
of the Revised Code. 1486

The Ohio historic preservation office is authorized to charge 1487
reasonable fees in connection with its review and approval of 1488
applications under this section. Any such fees collected shall be 1489
credited to the fund and used to pay administrative costs incurred 1490
by the Ohio historic preservation office pursuant to this section. 1491

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 1492
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 1493
owner of a tax credit certificate issued under division (D)(6) of 1494
this section may claim a tax credit equal to twenty-five per cent 1495
of the dollar amount indicated on the certificate for a total 1496
credit of not more than twenty-five million dollars. The credit 1497
claimed by such a certificate owner for any calendar year, tax 1498
year, or taxable year under section 5725.151, 5725.34, 5726.52, 1499
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 1500
five million dollars. If the certificate owner is eligible for 1501
more than five million dollars in total credits, the certificate 1502
owner may carry forward the balance of the credit in excess of the 1503
amount claimed for that year for not more than five ensuing 1504
calendar years, tax years, or taxable years. If the credit claimed 1505
in any calendar year, tax year, or taxable year exceeds the tax 1506
otherwise due, the excess shall be refunded to the taxpayer. 1507

Sec. 149.38. (A) Except as otherwise provided in section 1508
307.847 of the Revised Code, there is hereby created in each 1509

county a county records commission, composed of a member of the 1510
board of county commissioners as chairperson, the prosecuting 1511
attorney, the auditor, the recorder, and the clerk of the court of 1512
common pleas. The commission shall appoint a secretary, who may or 1513
may not be a member of the commission and who shall serve at the 1514
pleasure of the commission. The commission may employ an archivist 1515
or records manager to serve under its direction. The commission 1516
shall meet at least once every six months and upon the call of the 1517
chairperson. 1518

(B)(1) The functions of the county records commission shall 1519
be to provide rules for retention and disposal of records of the 1520
county, and to review applications for one-time disposal of 1521
obsolete records and schedules of records retention and 1522
disposition submitted by county offices. The commission may 1523
dispose of records pursuant to the procedure outlined in this 1524
section. The commission, at any time, may review any schedule it 1525
has previously approved and, for good cause shown, may revise that 1526
schedule, subject to division (D) of this section. 1527

(2)(a) As used in division (B)(2) of this section, "paper 1528
case records" means written reports of child abuse or neglect, 1529
written records of investigations, or other written records 1530
required to be prepared under section 2151.421, 5101.13, 5153.166, 1531
or 5153.17 of the Revised Code. 1532

(b) A county public children services agency may submit to 1533
the county records commission applications for one-time disposal, 1534
or schedules of records retention and disposition, of paper case 1535
records that have been entered into permanently maintained and 1536
retrievable fields in the state automated child welfare 1537
information system established under section 5101.13 of the 1538
Revised Code or entered into other permanently maintained and 1539
retrievable electronic files. The county records commission may 1540
dispose of the paper case records pursuant to the procedure 1541

outlined in this section. 1542

(C)(1) When the county records commission has approved any 1543
county application for one-time disposal of obsolete records or 1544
any schedule of records retention and disposition, the commission 1545
shall send that application or schedule to the Ohio historical 1546
society for its review. The Ohio historical society shall review 1547
the application or schedule within a period of not more than sixty 1548
days after its receipt of it. During the sixty-day review period, 1549
the Ohio historical society may select for its custody from the 1550
application for one-time disposal of obsolete records any records 1551
it considers to be of continuing historical value, and shall 1552
denote upon any schedule of records retention and disposition any 1553
records for which the Ohio historical society will require a 1554
certificate of records disposal prior to their disposal. 1555

(2) Upon completion of its review, the Ohio historical 1556
society shall forward the application for one-time disposal of 1557
obsolete records or the schedule of records retention and 1558
disposition to the auditor of state for the auditor's approval or 1559
disapproval. The auditor of state shall approve or disapprove the 1560
application or schedule within a period of not more than sixty 1561
days after receipt of it. 1562

(3) Before public records are to be disposed of pursuant to 1563
an approved schedule of records retention and disposition, the 1564
county records commission shall inform the Ohio historical society 1565
of the disposal through the submission of a certificate of records 1566
disposal for only the records required by the schedule to be 1567
disposed of and shall give the society the opportunity for a 1568
period of fifteen business days to select for its custody those 1569
records, from the certificate submitted, that it considers to be 1570
of continuing historical value. Upon the expiration of the 1571
fifteen-business-day period, the county records commission also 1572
shall notify the public libraries, county historical society, 1573

state universities, and other public or quasi-public institutions, 1574
agencies, or corporations in the county that have provided the 1575
commission with their name and address for these notification 1576
purposes, that the commission has informed the Ohio historical 1577
society of the records disposal and that the notified entities, 1578
upon written agreement with the Ohio historical society pursuant 1579
to section 149.31 of the Revised Code, may select records of 1580
continuing historical value, including records that may be 1581
distributed to any of the notified entities under section 149.31 1582
of the Revised Code. Any notified entity that notifies the county 1583
records commission of its intent to review and select records of 1584
continuing historical value from certificates of records disposal 1585
is responsible for the cost of any notice given and for the 1586
transportation of those records. 1587

(D) The rules of the county records commission shall include 1588
a rule that requires any receipts, checks, vouchers, or other 1589
similar records pertaining to expenditures from the delinquent tax 1590
and assessment collection fund created in section 321.261 of the 1591
Revised Code, from the real estate assessment fund created in 1592
section 325.31 of the Revised Code, or from amounts allocated for 1593
the furtherance of justice to the county sheriff under section 1594
325.071 of the Revised Code or to the prosecuting attorney under 1595
section 325.12 of the Revised Code to be retained for at least 1596
four years. 1597

(E) No person shall knowingly violate the rule adopted under 1598
division (D) of this section. Whoever violates that rule is guilty 1599
of a misdemeanor of the first degree. 1600

Sec. 150.05. (A) The authority shall select, as program 1601
administrators, not more than two private, for-profit investment 1602
funds to acquire loans for the program fund and to invest money in 1603
the program fund as prescribed in the investment policy 1604

established or modified by the authority in accordance with 1605
sections 150.03 and 150.04 of the Revised Code. The authority 1606
shall give equal consideration, in selecting these program 1607
administrators, to minority owned and controlled investment funds, 1608
to funds owned and controlled by women, to ventures involving 1609
minority owned and controlled funds, and to ventures involving 1610
funds owned and controlled by women that otherwise meet the 1611
policies and criteria established by the authority. To be eligible 1612
for selection, an investment fund must be incorporated or 1613
organized under Chapter 1701., 1705., 1775., 1776., 1782., or 1614
1783. of the Revised Code, must have an established business 1615
presence in this state, and must be capitalized in accordance with 1616
any state and federal laws applicable to the issuance or sale of 1617
securities. 1618

The authority shall select program administrators only after 1619
soliciting and evaluating requests for proposals as prescribed in 1620
this section. The authority shall publish a notice of a request 1621
for proposals in newspapers of general circulation in this state 1622
once each week for two consecutive weeks before a date specified 1623
by the authority as the date on which it will begin accepting 1624
proposals. The notices shall contain a general description of the 1625
subject of the proposed agreement and the location where the 1626
request for proposals may be obtained. The request for proposals 1627
shall include all the following: 1628

(1) Instructions and information to respondents concerning 1629
the submission of proposals, including the name and address of the 1630
office where proposals are to be submitted; 1631

(2) Instructions regarding the manner in which respondents 1632
may communicate with the authority, including the names, titles, 1633
and telephone numbers of the individuals to whom such 1634
communications shall be directed; 1635

(3) Description of the performance criteria that will be used 1636
to evaluate whether a respondent selected by the authority is 1637
satisfying the authority's investment policy; 1638

(4) Description of the factors and criteria to be considered 1639
in evaluating respondents' proposals, the relative importance of 1640
each factor or criterion, and description of the authority's 1641
evaluation procedure; 1642

(5) Description of any documents that may be incorporated by 1643
reference into the request for proposals, provided that the 1644
request specifies where such documents may be obtained and such 1645
documents are readily available to all interested parties. 1646

After the date specified for receiving proposals, the 1647
authority shall evaluate submitted proposals. The authority may 1648
discuss a respondent's proposal with that respondent to clarify or 1649
revise a proposal or the terms of the agreement. 1650

The authority shall choose for review proposals from at least 1651
three respondents the authority considers qualified to operate the 1652
program in the best interests of the investment policy adopted by 1653
the authority. If three or fewer proposals are submitted, the 1654
authority shall review each proposal. The authority may cancel a 1655
request for proposals at any time before entering into an 1656
agreement with a respondent. The authority shall provide 1657
respondents fair and equal opportunity for such discussions. The 1658
authority may terminate discussions with any respondent upon 1659
written notice to the respondent. 1660

(B) After reviewing the chosen proposals, the authority may 1661
select not more than two such respondents and enter into a written 1662
agreement with each of the selected respondents, provided that at 1663
no time shall there be agreements with more than two persons. 1664

The agreement shall do all of the following: 1665

(1) Specify that borrowing and investing by the program 1666

administrator will be budgeted to guarantee that no tax credits 1667
will be granted during the first four years of the Ohio venture 1668
capital program, and will be structured to ensure that payments of 1669
principal, interest, or interest equivalent due in any fiscal 1670
year, when added to such payments due from any other program 1671
administrator, does not exceed ~~twenty~~ twenty-six million five 1672
hundred thousand dollars; 1673

(2) Require investment by the program administrator or the 1674
fund manager employed by the program administrator to be in 1675
compliance with the investment policy established or modified in 1676
accordance with sections 150.03 and 150.04 of the Revised Code 1677
that is in effect at the time the investment is made, and prohibit 1678
the program administrator or fund manager from engaging in any 1679
investment activities other than activities to carry out that 1680
policy; 1681

(3) Require periodic financial reporting by the program 1682
administrator to the authority, which reporting shall include an 1683
annual audit by an independent auditor and such other financial 1684
reporting as is specified in the agreement or otherwise required 1685
by the authority for the purpose of ensuring that the program 1686
administrator is carrying out the investment policy; 1687

(4) Specify any like standards or general limitations in 1688
addition to or in furtherance of investment standards or 1689
limitations that apply pursuant to division (H) of section 150.03 1690
of the Revised Code; 1691

(5) Require the program administrator to apply program fund 1692
revenue first to the payment of principal borrowed by the program 1693
administrator for investment under the program, then to interest 1694
related to that principal, and then to amounts necessary to cover 1695
the program administrator's pro rata share required under division 1696
(B)(9) of this section; and require the program administrator to 1697
pay the authority not less than ninety per cent of the amount by 1698

which program fund revenue attributable to investments under the 1699
program administrator's investment authority exceeds amounts so 1700
applied; 1701

(6) Specify the procedures by which the program administrator 1702
shall certify immediately to the authority the necessity for the 1703
authority to issue tax credit certificates pursuant to contracts 1704
entered into under section 150.07 of the Revised Code; 1705

(7) Specify any general limitations regarding the employment 1706
of a fund manager by the program administrator, in addition to an 1707
express limitation that the fund manager be a person with 1708
demonstrated, substantial, successful experience in the design and 1709
management of seed and venture capital investment programs and in 1710
capital formation. The fund manager may be, but need not be, an 1711
equity owner or affiliate of the program administrator. 1712

(8) Specify the terms and conditions under which the 1713
authority or the program administrator may terminate the 1714
agreement, including in the circumstance that the program 1715
administrator or fund manager violates the investment policy; 1716

(9) Require the program administrator or fund manager 1717
employed by the program administrator to provide capital in the 1718
form of a loan equal to one per cent of the amount of outstanding 1719
loans by lenders to the program fund. The loan from the program 1720
administrator or fund manager shall be on the same terms and 1721
conditions as loans from other lenders, except that the loan from 1722
the program administrator or fund manager shall not be secured by 1723
the Ohio venture capital fund or tax credits available to other 1724
lenders under division (B) of section 150.04 of the Revised Code. 1725
Such capital shall be placed at the same risk as the proceeds from 1726
such loans. The program administrator shall receive a pro rata 1727
share of the net income, including net loss, from the investment 1728
of money from the program fund, but is not entitled to the 1729
security against losses provided under section 150.04 of the 1730

Revised Code. 1731

Sec. 150.07. (A) For the purpose stated in section 150.01 of 1732
the Revised Code, the authority may authorize a lender to claim 1733
one of the refundable tax credits allowed under section 5707.031, 1734
5725.19, 5726.53, 5727.241, 5729.08, 5733.49, or 5747.80 of the 1735
Revised Code. The credits shall be authorized by a written 1736
contract with the lender. The contract shall specify the terms 1737
under which the lender may claim the credit, including the amount 1738
of loss, if any, the lender must incur before the lender may claim 1739
the credit; specify that the credit shall not exceed the amount of 1740
the loss; and specify that the lender may claim the credit only 1741
for a loss certified by a program administrator to the authority 1742
under the procedures prescribed under division (B)(6) of section 1743
150.05 of the Revised Code. The program administrator shall 1744
provide to the authority an estimate of the amount of tax credits, 1745
if any, that are likely, in the administrator's reasonable 1746
judgment, to be claimed by a lender during the current and next 1747
succeeding state fiscal years. The estimate shall be provided at 1748
the same time each year that the administrator is required to 1749
report the annual audit to the authority under section 150.05 of 1750
the Revised Code. 1751

(B) Tax credits may be authorized at any time after the 1752
authority establishes the investment policy under section 150.03 1753
of the Revised Code, but a tax credit so authorized may not be 1754
claimed before July 1, 2007, or after June 30, 2026, except, with 1755
respect to loans made from the proceeds of obligations issued 1756
under section 4582.71 of the Revised Code, a tax credit may not be 1757
claimed before July 1, 2012, or after June 30, 2036. 1758

(C)(1) Upon receiving certification of a lender's loss from a 1759
program administrator pursuant to the procedures in the investment 1760
policy, the authority shall issue a tax credit certificate to the 1761

lender, except as otherwise provided in division (D) of this 1762
section. 1763

(2) If the lender is a pass-through entity, as defined in 1764
section 5733.04 of the Revised Code, then each equity investor in 1765
the lender pass-through entity shall be entitled to claim one of 1766
the tax credits allowed under division (A) of this section for 1767
that equity investor's taxable year in which or with which ends 1768
the taxable year of the lender pass-through entity in an amount 1769
based on the equity investor's distributive or proportionate share 1770
of the credit amount set forth in the certificate issued by the 1771
authority. If all equity investors of the lender pass-through 1772
entity are not eligible to claim a credit against the same tax set 1773
forth in division (A) of this section, then each equity investor 1774
may elect to claim a credit against the tax to which the equity 1775
investor is subject to in an amount based on the equity investor's 1776
distributive or proportionate share of the credit amount set forth 1777
in the certificate issued by the authority. 1778

(3) The certificate shall state the amount of the credit and 1779
the calendar year under section 5707.031, 5725.19, 5727.241, or 1780
5729.08, the tax year under section 5726.53 or 5733.49, or the 1781
taxable year under section 5747.80 of the Revised Code for which 1782
the credit may be claimed. The authority, in conjunction with the 1783
tax commissioner, shall develop a system for issuing tax credit 1784
certificates for the purpose of verifying that any credit claimed 1785
is a credit issued under this section and is properly taken in the 1786
year specified in the certificate and in compliance with division 1787
(B) of this section. 1788

(D) The authority shall not, in any fiscal year, issue tax 1789
credit certificates under this section in a total amount exceeding 1790
~~twenty~~ twenty-six million five hundred thousand dollars. The 1791
authority shall not issue tax credit certificates under this 1792
section in a total amount exceeding three hundred eighty million 1793

dollars. 1794

(E) Notwithstanding any other section of this chapter or any 1795
provision of Chapter 5707., 5725., 5726., 5727., 5729., 5733., or 1796
5747. of the Revised Code, if provided by the terms of an 1797
agreement entered into by the issuer and the authority under 1798
division (E) of section 150.02 of the Revised Code, and subject to 1799
the limitations of divisions (B) and (D) of this section, a 1800
trustee shall have the right, for the benefit of the issuer, to 1801
receive and claim the credits authorized under division (A) of 1802
this section solely for the purpose provided for in section 150.04 1803
of the Revised Code, and the trustee shall be entitled to file a 1804
tax return, an amended tax return, or an estimated tax return at 1805
such times as are permitted or required under the applicable 1806
provisions of Chapter 5707., 5725., 5726., 5727., 5729., 5733., or 1807
5747. of the Revised Code for the purpose of claiming credits 1808
issued to the trustee. The trustee shall receive the proceeds of 1809
such a tax credit for the benefit of the issuer, and shall apply 1810
the proceeds solely to satisfy a loss or restore a reserve as 1811
provided in section 150.04 of the Revised Code. Nothing in this 1812
section shall require a trustee to file a tax return under any 1813
chapter for any purpose other than claiming such credits if the 1814
trustee is not otherwise required to make such a filing. 1815

The general assembly may from time to time modify or repeal 1816
any of the taxes against which the credits authorized under 1817
division (A) of this section may be claimed, and may authorize 1818
those credits to be claimed for the purposes provided for in 1819
section 150.04 of the Revised Code with respect to any other tax 1820
imposed by this state; provided, that if any obligations issued 1821
under section 4582.71 of the Revised Code are then outstanding and 1822
such modification or repeal would have the effect of impairing any 1823
covenant made in or pursuant to an agreement under division (E) of 1824
section 150.02 of the Revised Code regarding the maintenance or 1825

restoration of reserves established and maintained with a trustee 1826
consistent with division (B)(2) of section 150.04 of the Revised 1827
Code and such agreement, the state shall provide other security to 1828
the extent necessary to avoid or offset the impairment of such 1829
covenant. 1830

Sec. 153.56. (A) Any person to whom any money is due for 1831
labor or work performed or materials furnished in a public 1832
improvement as provided in section 153.54 of the Revised Code, at 1833
any time after performing the labor or work or furnishing the 1834
materials, but not later than ninety days after the completion of 1835
the contract by the principal contractor or design-build firm and 1836
the acceptance of the public improvement for which the bond was 1837
provided by the duly authorized board or officer, shall furnish 1838
the sureties on the bond, a statement of the amount due to the 1839
person. 1840

(B) A suit shall not be brought against sureties on the bond 1841
until after sixty days after the furnishing of the statement 1842
described in division (A) of this section. If the indebtedness is 1843
not paid in full at the expiration of that sixty days, and if the 1844
person complies with division (C) of this section, the person may 1845
bring an action in the person's own name upon the bond, as 1846
provided in sections 2307.06 and 2307.07 of the Revised Code, that 1847
action to be commenced, notwithstanding section 2305.12 of the 1848
Revised Code, not later than one year from the date of acceptance 1849
of the public improvement for which the bond was provided. 1850

(C) To exercise rights under this section, a subcontractor or 1851
materials supplier supplying labor or materials that cost more 1852
than thirty thousand dollars, who is not in direct privity of 1853
contract with the principal contractor or design-build firm for 1854
the public improvement, shall serve a notice of furnishing upon 1855
the principal contractor or design-build firm in the form provided 1856

in section 1311.261 of the Revised Code. 1857

(D) A subcontractor or materials supplier who serves a notice 1858
of furnishing under division (C) of this section as required to 1859
exercise rights under this section has the right of recovery only 1860
as to amounts owed for labor and work performed and materials 1861
furnished during and after the twenty-one days immediately 1862
preceding service of the notice of furnishing. 1863

(E) For purposes of this section: 1864

(1) "Design-build firm" has the same meaning as in section 1865
153.65 of the Revised Code. 1866

(2) "Principal contractor" has the same meaning as in section 1867
1311.25 of the Revised Code, and may include a "~~construction~~ 1868
~~manager~~" and a "construction manager at risk" as defined in 1869
section 9.33 of the Revised Code. 1870

Sec. 163.15. (A) As soon as the agency pays to the party 1871
entitled thereto or deposits with the court the amount of the 1872
award and the costs assessed against the agency, it may take 1873
possession; provided, that this shall not be construed to limit 1874
the right of a public agency to enter and take possession, as 1875
provided in section 163.06 of the Revised Code. When the agency is 1876
entitled to possession the court shall enter an order to such 1877
effect upon the record and, if necessary, process shall be issued 1878
to place the agency in possession. Whenever a final journal entry 1879
in an appropriation proceeding, granting to this state a fee title 1880
or any lesser estate or interest in real property is filed and 1881
journalized by the clerk of courts, the clerk of courts shall 1882
forthwith transmit to the county auditor a certified copy of said 1883
final journal entry who shall transfer the property on the 1884
auditor's books and transmit said entry with proper endorsement to 1885
the county recorder for recording. The costs of filing such final 1886
journal entry with the county auditor and the county recorder 1887

shall be taxed as costs in the appropriation proceedings the same 1888
as other costs are taxed under section 163.16 of the Revised Code. 1889

(B)(1) Whenever the appropriation of real property requires 1890
the owner, a commercial tenant, or a residential tenant identified 1891
by the owner in a notice filed with the court to move or relocate, 1892
the agency shall make a payment to that person, upon proper 1893
application as approved by the agency, for all of the following: 1894

(a) Actual reasonable expenses in moving the person and the 1895
person's family, business, farm operation, or other personal 1896
property; 1897

(b) Actual direct losses of tangible personal property as a 1898
result of moving or discontinuing a business or farm operation, 1899
but not to exceed an amount equal to the reasonable expenses that 1900
would have been required to relocate such property, as determined 1901
by the agency; 1902

(c) Actual reasonable expenses in searching for a replacement 1903
business or farm, but not to exceed two thousand five hundred 1904
dollars; 1905

(d) Actual and reasonable expenses necessary to reestablish a 1906
farm, nonprofit organization, or small business at its new site, 1907
but not to exceed ~~ten~~ twenty-five thousand dollars. 1908

(2) If the agency does not approve a payment for which the 1909
owner applied under division (B)(1) of this section, the trier of 1910
fact, upon presentation of proof, shall determine whether to award 1911
a payment for the expenses described in division (B)(1) of this 1912
section and the amount of any award. The owner shall have the 1913
burden of proof with respect to those expenses. 1914

(3)(a) In addition to any payments an owner of a business may 1915
receive under division (B)(1) of this section, an owner of a 1916
business who is required by an appropriation of real property to 1917
relocate the business may recover damages for the owner's actual 1918

economic loss resulting from the appropriation, as proven by the owner by a preponderance of the evidence. Compensation for actual economic loss under this division shall not include any attorney's fees and shall not duplicate any amount awarded as compensation under this chapter.

(b) The amount of compensation awarded under division (B)(3)(a) of this section shall not exceed twelve months net profit of the business on an annualized basis. Except as otherwise provided in division (B)(3)(c) of this section, if the agency is appropriating property in time of war or other public exigency imperatively requiring its immediate seizure, for the purpose of making or repairing roads that shall be open to the public without charge, for the purpose of implementing rail service under Chapter 4981. of the Revised Code, or under section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the result of a public exigency, or the agency is a municipal corporation that is appropriating property as a result of a public exigency, the period for which the net profit of the business is calculated shall be twelve months minus the time period from the date the agency gives the notice required by section 163.04 of the Revised Code to the date the agency deposits the value of the property with the court pursuant to section 163.06 of the Revised Code or pays that amount to the owner, but in no event shall the compensation time period be less than fifteen days. If the period on which the loss is calculated is reduced to fifteen days and the relocation is unusually complex, the owner may request the agency to increase that period by up to fifteen additional days. If the agency fails to pay the compensation as provided under division (B)(3)(a) of this section or denies the request, the owner may seek an award of such compensation pursuant to this section.

(c) In case of an act of God or other public exigency that requires an immediate taking of property to protect public health

or safety or in case of a voluntary conveyance, the amount of 1951
compensation awarded under division (B)(3)(a) of this section 1952
shall not exceed fifteen days net profit of the business on an 1953
annualized basis. The owner may request the agency to increase 1954
that period by up to fifteen additional days. If the agency fails 1955
to pay the compensation as provided under division (B)(3)(a) of 1956
this section or denies the request, the owner may seek an award of 1957
such compensation pursuant to this section. 1958

Sec. 163.53. (A) Whenever the acquisition of real property 1959
for a program or project undertaken by a displacing agency will 1960
result in the displacement of any person, the head of the agency 1961
shall make a payment to any displaced person, upon proper 1962
application as approved by such agency head, for all of the 1963
following: 1964

(1) Actual reasonable expenses in moving the person, the 1965
person's family, business, farm operation, or other personal 1966
property; 1967

(2) Actual direct losses of tangible personal property as a 1968
result of moving or discontinuing a business or farm operation, 1969
but not to exceed an amount equal to the reasonable expenses that 1970
would have been required to relocate such property, as determined 1971
by the head of the displacing agency; 1972

(3) Actual reasonable expenses in searching for a replacement 1973
business or farm, but not to exceed two thousand five hundred 1974
dollars; 1975

(4) Actual and reasonable expenses necessary to reestablish a 1976
displaced farm, nonprofit organization, or small business at its 1977
new site, but not to exceed ~~ten~~ twenty-five thousand dollars. 1978

(B) Any displaced person eligible for payments under division 1979
(A) of this section who is displaced from a dwelling and who 1980

elects to accept the payments authorized by this division in lieu 1981
of the payments authorized by division (A) of this section may 1982
receive an expense and dislocation allowance, determined according 1983
to a schedule established by the head of the displacing agency. 1984

(C) Any displaced person eligible for payments under division 1985
(A) of this section who is displaced from the person's place of 1986
business or from the person's farm operation may qualify for the 1987
payment authorized by this division in lieu of the payment 1988
authorized by division (A) of this section. The payment authorized 1989
by this division shall consist of a fixed payment in an amount to 1990
be determined according to criteria established by the head of the 1991
lead agency, except that such payment shall be not less than one 1992
thousand dollars nor more than ~~twenty~~ forty thousand dollars. A 1993
person whose sole business at the displacement dwelling is the 1994
rental of such property to others does not qualify for a payment 1995
under this division. 1996

(D)(1) Except as provided in section 5501.51 of the Revised 1997
Code, if a program or project undertaken by a displacing agency 1998
results in the relocation of a utility facility, and the purpose 1999
of the program or project was not to relocate or reconstruct any 2000
utility facility; and if the owner of the utility facility which 2001
is being relocated under such program or project has entered into 2002
a franchise or similar agreement with the state or local 2003
government on whose property, easement, or right-of-way such 2004
facility is located with respect to the use of such property, 2005
easement, or right-of-way; and if the relocation of such facility 2006
results in such owner incurring an extraordinary cost in 2007
connection with such relocation; then the displacing agency may, 2008
in accordance with such rules as the head of the lead agency may 2009
adopt, provide to such owner a relocation payment which may not 2010
exceed the amount of such extraordinary cost, less any increase in 2011
the value of the new utility facility above the value of the old 2012

utility facility, and less any salvage value derived from the old utility facility. 2013
utility facility. 2014

(2) As used in division (D) of this section: 2015

(a) "Extraordinary cost in connection with a relocation" 2016
means any cost incurred by the owner of a utility facility in 2017
connection with relocation of such facility that is determined by 2018
the head of the displacing agency, under such rules as the head of 2019
the lead agency shall adopt, to be a nonroutine relocation 2020
expense, to be a cost that owner ordinarily does not include in 2021
its annual budget as an expense of operation, and to meet such 2022
other requirements as the lead agency may prescribe in such rules. 2023

(b) "Utility facility" means any electric, gas, water, steam 2024
power, or materials transmission or distribution system; any 2025
transportation system; any communications system, including cable 2026
television; and any fixture, equipment, or other property 2027
associated with the operation, maintenance, or repair of any such 2028
system; which is located on property owned by a state or local 2029
government or over which a state or local government has an 2030
easement or right-of-way. A utility facility may be publicly, 2031
privately, or cooperatively owned. 2032

Sec. 163.54. (A) In addition to payments otherwise authorized 2033
by sections 163.51 to 163.62 of the Revised Code, the head of the 2034
displacing agency shall make an additional payment not to exceed 2035
~~twenty-two~~ thirty-one thousand ~~five hundred~~ dollars to any 2036
displaced person who is displaced from a dwelling actually owned 2037
and occupied by ~~him~~ the displaced person for not less than ~~one~~ 2038
~~hundred eighty~~ ninety days prior to the initiation of negotiations 2039
for the acquisition of the property. Such additional payment shall 2040
include the following elements: 2041

(1) The amount, if any, which when added to the acquisition 2042
cost of the dwelling acquired by the displacing agency, equals the 2043

reasonable cost of a comparable replacement dwelling. 2044

(2) The amount, if any, which will compensate the displaced 2045
person for any increased interest costs and other debt service 2046
costs which the person is required to pay for financing the 2047
acquisition of a comparable replacement dwelling. This amount 2048
shall be paid only if the dwelling acquired by the displacing 2049
agency was encumbered by a bona fide mortgage which was a valid 2050
lien on the dwelling for not less than ~~one hundred eighty~~ ninety 2051
days prior to the initiation of negotiations for the acquisition 2052
of the dwelling. 2053

(3) Reasonable expenses incurred by the displaced person for 2054
evidence of title, recording fees, and other closing costs 2055
incident to the purchase of the replacement dwelling, but not 2056
including prepaid expenses. 2057

(4) A rental assistance payment for a displaced person who is 2058
eligible for a replacement housing payment under this section but 2059
who elects to rent a replacement dwelling. The amount of the 2060
rental assistance payment shall be based on a determination of 2061
market rent for the acquired dwelling compared to a comparable 2062
rental dwelling available on the market in the general area of the 2063
acquired dwelling. The difference, if any, shall be computed in 2064
accordance with division (A) of section 163.55 of the Revised 2065
Code, except the limit of seven thousand two hundred dollars shall 2066
not apply. Under no circumstances shall the rental assistance 2067
payment exceed the amount that the displaced person could have 2068
received under division (A)(1) of this section. A displaced person 2069
who is eligible to receive a replacement housing payment under 2070
this section is not eligible for a down payment assistance payment 2071
described in division (B) of section 163.55 of the Revised Code. 2072

(B) The additional payment authorized by this section shall 2073
be made only to a displaced person who purchases and occupies a 2074
replacement dwelling which is decent, safe, and sanitary not later 2075

than the end of the one-year period beginning on the date on which 2076
he the displaced person receives from the displacing agency final 2077
payment of all costs of the acquired dwelling, or on the date on 2078
which the displacing agency's obligation under division (B)(3) of 2079
section 163.56 of the Revised Code is met, whichever is later, 2080
except that the displacing agency may extend the period for good 2081
cause. If the period is extended, the payment under this section 2082
shall be based on the costs of relocating the person to a 2083
comparable replacement dwelling within one year after the 2084
displaced person receives from the displacing agency final payment 2085
of all costs of the acquired dwelling. 2086

Sec. 163.55. (A) In addition to amounts otherwise authorized 2087
by sections 163.51 to 163.62 of the Revised Code, the head of a 2088
displacing agency shall make a payment to or for any displaced 2089
person displaced from any dwelling not eligible to receive a 2090
payment under section 163.54 of the Revised Code which dwelling 2091
was actually and lawfully occupied by such displaced person for 2092
not less than ninety days prior to the initiation of negotiations 2093
for acquisition of such dwelling, or in any case in which 2094
displacement is not a direct result of acquisition, not less than 2095
ninety days prior to such other event as the head of the lead 2096
agency shall prescribe. The payment shall consist of the amount 2097
necessary to enable the displaced person to lease or rent for a 2098
period not to exceed forty-two months, a comparable replacement 2099
dwelling, but not to exceed ~~five~~ seven thousand two hundred ~~fifty~~ 2100
dollars. At the discretion of the head of the displacing agency, a 2101
payment under this division may be made in periodic installments. 2102
Computation of a payment under this division to a low-income 2103
displaced person shall take into account the person's income. 2104

(B) Any person eligible for a payment under division (A) of 2105
this section may elect to apply the payment to a down payment on, 2106
and other incidental expenses pursuant to, the purchase of a 2107

decent, safe, and sanitary replacement dwelling. The person may, 2108
under criteria established by the head of the displacing agency, 2109
be eligible under this division for the maximum payment allowed 2110
under division (A) of this section, ~~except that, in the case of a~~ 2111
~~displaced home owner who has owned and occupied the displacement~~ 2112
~~dwelling for at least ninety days but not more than one hundred~~ 2113
~~eighty days immediately prior to the initiation of negotiations~~ 2114
~~for the acquisition of such dwelling, the payment shall not exceed~~ 2115
~~the payment the person would otherwise have received under section~~ 2116
~~163.54 of the Revised Code had the person owned and occupied the~~ 2117
~~displacement dwelling one hundred eighty days immediately prior to~~ 2118
~~the initiation of the negotiations.~~ 2119

Sec. 164.26. (A) The director of the Ohio public works 2120
commission shall establish policies related to the need for 2121
long-term ownership, or long-term control through a lease or the 2122
purchase of an easement, of real property that is the subject of 2123
an application for a grant under sections 164.20 to 164.27 of the 2124
Revised Code and establish requirements for documentation to be 2125
submitted by grant applicants that is necessary for the proper 2126
administration of this division. The policies shall provide for 2127
proper ~~penalties, including liquidated damages and grant~~ 2128
~~repayment,~~ for entities that fail to comply with the long-term 2129
ownership or control requirements established under this division. 2130

The director also shall adopt policies delineating what 2131
constitutes administrative costs for purposes of division (F) of 2132
section 164.27 of the Revised Code. 2133

(B) The Ohio public works commission shall administer 2134
sections 164.20 to 164.27 of the Revised Code and shall exercise 2135
any authority and use any procedures granted or established under 2136
sections 164.02 and 164.05 of the Revised Code that are necessary 2137
for that purpose. 2138

Sec. 164.261. All of the following apply to any repayment of 2139
a grant awarded under sections 164.20 to 164.27 of the Revised 2140
Code: 2141

(A) The Ohio public works commission shall deposit the grant 2142
repayment into the clean Ohio conservation fund created in section 2143
164.27 of the Revised Code. 2144

(B) The commission shall return the grant repayment to the 2145
natural resource assistance council that approved the grant 2146
application. 2147

(C) The grant repayment shall be used for the same purpose as 2148
the grant was originally approved for, as provided in section 2149
164.22 of the Revised Code. 2150

Sec. 175.04. (A) The governor shall appoint a chairperson 2151
from among the members. The agency members shall elect a member as 2152
vice-chairperson. The agency members may appoint other officers, 2153
who need not be members of the agency, as the agency deems 2154
necessary. 2155

(B) Six members of the agency constitute a quorum and the 2156
affirmative vote of six members is necessary for any action the 2157
agency takes. No vacancy in agency membership impairs the right of 2158
a quorum to exercise all of the agency's rights and perform all 2159
the agency's duties. Agency meetings may be held at any place 2160
within the state. Meetings shall comply with section 121.22 of the 2161
Revised Code. 2162

(C) The agency shall maintain accounting records in 2163
accordance with generally accepted accounting principals and other 2164
required accounting standards. 2165

(D) The agency shall develop policies and guidelines for the 2166
administration of its programs and annually shall conduct at least 2167
one public hearing to obtain input from any interested party 2168

regarding the administration of its programs. The hearing shall be 2169
held at a time and place as the agency determines and when a 2170
quorum of the agency is present. 2171

(E) The agency shall appoint committees and subcommittees 2172
comprised of members of the agency to handle matters it deems 2173
appropriate. 2174

(1) The agency shall adopt an annual plan to address this 2175
state's housing needs. The agency shall appoint an annual plan 2176
committee to develop the plan and present it to the agency for 2177
consideration. 2178

(2) The annual plan committee shall select an advisory board 2179
from a list of interested individuals the executive director 2180
provides or on its own recommendation. The advisory board shall 2181
provide input on the plan at committee meetings prior to the 2182
annual public hearing. At the public hearing, the committee shall 2183
discuss advisory board comments. The advisory board may include, 2184
but is not limited to, persons who represent state agencies, local 2185
governments, public corporations, nonprofit organizations, 2186
community development corporations, housing advocacy organizations 2187
for low- and moderate-income persons, realtors, syndicators, 2188
investors, lending institutions as recommended by a statewide 2189
banking organization, and other entities participating in the 2190
agency's programs. 2191

Each agency program that allows for loans to be made to 2192
finance housing for owner occupancy that benefits other than low- 2193
and moderate-income households, or for loans to be made to 2194
individuals under bonds issued pursuant to division (B) of section 2195
175.08 of the Revised Code, shall be presented to the advisory 2196
board and included in the annual plan as approved by the agency 2197
before the program's implementation. 2198

(F) The agency shall prepare an annual financial report 2199

describing its activities during the reporting year and submit 2200
that report in accordance with division (H) of this section and to 2201
the governor, the speaker of the house of representatives, and the 2202
president of the senate within three months after the end of the 2203
reporting year. The report shall include the agency's audited 2204
financial statements, prepared in accordance with generally 2205
accepted accounting principles and appropriate accounting 2206
standards. 2207

(G) The agency shall prepare an annual report of its programs 2208
describing how the programs have met this state's housing needs. 2209
The agency shall submit the report in accordance with division (H) 2210
of this section and to the governor, the speaker of the house of 2211
representatives, and the president of the senate within three 2212
months after the end of the reporting year. 2213

(H)(1) The agency shall submit, within a time frame agreed to 2214
by the agency and the chairs, the annual financial report 2215
described in division (F) of this section and the annual report of 2216
programs described in division (G) of this section to the chairs 2217
of the committees dealing with housing issues in the house of 2218
representatives and the senate. 2219

(2) Within forty-five days of issuance of the annual 2220
financial report, the agency shall cause the agency's executive 2221
director to appear in person before the committees described in 2222
division (H)(1) of this section to testify in regard to the 2223
financial report and the report of programs. The testimony shall 2224
include each of the following: 2225

(a) An overview of the annual plan adopted pursuant to 2226
division (E)(1) of this section; 2227

(b) An evaluation of whether the objectives in the annual 2228
plan were met through a comparison of the annual plan with the 2229
annual financial report and report of programs; 2230

(c) A complete listing of all business and contractual relationships between the agency and other entities and organizations that participated in agency programs during the fiscal year reported by the agency's annual financial report and report of programs; 2231
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(d) A complete listing of all equity investors, both direct and indirect, and equity syndicators that participated in agency programs during the fiscal year reported by the agency's annual financial report and report of programs. 2236
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Sec. 175.05. (A) The Ohio housing finance agency shall do all of the following related to the agency's operation: 2240
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(1) Adopt bylaws for the conduct of its business; 2242

(2) Employ and fix the compensation of ~~an~~ the executive director who serves at the pleasure of the agency to administer the agency's programs and activities. The executive director may employ and fix the compensation of employees in the unclassified civil service as necessary to carry out this chapter and may employ other personnel who are governed by collective bargaining law and classified under that law. The executive director shall ~~file financial disclosure statements~~ carry out all duties as described in section ~~102.02~~ 175.053 of the Revised Code. 2243
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(3) Establish an operating budget for the agency and administer funds appropriated for the agency's use; 2252
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(4) Notwithstanding any other provision of the Revised Code, hold all moneys, funds, properties, and assets the agency acquires or that are directly or indirectly within the agency's control, including proceeds from the sale of bonds, revenues, and otherwise, in trust for the purpose of exercising its powers and carrying out its duties pursuant to this chapter. Notwithstanding any other provision of the Revised Code other than section 175.051 2254
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of the Revised Code, at no time shall the agency's moneys, funds, 2261
properties, or assets be considered public moneys, public funds, 2262
public properties, or public assets or subject to Chapters 131. 2263
and 135. of the Revised Code. 2264

(5) Maintain a principal office and other offices within the 2265
state. 2266

(B) The Ohio housing finance agency may do any of the 2267
following related to the agency's operation: 2268

(1) Except as otherwise provided in section 174.04 of the 2269
Revised Code, determine income limits for low- and moderate-income 2270
persons and establish periodic reviews of income limits. In 2271
determining income limits, the agency shall take into 2272
consideration the amount of income available for housing, family 2273
size, the cost and condition of available housing, ability to pay 2274
the amounts the private market charges for decent, safe, and 2275
sanitary housing without federal subsidy or state assistance, and 2276
the income eligibility standards of federal programs. Income 2277
limits may vary from area to area within the state. 2278

(2) Provide technical information, advice, and assistance 2279
related to obtaining federal and state aid to assist in the 2280
planning, construction, rehabilitation, refinancing, and operation 2281
of housing; 2282

(3) Provide information, assistance, or instruction 2283
concerning agency programs, eligibility requirements, application 2284
procedures, and other related matters; 2285

(4) Procure or require the procurement of insurance and pay 2286
the premium against loss in connection with the agency's 2287
operations, to include the repayment of a loan, in amounts and 2288
from insurers, including the federal government, as the agency 2289
determines; 2290

(5) Contract with, retain, or designate financial 2291

consultants, accountants, and other consultants and independent 2292
contractors, other than attorneys, whom the agency determines are 2293
necessary or appropriate; 2294

(6) Charge, alter, and collect interest and other charges for 2295
program services including, but not limited to, the allocation of 2296
loan funds, the purchase of mortgage loans, and the provision of 2297
services that include processing, inspecting, and monitoring of 2298
housing units financed and the financial records for those units; 2299

(7) Conduct or authorize studies and analyses of housing 2300
needs and conditions to the extent that those activities are not 2301
carried out by other agencies in a manner that is satisfactory for 2302
the agency's needs; 2303

(8)(a) Acquire by gift, purchase, foreclosure, investment, or 2304
other means, and hold, assign, pledge, lease, transfer, or 2305
otherwise dispose of real and personal property or any interest in 2306
that property in the exercise of its powers and the performance of 2307
its duties; 2308

(b) Any instrument by which real property is acquired 2309
pursuant to this section shall identify the state agency that has 2310
the use and benefit of the real property as specified in section 2311
5301.012 of the Revised Code. 2312

(9)(a) Borrow money, receive gifts, grants, loans, or other 2313
assistance from any federal, state, local, or other government 2314
source, including the housing development fund and the housing 2315
trust fund, and enter into contracts in connection with those 2316
sources of assistance; 2317

(b) Receive assistance or contributions from any 2318
nongovernment source to include money, property, labor, or things 2319
of value, to be held, used, and applied only for the purposes for 2320
which the grants and contributions are made and within the 2321
purposes of this chapter. 2322

(10) Sue and be sued in its own name with respect to its contracts, obligations, and covenants, or the enforcement of this chapter. Any actions against the agency shall be brought in a court of competent jurisdiction located in Franklin county, Ohio.	2323 2324 2325 2326
(11) Enter into any contract, commitment, or agreement and execute any instrument necessary or incidental to the performance of duties and the execution of powers;	2327 2328 2329
(12) Adopt an official seal;	2330
(13)(a) Contract with any private or government entity to administer programs for which the agency receives sufficient revenues for its services or the agency supports with uncommitted agency resources that pay the agency's operating costs;	2331 2332 2333 2334
(b) Administer state and federal programs for which the governor designates the agency to act as administrator. The agency may charge administrative fees to the state, the federal government, or a program recipient.	2335 2336 2337 2338
(14) Notwithstanding any other provision of the Revised Code, establish, maintain, administer, and close funds and accounts as convenient or appropriate to the agency's operations;	2339 2340 2341
(15) Establish a policy to permit the investment of agency funds in securities and obligations;	2342 2343
(16) Establish rules and procedures that the agency determines are appropriate to appeal the agency's actions and decisions;	2344 2345 2346
(17) Serve housing needs in instances that the agency determines necessary as a public purpose;	2347 2348
(18) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;	2349 2350
(19) Adopt rules pursuant to Chapter 119. of the Revised Code;	2351 2352

(20) Do anything necessary or appropriate to exercise the powers of this chapter and carry out the purposes of this chapter and Section 14, Article VIII and Section 16, Article VIII, Ohio Constitution.

(C) The attorney general shall serve as the legal representative for the Ohio housing finance agency and may appoint special counsel for that purpose in accordance with section 109.07 of the Revised Code.

Sec. 175.053. The executive director employed by the agency pursuant to division (A)(2) of section 175.05 of the Revised Code shall do all of the following:

(A) File financial disclosure statements as described in section 102.02 of the Revised Code;

(B) Develop a consolidated policies and procedures manual for the operation and administration of the agency's programs and activities that includes standard operating procedures describing what the agency and its offices do and the roles and responsibilities of its employees;

(C) Review all public documents produced by the agency to ensure that consistent names are used throughout to identify the agency's programs;

(D) Develop policies and procedures to ensure that time periods for project deadlines and progress are identified and consistently used;

(E) Do both of the following:

(1) Establish policies and procedures to ensure that all personnel salary costs claimed for agency programs that use federal funds are in accordance with the requirements of Part 225 of Title 2 of the Code of Federal Regulations;

(2) Review the documentation supporting the personnel salary

and wage costs claimed for each agency program that uses federal 2383
funds and require each individual working on the programs to 2384
prepare the required certifications for the applicable pay periods 2385
in accordance with federal law. 2386

(F) Develop policies to ensure all of the following: 2387

(1) The annual plan described in division (E)(1) of section 2388
175.04 of the Revised Code is prepared in accordance with that 2389
section. 2390

(2) The annual financial report described in division (F) of 2391
section 175.04 of the Revised Code and the annual report of 2392
programs described in division (G) of that section are 2393
appropriately linked to the agency's approved plans for the 2394
reporting year. 2395

(3) The annual public hearing described in division (D) of 2396
section 175.04 of the Revised Code is conducted. 2397

(G) Do all of the following: 2398

(1) Include in the agency's financial management systems the 2399
budgets for individual programs; 2400

(2) Require recording of expenses by program in a timely 2401
manner; 2402

(3) Develop and implement policies and procedures to ensure 2403
that program managers have access to the budget and expense 2404
information by program during the year that the managers make 2405
decisions concerning their individual programs. 2406

Sec. 175.06. (A) The Ohio housing finance agency shall do all 2407
of the following related to carrying out its programs: 2408

(1) Upon the governor's designation, serve as the housing 2409
credit agency for the state and perform all responsibilities of a 2410
housing credit agency pursuant to Section 42 of the Internal 2411

Revenue Code and similar applicable laws;	2412
(2) Require that housing that benefits from the agency's assistance be available without discrimination in accordance with Chapter 4112. of the Revised Code and applicable provisions of federal law;	2413 2414 2415 2416
<u>(3) Demonstrate measurable and objective transparency;</u>	2417
<u>(4) Efficiently award funding to maximize affordable housing production using cost-effective strategies;</u>	2418 2419
<u>(5) Encourage national equity investment in low-income housing tax credit projects;</u>	2420 2421
<u>(6) Utilize resources to provide more competitive single-family loan rates at below-market levels to serve low-income citizens.</u>	2422 2423 2424
(B) The Ohio housing finance agency may do any of the following related to carrying out its programs:	2425 2426
(1) Issue bonds, provide security for assets, make deposits, purchase or make loans, provide economic incentives for the development of housing, and provide financial assistance for emergency housing;	2427 2428 2429 2430
(2) Serve as a public housing agency and contract with the United States department of housing and urban development to administer the department's rent subsidy program, housing subsidy program, and monitoring programs for low- and moderate-income persons. The agency shall ensure that any contract into which it enters provides for sufficient compensation to the agency for its services.	2431 2432 2433 2434 2435 2436 2437
(3) Develop and administer programs under which the agency uses moneys from the housing trust fund as allocated by the department of development to extend financial assistance pursuant to sections 174.01 to 174.07 of the Revised Code;	2438 2439 2440 2441

(4) Make financial assistance available;	2442
(5) Guarantee and commit to guarantee the repayment of financing that a lending institution extends for housing, guaranteeing that debt with any of the agency's reserve funds not raised by taxation and not otherwise obligated for debt service, including the housing development fund established pursuant to section 175.11 of the Revised Code and any fund created under division (B)(14) of section 175.05 of the Revised Code;	2443 2444 2445 2446 2447 2448 2449
(6) Make, commit to make, and participate in making financial assistance, including federally insured mortgage loans, available to finance the construction and rehabilitation of housing or to refinance existing housing;	2450 2451 2452 2453
(7) Invest in, purchase, and take from lenders the assignment of notes or other evidence of debt including federally insured mortgage loans, or participate with lenders in notes and loans for homeownership, development, or refinancing of housing;	2454 2455 2456 2457
(8) Sell at public or private sale any mortgage or mortgage backed securities the agency holds;	2458 2459
(9) Issue bonds to carry out the agency's purposes as set forth in this chapter;	2460 2461
(10) Extend or otherwise make available housing assistance on terms the agency determines.	2462 2463
(C) The Ohio housing finance agency may issue bonds and extend financial assistance from any fund the agency administers for the prompt replacement, repair, or refinancing of damaged housing if both of the following apply:	2464 2465 2466 2467
(1) The governor declares that a state of emergency exists with respect to a county, region, or political subdivision of this state, or declares that a county, region, or political subdivision has experienced a disaster as defined in section 5502.21 of the	2468 2469 2470 2471

Revised Code.	2472
(2) The agency determines that the emergency or disaster has substantially damaged or destroyed housing in the area of the emergency or disaster.	2473 2474 2475
(D) The agency shall establish guidelines for extending financial assistance for emergency housing. The guidelines shall include eligibility criteria for assistance and the terms and conditions under which the agency may extend financial assistance.	2476 2477 2478 2479
Sec. 191.01. As used in this chapter:	2480
(A) "Administrative safeguards," "availability," "confidentiality," "integrity," "physical safeguards," and "technical safeguards" have the same meanings as in 45 C.F.R. 164.304.	2481 2482 2483 2484
(B) "Business associate," "covered entity," "health plan," "individually identifiable health information," and "protected health information" have the same meanings as in 45 C.F.R. 160.103.	2485 2486 2487 2488
(C) "Executive director of the office of health transformation" or "executive director" means the executive director of the office of health transformation or the chief administrative officer of a successor governmental entity responsible for health system oversight in this state.	2489 2490 2491 2492 2493
(D) "Government program providing public benefits" means any program administered by a state agency that has been identified, pursuant to section 191.02 of the Revised Code, by the executive director of the office of health transformation in consultation with the individuals specified in that section.	2494 2495 2496 2497 2498
(E) "Office of health transformation" means the office of health transformation created by executive order 2011-02K.	2499 2500
(F) "Operating protocol" means a protocol adopted by the	2501

executive director of the office of health transformation or the executive director's designee under division (D) of section 191.06 of the Revised Code.

(G) "Participating agency" means a state agency that participates in a health transformation initiative as specified in the one or more operating protocols adopted for the initiative under division (D) of section 191.06 of the Revised Code.

(H) "Personally identifiable information" means information that meets both of the following criteria:

(1) It identifies an individual or there is a reasonable basis to believe that it may be used to identify an individual;

(2) It relates to an individual's eligibility for, application for, or receipt of public benefits from a government program providing public benefits.

(I) "State agency" means each of the following:

(1) The department of administrative services;

(2) The department of aging;

(3) The development services agency;

(4) The department of developmental disabilities;

(5) The department of education;

(6) The department of health;

(7) The department of insurance;

(8) The department of job and family services;

(9) The department of medicaid;

(10) The department of mental health and addiction services;

(11) The department of rehabilitation and correction;

(12) The department of taxation;

(13) The department of veterans services;	2529
(14) The department of youth services;	2530
<u>(15) The opportunities for Ohioans with disabilities agency.</u>	2531
(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.	2532
Sec. 306.04. (A) Except as otherwise provided in division (B)	2533
of this section, employees of a county transit board or a board of	2534
county commissioners operating a transit system are employees of	2535
the county. If the system is operated by the board of county	2536
commissioners, the board shall appoint an executive director, who	2537
shall be in the unclassified service.	2538
(B) Any county transit board that established its own civil	2539
service organization and procedure prior to October 25, 1995,	2540
shall continue to operate under that organization. Appointments	2541
and promotions in that system shall be made, as far as	2542
practicable, by competitive examination.	2543
A board that established its own civil service organization	2544
prior to October 25, 1995, shall establish by rule the seniority	2545
provisions relating to street railway and motor bus employees in	2546
effect at the time of the acquisition of the transit system by the	2547
county. The vacation, holiday, and sick leave privileges shall not	2548
be regulated by other provisions of law relating to public	2549
employees of the state or county, except that the transit board,	2550
its officers and employees, shall be subject to the public	2551
employees retirement system of the state and the transit board	2552
shall assume any pension obligations which have been assumed by	2553
any publicly owned transit system which the county may acquire.	2554
(C) A county transit board or board of county commissioners	2555
operating a transit system may:	2556
(1) Acquire in its name by gift, grant, purchase, or	2557
condemnation and hold and operate real estate and interests	2558

therein and personal property suitable for its purposes; 2559

(2) In its name purchase, acquire, construct, enlarge, 2560
improve, equip, repair, maintain, sell, exchange, lease as lessee 2561
or lessor, receive a right of use of, and manage, control, and 2562
operate, in or out of the county, a county transit system 2563
consisting of all real estate and interests therein, personal 2564
property, and a combination thereof, for or related to the 2565
movement of persons including but not limited to street railway, 2566
tramline, subways, rapid transits, monorails, and passenger bus 2567
systems but excluding therefrom trucks, the movement of property 2568
by truck, and facilities designed for use in the movement of 2569
property by truck for hire; 2570

(3) Issue, with the approval of the county commissioners when 2571
the issuance is made by the transit board, revenue bonds of the 2572
county as provided in division (B) of section 306.09 of the 2573
Revised Code, to secure funds to accomplish its purposes. The 2574
principal of and interest on such bonds, together with all other 2575
payments required to be made by the trust agreement or indenture 2576
securing such bonds, shall be paid solely from revenues or other 2577
income accruing to the board from facilities of the county transit 2578
system designated in said agreement or indenture. 2579

(4) Enter into contracts in the exercise of the rights, 2580
powers, and duties conferred upon it, and execute all instruments 2581
necessary in the conduct of its business; 2582

(5) Fix, alter, and charge rates and other charges for the 2583
use of its real estate and interests therein, personal property, 2584
and combinations thereof; 2585

(6) Employ such financial consultants, accountants, 2586
appraisers, consulting engineers, architects, construction 2587
experts, attorneys-at-law, managers and other supervisory 2588
personnel, and other officers, employees, and agents as it 2589

determines necessary to conduct its business, and fix their 2590
compensation and duties; 2591

(7) Pledge, hypothecate, or otherwise encumber its revenues 2592
and other income as security for its obligations and enter into 2593
trust agreements or indentures for the benefit of revenue 2594
bondholders; 2595

(8) Borrow money or accept or contract to accept advances, 2596
loans, gifts, grants, devises, or bequests from and enter into 2597
contracts or agreements with any federal, state, or other 2598
governmental or private source and hold and apply advances, loans, 2599
gifts, grants, devises, or bequests according to the terms thereof 2600
including provisions which are required by such federal, state, or 2601
other governmental or private source to protect the interest of 2602
employees affected by such advances, loans, gifts, grants, 2603
devises, or bequests. Such advances, loans, gifts, grants, or 2604
devises may be subject to any reasonable reservation and any gift, 2605
grant, or devise or real estate may be in fee simple or any lesser 2606
estate. Any advances or loans received from any federal, state, or 2607
other governmental or private source may be repaid in accordance 2608
with the terms of such advance or loan. A loan accepted by a 2609
county transit board shall not, in any way, obligate the general 2610
fund of a county or a board of county commissioners. 2611

(9) Conduct investigations and surveys into the needs of the 2612
public within or without the county for transportation services to 2613
provide for the movement of persons within, into, or from the area 2614
serviced or to be serviced by the county transit system; 2615

(10) Enter into lawful arrangements with the appropriate 2616
federal or state department or agency, county, township, municipal 2617
corporation, or other political subdivision or public agency for 2618
the planning and installation of any public facilities which are 2619
determined necessary in the conduct of its business; 2620

(11) Purchase fire, extended coverage, and liability	2621
insurance for the real estate and interests therein, personal	2622
property and any combination thereof, used by or in connection	2623
with the county transit system and insurance covering the board	2624
and the county transit system and its officers and employees for	2625
liability for damage or injury to persons or property;	2626
(12) Procure and pay all or any part of the cost of group	2627
hospitalization, surgical, major medical, or sickness and accident	2628
insurance, or a combination thereof, for the officers and	2629
employees of the county transit system and their immediate	2630
dependents, issued by an insurance company, duly authorized to do	2631
business in this state;	2632
(13) Sell, lease, release, or otherwise dispose of real	2633
estate or interests therein or personal property owned by it and	2634
grant such easements across its real estate and interests therein	2635
as will not interfere with its use by the county transit system;	2636
(14) Establish rules for the use and operation of the county	2637
transit system including the real estate or interests therein,	2638
personal property or a combination of the foregoing used by or in	2639
connection with such system;	2640
(15) Exercise the power of eminent domain to appropriate any	2641
real estate or interests therein, personal property, franchises,	2642
or any combination thereof, within or without the county,	2643
necessary or proper in the exercise of its powers provided in	2644
sections 306.01 to 306.13 of the Revised Code, as provided in	2645
sections 163.01 to 163.22 of the Revised Code, and subject to	2646
divisions (15)(a), (b), and (c) of this section, provided that a	2647
county transit board or a board of county commissioners operating	2648
a transit system shall not proceed to so appropriate real property	2649
outside its territorial boundaries, until it has served at the	2650
office of the county commissioners of the county in which it is	2651
proposed to appropriate real property, a notice describing the	2652

real property to be taken and the purpose for which it is proposed 2653
to be taken, and such county commissioners have entered on their 2654
journal within thirty days after such service a resolution 2655
approving such appropriation. 2656

(a) Nothing contained in this division authorizes a county 2657
transit board or a board of county commissioners to appropriate 2658
any land, rights, rights-of-way, franchises, or easements 2659
belonging to the state or to a municipal corporation without the 2660
consent of the state or of the municipal corporation, and no 2661
county transit board or board of county commissioners shall 2662
exercise the right of eminent domain to acquire any certificate of 2663
public convenience and necessity, or any part thereof, issued to a 2664
for-hire motor carrier by the public utilities commission of Ohio 2665
or by the federal motor carrier safety administration of the 2666
United States, or to take or disturb other real estate or 2667
interests therein, personal property, or any combination thereof 2668
belonging to any municipal corporation without the consent of the 2669
legislative authority of such municipal corporation, or take or 2670
disturb real estate or interests therein, personal property, or 2671
any combination thereof belonging to any other political 2672
subdivision, public corporation, public utility, or common 2673
carrier, which is necessary and convenient in the operation of 2674
such political subdivision, public corporation, public utility, or 2675
common carrier unless provision is made for the restoration, 2676
relocation, or duplication of that taken or upon the election of 2677
such political subdivision, public corporation, public utility, or 2678
common carrier for the payment of compensation, if any, at the 2679
sole cost of the county transit system. 2680

(b) If any restoration or duplication proposed to be made 2681
under this division involves a relocation, the new location shall 2682
have at least comparable utilitarian value and effectiveness, and 2683
such relocation shall not impair the ability of the public utility 2684

or common carrier to compete in its original area of operation. 2685

(c) If such restoration or duplication proposed to be made 2686
under this division involves a relocation, the county transit 2687
board or board of county commissioners shall acquire no interest 2688
or right in or to the appropriated property or facility until the 2689
relocated property or facility is available for use and until 2690
marketable title thereto has been transferred to the political 2691
subdivision, public corporation, public utility, or common 2692
carrier. Nothing in this division shall require any board of 2693
county commissioners or county transit board operating a county 2694
transit system to so restore, relocate, or duplicate, if all of 2695
the real estate and interests therein, personal property, and any 2696
combination of the foregoing which is owned by a public utility or 2697
common carrier and used by it or in connection with the movement 2698
of persons, is acquired by exercise of the power of eminent 2699
domain. 2700

(16) When real property is acquired that is located outside 2701
the county and is removed from the tax duplicate, the county 2702
transit board or board of county commissioners operating a transit 2703
system shall pay annually to the county treasurer of the county in 2704
which that property is located, commencing with the first tax year 2705
in which that property is removed from the tax duplicate, an 2706
amount of money in lieu of taxes equal to the smaller of the 2707
following: 2708

(a) The last annual installment of taxes due from the 2709
acquired property before removal from the tax duplicate; 2710

(b) An amount equal to the difference between the combined 2711
revenue from real estate taxes of all the taxing districts in 2712
which the property is located in the tax year immediately prior to 2713
the removal of the acquired property from the tax duplicate, and 2714
either: 2715

(i) The total revenue which would be produced by the tax rate 2716
of each such taxing district in the tax year immediately prior to 2717
the removal of the acquired property from the tax duplicate, 2718
applied to the real estate tax duplicate of each of such taxing 2719
districts in each tax year subsequent to the year of removal; or 2720

(ii) The combined revenue from real estate taxes of all such 2721
taxing districts in each tax year subsequent to the year of 2722
removal, whichever is the greater. 2723

The county transit board or board of county commissioners may 2724
be exempted from such payment by agreement of the affected taxing 2725
district or districts in the county in which the property is 2726
located. 2727

The county auditor of the county in which that property is 2728
located shall apportion each such annual payment to each taxing 2729
district as if the annual payment had been levied and collected as 2730
a tax. 2731

Those annual payments shall never again be made after they 2732
have ceased. 2733

(17) Sue or be sued, plead or be impleaded, and be held 2734
liable in any court of proper jurisdiction for damages received by 2735
reason of negligence, in the same manner and to the same extent as 2736
if the county transit system were privately operated, provided, 2737
that no funds of a county other than those of the county transit 2738
board or, if the transit system is operated by the board of county 2739
commissioners, other than those in the account for the county 2740
transit system created under division (C) of section 306.01 of the 2741
Revised Code, shall be available for the satisfaction of judgments 2742
rendered against that system; 2743

(18) Annually prepare and make available for public 2744
inspection a report in condensed form showing the financial 2745
results of the operation of the county transit system. For systems 2746

operated by a county transit board, copies of this report shall be 2747
furnished to the county commissioners as well as a monthly summary 2748
statement of revenues and expenses for the preceding month 2749
sufficient to show the exact financial condition of the county 2750
transit system as of the last day of the preceding month. 2751

(19) With the approval of the county commissioners when the 2752
action is taken by the transit board, and without competitive 2753
bidding, sell, lease, or grant the right of use of all or a 2754
portion of the county transit system to any other political 2755
subdivision, taxing district, or other public body or agency 2756
having the power to operate a transit system; 2757

~~(20) Enter into and supervise franchise agreements for the 2758
operation of a county transit system; 2759~~

~~(21) Accept the assignment of and then supervise an existing 2760
franchise agreement for the operation of a county transit system. 2761~~

(D)(1) As used in this division: 2762

(a) "Applicant" means any person who responds to a request 2763
for proposals and submits an application for a franchise to 2764
operate a public transit system or portion of a public transit 2765
system; 2766

(b) "Application for certification" means the documents that 2767
are required to be filed by a franchisee to initiate the 2768
proceedings required for certification; 2769

(c) "Application for a franchise" means the documents that 2770
are required to be filed in response to a request for proposals 2771
and that initiate the proceedings required for the award of a 2772
franchise; 2773

(d) "Certification" means the order issued by a board of 2774
county commissioners, after submission of an application for 2775
certification, that approves the operation of a public transit 2776

system, or a portion of a public transit system, by a franchisee, 2777
subject to terms and conditions imposed by the board. 2778

(e) "Franchise" means the document and all accompanying 2779
rights approved by the board of county commissioners that provides 2780
the franchisee with the exclusive right to establish a public 2781
transit system and, subject to certification, the right to operate 2782
a public transit system. A franchise may include the right of a 2783
franchisee to provide transportation services for a county 2784
department of job and family services. 2785

(f) "Franchisee" means the individual, corporation, or other 2786
entity awarded a franchise. 2787

(2) A board of county commissioners, on behalf of a county 2788
transit board, may award a franchise to an applicant subject to 2789
such terms and conditions as the board of county commissioners 2790
considers appropriate and consistent with applicable laws. 2791
Subsequent to awarding the franchise, the board of county 2792
commissioners may issue a certification and, until such issuance, 2793
the franchisee has no right to operate a public transit system or 2794
part of such a system. The board of county commissioners shall not 2795
delete, alter, or amend the terms and conditions of the 2796
certification after its issuance. The board shall include in the 2797
certification performance targets related to the operation of a 2798
public transit system by the franchisee, including cost savings to 2799
the county, gains in efficiency, the safety and security of the 2800
traveling public and franchise employees, service to the traveling 2801
public, return on any investments made by the county, and any 2802
other performance targets as determined by the board. All terms 2803
and conditions of the order of certification are terms and 2804
conditions of the franchise. Unless expressly exempted or granted 2805
a waiver in the certification, the franchisee shall comply with 2806
all applicable rules, regulations, orders, and ordinances. 2807

(3) The award of a franchise by a board of county 2808

commissioners to an applicant is the sole license and authority 2809
for the franchisee to establish a public transit system and, 2810
subject to certification, operate a public transit system. 2811

(4) A board of county commissioners shall award a franchise 2812
for a period of not less than ten years, as provided in the 2813
franchise. 2814

(5) A franchise shall not prohibit the franchisee from 2815
implementing new or improved services during the term of the 2816
franchise. 2817

(6) A franchisee shall coordinate its services, as specified 2818
in the franchise, with public transit providers to make effective 2819
transportation services available to the public and provide access 2820
to and from the public transit system. 2821

(7) A board of county commissioners shall provide terms and 2822
conditions in a franchise to ensure that the franchisee will 2823
continue operation of the public transit system for the duration 2824
of the term of the franchise or, if the franchise is revoked, 2825
suspended, or abandoned, that financial and other necessary 2826
resources are available to continue the operation of the system 2827
until another franchisee is selected or until the board of county 2828
commissioners determines to cease the transit operations governed 2829
by the franchise. The franchise shall specifically provide that 2830
the board shall have the right to terminate the franchise if the 2831
board determines that the franchisee has materially breached the 2832
franchise in any manner. The franchisee may appeal such a 2833
termination to the board, and, if the board upholds the 2834
termination, to the proper court of common pleas. 2835

Sec. 306.14. (A) If a board of county commissioners awards a 2836
franchise to a franchisee on behalf of a county transit board, the 2837
county transit board shall submit an annual written report to the 2838
board of county commissioners not later than a date designated by 2839

the board of county commissioners and in a form prescribed by that 2840
board. The board of county commissioners shall make the report 2841
available on the general web site of the county. The county 2842
transit board shall include in the report a description in detail 2843
of the effects the franchise agreement had during the prior year 2844
on all of the following as they relate to the operation of a 2845
public transit system by the franchisee in that county: 2846

(1) Cost savings to the county; 2847

(2) Efficiency; 2848

(3) Safety and security of the traveling public and franchise 2849
employees; 2850

(4) Service to the traveling public; 2851

(5) Return on investment by the county; 2852

(6) Any other aspects the board of county commissioners 2853
determines should be included in the report. 2854

(B) A franchisee that is awarded a franchise by a board of 2855
county commissioners on behalf of a county transit board shall 2856
submit an annual written report to the board of county 2857
commissioners or county transit board not later than a date 2858
designated by the board of county commissioners and in a form 2859
prescribed by that board. The board of county commissioners also 2860
shall direct the franchisee to submit the report to the board of 2861
county commissioners, the county transit board, or both. The board 2862
of county commissioners shall establish the issues to be addressed 2863
in the report with respect to the public transit system that the 2864
franchisee operated during the prior year. The board of county 2865
commissioners shall make the report available on the general web 2866
site of the county. 2867

(C) A board of county commissioners that awards a franchise 2868
to a franchisee on behalf of a county transit board shall conduct 2869

an annual review of the performance of the franchisee. The board 2870
of county commissioners shall include in the review a 2871
determination of the number of performance targets the franchisee 2872
met during the prior year and an evaluation of the franchisee's 2873
compliance with the other terms and conditions of the franchise, 2874
including any breaches of the franchise by the franchisee. The 2875
board shall issue a written report, and shall make the report 2876
available on the general web site of the county. 2877

Sec. 307.678. (A) As used in this section: 2878

(1) "Stadium" means an open-air structure designed and 2879
developed to provide a venue for public entertainment, cultural 2880
activities and recreation, or any combination thereof, including 2881
concerts, athletic and sporting events, and other events and 2882
exhibitions, together with concession, locker room, parking, 2883
restroom, and storage facilities, walkways, and other auxiliary 2884
facilities, whether included within or separate from the 2885
structure, and all real and personal property and interests 2886
therein related to the use of the structure for those purposes. 2887

(2) "Bureau" means a nonprofit corporation that is organized 2888
under the laws of this state that is, or has among its functions 2889
acting as, a convention and visitors' bureau, and that currently 2890
receives revenue from existing lodging taxes. 2891

(3) "Cooperating parties" means the parties to a cooperative 2892
agreement. 2893

(4) "Cooperative agreement" means an agreement entered into 2894
pursuant to division (B) of this section. 2895

(5) "Corporation" means a nonprofit corporation that is 2896
organized under the laws of this state and has corporate authority 2897
under its organizational instruments to acquire, construct, 2898
reconstruct, equip, finance, furnish, otherwise improve, own, 2899

lease, or operate a stadium. 2900

(6) "Debt charges" has the same meaning as in section 133.01 2901
of the Revised Code, except that "obligations" shall be 2902
substituted for "securities" wherever "securities" appears in that 2903
section. 2904

(7) "Eligible county" means a county having a population of 2905
at least three hundred seventy-five thousand, but not more than 2906
four hundred thousand, according to the most recent federal 2907
decennial census. 2908

(8) "Existing lodging taxes" means taxes levied by a board of 2909
county commissioners of an eligible county under division (A) of 2910
section 5739.09 of the Revised Code. 2911

(9) "Financing costs" means all costs and expenses relating 2912
to the authorization, including any required election, issuance, 2913
sale, delivery, authentication, deposit, custody, clearing, 2914
registration, transfer, exchange, fractionalization, replacement, 2915
payment, and servicing, of obligations, including, without 2916
limitation, costs and expenses for or relating to publication and 2917
printing, postage, delivery, preliminary and final official 2918
statements, offering circulars, and informational statements, 2919
travel and transportation, underwriters, placement agents, 2920
investment bankers, paying agents, registrars, authenticating 2921
agents, remarketing agents, custodians, clearing agencies or 2922
corporations, securities depositories, financial advisory 2923
services, certifications, audits, federal or state regulatory 2924
agencies, accounting and computation services, legal services and 2925
obtaining approving legal opinions and other legal opinions, 2926
credit ratings, redemption premiums, and credit enhancement 2927
facilities. Financing costs may be paid from any money available 2928
for the purpose, including, unless otherwise provided in the 2929
proceedings, from the proceeds of the obligations to which they 2930
relate and, as to future financing costs, from the same sources 2931

from which debt charges on the obligations are paid and as though 2932
debt charges. 2933

(10) "Host municipal corporation" means a municipal 2934
corporation, having a population of at least seventy thousand but 2935
not more than eighty thousand according to the most recent federal 2936
decennial census, within the boundaries of which a stadium is 2937
located. 2938

(11) "Host school district" means the school district within 2939
the boundaries of which a stadium is located. 2940

(12) "Issuer" means any issuer, as defined in section 133.01 2941
of the Revised Code, and any corporation. 2942

(13) "Obligations" means obligations that are issued or 2943
incurred by an issuer pursuant to Chapter 133. or 4582. of the 2944
Revised Code, or otherwise, for the purpose of funding or paying, 2945
or reimbursing persons for the funding or payment of, project 2946
costs, and that evidence the issuer's obligation to repay borrowed 2947
money, including interest thereon, or to pay other money 2948
obligations of the issuer at any future time, including, without 2949
limitation, bonds, notes, anticipatory securities as defined in 2950
section 133.01 of the Revised Code, certificates of indebtedness, 2951
commercial paper, or installment sale, lease, lease-purchase, or 2952
similar agreements. 2953

(14) "Port authority" means a port authority created under 2954
Chapter 4582. of the Revised Code. 2955

(15) "Project" means acquiring, constructing, reconstructing, 2956
rehabilitating, remodeling, renovating, enlarging, equipping, 2957
furnishing, or otherwise improving a stadium or any component or 2958
element thereof. 2959

(16) "Project cost" means the cost of acquiring, 2960
constructing, reconstructing, rehabilitating, remodeling, 2961
renovating, enlarging, equipping, financing, refinancing, 2962

furnishing, or otherwise improving a project, including, without 2963
limitation, financing costs; the cost of architectural, 2964
engineering, and other professional services, designs, plans, 2965
specifications, surveys, and estimates of costs; financing or 2966
refinancing obligations issued by, or reimbursing money advanced 2967
by, any cooperating party or any other person, where the proceeds 2968
of the obligations or money advanced was used to pay any other 2969
cost described in this division; inspections and testing; any 2970
indemnity or surety bond or premium related to insurance 2971
pertaining to development of the project; all related direct and 2972
indirect administrative costs; fees and expenses of trustees, 2973
escrow agents, depositories, and paying agents for any 2974
obligations; interest on obligations during the planning, design, 2975
and development of a project and for up to eighteen months 2976
thereafter; funding of reserves for the payment of debt charges on 2977
any obligations; and all other expenses necessary or incident to 2978
planning, or determining the feasibility or practicability of, a 2979
project, including, without limitation, advocating the enactment 2980
of legislation to facilitate the development and financing of a 2981
project. 2982

(B) On or before December 31, 2015, the board of county 2983
commissioners of an eligible county, a host municipal corporation, 2984
the board of education of a host school district, a port 2985
authority, a bureau, and a corporation, or any combination 2986
thereof, may enter into a cooperative agreement under which: 2987

(1) The board of county commissioners and the bureau agree to 2988
make available to a cooperating party or any other person all or a 2989
portion of the proceeds of an existing lodging tax to pay project 2990
costs or debt charges on obligations issued by a cooperating party 2991
to fund, finance, or refinance the payment of project costs; 2992

(2) The cooperating parties agree, subject to any conditions 2993
or limitations provided in the cooperative agreement, to each of 2994

<u>the following:</u>	2995
<u>(a) The conveyance, grant, or transfer to a cooperating party</u>	2996
<u>or any other person of ownership of, property interests in, and</u>	2997
<u>rights to use a stadium, either as the stadium exists at the time</u>	2998
<u>of the agreement or as it may be improved by a project;</u>	2999
<u>(b) The respective responsibilities of each cooperating party</u>	3000
<u>for the management, operation, maintenance, repair, and</u>	3001
<u>replacement of a stadium, including any project undertaken with</u>	3002
<u>respect to the stadium, which may include authorization for a</u>	3003
<u>cooperating party to contract with any other person for any such</u>	3004
<u>purpose;</u>	3005
<u>(c) The respective responsibilities of each cooperating party</u>	3006
<u>for the development and financing of a project, including, without</u>	3007
<u>limitation, the cooperating party or parties that shall be</u>	3008
<u>responsible for contracting for the development of a project and</u>	3009
<u>administering contracts into which the party or parties enter into</u>	3010
<u>for that purpose;</u>	3011
<u>(d) The respective responsibilities of each cooperating party</u>	3012
<u>to provide money, whether by issuing obligations or otherwise, for</u>	3013
<u>the funding, payment, financing, or refinancing, or reimbursement</u>	3014
<u>to a cooperating party or other person for the funding, payment,</u>	3015
<u>financing, or refinancing, of project costs;</u>	3016
<u>(e) The respective responsibilities of each cooperating</u>	3017
<u>party, or any other person, to provide money or other security for</u>	3018
<u>the payment of debt charges on obligations.</u>	3019
<u>(C) Any conveyance, grant, or transfer of ownership of,</u>	3020
<u>property interests in, or rights to use a stadium, and any</u>	3021
<u>contract for the development, management, operation, maintenance,</u>	3022
<u>repair, or replacement of a stadium, including any project</u>	3023
<u>undertaken with respect to an existing stadium, that is</u>	3024
<u>contemplated by a cooperative agreement may be made or entered</u>	3025

into by a cooperating party, in such manner and upon such terms as 3026
the cooperating parties may agree, without any requirement of 3027
bidding and without regard to ownership of the stadium, 3028
notwithstanding any other provision of law that may otherwise 3029
apply. A project constitutes a "port authority facility" within 3030
the meaning of division (D) of section 4582.01 and division (E) of 3031
section 4582.21 of the Revised Code and shall be considered a 3032
permanent improvement for one purpose under Chapter 133. of the 3033
Revised Code. 3034

(D) Notwithstanding any other provision of law, and after 3035
deducting the real and actual costs of administering an existing 3036
lodging tax and any portion of such tax required to be returned to 3037
any municipal corporation or township as provided in division 3038
(A)(1) of section 5739.09 of the Revised Code, the board of county 3039
commissioners of an eligible county and a bureau may agree to make 3040
available, and a cooperating party or other person may use, all or 3041
a portion of the proceeds of an existing lodging tax for the 3042
funding or payment of project costs, including, without 3043
limitation, the payment of debt charges on obligations. Either the 3044
board or the bureau, or both, may pledge all or a portion of the 3045
proceeds of an existing lodging tax to the payment of debt charges 3046
on obligations. The lien of any such pledge shall be effective 3047
against all persons when it is made, without the requirement for 3048
the filing of any notice, and any proceeds of an existing lodging 3049
tax so pledged and required to be used to pay debt charges on 3050
obligations shall be paid by the county or bureau at the times, in 3051
the amounts, and to such payee, including, without limitation, a 3052
corporate trustee or paying agent, required for such obligations. 3053
The board of county commissioners may amend any previously adopted 3054
resolution providing for the levy of an existing lodging tax to 3055
permit the use of the proceeds of the existing lodging tax as 3056
provided in this division. 3057

(E) A board of county commissioners shall not repeal, rescind, or reduce the levy of an existing lodging tax to the extent its proceeds are pledged to the payment of debt charges on obligations, and any such lodging tax shall not be subject to repeal, rescission, or reduction by initiative, referendum, or subsequent enactment of legislation by the general assembly, so long as there remain outstanding any obligations as to which the payment of debt charges is secured by a pledge of the existing lodging tax. 3058
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(F) A pledge of the proceeds of an existing lodging tax under division (D) of this section shall not constitute indebtedness of the eligible county for the purposes of Chapter 133. of the Revised Code. 3067
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(G) The authority provided by this section is supplemental to, and is not intended to limit in any way, any legal authority that a cooperating party may have under any other provision of law. 3071
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Sec. 307.6910. (A) A new nonprofit corporation shall be organized under the laws of this state for the purpose of operating a veterans memorial and museum to be located within the city of Columbus at the site described in division (B) of this section. The veterans memorial and museum shall be designated in the articles of incorporation and state law as the "Ohio Veterans Memorial and Museum." 3075
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(B) The site of the Ohio Veterans Memorial and Museum, shall be constructed on the following parcel of real property owned in fee simple by the board of county commissioners of Franklin county: 3082
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That property located at 300 West Broad Street, Columbus, Ohio, generally lying north of Broad Street, south of the right-of-way line of Norfolk and Southern Railway, west of the 3086
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3088

Scioto River and its floodwall, and east of the east line of Belle Street if the same extended north of Broad Street to the railroad right-of-way. 3089
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(C) The bylaws of the new nonprofit corporation shall provide for the board of directors to consist of fifteen members. The appointments to the board of directors shall be made in accordance with the articles of incorporation and bylaws of the nonprofit corporation. All appointments to the board of directors shall satisfy any qualifications set forth in the nonprofit corporation's bylaws. A majority of the members of the board of directors appointed by each appointing entity shall be veterans of the armed forces of the United States. The appointments shall be made as follows: 3092
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(1) The board of county commissioners of Franklin county shall appoint five members. 3102
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(2) The governor shall appoint three members. 3104

(3) The speaker of the house of representatives and the president of the senate each shall appoint one member. 3105
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(4) The articles of incorporation shall provide for the remaining appointments, not to exceed five, the majority of whom shall be veterans of the armed forces of the United States. 3107
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(D) All meetings and records of the new nonprofit corporation shall be conducted and maintained in accordance with the sunshine laws of this state, including, but not limited to, sections 121.22 and 149.43 of the Revised Code. 3110
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(E) The board of county commissioners of Franklin county may lease the site described in division (B) of this section together with any adjacent property, without engaging in competitive bidding, to an Ohio nonprofit corporation for the construction, development, and operation of the Ohio Veterans Memorial and Museum. A board of county commissioners may appropriate funds to 3114
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either the nonprofit corporation established as provided in this 3120
section or the nonprofit corporation with which the county has 3121
leased the property for permanent improvements and operating 3122
expenses of the Ohio Veterans Memorial and Museum. 3123

Sec. 307.863. (A) Notwithstanding section 307.86 of the 3124
Revised Code, a board of county commissioners that awards a 3125
franchise to a franchisee on behalf of a county transit board 3126
pursuant to section 306.04 of the Revised Code to operate a public 3127
transit system shall award the franchise through competitive 3128
bidding as prescribed in this section. The board shall solicit 3129
bids that are not sealed, and shall ensure that all bids the board 3130
receives are open for public inspection. The board shall consider 3131
all bids that are timely received. 3132

(B) The fact that a bid proposes to be the most beneficial to 3133
the county monetarily in and of itself does not confer best bid 3134
status on that bid. 3135

(C) In awarding a franchise to a bidder to operate a public 3136
transit system, the board may consider all of the following: 3137

(1) The proposed monetary benefit to the county; 3138

(2) The bidder's ownership of, or access to, transportation 3139
facilities or transportation equipment such as vehicles, automated 3140
transit systems, or any other applicable equipment; 3141

(3) The bidder's experience in operating public transit 3142
systems; 3143

(4) If the bidder has experience in operating public transit 3144
systems, the record of the bidder in relation to all aspects of 3145
operating a public transit system, including cost savings to a 3146
political subdivision, gains in efficiency, the safety and 3147
security of the traveling public and employees, service to the 3148
traveling public, return on any investments made by a political 3149

subdivision, and any other aspects the board includes for 3150
consideration. 3151

Sec. 307.982. (A) To the extent permitted by federal law, 3152
including subpart F of 5 C.F.R. part 900, and subject to any 3153
limitations established by the Revised Code, including division 3154
(B) of this section, a board of county commissioners may enter 3155
into a written contract with a private or government entity, 3156
including a public or private college or university, for the 3157
entity to perform a family services duty or workforce development 3158
activity on behalf of a county family services agency or workforce 3159
development agency. The entity with which a board contracts is not 3160
required to be located in the county the board serves. 3161

A family services duty or workforce development activity 3162
includes transportation services provided by a county transit 3163
board. A board of county commissioners may delegate to a county 3164
transit board the authority to solicit bids and award and execute 3165
contracts for such transportation services on behalf of the board 3166
of county commissioners. 3167

(B) A board of county commissioners may not enter into a 3168
contract under division (A) of this section regarding a family 3169
services duty of a public children services agency if a county 3170
children services board appointed under section 5153.03 of the 3171
Revised Code serves as the public children services agency for the 3172
county. The county children services board may enter into 3173
contracts regarding its duties in accordance with division (C)(2) 3174
of section 5153.16 of the Revised Code. 3175

Sec. 340.01. (A) As used in this chapter, ~~"addiction,"~~ 3176

(1) "Addiction," "addiction services," "alcohol and drug 3177
addiction services," "community addiction services provider," 3178
"community mental health services provider," "drug addiction," 3179

"gambling addiction services," "mental health services," and 3180
"mental illness" have the same meanings as in section 5119.01 of 3181
the Revised Code. 3182

(2) "Medication-assisted treatment" means alcohol and drug 3183
addiction services that are accompanied by medication approved by 3184
the United States food and drug administration for the treatment 3185
of drug addiction, prevention of relapse of drug addiction, or 3186
both. 3187

(3) "Recovery housing" means housing for individuals 3188
recovering from drug addiction that provides an alcohol and 3189
drug-free living environment, peer support, assistance with 3190
obtaining drug addiction services, and other drug addiction 3191
recovery assistance. 3192

(B) An alcohol, drug addiction, and mental health service 3193
district shall be established in any county or combination of 3194
counties having a population of at least fifty thousand to provide 3195
addiction services and mental health services. With the approval 3196
of the director of mental health and addiction services, any 3197
county or combination of counties having a population of less than 3198
fifty thousand may establish such a district. Districts comprising 3199
more than one county shall be known as joint-county districts. 3200

The board of county commissioners of any county participating 3201
in a joint-county district may submit a resolution requesting 3202
withdrawal from the district together with a comprehensive plan or 3203
plans that are in compliance with rules adopted by the director of 3204
mental health and addiction services under section 5119.22 of the 3205
Revised Code, and that provide for the equitable adjustment and 3206
division of all services, assets, property, debts, and 3207
obligations, if any, of the joint-county district to the board of 3208
alcohol, drug addiction, and mental health services, to the boards 3209
of county commissioners of each county in the district, and to the 3210
~~directors~~ director. No county participating in a joint-county 3211

service district may withdraw from the district without the 3212
consent of the director of mental health and addiction services 3213
nor earlier than one year after the submission of such resolution 3214
unless all of the participating counties agree to an earlier 3215
withdrawal. Any county withdrawing from a joint-county district 3216
shall continue to have levied against its tax list and duplicate 3217
any tax levied by the district during the period in which the 3218
county was a member of the district until such time as the levy 3219
expires or is renewed or replaced. 3220

Sec. 340.02. (A) For each alcohol, drug addiction, and mental 3221
health service district, there shall be appointed a board of 3222
alcohol, drug addiction, and mental health services consisting of 3223
eighteen members or fourteen members. Should the board of alcohol, 3224
drug addiction, and mental health services elect to remain at 3225
eighteen members, as provided under section 340.02 of the Revised 3226
Code as it existed immediately prior to the date of this 3227
amendment, the board of alcohol, drug addiction, and mental health 3228
services and the board of county commissioners shall not be 3229
required to take any action. Should the board of alcohol, drug 3230
addiction, and mental health services elect a recommendation to 3231
become a fourteen-member board, that recommendation must be 3232
approved by the board of county commissioners of the county in 3233
which the alcohol, drug addiction, and mental health district is 3234
located in order for the transition to a fourteen-member board to 3235
occur. Not later than September 30, 2013, each board of alcohol, 3236
drug addiction, and mental health services wishing to become a 3237
fourteen-member board shall notify the board of county 3238
commissioners of that recommendation. Failure of the board of 3239
county commissioners to take action within thirty days after 3240
receipt of the recommendation shall be deemed agreement by the 3241
board of county commissioners to transition to a fourteen-member 3242
board of alcohol, drug addiction, and mental health services. 3243

Should the board of county commissioners reject the 3244
recommendation, the board of county commissioners shall adopt a 3245
resolution stating that rejection within thirty days after receipt 3246
of the recommendation. Upon adoption of the resolution, the board 3247
of county commissioners shall meet with the board of alcohol, drug 3248
addiction, and mental health services to discuss the matter. After 3249
the meeting, the board of county commissioners shall notify the 3250
department of mental health and addiction services of its election 3251
not later than January 1, 2014. In a joint-county district, a 3252
majority of the boards of county commissioners must not reject the 3253
recommendation of a joint-county board to become a fourteen-member 3254
board in order for the transition to a fourteen-member board to 3255
occur. Should the joint-county district have an even number of 3256
counties, and the boards of county commissioners of these counties 3257
tie in terms of whether or not to accept the recommendation of the 3258
alcohol, drug addiction, and mental health services board, the 3259
recommendation of the alcohol, drug addiction, and mental health 3260
service board to become a fourteen-member board shall prevail. The 3261
election shall be final. Failure to provide notice of its election 3262
to the department on or before January 1, 2014, shall constitute 3263
an election to continue to operate as an eighteen-member board, 3264
which election shall also be final. If an existing board provides 3265
timely notice of its election to transition to operate as a 3266
fourteen-member board, the number of board members may decline 3267
from eighteen to fourteen by attrition as current members' terms 3268
expire. However, the composition of the board must reflect the 3269
requirements set forth in this section for fourteen-member boards. 3270
For all boards, half of the members shall be interested in mental 3271
health services and half of the members shall be interested in 3272
alcohol, drug, or gambling addiction services. All members shall 3273
be residents of the service district. The membership shall, as 3274
nearly as possible, reflect the composition of the population of 3275
the service district as to race and sex. 3276

(B) For boards operating as eighteen-member boards, the 3277
director of mental health and addiction services shall appoint 3278
eight members of the board and the board of county commissioners 3279
shall appoint ten members. For boards operating as fourteen-member 3280
boards, the director of mental health and addiction services shall 3281
appoint six members of the board and the board of county 3282
commissioners shall appoint eight members. In a joint-county 3283
district, the county commissioners of each participating county 3284
shall appoint members in as nearly as possible the same proportion 3285
as that county's population bears to the total population of the 3286
district, except that at least one member shall be appointed from 3287
each participating county. 3288

(C) The director of mental health and addiction services 3289
shall ensure that at least one member of the board is a clinician 3290
with experience in the delivery of mental health services, at 3291
least one member of the board is a person who has received or is 3292
receiving mental health services ~~paid for by public funds~~, at 3293
least one member of the board is a parent or other relative of 3294
such a person, at least one member of the board is a clinician 3295
with experience in the delivery of addiction services, at least 3296
one member of the board is a person who has received or is 3297
receiving addiction services ~~paid for by public funds~~, and at 3298
least one member of the board is a parent or other relative of 3299
such a person. A single member who meets both qualifications may 3300
fulfill the requirement for a clinician with experience in the 3301
delivery of mental health services and a clinician with experience 3302
in the delivery of addiction services. 3303

(D) No member or employee of a board of alcohol, drug 3304
addiction, and mental health services shall serve as a member of 3305
the board of any provider with which the board of alcohol, drug 3306
addiction, and mental health services has entered into a contract 3307
for the provision of services or facilities. No member of a board 3308

of alcohol, drug addiction, and mental health services shall be an 3309
employee of any provider with which the board has entered into a 3310
contract for the provision of services or facilities. No person 3311
shall be an employee of a board and such a provider unless the 3312
board and provider both agree in writing. 3313

(E) No person shall serve as a member of the board of 3314
alcohol, drug addiction, and mental health services whose spouse, 3315
child, parent, brother, sister, grandchild, stepparent, stepchild, 3316
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 3317
daughter-in-law, brother-in-law, or sister-in-law serves as a 3318
member of the board of any provider with which the board of 3319
alcohol, drug addiction, and mental health services has entered 3320
into a contract for the provision of services or facilities. No 3321
person shall serve as a member or employee of the board whose 3322
spouse, child, parent, brother, sister, stepparent, stepchild, 3323
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 3324
daughter-in-law, brother-in-law, or sister-in-law serves as a 3325
county commissioner of a county or counties in the alcohol, drug 3326
addiction, and mental health service district. 3327

(F) Each year each board member shall attend at least one 3328
inservice training session provided or approved by the department 3329
of mental health and addiction services. 3330

(G) For boards operating as eighteen-member boards, each 3331
member shall be appointed for a term of four years, commencing the 3332
first day of July, except that one-third of initial appointments 3333
to a newly established board, and to the extent possible to 3334
expanded boards, shall be for terms of two years, one-third of 3335
initial appointments shall be for terms of three years, and 3336
one-third of initial appointments shall be for terms of four 3337
years. For boards operating as fourteen-member boards, each member 3338
shall be appointed for a term of four years, commencing the first 3339
day of July, except that four of the initial appointments to a 3340

newly established board, and to the extent possible to expanded 3341
boards, shall be for terms of two years, five initial appointments 3342
shall be for terms of three years, and five initial appointments 3343
shall be for terms of four years. No member shall serve more than 3344
two consecutive four-year terms under the same appointing 3345
authority. A member may serve for three consecutive terms under 3346
the same appointing authority only if one of the terms is for less 3347
than two years. A member who has served two consecutive four-year 3348
terms or three consecutive terms totaling less than ten years is 3349
eligible for reappointment by the same appointing authority one 3350
year following the end of the second or third term, respectively. 3351

When a vacancy occurs, appointment for the expired or 3352
unexpired term shall be made in the same manner as an original 3353
appointment. The appointing authority shall be notified by 3354
certified mail of any vacancy and shall fill the vacancy within 3355
sixty days following that notice. 3356

Any member of the board may be removed from office by the 3357
appointing authority for neglect of duty, misconduct, or 3358
malfeasance in office, and shall be removed by the appointing 3359
authority if the member is barred by this section from serving as 3360
a board member. The member shall be informed in writing of the 3361
charges and afforded an opportunity for a hearing. Upon the 3362
absence of a member within one year from either four board 3363
meetings or from two board meetings without prior notice, the 3364
board shall notify the appointing authority, which may vacate the 3365
appointment and appoint another person to complete the member's 3366
term. 3367

Members of the board shall serve without compensation, but 3368
shall be reimbursed for actual and necessary expenses incurred in 3369
the performance of their official duties, as defined by rules of 3370
the department of mental health and addiction services. 3371

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 3372
health service district where the board of county commissioners 3373
has established an alcohol and drug addiction services board, the 3374
community mental health board established under former section 3375
340.02 of the Revised Code shall serve as the entity responsible 3376
for providing mental health services in the county. A community 3377
mental health board has all the powers, duties, and obligations of 3378
a board of alcohol, drug addiction, and mental health services 3379
with regard to mental health services. An alcohol and drug 3380
addiction services board has all the powers, duties, and 3381
obligations of a board of alcohol, drug addiction, and mental 3382
health services with regard to addiction services. Any provision 3383
of the Revised Code that refers to a board of alcohol, drug 3384
addiction, and mental health services with regard to mental health 3385
services also refers to a community mental health board and any 3386
provision that refers to a board of alcohol, drug addiction, and 3387
mental health services with regard to alcohol and drug addiction 3388
services also refers to an alcohol and drug addiction services 3389
board. 3390

An alcohol and drug addiction services board shall consist of 3391
eighteen members or fourteen members, at the election of the 3392
board. Not later than January 1, 2014, each alcohol and drug 3393
addiction services board shall notify the department of mental 3394
health and addiction services of its election to operate as an 3395
eighteen-member board or to operate as a fourteen-member board. 3396
The election shall be final. Failure to provide notice of its 3397
election to the department on or before January 1, 2014, shall 3398
constitute an election to continue to operate as an 3399
eighteen-member board. If an existing board provides timely notice 3400
of its election to operate as a fourteen-member board, the number 3401
of board members may decline from eighteen to fourteen by 3402
attrition as current members' terms expire. However, the 3403

composition of the board must reflect the requirements set forth 3404
in this section and in applicable provisions of section 340.02 of 3405
the Revised Code for fourteen-member boards. For boards operating 3406
as eighteen-member boards, six members shall be appointed by the 3407
director of mental health and addiction services and twelve 3408
members shall be appointed by the board of county commissioners. 3409
The director of mental health and addiction services shall ensure 3410
that at least one member of the board is a person who has received 3411
or is receiving services for alcohol, drug, or gambling addiction 3412
~~paid for with public funds~~, at least one member is a parent or 3413
relative of such a person, and at least one member is a clinician 3414
with experience in the delivery of addiction services. The 3415
membership of the board shall, as nearly as possible, reflect the 3416
composition of the population of the service district as to race 3417
and sex. Members shall be residents of the service district and 3418
shall be interested in alcohol, drug, or gambling addiction 3419
services. Requirements for membership, including prohibitions 3420
against certain family and business relationships, and terms of 3421
office shall be the same as those for members of boards of 3422
alcohol, drug addiction, and mental health services. 3423

A community mental health board shall consist of eighteen 3424
members or fourteen members, at the election of the board. Not 3425
later than January 1, 2014, each community mental health board 3426
shall notify the department of mental health and addiction 3427
services of its election to operate as an eighteen-member board or 3428
to operate as a fourteen-member board. The election shall be 3429
final. Failure to provide notice of its election to the department 3430
on or before January 1, 2014, shall constitute an election to 3431
continue to operate as an eighteen-member board. If an existing 3432
board provides timely notice of its election to operate as a 3433
fourteen-member board, the number of board members may decline 3434
from eighteen to fourteen by attrition as current members' terms 3435
expire. However, the composition of the board must reflect the 3436

requirements set forth in this section and in applicable 3437
provisions of section 340.02 of the Revised Code for 3438
fourteen-member boards. For boards operating as eighteen-member 3439
boards, six members shall be appointed by the director of mental 3440
health and addiction services and twelve members shall be 3441
appointed by the board of county commissioners. The director of 3442
mental health and addiction services shall ensure that at least 3443
one member of the board is a person who has received or is 3444
receiving mental health services ~~paid for with public funds~~, at 3445
least one member is a parent or relative of such a person, and at 3446
least one member is a clinician with experience in the delivery of 3447
mental health services. The membership of the board as nearly as 3448
possible shall reflect the composition of the population of the 3449
service district as to race and sex. Members shall be residents of 3450
the service district and shall be interested in mental health 3451
services. Requirements for membership, including prohibitions 3452
against certain family and business relationships, and terms of 3453
office shall be the same as those for members of boards of 3454
alcohol, drug addiction, and mental health services. 3455

(B)(1) If a board of county commissioners subject to division 3456
(A) of this section did not adopt a final resolution providing for 3457
a board of alcohol, drug addiction, and mental health services on 3458
or before July 1, 2007, the board of county commissioners may 3459
establish a board of alcohol, drug addiction, and mental health 3460
services on or after ~~the effective date of this amendment~~ 3461
September 23, 2008. To establish the board, the board of county 3462
commissioners shall adopt a resolution providing for the board's 3463
establishment. The composition of the board, the procedures for 3464
appointing members, and all other matters related to the board and 3465
its members are subject to section 340.02 of the Revised Code, 3466
with the following exceptions: 3467

(a) For initial appointments to the board, the county's 3468

community mental health board and alcohol and drug addiction 3469
services board shall jointly recommend members of those boards for 3470
reappointment and shall submit the recommendations to the board of 3471
county commissioners and the director of mental health and 3472
addiction services. 3473

(b) To the greatest extent possible, the appointing 3474
authorities shall appoint the initial members from among the 3475
members jointly recommended under division (B)(1)(a) of this 3476
section. 3477

(2) If a board of alcohol, drug addiction, and mental health 3478
services is established pursuant to division (B)(1) of this 3479
section, the board has the same rights, privileges, immunities, 3480
powers, and duties that were possessed by the county's community 3481
mental health board and alcohol and drug addiction services board. 3482
When the board is established, all property and obligations of the 3483
community mental health board and alcohol and drug addiction 3484
services board shall be transferred to the board of alcohol, drug 3485
addiction, and mental health services. 3486

Sec. 340.03. (A) Subject to rules issued by the director of 3487
mental health and addiction services after consultation with 3488
relevant constituencies as required by division (A)(10) of section 3489
5119.21 of the Revised Code, the board of alcohol, drug addiction, 3490
and mental health services shall: 3491

(1) Serve as the community addiction and mental health 3492
services planning agency for the county or counties under its 3493
jurisdiction, and in so doing it shall: 3494

(a) Evaluate the need for facilities and community addiction 3495
and mental health services; 3496

(b) In cooperation with other local and regional planning and 3497
funding bodies and with relevant ethnic organizations, assess the 3498

community addiction and mental health needs, evaluate strengths 3499
and challenges, and set priorities for community addiction and 3500
mental health services, including treatment and prevention. When 3501
the board sets priorities for the operation of addiction services, 3502
the board shall consult with the county commissioners of the 3503
counties in the board's service district regarding the services 3504
described in section 340.15 of the Revised Code and shall give 3505
priority to those services, except that those services shall not 3506
have a priority over services provided to pregnant women under 3507
programs developed in relation to the mandate established in 3508
section 5119.17 of the Revised Code; 3509

(c) In accordance with guidelines issued by the director of 3510
mental health and addiction services after consultation with board 3511
representatives, annually develop and submit to the department of 3512
mental health and addiction services a community addiction and 3513
mental health services plan listing community addiction and mental 3514
health services needs, including the needs of all residents of the 3515
district currently receiving inpatient services in state-operated 3516
hospitals, the needs of other populations as required by state or 3517
federal law or programs, the needs of all children subject to a 3518
determination made pursuant to section 121.38 of the Revised Code, 3519
and priorities for facilities and community addiction and mental 3520
health services during the period for which the plan will be in 3521
effect. 3522

In alcohol, drug addiction, and mental health service 3523
districts that have separate alcohol and drug addiction services 3524
and community mental health boards, the alcohol and drug addiction 3525
services board shall submit a community addiction services plan 3526
and the community mental health board shall submit a community 3527
mental health services plan. Each board shall consult with its 3528
counterpart in developing its plan and address the interaction 3529
between the local addiction services and mental health services 3530

systems and populations with regard to needs and priorities in 3531
developing its plan. 3532

The department shall approve or disapprove the plan, in whole 3533
or in part, according to the criteria developed pursuant to 3534
section 5119.22 of the Revised Code. Eligibility for state and 3535
federal funding shall be contingent upon an approved plan or 3536
relevant part of a plan. 3537

If a board determines that it is necessary to amend a plan 3538
that has been approved under this division, the board shall submit 3539
a proposed amendment to the director. The director may approve or 3540
disapprove all or part of the amendment. The director shall inform 3541
the board of the reasons for disapproval of all or part of an 3542
amendment and of the criteria that must be met before the 3543
amendment may be approved. The director shall provide the board an 3544
opportunity to present its case on behalf of the amendment. The 3545
director shall give the board a reasonable time in which to meet 3546
the criteria, and shall offer the board technical assistance to 3547
help it meet the criteria. 3548

The board shall operate in accordance with the plan approved 3549
by the department. 3550

(d) Promote, arrange, and implement working agreements with 3551
social agencies, both public and private, and with judicial 3552
agencies. 3553

(2) Investigate, or request another agency to investigate, 3554
any complaint alleging abuse or neglect of any person receiving 3555
services from a community addiction or mental health services 3556
provider certified under section 5119.36 of the Revised Code or 3557
alleging abuse or neglect of a resident receiving addiction 3558
services or with mental illness or severe mental disability 3559
residing in a residential facility licensed under section 5119.34 3560
of the Revised Code. If the investigation substantiates the charge 3561

of abuse or neglect, the board shall take whatever action it 3562
determines is necessary to correct the situation, including 3563
notification of the appropriate authorities. Upon request, the 3564
board shall provide information about such investigations to the 3565
department. 3566

(3) For the purpose of section 5119.36 of the Revised Code, 3567
cooperate with the director of mental health and addiction 3568
services in visiting and evaluating whether the services of a 3569
community addiction or mental health services provider satisfy the 3570
certification standards established by rules adopted under that 3571
section; 3572

(4) In accordance with criteria established under division 3573
(E) of section 5119.22 of the Revised Code, conduct program audits 3574
that review and evaluate the quality, effectiveness, and 3575
efficiency of services provided through its community addiction 3576
and mental health contracted services and submit its findings and 3577
recommendations to the department of mental health and addiction 3578
services; 3579

(5) In accordance with section 5119.34 of the Revised Code, 3580
review an application for a residential facility license and 3581
provide to the department of mental health and addiction services 3582
any information about the applicant or facility that the board 3583
would like the department to consider in reviewing the 3584
application; 3585

(6) Audit, in accordance with rules adopted by the auditor of 3586
state pursuant to section 117.20 of the Revised Code, at least 3587
annually all programs and services provided under contract with 3588
the board. In so doing, the board may contract for or employ the 3589
services of private auditors. A copy of the fiscal audit report 3590
shall be provided to the director of mental health and addiction 3591
services, the auditor of state, and the county auditor of each 3592
county in the board's district. 3593

(7) Recruit and promote local financial support for addiction 3594
and mental health services from private and public sources; 3595

(8)(a) Enter into contracts with public and private 3596
facilities for the operation of facility services and enter into 3597
contracts with public and private community addiction and mental 3598
health service providers for the provision of community addiction 3599
and mental health services. The board may not contract with a 3600
residential facility subject to section 5119.34 of the Revised 3601
Code unless the facility is licensed by the director of mental 3602
health and addiction services and may not contract with a 3603
community addiction or mental health services provider to provide 3604
community addiction or mental health services unless the services 3605
are certified by the director of mental health and addiction 3606
services under section 5119.36 of the Revised Code. Section 307.86 3607
of the Revised Code does not apply to contracts entered into under 3608
this division. In contracting with a community addiction or mental 3609
health services provider, a board shall consider the cost 3610
effectiveness of services provided by that provider and the 3611
quality and continuity of care, and may review cost elements, 3612
including salary costs, of the services to be provided. A 3613
utilization review process may be established as part of the 3614
contract for services entered into between a board and a community 3615
addiction or mental health services provider. The board may 3616
establish this process in a way that is most effective and 3617
efficient in meeting local needs. 3618

If either the board or a facility or community addiction or 3619
mental health services provider with which the board contracts 3620
under this division proposes not to renew the contract or proposes 3621
substantial changes in contract terms, the other party shall be 3622
given written notice at least one hundred twenty days before the 3623
expiration date of the contract. During the first sixty days of 3624
this one hundred twenty-day period, both parties shall attempt to 3625

resolve any dispute through good faith collaboration and 3626
negotiation in order to continue to provide services to persons in 3627
need. If the dispute has not been resolved sixty days before the 3628
expiration date of the contract, either party may notify the 3629
department of mental health and addiction services of the 3630
unresolved dispute. The director may require both parties to 3631
submit the dispute to a third party with the cost to be shared by 3632
the board and the facility or provider. The third party shall 3633
issue to the board, the facility or provider, and the department 3634
recommendations on how the dispute may be resolved twenty days 3635
prior to the expiration date of the contract, unless both parties 3636
agree to a time extension. The director shall adopt rules 3637
establishing the procedures of this dispute resolution process. 3638

(b) With the prior approval of the director of mental health 3639
and addiction services, a board may operate a facility or provide 3640
a community addiction or mental health service as follows, if 3641
there is no other qualified private or public facility or 3642
community addiction or mental health services provider that is 3643
immediately available and willing to operate such a facility or 3644
provide the service: 3645

(i) In an emergency situation, any board may operate a 3646
facility or provide a community addiction or mental health service 3647
in order to provide essential services for the duration of the 3648
emergency; 3649

(ii) In a service district with a population of at least one 3650
hundred thousand but less than five hundred thousand, a board may 3651
operate a facility or provide a community addiction or mental 3652
health service for no longer than one year; 3653

(iii) In a service district with a population of less than 3654
one hundred thousand, a board may operate a facility or provide a 3655
community addiction or mental health service for no longer than 3656
one year, except that such a board may operate a facility or 3657

provide a community addiction or mental health service for more 3658
than one year with the prior approval of the director and the 3659
prior approval of the board of county commissioners, or of a 3660
majority of the boards of county commissioners if the district is 3661
a joint-county district. 3662

The director shall not give a board approval to operate a 3663
facility or provide a community addiction or mental health service 3664
under division (A)(8)(b)(ii) or (iii) of this section unless the 3665
director determines that it is not feasible to have the department 3666
operate the facility or provide the service. 3667

The director shall not give a board approval to operate a 3668
facility or provide a community addiction or mental health service 3669
under division (A)(8)(b)(iii) of this section unless the director 3670
determines that the board will provide greater administrative 3671
efficiency and more or better services than would be available if 3672
the board contracted with a private or public facility or 3673
community addiction or mental health services provider. 3674

The director shall not give a board approval to operate a 3675
facility previously operated by a person or other government 3676
entity unless the board has established to the director's 3677
satisfaction that the person or other government entity cannot 3678
effectively operate the facility or that the person or other 3679
government entity has requested the board to take over operation 3680
of the facility. The director shall not give a board approval to 3681
provide a community addiction or mental health service previously 3682
provided by a community addiction or mental health services 3683
provider unless the board has established to the director's 3684
satisfaction that the provider cannot effectively provide the 3685
service or that the provider has requested the board take over 3686
providing the service. 3687

The director shall review and evaluate a board's operation of 3688
a facility and provision of community addiction or mental health 3689

service under division (A)(8)(b) of this section. 3690

Nothing in division (A)(8)(b) of this section authorizes a 3691
board to administer or direct the daily operation of any facility 3692
or community addiction or mental health services provider, but a 3693
facility or provider may contract with a board to receive 3694
administrative services or staff direction from the board under 3695
the direction of the governing body of the facility or provider. 3696

(9) Approve fee schedules and related charges or adopt a unit 3697
cost schedule or other methods of payment for contract services 3698
provided by community addiction or mental health services 3699
providers in accordance with guidelines issued by the department 3700
as necessary to comply with state and federal laws pertaining to 3701
financial assistance; 3702

(10) Submit to the director and the county commissioners of 3703
the county or counties served by the board, and make available to 3704
the public, an annual report of the services under the 3705
jurisdiction of the board, including a fiscal accounting; 3706

(11) Establish, to the extent resources are available, a full 3707
spectrum of care for all levels of treatment services for opioid 3708
and co-occurring drug addiction and a continuum of care, ~~which~~ 3709
~~provides for other services that provide~~ for prevention, 3710
treatment, support, and rehabilitation services and opportunities. 3711
The essential elements of the full spectrum and continuum of care 3712
include, ~~but are not limited to,~~ the following components in 3713
accordance with section 5119.21 of the Revised Code: 3714

(a) To locate persons in need of addiction or mental health 3715
services to inform them of available services and benefits; 3716

(b) Assistance for persons receiving services to obtain 3717
services necessary to meet basic human needs for food, clothing, 3718
shelter, medical care, personal safety, and income; 3719

(c) Addiction and mental health services, including, ~~but not~~ 3720

limited to, outpatient, residential, partial hospitalization, and,	3721
where appropriate, inpatient (where appropriate), and any other	3722
type of addiction and mental health care;	3723
(d) Emergency services and crisis intervention;	3724
(e) Assistance for persons receiving services to obtain	3725
vocational services and opportunities for jobs;	3726
(f) The provision of services designed to develop social,	3727
community, and personal living skills;	3728
(g) Access to a wide range of housing and the provision of	3729
residential treatment and support;	3730
(h) Support, assistance, consultation, and education for	3731
families, friends, persons receiving addiction or mental health	3732
services, and others;	3733
(i) Recognition and encouragement of families, friends,	3734
neighborhood networks, especially networks that include racial and	3735
ethnic minorities, churches, community organizations, and	3736
community employment as natural supports for persons receiving	3737
addiction or mental health services;	3738
(j) Grievance procedures and protection of the rights of	3739
persons receiving addiction or mental health services;	3740
(k) Community psychiatric supportive treatment services,	3741
which includes continual individualized assistance and advocacy to	3742
ensure that needed services are offered and procured;	3743
<u>(l) Any additional component the department determines is</u>	3744
<u>necessary to establish a full spectrum of care for all levels of</u>	3745
<u>treatment services for opioid and co-occurring drug addiction and</u>	3746
<u>a continuum of care for other services.</u>	3747
(12) Establish a method for evaluating referrals for	3748
involuntary commitment and affidavits filed pursuant to section	3749
5122.11 of the Revised Code in order to assist the probate	3750

division of the court of common pleas in determining whether there 3751
is probable cause that a respondent is subject to involuntary 3752
hospitalization and what alternative treatment is available and 3753
appropriate, if any; 3754

(13) Designate the treatment services, provider, facility, or 3755
other placement for each person involuntarily committed to the 3756
board pursuant to Chapter 5122. of the Revised Code. The board 3757
shall provide the least restrictive and most appropriate 3758
alternative that is available for any person involuntarily 3759
committed to it and shall assure that the listed services 3760
submitted and approved in accordance with division (B) of section 3761
340.08 of the Revised Code are available to severely mentally 3762
disabled persons residing within its service district. The board 3763
shall establish the procedure for authorizing payment for 3764
services, which may include prior authorization in appropriate 3765
circumstances. The board may provide for services directly to a 3766
severely mentally disabled person when life or safety is 3767
endangered and when no community mental health services provider 3768
is available to provide the service. 3769

(14) Ensure that apartments or rooms built, subsidized, 3770
renovated, rented, owned, or leased by the board or a community 3771
addiction or mental health services provider have been approved as 3772
meeting minimum fire safety standards and that persons residing in 3773
the rooms or apartments are receiving appropriate and necessary 3774
services, including culturally relevant services, from a community 3775
addiction or mental health services provider. This division does 3776
not apply to residential facilities licensed pursuant to section 3777
5119.34 of the Revised Code. 3778

(15) Establish a mechanism for obtaining advice and 3779
involvement of persons receiving publicly funded addiction or 3780
mental health services on matters pertaining to addiction and 3781
mental health services in the alcohol, drug addiction, and mental 3782

health service district; 3783

(16) Perform the duties required by rules adopted under 3784
section 5119.22 of the Revised Code regarding referrals by the 3785
board or mental health services providers under contract with the 3786
board of individuals with mental illness or severe mental 3787
disability to residential facilities as defined in division 3788
(A)(9)(b)(iii) of section 5119.34 of the Revised Code and 3789
effective arrangements for ongoing mental health services for the 3790
individuals. The board is accountable in the manner specified in 3791
the rules for ensuring that the ongoing mental health services are 3792
effectively arranged for the individuals. 3793

(B) The board shall establish such rules, operating 3794
procedures, standards, and bylaws, and perform such other duties 3795
as may be necessary or proper to carry out the purposes of this 3796
chapter. 3797

(C) A board of alcohol, drug addiction, and mental health 3798
services may receive by gift, grant, devise, or bequest any 3799
moneys, lands, or property for the benefit of the purposes for 3800
which the board is established, and may hold and apply it 3801
according to the terms of the gift, grant, or bequest. All money 3802
received, including accrued interest, by gift, grant, or bequest 3803
shall be deposited in the treasury of the county, the treasurer of 3804
which is custodian of the alcohol, drug addiction, and mental 3805
health services funds to the credit of the board and shall be 3806
available for use by the board for purposes stated by the donor or 3807
grantor. 3808

(D) No board member or employee of a board of alcohol, drug 3809
addiction, and mental health services shall be liable for injury 3810
or damages caused by any action or inaction taken within the scope 3811
of the board member's official duties or the employee's 3812
employment, whether or not such action or inaction is expressly 3813
authorized by this section or any other section of the Revised 3814

Code, unless such action or inaction constitutes willful or wanton 3815
misconduct. Chapter 2744. of the Revised Code applies to any 3816
action or inaction by a board member or employee of a board taken 3817
within the scope of the board member's official duties or 3818
employee's employment. For the purposes of this division, the 3819
conduct of a board member or employee shall not be considered 3820
willful or wanton misconduct if the board member or employee acted 3821
in good faith and in a manner that the board member or employee 3822
reasonably believed was in or was not opposed to the best 3823
interests of the board and, with respect to any criminal action or 3824
proceeding, had no reasonable cause to believe the conduct was 3825
unlawful. 3826

(E) The meetings held by any committee established by a board 3827
of alcohol, drug addiction, and mental health services shall be 3828
considered to be meetings of a public body subject to section 3829
121.22 of the Revised Code. 3830

Sec. 340.08. In accordance with rules or guidelines issued by 3831
the director of mental health and addiction services, each board 3832
of alcohol, drug addiction, and mental health services shall do 3833
all of the following: 3834

(A) Submit to the department of mental health and addiction 3835
services a report of receipts and expenditures for all federal, 3836
state, and local moneys the board expects to receive. 3837

(1) The report shall identify funds the board has available 3838
for the full spectrum of care for all levels of treatment services 3839
for opioid and co-occurring drug addiction required by division 3840
(B) of section 340.09 of the Revised Code. 3841

(2) The report shall identify funds the board and public 3842
children services agencies in the board's service district have 3843
available to fund jointly the services described in section 340.15 3844
of the Revised Code. 3845

~~(2)~~(3) The board's proposed budget for expenditures of state 3846
and federal funds distributed to the board by the department shall 3847
be deemed an application for funds, and the department shall 3848
approve or disapprove the budget for these expenditures. The 3849
department shall inform the board of the reasons for disapproval 3850
of the budget for the expenditure of state and federal funds and 3851
of the criteria that must be met before the budget may be 3852
approved. The director shall provide the board an opportunity to 3853
present its case on behalf of the submitted budget. The director 3854
shall give the board a reasonable time in which to meet the 3855
criteria and shall offer the board technical assistance to help it 3856
meet the criteria. 3857

If a board determines that it is necessary to amend a budget 3858
that has been approved under this section, the board shall submit 3859
a proposed amendment to the director. The director may approve or 3860
disapprove all or part of the amendment. The director shall inform 3861
the board of the reasons for disapproval of all or part of the 3862
amendment and of the criteria that must be met before the 3863
amendment may be approved. The director shall provide the board an 3864
opportunity to present its case on behalf of the amendment. The 3865
director shall give the board a reasonable time in which to meet 3866
the criteria and shall offer the board technical assistance to 3867
help it meet the criteria. 3868

~~(3)~~(4) The director of mental health and addiction services, 3869
in whole or in part, may withhold funds otherwise to be allocated 3870
to a board of alcohol, drug addiction, and mental health services 3871
under Chapter 5119. of the Revised Code if the board's use of 3872
state and federal funds fails to comply with the approved budget, 3873
as it may be amended with the approval of the department. However, 3874
the director shall withhold all such funds from the board if the 3875
board fails to make the full spectrum of care for all levels of 3876
treatment services for opioid and co-occurring drug addiction 3877

available in the board's district in accordance with division (B) 3878
of section 340.09 of the Revised Code. 3879

(B) Submit to the department a statement identifying the 3880
services described in section 340.09 of the Revised Code the board 3881
intends to make available. The board shall include the full 3882
spectrum of care for all levels of treatment services for opioid 3883
and co-occurring drug addiction required by division (B) of 3884
section 340.09 of the Revised Code, crisis intervention services 3885
for individuals in emergency situations, and services required 3886
pursuant to section 340.15 of the Revised Code, ~~and the~~. The board 3887
shall explain the manner in which the board intends to make such 3888
services available. The list of services shall be compatible with 3889
the budget submitted pursuant to division (A) of this section. The 3890
department shall approve or disapprove the proposed listing of 3891
services to be made available. The department shall inform the 3892
board of the reasons for disapproval of the listing of proposed 3893
services and of the criteria that must be met before listing of 3894
proposed services may be approved. The director shall provide the 3895
board an opportunity to present its case on behalf of the 3896
submitted listing of proposed services. The director shall give 3897
the board a reasonable time in which to meet the criteria and 3898
shall offer the board technical assistance to help it meet the 3899
criteria. 3900

(C) Enter into a continuity of care agreement with the state 3901
institution operated by the department of mental health and 3902
addiction services and designated as the institution serving the 3903
district encompassing the board's service district. The continuity 3904
of care agreement shall outline the department's and the board's 3905
responsibilities to plan for and coordinate with each other to 3906
address the needs of board residents who are patients in the 3907
institution, with an emphasis on managing appropriate hospital bed 3908
day use and discharge planning. The continuity of care agreement 3909

shall not require the board to provide services other than those 3910
on the list of services submitted by the board and approved by the 3911
department pursuant to division (B) of this section. 3912

(D) In conjunction with the department of mental health and 3913
addiction services, operate a coordinated system for tracking and 3914
monitoring persons found not guilty by reason of insanity and 3915
committed pursuant to section 2945.40 of the Revised Code who have 3916
been granted a conditional release and persons found incompetent 3917
to stand trial and committed pursuant to section 2945.39 of the 3918
Revised Code who have been granted a conditional release. The 3919
system shall do all of the following: 3920

(1) Centralize responsibility for the tracking of those 3921
persons; 3922

(2) Provide for uniformity in monitoring those persons; 3923

(3) Provide a mechanism to allow prompt rehospitalization, 3924
reinstitutionalization, or detention when a violation of the 3925
conditional release or decompensation occurs. 3926

(E) Submit to the department a report summarizing complaints 3927
and grievances received by the board concerning the rights of 3928
persons seeking or receiving services, investigations of 3929
complaints and grievances, and outcomes of the investigations. 3930

(F) Provide to the department information to be submitted to 3931
the community addiction and mental health information system or 3932
systems established by the department under Chapter 5119. of the 3933
Revised Code. 3934

(G) Annually, and upon any change in membership, submit to 3935
the department a list of all current members of the board of 3936
alcohol, drug addiction, and mental health services, including the 3937
appointing authority for each member, and the member's specific 3938
qualification for appointment pursuant to section 340.02 or 3939
340.021 of the Revised Code, if applicable. 3940

(H) Submit to the department other information as is 3941
reasonably required for purposes of the department's operations, 3942
service evaluation, reporting activities, research, system 3943
administration, and oversight. 3944

Sec. 340.09. (A) The department of mental health and 3945
addiction services shall provide assistance to any county for ~~the~~ 3946
all of the following from funds the general assembly appropriates 3947
for these purposes: 3948

(1) The operation of ~~boards~~ the board of alcohol, drug 3949
addiction, and mental health services, ~~the provision of services~~ 3950
serving the county; 3951

(2) The full spectrum of care for all levels of treatment 3952
services for opioid and co-occurring drug addiction that are 3953
approved by the department and made available in the county by the 3954
board serving the county; 3955

(3) The continuum of care for other services that are 3956
approved by the department ~~within the continuum of care, the and~~ 3957
made available in the county by the board serving the county; 3958

(4) The provision of approved support functions, ~~and the;~~ 3959

(5) The partnership in, or support for, ~~approved continuum of~~ 3960
care-related activities from funds appropriated for that purpose 3961
by the general assembly related to the full spectrum of all levels 3962
of treatment services for opioid and co-occurring drug addiction 3963
and the continuum of care of other services. 3964

(B) The full spectrum of care for all levels of treatment 3965
services for opioid and co-occurring drug addiction shall include 3966
at least ambulatory and sub-acute detoxification, non-intensive 3967
and intensive outpatient services, medication-assisted treatment, 3968
peer mentoring, residential treatment services, recovery housing 3969
pursuant to section 340.092 of the Revised Code, and twelve-step 3970

approaches. The treatment services shall be made available in the 3971
service district of each board, except that a treatment consisting 3972
of sub-acute detoxification or residential treatment services for 3973
opioid and co-occurring drug addiction is not required to be 3974
available in a board's service district if the board has a 3975
contract with one or more providers of sub-acute detoxification or 3976
residential treatment services for opioid and co-occurring drug 3977
addiction located in other service districts. The treatment 3978
services shall be made available in a manner that ensures that 3979
service recipients are able to access the services they need for 3980
opioid and co-occurring drug addiction in an integrated manner and 3981
without delay when changing or obtaining additional treatment 3982
services for such addiction. A treatment service for opioid and 3983
co-occurring drug addiction shall not be excluded from the full 3984
spectrum of care on the basis that the treatment service 3985
previously failed. 3986

(C) Categories in the continuum of care for other services 3987
may include the following: 3988

- (1) Inpatient; 3989
- (2) Sub-acute detoxification; 3990
- (3) Residential; 3991
- ~~(3)~~(4) Outpatient treatment; 3992
- ~~(4)~~(5) Intensive and other supports; 3993
- ~~(5)~~(6) Recovery support; 3994
- ~~(6)~~(7) Prevention and wellness management. 3995

~~(C)~~(D) Support functions may include the following: 3996

- (1) Consultation; 3997
- (2) Research; 3998
- (3) Administrative; 3999

- (4) Referral and information; 4000
- (5) Training; 4001
- (6) Service and program evaluation. 4002

Sec. 340.092. All of the following apply to the recovery housing that each board of alcohol, drug addiction, and mental health services shall include in the full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction under division (B) of section 340.09 of the Revised Code: 4003
4004
4005
4006
4007
4008

(A) The recovery housing shall not be owned or operated by a residential facility as defined in section 5119.34 of the Revised Code and instead shall be owned and operated by the following: 4009
4010
4011

(1) Except as provided in division (A)(2) of this section, a community addiction services provider or other local nongovernmental organization (including a peer-run recovery organization), as appropriate to the needs of the board's service district; 4012
4013
4014
4015
4016

(2) The board, if either of the following applies: 4017

(a) The board owns and operates the recovery housing on the effective date of this section. 4018
4019

(b) The board determines that there is an emergency need for the board to assume the ownership and operation of the recovery housing such as when an existing owner and operator of the recovery housing goes out of business, and the board considers the assumption of ownership and operation of the recovery housing to be its last resort. 4020
4021
4022
4023
4024
4025

(B) The recovery housing shall have protocols for all of the following: 4026
4027

(1) Administrative oversight; 4028

<u>(2) Quality standards;</u>	4029
<u>(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere.</u>	4030 4031
<u>(C) Individuals recovering from opioid or co-occurring drug addiction shall have priority in admission to the recovery housing, but an individual recovering from other drug addictions may be admitted if an available slot is not needed for an individual recovering from opioid or co-occurring drug addiction.</u>	4032 4033 4034 4035 4036
<u>(D) Family members of the recovery housing's residents may reside in the recovery housing to the extent the recovery housing's protocols permit.</u>	4037 4038 4039
<u>(E) The recovery housing shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, each resident's duration of stay shall be determined by the resident's needs, progress, and willingness to abide by the recovery housing's protocols, in collaboration with the recovery housing's owner, and, if appropriate, in consultation and integration with a community addiction services provider.</u>	4040 4041 4042 4043 4044 4045 4046
<u>(F) The recovery housing's residents may receive medication-assisted treatment while residing in the recovery housing.</u>	4047 4048 4049
<u>(G) The recovery housing is not subject to certification by the department of mental health and addiction services under section 5119.36 of the Revised Code.</u>	4050 4051 4052
<u>Sec. 340.093.</u> <u>If the amount of funds that a board of alcohol, drug addiction, and mental health services has for the board's full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction is greater than the amount needed to provide the treatment services to all eligible individuals with opioid and co-occurring drug addictions who apply</u>	4053 4054 4055 4056 4057 4058

to the board for the treatment services, the board may use the 4059
excess funds to provide the treatment services to other eligible 4060
individuals with alcohol or other types of drug addictions. 4061

Sec. 340.15. (A) A public children services agency that 4062
identifies a child by a risk assessment conducted pursuant to 4063
section 5153.16 of the Revised Code as being at imminent risk of 4064
being abused or neglected because of an addiction of a parent, 4065
guardian, or custodian of the child to a drug of abuse or alcohol 4066
shall refer the child's addicted parent, guardian, or custodian 4067
and, if the agency determines that the child needs alcohol or 4068
other drug addiction services, the child to a community addiction 4069
services provider certified by the department of mental health and 4070
addiction services under section 5119.36 of the Revised Code. A 4071
public children services agency that is sent a court order issued 4072
pursuant to division (B) of section 2151.3514 of the Revised Code 4073
shall refer the addicted parent or other caregiver of the child 4074
identified in the court order to a community addiction services 4075
provider certified by the department of mental health and 4076
addiction services under section 5119.36 of the Revised Code. On 4077
receipt of a referral under this division and to the extent 4078
funding identified under division (A)~~(1)~~(2) of section 340.08 of 4079
the Revised Code is available, the provider shall provide the 4080
following services to the addicted parent, guardian, custodian, or 4081
caregiver and child in need of addiction services: 4082

(1) If it is determined pursuant to an initial screening to 4083
be needed, assessment and appropriate treatment; 4084

(2) Documentation of progress in accordance with a treatment 4085
plan developed for the addicted parent, guardian, custodian, 4086
caregiver, or child; 4087

(3) If the referral is based on a court order issued pursuant 4088

to division (B) of section 2151.3514 of the Revised Code and the 4089
order requires the specified parent or other caregiver of the 4090
child to submit to alcohol or other drug testing during, after, or 4091
both during and after, treatment, testing in accordance with the 4092
court order. 4093

(B) The services described in division (A) of this section 4094
shall have a priority as provided in the addiction and mental 4095
health services plan and budget established pursuant to sections 4096
340.03 and 340.08 of the Revised Code. Once a referral has been 4097
received pursuant to this section, the public children services 4098
agency and the addiction services provider shall, in accordance 4099
with 42 C.F.R. Part 2, share with each other any information 4100
concerning the persons and services described in that division 4101
that the agency and provider determine are necessary to share. If 4102
the referral is based on a court order issued pursuant to division 4103
(B) of section 2151.3514 of the Revised Code, the results and 4104
recommendations of the addiction services provider also shall be 4105
provided and used as described in division (D) of that section. 4106
Information obtained or maintained by the agency or provider 4107
pursuant to this section that could enable the identification of 4108
any person described in division (A) of this section is not a 4109
public record subject to inspection or copying under section 4110
149.43 of the Revised Code. 4111

Sec. 340.20. (A) In accordance with the rules adopted under 4112
section 5119.363 of the Revised Code, each board of alcohol, drug 4113
addiction, and mental health services monthly shall do all of the 4114
following: 4115

(1) Compile on an aggregate basis the information the board 4116
receives that month from community addiction services providers 4117
under section 5119.362 of the Revised Code; 4118

(2) Determine the number of applications for a treatment 4119

service included in the full spectrum of care required by division 4120
(B) of section 340.09 of the Revised Code that the board received 4121
in the immediately preceding month and that the board denied that 4122
month, each type of treatment service so denied, and the reasons 4123
for the denials; 4124

(3) Subject to division (B) of this section, report all of 4125
the following to the department of mental health and addiction 4126
services: 4127

(a) The information that the board compiles under division 4128
(A)(1) of this section that month; 4129

(b) The information that the board determines under division 4130
(A)(2) of this section that month; 4131

(c) All other information required by the rules. 4132

(B) Each board shall report the information required by 4133
division (A)(3) of this section as follows: 4134

(1) In an electronic format; 4135

(2) In a manner that maintains the confidentiality of all 4136
individuals for whom information is included in the report; 4137

(3) In a manner that presents the information about the 4138
individuals whose information is included in the report by their 4139
counties of residence. 4140

Sec. 757.03. As used in sections 757.03 to 757.08 of the 4141
Revised Code, "area arts council" means an arts council or other 4142
organization the purpose of which is to foster and encourage the 4143
development of the arts, including but not limited to, literature, 4144
theater, music, the dance, painting, sculpture, photography, 4145
architecture, and motion pictures. 4146

In any city or county in which there is a symphony 4147
association, area arts council, art museum, or other similar 4148

organization, which is incorporated under sections 1702.01 to 4149
1702.58 of the Revised Code, without purpose of profit to any 4150
private member or individual, but organized for the purpose of the 4151
cultivation and performance of instrumental music, the promotion 4152
of the arts, or to maintain a symphony orchestra, the board of 4153
education of any school district in such city or the educational 4154
service center governing board serving such county, or both, may 4155
pay the symphony association, council, art museum, or other 4156
organization annually, in quarterly installments, in the case of a 4157
school district board of education, a sum of not to exceed one 4158
half of one cent on each one hundred dollars of the taxable 4159
property of the district and, in the case of an educational 4160
service center governing board, a sum of not to exceed one half of 4161
one cent on each one hundred dollars of the taxable property of 4162
the territory of the service center, as valued on the tax 4163
duplicate for the next year before the date of the payment. In 4164
order to qualify for such payments, the symphony association, arts 4165
council, art museum, or other organization shall, by proper 4166
resolution of its board of trustees or other governing body, 4167
accept all applicable provisions of sections 757.03 to 757.08 of 4168
the Revised Code, and file a certified copy of the resolution with 4169
the board of education of such district or with the governing 4170
board of such educational service center prior to the date of any 4171
payment. The first of such payments may be made in the year after 4172
the filing of such certified copy. 4173

Sec. 757.04. No symphony association, area arts council, art 4174
museum, or other similar organization may receive any of the 4175
payments provided for in section 757.03 of the Revised Code until 4176
the symphony association, council, art museum, or organization, by 4177
a proper resolution adopted by its board of trustees or other 4178
governing body, has tendered to the appropriate board of education 4179
or the educational service center governing board the following: 4180

(A) The right to nominate as trustees or as members of any 4181
other governing body of the symphony association, council, art 4182
museum, or organization three members consisting of the following: 4183

(1) One member of the board of education or the educational 4184
service center governing board; 4185

(2) Either the superintendent of schools of the school 4186
district or an educational service center, or an assistant 4187
superintendent of schools of the district or an educational 4188
service center; 4189

(3) One member of the music department of the schools 4190
maintained by the board of education, to be selected by the 4191
superintendent, all three of whom so nominated shall thereupon be 4192
elected as trustees or as members of any other governing body. 4193

(B) The right to nominate for membership on the executive 4194
committee of the symphony association, council, art museum, or 4195
organization one of the three trustees of the symphony 4196
association, council, art museum, or organization, representing 4197
the board of education or the educational service center governing 4198
board as the trustees pursuant to division (A) of this section, 4199
who shall thereupon be elected a member of the executive 4200
committee; 4201

(C) The right to require the orchestra maintained by the 4202
symphony association or any performing groups maintained by the 4203
council, art museum, or organization to provide such feasible 4204
performances for the public schools or for local school districts 4205
within the educational service center system maintained or 4206
supervised by the educational service center governing board, as 4207
in the joint judgment of the board of trustees of the symphony 4208
association, council, art museum, or organization, the 4209
superintendent, and the board of education of the school district 4210
or the educational service center governing board, will serve the 4211

largest interest of the school children of the school district or 4212
the area served by the educational service center. 4213

A copy of the resolution, certified by the president and 4214
secretary of the symphony association, council, art museum, or 4215
organization, shall be filed in the office of the board of 4216
education or in the office of the educational service center 4217
governing board as a condition precedent to the receipt by the 4218
association, council, art museum, or organization of any payments. 4219

Sec. 757.05. In any city or county in which there is a 4220
symphony association, an area arts council, an art museum, or 4221
other similar organization which is incorporated, organized, and 4222
operated in the manner and for the purposes stated in section 4223
757.03 of the Revised Code, such city or county, or both, may pay 4224
the symphony association, council, art museum, or organization 4225
annually, in quarterly installments, in the case of a city, a sum 4226
not to exceed one half of one cent on each one hundred dollars of 4227
taxable property of the city as ~~value~~ valued on the tax duplicate 4228
of the city or, in the case of a county, a sum not to exceed one 4229
half of one cent on each one hundred dollars of the taxable 4230
property of the county for the year next before the date of each 4231
payment. In order to qualify for such payments, the symphony 4232
association, council, art museum, or organization shall, by a 4233
proper resolution of its board of trustees or other governing 4234
body, accept all applicable provisions of sections 757.03 to 4235
757.08 of the Revised Code and file a certified copy of the 4236
resolution with the controller of the city or the board of county 4237
commissioners prior to the date of any payment. The first of such 4238
payments may be made in the year after the filing of such 4239
certified copy. 4240

Sec. 757.06. No symphony association, area arts council, art 4241
museum, or other similar organization may receive any of the 4242

payments provided for in section 757.05 of the Revised Code until 4243
the symphony association, council, art museum, or organization, by 4244
a proper resolution adopted by its board of trustees or other 4245
governing body, has tendered to the mayor, or to the legislative 4246
authority of the city if there is no mayor, or to the board of 4247
county commissioners, the following: 4248

(A) The right to nominate as trustees or as members of any 4249
other governing body of the symphony association, council, art 4250
museum, or organization, three members to be appointed by the 4251
mayor, or by the legislative authority of the city if there is no 4252
mayor, or by the board of county commissioners, one of which 4253
nominees may, in the discretion of such mayor or legislative 4254
authority, or board of county commissioners, be the mayor, or a 4255
member of the legislative authority, or the board of county 4256
commissioners, all three of whom so nominated shall thereupon be 4257
elected as trustees or as members of any other governing body; 4258

(B) The right to nominate for membership on the executive 4259
committee of the symphony association, council, art museum, or 4260
organization, one of the three trustees of the symphony 4261
association, council, art museum, or organization, representing 4262
the city or county as the trustees pursuant to division (A) of 4263
this section, which nominee may, in the discretion of the mayor or 4264
the legislative authority of the city if there is no mayor, or the 4265
board of county commissioners, be the mayor, or a member of the 4266
legislative authority, or the board of county commissioners, which 4267
nominee shall thereupon be elected a member of the executive 4268
committee; 4269

(C) The right to require the orchestra maintained by the 4270
symphony association or any performing groups maintained by the 4271
council or organization to provide such feasible popular 4272
performances at low cost, as in the joint judgment of the board of 4273
trustees of the symphony association, council, art museum, or 4274

organization, and the mayor or the legislative authority of the 4275
city if there is no mayor, or the board of county commissioners, 4276
will serve the largest interests of the citizens of the city or 4277
county. 4278

A copy of the resolution, certified by the president and 4279
secretary of the symphony association, council, art museum, or 4280
organization, shall be filed in the office of the city controller 4281
of the city or the board of county commissioners of the county, as 4282
a condition precedent to the receipt by the association ~~or~~ 4283
society, council, art museum, or similar organization of any 4284
payments. 4285

Sec. 757.07. After any symphony association, area arts 4286
council, art museum, or other similar organization has once filed 4287
with the board of education, the city controller, or the board of 4288
county commissioners the resolutions provided for in sections 4289
757.03 to 757.06 of the Revised Code, it need not renew the same 4290
from year to year, but each original resolution continues in force 4291
for the purposes named until, by like resolution, likewise 4292
certified and filed, any original resolution is revoked or 4293
rescinded. 4294

Sec. 757.08. So long as any symphony association, area arts 4295
council, art museum, or other similar organization does all the 4296
things it agreed to do as considerations for the benefits to be 4297
received by it under sections 757.03 to 757.08 of the Revised 4298
Code, or is able, willing, and ready to perform the same, the 4299
appropriate board of education and the educational service center 4300
governing board and the city and county may continue to make the 4301
several payments as provided in such sections. 4302

Sec. 1321.535. ~~(A)~~ Each applicant for a mortgage loan 4303
originator license shall submit to a written test that is 4304

developed and approved by the nationwide mortgage licensing system 4305
and registry and administered by a test provider approved by the 4306
nationwide mortgage licensing system and registry based upon 4307
reasonable standards. 4308

~~(1)~~(A) The test shall adequately measure the applicant's 4309
knowledge and comprehension in appropriate subject matters, 4310
including ethics and federal and state law related to mortgage 4311
origination, fraud, consumer protection, the nontraditional 4312
mortgage marketplace, and fair lending issues. 4313

~~(2)~~(B) An individual shall not be considered to have passed 4314
the test unless the individual ~~achieves a test score of~~ answers at 4315
least seventy-five per cent ~~correct answers on all of the~~ 4316
questions and ~~at least seventy five per cent correct answers on~~ 4317
~~all questions relating to Ohio mortgage lending laws and the Ohio~~ 4318
~~consumer sales practices act, Chapter 1345. of the Revised Code,~~ 4319
~~as it applies to registrants and licensees~~ correctly. 4320

~~(3)~~(C) An individual may retake the test three consecutive 4321
times provided the period between taking the tests is at least 4322
thirty days. 4323

~~(4)~~(D) After failing three consecutive tests, an individual 4324
shall be required to wait at least six months before taking the 4325
test again. 4326

~~(5)~~(E) If a mortgage loan originator fails to maintain a 4327
valid license for a period of five years or longer, the individual 4328
shall be required to retake the test. For this purpose, any time 4329
during which the individual is a registered mortgage loan 4330
originator shall not be taken into account. 4331

~~(B) Notwithstanding division (A) of this section, if the~~ 4332
~~nationwide mortgage licensing system and registry fails to have in~~ 4333
~~place a testing process that meets the criteria set forth in that~~ 4334

~~division, the superintendent shall require, until that process is 4335
in place, evidence that the mortgage loan originator applicant 4336
passed a written test acceptable to the superintendent. 4337~~

Sec. 1321.55. (A) Every registrant shall keep records 4338
pertaining to loans made under sections 1321.51 to 1321.60 of the 4339
Revised Code. Such records shall be segregated from records 4340
pertaining to transactions that are not subject to these sections 4341
of the Revised Code. Every registrant shall preserve records 4342
pertaining to loans made under sections 1321.51 to 1321.60 of the 4343
Revised Code for at least two years after making the final entry 4344
on such records. Accounting systems maintained in whole or in part 4345
by mechanical or electronic data processing methods that provide 4346
information equivalent to that otherwise required are acceptable 4347
for this purpose. At least once each eighteen-month cycle, the 4348
division of financial institutions shall make or cause to be made 4349
an examination of records pertaining to loans made under sections 4350
1321.51 to 1321.60 of the Revised Code, for the purpose of 4351
determining whether the registrant is complying with these 4352
sections and of verifying the registrant's annual report. 4353

(B)(1) As required by the superintendent of financial 4354
institutions, each registrant shall file with the division each 4355
year a an annual report under oath or affirmation, on forms 4356
supplied by the division, concerning the business and operations 4357
for the preceding calendar year. Whenever a registrant operates 4358
two or more registered offices or whenever two or more affiliated 4359
registrants operate registered offices, then a composite report of 4360
the group of registered offices may be filed in lieu of individual 4361
reports. For purposes of compliance with this requirement, the 4362
superintendent may accept call reports or other reports of 4363
condition submitted to the nationwide mortgage licensing system 4364
and registry in lieu of the annual report. 4365

(2) The ~~division~~ superintendent shall publish annually an analysis of the information required under ~~division~~ divisions (B)(1) and (3) of this section, but the individual reports, whether filed with the superintendent or the nationwide mortgage licensing system and registry, shall not be public records and shall not be open to public inspection.

(3) Each mortgage licensee shall submit to the nationwide mortgage licensing system and registry call reports or other reports of condition, which shall be in such form and shall contain such information as the nationwide mortgage licensing system and registry may require.

(C)(1) The following information is confidential:

(a) Examination information, and any information leading to or arising from an examination;

(b) Investigation information, and any information arising from or leading to an investigation.

(2) The information described in division (C)(1) of this section shall remain confidential for all purposes except when it is necessary for the superintendent to take official action regarding the affairs of a registrant or licensee, or in connection with criminal or civil proceedings to be initiated by a prosecuting attorney or the attorney general. This information may also be introduced into evidence or disclosed when and in the manner authorized by section 1181.25 of the Revised Code.

(D) All application information, except social security numbers, employer identification numbers, financial account numbers, the identity of the institution where financial accounts are maintained, personal financial information, fingerprint cards and the information contained on such cards, and criminal background information, is a public record as defined in section 149.43 of the Revised Code.

(E) This section does not prevent the division of financial 4397
institutions from releasing to or exchanging with other financial 4398
institution regulatory authorities information relating to 4399
registrants and licensees. For this purpose, a "financial 4400
institution regulatory authority" includes a regulator of a 4401
business activity in which a registrant or licensee is engaged, or 4402
has applied to engage in, to the extent that the regulator has 4403
jurisdiction over a registrant or licensee engaged in that 4404
business activity. A registrant or licensee is engaged in a 4405
business activity, and a regulator of that business activity has 4406
jurisdiction over the registrant or licensee, whether the 4407
registrant or licensee conducts the activity directly or a 4408
subsidiary or affiliate of the registrant or licensee conducts the 4409
activity. 4410

(1) Any confidentiality or privilege arising under federal or 4411
state law with respect to any information or material provided to 4412
the nationwide mortgage licensing system and registry shall 4413
continue to apply to the information or material after the 4414
information or material has been provided to the nationwide 4415
mortgage licensing system and registry. The information and 4416
material so provided may be shared with all state and federal 4417
regulatory officials with mortgage industry oversight authority 4418
without the loss of confidentiality or privilege protections 4419
provided by federal law or the law of any state. Information or 4420
material described in division (E)(1) of this section to which 4421
confidentiality or privilege applies shall not be subject to any 4422
of the following: 4423

(a) Disclosure under any federal or state law governing 4424
disclosure to the public of information held by an officer or an 4425
agency of the federal government or of the respective state; 4426

(b) Subpoena or discovery, or admission into evidence, in any 4427
private civil action or administrative process, unless the person 4428

to whom such information or material pertains waives, in whole or 4429
in part and at the discretion of the person, any privilege held by 4430
the nationwide mortgage licensing system and registry with respect 4431
to that information or material. 4432

(2) The superintendent, in order to promote more effective 4433
regulation and reduce regulatory burden through supervisory 4434
information sharing, may enter into sharing arrangements with 4435
other governmental agencies, the conference of state bank 4436
supervisors, and the American association of residential mortgage 4437
regulators. 4438

(3) Any state law, including section 149.43 of the Revised 4439
Code, relating to the disclosure of confidential supervisory 4440
information or any information or material described in division 4441
(C)(1) or (E)(1) of this section that is inconsistent with this 4442
section shall be superseded by the requirements of this section. 4443

(F) This section shall not apply with respect to information 4444
or material relating to the employment history of, and publicly 4445
adjudicated disciplinary and enforcement actions against, mortgage 4446
loan originators that is included in the nationwide mortgage 4447
licensing system and registry for access by the public. 4448

(G) This section does not prevent the division from releasing 4449
information relating to registrants and licensees to the attorney 4450
general, to the superintendent of real estate and professional 4451
licensing for purposes relating to the administration of Chapters 4452
4735. and 4763. of the Revised Code, to the superintendent of 4453
insurance for purposes relating to the administration of Chapter 4454
3953. of the Revised Code, to the commissioner of securities for 4455
purposes relating to the administration of Chapter 1707. of the 4456
Revised Code, or to local law enforcement agencies and local 4457
prosecutors. Information the division releases pursuant to this 4458
section remains confidential. 4459

(H) The superintendent of financial institutions shall, by 4460
rule adopted in accordance with Chapter 119. of the Revised Code, 4461
establish a process by which mortgage loan originators may 4462
challenge information provided to the nationwide mortgage 4463
licensing system and registry by the superintendent. 4464

(I) No person, in connection with any examination or 4465
investigation conducted by the superintendent under sections 4466
1321.51 to 1321.60 of the Revised Code, shall knowingly do any of 4467
the following: 4468

(1) Circumvent, interfere with, obstruct, or fail to 4469
cooperate, including making a false or misleading statement, 4470
failing to produce records, or intimidating or suborning any 4471
witness; 4472

(2) Withhold, abstract, remove, mutilate, destroy, or secrete 4473
any books, records, computer records, or other information; 4474

(3) Tamper with, alter, or manufacture any evidence. 4475

Sec. 1322.03. (A) An application for a certificate of 4476
registration as a mortgage broker shall be in writing, under oath, 4477
and in the form prescribed by the superintendent of financial 4478
institutions. The application shall be accompanied by a 4479
nonrefundable application fee of five hundred dollars for each 4480
location of an office to be maintained by the applicant in 4481
accordance with division (A) of section 1322.02 of the Revised 4482
Code and any additional fee required by the nationwide mortgage 4483
licensing system and registry. The application shall provide all 4484
of the following: 4485

(1) The location or locations where the business is to be 4486
transacted and whether any location is a residence. If any 4487
location where the business is to be transacted is a residence, 4488
the superintendent may require that the application be accompanied 4489

by a copy of a zoning permit authorizing the use of the residence 4490
for commercial purposes, or by a written opinion or other document 4491
issued by the county or political subdivision where the residence 4492
is located certifying that the use of the residence to transact 4493
business as a mortgage broker is not prohibited by the county or 4494
political subdivision. 4495

(2)(a) In the case of a sole proprietor, the name and address 4496
of the sole proprietor; 4497

(b) In the case of a partnership, the name and address of 4498
each partner; 4499

(c) In the case of a corporation, the name and address of 4500
each shareholder owning five per cent or more of the corporation; 4501

(d) In the case of any other entity, the name and address of 4502
any person that owns five per cent or more of the entity that will 4503
transact business as a mortgage broker. 4504

(3) Each applicant shall designate an employee or owner of 4505
the applicant as the applicant's operations manager. While acting 4506
as the operations manager, the employee or owner shall be licensed 4507
as a loan originator under sections 1322.01 to 1322.12 of the 4508
Revised Code and shall not be employed by any other mortgage 4509
broker. 4510

(4) Evidence that the person designated on the application 4511
pursuant to division (A)(3) of this section possesses at least 4512
three years of experience in the residential mortgage and lending 4513
field, which experience may include employment with or as a 4514
mortgage broker or with a depository institution, mortgage lending 4515
institution, or other lending institution, or possesses at least 4516
three years of other experience related specifically to the 4517
business of residential mortgage loans that the superintendent 4518
determines meets the requirements of division (A)(4) of this 4519
section; 4520

(5) Evidence that the person designated on the application 4521
pursuant to division (A)(3) of this section has successfully 4522
completed the pre-licensing instruction requirements set forth in 4523
section 1322.031 of the Revised Code; 4524

(6) Evidence of compliance with the surety bond requirements 4525
of section 1322.05 of the Revised Code and with sections 1322.01 4526
to 1322.12 of the Revised Code; 4527

(7) In the case of a foreign business entity, evidence that 4528
it maintains a license or registration pursuant to Chapter 1703., 4529
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to 4530
transact business in this state; 4531

(8) Evidence that the applicant's operations manager has 4532
successfully completed the written test required ~~under division~~ 4533
~~(A) of~~ by section 1322.051 of the Revised Code; 4534

(9) Any further information that the superintendent requires. 4535

(B) Upon the filing of the application and payment of the 4536
nonrefundable application fee and any fee required by the 4537
nationwide mortgage licensing system and registry, the 4538
superintendent of financial institutions shall investigate the 4539
applicant, and any individual whose identity is required to be 4540
disclosed in the application, as set forth in division (B) of this 4541
section. 4542

(1)(a) Notwithstanding division (K) of section 121.08 of the 4543
Revised Code, the superintendent shall obtain a criminal history 4544
records check and, as part of that records check, request that 4545
criminal record information from the federal bureau of 4546
investigation be obtained. To fulfill this requirement, the 4547
superintendent shall do either of the following: 4548

(i) Request the superintendent of the bureau of criminal 4549
identification and investigation, or a vendor approved by the 4550
bureau, to conduct a criminal records check based on the 4551

applicant's fingerprints or, if the fingerprints are unreadable, 4552
based on the applicant's social security number, in accordance 4553
with division (A)(12) of section 109.572 of the Revised Code; 4554

(ii) Authorize the nationwide mortgage licensing system and 4555
registry to request a criminal history background check. 4556

(b) Any fee required under division (C)(3) of section 109.572 4557
of the Revised Code or by the nationwide mortgage licensing system 4558
and registry shall be paid by the applicant. 4559

(2) The superintendent shall conduct a civil records check. 4560

(3) If, in order to issue a certificate of registration to an 4561
applicant, additional investigation by the superintendent outside 4562
this state is necessary, the superintendent may require the 4563
applicant to advance sufficient funds to pay the actual expenses 4564
of the investigation, if it appears that these expenses will 4565
exceed five hundred dollars. The superintendent shall provide the 4566
applicant with an itemized statement of the actual expenses that 4567
the applicant is required to pay. 4568

(C) The superintendent shall pay all funds advanced and 4569
application and renewal fees and penalties the superintendent 4570
receives pursuant to this section and section 1322.04 of the 4571
Revised Code to the treasurer of state to the credit of the 4572
consumer finance fund created in section 1321.21 of the Revised 4573
Code. 4574

(D) If an application for a mortgage broker certificate of 4575
registration does not contain all of the information required 4576
under division (A) of this section, and if that information is not 4577
submitted to the superintendent or to the nationwide mortgage 4578
licensing system and registry within ninety days after the 4579
superintendent or the nationwide mortgage licensing system and 4580
registry requests the information in writing, including by 4581
electronic transmission or facsimile, the superintendent may 4582

consider the application withdrawn. 4583

(E) A mortgage broker certificate of registration and the 4584
authority granted under that certificate is not transferable or 4585
assignable and cannot be franchised by contract or any other 4586
means. 4587

(F) The registration requirements of this chapter apply to 4588
any person acting as a mortgage broker, and no person is exempt 4589
from the requirements of this chapter on the basis of prior work 4590
or employment as a mortgage broker. 4591

(G) The superintendent may establish relationships or enter 4592
into contracts with the nationwide mortgage licensing system and 4593
registry, or any entities designated by it, to collect and 4594
maintain records and process transaction fees or other fees 4595
related to mortgage broker certificates of registration or the 4596
persons associated with a mortgage broker. 4597

Sec. 1322.031. (A) An application for a license as a loan 4598
originator shall be in writing, under oath, and in the form 4599
prescribed by the superintendent of financial institutions. The 4600
application shall be accompanied by a nonrefundable application 4601
fee of one hundred fifty dollars and any additional fee required 4602
by the nationwide mortgage licensing system and registry. 4603

(B)(1) The application shall provide evidence, acceptable to 4604
the superintendent, that the applicant has successfully completed 4605
at least twenty-four hours of pre-licensing instruction consisting 4606
of all of the following: 4607

(a) Twenty hours of instruction in a course or program of 4608
study reviewed and approved by the nationwide mortgage licensing 4609
system and registry; 4610

(b) Four hours of instruction in a course or program of study 4611
reviewed and approved by the superintendent concerning state 4612

lending laws and the Ohio consumer sales practices act, Chapter 4613
1345. of the Revised Code, as it applies to registrants and 4614
licensees. 4615

(2) Notwithstanding division (B)(1) of this section, until 4616
the nationwide mortgage licensing system and registry implements a 4617
review and approval program, the application shall provide 4618
evidence, as determined by the superintendent, that the applicant 4619
has successfully completed at least twenty-four hours of 4620
instruction in a course or program of study approved by the 4621
superintendent that consists of at least all of the following: 4622

(a) Four hours of instruction concerning state and federal 4623
mortgage lending laws, which shall include no less than two hours 4624
on this chapter; 4625

(b) Four hours of instruction concerning the Ohio consumer 4626
sales practices act, Chapter 1345. of the Revised Code, as it 4627
applies to registrants and licensees; 4628

(c) Four hours of instruction concerning the loan application 4629
process; 4630

(d) Two hours of instruction concerning the underwriting 4631
process; 4632

(e) Two hours of instruction concerning the secondary market 4633
for mortgage loans; 4634

(f) Four hours of instruction concerning the loan closing 4635
process; 4636

(g) Two hours of instruction covering basic mortgage 4637
financing concepts and terms; 4638

(h) Two hours of instruction concerning the ethical 4639
responsibilities of a registrant and a licensee, including with 4640
respect to confidentiality, consumer counseling, and the duties 4641
and standards of care created in section 1322.081 of the Revised 4642

Code. 4643

(3) For purposes of division (B)(1)(a) of this section, the 4644
review and approval of a course or program of study includes the 4645
review and approval of the provider of the course or program of 4646
study. 4647

(4) If an applicant held a valid loan originator license 4648
issued by this state at any time during the immediately preceding 4649
five-year period, the applicant shall not be required to complete 4650
any additional pre-licensing instruction. For this purpose, any 4651
time during which the individual is a registered loan originator 4652
shall not be taken into account. 4653

(5) A person having successfully completed the pre-licensing 4654
education requirement reviewed and approved by the nationwide 4655
mortgage licensing system and registry for any state within the 4656
previous five years shall be granted credit toward completion of 4657
the pre-licensing education requirement of this state. 4658

(C) In addition to the information required under division 4659
(B) of this section, the application shall provide both of the 4660
following: 4661

(1) Evidence that the applicant passed a written test that 4662
meets the requirements described in ~~division (B) of~~ section 4663
1322.051 of the Revised Code; 4664

(2) Any further information that the superintendent requires. 4665

(D) Upon the filing of the application and payment of the 4666
application fee and any fee required by the nationwide mortgage 4667
licensing system and registry, the superintendent of financial 4668
institutions shall investigate the applicant as set forth in 4669
division (D) of this section. 4670

(1)(a) Notwithstanding division (K) of section 121.08 of the 4671
Revised Code, the superintendent shall obtain a criminal history 4672

records check and, as part of the records check, request that 4673
criminal record information from the federal bureau of 4674
investigation be obtained. To fulfill this requirement, the 4675
superintendent shall do either of the following: 4676

(i) Request the superintendent of the bureau of criminal 4677
identification and investigation, or a vendor approved by the 4678
bureau, to conduct a criminal records check based on the 4679
applicant's fingerprints or, if the fingerprints are unreadable, 4680
based on the applicant's social security number, in accordance 4681
with division (A)(12) of section 109.572 of the Revised Code; 4682

(ii) Authorize the nationwide mortgage licensing system and 4683
registry to request a criminal history background check. 4684

(b) Any fee required under division (C)(3) of section 109.572 4685
of the Revised Code or by the nationwide mortgage licensing system 4686
and registry shall be paid by the applicant. 4687

(2) The superintendent shall conduct a civil records check. 4688

(3) If, in order to issue a license to an applicant, 4689
additional investigation by the superintendent outside this state 4690
is necessary, the superintendent may require the applicant to 4691
advance sufficient funds to pay the actual expenses of the 4692
investigation, if it appears that these expenses will exceed one 4693
hundred fifty dollars. The superintendent shall provide the 4694
applicant with an itemized statement of the actual expenses that 4695
the applicant is required to pay. 4696

(E)(1) In connection with applying for a loan originator 4697
license, the applicant shall furnish to the nationwide mortgage 4698
licensing system and registry the following information concerning 4699
the applicant's identity: 4700

(a) The applicant's fingerprints for submission to the 4701
federal bureau of investigation, and any other governmental agency 4702
or entity authorized to receive such information, for purposes of 4703

a state, national, and international criminal history background 4704
check; 4705

(b) Personal history and experience in a form prescribed by 4706
the nationwide mortgage licensing system and registry, along with 4707
authorization for the superintendent and the nationwide mortgage 4708
licensing system and registry to obtain the following: 4709

(i) An independent credit report from a consumer reporting 4710
agency; 4711

(ii) Information related to any administrative, civil, or 4712
criminal findings by any governmental jurisdiction. 4713

(2) In order to effectuate the purposes of divisions 4714
(E)(1)(a) and (E)(1)(b)(ii) of this section, the superintendent 4715
may use the conference of state bank supervisors, or a wholly 4716
owned subsidiary, as a channeling agent for requesting information 4717
from and distributing information to the United States department 4718
of justice or any other governmental agency. The superintendent 4719
may also use the nationwide mortgage licensing system and registry 4720
as a channeling agent for requesting information from and 4721
distributing information to any source related to matters subject 4722
to those divisions of this section. 4723

(F) The superintendent shall pay all funds advanced and 4724
application and renewal fees and penalties the superintendent 4725
receives pursuant to this section and section 1322.041 of the 4726
Revised Code to the treasurer of state to the credit of the 4727
consumer finance fund created in section 1321.21 of the Revised 4728
Code. 4729

(G) If an application for a loan originator license does not 4730
contain all of the information required under this section, and if 4731
that information is not submitted to the superintendent or to the 4732
nationwide mortgage licensing system and registry within ninety 4733
days after the superintendent or the nationwide mortgage licensing 4734

system and registry requests the information in writing, including 4735
by electronic transmission or facsimile, the superintendent may 4736
consider the application withdrawn. 4737

(H)(1) The business of a loan originator shall principally be 4738
transacted at an office of the mortgage broker with whom the 4739
licensee is employed or associated, which office is registered in 4740
accordance with division (A) of section 1322.02 of the Revised 4741
Code. Each original loan originator license shall be deposited 4742
with and maintained by the mortgage broker at the mortgage 4743
broker's main office. A copy of the license shall be maintained 4744
and displayed at the office where the loan originator principally 4745
transacts business. 4746

(2) If a loan originator's employment or association is 4747
terminated for any reason, the mortgage broker shall return the 4748
original loan originator license to the superintendent within five 4749
business days after the termination. The licensee may request the 4750
transfer of the license to another mortgage broker by submitting a 4751
transfer application, along with a fifteen dollar fee and any fee 4752
required by the national mortgage licensing system and registry, 4753
to the superintendent or may request the superintendent in writing 4754
to hold the license in escrow. Any licensee whose license is held 4755
in escrow shall cease activity as a loan originator. A licensee 4756
whose license is held in escrow shall be required to apply for 4757
renewal annually and to comply with the annual continuing 4758
education requirement. 4759

(3) A mortgage broker may employ or be associated with a loan 4760
originator on a temporary basis pending the transfer of the loan 4761
originator's license to the mortgage broker, if the mortgage 4762
broker receives written confirmation from the superintendent that 4763
the loan originator is licensed under sections 1322.01 to 1322.12 4764
of the Revised Code. 4765

(4) Notwithstanding divisions (H)(1) to (3) of this section, 4766

if a licensee is employed by or associated with a person or entity 4767
listed in division (G)(2) of section 1322.01 of the Revised Code, 4768
all of the following apply: 4769

(a) The licensee shall maintain and display the original loan 4770
originator license at the office where the licensee principally 4771
transacts business; 4772

(b) If the loan originator's employment or association is 4773
terminated, the loan originator shall return the original loan 4774
originator license to the superintendent within five business days 4775
after termination. The licensee may request the transfer of the 4776
license to a mortgage broker or another person or entity listed in 4777
division (G)(2) of section 1322.01 of the Revised Code by 4778
submitting a transfer application, along with a fifteen-dollar fee 4779
and any fee required by the national mortgage licensing system and 4780
registry, to the superintendent or may request the superintendent 4781
in writing to hold the license in escrow. A licensee whose license 4782
is held in escrow shall cease activity as a loan originator. A 4783
licensee whose license is held in escrow shall be required to 4784
apply for renewal annually and to comply with the annual 4785
continuing education requirement. 4786

(c) The licensee may seek to be employed or associated with a 4787
mortgage broker or person or entity listed in division (G)(2) of 4788
section 1322.01 of the Revised Code if the mortgage broker or 4789
person or entity receives written confirmation from the 4790
superintendent that the loan originator is licensed under sections 4791
1322.01 to 1322.12 of the Revised Code. 4792

(I) The superintendent may establish relationships or enter 4793
into contracts with the nationwide mortgage licensing system and 4794
registry, or any entities designated by it, to collect and 4795
maintain records and process transaction fees or other fees 4796
related to loan originator licenses or the persons associated with 4797
a licensee. 4798

(J) A loan originator license, or the authority granted under 4799
that license, is not assignable and cannot be franchised by 4800
contract or any other means. 4801

Sec. 1322.04. (A) Upon the conclusion of the investigation 4802
required under division (B) of section 1322.03 of the Revised 4803
Code, the superintendent of financial institutions shall issue a 4804
certificate of registration to the applicant if the superintendent 4805
finds that the following conditions are met: 4806

(1) The application is accompanied by the application fee and 4807
any fee required by the nationwide mortgage licensing system and 4808
registry. 4809

(a) If a check or other draft instrument is returned to the 4810
superintendent for insufficient funds, the superintendent shall 4811
notify the applicant by certified mail, return receipt requested, 4812
that the application will be withdrawn unless the applicant, 4813
within thirty days after receipt of the notice, submits the 4814
application fee and a one-hundred-dollar penalty to the 4815
superintendent. If the applicant does not submit the application 4816
fee and penalty within that time period, or if any check or other 4817
draft instrument used to pay the fee or penalty is returned to the 4818
superintendent for insufficient funds, the application shall be 4819
withdrawn. 4820

(b) If a check or other draft instrument is returned to the 4821
superintendent for insufficient funds after the certificate of 4822
registration has been issued, the superintendent shall notify the 4823
registrant by certified mail, return receipt requested, that the 4824
certificate of registration issued in reliance on the check or 4825
other draft instrument will be canceled unless the registrant, 4826
within thirty days after receipt of the notice, submits the 4827
application fee and a one-hundred-dollar penalty to the 4828
superintendent. If the registrant does not submit the application 4829

fee and penalty within that time period, or if any check or other 4830
draft instrument used to pay the fee or penalty is returned to the 4831
superintendent for insufficient funds, the certificate of 4832
registration shall be canceled immediately without a hearing, and 4833
the registrant shall cease activity as a mortgage broker. 4834

(2) If the application is for a location that is a residence, 4835
evidence that the use of the residence to transact business as a 4836
mortgage broker is not prohibited. 4837

(3) The person designated on the application pursuant to 4838
division (A)(3) of section 1322.03 of the Revised Code meets the 4839
experience requirements provided in division (A)(4) of section 4840
1322.03 of the Revised Code and the education requirements set 4841
forth in division (A)(5) of section 1322.03 of the Revised Code. 4842

(4) The applicant maintains all necessary filings and 4843
approvals required by the secretary of state. 4844

(5) The applicant complies with the surety bond requirements 4845
of section 1322.05 of the Revised Code. 4846

(6) The applicant complies with sections 1322.01 to 1322.12 4847
of the Revised Code and the rules adopted thereunder. 4848

(7) Neither the applicant nor any person whose identity is 4849
required to be disclosed on an application for a mortgage broker 4850
certificate of registration has had a mortgage broker certificate 4851
of registration or loan originator license, or any comparable 4852
authority, revoked in any governmental jurisdiction or has pleaded 4853
guilty or nolo contendere to or been convicted of any of the 4854
following in a domestic, foreign, or military court: 4855

(a) During the seven-year period immediately preceding the 4856
date of application for the certificate of registration, a 4857
misdemeanor involving theft or any felony; 4858

(b) At any time prior to the date the application for the 4859

certificate of registration is approved, a felony involving an act 4860
of fraud, dishonesty, a breach of trust, theft, or money 4861
laundering. 4862

(8) Based on the totality of the circumstances and 4863
information submitted in the application, the applicant has proven 4864
to the superintendent, by a preponderance of the evidence, that 4865
the applicant is of good business repute, appears qualified to act 4866
as a mortgage broker, has fully complied with sections 1322.01 to 4867
1322.12 of the Revised Code and the rules adopted thereunder, and 4868
meets all of the conditions for issuing a mortgage broker 4869
certificate of registration. 4870

(9) The applicant's operations manager successfully completed 4871
the examination required ~~under division (A) of~~ by section 1322.051 4872
of the Revised Code. 4873

(10) The applicant's financial responsibility, experience, 4874
character, and general fitness command the confidence of the 4875
public and warrant the belief that the business will be operated 4876
honestly and fairly in compliance with the purposes of sections 4877
1322.01 to 1322.12 of the Revised Code and the rules adopted 4878
thereunder. The superintendent shall not use a credit score as the 4879
sole basis for registration denial. 4880

(B) For purposes of determining whether an applicant that is 4881
a partnership, corporation, or other business entity or 4882
association has met the conditions set forth in divisions (A)(7), 4883
(A)(8), and (A)(10) of this section, the superintendent shall 4884
determine which partners, shareholders, or persons named in the 4885
application pursuant to division (A)(2) of section 1322.03 of the 4886
Revised Code must meet the conditions set forth in divisions 4887
(A)(7), (A)(8), and (A)(10) of this section. This determination 4888
shall be based on the extent and nature of the partner's, 4889
shareholder's, or person's ownership interest in the partnership, 4890
corporation, or other business entity or association that is the 4891

applicant and on whether the person is in a position to direct, 4892
control, or adversely influence the operations of the applicant. 4893

(C) The certificate of registration issued pursuant to 4894
division (A) of this section may be renewed annually on or before 4895
the thirty-first day of December if the superintendent finds that 4896
all of the following conditions are met: 4897

(1) The renewal application is accompanied by a nonrefundable 4898
renewal fee of five hundred dollars for each location of an office 4899
to be maintained by the applicant in accordance with division (A) 4900
of section 1322.02 of the Revised Code and any fee required by the 4901
nationwide mortgage licensing system and registry. If a check or 4902
other draft instrument is returned to the superintendent for 4903
insufficient funds, the superintendent shall notify the registrant 4904
by certified mail, return receipt requested, that the certificate 4905
of registration renewed in reliance on the check or other draft 4906
instrument will be canceled unless the registrant, within thirty 4907
days after receipt of the notice, submits the renewal fee and a 4908
one-hundred-dollar penalty to the superintendent. If the 4909
registrant does not submit the renewal fee and penalty within that 4910
time period, or if any check or other draft instrument used to pay 4911
the fee or penalty is returned to the superintendent for 4912
insufficient funds, the certificate of registration shall be 4913
canceled immediately without a hearing and the registrant shall 4914
cease activity as a mortgage broker. 4915

(2) The operations manager designated under division (A)(3) 4916
of section 1322.03 of the Revised Code has completed, at least 4917
eight hours of continuing education as required under section 4918
1322.052 of the Revised Code. 4919

(3) The applicant meets the conditions set forth in divisions 4920
(A)(2) to (10) of this section. 4921

(4) The applicant's mortgage broker certificate of 4922

registration is not subject to an order of suspension or an unpaid 4923
and past due fine imposed by the superintendent. 4924

(D)(1) Subject to division (D)(2) of this section, if a 4925
renewal fee or additional fee required by the nationwide mortgage 4926
licensing system and registry is received by the superintendent 4927
after the thirty-first day of December, the mortgage broker 4928
certificate of registration shall not be considered renewed, and 4929
the applicant shall cease activity as a mortgage broker. 4930

(2) Division (D)(1) of this section shall not apply if the 4931
applicant, no later than the thirty-first day of January, submits 4932
the renewal fee or additional fee and a one-hundred-dollar penalty 4933
to the superintendent. 4934

(E) If the person designated as the operations manager 4935
pursuant to division (A)(3) of section 1322.03 of the Revised Code 4936
is no longer the operations manager, the registrant shall do all 4937
of the following: 4938

(1) Within ninety days after the departure of the designated 4939
operations manager, designate another person as the operations 4940
manager; 4941

(2) Within ten days after the designation described in 4942
division (E)(1) of this section, notify the superintendent in 4943
writing of the designation; 4944

(3) Submit any additional information that the superintendent 4945
requires to establish that the newly designated operations manager 4946
complies with the requirements set forth in section 1322.03 of the 4947
Revised Code. 4948

(F) The registrant shall cease operations if it is without an 4949
operations manager approved by the superintendent for more than 4950
one hundred eighty days unless otherwise authorized in writing by 4951
the superintendent due to exigent circumstances. 4952

(G) Mortgage broker certificates of registration issued on or 4953
after May 1, 2010, annually expire on the thirty-first day of 4954
December. 4955

Sec. 1322.041. (A) Upon the conclusion of the investigation 4956
required under division (D) of section 1322.031 of the Revised 4957
Code, the superintendent of financial institutions shall issue a 4958
loan originator license to the applicant if the superintendent 4959
finds that the following conditions are met: 4960

(1) The application is accompanied by the application fee and 4961
any fee required by the nationwide mortgage licensing system and 4962
registry. 4963

(a) If a check or other draft instrument is returned to the 4964
superintendent for insufficient funds, the superintendent shall 4965
notify the applicant by certified mail, return receipt requested, 4966
that the application will be withdrawn unless the applicant, 4967
within thirty days after receipt of the notice, submits the 4968
application fee and a one-hundred-dollar penalty to the 4969
superintendent. If the applicant does not submit the application 4970
fee and penalty within that time period, or if any check or other 4971
draft instrument used to pay the fee or penalty is returned to the 4972
superintendent for insufficient funds, the application shall be 4973
withdrawn. 4974

(b) If a check or other draft instrument is returned to the 4975
superintendent for insufficient funds after the license has been 4976
issued, the superintendent shall notify the licensee by certified 4977
mail, return receipt requested, that the license issued in 4978
reliance on the check or other draft instrument will be canceled 4979
unless the licensee, within thirty days after receipt of the 4980
notice, submits the application fee and a one-hundred-dollar 4981
penalty to the superintendent. If the licensee does not submit the 4982
application fee and penalty within that time period, or if any 4983

check or other draft instrument used to pay the fee or penalty is 4984
returned to the superintendent for insufficient funds, the license 4985
shall be canceled immediately without a hearing, and the licensee 4986
shall cease activity as a loan originator. 4987

(2) The applicant complies with sections 1322.01 to 1322.12 4988
of the Revised Code and the rules adopted thereunder. 4989

(3) The applicant has not been convicted of or pleaded guilty 4990
or nolo contendere to any of the following in a domestic, foreign, 4991
or military court: 4992

(a) During the seven-year period immediately preceding the 4993
date of application for the license, a misdemeanor involving theft 4994
or any felony; 4995

(b) At any time prior to the date the application for the 4996
license is approved, a felony involving an act of fraud, 4997
dishonesty, a breach of trust, theft, or money laundering. 4998

(4) Based on the totality of the circumstances and 4999
information submitted in the application, the applicant has proven 5000
to the superintendent, by a preponderance of the evidence, that 5001
the applicant is of good business repute, appears qualified to act 5002
as a loan originator, has fully complied with sections 1322.01 to 5003
1322.12 of the Revised Code and the rules adopted thereunder, and 5004
meets all of the conditions for issuing a loan originator license. 5005

(5) The applicant successfully completed the written test 5006
required ~~under division (B) of~~ by section 1322.051 of the Revised 5007
Code and completed the prelicensing instruction set forth in 5008
division (B) of section 1322.031 of the Revised Code. 5009

(6) The applicant's financial responsibility, character, and 5010
general fitness command the confidence of the public and warrant 5011
the belief that the business will be operated honestly and fairly 5012
in compliance with the purposes of sections 1322.01 to 1322.12 of 5013
the Revised Code. The superintendent shall not use a credit score 5014

as the sole basis for a license denial. 5015

(7) The applicant is in compliance with the surety bond 5016
requirements of section 1322.05 of the Revised Code. 5017

(8) The applicant has not had a loan originator license, or 5018
comparable authority, revoked in any governmental jurisdiction. 5019

(B) The license issued under division (A) of this section may 5020
be renewed annually on or before the thirty-first day of December 5021
if the superintendent finds that all of the following conditions 5022
are met: 5023

(1) The renewal application is accompanied by a nonrefundable 5024
renewal fee of one hundred fifty dollars and any fee required by 5025
the nationwide mortgage licensing system and registry. If a check 5026
or other draft instrument is returned to the superintendent for 5027
insufficient funds, the superintendent shall notify the licensee 5028
by certified mail, return receipt requested, that the license 5029
renewed in reliance on the check or other draft instrument will be 5030
canceled unless the licensee, within thirty days after receipt of 5031
the notice, submits the renewal fee and a one-hundred-dollar 5032
penalty to the superintendent. If the licensee does not submit the 5033
renewal fee and penalty within that time period, or if any check 5034
or other draft instrument used to pay the fee or penalty is 5035
returned to the superintendent for insufficient funds, the license 5036
shall be canceled immediately without a hearing, and the licensee 5037
shall cease activity as a loan originator. 5038

(2) The applicant has completed at least eight hours of 5039
continuing education as required under section 1322.052 of the 5040
Revised Code. 5041

(3) The applicant meets the conditions set forth in divisions 5042
(A)(2) to (8) of this section; provided, however, that an 5043
applicant who was issued a loan officer license prior to January 5044
1, 2010, and has continuously maintained that license shall not be 5045

required to meet the condition described in division (B)(1)(b) of 5046
section 1322.031 of the Revised Code. 5047

(4) The applicant's license is not subject to an order of 5048
suspension or an unpaid and past due fine imposed by the 5049
superintendent. 5050

(C)(1) Subject to division (C)(2) of this section, if a 5051
license renewal application or renewal fee, including any fee 5052
required by the nationwide mortgage licensing system and registry, 5053
is received by the superintendent after the thirty-first day of 5054
December, the license shall not be considered renewed, and the 5055
applicant shall cease activity as a loan originator. 5056

(2) Division (C)(1) of this section shall not apply if the 5057
applicant, no later than the thirty-first day of January, submits 5058
the renewal application and fees and a one-hundred-dollar penalty 5059
to the superintendent. 5060

(D) Loan originator licenses issued on or after May 1, 2010, 5061
annually expire on the thirty-first day of December. 5062

Sec. 1322.051. ~~(A) Each person designated under division 5063
(A)(3) of section 1322.03 of the Revised Code to act as operations 5064
manager for a mortgage broker business shall submit to a written 5065
test approved by the superintendent of financial institutions. An 5066
individual shall not be considered to have passed the written test 5067
unless the individual achieves a test score of at least 5068
seventy five per cent correct answers to all questions. 5069~~

~~(B) Each and each applicant for a loan originator license 5070
shall submit to a written test that is developed and approved by 5071
the nationwide mortgage licensing system and registry and 5072
administered by a test provider approved by the nationwide 5073
mortgage licensing system and registry based on reasonable 5074
standards. 5075~~

~~(1)(A)~~ The test shall adequately measure the designee's or 5076
applicant's knowledge and comprehension in appropriate subject 5077
areas, including ethics, federal and state law related to mortgage 5078
origination, fraud, consumer protection, and the nontraditional 5079
mortgage marketplace, and fair lending issues. 5080

~~(2)(B)~~ An individual shall not be considered to have passed 5081
the written test unless the individual ~~achieves a test score of~~ 5082
answers at least seventy-five per cent ~~correct answers on all of~~ 5083
the questions and ~~at least seventy-five per cent correct answers~~ 5084
~~on all questions relating to state mortgage lending laws and the~~ 5085
~~Ohio consumer sales practices act, Chapter 1345. of the Revised~~ 5086
~~Code, as it applies to registrants and licensees~~ correctly. 5087

~~(3)(C)~~ An individual may retake the test three consecutive 5088
times provided the period between taking the tests is at least 5089
thirty days. If an individual fails three consecutive tests, the 5090
individual shall be required to wait at least six months before 5091
taking the test again. 5092

~~(4)(D)~~ If a loan originator fails to maintain a valid loan 5093
originator license for a period of five years or longer, the 5094
individual shall be required to retake the test. 5095

For this purpose, any time during which the individual is a 5096
registered loan originator shall not be taken into account. 5097

~~(C) Notwithstanding division (B) of this section, until the~~ 5098
~~nationwide mortgage licensing system and registry implements a~~ 5099
~~testing process that meets the criteria set forth in that~~ 5100
~~division, the superintendent shall require each applicant to pass~~ 5101
~~a written test acceptable to the superintendent.~~ 5102

Sec. 1322.06. (A) As often as the superintendent of financial 5103
institutions considers it necessary, the superintendent may 5104
examine the registrant's or licensee's records, including all 5105

records created or processed by a licensee, pertaining to business 5106
transacted pursuant to sections 1322.01 to 1322.12 of the Revised 5107
Code. 5108

(B) A registrant or licensee shall maintain records 5109
pertaining to business transacted pursuant to sections 1322.01 to 5110
1322.12 of the Revised Code, including copies of all mortgage loan 5111
origination disclosure statements prepared in accordance with 5112
section 1322.062 of the Revised Code, for four years. For purposes 5113
of this division, "registrant or licensee" includes any person 5114
whose certificate of registration or license is cancelled, 5115
surrendered, or revoked or who otherwise ceases to engage in 5116
business as a mortgage broker or loan originator. 5117

No registrant or licensee shall fail to comply with this 5118
division. 5119

(C) Each registrant and licensee shall submit to the 5120
nationwide mortgage licensing system and registry call reports or 5121
other reports of condition, which reports shall be in such form 5122
and shall contain such information as the nationwide mortgage 5123
licensing system and registry may require. 5124

(D)(1) As required by the superintendent, each registrant 5125
shall file with the division of financial institutions an annual 5126
report under oath or affirmation, on forms supplied by the 5127
division, concerning the business and operations of the registrant 5128
for the preceding calendar year. If a registrant operates two or 5129
more registered offices, or two or more affiliated registrants 5130
operate registered offices, a composite report of the group of 5131
registered offices may be filed in lieu of individual reports. For 5132
purposes of compliance with this requirement, the superintendent 5133
may accept call reports or other reports of condition submitted to 5134
the nationwide mortgage licensing system and registry in lieu of 5135
the annual report. 5136

(2) The ~~division~~ superintendent shall publish annually an 5137
analysis of the information required under division (D)(1) of this 5138
section, but the individual reports, whether filed with the 5139
superintendent or the nationwide mortgage licensing system and 5140
registry, shall not be public records and shall not be open to 5141
public inspection or otherwise be subject to section 149.43 of the 5142
Revised Code. 5143

Sec. 1533.10. Except as provided in this section or division 5144
(A)(2) of section 1533.12 or section 1533.73 or 1533.731 of the 5145
Revised Code, no person shall hunt any wild bird or wild quadruped 5146
without a hunting license. Each day that any person hunts within 5147
the state without procuring such a license constitutes a separate 5148
offense. Except as otherwise provided in this section, every 5149
applicant for a hunting license who is a resident of the state and 5150
eighteen years of age or more shall procure a resident hunting 5151
license or an apprentice resident hunting license, the fee for 5152
which shall be eighteen dollars unless the rules adopted under 5153
division (B) of section 1533.12 of the Revised Code provide for 5154
issuance of a resident hunting license to the applicant free of 5155
charge. Except as provided in rules adopted under division (B)(2) 5156
of that section, each applicant who is a resident of this state 5157
and who at the time of application is sixty-six years of age or 5158
older shall procure a special senior hunting license, the fee for 5159
which shall be one-half of the regular hunting license fee. Every 5160
applicant who is under the age of eighteen years shall procure a 5161
special youth hunting license or an apprentice youth hunting 5162
license, the fee for which shall be one-half of the regular 5163
hunting license fee. 5164

A resident of this state who owns lands in the state and the 5165
owner's children of any age and grandchildren under eighteen years 5166
of age may hunt on the lands without a hunting license. A resident 5167
of any other state who owns real property in this state, and the 5168

spouse and children living with the property owner, may hunt on 5169
that property without a license, provided that the state of 5170
residence of the real property owner allows residents of this 5171
state owning real property in that state, and the spouse and 5172
children living with the property owner, to hunt without a 5173
license. If the owner of land in this state is a limited liability 5174
company or a limited liability partnership that consists of three 5175
or fewer individual members or partners, as applicable, an 5176
individual member or partner who is a resident of this state and 5177
the member's or partner's children of any age and grandchildren 5178
under eighteen years of age may hunt on the land owned by the 5179
limited liability company or limited liability partnership without 5180
a hunting license. In addition, if the owner of land in this state 5181
is a trust that has a total of three or fewer trustees and 5182
beneficiaries, an individual who is a trustee or beneficiary and 5183
who is a resident of this state and the individual's children of 5184
any age and grandchildren under eighteen years of age may hunt on 5185
the land owned by the trust without a hunting license. The tenant 5186
and children of the tenant, residing on lands in the state, may 5187
hunt on them without a hunting license. 5188

Except as otherwise provided in division (A)(1) of section 5189
1533.12 of the Revised Code, every applicant for a hunting license 5190
who is a nonresident of the state and who is eighteen years of age 5191
or older shall procure a nonresident hunting license or an 5192
apprentice nonresident hunting license, the fee for which shall be 5193
one hundred ~~twenty-four~~ forty-nine dollars unless the applicant is 5194
a resident of a state that is a party to an agreement under 5195
section 1533.91 of the Revised Code, in which case the fee shall 5196
be eighteen dollars. Apprentice resident hunting licenses, 5197
apprentice youth hunting licenses, and apprentice nonresident 5198
hunting licenses are subject to the requirements established under 5199
section 1533.102 of the Revised Code and rules adopted pursuant to 5200
it. 5201

The chief of the division of wildlife may issue a small game hunting license expiring three days from the effective date of the license to a nonresident of the state, the fee for which shall be thirty-nine dollars. No person shall take or possess deer, wild turkeys, fur-bearing animals, ducks, geese, brant, or any nongame animal while possessing only a small game hunting license. A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of ducks, geese, or brant without having obtained, in addition to the small game hunting license or the apprentice nonresident hunting license, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code. A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of deer, wild turkeys, or fur-bearing animals. A nonresident of the state who wishes to take or possess deer, wild turkeys, or fur-bearing animals in this state shall procure, respectively, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or a fur taker permit as provided in section 1533.111 of the Revised Code in addition to a nonresident hunting license, an apprentice nonresident hunting license, a special youth hunting license, or an apprentice youth hunting license, as applicable, as provided in this section.

No person shall procure or attempt to procure a hunting license by fraud, deceit, misrepresentation, or any false statement.

This section does not authorize the taking and possessing of deer or wild turkeys without first having obtained, in addition to the hunting license required by this section, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or the taking and possessing of ducks, geese, or brant without first having obtained, in addition to the hunting license required by this section, a wetlands habitat stamp as provided in section

1533.112 of the Revised Code. 5234

This section does not authorize the hunting or trapping of 5235
fur-bearing animals without first having obtained, in addition to 5236
a hunting license required by this section, a fur taker permit as 5237
provided in section 1533.111 of the Revised Code. 5238

No hunting license shall be issued unless it is accompanied 5239
by a written explanation of the law in section 1533.17 of the 5240
Revised Code and the penalty for its violation, including a 5241
description of terms of imprisonment and fines that may be 5242
imposed. 5243

No hunting license, other than an apprentice hunting license, 5244
shall be issued unless the applicant presents to the agent 5245
authorized to issue the license a previously held hunting license 5246
or evidence of having held such a license in content and manner 5247
approved by the chief, a certificate of completion issued upon 5248
completion of a hunter education and conservation course approved 5249
by the chief, or evidence of equivalent training in content and 5250
manner approved by the chief. A previously held apprentice hunting 5251
license does not satisfy the requirement concerning the 5252
presentation of a previously held hunting license or evidence of 5253
it. 5254

No person shall issue a hunting license, except an apprentice 5255
hunting license, to any person who fails to present the evidence 5256
required by this section. No person shall purchase or obtain a 5257
hunting license, other than an apprentice hunting license, without 5258
presenting to the issuing agent the evidence required by this 5259
section. Issuance of a hunting license in violation of the 5260
requirements of this section is an offense by both the purchaser 5261
of the illegally obtained hunting license and the clerk or agent 5262
who issued the hunting license. Any hunting license issued in 5263
violation of this section is void. 5264

The chief, with approval of the wildlife council, shall adopt 5265
rules prescribing a hunter education and conservation course for 5266
first-time hunting license buyers, other than buyers of apprentice 5267
hunting licenses, and for volunteer instructors. The course shall 5268
consist of subjects including, but not limited to, hunter safety 5269
and health, use of hunting implements, hunting tradition and 5270
ethics, the hunter and conservation, the law in section 1533.17 of 5271
the Revised Code along with the penalty for its violation, 5272
including a description of terms of imprisonment and fines that 5273
may be imposed, and other law relating to hunting. Authorized 5274
personnel of the division or volunteer instructors approved by the 5275
chief shall conduct such courses with such frequency and at such 5276
locations throughout the state as to reasonably meet the needs of 5277
license applicants. The chief shall issue a certificate of 5278
completion to each person who successfully completes the course 5279
and passes an examination prescribed by the chief. 5280

Sec. 1533.11. (A)(1) Except as provided in this section or 5281
section 1533.731 of the Revised Code, no person shall hunt deer on 5282
lands of another without first obtaining an annual deer permit. 5283
Except as provided in this section, no person shall hunt wild 5284
turkeys on lands of another without first obtaining an annual wild 5285
turkey permit. ~~Each~~ 5286

(2) ~~Each~~ applicant for a ~~deer or~~ wild turkey permit shall pay 5287
an annual fee of twenty-three dollars for ~~each~~ the permit unless 5288
the rules adopted under division (B) of section 1533.12 of the 5289
Revised Code provide for issuance of a ~~deer or~~ wild turkey permit 5290
to the applicant free of charge. Except as provided in rules 5291
adopted under division (B)(2) of that section, each applicant who 5292
is a resident of this state and who at the time of application is 5293
sixty-six years of age or older shall procure a senior ~~deer or~~ 5294
wild turkey permit, the fee for which shall be one-half of the 5295
regular ~~deer or~~ wild turkey permit fee. Each applicant who is 5296

under the age of eighteen years shall procure a youth ~~deer or~~ wild 5297
turkey permit, the fee for which shall be one-half of the regular 5298
~~deer or~~ wild turkey permit fee. ~~Except~~ 5299

(3) Each applicant for a deer permit who is a resident of 5300
this state shall procure a resident deer permit, the fee for which 5301
is twenty-three dollars unless the rules adopted under division 5302
(B) of section 1533.12 of the Revised Code provide for issuance of 5303
a deer permit to the applicant free of charge. Each applicant for 5304
a deer permit who is a nonresident of this state shall procure a 5305
nonresident deer permit, the fee for which is ninety-nine dollars 5306
unless the rules adopted under that division provide for issuance 5307
of a deer permit to the applicant free of charge. Except as 5308
provided in rules adopted under division (B)(2) of section 1533.12 5309
of the Revised Code, each applicant who is a resident of this 5310
state and who at the time of application is sixty-six years of age 5311
or older shall procure a senior resident deer permit, the fee for 5312
which is one-half of the regular resident deer permit fee. Each 5313
applicant who is under the age of eighteen years, regardless of 5314
residency, shall procure a youth deer permit, the fee for which is 5315
one-half of the regular resident deer permit fee. 5316

(4) As used in this chapter, "deer permit" includes a 5317
resident deer permit and a nonresident deer permit unless the 5318
context indicates otherwise. 5319

(5) Except as provided in division (A)(2) of section 1533.12 5320
of the Revised Code, a deer or wild turkey permit shall run 5321
concurrently with the hunting license. The money received shall be 5322
paid into the state treasury to the credit of the wildlife fund, 5323
created in section 1531.17 of the Revised Code, exclusively for 5324
the use of the division of wildlife in the acquisition and 5325
development of land for deer or wild turkey management, for 5326
investigating deer or wild turkey problems, and for the stocking, 5327
management, and protection of deer or wild turkey. Every person, 5328

while hunting deer or wild turkey on lands of another, shall carry 5329
the person's deer or wild turkey permit and exhibit it to any 5330
enforcement officer so requesting. Failure to so carry and exhibit 5331
such a permit constitutes an offense under this section. The chief 5332
of the division of wildlife shall adopt any additional rules the 5333
chief considers necessary to carry out this section and section 5334
1533.10 of the Revised Code. 5335

An owner who is a resident of this state or an owner who is 5336
exempt from obtaining a hunting license under section 1533.10 of 5337
the Revised Code and the children of the owner of lands in this 5338
state may hunt deer or wild turkey thereon without a deer or wild 5339
turkey permit. If the owner of land in this state is a limited 5340
liability company or a limited liability partnership that consists 5341
of three or fewer individual members or partners, as applicable, 5342
an individual member or partner who is a resident of this state 5343
and the member's or partner's children of any age may hunt deer or 5344
wild turkey on the land owned by the limited liability company or 5345
limited liability partnership without a deer or wild turkey 5346
permit. In addition, if the owner of land in this state is a trust 5347
that has a total of three or fewer trustees and beneficiaries, an 5348
individual who is a trustee or beneficiary and who is a resident 5349
of this state and the individual's children of any age may hunt 5350
deer or wild turkey on the land owned by the trust without a deer 5351
or wild turkey permit. The tenant and children of the tenant may 5352
hunt deer or wild turkey on lands where they reside without a deer 5353
or wild turkey permit. 5354

(B) A deer or wild turkey permit is not transferable. No 5355
person shall carry a deer or wild turkey permit issued in the name 5356
of another person. 5357

(C) The wildlife refunds fund is hereby created in the state 5358
treasury. The fund shall consist of money received from 5359
application fees for deer permits that are not issued. Money in 5360

the fund shall be used to make refunds of such application fees. 5361

(D) If the division establishes a system for the electronic 5362
submission of information regarding deer or wild turkey that are 5363
taken, the division shall allow the owner and the children of the 5364
owner of lands in this state to use the owner's name or address 5365
for purposes of submitting that information electronically via 5366
that system. 5367

Sec. 1533.12. (A)(1) Except as otherwise provided in division 5368
(A)(2) of this section, every person on active duty in the armed 5369
forces of the United States who is stationed in this state and who 5370
wishes to engage in an activity for which a license, permit, or 5371
stamp is required under this chapter first shall obtain the 5372
requisite license, permit, or stamp. Such a person is eligible to 5373
obtain a resident hunting or fishing license regardless of whether 5374
the person qualifies as a resident of this state. To obtain a 5375
resident hunting or fishing license, the person shall present a 5376
card or other evidence identifying the person as being on active 5377
duty in the armed forces of the United States and as being 5378
stationed in this state. 5379

(2) Every person on active duty in the armed forces of the 5380
United States, while on leave or furlough, may take or catch fish 5381
of the kind lawfully permitted to be taken or caught within the 5382
state, may hunt any wild bird or wild quadruped lawfully permitted 5383
to be hunted within the state, and may trap fur-bearing animals 5384
lawfully permitted to be trapped within the state, without 5385
procuring a fishing license, a hunting license, a fur taker 5386
permit, or a wetlands habitat stamp required by this chapter, 5387
provided that the person shall carry on the person when fishing, 5388
hunting, or trapping, a card or other evidence identifying the 5389
person as being on active duty in the armed forces of the United 5390
States, and provided that the person is not otherwise violating 5391

any of the hunting, fishing, and trapping laws of this state. 5392

In order to hunt deer or wild turkey, any such person shall 5393
obtain a resident deer or wild turkey permit, as applicable, under 5394
section 1533.11 of the Revised Code. Such a person is eligible to 5395
obtain a resident deer permit regardless of whether the person is 5396
a resident of this state. However, the person need not obtain a 5397
hunting license in order to obtain ~~such a~~ either permit. 5398

(B) The chief of the division of wildlife shall provide by 5399
rule adopted under section 1531.10 of the Revised Code all of the 5400
following: 5401

(1) Every resident of this state with a disability that has 5402
been determined by the veterans administration to be permanently 5403
and totally disabling, who receives a pension or compensation from 5404
the veterans administration, and who received an honorable 5405
discharge from the armed forces of the United States, and every 5406
veteran to whom the registrar of motor vehicles has issued a set 5407
of license plates under section 4503.41 of the Revised Code, shall 5408
be issued a fishing license, hunting license, fur taker permit, 5409
deer or wild turkey permit, or wetlands habitat stamp, or any 5410
combination of those licenses, permits, and stamp, free of charge 5411
on an annual, multi-year, or lifetime basis as determined 5412
appropriate by the chief when application is made to the chief in 5413
the manner prescribed by and on forms provided by the chief. 5414

(2) Every resident of the state who was born on or before 5415
December 31, 1937, shall be issued an annual fishing license, 5416
hunting license, fur taker permit, deer or wild turkey permit, or 5417
wetlands habitat stamp, or any combination of those licenses, 5418
permits, and stamp, free of charge when application is made to the 5419
chief in the manner prescribed by and on forms provided by the 5420
chief. 5421

(3) Every resident of state or county institutions, 5422

charitable institutions, and military homes in this state shall be 5423
issued an annual fishing license free of charge when application 5424
is made to the chief in the manner prescribed by and on forms 5425
provided by the chief. 5426

(4) Any mobility impaired or blind person, as defined in 5427
section 955.011 of the Revised Code, who is a resident of this 5428
state and who is unable to engage in fishing without the 5429
assistance of another person shall be issued an annual fishing 5430
license free of charge when application is made to the chief in 5431
the manner prescribed by and on forms provided by the chief. The 5432
person who is assisting the mobility impaired or blind person may 5433
assist in taking or catching fish of the kind permitted to be 5434
taken or caught without procuring the license required under 5435
section 1533.32 of the Revised Code, provided that only one line 5436
is used by both persons. 5437

(5) As used in division (B)(5) of this section, "prisoner of 5438
war" means any regularly appointed, enrolled, enlisted, or 5439
inducted member of the military forces of the United States who 5440
was captured, separated, and incarcerated by an enemy of the 5441
United States. 5442

Any person who has been a prisoner of war, was honorably 5443
discharged from the military forces, and is a resident of this 5444
state shall be issued a fishing license, hunting license, fur 5445
taker permit, or wetlands habitat stamp, or any combination of 5446
those licenses, permits, and stamp, free of charge on an annual, 5447
multi-year, or lifetime basis as determined appropriate by the 5448
chief when application is made to the chief in the manner 5449
prescribed by and on forms provided by the chief. 5450

(C) The chief shall adopt rules pursuant to section 1531.08 5451
of the Revised Code designating not more than two days, which need 5452
not be consecutive, in each year as "free sport fishing days" on 5453
which any resident may exercise the privileges accorded the holder 5454

of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

Sec. 1711.50. As used in sections 1711.50 to 1711.57 of the Revised Code:

(A) "Amusement ride" means any mechanical, aquatic, or inflatable device, or combination of those devices that carries or conveys passengers on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of providing amusement, pleasure, or excitement. "Amusement ride" includes carnival rides, bungee jumping facilities, and fair rides, but does not include passenger tramways as defined in section 4169.01 of the Revised Code or amusement rides operated solely at trade shows for a limited period of time. For purposes of this division ~~(A) of this section~~, "trade show" means a place of exhibition not open to the general public where amusement ride manufacturers display, promote, operate, and sell amusement rides to prospective purchasers.

(B) "Temporary amusement ride" means an amusement ride that is relocated at least once per year with or without disassembly.

(C) "Permanent amusement ride" means an amusement ride that is erected to remain a lasting part of the premises.

(D) "Owner" means any person who owns or leases and controls or manages the operation of an amusement ride, and includes individuals, partnerships, corporations, both profit and nonprofit, and the state and any of its political subdivisions and their departments or agencies.

(E) "Operation" means the use or operation, or both, of an amusement ride with riders.

(F) "Rider" means any person who sits, stands, or is

otherwise conveyed or carried as a passenger on an amusement ride, 5485
but does not include employees or agents of the owner of the 5486
amusement ride. 5487

(G) "Amusement ride operator" means any person causing the 5488
amusement ride to go, stop, or perform its function. 5489

(H) "Reassembly" means the installation, erection, or 5490
reconstruction of the main mechanical, safety, electrical, or 5491
electronic components of an amusement ride following 5492
transportation or storage and prior to operation. Replacement of 5493
mechanical, safety, electrical, or electronic components of an 5494
amusement ride for the purpose of repair or maintenance is not 5495
reassembly. 5496

(I) "Repair" means to restore an amusement ride to a 5497
condition equal to or better than original design specifications. 5498

(J) "Maintenance" means the preservation and upkeep of an 5499
amusement ride for the purpose of maintaining its designed 5500
operational capability. 5501

(K) "Inspection" means a physical examination of an amusement 5502
ride by an inspector for the purpose of approving the application 5503
for a permit. "Inspection" includes a reinspection. 5504

(L) "Accident" means an occurrence during the operation of an 5505
amusement ride ~~which~~ that results in death or injury requiring 5506
immediate hospital admission. 5507

(M) "Serious injury" means an injury that does not require 5508
immediate hospital admission but does require medical treatment, 5509
other than first aid, by a physician. 5510

(N) "First aid" means the one-time treatment or subsequent 5511
observation of scratches, cuts not requiring stitches, burns, 5512
splinters, and contusions or a diagnostic procedure, including 5513
examinations and x-rays, ~~which~~ that does not ordinarily require 5514

medical treatment even though provided by a physician or other 5515
licensed professional personnel. 5516

(O) "Advisory council" means the advisory council on 5517
amusement ride safety created by section 1711.51 of the Revised 5518
Code. 5519

(P) "Safe operation" means, except as provided in section 5520
1711.57 of the Revised Code, the practical application of 5521
maintenance, inspection, and operational processes, as indicated 5522
by the manufacturer, owner, or advisory council, that secures a 5523
rider from threat of physical danger, harm, or loss. 5524

(Q) "Private facility" means any facility that is accessible 5525
only to members of the facility and not accessible to the general 5526
public, even upon payment of a fee or charge, and that requires 5527
approval for membership by a membership committee representing the 5528
current members who have a policy requiring monetary payment to 5529
belong to the facility. 5530

(R) "Bungee jumping" means a fall or jump from a height by an 5531
individual who is attached to an elastic cord that prevents the 5532
individual from hitting the ground, water, or other solid, 5533
semi-solid, liquid, or elastic surface. 5534

(S) "Bungee jumping facility" means a device or structure 5535
utilized for bungee jumping. 5536

(T) "Kiddie ride" means an amusement ride designed for use by 5537
children under thirteen years of age who are unaccompanied by 5538
another person. "Kiddie ride" includes a roller coaster that is 5539
not more than forty feet in elevation at any point on the ride. 5540

Sec. 1711.53. (A)(1) No person shall operate an amusement 5541
ride within the state without a permit issued by the director of 5542
agriculture under division (A)(2) of this section. The owner of an 5543
amusement ride, whether the ride is a temporary amusement ride or 5544

a permanent amusement ride, who desires to operate the amusement 5545
ride within the state shall, prior to the operation of the 5546
amusement ride and annually thereafter, submit to the department 5547
of agriculture an application for a permit, together with the 5548
appropriate permit and inspection fee, on a form to be furnished 5549
by the department. Prior to issuing any permit the department 5550
shall, within thirty days after the date on which it receives the 5551
application, inspect each amusement ride described in the 5552
application. The owner of an amusement ride shall have the 5553
amusement ride ready for inspection not later than two hours after 5554
the time that is requested by the person for the inspection. 5555

(2) For each amusement ride found to comply with the rules 5556
adopted by the director under division (B) of this section and 5557
division (B) of section 1711.551 of the Revised Code, the director 5558
shall issue an annual permit, provided that evidence of liability 5559
insurance coverage for the amusement ride as required by section 5560
1711.54 of the Revised Code is on file with the department. 5561

(3) The director shall issue with each permit a decal 5562
indicating that the amusement ride has been issued the permit. The 5563
owner of the amusement ride shall affix the decal on the ride at a 5564
location where the decal is easily visible to the patrons of the 5565
ride. A copy of the permit shall be kept on file at the same 5566
address as the location of the amusement ride identified on the 5567
permit, and shall be made available for inspection, upon 5568
reasonable demand, by any person. An owner may operate an 5569
amusement ride prior to obtaining a permit, provided that the 5570
operation is for the purpose of testing the amusement ride or 5571
training amusement ride operators and other employees of the owner 5572
and the amusement ride is not open to the public. 5573

(B) The director, in accordance with Chapter 119. of the 5574
Revised Code, shall adopt rules providing for a schedule of fines, 5575
with no fine exceeding five thousand dollars, for violations of 5576

sections 1711.50 to 1711.57 of the Revised Code or any rules 5577
adopted under this division and for the classification of 5578
amusement rides and rules for the safe operation and inspection of 5579
all amusement rides as are necessary for amusement ride safety and 5580
for the protection of the general public. Rules adopted by the 5581
director for the safe operation and inspection of amusement rides 5582
shall be reasonable and based upon generally accepted engineering 5583
standards and practices. In adopting rules under this section, the 5584
director may adopt by reference, in whole or in part, the national 5585
fire code or the national electrical code (NEC) prepared by the 5586
national fire protection association, the standards of the 5587
American society for testing and materials (ASTM) or the American 5588
national standards institute (ANSI), or any other principles, 5589
tests, or standards of nationally recognized technical or 5590
scientific authorities. Insofar as is practicable and consistent 5591
with sections 1711.50 to 1711.57 of the Revised Code, rules 5592
adopted under this division shall be consistent with the rules of 5593
other states. The department shall cause sections 1711.50 to 5594
1711.57 of the Revised Code and the rules adopted in accordance 5595
with this division and division (B) of section 1711.551 of the 5596
Revised Code to be published in pamphlet form and a copy to be 5597
furnished without charge to each owner of an amusement ride who 5598
holds a current permit or is an applicant therefor. 5599

(C) With respect to an application for a permit for an 5600
amusement ride, an owner may apply to the director for a waiver or 5601
modification of any rule adopted under division (B) of this 5602
section if there are practical difficulties or unnecessary 5603
hardships for the amusement ride to comply with the rules. Any 5604
application shall set forth the reasons for the request. The 5605
director, with the approval of the advisory council on amusement 5606
ride safety, may waive or modify the application of a rule to any 5607
amusement ride if the public safety is secure. Any authorization 5608
by the director under this division shall be in writing and shall 5609

set forth the conditions under which the waiver or modification is 5610
authorized, and the department shall retain separate records of 5611
all proceedings under this division. 5612

(D)(1) The director shall employ and provide for training of 5613
a chief inspector and additional inspectors and employees as may 5614
be necessary to administer and enforce sections 1711.50 to 1711.57 5615
of the Revised Code. The director may appoint or contract with 5616
other persons to perform inspections of amusement rides, provided 5617
that the persons meet the qualifications for inspectors 5618
established by rules adopted under division (B) of this section 5619
and are not owners, or employees of owners, of any amusement ride 5620
subject to inspection under sections 1711.50 to 1711.57 of the 5621
Revised Code. No person shall inspect an amusement ride who, 5622
within six months prior to the date of inspection, was an employee 5623
of the owner of the ride. 5624

(2) Before the director contracts with other persons to 5625
inspect amusement rides, the director shall seek the advice of the 5626
advisory council on amusement ride safety on whether to contract 5627
with those persons. The advice shall not be binding upon the 5628
director. After having received the advice of the council, the 5629
director may proceed to contract with inspectors in accordance 5630
with the procedures specified in division (E)(2) of section 5631
1711.11 of the Revised Code. 5632

(3) With the advice and consent of the advisory council on 5633
amusement ride safety, the director may employ a special 5634
consultant to conduct an independent investigation of an amusement 5635
ride accident. This consultant need not be in the civil service of 5636
the state, but shall have qualifications to conduct the 5637
investigation acceptable to the council. 5638

(E)(1) Except as otherwise provided in division (E)(1) of 5639
this section, the department shall charge the following amusement 5640
ride fees: 5641

Permit	\$	150	5642
Annual inspection and reinspection per ride:			5643
Kiddie rides	\$	100	5644
Roller coaster	\$	950	5645
		<u>1,200</u>	
Aerial lifts or bungee jumping facilities	\$	450	5646
Go karts, <u>per kart</u>	\$	5	5647
<u>Inflatable rides, kiddie and adult</u>	\$	<u>105</u>	5648
Other rides	\$	160	5649
Midseason operational inspection per ride	\$	25	5650
Expedited inspection per ride	\$	100	5651
Failure to cancel scheduled inspection per ride	\$	100	5652
Failure to have amusement ride ready for inspection			5653
per ride	\$	100	5654

The go kart inspection fee is in addition to the inspection fee for the go kart track. 5655
 5656

The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts. 5657
 5658
 5659

As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section. 5660
 5661
 5662
 5663
 5664

(2) All fees and fines collected by the department under sections 1711.50 to 1711.57 of the Revised Code shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing sections 1711.11 and 1711.50 to 1711.57 of the Revised Code. 5665
 5666
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 5670

(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection was conducted at the 5671
 5672

owner's request under division (F) of this section, if the 5673
reinspection is required by division (F) of this section because 5674
of an accident, or if the reinspection is required by division (F) 5675
of section 1711.55 of the Revised Code. If a reinspection is 5676
conducted at the request of the chief officer of a fair, festival, 5677
or event where the ride is operating, the reinspection fee shall 5678
be charged to the fair, festival, or event. 5679

(4) The rules adopted under division (B) of this section 5680
shall define "~~kiddie rides~~," "roller coaster," "aerial lifts," "go 5681
karts," and "other rides" for purposes of determining the fees 5682
under division (E) of this section. The rules shall define "other 5683
rides" to include go kart tracks. 5684

(F) A reinspection of an amusement ride shall take place if 5685
an accident occurs, if the owner of the ride or the chief officer 5686
of the fair, festival, or event where the ride is operating 5687
requests a reinspection, or if the reinspection is required by 5688
division (F) of section 1711.55 of the Revised Code. 5689

(G) As a supplement to its annual inspection of a temporary 5690
amusement ride, the department may inspect the ride during each 5691
scheduled event, as listed in the schedule of events provided to 5692
the department by the owner pursuant to division (C) of section 5693
1711.55 of the Revised Code, at which the ride is operated in this 5694
state. These supplemental inspections are in addition to any other 5695
inspection or reinspection of the ride as may be required under 5696
sections 1711.50 to 1711.57 of the Revised Code, and the owner of 5697
the temporary amusement ride is not required to pay an inspection 5698
or reinspection fee for this supplemental inspection. Nothing in 5699
this division shall be construed to prohibit the owner of a 5700
temporary amusement ride having a valid permit to operate in this 5701
state from operating the ride at a scheduled event before the 5702
department conducts a supplemental inspection. 5703

(H) The department may annually conduct a midseason 5704

operational inspection of every amusement ride upon which it 5705
conducts an annual inspection pursuant to division (A) of this 5706
section. The midseason operational inspection is in addition to 5707
any other inspection or reinspection of the amusement ride as may 5708
be required pursuant to sections 1711.50 to 1711.57 of the Revised 5709
Code. The owner of an amusement ride shall submit to the 5710
department, at the time determined by the department, the 5711
midseason operational inspection fee specified in division (E) of 5712
this section. The director, in accordance with Chapter 119. of the 5713
Revised Code, shall adopt rules specifying the time period during 5714
which the department will conduct midseason operational 5715
inspections. 5716

Sec. 2151.421. (A)(1)(a) No person described in division 5717
(A)(1)(b) of this section who is acting in an official or 5718
professional capacity and knows, or has reasonable cause to 5719
suspect based on facts that would cause a reasonable person in a 5720
similar position to suspect, that a child under eighteen years of 5721
age or a mentally retarded, developmentally disabled, or 5722
physically impaired child under twenty-one years of age has 5723
suffered or faces a threat of suffering any physical or mental 5724
wound, injury, disability, or condition of a nature that 5725
reasonably indicates abuse or neglect of the child shall fail to 5726
immediately report that knowledge or reasonable cause to suspect 5727
to the entity or persons specified in this division. Except as 5728
provided in section 5120.173 of the Revised Code, the person 5729
making the report shall make it to the public children services 5730
agency or a municipal or county peace officer in the county in 5731
which the child resides or in which the abuse or neglect is 5732
occurring or has occurred. In the circumstances described in 5733
section 5120.173 of the Revised Code, the person making the report 5734
shall make it to the entity specified in that section. 5735

(b) Division (A)(1)(a) of this section applies to any person 5736

who is an attorney; physician, including a hospital intern or 5737
resident; dentist; podiatrist; practitioner of a limited branch of 5738
medicine as specified in section 4731.15 of the Revised Code; 5739
registered nurse; licensed practical nurse; visiting nurse; other 5740
health care professional; licensed psychologist; licensed school 5741
psychologist; independent marriage and family therapist or 5742
marriage and family therapist; speech pathologist or audiologist; 5743
coroner; administrator or employee of a child day-care center; 5744
administrator or employee of a residential camp or child day camp; 5745
administrator or employee of a certified child care agency or 5746
other public or private children services agency; school teacher; 5747
school employee; school authority; person engaged in social work 5748
or the practice of professional counseling; agent of a county 5749
humane society; person, other than a cleric, rendering spiritual 5750
treatment through prayer in accordance with the tenets of a 5751
well-recognized religion; employee of a county department of job 5752
and family services who is a professional and who works with 5753
children and families; superintendent or regional administrator 5754
employed by the department of youth services; superintendent, 5755
board member, or employee of a county board of developmental 5756
disabilities; investigative agent contracted with by a county 5757
board of developmental disabilities; employee of the department of 5758
developmental disabilities; employee of a facility or home that 5759
provides respite care in accordance with section 5123.171 of the 5760
Revised Code; employee of a home health agency; employee of an 5761
entity that provides homemaker services; a person performing the 5762
duties of an assessor pursuant to Chapter 3107. or 5103. of the 5763
Revised Code; or third party employed by a public children 5764
services agency to assist in providing child or family related 5765
services. 5766

(2) Except as provided in division (A)(3) of this section, an 5767
attorney or a physician is not required to make a report pursuant 5768
to division (A)(1) of this section concerning any communication 5769

the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer,

designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, and who knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, that another cleric or another person, other than a volunteer, designated by a church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith caused, or poses the threat of causing, the wound, injury, disability, or condition that reasonably indicates abuse or neglect shall fail to immediately report that knowledge or reasonable cause to believe to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that

communication in a civil or criminal proceeding. 5834

(c) The penitent in a cleric-penitent relationship described 5835
in division (A)(4)(b) of this section is deemed to have waived any 5836
testimonial privilege under division (C) of section 2317.02 of the 5837
Revised Code with respect to any communication the cleric receives 5838
from the penitent in that cleric-penitent relationship, and the 5839
cleric shall make a report pursuant to division (A)(4)(a) of this 5840
section with respect to that communication, if all of the 5841
following apply: 5842

(i) The penitent, at the time of the communication, is either 5843
a child under eighteen years of age or a mentally retarded, 5844
developmentally disabled, or physically impaired person under 5845
twenty-one years of age. 5846

(ii) The cleric knows, or has reasonable cause to believe 5847
based on facts that would cause a reasonable person in a similar 5848
position to believe, as a result of the communication or any 5849
observations made during that communication, the penitent has 5850
suffered or faces a threat of suffering any physical or mental 5851
wound, injury, disability, or condition of a nature that 5852
reasonably indicates abuse or neglect of the penitent. 5853

(iii) The abuse or neglect does not arise out of the 5854
penitent's attempt to have an abortion performed upon a child 5855
under eighteen years of age or upon a mentally retarded, 5856
developmentally disabled, or physically impaired person under 5857
twenty-one years of age without the notification of her parents, 5858
guardian, or custodian in accordance with section 2151.85 of the 5859
Revised Code. 5860

(d) Divisions (A)(4)(a) and (c) of this section do not apply 5861
in a cleric-penitent relationship when the disclosure of any 5862
communication the cleric receives from the penitent is in 5863
violation of the sacred trust. 5864

(e) As used in divisions (A)(1) and (4) of this section, 5865
"cleric" and "sacred trust" have the same meanings as in section 5866
2317.02 of the Revised Code. 5867

(B) Anyone who knows, or has reasonable cause to suspect 5868
based on facts that would cause a reasonable person in similar 5869
circumstances to suspect, that a child under eighteen years of age 5870
or a mentally retarded, developmentally disabled, or physically 5871
impaired person under twenty-one years of age has suffered or 5872
faces a threat of suffering any physical or mental wound, injury, 5873
disability, or other condition of a nature that reasonably 5874
indicates abuse or neglect of the child may report or cause 5875
reports to be made of that knowledge or reasonable cause to 5876
suspect to the entity or persons specified in this division. 5877
Except as provided in section 5120.173 of the Revised Code, a 5878
person making a report or causing a report to be made under this 5879
division shall make it or cause it to be made to the public 5880
children services agency or to a municipal or county peace 5881
officer. In the circumstances described in section 5120.173 of the 5882
Revised Code, a person making a report or causing a report to be 5883
made under this division shall make it or cause it to be made to 5884
the entity specified in that section. 5885

(C) Any report made pursuant to division (A) or (B) of this 5886
section shall be made forthwith either by telephone or in person 5887
and shall be followed by a written report, if requested by the 5888
receiving agency or officer. The written report shall contain: 5889

(1) The names and addresses of the child and the child's 5890
parents or the person or persons having custody of the child, if 5891
known; 5892

(2) The child's age and the nature and extent of the child's 5893
injuries, abuse, or neglect that is known or reasonably suspected 5894
or believed, as applicable, to have occurred or of the threat of 5895
injury, abuse, or neglect that is known or reasonably suspected or 5896

believed, as applicable, to exist, including any evidence of 5897
previous injuries, abuse, or neglect; 5898

(3) Any other information that might be helpful in 5899
establishing the cause of the injury, abuse, or neglect that is 5900
known or reasonably suspected or believed, as applicable, to have 5901
occurred or of the threat of injury, abuse, or neglect that is 5902
known or reasonably suspected or believed, as applicable, to 5903
exist. 5904

Any person, who is required by division (A) of this section 5905
to report child abuse or child neglect that is known or reasonably 5906
suspected or believed to have occurred, may take or cause to be 5907
taken color photographs of areas of trauma visible on a child and, 5908
if medically indicated, cause to be performed radiological 5909
examinations of the child. 5910

(D) As used in this division, "children's advocacy center" 5911
and "sexual abuse of a child" have the same meanings as in section 5912
2151.425 of the Revised Code. 5913

(1) When a municipal or county peace officer receives a 5914
report concerning the possible abuse or neglect of a child or the 5915
possible threat of abuse or neglect of a child, upon receipt of 5916
the report, the municipal or county peace officer who receives the 5917
report shall refer the report to the appropriate public children 5918
services agency. 5919

(2) When a public children services agency receives a report 5920
pursuant to this division or division (A) or (B) of this section, 5921
upon receipt of the report, the public children services agency 5922
shall do both of the following: 5923

(a) Comply with section 2151.422 of the Revised Code; 5924

(b) If the county served by the agency is also served by a 5925
children's advocacy center and the report alleges sexual abuse of 5926
a child or another type of abuse of a child that is specified in 5927

the memorandum of understanding that creates the center as being 5928
within the center's jurisdiction, comply regarding the report with 5929
the protocol and procedures for referrals and investigations, with 5930
the coordinating activities, and with the authority or 5931
responsibility for performing or providing functions, activities, 5932
and services stipulated in the interagency agreement entered into 5933
under section 2151.428 of the Revised Code relative to that 5934
center. 5935

(E) No township, municipal, or county peace officer shall 5936
remove a child about whom a report is made pursuant to this 5937
section from the child's parents, stepparents, or guardian or any 5938
other persons having custody of the child without consultation 5939
with the public children services agency, unless, in the judgment 5940
of the officer, and, if the report was made by physician, the 5941
physician, immediate removal is considered essential to protect 5942
the child from further abuse or neglect. The agency that must be 5943
consulted shall be the agency conducting the investigation of the 5944
report as determined pursuant to section 2151.422 of the Revised 5945
Code. 5946

(F)(1) Except as provided in section 2151.422 of the Revised 5947
Code or in an interagency agreement entered into under section 5948
2151.428 of the Revised Code that applies to the particular 5949
report, the public children services agency shall investigate, 5950
within twenty-four hours, each report of child abuse or child 5951
neglect that is known or reasonably suspected or believed to have 5952
occurred and of a threat of child abuse or child neglect that is 5953
known or reasonably suspected or believed to exist that is 5954
referred to it under this section to determine the circumstances 5955
surrounding the injuries, abuse, or neglect or the threat of 5956
injury, abuse, or neglect, the cause of the injuries, abuse, 5957
neglect, or threat, and the person or persons responsible. The 5958
investigation shall be made in cooperation with the law 5959

enforcement agency and in accordance with the memorandum of 5960
understanding prepared under division (J) of this section. A 5961
representative of the public children services agency shall, at 5962
the time of initial contact with the person subject to the 5963
investigation, inform the person of the specific complaints or 5964
allegations made against the person. The information shall be 5965
given in a manner that is consistent with division (H)(1) of this 5966
section and protects the rights of the person making the report 5967
under this section. 5968

A failure to make the investigation in accordance with the 5969
memorandum is not grounds for, and shall not result in, the 5970
dismissal of any charges or complaint arising from the report or 5971
the suppression of any evidence obtained as a result of the report 5972
and does not give, and shall not be construed as giving, any 5973
rights or any grounds for appeal or post-conviction relief to any 5974
person. The public children services agency shall report each case 5975
to the uniform statewide automated child welfare information 5976
system that the department of job and family services shall 5977
maintain in accordance with section 5101.13 of the Revised Code. 5978
The public children services agency shall submit a report of its 5979
investigation, in writing, to the law enforcement agency. 5980

(2) The public children services agency shall make any 5981
recommendations to the county prosecuting attorney or city 5982
director of law that it considers necessary to protect any 5983
children that are brought to its attention. 5984

(G)(1)(a) Except as provided in division (H)(3) of this 5985
section, anyone or any hospital, institution, school, health 5986
department, or agency participating in the making of reports under 5987
division (A) of this section, anyone or any hospital, institution, 5988
school, health department, or agency participating in good faith 5989
in the making of reports under division (B) of this section, and 5990
anyone participating in good faith in a judicial proceeding 5991

resulting from the reports, shall be immune from any civil or 5992
criminal liability for injury, death, or loss to person or 5993
property that otherwise might be incurred or imposed as a result 5994
of the making of the reports or the participation in the judicial 5995
proceeding. 5996

(b) Notwithstanding section 4731.22 of the Revised Code, the 5997
physician-patient privilege shall not be a ground for excluding 5998
evidence regarding a child's injuries, abuse, or neglect, or the 5999
cause of the injuries, abuse, or neglect in any judicial 6000
proceeding resulting from a report submitted pursuant to this 6001
section. 6002

(2) In any civil or criminal action or proceeding in which it 6003
is alleged and proved that participation in the making of a report 6004
under this section was not in good faith or participation in a 6005
judicial proceeding resulting from a report made under this 6006
section was not in good faith, the court shall award the 6007
prevailing party reasonable attorney's fees and costs and, if a 6008
civil action or proceeding is voluntarily dismissed, may award 6009
reasonable attorney's fees and costs to the party against whom the 6010
civil action or proceeding is brought. 6011

(H)(1) Except as provided in divisions (H)(4) and (N) of this 6012
section, a report made under this section is confidential. The 6013
information provided in a report made pursuant to this section and 6014
the name of the person who made the report shall not be released 6015
for use, and shall not be used, as evidence in any civil action or 6016
proceeding brought against the person who made the report. Nothing 6017
in this division shall preclude the use of reports of other 6018
incidents of known or suspected abuse or neglect in a civil action 6019
or proceeding brought pursuant to division (M) of this section 6020
against a person who is alleged to have violated division (A)(1) 6021
of this section, provided that any information in a report that 6022
would identify the child who is the subject of the report or the 6023

maker of the report, if the maker of the report is not the 6024
defendant or an agent or employee of the defendant, has been 6025
redacted. In a criminal proceeding, the report is admissible in 6026
evidence in accordance with the Rules of Evidence and is subject 6027
to discovery in accordance with the Rules of Criminal Procedure. 6028

(2) No person shall permit or encourage the unauthorized 6029
dissemination of the contents of any report made under this 6030
section. 6031

(3) A person who knowingly makes or causes another person to 6032
make a false report under division (B) of this section that 6033
alleges that any person has committed an act or omission that 6034
resulted in a child being an abused child or a neglected child is 6035
guilty of a violation of section 2921.14 of the Revised Code. 6036

(4) If a report is made pursuant to division (A) or (B) of 6037
this section and the child who is the subject of the report dies 6038
for any reason at any time after the report is made, but before 6039
the child attains eighteen years of age, the public children 6040
services agency or municipal or county peace officer to which the 6041
report was made or referred, on the request of the child fatality 6042
review board, shall submit a summary sheet of information 6043
providing a summary of the report to the review board of the 6044
county in which the deceased child resided at the time of death. 6045
On the request of the review board, the agency or peace officer 6046
may, at its discretion, make the report available to the review 6047
board. If the county served by the public children services agency 6048
is also served by a children's advocacy center and the report of 6049
alleged sexual abuse of a child or another type of abuse of a 6050
child is specified in the memorandum of understanding that creates 6051
the center as being within the center's jurisdiction, the agency 6052
or center shall perform the duties and functions specified in this 6053
division in accordance with the interagency agreement entered into 6054
under section 2151.428 of the Revised Code relative to that 6055

advocacy center. 6056

(5) A public children services agency shall advise a person 6057
alleged to have inflicted abuse or neglect on a child who is the 6058
subject of a report made pursuant to this section, including a 6059
report alleging sexual abuse of a child or another type of abuse 6060
of a child referred to a children's advocacy center pursuant to an 6061
interagency agreement entered into under section 2151.428 of the 6062
Revised Code, in writing of the disposition of the investigation. 6063
The agency shall not provide to the person any information that 6064
identifies the person who made the report, statements of 6065
witnesses, or police or other investigative reports. 6066

(I) Any report that is required by this section, other than a 6067
report that is made to the state highway patrol as described in 6068
section 5120.173 of the Revised Code, shall result in protective 6069
services and emergency supportive services being made available by 6070
the public children services agency on behalf of the children 6071
about whom the report is made, in an effort to prevent further 6072
neglect or abuse, to enhance their welfare, and, whenever 6073
possible, to preserve the family unit intact. The agency required 6074
to provide the services shall be the agency conducting the 6075
investigation of the report pursuant to section 2151.422 of the 6076
Revised Code. 6077

(J)(1) Each public children services agency shall prepare a 6078
memorandum of understanding that is signed by all of the 6079
following: 6080

(a) If there is only one juvenile judge in the county, the 6081
juvenile judge of the county or the juvenile judge's 6082
representative; 6083

(b) If there is more than one juvenile judge in the county, a 6084
juvenile judge or the juvenile judges' representative selected by 6085
the juvenile judges or, if they are unable to do so for any 6086

reason, the juvenile judge who is senior in point of service or 6087
the senior juvenile judge's representative; 6088

(c) The county peace officer; 6089

(d) All chief municipal peace officers within the county; 6090

(e) Other law enforcement officers handling child abuse and 6091
neglect cases in the county; 6092

(f) The prosecuting attorney of the county; 6093

(g) If the public children services agency is not the county 6094
department of job and family services, the county department of 6095
job and family services; 6096

(h) The county humane society; 6097

(i) If the public children services agency participated in 6098
the execution of a memorandum of understanding under section 6099
2151.426 of the Revised Code establishing a children's advocacy 6100
center, each participating member of the children's advocacy 6101
center established by the memorandum. 6102

(2) A memorandum of understanding shall set forth the normal 6103
operating procedure to be employed by all concerned officials in 6104
the execution of their respective responsibilities under this 6105
section and division (C) of section 2919.21, division (B)(1) of 6106
section 2919.22, division (B) of section 2919.23, and section 6107
2919.24 of the Revised Code and shall have as two of its primary 6108
goals the elimination of all unnecessary interviews of children 6109
who are the subject of reports made pursuant to division (A) or 6110
(B) of this section and, when feasible, providing for only one 6111
interview of a child who is the subject of any report made 6112
pursuant to division (A) or (B) of this section. A failure to 6113
follow the procedure set forth in the memorandum by the concerned 6114
officials is not grounds for, and shall not result in, the 6115
dismissal of any charges or complaint arising from any reported 6116

case of abuse or neglect or the suppression of any evidence 6117
obtained as a result of any reported child abuse or child neglect 6118
and does not give, and shall not be construed as giving, any 6119
rights or any grounds for appeal or post-conviction relief to any 6120
person. 6121

(3) A memorandum of understanding shall include all of the 6122
following: 6123

(a) The roles and responsibilities for handling emergency and 6124
nonemergency cases of abuse and neglect; 6125

(b) Standards and procedures to be used in handling and 6126
coordinating investigations of reported cases of child abuse and 6127
reported cases of child neglect, methods to be used in 6128
interviewing the child who is the subject of the report and who 6129
allegedly was abused or neglected, and standards and procedures 6130
addressing the categories of persons who may interview the child 6131
who is the subject of the report and who allegedly was abused or 6132
neglected. 6133

(4) If a public children services agency participated in the 6134
execution of a memorandum of understanding under section 2151.426 6135
of the Revised Code establishing a children's advocacy center, the 6136
agency shall incorporate the contents of that memorandum in the 6137
memorandum prepared pursuant to this section. 6138

(5) The clerk of the court of common pleas in the county may 6139
sign the memorandum of understanding prepared under division 6140
(J)(1) of this section. If the clerk signs the memorandum of 6141
understanding, the clerk shall execute all relevant 6142
responsibilities as required of officials specified in the 6143
memorandum. 6144

(K)(1) Except as provided in division (K)(4) of this section, 6145
a person who is required to make a report pursuant to division (A) 6146
of this section may make a reasonable number of requests of the 6147

public children services agency that receives or is referred the 6148
report, or of the children's advocacy center that is referred the 6149
report if the report is referred to a children's advocacy center 6150
pursuant to an interagency agreement entered into under section 6151
2151.428 of the Revised Code, to be provided with the following 6152
information: 6153

(a) Whether the agency or center has initiated an 6154
investigation of the report; 6155

(b) Whether the agency or center is continuing to investigate 6156
the report; 6157

(c) Whether the agency or center is otherwise involved with 6158
the child who is the subject of the report; 6159

(d) The general status of the health and safety of the child 6160
who is the subject of the report; 6161

(e) Whether the report has resulted in the filing of a 6162
complaint in juvenile court or of criminal charges in another 6163
court. 6164

(2) A person may request the information specified in 6165
division (K)(1) of this section only if, at the time the report is 6166
made, the person's name, address, and telephone number are 6167
provided to the person who receives the report. 6168

When a municipal or county peace officer or employee of a 6169
public children services agency receives a report pursuant to 6170
division (A) or (B) of this section the recipient of the report 6171
shall inform the person of the right to request the information 6172
described in division (K)(1) of this section. The recipient of the 6173
report shall include in the initial child abuse or child neglect 6174
report that the person making the report was so informed and, if 6175
provided at the time of the making of the report, shall include 6176
the person's name, address, and telephone number in the report. 6177

Each request is subject to verification of the identity of 6178
the person making the report. If that person's identity is 6179
verified, the agency shall provide the person with the information 6180
described in division (K)(1) of this section a reasonable number 6181
of times, except that the agency shall not disclose any 6182
confidential information regarding the child who is the subject of 6183
the report other than the information described in those 6184
divisions. 6185

(3) A request made pursuant to division (K)(1) of this 6186
section is not a substitute for any report required to be made 6187
pursuant to division (A) of this section. 6188

(4) If an agency other than the agency that received or was 6189
referred the report is conducting the investigation of the report 6190
pursuant to section 2151.422 of the Revised Code, the agency 6191
conducting the investigation shall comply with the requirements of 6192
division (K) of this section. 6193

(L) The director of job and family services shall adopt rules 6194
in accordance with Chapter 119. of the Revised Code to implement 6195
this section. The department of job and family services may enter 6196
into a plan of cooperation with any other governmental entity to 6197
aid in ensuring that children are protected from abuse and 6198
neglect. The department shall make recommendations to the attorney 6199
general that the department determines are necessary to protect 6200
children from child abuse and child neglect. 6201

(M) Whoever violates division (A) of this section is liable 6202
for compensatory and exemplary damages to the child who would have 6203
been the subject of the report that was not made. A person who 6204
brings a civil action or proceeding pursuant to this division 6205
against a person who is alleged to have violated division (A)(1) 6206
of this section may use in the action or proceeding reports of 6207
other incidents of known or suspected abuse or neglect, provided 6208
that any information in a report that would identify the child who 6209

is the subject of the report or the maker of the report, if the maker is not the defendant or an agent or employee of the defendant, has been redacted.

(N)(1) As used in this division:

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency

shall provide the written notice to the owner or governing board 6242
of the out-of-home care entity that is the subject of the report. 6243
The agency shall not provide witness statements or police or other 6244
investigative reports. 6245

(3) No later than three days after the day on which a public 6246
children services agency that conducted the investigation as 6247
determined pursuant to section 2151.422 of the Revised Code makes 6248
a disposition of an investigation involving a report of alleged 6249
child abuse or child neglect, or a report of an alleged threat of 6250
child abuse or child neglect, that allegedly occurred in or 6251
involved an out-of-home care entity, the agency shall send written 6252
notice of the disposition of the investigation to the 6253
administrator, director, or other chief administrative officer and 6254
the owner or governing board of the out-of-home care entity. The 6255
agency shall not provide witness statements or police or other 6256
investigative reports. 6257

(O) As used in this section, "investigation" means the public 6258
children services agency's response to an accepted report of child 6259
abuse or neglect through either an alternative response or a 6260
traditional response. 6261

Sec. 2305.11. (A) An action for libel, slander, malicious 6262
prosecution, or false imprisonment, an action for malpractice 6263
other than an action upon a medical, dental, optometric, or 6264
chiropractic claim or against a registered surveyor, or an action 6265
upon a statute for a penalty or forfeiture shall be commenced 6266
within one year after the cause of action accrued, provided that 6267
an action by an employee for the payment of unpaid minimum wages, 6268
unpaid overtime compensation, or liquidated damages by reason of 6269
the nonpayment of minimum wages or overtime compensation shall be 6270
commenced within two years after the cause of action accrued. 6271

(B) An action for malpractice against a registered surveyor 6272

shall be commenced within four years after the completion of the 6273
engagement on which the cause of action is based. 6274

(C) A civil action for unlawful abortion pursuant to section 6275
2919.12 of the Revised Code, a civil action authorized by division 6276
(H) of section 2317.56 of the Revised Code, a civil action 6277
pursuant to division (B)(1) or (2) of section 2307.51 of the 6278
Revised Code for performing a dilation and extraction procedure or 6279
attempting to perform a dilation and extraction procedure in 6280
violation of section 2919.15 of the Revised Code, and a civil 6281
action pursuant to division (B) of section 2307.52 of the Revised 6282
Code for terminating or attempting to terminate a human pregnancy 6283
after viability in violation of division (A) of section 2919.17 of 6284
the Revised Code shall be commenced within one year after the 6285
performance or inducement of the abortion, within one year after 6286
the attempt to perform or induce the abortion in violation of 6287
division (A) of section 2919.17 of the Revised Code, within one 6288
year after the performance of the dilation and extraction 6289
procedure, or, in the case of a civil action pursuant to division 6290
(B)(2) of section 2307.51 of the Revised Code, within one year 6291
after the attempt to perform the dilation and extraction 6292
procedure. 6293

~~(C)~~(D) As used in this section, "medical claim," "dental 6294
claim," "optometric claim," and "chiropractic claim" have the same 6295
meanings as in section 2305.113 of the Revised Code. 6296

Sec. 2915.08. (A)(1) Annually before the first day of 6297
January, a charitable organization that desires to conduct bingo, 6298
instant bingo at a bingo session, or instant bingo other than at a 6299
bingo session shall make out, upon a form to be furnished by the 6300
attorney general for that purpose, an application for a license to 6301
conduct bingo, instant bingo at a bingo session, or instant bingo 6302
other than at a bingo session and deliver that application to the 6303

attorney general together with a license fee as follows: 6304

(a) Except as otherwise provided in this division, for a 6305
license for the conduct of bingo, two hundred dollars; 6306

(b) For a license for the conduct of instant bingo at a bingo 6307
session or instant bingo other than at a bingo session for a 6308
charitable organization that previously has not been licensed 6309
under this chapter to conduct instant bingo at a bingo session or 6310
instant bingo other than at a bingo session, a license fee of five 6311
hundred dollars, and for any other charitable organization, a 6312
license fee that is based upon the gross profits received by the 6313
charitable organization from the operation of instant bingo at a 6314
bingo session or instant bingo other than at a bingo session, 6315
during the one-year period ending on the thirty-first day of 6316
October of the year immediately preceding the year for which the 6317
license is sought, and that is one of the following: 6318

(i) Five hundred dollars, if the total is fifty thousand 6319
dollars or less; 6320

(ii) One thousand two hundred fifty dollars plus one-fourth 6321
per cent of the gross profit, if the total is more than fifty 6322
thousand dollars but less than two hundred fifty thousand one 6323
dollars; 6324

(iii) Two thousand two hundred fifty dollars plus one-half 6325
per cent of the gross profit, if the total is more than two 6326
hundred fifty thousand dollars but less than five hundred thousand 6327
one dollars; 6328

(iv) Three thousand five hundred dollars plus one per cent of 6329
the gross profit, if the total is more than five hundred thousand 6330
dollars but less than one million one dollars; 6331

(v) Five thousand dollars plus one per cent of the gross 6332
profit, if the total is one million one dollars or more; 6333

(c) A reduced license fee established by the attorney general 6334
pursuant to division (G) of this section. 6335

(d) For a license to conduct bingo for a charitable 6336
organization that prior to July 1, 2003, has not been licensed 6337
under this chapter to conduct bingo, instant bingo at a bingo 6338
session, or instant bingo other than at a bingo session, a license 6339
fee established by rule by the attorney general in accordance with 6340
division (H) of this section. 6341

(2) The application shall be in the form prescribed by the 6342
attorney general, shall be signed and sworn to by the applicant, 6343
and shall contain all of the following: 6344

(a) The name and post-office address of the applicant; 6345

(b) A statement that the applicant is a charitable 6346
organization and that it has been in continuous existence as a 6347
charitable organization in this state for two years immediately 6348
preceding the making of the application; 6349

(c) The location at which the organization will conduct 6350
bingo, which location shall be within the county in which the 6351
principal place of business of the applicant is located, the days 6352
of the week and the times on each of those days when bingo will be 6353
conducted, whether the organization owns, leases, or subleases the 6354
premises, and a copy of the rental agreement if it leases or 6355
subleases the premises; 6356

(d) A statement of the applicant's previous history, record, 6357
and association that is sufficient to establish that the applicant 6358
is a charitable organization, and a copy of a determination letter 6359
that is issued by the Internal Revenue Service and states that the 6360
organization is tax exempt under subsection 501(a) and described 6361
in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 6362
501(c)(10), or 501(c)(19) of the Internal Revenue Code; 6363

(e) A statement as to whether the applicant has ever had any 6364

previous application refused, whether it previously has had a 6365
license revoked or suspended, and the reason stated by the 6366
attorney general for the refusal, revocation, or suspension; 6367

(f) A statement of the charitable purposes for which the net 6368
profit derived from bingo, other than instant bingo, will be used, 6369
and a statement of how the net profit derived from instant bingo 6370
will be distributed in accordance with section 2915.101 of the 6371
Revised Code; 6372

(g) Other necessary and reasonable information that the 6373
attorney general may require by rule adopted pursuant to section 6374
111.15 of the Revised Code; 6375

(h) If the applicant is a charitable trust as defined in 6376
section 109.23 of the Revised Code, a statement as to whether it 6377
has registered with the attorney general pursuant to section 6378
109.26 of the Revised Code or filed annual reports pursuant to 6379
section 109.31 of the Revised Code, and, if it is not required to 6380
do either, the exemption in section 109.26 or 109.31 of the 6381
Revised Code that applies to it; 6382

(i) If the applicant is a charitable organization as defined 6383
in section 1716.01 of the Revised Code, a statement as to whether 6384
it has filed with the attorney general a registration statement 6385
pursuant to section 1716.02 of the Revised Code and a financial 6386
report pursuant to section 1716.04 of the Revised Code, and, if it 6387
is not required to do both, the exemption in section 1716.03 of 6388
the Revised Code that applies to it; 6389

(j) In the case of an applicant seeking to qualify as a youth 6390
athletic park organization, a statement issued by a board or body 6391
vested with authority under Chapter 755. of the Revised Code for 6392
the supervision and maintenance of recreation facilities in the 6393
territory in which the organization is located, certifying that 6394
the playing fields owned by the organization were used for at 6395

least one hundred days during the year in which the statement is 6396
issued, and were open for use to all residents of that territory, 6397
regardless of race, color, creed, religion, sex, or national 6398
origin, for athletic activities by youth athletic organizations 6399
that do not discriminate on the basis of race, color, creed, 6400
religion, sex, or national origin, and that the fields were not 6401
used for any profit-making activity at any time during the year. 6402
That type of board or body is authorized to issue the statement 6403
upon request and shall issue the statement if it finds that the 6404
applicant's playing fields were so used. 6405

(3) The attorney general, within thirty days after receiving 6406
a timely filed application from a charitable organization that has 6407
been issued a license under this section that has not expired and 6408
has not been revoked or suspended, shall send a temporary permit 6409
to the applicant specifying the date on which the application was 6410
filed with the attorney general and stating that, pursuant to 6411
section 119.06 of the Revised Code, the applicant may continue to 6412
conduct bingo until a new license is granted or, if the 6413
application is rejected, until fifteen days after notice of the 6414
rejection is mailed to the applicant. The temporary permit does 6415
not affect the validity of the applicant's application and does 6416
not grant any rights to the applicant except those rights 6417
specifically granted in section 119.06 of the Revised Code. The 6418
issuance of a temporary permit by the attorney general pursuant to 6419
this division does not prohibit the attorney general from 6420
rejecting the applicant's application because of acts that the 6421
applicant committed, or actions that the applicant failed to take, 6422
before or after the issuance of the temporary permit. 6423

(4) Within thirty days after receiving an initial license 6424
application from a charitable organization to conduct bingo, 6425
instant bingo at a bingo session, or instant bingo other than at a 6426
bingo session, the attorney general shall conduct a preliminary 6427

review of the application and notify the applicant regarding any 6428
deficiencies. Once an application is deemed complete, or beginning 6429
on the thirtieth day after the application is filed, if the 6430
attorney general failed to notify the applicant of any 6431
deficiencies, the attorney general shall have an additional sixty 6432
days to conduct an investigation and either grant or deny the 6433
application based on findings established and communicated in 6434
accordance with divisions (B) and (E) of this section. As an 6435
option to granting or denying an initial license application, the 6436
attorney general may grant a temporary license and request 6437
additional time to conduct the investigation if the attorney 6438
general has cause to believe that additional time is necessary to 6439
complete the investigation and has notified the applicant in 6440
writing about the specific concerns raised during the 6441
investigation. 6442

(B)(1) The attorney general shall adopt rules to enforce 6443
sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 6444
Code to ensure that bingo or instant bingo is conducted in 6445
accordance with those sections and to maintain proper control over 6446
the conduct of bingo or instant bingo. The rules, except rules 6447
adopted pursuant to divisions (A)(2)(g) and (G) of this section, 6448
shall be adopted pursuant to Chapter 119. of the Revised Code. The 6449
attorney general shall license charitable organizations to conduct 6450
bingo, instant bingo at a bingo session, or instant bingo other 6451
than at a bingo session in conformance with this chapter and with 6452
the licensing provisions of Chapter 119. of the Revised Code. 6453

(2) The attorney general may refuse to grant a license to any 6454
organization, or revoke or suspend the license of any 6455
organization, that does any of the following or to which any of 6456
the following applies: 6457

(a) Fails or has failed at any time to meet any requirement 6458
of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 6459

2915.11 of the Revised Code, or violates or has violated any 6460
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised 6461
Code or any rule adopted by the attorney general pursuant to this 6462
section; 6463

(b) Makes or has made an incorrect or false statement that is 6464
material to the granting of the license in an application filed 6465
pursuant to division (A) of this section; 6466

(c) Submits or has submitted any incorrect or false 6467
information relating to an application if the information is 6468
material to the granting of the license; 6469

(d) Maintains or has maintained any incorrect or false 6470
information that is material to the granting of the license in the 6471
records required to be kept pursuant to divisions (A) and (C) of 6472
section 2915.10 of the Revised Code, if applicable; 6473

(e) The attorney general has good cause to believe that the 6474
organization will not conduct bingo, instant bingo at a bingo 6475
session, or instant bingo other than at a bingo session in 6476
accordance with sections 2915.07 to 2915.13 of the Revised Code or 6477
with any rule adopted by the attorney general pursuant to this 6478
section. 6479

(3) For the purposes of division (B) of this section, any 6480
action of an officer, trustee, agent, representative, or bingo 6481
game operator of an organization is an action of the organization. 6482

(C) The attorney general may grant licenses to charitable 6483
organizations that are branches, lodges, or chapters of national 6484
charitable organizations. 6485

(D) The attorney general shall send notice in writing to the 6486
prosecuting attorney and sheriff of the county in which the 6487
organization will conduct bingo, instant bingo at a bingo session, 6488
or instant bingo other than at a bingo session, as stated in its 6489
application for a license or amended license, and to any other law 6490

enforcement agency in that county that so requests, of all of the 6491
following: 6492

- (1) The issuance of the license; 6493
- (2) The issuance of the amended license; 6494
- (3) The rejection of an application for and refusal to grant 6495
a license; 6496
- (4) The revocation of any license previously issued; 6497
- (5) The suspension of any license previously issued. 6498

(E) A license issued by the attorney general shall set forth 6499
the information contained on the application of the charitable 6500
organization that the attorney general determines is relevant, 6501
including, but not limited to, the location at which the 6502
organization will conduct bingo, instant bingo at a bingo session, 6503
or instant bingo other than at a bingo session and the days of the 6504
week and the times on each of those days when bingo will be 6505
conducted. If the attorney general refuses to grant or revokes or 6506
suspends a license, the attorney general shall notify the 6507
applicant in writing and specifically identify the reason for the 6508
refusal, revocation, or suspension in narrative form and, if 6509
applicable, by identifying the section of the Revised Code 6510
violated. The failure of the attorney general to give the written 6511
notice of the reasons for the refusal, revocation, or suspension 6512
or a mistake in the written notice does not affect the validity of 6513
the attorney general's refusal to grant, or the revocation or 6514
suspension of, a license. If the attorney general fails to give 6515
the written notice or if there is a mistake in the written notice, 6516
the applicant may bring an action to compel the attorney general 6517
to comply with this division or to correct the mistake, but the 6518
attorney general's order refusing to grant, or revoking or 6519
suspending, a license shall not be enjoined during the pendency of 6520
the action. 6521

(F) A charitable organization that has been issued a license 6522
pursuant to division (B) of this section but that cannot conduct 6523
bingo or instant bingo at the location, or on the day of the week 6524
or at the time, specified on the license due to circumstances that 6525
make it impractical to do so, or that desires to conduct instant 6526
bingo other than at a bingo session at additional locations not 6527
identified on the license, may apply in writing, together with an 6528
application fee of two hundred fifty dollars, to the attorney 6529
general, at least thirty days prior to a change in or addition of 6530
a location, day of the week, or time, and request an amended 6531
license. ~~The~~ As applicable, the application shall describe the 6532
causes making it impractical for the organization to conduct bingo 6533
or instant bingo in conformity with its license and shall indicate 6534
the location, days of the week, and times on each of those days 6535
when it desires to conduct bingo or instant bingo and, as 6536
applicable, shall indicate the additional locations at which it 6537
desires to conduct instant bingo other than at a bingo session. 6538
Except as otherwise provided in this division, the attorney 6539
general shall issue the amended license in accordance with 6540
division (E) of this section, and the organization shall surrender 6541
its original license to the attorney general. The attorney general 6542
may refuse to grant an amended license according to the terms of 6543
division (B) of this section. 6544

(G) The attorney general, by rule adopted pursuant to section 6545
111.15 of the Revised Code, shall establish a schedule of reduced 6546
license fees for charitable organizations that desire to conduct 6547
bingo or instant bingo during fewer than twenty-six weeks in any 6548
calendar year. 6549

(H) The attorney general, by rule adopted pursuant to section 6550
111.15 of the Revised Code, shall establish license fees for the 6551
conduct of bingo, instant bingo at a bingo session, or instant 6552
bingo other than at a bingo session for charitable organizations 6553

that prior to July 1, 2003, have not been licensed to conduct bingo, instant bingo at a bingo session, or instant bingo other than at a bingo session under this chapter.

(I) The attorney general may enter into a written contract with any other state agency to delegate to that state agency the powers prescribed to the attorney general under Chapter 2915. of the Revised Code.

(J) The attorney general, by rule adopted pursuant to section 111.15 of the Revised Code, may adopt rules to determine the requirements for a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code to be in good standing in the state.

Sec. 2945.402. (A) In approving a conditional release, the trial court may set any conditions on the release with respect to the treatment, evaluation, counseling, or control of the defendant or person that the court considers necessary to protect the public safety and the welfare of the defendant or person. The trial court may revoke a defendant's or person's conditional release and order reinstatement of the previous placement or reinstitutionalization at any time the conditions of the release have not been satisfied, provided that the revocation shall be in accordance with this section.

(B) A conditional release is a commitment. The hearings on continued commitment as described in section 2945.401 of the Revised Code apply to a defendant or person on conditional release.

(C) A person, agency, or facility that is assigned to monitor a defendant or person on conditional release immediately shall notify the trial court on learning that the defendant or person being monitored has violated the terms of the conditional release.

Upon learning of any violation of the terms of the conditional 6585
release, the trial court may issue a temporary order of detention 6586
or, if necessary, an arrest warrant for the defendant or person. 6587
Within ten court days after the defendant's or person's detention 6588
or arrest, the trial court shall conduct a hearing to determine 6589
whether the conditional release should be modified or terminated. 6590
At the hearing, the defendant or person shall have the same rights 6591
as are described in division (C) of section 2945.40 of the Revised 6592
Code. The trial court may order a continuance of the ten-court-day 6593
period for no longer than ten days for good cause shown or for any 6594
period on motion of the defendant or person. If the trial court 6595
fails to conduct the hearing within the ten-court-day period and 6596
does not order a continuance in accordance with this division, the 6597
defendant or person shall be restored to the prior conditional 6598
release status. 6599

(D) The trial court shall give all parties reasonable notice 6600
of a hearing conducted under this section. At the hearing, the 6601
prosecutor shall present the case demonstrating that the defendant 6602
or person violated the terms of the conditional release. If the 6603
court finds by a preponderance of the evidence that the defendant 6604
or person violated the terms of the conditional release, the court 6605
may continue, modify, or terminate the conditional release and 6606
shall enter its order accordingly. 6607

(E)(1) If a court approves a conditional release, the court 6608
shall report the approval and information pertaining to the 6609
release to the local law enforcement agency. The local law 6610
enforcement agency shall enter the approval and information into 6611
the national crime information center supervised release file 6612
through the law enforcement automated data system. The information 6613
required by divisions (E)(1)(c) and (d) of this section shall be 6614
entered into the file's miscellaneous field. The information 6615
reported and entered shall include all of the following: 6616

- (a) The name of the court providing the information; 6617
- (b) The offense or offenses with which the defendant or 6618
person was charged; 6619
- (c) Whether the person was found not guilty by reason of 6620
insanity or incompetent to stand trial with no substantial 6621
probability of becoming competent even with a course of treatment; 6622
- (d) The reason for the conditional release; 6623
- (e) Any other information required for the entry of 6624
information into the national crime information center supervised 6625
release file. 6626
- (2) Information entered into the national crime information 6627
center supervised release file pursuant to this section shall 6628
remain in the file until the termination of the conditional 6629
release or commitment. 6630
- (3) If a defendant or person about whom information is 6631
entered into the national crime information center supervised 6632
release file pursuant to division (E)(1) of this section has 6633
contact with a law enforcement agency after the information is 6634
entered, the agency shall report the contact to the department of 6635
mental health and addiction services and, if the terms of the 6636
release require the defendant or person to receive mental health 6637
treatment, to the person, office, or agency providing the 6638
treatment. 6639
- (4) As used in division (E) of this section, "local law 6640
enforcement agency" means the police department of a municipal 6641
corporation in which the offense with which a releasee was charged 6642
allegedly occurred or, if the offense did not allegedly occur in a 6643
municipal corporation, the sheriff of the county in which the 6644
offense allegedly occurred. 6645
- Sec. 3123.89.** (A) Subject to section 3770.071 of the Revised 6646

Code, a child support enforcement agency that determines that an obligor who is the recipient of a lottery prize award is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code shall issue an intercept directive to the director of the state lottery commission. A copy of this intercept directive shall be sent to the obligor.

(B) The intercept directive shall require the director or the director's designee to transmit an amount or amounts from the proceeds of the specified lottery prize award to the office of child support in the department of job and family services. The intercept directive also shall contain all of the following information:

(1) The name, address, and social security number or taxpayer identification number of the obligor;

(2) A statement that the obligor has been determined to be in default under a support order;

(3) The amount of the arrearage owed by the obligor as determined by the agency.

(C) After receipt of an intercept directive and in accordance with section 3770.071 of the Revised Code, the director or the director's designee shall deduct the amount or amounts specified from the proceeds of the lottery prize award referred to in the directive and transmit the amounts to the office of child support.

(D) The department of job and family services shall develop and implement a data match program with the state lottery commission or its lottery sales agents to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code in accordance with section 3770.071 of the Revised Code.

Sec. 3123.90. (A) As used in this section, "casino facility," 6677
"casino operator," and "management company" have the meanings 6678
defined in section 3772.01 of the Revised Code. 6679

(B) The department of job and family services shall develop 6680
and implement a data match program with each casino facility's 6681
casino operator or management company to identify obligors who are 6682
subject to a final and enforceable determination of default made 6683
under sections 3123.01 to 3123.07 of the Revised Code. 6684

(C) Upon the data match program's implementation, if a 6685
person's winnings at a casino facility are an amount for which 6686
reporting to the internal revenue service of the amount is 6687
required by section 6041 of the Internal Revenue Code, as amended, 6688
the casino operator or management company shall determine if the 6689
person entitled to the winnings is in default under a support 6690
order. If the casino operator or management company determines 6691
that the person is in default, the casino operator or management 6692
company shall withhold from the person's winnings an amount 6693
sufficient to satisfy any past due support owed by the obligor 6694
identified in the data match up to the amount of the winnings. 6695

(D) Not later than seven days after withholding the amount, 6696
the casino operator or management company shall transmit any 6697
amount withheld to the department as payment on the support 6698
obligation. 6699

(E) The department may adopt rules under Chapter 119. of the 6700
Revised Code as are necessary for implementation of this section. 6701

Sec. 3313.539. (A) As used in this section, "physician": 6702

(1) "Physician" means a person authorized under Chapter 4731. 6703
of the Revised Code to practice medicine and surgery or 6704
osteopathic medicine and surgery. 6705

(2) "Chiropractor" means a person licensed under Chapter 6706

4734. of the Revised Code to practice chiropractic. 6707

(B) No school district board of education or governing 6708
authority of a chartered or nonchartered nonpublic school shall 6709
permit a student to practice for or compete in interscholastic 6710
athletics until the student has submitted, to a school official 6711
designated by the board or governing authority, a form signed by 6712
the parent, guardian, or other person having care or charge of the 6713
student stating that the student and the parent, guardian, or 6714
other person having care or charge of the student have received 6715
the concussion and head injury information sheet required by 6716
section 3707.52 of the Revised Code. A completed form shall be 6717
submitted each school year, as defined in section 3313.62 of the 6718
Revised Code, for each sport or other category of interscholastic 6719
athletics for or in which the student practices or competes. 6720

(C)(1) No school district board of education or governing 6721
authority of a chartered or nonchartered nonpublic school shall 6722
permit an individual to coach interscholastic athletics unless the 6723
individual holds a pupil-activity program permit issued under 6724
section 3319.303 of the Revised Code for coaching interscholastic 6725
athletics. 6726

(2) No school district board of education or governing 6727
authority of a chartered or nonchartered nonpublic school shall 6728
permit an individual to referee interscholastic athletics unless 6729
the individual holds a pupil-activity program permit issued under 6730
section 3319.303 of the Revised Code for coaching interscholastic 6731
athletics or presents evidence that the individual has 6732
successfully completed, within the previous three years, a 6733
training program in recognizing the symptoms of concussions and 6734
head injuries to which the department of health has provided a 6735
link on its internet web site under section 3707.52 of the Revised 6736
Code or a training program authorized and required by an 6737
organization that regulates interscholastic athletic competition 6738

and conducts interscholastic athletic events. 6739

(D) If a student practicing for or competing in an 6740
interscholastic athletic event exhibits signs, symptoms, or 6741
behaviors consistent with having sustained a concussion or head 6742
injury while participating in the practice or competition, the 6743
student shall be removed from the practice or competition by 6744
either of the following: 6745

(1) The individual who is serving as the student's coach 6746
during that practice or competition; 6747

(2) An individual who is serving as a referee during that 6748
practice or competition. 6749

(E)(1) If a student is removed from practice or competition 6750
under division (D) of this section, the coach or referee who 6751
removed the student shall not allow the student, on the same day 6752
the student is removed, to return to that practice or competition 6753
or to participate in any other practice or competition for which 6754
the coach or referee is responsible. Thereafter, the coach or 6755
referee shall not allow the student to return to that practice or 6756
competition or to participate in any other practice or competition 6757
for which the coach or referee is responsible until both of the 6758
following conditions are satisfied: 6759

(a) The student's condition is assessed by ~~either~~ any of the 6760
following who has complied with the requirements in division 6761
(E)(4) of this section: 6762

(i) A physician; 6763

(ii) A chiropractor; 6764

(iii) Any other licensed health care provider the school 6765
district board of education or governing authority of the 6766
chartered or nonchartered nonpublic school, pursuant to division 6767
(E)(2) of this section, authorizes to assess a student who has 6768

been removed from practice or competition under division (D) of 6769
this section. 6770

(b) The student receives written clearance that it is safe 6771
for the student to return to practice or competition from a 6772
physician, chiropractor, or ~~from~~ another licensed health care 6773
provider authorized pursuant to division (E)(2) of this section to 6774
grant the clearance. 6775

(2) A school district board of education or governing 6776
authority of a chartered or nonchartered nonpublic school may 6777
authorize a licensed health care provider who is not a physician 6778
or chiropractor to make an assessment or grant a clearance for 6779
purposes of division (E)(1) of this section only if the provider 6780
is acting in accordance with one of the following, as applicable 6781
to the provider's authority to practice in this state: 6782

(a) In consultation with a physician; 6783

(b) Pursuant to the referral of a physician; 6784

(c) In collaboration with a physician; 6785

(d) Under the supervision of a physician. 6786

(3) A physician, chiropractor, or other licensed health care 6787
provider who makes an assessment or grants a clearance for 6788
purposes of division (E)(1) of this section may be a volunteer. 6789

(4) In each calendar year, any physician, chiropractor, or 6790
licensed health care provider who provides an assessment or 6791
written clearance required by division (E)(1) of this section 6792
shall complete at least six hours of continuing education 6793
curriculum in concussion management jointly approved by the state 6794
medical board and the state chiropractic board. The approved 6795
curriculum may consist of nationally or statewide recognized 6796
coursework. 6797

(F) A school district board of education or governing 6798

authority of a chartered or nonchartered nonpublic school that is 6799
subject to the rules of an interscholastic conference or an 6800
organization that regulates interscholastic athletic competition 6801
and conducts interscholastic athletic events shall be considered 6802
to be in compliance with divisions (B), (D), and (E) of this 6803
section, as long as the requirements of those rules are 6804
substantially similar to the requirements of divisions (B), (D), 6805
and (E) of this section. 6806

(G)(1) A school district, member of a school district board 6807
of education, or school district employee or volunteer, including 6808
a coach or referee, is not liable in damages in a civil action for 6809
injury, death, or loss to person or property allegedly arising 6810
from providing services or performing duties under this section, 6811
unless the act or omission constitutes willful or wanton 6812
misconduct. 6813

This section does not eliminate, limit, or reduce any other 6814
immunity or defense that a school district, member of a school 6815
district board of education, or school district employee or 6816
volunteer, including a coach or referee, may be entitled to under 6817
Chapter 2744. or any other provision of the Revised Code or under 6818
the common law of this state. 6819

(2) A chartered or nonchartered nonpublic school or any 6820
officer, director, employee, or volunteer of the school, including 6821
a coach or referee, is not liable in damages in a civil action for 6822
injury, death, or loss to person or property allegedly arising 6823
from providing services or performing duties under this section, 6824
unless the act or omission constitutes willful or wanton 6825
misconduct. 6826

Sec. 3313.617. (A) A person who meets all of the following 6827
criteria shall be permitted to take the tests of general 6828
educational development: 6829

(1) The person is at least eighteen years of age. 6830

(2) The person is officially withdrawn from school. 6831

(3) The person has not received a high school diploma or 6832
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 6833
or 3325.08 of the Revised Code. 6834

(B) When a person who is at least sixteen years of age but 6835
less than ~~nineteen~~ eighteen years of age applies to the department 6836
of education to take the tests of general educational development, 6837
the person shall submit with the application written approval from 6838
the ~~superintendent of the school district in which the person was~~ 6839
~~last enrolled, or the superintendent's designee, except that if~~ 6840
~~the person was last enrolled in a community school established~~ 6841
~~under Chapter 3314. of the Revised Code or a science, technology,~~ 6842
~~engineering, and mathematics school established under Chapter~~ 6843
~~3326. of the Revised Code, the approval shall be from the~~ 6844
~~principal of the school, or the principal's designee. The~~ 6845
~~department may require the person also to submit written approval~~ 6846
~~from the person's parent or guardian or a court official, if the~~ 6847
~~person is younger than eighteen years of age.~~ 6848

~~(B)~~(C) For the purpose of calculating graduation rates for 6849
the school district and building report cards under section 6850
3302.03 of the Revised Code, the department shall count any person 6851
for whom approval is obtained from the ~~superintendent or~~ 6852
~~principal, or a designee,~~ person's parent or guardian or a court 6853
official under division ~~(A)~~(B) of this section as a dropout from 6854
the district or school in which the person was last enrolled prior 6855
to obtaining the approval. 6856

Sec. 3313.902. (A) As used in this section: 6857

(1) "Approved industry credential or certificate" means a 6858
credential or certificate that is approved by the chancellor of 6859

the Ohio board of regents. 6860

(2) "Eligible institution" means any of the following: 6861

(a) A community college established under Chapter 3354. of 6862
the Revised Code; 6863

(b) A technical college established under Chapter 3357. of 6864
the Revised Code; 6865

(c) A state community college established under Chapter 3358. 6866
of the Revised Code; 6867

(d) An Ohio technical center recognized by the chancellor 6868
that provides post-secondary workforce education. 6869

(3) "Eligible student" means an individual who is at least 6870
twenty-two years of age and has not received a high school diploma 6871
or a certificate of high school equivalence, as defined in section 6872
4109.06 of the Revised Code. 6873

(B) The adult career opportunity pilot program is hereby 6874
established to permit an eligible institution to obtain approval 6875
from the state board of education and the chancellor to develop 6876
and offer a program of study that allows an eligible student to 6877
obtain a high school diploma. A program shall be eligible for this 6878
approval if it satisfies all of the following requirements: 6879

(1) The program allows an eligible student to complete the 6880
requirements for obtaining a high school diploma while completing 6881
requirements for an approved industry credential or certificate. 6882

(2) The program includes career advising and outreach. 6883

(3) The program includes opportunities for students to 6884
receive a competency-based education. 6885

(C) The superintendent of public instruction, in consultation 6886
with the chancellor, shall adopt rules for the implementation of 6887
the adult career opportunity pilot program, including the 6888
requirements for applying for program approval. 6889

Sec. 3314.08. (A) As used in this section:	6890
(1)(a) "Category one career-technical education student"	6891
means a student who is receiving the career-technical education	6892
services described in division (A) of section 3317.014 of the	6893
Revised Code.	6894
(b) "Category two career-technical student" means a student	6895
who is receiving the career-technical education services described	6896
in division (B) of section 3317.014 of the Revised Code.	6897
(c) "Category three career-technical student" means a student	6898
who is receiving the career-technical education services described	6899
in division (C) of section 3317.014 of the Revised Code.	6900
(d) "Category four career-technical student" means a student	6901
who is receiving the career-technical education services described	6902
in division (D) of section 3317.014 of the Revised Code.	6903
(e) "Category five career-technical education student" means	6904
a student who is receiving the career-technical education services	6905
described in division (E) of section 3317.014 of the Revised Code.	6906
(2)(a) "Category one limited English proficient student"	6907
means a limited English proficient student described in division	6908
(A) of section 3317.016 of the Revised Code.	6909
(b) "Category two limited English proficient student" means a	6910
limited English proficient student described in division (B) of	6911
section 3317.016 of the Revised Code.	6912
(c) "Category three limited English proficient student" means	6913
a limited English proficient student described in division (C) of	6914
section 3317.016 of the Revised Code.	6915
(3)(a) "Category one special education student" means a	6916
student who is receiving special education services for a	6917
disability specified in division (A) of section 3317.013 of the	6918
Revised Code.	6919

(b) "Category two special education student" means a student 6920
who is receiving special education services for a disability 6921
specified in division (B) of section 3317.013 of the Revised Code. 6922

(c) "Category three special education student" means a 6923
student who is receiving special education services for a 6924
disability specified in division (C) of section 3317.013 of the 6925
Revised Code. 6926

(d) "Category four special education student" means a student 6927
who is receiving special education services for a disability 6928
specified in division (D) of section 3317.013 of the Revised Code. 6929

(e) "Category five special education student" means a student 6930
who is receiving special education services for a disability 6931
specified in division (E) of section 3317.013 of the Revised Code. 6932

(f) "Category six special education student" means a student 6933
who is receiving special education services for a disability 6934
specified in division (F) of section 3317.013 of the Revised Code. 6935

(4) "Formula amount" has the same meaning as in section 6936
3317.02 of the Revised Code. 6937

(5) "IEP" has the same meaning as in section 3323.01 of the 6938
Revised Code. 6939

(6) "Resident district" means the school district in which a 6940
student is entitled to attend school under section 3313.64 or 6941
3313.65 of the Revised Code. 6942

(7) "State education aid" has the same meaning as in section 6943
5751.20 of the Revised Code. 6944

(B) The state board of education shall adopt rules requiring 6945
both of the following: 6946

(1) The board of education of each city, exempted village, 6947
and local school district to annually report the number of 6948
students entitled to attend school in the district who are 6949

enrolled in each grade kindergarten through twelve in a community 6950
school established under this chapter, and for each child, the 6951
community school in which the child is enrolled. 6952

(2) The governing authority of each community school 6953
established under this chapter to annually report all of the 6954
following: 6955

(a) The number of students enrolled in grades one through 6956
twelve and the full-time equivalent number of students enrolled in 6957
kindergarten in the school who are not receiving special education 6958
and related services pursuant to an IEP; 6959

(b) The number of enrolled students in grades one through 6960
twelve and the full-time equivalent number of enrolled students in 6961
kindergarten, who are receiving special education and related 6962
services pursuant to an IEP; 6963

(c) The number of students reported under division (B)(2)(b) 6964
of this section receiving special education and related services 6965
pursuant to an IEP for a disability described in each of divisions 6966
(A) to (F) of section 3317.013 of the Revised Code; 6967

(d) The full-time equivalent number of students reported 6968
under divisions (B)(2)(a) and (b) of this section who are enrolled 6969
in career-technical education programs or classes described in 6970
each of divisions (A) to (E) of section 3317.014 of the Revised 6971
Code that are provided by the community school; 6972

(e) ~~Twenty per cent of the~~ The number of students reported 6973
under divisions (B)(2)(a) and (b) of this section who are not 6974
reported under division (B)(2)(d) of this section but who are 6975
enrolled in career-technical education programs or classes 6976
described in each of divisions (A) to (E) of section 3317.014 of 6977
the Revised Code at a joint vocational school district or another 6978
district in the career-technical planning district to which the 6979
school is assigned; 6980

(f) The number of students reported under divisions (B)(2)(a) 6981
and (b) of this section who are category one to three limited 6982
English proficient students described in each of divisions (A) to 6983
(C) of section 3317.016 of the Revised Code; 6984

(g) The number of students reported under divisions (B)(2)(a) 6985
and (b) who are economically disadvantaged, as defined by the 6986
department. A student shall not be categorically excluded from the 6987
number reported under division (B)(2)(g) of this section based on 6988
anything other than family income. 6989

(h) For each student, the city, exempted village, or local 6990
school district in which the student is entitled to attend school 6991
under section 3313.64 or 3313.65 of the Revised Code. 6992

A school district board and a community school governing 6993
authority shall include in their respective reports under division 6994
(B) of this section any child admitted in accordance with division 6995
(A)(2) of section 3321.01 of the Revised Code. 6996

A governing authority of a community school shall not include 6997
in its report under division (B)(2) of this section any student 6998
for whom tuition is charged under division (F) of this section. 6999

(C)(1) Except as provided in division (C)(2) of this section, 7000
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 7001
section, on a full-time equivalency basis, for each student 7002
enrolled in a community school established under this chapter, the 7003
department of education annually shall deduct from the state 7004
education aid of a student's resident district and, if necessary, 7005
from the payment made to the district under sections 321.24 and 7006
323.156 of the Revised Code and pay to the community school the 7007
sum of the following: 7008

(a) An opportunity grant in an amount equal to the formula 7009
amount; 7010

(b) The per pupil amount of targeted assistance funds 7011

calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;

(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;

(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;

(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.

(d) If the student is in kindergarten through third grade, an additional amount of \$211, in fiscal year 2014, and \$290, in fiscal year 2015;

(e) If the student is economically disadvantaged, an additional amount equal to the following:

(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X

(the resident district's economically disadvantaged index)	7042
(f) Limited English proficiency funds as follows:	7043
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	7044 7045 7046
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	7047 7048 7049
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	7050 7051 7052
(g) Career-technical <u>If the student is reported under division (B)(2)(d) of this section, career-technical</u> education funds as follows:	7053 7054 7055
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	7056 7057 7058
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	7059 7060 7061
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	7062 7063 7064
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	7065 7066 7067
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	7068 7069 7070
Deduction and payment of funds under division (C)(1)(g) of	7071

this section is subject to approval by the lead district of a 7072
career-technical planning district or the department of education 7073
under section 3317.161 of the Revised Code. 7074

(2) When deducting from the state education aid of a 7075
student's resident district for students enrolled in an internet- 7076
or computer-based community school and making payments to such 7077
school under this section, the department shall make the 7078
deductions and payments described in only divisions (C)(1)(a), 7079
(c), and (g) of this section. 7080

No deductions or payments shall be made for a student 7081
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 7082
of this section. 7083

(3)(a) If a community school's costs for a fiscal year for a 7084
student receiving special education and related services pursuant 7085
to an IEP for a disability described in divisions (B) to (F) of 7086
section 3317.013 of the Revised Code exceed the threshold 7087
catastrophic cost for serving the student as specified in division 7088
(B) of section 3317.0214 of the Revised Code, the school may 7089
submit to the superintendent of public instruction documentation, 7090
as prescribed by the superintendent, of all its costs for that 7091
student. Upon submission of documentation for a student of the 7092
type and in the manner prescribed, the department shall pay to the 7093
community school an amount equal to the school's costs for the 7094
student in excess of the threshold catastrophic costs. 7095

(b) The community school shall report under division 7096
(C)(3)(a) of this section, and the department shall pay for, only 7097
the costs of educational expenses and the related services 7098
provided to the student in accordance with the student's 7099
individualized education program. Any legal fees, court costs, or 7100
other costs associated with any cause of action relating to the 7101
student may not be included in the amount. 7102

(4) In any fiscal year, a community school receiving funds 7103
under division (C)(1)(g) of this section shall spend those funds 7104
only for the purposes that the department designates as approved 7105
for career-technical education expenses. Career-technical 7106
~~educational~~ education expenses approved by the department shall 7107
include only expenses connected to the delivery of 7108
career-technical programming to career-technical students. The 7109
department shall require the school to report data annually so 7110
that the department may monitor the school's compliance with the 7111
requirements regarding the manner in which funding received under 7112
division (C)(1)(g) of this section may be spent. 7113

(5) All funds received under division (C)(1)(g) of this 7114
section shall be spent in the following manner: 7115

(a) At least seventy-five per cent of the funds shall be 7116
spent on curriculum development, purchase, and implementation; 7117
instructional resources and supplies; industry-based program 7118
certification; student assessment, credentialing, and placement; 7119
curriculum specific equipment purchases and leases; 7120
career-technical student organization fees and expenses; home and 7121
agency linkages; work-based learning experiences; professional 7122
development; and other costs directly associated with 7123
career-technical education programs including development of new 7124
programs. 7125

(b) Not more than twenty-five per cent of the funds shall be 7126
used for personnel expenditures. 7127

(6) A community school shall spend the funds it receives 7128
under division (C)(1)(e) of this section in accordance with 7129
section 3317.25 of the Revised Code. 7130

(7) If the sum of the payments computed under ~~division~~ 7131
divisions (C)(1) and (8)(a) of this section for the students 7132
entitled to attend school in a particular school district under 7133

sections 3313.64 and 3313.65 of the Revised Code exceeds the sum 7134
of that district's state education aid and its payment under 7135
sections 321.24 and 323.156 of the Revised Code, the department 7136
shall calculate and apply a proration factor to the payments to 7137
all community schools under that division for the students 7138
entitled to attend school in that district. 7139

(8)(a) Subject to division (C)(7) of this section, the 7140
department annually shall pay to each community school, including 7141
each internet- or computer-based community school, an amount equal 7142
to the following: 7143

(The number of students reported by the community school 7144
under division (B)(2)(e) of this section X the formula amount X 7145
.20) 7146

(b) For each payment made to a community school under 7147
division (C)(8)(a) of this section, the department shall deduct 7148
from the state education aid of each city, local, and exempted 7149
village school district and, if necessary, from the payment made 7150
to the district under sections 321.24 and 323.156 of the Revised 7151
Code an amount equal to the following: 7152

(The number of the district's students reported by the 7153
community school under division (B)(2)(e) of this section X the 7154
formula amount X .20) 7155

(D) A board of education sponsoring a community school may 7156
utilize local funds to make enhancement grants to the school or 7157
may agree, either as part of the contract or separately, to 7158
provide any specific services to the community school at no cost 7159
to the school. 7160

(E) A community school may not levy taxes or issue bonds 7161
secured by tax revenues. 7162

(F) No community school shall charge tuition for the 7163
enrollment of any student who is a resident of this state. A 7164

community school may charge tuition for the enrollment of any 7165
student who is not a resident of this state. 7166

(G)(1)(a) A community school may borrow money to pay any 7167
necessary and actual expenses of the school in anticipation of the 7168
receipt of any portion of the payments to be received by the 7169
school pursuant to division (C) of this section. The school may 7170
issue notes to evidence such borrowing. The proceeds of the notes 7171
shall be used only for the purposes for which the anticipated 7172
receipts may be lawfully expended by the school. 7173

(b) A school may also borrow money for a term not to exceed 7174
fifteen years for the purpose of acquiring facilities. 7175

(2) Except for any amount guaranteed under section 3318.50 of 7176
the Revised Code, the state is not liable for debt incurred by the 7177
governing authority of a community school. 7178

(H) The department of education shall adjust the amounts 7179
subtracted and paid under division (C) of this section to reflect 7180
any enrollment of students in community schools for less than the 7181
equivalent of a full school year. The state board of education 7182
within ninety days after April 8, 2003, shall adopt in accordance 7183
with Chapter 119. of the Revised Code rules governing the payments 7184
to community schools under this section including initial payments 7185
in a school year and adjustments and reductions made in subsequent 7186
periodic payments to community schools and corresponding 7187
deductions from school district accounts as provided under 7188
division (C) of this section. For purposes of this section: 7189

(1) A student shall be considered enrolled in the community 7190
school for any portion of the school year the student is 7191
participating at a college under Chapter 3365. of the Revised 7192
Code. 7193

(2) A student shall be considered to be enrolled in a 7194
community school for the period of time beginning on the later of 7195

the date on which the school both has received documentation of 7196
the student's enrollment from a parent and the student has 7197
commenced participation in learning opportunities as defined in 7198
the contract with the sponsor, or thirty days prior to the date on 7199
which the student is entered into the education management 7200
information system established under section 3301.0714 of the 7201
Revised Code. For purposes of applying this division and divisions 7202
(H)(3) and (4) of this section to a community school student, 7203
"learning opportunities" shall be defined in the contract, which 7204
shall describe both classroom-based and non-classroom-based 7205
learning opportunities and shall be in compliance with criteria 7206
and documentation requirements for student participation which 7207
shall be established by the department. Any student's instruction 7208
time in non-classroom-based learning opportunities shall be 7209
certified by an employee of the community school. A student's 7210
enrollment shall be considered to cease on the date on which any 7211
of the following occur: 7212

(a) The community school receives documentation from a parent 7213
terminating enrollment of the student. 7214

(b) The community school is provided documentation of a 7215
student's enrollment in another public or private school. 7216

(c) The community school ceases to offer learning 7217
opportunities to the student pursuant to the terms of the contract 7218
with the sponsor or the operation of any provision of this 7219
chapter. 7220

Except as otherwise specified in this paragraph, beginning in 7221
the 2011-2012 school year, any student who completed the prior 7222
school year in an internet- or computer-based community school 7223
shall be considered to be enrolled in the same school in the 7224
subsequent school year until the student's enrollment has ceased 7225
as specified in division (H)(2) of this section. The department 7226
shall continue subtracting and paying amounts for the student 7227

under division (C) of this section without interruption at the 7228
start of the subsequent school year. However, if the student 7229
without a legitimate excuse fails to participate in the first one 7230
hundred five consecutive hours of learning opportunities offered 7231
to the student in that subsequent school year, the student shall 7232
be considered not to have re-enrolled in the school for that 7233
school year and the department shall recalculate the payments to 7234
the school for that school year to account for the fact that the 7235
student is not enrolled. 7236

(3) The department shall determine each community school 7237
student's percentage of full-time equivalency based on the 7238
percentage of learning opportunities offered by the community 7239
school to that student, reported either as number of hours or 7240
number of days, is of the total learning opportunities offered by 7241
the community school to a student who attends for the school's 7242
entire school year. However, no internet- or computer-based 7243
community school shall be credited for any time a student spends 7244
participating in learning opportunities beyond ten hours within 7245
any period of twenty-four consecutive hours. Whether it reports 7246
hours or days of learning opportunities, each community school 7247
shall offer not less than nine hundred twenty hours of learning 7248
opportunities during the school year. 7249

(4) With respect to the calculation of full-time equivalency 7250
under division (H)(3) of this section, the department shall waive 7251
the number of hours or days of learning opportunities not offered 7252
to a student because the community school was closed during the 7253
school year due to disease epidemic, hazardous weather conditions, 7254
law enforcement emergencies, inoperability of school buses or 7255
other equipment necessary to the school's operation, damage to a 7256
school building, or other temporary circumstances due to utility 7257
failure rendering the school building unfit for school use, so 7258
long as the school was actually open for instruction with students 7259

in attendance during that school year for not less than the 7260
minimum number of hours required by this chapter. The department 7261
shall treat the school as if it were open for instruction with 7262
students in attendance during the hours or days waived under this 7263
division. 7264

(I) The department of education shall reduce the amounts paid 7265
under this section to reflect payments made to colleges under 7266
division (B) of section 3365.07 of the Revised Code or through 7267
alternative funding agreements entered into under rules adopted 7268
under section 3365.12 of the Revised Code. 7269

(J)(1) No student shall be considered enrolled in any 7270
internet- or computer-based community school or, if applicable to 7271
the student, in any community school that is required to provide 7272
the student with a computer pursuant to division (C) of section 7273
3314.22 of the Revised Code, unless both of the following 7274
conditions are satisfied: 7275

(a) The student possesses or has been provided with all 7276
required hardware and software materials and all such materials 7277
are operational so that the student is capable of fully 7278
participating in the learning opportunities specified in the 7279
contract between the school and the school's sponsor as required 7280
by division (A)(23) of section 3314.03 of the Revised Code; 7281

(b) The school is in compliance with division (A) of section 7282
3314.22 of the Revised Code, relative to such student. 7283

(2) In accordance with policies adopted jointly by the 7284
superintendent of public instruction and the auditor of state, the 7285
department shall reduce the amounts otherwise payable under 7286
division (C) of this section to any community school that includes 7287
in its program the provision of computer hardware and software 7288
materials to any student, if such hardware and software materials 7289
have not been delivered, installed, and activated for each such 7290

student in a timely manner or other educational materials or 7291
services have not been provided according to the contract between 7292
the individual community school and its sponsor. 7293

The superintendent of public instruction and the auditor of 7294
state shall jointly establish a method for auditing any community 7295
school to which this division pertains to ensure compliance with 7296
this section. 7297

The superintendent, auditor of state, and the governor shall 7298
jointly make recommendations to the general assembly for 7299
legislative changes that may be required to assure fiscal and 7300
academic accountability for such schools. 7301

(K)(1) If the department determines that a review of a 7302
community school's enrollment is necessary, such review shall be 7303
completed and written notice of the findings shall be provided to 7304
the governing authority of the community school and its sponsor 7305
within ninety days of the end of the community school's fiscal 7306
year, unless extended for a period not to exceed thirty additional 7307
days for one of the following reasons: 7308

(a) The department and the community school mutually agree to 7309
the extension. 7310

(b) Delays in data submission caused by either a community 7311
school or its sponsor. 7312

(2) If the review results in a finding that additional 7313
funding is owed to the school, such payment shall be made within 7314
thirty days of the written notice. If the review results in a 7315
finding that the community school owes moneys to the state, the 7316
following procedure shall apply: 7317

(a) Within ten business days of the receipt of the notice of 7318
findings, the community school may appeal the department's 7319
determination to the state board of education or its designee. 7320

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of

education. 7352

(4) Any student who has attained the age of twenty-two years, 7353
except for veterans of the armed services whose attendance was 7354
interrupted before completing the recognized twelve-year course of 7355
the public schools by reason of induction or enlistment in the 7356
armed forces and who apply for enrollment in a community school 7357
not later than four years after termination of war or their 7358
honorable discharge. If, however, any such veteran elects to 7359
enroll in special courses organized for veterans for whom tuition 7360
is paid under federal law, or otherwise, the department shall not 7361
subtract from a school district's state aid account and shall not 7362
pay to a community school under division (C) of this section any 7363
amount for that veteran. 7364

Sec. 3314.38. (A) An individual who is at least twenty-two 7365
but younger than thirty years of age and who is an eligible 7366
individual as defined in section 3317.23 of the Revised Code may 7367
enroll for up to two cumulative school years in a dropout 7368
prevention and recovery program operated by a community school 7369
that is designed to allow enrollees to earn a high school diploma. 7370
An individual enrolled under this division may elect to satisfy 7371
the requirements to earn a high school diploma by successfully 7372
completing a competency-based instructional program that complies 7373
with the standards adopted by the chancellor of the Ohio board of 7374
regents under division (W) of section 3333.04 of the Revised Code. 7375
The community school shall report that individual's enrollment on 7376
a full-time equivalency basis to the department of education. This 7377
report shall be in addition to the report required under division 7378
(B) of section 3314.08 of the Revised Code. An individual enrolled 7379
under this division shall not be assigned to classes or settings 7380
with students who are younger than eighteen years of age. 7381

(B)(1) For each community school that enrolls individuals 7382

under division (A) of this section, the department of education 7383
annually shall certify the enrollment and attendance, on a 7384
full-time equivalency basis, of each individual reported by the 7385
school under that division. 7386

(2) For each individual enrolled in a community school under 7387
division (A) of this section, the department annually shall pay to 7388
the community school an amount equal to the following: 7389

\$5,000 X the individual's enrollment on a full-time equivalency 7390
basis as certified under division (B)(1) of this section X the 7391
portion of the school year in which the individual is enrolled in 7392
the school expressed as a percentage 7393

(C) A community school that enrolls individuals under 7394
division (A) of this section shall be subject to the program 7395
administration standards adopted by the chancellor under division 7396
(W) of section 3333.04 of the Revised Code, as applicable. 7397

Sec. 3317.01. As used in this section, "school district," 7398
unless otherwise specified, means any city, local, exempted 7399
village, joint vocational, or cooperative education school 7400
district and any educational service center. 7401

This chapter shall be administered by the state board of 7402
education. The superintendent of public instruction shall 7403
calculate the amounts payable to each school district and shall 7404
certify the amounts payable to each eligible district to the 7405
treasurer of the district as provided by this chapter. As soon as 7406
possible after such amounts are calculated, the superintendent 7407
shall certify to the treasurer of each school district the 7408
district's adjusted charge-off increase, as defined in section 7409
5705.211 of the Revised Code. Certification of moneys pursuant to 7410
this section shall include the amounts payable to each school 7411
building, at a frequency determined by the superintendent, for 7412
each subgroup of students, as defined in section 3317.40 of the 7413

Revised Code, receiving services, provided for by state funding, 7414
from the district or school. No moneys shall be distributed 7415
pursuant to this chapter without the approval of the controlling 7416
board. 7417

The state board of education shall, in accordance with 7418
appropriations made by the general assembly, meet the financial 7419
obligations of this chapter. 7420

Moneys distributed to school districts pursuant to this 7421
chapter shall be calculated based on the annual enrollment 7422
calculated from the three reports required under ~~section~~ sections 7423
3317.03 and 3317.036 of the Revised Code and paid on a fiscal year 7424
basis, beginning with the first day of July and extending through 7425
the thirtieth day of June. The moneys appropriated for each fiscal 7426
year shall be distributed periodically to each school district 7427
unless otherwise provided for. The state board, in June of each 7428
year, shall submit to the controlling board the state board's 7429
year-end distributions pursuant to this chapter. 7430

Except as otherwise provided, payments under this chapter 7431
shall be made only to those school districts in which: 7432

(A) The school district, except for any educational service 7433
center and any joint vocational or cooperative education school 7434
district, levies for current operating expenses at least twenty 7435
mills. Levies for joint vocational or cooperative education school 7436
districts or county school financing districts, limited to or to 7437
the extent apportioned to current expenses, shall be included in 7438
this qualification requirement. School district income tax levies 7439
under Chapter 5748. of the Revised Code, limited to or to the 7440
extent apportioned to current operating expenses, shall be 7441
included in this qualification requirement to the extent 7442
determined by the tax commissioner under division (D) of section 7443
3317.021 of the Revised Code. 7444

(B) The school year next preceding the fiscal year for which 7445
such payments are authorized meets the requirement of section 7446
3313.48 of the Revised Code, with regard to the minimum number of 7447
hours school must be open for instruction with pupils in 7448
attendance, for individualized parent-teacher conference and 7449
reporting periods, and for professional meetings of teachers. 7450

A school district shall not be considered to have failed to 7451
comply with this division because schools were open for 7452
instruction but either twelfth grade students were excused from 7453
attendance for up to the equivalent of three school days or only a 7454
portion of the kindergarten students were in attendance for up to 7455
the equivalent of three school days in order to allow for the 7456
gradual orientation to school of such students. 7457

A board of education or governing board of an educational 7458
service center which has not conformed with other law and the 7459
rules pursuant thereto, shall not participate in the distribution 7460
of funds authorized by this chapter, except for good and 7461
sufficient reason established to the satisfaction of the state 7462
board of education and the state controlling board. 7463

All funds allocated to school districts under this chapter, 7464
except those specifically allocated for other purposes, shall be 7465
used to pay current operating expenses only. 7466

Sec. 3317.02. As used in this chapter: 7467

(A)(1) "Category one career-technical education ADM" means 7468
the enrollment of students during the school year on a full-time 7469
equivalency basis in career-technical education programs described 7470
in division (A) of section 3317.014 of the Revised Code and 7471
certified under division (B)(11) or (D)(2)(h) of section 3317.03 7472
of the Revised Code. 7473

(2) "Category two career-technical education ADM" means the 7474

enrollment of students during the school year on a full-time 7475
equivalency basis in career-technical education programs described 7476
in division (B) of section 3317.014 of the Revised Code and 7477
certified under division (B)(12) or (D)(2)(i) of section 3317.03 7478
of the Revised Code. 7479

(3) "Category three career-technical education ADM" means the 7480
enrollment of students during the school year on a full-time 7481
equivalency basis in career-technical education programs described 7482
in division (C) of section 3317.014 of the Revised Code and 7483
certified under division (B)(13) or (D)(2)(j) of section 3317.03 7484
of the Revised Code. 7485

(4) "Category four career-technical education ADM" means the 7486
enrollment of students during the school year on a full-time 7487
equivalency basis in career-technical education programs described 7488
in division (D) of section 3317.014 of the Revised Code and 7489
certified under division (B)(14) or (D)(2)(k) of section 3317.03 7490
of the Revised Code. 7491

(5) "Category five career-technical education ADM" means the 7492
enrollment of students during the school year on a full-time 7493
equivalency basis in career-technical education programs described 7494
in division (E) of section 3317.014 of the Revised Code and 7495
certified under division (B)(15) or (D)(2)(l) of section 3317.03 7496
of the Revised Code. 7497

(B)(1) "Category one limited English proficient ADM" means 7498
the full-time equivalent number of limited English proficient 7499
students described in division (A) of section 3317.016 of the 7500
Revised Code and certified under division (B)(16) or (D)(2)(m) of 7501
section 3317.03 of the Revised Code. 7502

(2) "Category two limited English proficient ADM" means the 7503
full-time equivalent number of limited English proficient students 7504
described in division (B) of section 3317.016 of the Revised Code 7505

and certified under division (B)(17) or (D)(2)(n) of section 7506
3317.03 of the Revised Code. 7507

(3) "Category three limited English proficient ADM" means the 7508
full-time equivalent number of limited English proficient students 7509
described in division (C) of section 3317.016 of the Revised Code 7510
and certified under division (B)(18) or (D)(2)(o) of section 7511
3317.03 of the Revised Code. 7512

(C)(1) "Category one special education ADM" means the 7513
full-time equivalent number of children with disabilities 7514
receiving special education services for the disability specified 7515
in division (A) of section 3317.013 of the Revised Code and 7516
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 7517
the Revised Code. 7518

(2) "Category two special education ADM" means the full-time 7519
equivalent number of children with disabilities receiving special 7520
education services for those disabilities specified in division 7521
(B) of section 3317.013 of the Revised Code and certified under 7522
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 7523
Code. 7524

(3) "Category three special education ADM" means the 7525
full-time equivalent number of students receiving special 7526
education services for those disabilities specified in division 7527
(C) of section 3317.013 of the Revised Code, and certified under 7528
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 7529
Code. 7530

(4) "Category four special education ADM" means the full-time 7531
equivalent number of students receiving special education services 7532
for those disabilities specified in division (D) of section 7533
3317.013 of the Revised Code and certified under division (B)(8) 7534
or (D)(2)(e) of section 3317.03 of the Revised Code. 7535

(5) "Category five special education ADM" means the full-time 7536

equivalent number of students receiving special education services 7537
for the disabilities specified in division (E) of section 3317.013 7538
of the Revised Code and certified under division (B)(9) or 7539
(D)(2)(f) of section 3317.03 of the Revised Code. 7540

(6) "Category six special education ADM" means the full-time 7541
equivalent number of students receiving special education services 7542
for the disabilities specified in division (F) of section 3317.013 7543
of the Revised Code and certified under division (B)(10) or 7544
(D)(2)(g) of section 3317.03 of the Revised Code. 7545

(D) "County DD board" means a county board of developmental 7546
disabilities. 7547

(E) "Economically disadvantaged index for a school district" 7548
means the square of the quotient of that district's percentage of 7549
students in its total ADM who are identified as economically 7550
disadvantaged as defined by the department of education, divided 7551
by the statewide percentage of students identified as economically 7552
disadvantaged. 7553

(F)(1) "Formula ADM" means, for a city, local, or exempted 7554
village school district, the enrollment reported under division 7555
(A) of section 3317.03 of the Revised Code, as verified by the 7556
superintendent of public instruction and adjusted if so ordered 7557
under division (K) of that section, and as further adjusted by 7558
~~counting~~ the department of education, as follows: 7559

(a) Count only twenty per cent of the number of joint 7560
vocational school district students counted under division (A)(3) 7561
of section 3317.03 of the Revised Code; 7562

(b) Add twenty per cent of the number of students who are 7563
entitled to attend school in the district under section 3313.64 or 7564
3313.65 of the Revised Code and are enrolled in another school 7565
district under a career-technical education compact. 7566

(2) "Formula ADM" means, for a joint vocational school 7567

district, the final number verified by the superintendent of 7568
public instruction, based on the enrollment reported and certified 7569
under division (D) of section 3317.03 of the Revised Code, as 7570
adjusted, if so ordered, under division (K) of that section. 7571

(G) "Formula amount" means \$5,745, for fiscal year 2014, and 7572
\$5,800, for fiscal year 2015. 7573

(H) "FTE basis" means a count of students based on full-time 7574
equivalency, in accordance with rules adopted by the department of 7575
education pursuant to section 3317.03 of the Revised Code. In 7576
adopting its rules under this division, the department shall 7577
provide for counting any student in category one, two, three, 7578
four, five, or six special education ADM or in category one, two, 7579
three, four, or five career technical education ADM in the same 7580
proportion the student is counted in formula ADM. 7581

(I) "Internet- or computer-based community school" has the 7582
same meaning as in section 3314.02 of the Revised Code. 7583

(J) "Medically fragile child" means a child to whom all of 7584
the following apply: 7585

(1) The child requires the services of a doctor of medicine 7586
or osteopathic medicine at least once a week due to the 7587
instability of the child's medical condition. 7588

(2) The child requires the services of a registered nurse on 7589
a daily basis. 7590

(3) The child is at risk of institutionalization in a 7591
hospital, skilled nursing facility, or intermediate care facility 7592
for individuals with intellectual disabilities. 7593

(K)(1) A child may be identified as having an "other health 7594
impairment-major" if the child's condition meets the definition of 7595
"other health impaired" established in rules previously adopted by 7596
the state board of education and if either of the following apply: 7597

(a) The child is identified as having a medical condition 7598
that is among those listed by the superintendent of public 7599
instruction as conditions where a substantial majority of cases 7600
fall within the definition of "medically fragile child." 7601

(b) The child is determined by the superintendent of public 7602
instruction to be a medically fragile child. A school district 7603
superintendent may petition the superintendent of public 7604
instruction for a determination that a child is a medically 7605
fragile child. 7606

(2) A child may be identified as having an "other health 7607
impairment-minor" if the child's condition meets the definition of 7608
"other health impaired" established in rules previously adopted by 7609
the state board of education but the child's condition does not 7610
meet either of the conditions specified in division (K)(1)(a) or 7611
(b) of this section. 7612

(L) "Preschool child with a disability" means a child with a 7613
disability, as defined in section 3323.01 of the Revised Code, who 7614
is at least age three but is not of compulsory school age, as 7615
defined in section 3321.01 of the Revised Code, and who is not 7616
currently enrolled in kindergarten. 7617

(M) "Preschool scholarship ADM" means the number of preschool 7618
children with disabilities certified under division (B)(3)(h) of 7619
section 3317.03 of the Revised Code. 7620

(N) "Related services" includes: 7621

(1) Child study, special education supervisors and 7622
coordinators, speech and hearing services, adaptive physical 7623
development services, occupational or physical therapy, teacher 7624
assistants for children with disabilities whose disabilities are 7625
described in division (B) of section 3317.013 or division (B)(3) 7626
of this section, behavioral intervention, interpreter services, 7627
work study, nursing services, and specialized integrative services 7628

as those terms are defined by the department; 7629

(2) Speech and language services provided to any student with 7630
a disability, including any student whose primary or only 7631
disability is a speech and language disability; 7632

(3) Any related service not specifically covered by other 7633
state funds but specified in federal law, including but not 7634
limited to, audiology and school psychological services; 7635

(4) Any service included in units funded under former 7636
division (O)(1) of section 3317.024 of the Revised Code; 7637

(5) Any other related service needed by children with 7638
disabilities in accordance with their individualized education 7639
programs. 7640

(O) "School district," unless otherwise specified, means 7641
city, local, and exempted village school districts. 7642

(P) "State education aid" has the same meaning as in section 7643
5751.20 of the Revised Code. 7644

(Q) "State share index" means the state share index 7645
calculated for a district under section 3317.017 of the Revised 7646
Code. 7647

(R) "Taxes charged and payable" means the taxes charged and 7648
payable against real and public utility property after making the 7649
reduction required by section 319.301 of the Revised Code, plus 7650
the taxes levied against tangible personal property. 7651

(S) "Total ADM" means, for a city, local, or exempted village 7652
school district, the enrollment reported under division (A) of 7653
section 3317.03 of the Revised Code, as verified by the 7654
superintendent of public instruction and adjusted if so ordered 7655
under division (K) of that section. 7656

(T) "Total special education ADM" means the sum of categories 7657
one through six special education ADM. 7658

(U) "Total taxable value" means the sum of the amounts 7659
certified for a city, local, exempted village, or joint vocational 7660
school district under divisions (A)(1) and (2) of section 3317.021 7661
of the Revised Code. 7662

Sec. 3317.0217. Payment of the amount calculated for a school 7663
district under this section shall be made under division (A) of 7664
section 3317.022 of the Revised Code. 7665

(A) The department of education shall annually compute 7666
targeted assistance funds to school districts, as follows: 7667

(1) Calculate the local wealth per pupil of each school 7668
district, which equals the following sum: 7669

(a) One-half times the quotient of (i) the district's 7670
three-year average valuation divided by (ii) its formula ADM; plus 7671

(b) One-half times the quotient of (i) the average of the 7672
total federal adjusted gross income of the school district's 7673
residents for the three years most recently reported under section 7674
3317.021 of the Revised Code divided by (ii) its formula ADM. 7675

(2) Rank all school districts in order of local wealth per 7676
pupil, from the district with the lowest local wealth per pupil to 7677
the district with the highest local wealth per pupil. 7678

(3) Compute the statewide wealth per pupil, which equals the 7679
following sum: 7680

(a) One-half times the quotient of (i) the sum of the 7681
three-year average valuations for all school districts divided by 7682
(ii) the sum of formula ADM counts for all ~~schools~~ school 7683
districts; plus 7684

(b) One-half times the quotient of (i) the sum of the 7685
three-year average total federal adjusted gross incomes for all 7686
school districts divided by (ii) the sum of formula ADM counts for 7687
all school districts. 7688

(4) Compute each district's wealth index by dividing the statewide wealth per pupil by the district's local wealth per pupil. 7689
7690
7691

(5) Compute the per pupil targeted assistance for each eligible school district in accordance with the following formula: 7692
7693
(Threshold local wealth per pupil - the district's local wealth per pupil) 7694
7695
X target millage X the district's wealth index 7696

Where: 7697

(a) An "eligible school district" means a school district with a local wealth per pupil less than that of the school district with the 490th lowest local wealth per pupil. 7698
7699
7700

(b) "Threshold local wealth per pupil" means the local wealth per pupil of the school district with the 490th lowest local wealth per pupil. 7701
7702
7703

(c) "Target millage" means 0.006. 7704

If the result of the calculation for a school district under division (A)(5) of this section is less than zero, the district's targeted assistance shall be zero. 7705
7706
7707

(6) Calculate the aggregate amount to be paid as targeted assistance funds to each school district under division (A) of section 3317.022 of the Revised Code by multiplying the per pupil targeted assistance computed under division (A)(5) of this section by the district's net formula ADM. 7708
7709
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As used in this division, a district's "net formula ADM" means its formula ADM minus the number of community school students certified under division (B)(3)(d) of section 3317.03 of the Revised Code X 0.75, the number of internet- and computer-based community school students certified under division (B)(3)(e) of that section, the number of science, technology, 7713
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7715
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engineering, and mathematics school students certified under 7719
division (B)(3)(j) of that section X 0.75, and the number of 7720
scholarship students certified under divisions (B)(3)(f), (g), and 7721
(1) of that section. 7722

(B) The department shall annually compute supplemental 7723
targeted assistance funds to school districts, as follows: 7724

(1) Compute each district's agricultural percentage as the 7725
quotient of (a) the three-year average tax valuation of real 7726
property in the district that is classified as agricultural 7727
property divided by (b) the three-year average tax valuation of 7728
all of the real property in the district. For purposes of this 7729
computation, a district's "three-year average tax valuation" means 7730
the average of a district's tax valuation for fiscal years 2012, 7731
2013, and 2014. 7732

(2) Determine each district's agricultural targeted 7733
percentage as follows: 7734

(a) If a district's agricultural percentage is greater than 7735
or equal to 0.10, then the district's agricultural targeted 7736
percentage shall be equal to 0.40. 7737

(b) If a district's agricultural percentage is less than 7738
0.10, then the district's agricultural targeted percentage shall 7739
be equal to 4 X the district's agricultural percentage. 7740

(3) Calculate the aggregate amount to be paid as supplemental 7741
targeted assistance funds to each school district under division 7742
(A) of section 3317.022 of the Revised Code by multiplying the 7743
district's agricultural targeted percentage by the amount 7744
calculated for the district under division (A)(6) of this section. 7745

Sec. 3317.036. (A) The superintendent of each city, local, 7746
and exempted village school district shall report to the state 7747
board of education as of the last day of October, March, and June 7748

of each year the enrollment under section 3317.23 of the Revised Code, on a full-time equivalency basis, of individuals who are at least twenty-two but less than thirty years of age. This report shall be in addition to the district's report of the enrollment of students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code that is required under section 3317.03 of the Revised Code.

(B) The superintendent of each joint vocational school district shall report and certify to the superintendent of public instruction as of the last day of October, March, and June of each year the enrollment of individuals receiving services from the district on a full-time equivalency basis under section 3317.24 of the Revised Code. This report shall be in addition to the district's report of the enrollment of students that is required under section 3317.03 of the Revised Code.

Sec. 3317.23. (A) For purposes of this section, an "eligible individual" is an individual who satisfies both of the following criteria:

(1) The individual is at least twenty-two but younger than thirty years of age.

(2) The individual has not been awarded a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code, but has completed at least ten of the units required for graduation from high school under section 3313.603 of the Revised Code.

(B) An eligible individual may enroll in a city, local, or exempted village school district that operates a dropout prevention and recovery program for up to two cumulative school years for the purpose of earning a high school diploma. An individual enrolled under this division may elect to satisfy the requirements to earn a high school diploma by successfully

completing a competency-based instructional program that complies 7780
with the standards adopted by the chancellor of the Ohio board of 7781
regents under division (W) of section 3333.04 of the Revised Code. 7782
The district shall report that individual's enrollment on a 7783
full-time equivalency basis under division (A) of section 3317.036 7784
of the Revised Code and shall not report that individual's 7785
enrollment under section 3317.03 of the Revised Code. An 7786
individual enrolled under this division shall not be assigned to 7787
classes or settings with students who are younger than eighteen 7788
years of age. 7789

(C)(1) For each district that enrolls individuals under 7790
division (B) of this section, the department of education annually 7791
shall certify the enrollment and attendance, on a full-time 7792
equivalency basis, of each individual reported by the district 7793
under division (A) of section 3317.036 of the Revised Code. 7794

(2) For each individual enrolled in a district under division 7795
(B) of this section, the department annually shall pay to the 7796
district an amount equal to the following: 7797

\$5,000 X the individual's enrollment on a full-time equivalency 7798
basis as certified under division (C)(1) of this section X the 7799
portion of the school year in which the individual is enrolled in 7800
the district expressed as a percentage 7801

(D) A district that enrolls individuals under division (B) of 7802
this section shall be subject to the program administration 7803
standards adopted by the chancellor under division (W) of section 7804
3333.04 of the Revised Code, as applicable. 7805

Sec. 3317.24. (A) For purposes of this section, an "eligible 7806
individual" has the same meaning as in section 3317.23 of the 7807
Revised Code. 7808

(B) An eligible individual may enroll in a joint vocational 7809
school district that operates an adult education program for up to 7810

two cumulative school years for the purpose of completing the 7811
requirements to earn a high school diploma. An individual enrolled 7812
under this division may elect to satisfy these requirements by 7813
successfully completing a competency-based instructional program 7814
that complies with the standards adopted by the chancellor of the 7815
Ohio board of regents under division (W) of section 3333.04 of the 7816
Revised Code. The district shall report an individual's enrollment 7817
under this division on a full-time equivalency basis under 7818
division (B) of section 3317.036 of the Revised Code and shall not 7819
report that individual's enrollment under section 3317.03 of the 7820
Revised Code. An individual enrolled under this division shall not 7821
be assigned to classes or settings with students who are younger 7822
than eighteen years of age. 7823

(C)(1) For each joint vocational school district that enrolls 7824
individuals under division (B) of this section, the department of 7825
education annually shall certify the enrollment and attendance, on 7826
a full-time equivalency basis, of each individual reported by the 7827
district under division (B) of section 3317.036 of the Revised 7828
Code. 7829

(2) For each individual enrolled in a joint vocational school 7830
district under division (B) of this section, the department 7831
annually shall pay to the district an amount equal to the 7832
following: 7833

\$5,000 X the individual's enrollment on a full-time equivalency 7834
basis as certified under division (C)(1) of this section X the 7835
portion of the school year in which the individual is enrolled in 7836
the district expressed as a percentage 7837

(D) If an individual enrolled in a joint vocational school 7838
district under division (B) of this section completes the 7839
requirements to earn a high school diploma, the joint vocational 7840
school district shall certify the completion of those requirements 7841
to the city, local, or exempted village school district in which 7842

the individual resides. Upon receiving certification under this 7843
division, the city, local, or exempted village school district in 7844
which the individual resides shall issue a high school diploma to 7845
the individual. 7846

(E) A joint vocational school district that enrolls 7847
individuals under division (B) of this section shall be subject to 7848
the program administration standards adopted by the chancellor 7849
under division (W) of section 3333.04 of the Revised Code, as 7850
applicable. 7851

Sec. 3318.36. (A)(1) As used in this section: 7852

(a) "Ohio school facilities commission," "classroom 7853
facilities," "school district," "school district board," "net 7854
bonded indebtedness," "required percentage of the basic project 7855
costs," "basic project cost," "valuation," and "percentile" have 7856
the same meanings as in section 3318.01 of the Revised Code. 7857

(b) "Required level of indebtedness" means five per cent of 7858
the school district's valuation for the year preceding the year in 7859
which the commission and school district enter into an agreement 7860
under division (B) of this section, plus [two one-hundredths of 7861
one per cent multiplied by (the percentile in which the district 7862
ranks minus one)]. 7863

(c) "Local resources" means any moneys generated in any 7864
manner permitted for a school district board to raise the school 7865
district portion of a project undertaken with assistance under 7866
sections 3318.01 to 3318.20 of the Revised Code. 7867

(d) "Tangible personal property phase-out impacted district" 7868
means a school district for which the taxable value of its 7869
tangible personal property certified under division (A)(2) of 7870
section 3317.021 of the Revised Code for tax year 2005, excluding 7871
the taxable value of public utility personal property, made up 7872

eighteen per cent or more of its total taxable value for tax year 7873
2005 as certified under that section. 7874

(2) For purposes of determining the required level of 7875
indebtedness, the required percentage of the basic project costs 7876
under division (C)(1) of this section, and priority for assistance 7877
under sections 3318.01 to 3318.20 of the Revised Code, the 7878
percentile ranking of a school district with which the commission 7879
has entered into an agreement under this section between the first 7880
day of July and the thirty-first day of August in each fiscal year 7881
is the percentile ranking calculated for that district for the 7882
immediately preceding fiscal year, and the percentile ranking of a 7883
school district with which the commission has entered into such 7884
agreement between the first day of September and the thirtieth day 7885
of June in each fiscal year is the percentile ranking calculated 7886
for that district for the current fiscal year. However, in the 7887
case of a tangible personal property phase-out impacted district, 7888
the district's priority for assistance under sections 3318.01 to 7889
3318.20 of the Revised Code and its portion of the basic project 7890
cost under those sections shall be determined in the manner 7891
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 7892
this section. 7893

(B)(1) There is hereby established the school building 7894
assistance expedited local partnership program. Under the program, 7895
the Ohio school facilities commission may enter into an agreement 7896
with the board of any school district under which the board may 7897
proceed with the new construction or major repairs of a part of 7898
the district's classroom facilities needs, as determined under 7899
sections 3318.01 to 3318.20 of the Revised Code, through the 7900
expenditure of local resources prior to the school district's 7901
eligibility for state assistance under those sections, and may 7902
apply that expenditure toward meeting the school district's 7903
portion of the basic project cost of the total of the district's 7904

classroom facilities needs, as recalculated under division (E) of 7905
this section, when the district becomes eligible for state 7906
assistance under sections 3318.01 to 3318.20 or section 3318.364 7907
of the Revised Code. Any school district that is reasonably 7908
expected to receive assistance under sections 3318.01 to 3318.20 7909
of the Revised Code within two fiscal years from the date the 7910
school district adopts its resolution under division (B) of this 7911
section shall not be eligible to participate in the program 7912
established under this section. 7913

(2) To participate in the program, a school district board 7914
shall first adopt a resolution certifying to the commission the 7915
board's intent to participate in the program. 7916

The resolution shall specify the approximate date that the 7917
board intends to seek elector approval of any bond or tax measures 7918
or to apply other local resources to use to pay the cost of 7919
classroom facilities to be constructed under this section. The 7920
resolution may specify the application of local resources or 7921
elector-approved bond or tax measures after the resolution is 7922
adopted by the board, and in such case the board may proceed with 7923
a discrete portion of its project under this section as soon as 7924
the commission and the controlling board have approved the basic 7925
project cost of the district's classroom facilities needs as 7926
specified in division (D) of this section. The board shall submit 7927
its resolution to the commission not later than ten days after the 7928
date the resolution is adopted by the board. 7929

The commission shall not consider any resolution that is 7930
submitted pursuant to division (B)(2) of this section, as amended 7931
by this amendment, sooner than September 14, 2000. 7932

(3) For purposes of determining when a district that enters 7933
into an agreement under this section becomes eligible for 7934
assistance under sections 3318.01 to 3318.20 of the Revised Code 7935
or priority for assistance under section 3318.364 of the Revised 7936

Code, the commission shall use one of the following as applicable: 7937

(a) Except for a tangible personal property phase-out 7938
impacted district, the district's percentile ranking determined at 7939
the time the district entered into the agreement under this 7940
section, as prescribed by division (A)(2) of this section; 7941

(b) For a tangible personal property phase-out impacted 7942
district, the lesser of (i) the district's percentile ranking 7943
determined at the time the district entered into the agreement 7944
under this section, as prescribed by division (A)(2) of this 7945
section, or (ii) the district's current percentile ranking under 7946
section 3318.011 of the Revised Code. 7947

(4) Any project under this section shall comply with section 7948
3318.03 of the Revised Code and with any specifications for plans 7949
and materials for classroom facilities adopted by the commission 7950
under section 3318.04 of the Revised Code. 7951

(5) If a school district that enters into an agreement under 7952
this section has not begun a project applying local resources as 7953
provided for under that agreement at the time the district is 7954
notified by the commission that it is eligible to receive state 7955
assistance under sections 3318.01 to 3318.20 of the Revised Code, 7956
all assessment and agreement documents entered into under this 7957
section are void. 7958

(6) Only construction of or repairs to classroom facilities 7959
that have been approved by the commission and have been therefore 7960
included as part of a district's basic project cost qualify for 7961
application of local resources under this section. 7962

(C) Based on the results of on-site visits and assessment, 7963
the commission shall determine the basic project cost of the 7964
school district's classroom facilities needs. The commission shall 7965
determine the school district's portion of such basic project 7966
cost, which shall be the greater of: 7967

(1) The required percentage of the basic project costs, 7968
determined based on the school district's percentile ranking; 7969

(2) An amount necessary to raise the school district's net 7970
bonded indebtedness, as of the fiscal year the commission and the 7971
school district enter into the agreement under division (B) of 7972
this section, to within five thousand dollars of the required 7973
level of indebtedness. 7974

(D)(1) When the commission determines the basic project cost 7975
of the classroom facilities needs of a school district and the 7976
school district's portion of that basic project cost under 7977
division (C) of this section, the project shall be conditionally 7978
approved. Such conditional approval shall be submitted to the 7979
controlling board for approval thereof. The controlling board 7980
shall forthwith approve or reject the commission's determination, 7981
conditional approval, and the amount of the state's portion of the 7982
basic project cost; however, no state funds shall be encumbered 7983
under this section. Upon approval by the controlling board, the 7984
school district board may identify a discrete part of its 7985
classroom facilities needs, which shall include only new 7986
construction of or additions or major repairs to a particular 7987
building, to address with local resources. Upon identifying a part 7988
of the school district's basic project cost to address with local 7989
resources, the school district board may allocate any available 7990
school district moneys to pay the cost of that identified part, 7991
including the proceeds of an issuance of bonds if approved by the 7992
electors of the school district. 7993

All local resources utilized under this division shall first 7994
be deposited in the project construction account required under 7995
section 3318.08 of the Revised Code. 7996

(2) Unless the school district board exercises its option 7997
under division (D)(3) of this section, for a school district to 7998
qualify for participation in the program authorized under this 7999

section, one of the following conditions shall be satisfied: 8000

(a) The electors of the school district by a majority vote 8001
shall approve the levy of taxes outside the ten-mill limitation 8002
for a period of twenty-three years at the rate of not less than 8003
one-half mill for each dollar of valuation to be used to pay the 8004
cost of maintaining the classroom facilities included in the basic 8005
project cost as determined by the commission. The form of the 8006
ballot to be used to submit the question whether to approve the 8007
tax required under this division to the electors of the school 8008
district shall be the form for an additional levy of taxes 8009
prescribed in section 3318.361 of the Revised Code, which may be 8010
combined in a single ballot question with the questions prescribed 8011
under section 5705.218 of the Revised Code. 8012

(b) As authorized under division (C) of section 3318.05 of 8013
the Revised Code, the school district board shall earmark from the 8014
proceeds of a permanent improvement tax levied under section 8015
5705.21 of the Revised Code, an amount equivalent to the 8016
additional tax otherwise required under division (D)(2)(a) of this 8017
section for the maintenance of the classroom facilities included 8018
in the basic project cost as determined by the commission. 8019

(c) As authorized under section 3318.051 of the Revised Code, 8020
the school district board shall, if approved by the commission, 8021
annually transfer into the maintenance fund required under section 8022
3318.05 of the Revised Code the amount prescribed in section 8023
3318.051 of the Revised Code in lieu of the tax otherwise required 8024
under division (D)(2)(a) of this section for the maintenance of 8025
the classroom facilities included in the basic project cost as 8026
determined by the commission. 8027

(d) If the school district board has rescinded the agreement 8028
to make transfers under section 3318.051 of the Revised Code, as 8029
provided under division (F) of that section, the electors of the 8030
school district, in accordance with section 3318.063 of the 8031

Revised Code, first shall approve the levy of taxes outside the 8032
ten-mill limitation for the period specified in that section at a 8033
rate of not less than one-half mill for each dollar of valuation. 8034

(e) The school district board shall apply the proceeds of a 8035
tax to leverage bonds as authorized under section 3318.052 of the 8036
Revised Code or dedicate a local donated contribution in the 8037
manner described in division (B) of section 3318.084 of the 8038
Revised Code in an amount equivalent to the additional tax 8039
otherwise required under division (D)(2)(a) of this section for 8040
the maintenance of the classroom facilities included in the basic 8041
project cost as determined by the commission. 8042

(3) A school district board may opt to delay taking any of 8043
the actions described in division (D)(2) of this section until the 8044
school district becomes eligible for state assistance under 8045
sections 3318.01 to 3318.20 of the Revised Code. In order to 8046
exercise this option, the board shall certify to the commission a 8047
resolution indicating the board's intent to do so prior to 8048
entering into an agreement under division (B) of this section. 8049

(4) If pursuant to division (D)(3) of this section a district 8050
board opts to delay levying an additional tax until the district 8051
becomes eligible for state assistance, it shall submit the 8052
question of levying that tax to the district electors as follows: 8053

(a) In accordance with section 3318.06 of the Revised Code if 8054
it will also be necessary pursuant to division (E) of this section 8055
to submit a proposal for approval of a bond issue; 8056

(b) In accordance with section 3318.361 of the Revised Code 8057
if it is not necessary to also submit a proposal for approval of a 8058
bond issue pursuant to division (E) of this section. 8059

(5) No state assistance under sections 3318.01 to 3318.20 of 8060
the Revised Code shall be released until a school district board 8061
that adopts and certifies a resolution under division (D) of this 8062

section also demonstrates to the satisfaction of the commission 8063
compliance with the provisions of division (D)(2) of this section. 8064

Any amount required for maintenance under division (D)(2) of 8065
this section shall be deposited into a separate fund as specified 8066
in division (B) of section 3318.05 of the Revised Code. 8067

(E)(1) If the school district becomes eligible for state 8068
assistance under sections 3318.01 to 3318.20 of the Revised Code 8069
based on its percentile ranking under division (B)(3) of this 8070
section or is offered assistance under section 3318.364 of the 8071
Revised Code, the commission shall conduct a new assessment of the 8072
school district's classroom facilities needs and shall recalculate 8073
the basic project cost based on this new assessment. The basic 8074
project cost recalculated under this division shall include the 8075
amount of expenditures made by the school district board under 8076
division (D)(1) of this section. The commission shall then 8077
recalculate the school district's portion of the new basic project 8078
cost, which shall be one of the following as applicable: 8079

(a) Except for a tangible personal property phase-out 8080
impacted district, the percentage of the original basic project 8081
cost assigned to the school district as its portion under division 8082
(C) of this section; 8083

(b) For a tangible personal property phase-out impacted 8084
district, the lesser of (i) the percentage of the original basic 8085
project cost assigned to the school district as its portion under 8086
division (C) of this section, or (ii) the percentage of the new 8087
basic project cost determined under section 3318.032 of the 8088
Revised Code using the district's current percentile ranking under 8089
section 3318.011 of the Revised Code. The 8090

The commission shall deduct the expenditure of school 8091
district moneys made under division (D)(1) of this section from 8092
the school district's portion of the basic project cost as 8093

recalculated under this division. If the amount of school district 8094
resources applied by the school district board to the school 8095
district's portion of the basic project cost under this section is 8096
less than the total amount of such portion as recalculated under 8097
this division, the school district board by a majority vote of all 8098
of its members shall, if it desires to seek state assistance under 8099
sections 3318.01 to 3318.20 of the Revised Code, adopt a 8100
resolution as specified in section 3318.06 of the Revised Code to 8101
submit to the electors of the school district the question of 8102
approval of a bond issue in order to pay any additional amount of 8103
school district portion required for state assistance. Any tax 8104
levy approved under division (D) of this section satisfies the 8105
requirements to levy the additional tax under section 3318.06 of 8106
the Revised Code. 8107

(2) If the amount of school district resources applied by the 8108
school district board to the school district's portion of the 8109
basic project cost under this section is more than the total 8110
amount of such portion as recalculated under ~~this~~ division (E)(1) 8111
of this section, within one year after the school district's 8112
portion is so recalculated ~~under division (E)(1) of this section~~ 8113
the commission may grant to the school district the difference 8114
between the two calculated portions, but at no time shall the 8115
commission expend any state funds on a project in an amount 8116
greater than the state's portion of the basic project cost as 8117
recalculated under ~~this~~ division (E)(1) of this section. 8118

Any reimbursement under this division shall be only for local 8119
resources the school district has applied toward construction cost 8120
expenditures for the classroom facilities approved by the 8121
commission, which shall not include any financing costs associated 8122
with that construction. 8123

The school district board shall use any moneys reimbursed to 8124
the district under this division to pay off any debt service the 8125

district owes for classroom facilities constructed under its 8126
project under this section before such moneys are applied to any 8127
other purpose. However, the district board first may deposit 8128
moneys reimbursed under this division into the district's general 8129
fund or a permanent improvement fund to replace local resources 8130
the district withdrew from those funds, as long as, and to the 8131
extent that, those local resources were used by the district for 8132
constructing classroom facilities included in the district's basic 8133
project cost. 8134

(3) A tangible personal property phase-out impacted district 8135
shall receive credit under division (E) of this section for the 8136
expenditure of local resources pursuant to any prior agreement 8137
authorized by this section, notwithstanding any recalculation of 8138
its average taxable value. 8139

Sec. 3333.04. The chancellor of the Ohio board of regents 8140
shall: 8141

(A) Make studies of state policy in the field of higher 8142
education and formulate a master plan for higher education for the 8143
state, considering the needs of the people, the needs of the 8144
state, and the role of individual public and private institutions 8145
within the state in fulfilling these needs; 8146

(B)(1) Report annually to the governor and the general 8147
assembly on the findings from the chancellor's studies and the 8148
master plan for higher education for the state; 8149

(2) Report at least semiannually to the general assembly and 8150
the governor the enrollment numbers at each state-assisted 8151
institution of higher education. 8152

(C) Approve or disapprove the establishment of new branches 8153
or academic centers of state colleges and universities; 8154

(D) Approve or disapprove the establishment of state 8155

technical colleges or any other state institution of higher 8156
education; 8157

(E) Recommend the nature of the programs, undergraduate, 8158
graduate, professional, state-financed research, and public 8159
services which should be offered by the state colleges, 8160
universities, and other state-assisted institutions of higher 8161
education in order to utilize to the best advantage their 8162
facilities and personnel; 8163

(F) Recommend to the state colleges, universities, and other 8164
state-assisted institutions of higher education graduate or 8165
professional programs, including, but not limited to, doctor of 8166
philosophy, doctor of education, and juris doctor programs, that 8167
could be eliminated because they constitute unnecessary 8168
duplication, as shall be determined using the process developed 8169
pursuant to this division, or for other good and sufficient cause. 8170
Prior to recommending a program for elimination, the chancellor 8171
shall request the board of regents to hold at least one public 8172
hearing on the matter and advise the chancellor on whether the 8173
program should be recommended for elimination. The board shall 8174
provide notice of each hearing within a reasonable amount of time 8175
prior to its scheduled date. Following the hearing, the board 8176
shall issue a recommendation to the chancellor. The chancellor 8177
shall consider the board's recommendation but shall not be 8178
required to accept it. 8179

For purposes of determining the amounts of any state 8180
instructional subsidies paid to state colleges, universities, and 8181
other state-assisted institutions of higher education, the 8182
chancellor may exclude students enrolled in any program that the 8183
chancellor has recommended for elimination pursuant to this 8184
division except that the chancellor shall not exclude any such 8185
student who enrolled in the program prior to the date on which the 8186
chancellor initially commences to exclude students under this 8187

division. 8188

The chancellor and state colleges, universities, and other 8189
state-assisted institutions of higher education shall jointly 8190
develop a process for determining which existing graduate or 8191
professional programs constitute unnecessary duplication. 8192

(G) Recommend to the state colleges, universities, and other 8193
state-assisted institutions of higher education programs which 8194
should be added to their present programs; 8195

(H) Conduct studies for the state colleges, universities, and 8196
other state-assisted institutions of higher education to assist 8197
them in making the best and most efficient use of their existing 8198
facilities and personnel; 8199

(I) Make recommendations to the governor and general assembly 8200
concerning the development of state-financed capital plans for 8201
higher education; the establishment of new state colleges, 8202
universities, and other state-assisted institutions of higher 8203
education; and the establishment of new programs at the existing 8204
state colleges, universities, and other institutions of higher 8205
education; 8206

(J) Review the appropriation requests of the public community 8207
colleges and the state colleges and universities and submit to the 8208
office of budget and management and to the chairpersons of the 8209
finance committees of the house of representatives and of the 8210
senate the chancellor's recommendations in regard to the biennial 8211
higher education appropriation for the state, including 8212
appropriations for the individual state colleges and universities 8213
and public community colleges. For the purpose of determining the 8214
amounts of instructional subsidies to be paid to state-assisted 8215
colleges and universities, the chancellor shall define "full-time 8216
equivalent student" by program per academic year. The definition 8217
may take into account the establishment of minimum enrollment 8218

levels in technical education programs below which support 8219
allowances will not be paid. Except as otherwise provided in this 8220
section, the chancellor shall make no change in the definition of 8221
"full-time equivalent student" in effect on November 15, 1981, 8222
which would increase or decrease the number of subsidy-eligible 8223
full-time equivalent students, without first submitting a fiscal 8224
impact statement to the president of the senate, the speaker of 8225
the house of representatives, the legislative service commission, 8226
and the director of budget and management. The chancellor shall 8227
work in close cooperation with the director of budget and 8228
management in this respect and in all other matters concerning the 8229
expenditures of appropriated funds by state colleges, 8230
universities, and other institutions of higher education. 8231

(K) Seek the cooperation and advice of the officers and 8232
trustees of both public and private colleges, universities, and 8233
other institutions of higher education in the state in performing 8234
the chancellor's duties and making the chancellor's plans, 8235
studies, and recommendations; 8236

(L) Appoint advisory committees consisting of persons 8237
associated with public or private secondary schools, members of 8238
the state board of education, or personnel of the state department 8239
of education; 8240

(M) Appoint advisory committees consisting of college and 8241
university personnel, or other persons knowledgeable in the field 8242
of higher education, or both, in order to obtain their advice and 8243
assistance in defining and suggesting solutions for the problems 8244
and needs of higher education in this state; 8245

(N) Approve or disapprove all new degrees and new degree 8246
programs at all state colleges, universities, and other 8247
state-assisted institutions of higher education; 8248

(O) Adopt such rules as are necessary to carry out the 8249

chancellor's duties and responsibilities. The rules shall 8250
prescribe procedures for the chancellor to follow when taking 8251
actions associated with the chancellor's duties and 8252
responsibilities and shall indicate which types of actions are 8253
subject to those procedures. The procedures adopted under this 8254
division shall be in addition to any other procedures prescribed 8255
by law for such actions. However, if any other provision of the 8256
Revised Code or rule adopted by the chancellor prescribes 8257
different procedures for such an action, the procedures adopted 8258
under this division shall not apply to that action to the extent 8259
they conflict with the procedures otherwise prescribed by law. The 8260
procedures adopted under this division shall include at least the 8261
following: 8262

(1) Provision for public notice of the proposed action; 8263

(2) An opportunity for public comment on the proposed action, 8264
which may include a public hearing on the action by the board of 8265
regents; 8266

(3) Methods for parties that may be affected by the proposed 8267
action to submit comments during the public comment period; 8268

(4) Submission of recommendations from the board of regents 8269
regarding the proposed action, at the request of the chancellor; 8270

(5) Written publication of the final action taken by the 8271
chancellor and the chancellor's rationale for the action; 8272

(6) A timeline for the process described in divisions (0)(1) 8273
to (5) of this section. 8274

(P) Make recommendations to the governor and the general 8275
assembly regarding the design and funding of the student financial 8276
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 8277
3333.26, and 5910.02 of the Revised Code; 8278

(Q) Participate in education-related state or federal 8279

programs on behalf of the state and assume responsibility for the 8280
administration of such programs in accordance with applicable 8281
state or federal law; 8282

(R) Adopt rules for student financial aid programs as 8283
required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 8284
3333.28, and 5910.02 of the Revised Code, and perform any other 8285
administrative functions assigned to the chancellor by those 8286
sections; 8287

(S) Conduct enrollment audits of state-supported institutions 8288
of higher education; 8289

(T) Appoint consortia of college and university personnel to 8290
advise or participate in the development and operation of 8291
statewide collaborative efforts, including the Ohio supercomputer 8292
center, the Ohio academic resources network, OhioLink, and the 8293
Ohio learning network. For each consortium, the chancellor shall 8294
designate a college or university to serve as that consortium's 8295
fiscal agent, financial officer, and employer. Any funds 8296
appropriated for the consortia shall be distributed to the fiscal 8297
agents for the operation of the consortia. A consortium shall 8298
follow the rules of the college or university that serves as its 8299
fiscal agent. The chancellor may restructure existing consortia, 8300
appointed under this division, in accordance with procedures 8301
adopted under divisions (O)(1) to (6) of this section. 8302

(U) Adopt rules establishing advisory duties and 8303
responsibilities of the board of regents not otherwise prescribed 8304
by law; 8305

(V) Respond to requests for information about higher 8306
education from members of the general assembly and direct staff to 8307
conduct research or analysis as needed for this purpose; 8308

(W)(1) In consultation with the state board of education, 8309
adopt emergency rules in accordance with division (F) of section 8310

119.03 of the Revised Code regarding the administration of 8311
programs that enroll individuals who are at least twenty-two but 8312
younger than thirty years of age under sections 3314.38, 3317.23, 8313
3317.24, and 3345.86 of the Revised Code; 8314

(2) Not later than ninety days after the effective date of 8315
the emergency rules adopted under division (W)(1) of this section, 8316
in consultation with the state board of education, adopt rules 8317
under Chapter 119. of the Revised Code regarding the 8318
administration of programs that enroll individuals who are at 8319
least twenty-two but younger than thirty years of age under 8320
sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 8321
Code, including data collection, the reporting and certification 8322
of enrollment in the programs, the measurement of the academic 8323
performance of individuals enrolled in the programs and the 8324
standards for competency-based instructional programs. 8325

Sec. 3345.56. Notwithstanding any provision of the Revised 8326
Code to the contrary, a student attending a state university as 8327
defined in section 3345.011 of the Revised Code is not an employee 8328
of the state university based upon the student's participation in 8329
an athletic program offered by the state university. 8330

Sec. 3345.86. (A) As used in this section, an "eligible 8331
institution" means a community college established under Chapter 8332
3354. of the Revised Code, a university branch established under 8333
Chapter 3355. of the Revised Code, a technical college established 8334
under Chapter 3357. of the Revised Code, or a state community 8335
college established under Chapter 3358. of the Revised Code. 8336

(B) An individual who is at least twenty-two but younger than 8337
thirty years of age and who is an eligible individual as defined 8338
in section 3317.23 of the Revised Code may enroll in an eligible 8339
institution for up to two cumulative school years for the purpose 8340

of completing the requirements to earn a high school diploma. An 8341
individual enrolled under this division may elect to satisfy these 8342
requirements by successfully completing a competency-based 8343
instructional program that complies with the standards adopted by 8344
the chancellor of the Ohio board of regents under division (W) of 8345
section 3333.04 of the Revised Code. 8346

The eligible institution in which the individual enrolls 8347
shall report that individual's enrollment on a full-time 8348
equivalency basis to the department of education. 8349

(C)(1) For each eligible institution that enrolls individuals 8350
under division (B) of this section, the department annually shall 8351
certify the enrollment and attendance, on a full-time equivalency 8352
basis, of each individual reported by the institution under that 8353
division. 8354

(2) For each individual enrolled in an eligible institution 8355
under division (B) of this section, the department annually shall 8356
pay to the institution an amount equal to the following: 8357

\$5,000 X the individual's enrollment on a full-time 8358
equivalency basis as certified under division (C)(1) of this 8359
section X the portion of the school year in which the individual 8360
is enrolled in the institution expressed as a percentage 8361

(D) If an individual enrolled in an eligible institution 8362
under division (B) of this section completes the requirements to 8363
earn a high school diploma, the institution shall certify the 8364
completion of those requirements to the city, local, or exempted 8365
village school district in which the individual resides. Upon 8366
receiving certification under this division, the city, local, or 8367
exempted village school district in which the individual resides 8368
shall issue a high school diploma to the individual. 8369

(E) An eligible institution that enrolls individuals under 8370
division (B) of this section shall be subject to the program 8371

administration standards adopted by the chancellor under division 8372
(W) of section 3333.04 of the Revised Code, as applicable. 8373

~~Sec. 3701.132. The department of health is hereby designated~~ 8374
~~as the state agency to administer~~ As used in this section, "WIC 8375
program" means the "special supplemental nutrition program for 8376
women, infants, and children" established under the "Child 8377
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 8378
The 8379

The department of health is hereby designated as the state 8380
agency to administer the WIC program. The director of health may 8381
adopt rules pursuant to Chapter 119. of the Revised Code as 8382
necessary for administering the WIC program. The rules may include 8383
civil money penalties for violations of the rules. 8384

In determining eligibility for services provided under the 8385
WIC program, the department may use the application form 8386
established under section ~~5111.013~~ 5163.40 of the Revised Code for 8387
the healthy start program. The department may require applicants 8388
to furnish their social security numbers. 8389

If the department determines that a vendor has committed an 8390
act with respect to the WIC program that federal statutes or 8391
regulations or state statutes or rules prohibit, the department 8392
shall take action against the vendor in the manner required by 7 8393
C.F.R. part 246, including imposition of a civil money penalty in 8394
accordance with 7 C.F.R. 246.12, or rules adopted under this 8395
section. 8396

Sec. 3701.34. (A) The Ohio public health advisory board shall 8397
review and make recommendations to the director of health on all 8398
of the following: 8399

(1) Developing and adopting proposed rules under Chapters 8400
3701 and 3717 of the Administrative Code; 8401

(2) Prescribing proposed fees for services provided by the office of vital statistics and the bureau of environmental health; 8402
8403

(3) Any proposed policy changes that pertain to entities serving or seeking to serve as vendors under the WIC program, as defined in section 3701.132 of the Revised Code, that are not addressed pursuant to division (A)(1) of this section. 8404
8405
8406
8407

(4) Issues to improve public health and increase awareness of public health issues at the state level, local level, or both; 8408
8409

~~(4)~~(5) Any other public health issues that the director requests the board to consider. 8410
8411

(B) ~~In making recommendations to the director under~~ For purposes of division (A)(1) of this section, all of the following apply: 8412
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8414

(1) Prior to filing a proposed rule with the joint committee on agency rule review, the department of health shall provide each board member with a copy of the proposed rule, copies of public comments received by the department during the public comment period, and written evidence of stakeholder involvement. 8415
8416
8417
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(2) Prior to board meetings, copies of proposed rules shall be provided to members. On request of a member, the department shall ensure that appropriate department employees attend board meetings to answer questions concerning proposed rules. 8420
8421
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8423

(3)(a) Not later than sixty days after receiving a copy of a proposed rule, the board shall recommend approval or disapproval of the rule and submit its recommendation by board action to the director. In making its recommendation, the board may consider public comments provided to the department or the board. 8424
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(b) If the board fails to make a recommendation within sixty days of receiving a copy of the proposed rule, the director may file the proposed rule. 8429
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8431

(4) Except as provided in division (B)(3)(b) of this section, 8432
the director shall consider the board's recommendation before 8433
filing a proposed rule. On request of the board, the director 8434
shall meet with the board to discuss the board's recommendation. 8435

(5) If the director disagrees with the board's 8436
recommendation, the director shall inform the board in writing of 8437
the director's decision and the reason for the decision prior to 8438
the next quarterly meeting. The director or the director's 8439
designee may meet with the board at the next quarterly meeting to 8440
answer questions regarding why the director disagreed with the 8441
board's recommendation. 8442

~~(C)(6)~~ To the extent the board believes that a proposed rule 8443
does not comply with requirements established by the joint 8444
committee on agency rule review or the common sense initiative 8445
office, nothing in this section prohibits the board, in carrying 8446
out its duties under division (A)(1) of this section, from 8447
contacting the joint committee on agency rule review or the common 8448
sense initiative office. 8449

~~(D) In making recommendations under (C) For purposes of 8450
division (A)(2) of this section for prescribing proposed fees for 8451
services provided by the bureau of environmental health, the board 8452
and the department shall develop a cost methodology, subject to 8453
approval by the director, regarding proposed fees for services 8454
provided by the department's bureau of environmental health. 8455~~

(D) For purposes of division (A)(3) of this section, a 8456
proposed WIC program policy change shall be treated as if it were 8457
a proposed rule subject to division (A)(1) of this section and the 8458
board and other entities involved in reviewing and making 8459
recommendations regarding the change may follow all or part of the 8460
procedures described in division (B) of this section. 8461

(E) This section does not apply to the following: 8462

(1) A proposed rule that is to be refiled with the joint committee on agency rule review solely because of technical or other nonsubstantive revisions;	8463 8464 8465
(2) The emergency adoption, amendment, or rescission of a rule under division (F) of section 119.03 of the Revised Code.	8466 8467
Sec. 3701.74. (A) As used in this section and section 3701.741 of the Revised Code:	8468 8469
(1) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. "Ambulatory care facility" does not include the private office of a physician or dentist, whether the office is for an individual or group practice.	8470 8471 8472 8473 8474 8475 8476 8477 8478 8479
(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	8480 8481
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	8482 8483 8484
(4) "Health care practitioner" means all of the following:	8485
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	8486 8487
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	8488 8489
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	8490 8491

(d) A dispensing optician, spectacle dispensing optician,	8492
contact lens dispensing optician, or spectacle-contact lens	8493
dispensing optician licensed under Chapter 4725. of the Revised	8494
Code;	8495
(e) A pharmacist licensed under Chapter 4729. of the Revised	8496
Code;	8497
(f) A physician;	8498
(g) A physician assistant authorized under Chapter 4730. of	8499
the Revised Code to practice as a physician assistant;	8500
(h) A practitioner of a limited branch of medicine issued a	8501
certificate under Chapter 4731. of the Revised Code;	8502
(i) A psychologist licensed under Chapter 4732. of the	8503
Revised Code;	8504
(j) A chiropractor;	8505
(k) A hearing aid dealer or fitter licensed under Chapter	8506
4747. of the Revised Code;	8507
(l) A speech-language pathologist or audiologist licensed	8508
under Chapter 4753. of the Revised Code;	8509
(m) An occupational therapist or occupational therapy	8510
assistant licensed under Chapter 4755. of the Revised Code;	8511
(n) A physical therapist or physical therapy assistant	8512
licensed under Chapter 4755. of the Revised Code;	8513
(o) A professional clinical counselor, professional	8514
counselor, social worker, or independent social worker licensed,	8515
or a social work assistant registered, under Chapter 4757. of the	8516
Revised Code;	8517
(p) A dietitian licensed under Chapter 4759. of the Revised	8518
Code;	8519
(q) A respiratory care professional licensed under Chapter	8520

4761. of the Revised Code; 8521

(r) An emergency medical technician-basic, emergency medical 8522
technician-intermediate, or emergency medical technician-paramedic 8523
certified under Chapter 4765. of the Revised Code. 8524

(5) "Health care provider" means a hospital, ambulatory care 8525
facility, long-term care facility, pharmacy, emergency facility, 8526
or health care practitioner. 8527

(6) "Hospital" has the same meaning as in section 3727.01 of 8528
the Revised Code. 8529

(7) "Long-term care facility" means a nursing home, 8530
residential care facility, or home for the aging, as those terms 8531
are defined in section 3721.01 of the Revised Code; a residential 8532
facility licensed under section 5119.34 of the Revised Code that 8533
provides accommodations, supervision, and personal care services 8534
for three to sixteen unrelated adults; a nursing facility, as 8535
defined in section 5165.01 of the Revised Code; a skilled nursing 8536
facility, as defined in section 5165.01 of the Revised Code; and 8537
an intermediate care facility for individuals with intellectual 8538
disabilities, as defined in section 5124.01 of the Revised Code. 8539

(8) "Medical record" means data in any form that pertains to 8540
a patient's medical history, diagnosis, prognosis, or medical 8541
condition and that is generated and maintained by a health care 8542
provider in the process of the patient's health care treatment. 8543

(9) "Medical records company" means a person who stores, 8544
locates, or copies medical records for a health care provider, or 8545
is compensated for doing so by a health care provider, and charges 8546
a fee for providing medical records to a patient or patient's 8547
representative. 8548

(10) "Patient" means either of the following: 8549

(a) An individual who received health care treatment from a 8550

health care provider; 8551

(b) A guardian, as defined in section 1337.11 of the Revised 8552
Code, of an individual described in division (A)(10)(a) of this 8553
section. 8554

(11) "Patient's personal representative" means a minor 8555
patient's parent or other person acting in loco parentis, a 8556
court-appointed guardian, or a person with durable power of 8557
attorney for health care for a patient, the executor or 8558
administrator of the patient's estate, or the person responsible 8559
for the patient's estate if it is not to be probated. "Patient's 8560
personal representative" does not include an insurer authorized 8561
under Title XXXIX of the Revised Code to do the business of 8562
sickness and accident insurance in this state, a health insuring 8563
corporation holding a certificate of authority under Chapter 1751. 8564
of the Revised Code, or any other person not named in this 8565
division. 8566

(12) "Pharmacy" has the same meaning as in section 4729.01 of 8567
the Revised Code. 8568

(13) "Physician" means a person authorized under Chapter 8569
4731. of the Revised Code to practice medicine and surgery, 8570
osteopathic medicine and surgery, or podiatric medicine and 8571
surgery. 8572

(14) "Authorized person" means a person to whom a patient has 8573
given written authorization to act on the patient's behalf 8574
regarding the patient's medical record. 8575

(B) A patient, a patient's personal representative, or an 8576
authorized person who wishes to examine or obtain a copy of part 8577
or all of a medical record shall submit to the health care 8578
provider a written request signed by the patient, personal 8579
representative, or authorized person dated not more than one year 8580
before the date on which it is submitted. The request shall 8581

indicate whether the copy is to be sent to the requestor, 8582
physician or chiropractor, or held for the requestor at the office 8583
of the health care provider. Within a reasonable time after 8584
receiving a request that meets the requirements of this division 8585
and includes sufficient information to identify the record 8586
requested, a health care provider that has the patient's medical 8587
records shall permit the patient to examine the record during 8588
regular business hours without charge or, on request, shall 8589
provide a copy of the record in accordance with section 3701.741 8590
of the Revised Code, except that if a physician or chiropractor 8591
who has treated the patient determines for clearly stated 8592
treatment reasons that disclosure of the requested record is 8593
likely to have an adverse effect on the patient, the health care 8594
provider shall provide the record to a physician or chiropractor 8595
designated by the patient. The health care provider shall take 8596
reasonable steps to establish the identity of the person making 8597
the request to examine or obtain a copy of the patient's record. 8598

(C) If a health care provider fails to furnish a medical 8599
record as required by division (B) of this section, the patient, 8600
personal representative, or authorized person who requested the 8601
record may bring a civil action to enforce the patient's right of 8602
access to the record. 8603

(D)(1) This section does not apply to medical records whose 8604
release is covered by section 173.20 or 3721.13 of the Revised 8605
Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 8606
C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient 8607
Records," or by 42 C.F.R. 483.10. 8608

(2) Nothing in this section is intended to supersede the 8609
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 8610
and 2305.252 of the Revised Code. 8611

Sec. 3701.83. (A) There is hereby created in the state 8612

treasury the general operations fund. Moneys in the fund shall be 8613
used for the purposes specified in sections 3701.04, 3701.344, 8614
3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 8615
3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 8616
3749.04, 3749.07, 4747.04, and 4769.09 of the Revised Code. 8617

~~(B) The alcohol testing program fund is hereby created in the 8618
state treasury. The director of health shall use the fund to 8619
administer and enforce the alcohol testing and permit program 8620
authorized by section 3701.143 of the Revised Code. 8621~~

~~The fund shall receive transfers from the liquor control fund 8622
created under section 4301.12 of the Revised Code. All investment 8623
earnings of the alcohol testing program fund shall be credited to 8624
the fund. 8625~~

Sec. 3702.59. (A) The director of health shall accept for 8626
review certificate of need applications as provided in sections 8627
3702.592, 3702.593, ~~and 3702.594,~~ and 3702.595 of the Revised 8628
Code. 8629

(B)(1) The director shall not approve an application for a 8630
certificate of need for the addition of long-term care beds to an 8631
existing long-term care facility or for the development of a new 8632
long-term care facility if any of the following apply: 8633

(a) The existing long-term care facility in which the beds 8634
are being placed has one or more waivers for life safety code 8635
deficiencies, one or more state fire code violations, or one or 8636
more state building code violations, and the project identified in 8637
the application does not propose to correct all life safety code 8638
deficiencies for which a waiver has been granted, all state fire 8639
code violations, and all state building code violations at the 8640
existing long-term care facility in which the beds are being 8641
placed; 8642

(b) During the sixty-month period preceding the filing of the application, a notice of proposed license revocation was issued under section 3721.03 of the Revised Code for the existing long-term care facility in which the beds are being placed or a nursing home owned or operated by the applicant or a principal participant.

(c) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing long-term care facility in which the beds are being placed, any of the following occurred:

(i) The facility was cited on three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies.

(ii) The facility was cited on two or more separate occasions for final, nonappealable immediate jeopardy deficiencies.

(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.

(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:

(i) On three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies;

(ii) On two or more separate occasions for final,

nonappealable immediate jeopardy deficiencies; 8674

(iii) On two separate occasions for final, nonappealable 8675
actual harm but not immediate jeopardy deficiencies and on one 8676
occasion for a final, nonappealable immediate jeopardy deficiency. 8677

(2) In applying divisions (B)(1)(a) to (d) of this section, 8678
the director shall not consider deficiencies or violations cited 8679
before the applicant or a principal participant acquired or began 8680
to own or operate the long-term care facility at which the 8681
deficiencies or violations were cited. The director may disregard 8682
deficiencies and violations cited after the long-term care 8683
facility was acquired or began to be operated by the applicant or 8684
a principal participant if the deficiencies or violations were 8685
attributable to circumstances that arose under the previous owner 8686
or operator and the applicant or principal participant has 8687
implemented measures to alleviate the circumstances. In the case 8688
of an application proposing development of a new long-term care 8689
facility by relocation of beds, the director shall not consider 8690
deficiencies or violations that were solely attributable to the 8691
physical plant of the existing long-term care facility from which 8692
the beds are being relocated. 8693

(C) The director also shall accept for review any application 8694
for the conversion of infirmary beds to long-term care beds if the 8695
infirmary meets all of the following conditions: 8696

(1) Is operated exclusively by a religious order; 8697

(2) Provides care exclusively to members of religious orders 8698
who take vows of celibacy and live by virtue of their vows within 8699
the orders as if related; 8700

(3) Was providing care exclusively to members of such a 8701
religious order on January 1, 1994. 8702

(D) Notwithstanding division (C)(2) of this section, a 8703
facility that has been granted a certificate of need under 8704

division (C) of this section may provide care to any of the 8705
following family members of the individuals described in division 8706
(C)(2) of this section: mothers, fathers, brothers, sisters, 8707
brothers-in-law, sisters-in-law, or children. 8708

The long-term care beds in a facility that have been granted 8709
a certificate of need under division (C) of this section may not 8710
be relocated pursuant to sections 3702.592 to ~~3702.594~~ 3702.595 of 8711
the Revised Code. 8712

Sec. 3702.595. (A) Subject to division (B) of this section, 8713
the director of health shall accept at any time, for review under 8714
section 3702.52 of the Revised Code, both of the following: 8715

(1) Certificate of need applications for the establishment, 8716
development, or construction of a new long-term care facility if 8717
all of the following apply: 8718

(a) The new long-term care facility is to be licensed as a 8719
nursing home under Chapter 3721. of the Revised Code. 8720

(b) The new long-term care facility is to be located on the 8721
same site as a residential care facility that, on the effective 8722
date of this section, meets both of the following: 8723

(i) The residential care facility is licensed under Chapter 8724
3721. of the Revised Code. 8725

(ii) There is not another nursing home located on the same 8726
site as the residential care facility. 8727

(c) The new long-term care facility is to have a licensed bed 8728
capacity not exceeding twenty nursing home beds. 8729

(d) All of the beds that are to be part of the new long-term 8730
care facility's licensed bed capacity are to be relocated to the 8731
new long-term care facility in accordance with approved 8732
certificate of need applications meeting the requirements of 8733
division (A)(2) of this section. 8734

(2) Certificate of need applications for the relocation of a total of not more than twenty long-term care beds from one or more physical facilities or sites to another if all of the following apply: 8735
8736
8737
8738

(a) The beds are part of a nursing home's licensed bed capacity on the effective date of this section. 8739
8740

(b) The beds are to be relocated to the new long-term care facility authorized by an approved certificate of need application meeting the requirements of division (A)(1) of this section. 8741
8742
8743

(c) The long-term care facility from which the beds are to be relocated is located in a county that is contiguous to the county in which the new long-term care facility is to be located. 8744
8745
8746

(d) The licensed bed capacity of the long-term care facility from which the beds are to be relocated is reduced by each bed that is relocated. 8747
8748
8749

(e) After the beds are relocated, there will still be one or more nursing homes licensed under Chapter 3721. of the Revised Code operating in the county from which the beds are relocated. 8750
8751
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(B)(1) Once the director approves a certificate of need application meeting the requirements of division (A)(1) of this section regarding the establishment, development, or construction of a new long-term care facility, the director shall not accept or approve another such application until the expiration of the period during which the director, under division (E) of section 3702.52 of the Revised Code, monitors the activities of the person granted the certificate of need. 8753
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(2) Once a total of twenty long-term care beds have been approved for relocation under certificate of need applications meeting the requirements of division (A)(2) of this section, the director shall not accept or approve another such application until the director has approved, as authorized by division (B)(1) 8761
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of this section, another certificate of need application meeting 8766
the requirements of division (A)(1) of this section. 8767

Sec. 3702.71. As used in sections 3702.71 to 3702.81 of the 8768
Revised Code: 8769

(A) "Full-time practice" means working a minimum of forty 8770
hours per week for a minimum of forty-five weeks each service 8771
year. 8772

(B) "Part-time practice" means working a minimum of twenty 8773
and a maximum of thirty-nine hours per week for a minimum of 8774
forty-five weeks per service year. 8775

(C) "Primary care physician" means an individual who is 8776
authorized under Chapter 4731. of the Revised Code to practice 8777
medicine and surgery or osteopathic medicine and surgery and is 8778
board certified or board eligible in a primary care specialty. 8779

~~(B)~~(D) "Primary care service" means professional 8780
comprehensive personal health services, which may include health 8781
education and disease prevention, treatment of uncomplicated 8782
health problems, diagnosis of chronic health problems, overall 8783
management of health care services for an individual or a family, 8784
and the services of a psychiatrist. "Primary care service" also 8785
includes providing the initial contact for health care services 8786
~~and,~~ making referrals for secondary and tertiary care and for 8787
continuity of health care services, and teaching activities to the 8788
extent specified in a contract entered into pursuant to section 8789
3702.74 of the Revised Code. 8790

~~(C)~~(E) "Primary care specialty" means general internal 8791
medicine, pediatrics, adolescent medicine, obstetrics and 8792
gynecology, psychiatry, child and adolescent psychiatry, geriatric 8793
psychiatry, combined internal medicine and pediatrics, geriatrics, 8794
or family practice. 8795

Sec. 3702.74. (A) A primary care physician who has signed a letter of intent under section 3702.73 of the Revised Code and the director of health may enter into a contract for the physician's participation in the physician loan repayment program. The physician's employer or other funding source may also be a party to the contract.

(B) The contract shall include all of the following obligations:

(1) The primary care physician agrees to provide primary care services in the health resource shortage area identified in the letter of intent for ~~at least two years~~ the number of hours and duration specified in the contract;

(2) When providing primary care services in the health resource shortage area, the primary care physician agrees to do all of the following:

(a) Provide primary care services ~~for a minimum of forty hours per week, of which at least twenty one hours will be spent providing patient care~~ in an outpatient or ambulatory setting approved by the department of health;

(b) Provide primary care services without regard to a patient's ability to pay;

(c) Meet the requirements for a medicaid provider agreement and enter into the agreement with the department of medicaid to provide primary care services to medicaid recipients.

(3) The department of health agrees, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the

Revised Code; 8826

(4) The primary care physician agrees to pay the department 8827
of health an amount established by rules adopted under section 8828
3702.79 of the Revised Code if the physician fails to complete the 8829
service obligation agreed to under division (B)(1) of this 8830
section. 8831

(C) ~~The contract may include any other terms agreed upon by~~ 8832
~~the parties shall include the following terms as agreed upon by~~ 8833
the parties: 8834

(1) The primary care physician's required length of service 8835
in the health resource shortage area, which must be at least two 8836
years; 8837

(2) The number of weekly hours the primary care physician 8838
will be engaged in full-time practice or part-time practice in the 8839
health resource shortage area; 8840

(3) The maximum amount that the department will repay on 8841
behalf of the primary care physician; 8842

(4) The extent to which the primary care physician's teaching 8843
activities in the health resource shortage area will be counted 8844
toward the physician's full-time practice or part-time practice 8845
hours under the contract. 8846

Sec. 3702.75. There is hereby created the physician loan 8847
repayment program. Under the program, the department of health, by 8848
means of a contract provision under division (B)(3) of section 8849
3702.74 of the Revised Code, may agree to repay all or part of the 8850
principal and interest of a government or other educational loan 8851
taken by a primary care physician for the following expenses, so 8852
long as the expenses were incurred while the physician was 8853
enrolled in, for up to a maximum of four years, a medical school 8854
or osteopathic medical school in the United States that was, 8855

during the time enrolled, accredited by the liaison committee on 8856
medical education or the American osteopathic association, or a 8857
medical school or osteopathic medical school located outside the 8858
United States that was, during the time enrolled, acknowledged by 8859
the world health organization and verified by a member state of 8860
that organization as operating within the state's jurisdiction: 8861

(A) Tuition; 8862

(B) Other educational expenses, such as fees, books, and 8863
laboratory expenses, for specific purposes and in amounts 8864
determined to be reasonable by the director of health; 8865

(C) Room and board, in an amount determined reasonable by the 8866
director of health. 8867

~~In the first and second years, no repayment shall exceed 8868
twenty five thousand dollars in each year. In the third and fourth 8869
years, no repayment shall exceed thirty five thousand dollars in 8870
each year. If, however, a repayment results in an increase in the 8871
primary care physician's federal, state, or local income tax 8872
liability, at the physician's request, the department may 8873
reimburse the physician for the increased tax liability, 8874
regardless of the amount of the repayment made to the physician in 8875
that year. 8876~~

~~Not later than the thirty first day of January each year, the 8877
department shall mail to each physician to whom or on whose behalf 8878
repayment is made under this section a statement showing the 8879
amount repaid by the department pursuant to the contract in the 8880
preceding year. The statement shall be sent by ordinary mail with 8881
address correction and forwarding requested in the manner 8882
prescribed by the United States postal service. 8883~~

Sec. 3702.91. (A) As used in this section, "full-time 8884
practice" and "part-time practice" have the same meanings as in 8885

section 3702.71 of the Revised Code. 8886

(B) An individual who has signed a letter of intent under 8887
section 3702.90 of the Revised Code may enter into a contract with 8888
the director of health for participation in the dentist loan 8889
repayment program. The dentist's employer or other funding source 8890
may also be a party to the contract. 8891

~~(B)~~(C) The contract shall include all of the following 8892
obligations: 8893

(1) The individual agrees to provide dental services in the 8894
dental health resource shortage area identified in the letter of 8895
intent for ~~at least two years~~ the number of hours and duration 8896
specified in the contract. 8897

(2) When providing dental services in the dental health 8898
resource shortage area, the individual agrees to do all of the 8899
following: 8900

(a) Provide dental services ~~for a minimum of forty hours per~~ 8901
~~week~~ in a service site approved by the department of health; 8902

(b) Provide dental services without regard to a patient's 8903
ability to pay; 8904

(c) Meet the requirements for a medicaid provider agreement 8905
and enter into the agreement with the department of medicaid to 8906
provide dental services to medicaid recipients. 8907

(3) The department of health agrees, as provided in section 8908
3702.85 of the Revised Code, to repay, so long as the individual 8909
performs the service obligation agreed to under division ~~(B)~~(C)(1) 8910
of this section, all or part of the principal and interest of a 8911
government or other educational loan taken by the individual for 8912
expenses described in section 3702.85 of the Revised Code. 8913

(4) The individual agrees to pay the department of health an 8914
amount established by rules adopted under section 3702.86 of the 8915

Revised Code, if the individual fails to complete the service 8916
obligation agreed to under division ~~(B)~~(C)(1) of this section. 8917

~~(C)~~(D) The contract ~~may~~ shall include ~~any other~~ the following 8918
terms as agreed upon by the parties: 8919

(1) The individual's required length of service in the dental 8920
health resource shortage area, which must be at least two years; 8921

(2) The number of weekly hours the individual will be engaged 8922
in full-time practice or part-time practice; 8923

(3) The maximum amount that the department will repay on 8924
behalf of the individual; 8925

(4) The extent to which the individual's teaching activities 8926
in the dental health resource shortage area will be counted toward 8927
the individual's full-time practice or part-time practice hours 8928
under the contract. 8929

~~(D) Not later than the thirty first day of January of each 8930~~
~~year, the department of health shall mail to each individual to 8931~~
~~whom or on whose behalf repayment is made under the dentist loan 8932~~
~~repayment program a statement showing the amount of principal and 8933~~
~~interest repaid by the department pursuant to the contract in the 8934~~
~~preceding year. The statement shall be sent by ordinary mail with 8935~~
~~address correction and forwarding requested in the manner 8936~~
~~prescribed by the United States postal service.~~ 8937

Sec. 3702.95. The director of health may accept gifts of 8938
money from any source for the implementation and administration of 8939
sections 3702.85 to ~~3702.93~~ 3702.92 of the Revised Code. 8940

The director shall pay all gifts accepted under this section 8941
into the state treasury, to the credit of the dental health 8942
resource shortage area fund, which is hereby created, and all 8943
damages collected under division ~~(B)~~(C)(4) of section 3702.91 of 8944
the Revised Code, into the state treasury, to the credit of the 8945

dentist loan repayment fund, which is hereby created. 8946

The director shall use the dental health resource shortage 8947
area and dentist loan repayment funds for the implementation and 8948
administration of sections 3702.85 to 3702.95 of the Revised Code. 8949

Sec. 3707.511. (A) As used in this section, ~~"physician":~~ 8950

(1) "Physician" means a person authorized under Chapter 4731. 8951
of the Revised Code to practice medicine and surgery or 8952
osteopathic medicine and surgery. 8953

(2) "Chiropractor" means a person licensed under Chapter 8954
4734. of the Revised Code to practice chiropractic. 8955

(B) A youth sports organization shall provide to the parent, 8956
guardian, or other person having care or charge of an individual 8957
who wishes to practice for or compete in an athletic activity 8958
organized by a youth sports organization the concussion and head 8959
injury information sheet required by section 3707.52 of the 8960
Revised Code. The organization shall provide the information sheet 8961
annually for each sport or other category of athletic activity for 8962
or in which the individual practices or competes. 8963

(C)(1) No individual shall act as a coach or referee for a 8964
youth sports organization unless the individual holds a 8965
pupil-activity program permit issued under section 3319.303 of the 8966
Revised Code for coaching interscholastic athletics or presents 8967
evidence that the individual has successfully completed, within 8968
the previous three years, a training program in recognizing the 8969
symptoms of concussions and head injuries to which the department 8970
of health has provided a link on its internet web site under 8971
section 3707.52 of the Revised Code. 8972

(2) The youth sports organization for which the individual 8973
intends to act as a coach or referee shall inform the individual 8974
of the requirement described in division (C)(1) of this section. 8975

(D) If an individual practicing for or competing in an athletic event organized by a youth sports organization exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while participating in the practice or competition, the individual shall be removed from the practice or competition by one of the following:

(1) The individual who is serving as the individual's coach during that practice or competition;

(2) An individual who is serving as a referee during that practice or competition;

(3) An official of the youth sports organization who is supervising that practice or competition.

(E)(1) If an individual is removed from practice or competition under division (D) of this section, the coach, referee, or official who removed the individual shall not allow the individual, on the same day the individual is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach, referee, or official is responsible. Thereafter, the coach, referee, or official shall not allow the student to return to that practice or competition or to participate in any other practice or competition for which the coach, referee, or official is responsible until both of the following conditions are satisfied:

(a) The individual's condition is assessed by ~~either~~ any of the following who has complied with the requirements in division (E)(4) of this section:

(i) A physician;

(ii) A chiropractor;

(iii) Any other licensed health care provider the youth sports organization, pursuant to division (E)(2) of this section,

authorizes to assess an individual who has been removed from 9006
practice or competition under division (D) of this section. 9007

(b) The individual receives written clearance that it is safe 9008
for the individual to return to practice or competition from a 9009
physician, chiropractor, or ~~from~~ another licensed health care 9010
provider authorized pursuant to division (E)(2) of this section to 9011
grant the clearance. 9012

(2) A youth sports organization may authorize a licensed 9013
health care provider who is not a physician or chiropractor to 9014
make an assessment or grant a clearance for purposes of division 9015
(E)(1) of this section only if the provider is acting in 9016
accordance with one of the following, as applicable to the 9017
provider's authority to practice in this state: 9018

(a) In consultation with a physician; 9019

(b) Pursuant to the referral of a physician; 9020

(c) In collaboration with a physician; 9021

(d) Under the supervision of a physician. 9022

(3) A physician, chiropractor, or other licensed health care 9023
provider who makes an assessment or grants a clearance for 9024
purposes of division (E)(1) of this section may be a volunteer. 9025

(4) In each calendar year, any physician, chiropractor, or 9026
licensed health care provider who provides an assessment or 9027
written clearance required by division (E)(1) of this section 9028
shall complete at least six hours of continuing education 9029
curriculum in concussion management jointly approved by the state 9030
medical board and the state chiropractic board. The approved 9031
curriculum may consist of nationally or statewide recognized 9032
coursework. 9033

(F)(1) A youth sports organization or official, employee, or 9034
volunteer of a youth sports organization, including a coach or 9035

referee, is not liable in damages in a civil action for injury, 9036
death, or loss to person or property allegedly arising from 9037
providing services or performing duties under this section, unless 9038
the act or omission constitutes willful or wanton misconduct. 9039

(2) This section does not eliminate, limit, or reduce any 9040
other immunity or defense that a public entity, public official, 9041
or public employee may be entitled to under Chapter 2744. or any 9042
other provision of the Revised Code or under the common law of 9043
this state. 9044

Sec. 3721.122. Before an individual is admitted as a resident 9045
to a home, the home's administrator shall search for the 9046
individual's name in the internet-based sex offender and 9047
child-victim offender database established under division (A)(11) 9048
of section 2950.13 of the Revised Code. If the search results 9049
identify the individual as a sex offender and the individual is 9050
admitted as a resident to the home, the administrator shall 9051
provide for the home to do all of the following: 9052

(A) Develop a plan of care to protect the other residents' 9053
rights to a safe environment and to be free from abuse; 9054

(B) Notify all of the home's other residents and their 9055
sponsors that a sex offender has been admitted as a resident to 9056
the home and include in the notice a description of the plan of 9057
care developed under division (A) of this section; 9058

(C) Direct the individual in updating the individual's 9059
address under section 2950.05 of the Revised Code and, if the 9060
individual is unable to do so without assistance, provide the 9061
assistance the individual needs to update the individual's address 9062
under that section. 9063

Sec. 3730.09. (A) Each operator of a business that offers 9064
tattooing or body piercing services shall do all of the following: 9065

(1) Maintain procedures for ensuring that the individuals who perform tattooing or body piercing procedures are adequately trained to perform the procedures properly;

(2) With respect to tattooing services, maintain written records that include the color, manufacturer, and lot number of each pigment used for each tattoo performed;

(3) Comply with the safety and sanitation requirements for preventing transmission of infectious diseases, as established in rules adopted under section 3730.10 of the Revised Code;

(4) ~~Require the individuals who perform tattooing and body piercing procedures to disinfect and sterilize~~ Ensure that all invasive equipment or parts of equipment used in performing ~~the tattooing and body piercing procedures are~~ disinfected and sterilized by using methods that meet the disinfection and sterilization requirements established in rules adopted under section 3730.10 of the Revised Code;

(5) Ensure that weekly tests of the business's heat sterilization devices are performed to determine whether the devices are functioning properly. In having the devices tested, the operator of the business shall use a biological monitoring system that indicates whether the devices are killing microorganisms. If a test indicates that a device is not functioning properly, the operator shall take immediate remedial action to ensure that heat sterilization is being accomplished. The operator shall maintain documentation that the weekly tests are being performed. To comply with the documentation requirement, the documents must consist of a log that indicates the date on which each test is performed and the name of the person who performed the test or, if a test was conducted by an independent testing entity, a copy of the entity's testing report. The operator shall maintain records of each test performed for at least two years.

(B) Each operator of a business that offers ear piercing services performed with an ear piercing gun shall require the individuals who perform the ear piercing services to disinfect and sterilize the ear piercing gun by using chemical solutions that meet the disinfection and sterilization requirements established in rules adopted under section 3730.10 of the Revised Code.

Sec. 3737.02. (A) The fire marshal may collect fees to cover the costs of performing inspections and other duties that the fire marshal is authorized or required by law to perform. Except as provided in division (B) of this section, all fees collected by the fire marshal shall be deposited to the credit of the fire marshal's fund.

(B)(1) All of the following shall be credited to the underground storage tank administration fund, which is hereby created in the state treasury:

~~(1)~~(a) Fees collected under sections 3737.88 and 3737.881 of the Revised Code for operation of the underground storage tank and underground storage tank installer certification programs;

~~(2)~~(b) Moneys recovered under section 3737.89 of the Revised Code for the state's costs of undertaking corrective or enforcement actions under that section or section 3737.882 of the Revised Code;

~~(3)~~(c) Fines and penalties collected under section 3737.882 of the Revised Code;

~~(4)~~ Amounts repaid for underground storage tank revolving loans under section 3737.883 and other moneys, including corrective action enforcement case settlements or bankruptcy case awards or settlements, received by the fire marshal under sections 3737.88 to 3737.89 of the Revised Code.

~~(C)~~(2) All interest earned on moneys credited to the

underground storage tank administration fund shall be credited to 9128
the fund. Moneys credited to the underground storage tank 9129
administration fund shall be used by the fire marshal for 9130
implementation and enforcement of underground storage tank, 9131
corrective action, and installer certification programs under 9132
sections 3737.88 to 3737.89 of the Revised Code. ~~Only moneys~~ 9133
~~described in divisions (B)(3) and (4) of this section may be used~~ 9134
~~by the fire marshal to make underground storage tank revolving~~ 9135
~~loans under section 3737.883 of the Revised Code, and no other~~ 9136
~~moneys may be used to make those loans.~~ 9137

~~(D)~~(C) There is hereby created in the state treasury the 9138
underground storage tank revolving loan fund. The fund shall 9139
consist of amounts repaid for underground storage tank revolving 9140
loans under section 3737.883 of the Revised Code and moneys 9141
described in division (B)(1)(c) of this section that are allocated 9142
to the fund in accordance with division (D)(1) of this section. 9143
Moneys in the fund shall be used by the fire marshal to make 9144
underground storage tank revolving loans under section 3737.883 of 9145
the Revised Code. 9146

(D)(1) If the director of commerce determines that the cash 9147
balance in the underground storage tank administration fund is in 9148
excess of the amount needed for implementation and enforcement of 9149
the underground storage tank, corrective action, and installer 9150
certification programs under sections 3737.88 to 3737.89 of the 9151
Revised Code, the director may certify the excess amount to the 9152
director of budget and management. Upon certification, the 9153
director of budget and management may transfer from the 9154
underground storage tank administration fund to the underground 9155
storage tank revolving loan fund any amount up to, but not 9156
exceeding, the amount certified by the director of commerce, 9157
provided the amount transferred consists only of moneys described 9158
in division (B)(1)(c) of this section. 9159

(2) If the director of commerce determines that the cash balance in the underground storage tank administration fund is insufficient to implement and enforce the underground storage tank, corrective action, and installer certification programs under sections 3737.88 to 3737.89 of the Revised Code, the director may certify the amount needed to the director of budget and management. Upon certification, the director of budget and management may transfer from the underground storage tank revolving loan fund to the underground storage tank administration fund any amount up to, but not exceeding, the amount certified by the director of commerce.

(E) The fire marshal shall take all actions necessary to obtain any federal funding available to carry out the fire marshal's responsibilities under sections 3737.88 to 3737.89 of the Revised Code and federal laws regarding the cleaning up of releases of petroleum, as "release" is defined in section 3737.87 of the Revised Code, including, without limitation, any federal funds that are available to reimburse the state for the costs of undertaking corrective actions for such releases of petroleum. The state may, when appropriate, return to the United States any federal funds recovered under sections 3737.882 and 3737.89 of the Revised Code.

Sec. 3772.02. (A) There is hereby created the Ohio casino control commission described in Section 6(C)(1) of Article XV, Ohio Constitution.

(B) The commission shall consist of seven members appointed within one month of ~~the effective date of this section~~ September 10, 2010, by the governor with the advice and consent of the senate. The governor shall forward all appointments to the senate within twenty-four hours.

(1) Each commission member is eligible for reappointment at

the discretion of the governor. No commission member shall be 9191
appointed for more than three terms in total. 9192

(2) Each commission member shall be a resident of Ohio. 9193

(3) At least one commission member shall be experienced in 9194
law enforcement and criminal investigation. 9195

(4) At least one commission member shall be a certified 9196
public accountant experienced in accounting and auditing. 9197

(5) At least one commission member shall be an attorney 9198
admitted to the practice of law in Ohio. 9199

(6) At least one commission member shall be a resident of a 9200
county where one of the casino facilities is located. 9201

(7) Not more than four commission members shall be of the 9202
same political party. 9203

(8) No commission member shall have any affiliation with an 9204
Ohio casino operator or facility. 9205

(C) Commission members shall serve four-year terms, except 9206
that when the governor makes initial appointments to the 9207
commission under this chapter, the governor shall appoint three 9208
members to serve four-year terms with not more than two such 9209
members from the same political party, two members to serve 9210
three-year terms with such members not being from the same 9211
political party, and two members to serve two-year terms with such 9212
members not being from the same political party. 9213

(D) Each commission member shall hold office from the date of 9214
appointment until the end of the term for which the member was 9215
appointed. Any member appointed to fill a vacancy occurring before 9216
the expiration of the term for which the member's predecessor was 9217
appointed shall hold office for the remainder of the unexpired 9218
term. Any member shall continue in office after the expiration 9219
date of the member's term until the member's successor takes 9220

office, or until a period of sixty days has elapsed, whichever 9221
occurs first. A vacancy in the commission membership shall be 9222
filled in the same manner as the original appointment. 9223

(E) The governor shall select one member to serve as 9224
chairperson and the commission members shall select one member 9225
from a different party than the chairperson to serve as 9226
vice-chairperson. The governor may remove and replace the 9227
chairperson at any time. No such member shall serve as chairperson 9228
for more than six successive years. The vice-chairperson shall 9229
assume the duties of the chairperson in the absence of the 9230
chairperson. The chairperson and vice-chairperson shall perform 9231
but shall not be limited to additional duties as are prescribed by 9232
commission rule. 9233

(F) A commission member is not required to devote the 9234
member's full time to membership on the commission. Each member of 9235
the commission shall receive compensation of ~~sixty~~ thirty thousand 9236
dollars per year, payable in monthly installments ~~for the first~~ 9237
~~four years of the commission's existence~~. Each member shall 9238
receive the member's actual and necessary expenses incurred in the 9239
discharge of the member's official duties. 9240

(G) The governor shall not appoint an individual to the 9241
commission, and an individual shall not serve on the commission, 9242
if the individual has been convicted of or pleaded guilty or no 9243
contest to a disqualifying offense as defined in section 3772.07 9244
of the Revised Code. Members coming under indictment or bill of 9245
information of a disqualifying offense shall resign from the 9246
commission immediately upon indictment. 9247

(H) At least five commission members shall be present for the 9248
commission to meet. The concurrence of four members is necessary 9249
for the commission to take any action. All members shall vote on 9250
the adoption of rules, and the approval of, and the suspension or 9251
revocation of, the licenses of casino operators or management 9252

companies, unless a member has a written leave of absence filed 9253
with and approved by the chairperson. 9254

(I) A commission member may be removed or suspended from 9255
office in accordance with section 3.04 of the Revised Code. 9256

(J) Each commission member, before entering upon the 9257
discharge of the member's official duties, shall make an oath to 9258
uphold the Ohio Constitution and laws of the state of Ohio and 9259
shall give a bond, payable by the commission, to the treasurer of 9260
state, in the sum of ten thousand dollars with sufficient sureties 9261
to be approved by the treasurer of state, which bond shall be 9262
filed with the secretary of state. 9263

(K) The commission shall hold one regular meeting each month 9264
and shall convene other meetings at the request of the chairperson 9265
or a majority of the members. A member who fails to attend at 9266
least three-fifths of the regular and special meetings of the 9267
commission during any two-year period forfeits membership on the 9268
commission. All meetings of the commission shall be open meetings 9269
under section 121.22 of the Revised Code except as otherwise 9270
allowed by law. 9271

Sec. 4141.01. As used in this chapter, unless the context 9272
otherwise requires: 9273

(A)(1) "Employer" means the state, its instrumentalities, its 9274
political subdivisions and their instrumentalities, Indian tribes, 9275
and any individual or type of organization including any 9276
partnership, limited liability company, association, trust, 9277
estate, joint-stock company, insurance company, or corporation, 9278
whether domestic or foreign, or the receiver, trustee in 9279
bankruptcy, trustee, or the successor thereof, or the legal 9280
representative of a deceased person who subsequent to December 31, 9281
1971, or in the case of political subdivisions or their 9282
instrumentalities, subsequent to December 31, 1973: 9283

(a) Had in employment at least one individual, or in the case of a nonprofit organization, subsequent to December 31, 1973, had not less than four individuals in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year whether or not the same individual was in employment in each such day; or

(b) Except for a nonprofit organization, had paid for service in employment wages of fifteen hundred dollars or more in any calendar quarter in either the current or preceding calendar year; or

(c) Had paid, subsequent to December 31, 1977, for employment in domestic service in a local college club, or local chapter of a college fraternity or sorority, cash remuneration of one thousand dollars or more in any calendar quarter in the current calendar year or the preceding calendar year, or had paid subsequent to December 31, 1977, for employment in domestic service in a private home cash remuneration of one thousand dollars in any calendar quarter in the current calendar year or the preceding calendar year:

(i) For the purposes of divisions (A)(1)(a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division.

(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A)(1)(a), (b), or (d) of this section.

(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and

(i) During any calendar quarter in the current calendar year

or the preceding calendar year, paid cash remuneration of twenty 9315
thousand dollars or more for the agricultural labor; or 9316

(ii) Had at least ten individuals in employment in 9317
agricultural labor, not including agricultural workers who are 9318
aliens admitted to the United States to perform agricultural labor 9319
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 9320
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 9321
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 9322
of the twenty different calendar weeks, in either the current or 9323
preceding calendar year whether or not the same individual was in 9324
employment in each day; or 9325

(e) Is not otherwise an employer as defined under division 9326
(A)(1)(a) or (b) of this section; and 9327

(i) For which, within either the current or preceding 9328
calendar year, service, except for domestic service in a private 9329
home not covered under division (A)(1)(c) of this section, is or 9330
was performed with respect to which such employer is liable for 9331
any federal tax against which credit may be taken for 9332
contributions required to be paid into a state unemployment fund; 9333

(ii) Which, as a condition for approval of this chapter for 9334
full tax credit against the tax imposed by the "Federal 9335
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 9336
required, pursuant to such act to be an employer under this 9337
chapter; or 9338

(iii) Who became an employer by election under division 9339
(A)(4) or (5) of this section and for the duration of such 9340
election; or 9341

(f) In the case of the state, its instrumentalities, its 9342
political subdivisions, and their instrumentalities, and Indian 9343
tribes, had in employment, as defined in divisions (B)(2)(a) and 9344
(B)(2)(1) of this section, at least one individual; 9345

(g) For the purposes of division (A)(1)(a) of this section, 9346
if any week includes both the thirty-first day of December and the 9347
first day of January, the days of that week before the first day 9348
of January shall be considered one calendar week and the days 9349
beginning the first day of January another week. 9350

(2) Each individual employed to perform or to assist in 9351
performing the work of any agent or employee of an employer is 9352
employed by such employer for all the purposes of this chapter, 9353
whether such individual was hired or paid directly by such 9354
employer or by such agent or employee, provided the employer had 9355
actual or constructive knowledge of the work. All individuals 9356
performing services for an employer of any person in this state 9357
who maintains two or more establishments within this state are 9358
employed by a single employer for the purposes of this chapter. 9359

(3) An employer subject to this chapter within any calendar 9360
year is subject to this chapter during the whole of such year and 9361
during the next succeeding calendar year. 9362

(4) An employer not otherwise subject to this chapter who 9363
files with the director of job and family services a written 9364
election to become an employer subject to this chapter for not 9365
less than two calendar years shall, with the written approval of 9366
such election by the director, become an employer subject to this 9367
chapter to the same extent as all other employers as of the date 9368
stated in such approval, and shall cease to be subject to this 9369
chapter as of the first day of January of any calendar year 9370
subsequent to such two calendar years only if at least thirty days 9371
prior to such first day of January the employer has filed with the 9372
director a written notice to that effect. 9373

(5) Any employer for whom services that do not constitute 9374
employment are performed may file with the director a written 9375
election that all such services performed by individuals in the 9376
employer's employ in one or more distinct establishments or places 9377

of business shall be deemed to constitute employment for all the 9378
purposes of this chapter, for not less than two calendar years. 9379
Upon written approval of the election by the director, such 9380
services shall be deemed to constitute employment subject to this 9381
chapter from and after the date stated in such approval. Such 9382
services shall cease to be employment subject to this chapter as 9383
of the first day of January of any calendar year subsequent to 9384
such two calendar years only if at least thirty days prior to such 9385
first day of January such employer has filed with the director a 9386
written notice to that effect. 9387

(B)(1) "Employment" means service performed by an individual 9388
for remuneration under any contract of hire, written or oral, 9389
express or implied, including service performed in interstate 9390
commerce and service performed by an officer of a corporation, 9391
without regard to whether such service is executive, managerial, 9392
or manual in nature, and without regard to whether such officer is 9393
a stockholder or a member of the board of directors of the 9394
corporation, unless it is shown to the satisfaction of the 9395
director that such individual has been and will continue to be 9396
free from direction or control over the performance of such 9397
service, both under a contract of service and in fact. The 9398
director shall adopt rules to define "direction or control." 9399

(2) "Employment" includes: 9400

(a) Service performed after December 31, 1977, by an 9401
individual in the employ of the state or any of its 9402
instrumentalities, or any political subdivision thereof or any of 9403
its instrumentalities or any instrumentality of more than one of 9404
the foregoing or any instrumentality of any of the foregoing and 9405
one or more other states or political subdivisions and without 9406
regard to divisions (A)(1)(a) and (b) of this section, provided 9407
that such service is excluded from employment as defined in the 9408
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 9409

3306(c)(7) and is not excluded under division (B)(3) of this 9410
section; or the services of employees covered by voluntary 9411
election, as provided under divisions (A)(4) and (5) of this 9412
section; 9413

(b) Service performed after December 31, 1971, by an 9414
individual in the employ of a religious, charitable, educational, 9415
or other organization which is excluded from the term "employment" 9416
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 9417
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 9418
3306(c)(8) of that act and is not excluded under division (B)(3) 9419
of this section; 9420

(c) Domestic service performed after December 31, 1977, for 9421
an employer, as provided in division (A)(1)(c) of this section; 9422

(d) Agricultural labor performed after December 31, 1977, for 9423
a farm operator or a crew leader, as provided in division 9424
(A)(1)(d) of this section; 9425

(e) Service not covered under division (B)(1) of this section 9426
which is performed after December 31, 1971: 9427

(i) As an agent-driver or commission-driver engaged in 9428
distributing meat products, vegetable products, fruit products, 9429
bakery products, beverages other than milk, laundry, or 9430
dry-cleaning services, for the individual's employer or principal; 9431

(ii) As a traveling or city salesperson, other than as an 9432
agent-driver or commission-driver, engaged on a full-time basis in 9433
the solicitation on behalf of and in the transmission to the 9434
salesperson's employer or principal except for sideline sales 9435
activities on behalf of some other person of orders from 9436
wholesalers, retailers, contractors, or operators of hotels, 9437
restaurants, or other similar establishments for merchandise for 9438
resale, or supplies for use in their business operations, provided 9439
that for the purposes of division (B)(2)(e)(ii) of this section, 9440

the services shall be deemed employment if the contract of service 9441
contemplates that substantially all of the services are to be 9442
performed personally by the individual and that the individual 9443
does not have a substantial investment in facilities used in 9444
connection with the performance of the services other than in 9445
facilities for transportation, and the services are not in the 9446
nature of a single transaction that is not a part of a continuing 9447
relationship with the person for whom the services are performed. 9448

(f) An individual's entire service performed within or both 9449
within and without the state if: 9450

(i) The service is localized in this state. 9451

(ii) The service is not localized in any state, but some of 9452
the service is performed in this state and either the base of 9453
operations, or if there is no base of operations then the place 9454
from which such service is directed or controlled, is in this 9455
state or the base of operations or place from which such service 9456
is directed or controlled is not in any state in which some part 9457
of the service is performed but the individual's residence is in 9458
this state. 9459

(g) Service not covered under division (B)(2)(f)(ii) of this 9460
section and performed entirely without this state, with respect to 9461
no part of which contributions are required and paid under an 9462
unemployment compensation law of any other state, the Virgin 9463
Islands, Canada, or of the United States, if the individual 9464
performing such service is a resident of this state and the 9465
director approves the election of the employer for whom such 9466
services are performed; or, if the individual is not a resident of 9467
this state but the place from which the service is directed or 9468
controlled is in this state, the entire services of such 9469
individual shall be deemed to be employment subject to this 9470
chapter, provided service is deemed to be localized within this 9471
state if the service is performed entirely within this state or if 9472

the service is performed both within and without this state but 9473
the service performed without this state is incidental to the 9474
individual's service within the state, for example, is temporary 9475
or transitory in nature or consists of isolated transactions; 9476

(h) Service of an individual who is a citizen of the United 9477
States, performed outside the United States except in Canada after 9478
December 31, 1971, or the Virgin Islands, after December 31, 1971, 9479
and before the first day of January of the year following that in 9480
which the United States secretary of labor approves the Virgin 9481
Islands law for the first time, in the employ of an American 9482
employer, other than service which is "employment" under divisions 9483
(B)(2)(f) and (g) of this section or similar provisions of another 9484
state's law, if: 9485

(i) The employer's principal place of business in the United 9486
States is located in this state; 9487

(ii) The employer has no place of business in the United 9488
States, but the employer is an individual who is a resident of 9489
this state; or the employer is a corporation which is organized 9490
under the laws of this state, or the employer is a partnership or 9491
a trust and the number of partners or trustees who are residents 9492
of this state is greater than the number who are residents of any 9493
other state; or 9494

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 9495
of this section is met but the employer has elected coverage in 9496
this state or the employer having failed to elect coverage in any 9497
state, the individual has filed a claim for benefits, based on 9498
such service, under this chapter. 9499

(i) For the purposes of division (B)(2)(h) of this section, 9500
the term "American employer" means an employer who is an 9501
individual who is a resident of the United States; or a 9502
partnership, if two-thirds or more of the partners are residents 9503

of the United States; or a trust, if all of the trustees are 9504
residents of the United States; or a corporation organized under 9505
the laws of the United States or of any state, provided the term 9506
"United States" includes the states, the District of Columbia, the 9507
Commonwealth of Puerto Rico, and the Virgin Islands. 9508

(j) Notwithstanding any other provisions of divisions (B)(1) 9509
and (2) of this section, service, except for domestic service in a 9510
private home not covered under division (A)(1)(c) of this section, 9511
with respect to which a tax is required to be paid under any 9512
federal law imposing a tax against which credit may be taken for 9513
contributions required to be paid into a state unemployment fund, 9514
or service, except for domestic service in a private home not 9515
covered under division (A)(1)(c) of this section, which, as a 9516
condition for full tax credit against the tax imposed by the 9517
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 9518
3311, is required to be covered under this chapter. 9519

(k) Construction services performed by any individual under a 9520
construction contract, as defined in section 4141.39 of the 9521
Revised Code, if the director determines that the employer for 9522
whom services are performed has the right to direct or control the 9523
performance of the services and that the individuals who perform 9524
the services receive remuneration for the services performed. The 9525
director shall presume that the employer for whom services are 9526
performed has the right to direct or control the performance of 9527
the services if ten or more of the following criteria apply: 9528

(i) The employer directs or controls the manner or method by 9529
which instructions are given to the individual performing 9530
services; 9531

(ii) The employer requires particular training for the 9532
individual performing services; 9533

(iii) Services performed by the individual are integrated 9534

into the regular functioning of the employer;	9535
(iv) The employer requires that services be provided by a particular individual;	9536 9537
(v) The employer hires, supervises, or pays the wages of the individual performing services;	9538 9539
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	9540 9541 9542
(vii) The employer requires the individual to perform services during established hours;	9543 9544
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	9545 9546 9547
(ix) The employer requires the individual to perform services on the employer's premises;	9548 9549
(x) The employer requires the individual performing services to follow the order of work established by the employer;	9550 9551
(xi) The employer requires the individual performing services to make oral or written reports of progress;	9552 9553
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	9554 9555
(xiii) The employer pays expenses for the individual performing services;	9556 9557
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	9558 9559
(xv) The individual performing services has not invested in the facilities used to perform services;	9560 9561
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the	9562 9563

services;	9564
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	9565 9566
(xviii) The individual performing services does not make the services available to the general public;	9567 9568
(xix) The employer has a right to discharge the individual performing services;	9569 9570
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	9571 9572 9573
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.	9574 9575 9576 9577 9578 9579 9580 9581 9582
(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section:	9583 9584 9585 9586 9587
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;	9588 9589 9590
(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of	9591 9592 9593

this section;	9594
(c) Service performed after December 31, 1977, for this state	9595
or a political subdivision as described in division (B)(2)(a) of	9596
this section when performed:	9597
(i) As a publicly elected official;	9598
(ii) As a member of a legislative body, or a member of the	9599
judiciary;	9600
(iii) As a military member of the Ohio national guard;	9601
(iv) As an employee, not in the classified service as defined	9602
in section 124.11 of the Revised Code, serving on a temporary	9603
basis in case of fire, storm, snow, earthquake, flood, or similar	9604
emergency;	9605
(v) In a position which, under or pursuant to law, is	9606
designated as a major nontenured policymaking or advisory	9607
position, not in the classified service of the state, or a	9608
policymaking or advisory position the performance of the duties of	9609
which ordinarily does not require more than eight hours per week.	9610
(d) In the employ of any governmental unit or instrumentality	9611
of the United States;	9612
(e) Service performed after December 31, 1971:	9613
(i) Service in the employ of an educational institution or	9614
institution of higher education, including those operated by the	9615
state or a political subdivision, if such service is performed by	9616
a student who is enrolled and is regularly attending classes at	9617
the educational institution or institution of higher education; or	9618
(ii) By an individual who is enrolled at a nonprofit or	9619
public educational institution which normally maintains a regular	9620
faculty and curriculum and normally has a regularly organized body	9621
of students in attendance at the place where its educational	9622
activities are carried on as a student in a full-time program,	9623

taken for credit at the institution, which combines academic 9624
instruction with work experience, if the service is an integral 9625
part of the program, and the institution has so certified to the 9626
employer, provided that this subdivision shall not apply to 9627
service performed in a program established for or on behalf of an 9628
employer or group of employers. 9629

(f) Service performed by an individual in the employ of the 9630
individual's son, daughter, or spouse and service performed by a 9631
child under the age of eighteen in the employ of the child's 9632
father or mother; 9633

(g) Service performed for one or more principals by an 9634
individual who is compensated on a commission basis, who in the 9635
performance of the work is master of the individual's own time and 9636
efforts, and whose remuneration is wholly dependent on the amount 9637
of effort the individual chooses to expend, and which service is 9638
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 9639
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 9640
31, 1971: 9641

(i) By an individual for an employer as an insurance agent or 9642
as an insurance solicitor, if all this service is performed for 9643
remuneration solely by way of commission; 9644

(ii) As a home worker performing work, according to 9645
specifications furnished by the employer for whom the services are 9646
performed, on materials or goods furnished by such employer which 9647
are required to be returned to the employer or to a person 9648
designated for that purpose. 9649

(h) Service performed after December 31, 1971: 9650

(i) In the employ of a church or convention or association of 9651
churches, or in an organization which is operated primarily for 9652
religious purposes and which is operated, supervised, controlled, 9653
or principally supported by a church or convention or association 9654

of churches; 9655

(ii) By a duly ordained, commissioned, or licensed minister 9656
of a church in the exercise of the individual's ministry or by a 9657
member of a religious order in the exercise of duties required by 9658
such order; or 9659

(iii) In a facility conducted for the purpose of carrying out 9660
a program of rehabilitation for individuals whose earning capacity 9661
is impaired by age or physical or mental deficiency or injury, or 9662
providing remunerative work for individuals who because of their 9663
impaired physical or mental capacity cannot be readily absorbed in 9664
the competitive labor market, by an individual receiving such 9665
rehabilitation or remunerative work. 9666

(i) Service performed after June 30, 1939, with respect to 9667
which unemployment compensation is payable under the "Railroad 9668
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 9669

(j) Service performed by an individual in the employ of any 9670
organization exempt from income tax under section 501 of the 9671
"Internal Revenue Code of 1954," if the remuneration for such 9672
service does not exceed fifty dollars in any calendar quarter, or 9673
if such service is in connection with the collection of dues or 9674
premiums for a fraternal beneficial society, order, or association 9675
and is performed away from the home office or is ritualistic 9676
service in connection with any such society, order, or 9677
association; 9678

(k) Casual labor not in the course of an employer's trade or 9679
business; incidental service performed by an officer, appraiser, 9680
or member of a finance committee of a bank, building and loan 9681
association, savings and loan association, or savings association 9682
when the remuneration for such incidental service exclusive of the 9683
amount paid or allotted for directors' fees does not exceed sixty 9684
dollars per calendar quarter is casual labor; 9685

(l) Service performed in the employ of a voluntary employees' 9686
beneficial association providing for the payment of life, 9687
sickness, accident, or other benefits to the members of such 9688
association or their dependents or their designated beneficiaries, 9689
if admission to a membership in such association is limited to 9690
individuals who are officers or employees of a municipal or public 9691
corporation, of a political subdivision of the state, or of the 9692
United States and no part of the net earnings of such association 9693
inures, other than through such payments, to the benefit of any 9694
private shareholder or individual; 9695

(m) Service performed by an individual in the employ of a 9696
foreign government, including service as a consular or other 9697
officer or employee or of a nondiplomatic representative; 9698

(n) Service performed in the employ of an instrumentality 9699
wholly owned by a foreign government if the service is of a 9700
character similar to that performed in foreign countries by 9701
employees of the United States or of an instrumentality thereof 9702
and if the director finds that the secretary of state of the 9703
United States has certified to the secretary of the treasury of 9704
the United States that the foreign government, with respect to 9705
whose instrumentality exemption is claimed, grants an equivalent 9706
exemption with respect to similar service performed in the foreign 9707
country by employees of the United States and of instrumentalities 9708
thereof; 9709

(o) Service with respect to which unemployment compensation 9710
is payable under an unemployment compensation system established 9711
by an act of congress; 9712

(p) Service performed as a student nurse in the employ of a 9713
hospital or a nurses' training school by an individual who is 9714
enrolled and is regularly attending classes in a nurses' training 9715
school chartered or approved pursuant to state law, and service 9716
performed as an intern in the employ of a hospital by an 9717

individual who has completed a four years' course in a medical 9718
school chartered or approved pursuant to state law; 9719

(q) Service performed by an individual under the age of 9720
eighteen in the delivery or distribution of newspapers or shopping 9721
news, not including delivery or distribution to any point for 9722
subsequent delivery or distribution; 9723

(r) Service performed in the employ of the United States or 9724
an instrumentality of the United States immune under the 9725
Constitution of the United States from the contributions imposed 9726
by this chapter, except that to the extent that congress permits 9727
states to require any instrumentalities of the United States to 9728
make payments into an unemployment fund under a state unemployment 9729
compensation act, this chapter shall be applicable to such 9730
instrumentalities and to services performed for such 9731
instrumentalities in the same manner, to the same extent, and on 9732
the same terms as to all other employers, individuals, and 9733
services, provided that if this state is not certified for any 9734
year by the proper agency of the United States under section 3304 9735
of the "Internal Revenue Code of 1954," the payments required of 9736
such instrumentalities with respect to such year shall be refunded 9737
by the director from the fund in the same manner and within the 9738
same period as is provided in division (E) of section 4141.09 of 9739
the Revised Code with respect to contributions erroneously 9740
collected; 9741

(s) Service performed by an individual as a member of a band 9742
or orchestra, provided such service does not represent the 9743
principal occupation of such individual, and which service is not 9744
subject to or required to be covered for full tax credit against 9745
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 9746
183 (1939), 26 U.S.C.A. 3301 to 3311. 9747

(t) Service performed in the employ of a day camp whose 9748
camping season does not exceed twelve weeks in any calendar year, 9749

and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:

(i) In the employ of a hospital, if the service is performed by a patient of the hospital, as defined in division (W) of this section;

(ii) For a prison or other correctional institution by an inmate of the prison or correctional institution;

(iii) Service performed after December 31, 1977, by an inmate of a custodial institution operated by the state, a political subdivision, or a nonprofit organization.

(u) Service that is performed by a nonresident alien individual for the period the individual temporarily is present in the United States as a nonimmigrant under division (F), (J), (M), or (Q) of section 101(a)(15) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded under section 3306(c)(19) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(v) Notwithstanding any other provisions of division (B)(3) of this section, services that are excluded under divisions (B)(3)(g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as defined in division (X) of this section, or for this state or its instrumentalities, or for a political subdivision or its instrumentalities or for Indian tribes;

(w) Service that is performed by an individual working as an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than one thousand dollars;

(x) Service performed for an elementary or secondary school

that is operated primarily for religious purposes, that is 9781
described in subsection 501(c)(3) and exempt from federal income 9782
taxation under subsection 501(a) of the Internal Revenue Code, 26 9783
U.S.C.A. 501; 9784

(y) Service performed by a person committed to a penal 9785
institution. 9786

(z) Service performed for an Indian tribe as described in 9787
division (B)(2)(1) of this section when performed in any of the 9788
following manners: 9789

(i) As a publicly elected official; 9790

(ii) As a member of an Indian tribal council; 9791

(iii) As a member of a legislative or judiciary body; 9792

(iv) In a position which, pursuant to Indian tribal law, is 9793
designated as a major nontenured policymaking or advisory 9794
position, or a policymaking or advisory position where the 9795
performance of the duties ordinarily does not require more than 9796
eight hours of time per week; 9797

(v) As an employee serving on a temporary basis in the case 9798
of a fire, storm, snow, earthquake, flood, or similar emergency. 9799

(aa) Service performed after December 31, 1971, for a 9800
nonprofit organization, this state or its instrumentalities, a 9801
political subdivision or its instrumentalities, or an Indian tribe 9802
as part of an unemployment work-relief or work-training program 9803
assisted or financed in whole or in part by any federal agency or 9804
an agency of a state or political subdivision, thereof, by an 9805
individual receiving the work-relief or work-training. 9806

(bb) Participation in a learn to earn program as defined in 9807
section 4141.293 of the Revised Code. 9808

(4) If the services performed during one half or more of any 9809
pay period by an employee for the person employing that employee 9810

constitute employment, all the services of such employee for such 9811
period shall be deemed to be employment; but if the services 9812
performed during more than one half of any such pay period by an 9813
employee for the person employing that employee do not constitute 9814
employment, then none of the services of such employee for such 9815
period shall be deemed to be employment. As used in division 9816
(B)(4) of this section, "pay period" means a period, of not more 9817
than thirty-one consecutive days, for which payment of 9818
remuneration is ordinarily made to the employee by the person 9819
employing that employee. Division (B)(4) of this section does not 9820
apply to services performed in a pay period by an employee for the 9821
person employing that employee, if any of such service is excepted 9822
by division (B)(3)(o) of this section. 9823

(C) "Benefits" means money payments payable to an individual 9824
who has established benefit rights, as provided in this chapter, 9825
for loss of remuneration due to the individual's unemployment. 9826

(D) "Benefit rights" means the weekly benefit amount and the 9827
maximum benefit amount that may become payable to an individual 9828
within the individual's benefit year as determined by the 9829
director. 9830

(E) "Claim for benefits" means a claim for waiting period or 9831
benefits for a designated week. 9832

(F) "Additional claim" means the first claim for benefits 9833
filed following any separation from employment during a benefit 9834
year; "continued claim" means any claim other than the first claim 9835
for benefits and other than an additional claim. 9836

(G)(1) "Wages" means remuneration paid to an employee by each 9837
of the employee's employers with respect to employment; except 9838
that wages shall not include that part of remuneration paid during 9839
any calendar year to an individual by an employer or such 9840
employer's predecessor in interest in the same business or 9841

enterprise, which in any calendar year is in excess of eight 9842
thousand two hundred fifty dollars on and after January 1, 1992; 9843
eight thousand five hundred dollars on and after January 1, 1993; 9844
eight thousand seven hundred fifty dollars on and after January 1, 9845
1994; and nine thousand dollars on and after January 1, 1995. 9846
Remuneration in excess of such amounts shall be deemed wages 9847
subject to contribution to the same extent that such remuneration 9848
is defined as wages under the "Federal Unemployment Tax Act," 84 9849
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 9850
remuneration paid an employee by an employer with respect to 9851
employment in another state, upon which contributions were 9852
required and paid by such employer under the unemployment 9853
compensation act of such other state, shall be included as a part 9854
of remuneration in computing the amount specified in this 9855
division. 9856

(2) Notwithstanding division (G)(1) of this section, if, as 9857
of the computation date for any calendar year, the director 9858
determines that the level of the unemployment compensation fund is 9859
sixty per cent or more below the minimum safe level as defined in 9860
section 4141.25 of the Revised Code, then, effective the first day 9861
of January of the following calendar year, wages subject to this 9862
chapter shall not include that part of remuneration paid during 9863
any calendar year to an individual by an employer or such 9864
employer's predecessor in interest in the same business or 9865
enterprise which is in excess of nine thousand dollars. The 9866
increase in the dollar amount of wages subject to this chapter 9867
under this division shall remain in effect from the date of the 9868
director's determination pursuant to division (G)(2) of this 9869
section and thereafter notwithstanding the fact that the level in 9870
the fund may subsequently become less than sixty per cent below 9871
the minimum safe level. 9872

(H)(1) "Remuneration" means all compensation for personal 9873

services, including commissions and bonuses and the cash value of 9874
all compensation in any medium other than cash, except that in the 9875
case of agricultural or domestic service, "remuneration" includes 9876
only cash remuneration. Gratuities customarily received by an 9877
individual in the course of the individual's employment from 9878
persons other than the individual's employer and which are 9879
accounted for by such individual to the individual's employer are 9880
taxable wages. 9881

The reasonable cash value of compensation paid in any medium 9882
other than cash shall be estimated and determined in accordance 9883
with rules prescribed by the director, provided that 9884
"remuneration" does not include: 9885

(a) Payments as provided in divisions (b)(2) to ~~(b)(16)~~(20) 9886
of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 9887
713, 26 U.S.C.A. 3301 to 3311, as amended; 9888

(b) The payment by an employer, without deduction from the 9889
remuneration of the individual in the employer's employ, of the 9890
tax imposed upon an individual in the employer's employ under 9891
section 3101 of the "Internal Revenue Code of 1954," with respect 9892
to services performed after October 1, 1941. 9893

(2) "Cash remuneration" means all remuneration paid in cash, 9894
including commissions and bonuses, but not including the cash 9895
value of all compensation in any medium other than cash. 9896

(I) "Interested party" means the director and any party to 9897
whom notice of a determination of an application for benefit 9898
rights or a claim for benefits is required to be given under 9899
section 4141.28 of the Revised Code. 9900

(J) "Annual payroll" means the total amount of wages subject 9901
to contributions during a twelve-month period ending with the last 9902
day of the second calendar quarter of any calendar year. 9903

(K) "Average annual payroll" means the average of the last 9904

three annual payrolls of an employer, provided that if, as of any 9905
computation date, the employer has had less than three annual 9906
payrolls in such three-year period, such average shall be based on 9907
the annual payrolls which the employer has had as of such date. 9908

(L)(1) "Contributions" means the money payments to the state 9909
unemployment compensation fund required of employers by section 9910
4141.25 of the Revised Code and of the state and any of its 9911
political subdivisions electing to pay contributions under section 9912
4141.242 of the Revised Code. Employers paying contributions shall 9913
be described as "contributory employers." 9914

(2) "Payments in lieu of contributions" means the money 9915
payments to the state unemployment compensation fund required of 9916
reimbursing employers under sections 4141.241 and 4141.242 of the 9917
Revised Code. 9918

(M) An individual is "totally unemployed" in any week during 9919
which the individual performs no services and with respect to such 9920
week no remuneration is payable to the individual. 9921

(N) An individual is "partially unemployed" in any week if, 9922
due to involuntary loss of work, the total remuneration payable to 9923
the individual for such week is less than the individual's weekly 9924
benefit amount. 9925

(O) "Week" means the calendar week ending at midnight 9926
Saturday unless an equivalent week of seven consecutive calendar 9927
days is prescribed by the director. 9928

(1) "Qualifying week" means any calendar week in an 9929
individual's base period with respect to which the individual 9930
earns or is paid remuneration in employment subject to this 9931
chapter. A calendar week with respect to which an individual earns 9932
remuneration but for which payment was not made within the base 9933
period, when necessary to qualify for benefit rights, may be 9934
considered to be a qualifying week. The number of qualifying weeks 9935

which may be established in a calendar quarter shall not exceed 9936
the number of calendar weeks in the quarter. 9937

(2) "Average weekly wage" means the amount obtained by 9938
dividing an individual's total remuneration for all qualifying 9939
weeks during the base period by the number of such qualifying 9940
weeks, provided that if the computation results in an amount that 9941
is not a multiple of one dollar, such amount shall be rounded to 9942
the next lower multiple of one dollar. 9943

(P) "Weekly benefit amount" means the amount of benefits an 9944
individual would be entitled to receive for one week of total 9945
unemployment. 9946

(Q)(1) "Base period" means the first four of the last five 9947
completed calendar quarters immediately preceding the first day of 9948
an individual's benefit year, except as provided in division 9949
(Q)(2) of this section. 9950

(2) If an individual does not have sufficient qualifying 9951
weeks and wages in the base period to qualify for benefit rights, 9952
the individual's base period shall be the four most recently 9953
completed calendar quarters preceding the first day of the 9954
individual's benefit year. Such base period shall be known as the 9955
"alternate base period." If information as to weeks and wages for 9956
the most recent quarter of the alternate base period is not 9957
available to the director from the regular quarterly reports of 9958
wage information, which are systematically accessible, the 9959
director may, consistent with the provisions of section 4141.28 of 9960
the Revised Code, base the determination of eligibility for 9961
benefits on the affidavit of the claimant with respect to weeks 9962
and wages for that calendar quarter. The claimant shall furnish 9963
payroll documentation, where available, in support of the 9964
affidavit. The determination based upon the alternate base period 9965
as it relates to the claimant's benefit rights, shall be amended 9966
when the quarterly report of wage information from the employer is 9967

timely received and that information causes a change in the 9968
determination. As provided in division (B) of section 4141.28 of 9969
the Revised Code, any benefits paid and charged to an employer's 9970
account, based upon a claimant's affidavit, shall be adjusted 9971
effective as of the beginning of the claimant's benefit year. No 9972
calendar quarter in a base period or alternate base period shall 9973
be used to establish a subsequent benefit year. 9974

(3) The "base period" of a combined wage claim, as described 9975
in division (H) of section 4141.43 of the Revised Code, shall be 9976
the base period prescribed by the law of the state in which the 9977
claim is allowed. 9978

(4) For purposes of determining the weeks that comprise a 9979
completed calendar quarter under this division, only those weeks 9980
ending at midnight Saturday within the calendar quarter shall be 9981
utilized. 9982

(R)(1) "Benefit year" with respect to an individual means the 9983
fifty-two week period beginning with the first day of that week 9984
with respect to which the individual first files a valid 9985
application for determination of benefit rights, and thereafter 9986
the fifty-two week period beginning with the first day of that 9987
week with respect to which the individual next files a valid 9988
application for determination of benefit rights after the 9989
termination of the individual's last preceding benefit year, 9990
except that the application shall not be considered valid unless 9991
the individual has had employment in six weeks that is subject to 9992
this chapter or the unemployment compensation act of another 9993
state, or the United States, and has, since the beginning of the 9994
individual's previous benefit year, in the employment earned three 9995
times the average weekly wage determined for the previous benefit 9996
year. The "benefit year" of a combined wage claim, as described in 9997
division (H) of section 4141.43 of the Revised Code, shall be the 9998
benefit year prescribed by the law of the state in which the claim 9999

is allowed. Any application for determination of benefit rights 10000
made in accordance with section 4141.28 of the Revised Code is 10001
valid if the individual filing such application is unemployed, has 10002
been employed by an employer or employers subject to this chapter 10003
in at least twenty qualifying weeks within the individual's base 10004
period, and has earned or been paid remuneration at an average 10005
weekly wage of not less than twenty-seven and one-half per cent of 10006
the statewide average weekly wage for such weeks. For purposes of 10007
determining whether an individual has had sufficient employment 10008
since the beginning of the individual's previous benefit year to 10009
file a valid application, "employment" means the performance of 10010
services for which remuneration is payable. 10011

(2) Effective for benefit years beginning on and after 10012
December 26, 2004, any application for determination of benefit 10013
rights made in accordance with section 4141.28 of the Revised Code 10014
is valid if the individual satisfies the criteria described in 10015
division (R)(1) of this section, and if the reason for the 10016
individual's separation from employment is not disqualifying 10017
pursuant to division (D)(2) of section 4141.29 or section 4141.291 10018
of the Revised Code. A disqualification imposed pursuant to 10019
division (D)(2) of section 4141.29 or section 4141.291 of the 10020
Revised Code must be removed as provided in those sections as a 10021
requirement of establishing a valid application for benefit years 10022
beginning on and after December 26, 2004. 10023

(3) The statewide average weekly wage shall be calculated by 10024
the director once a year based on the twelve-month period ending 10025
the thirtieth day of June, as set forth in division (B)(3) of 10026
section 4141.30 of the Revised Code, rounded down to the nearest 10027
dollar. Increases or decreases in the amount of remuneration 10028
required to have been earned or paid in order for individuals to 10029
have filed valid applications shall become effective on Sunday of 10030
the calendar week in which the first day of January occurs that 10031

follows the twelve-month period ending the thirtieth day of June 10032
upon which the calculation of the statewide average weekly wage 10033
was based. 10034

(4) As used in this division, an individual is "unemployed" 10035
if, with respect to the calendar week in which such application is 10036
filed, the individual is "partially unemployed" or "totally 10037
unemployed" as defined in this section or if, prior to filing the 10038
application, the individual was separated from the individual's 10039
most recent work for any reason which terminated the individual's 10040
employee-employer relationship, or was laid off indefinitely or 10041
for a definite period of seven or more days. 10042

(S) "Calendar quarter" means the period of three consecutive 10043
calendar months ending on the thirty-first day of March, the 10044
thirtieth day of June, the thirtieth day of September, and the 10045
thirty-first day of December, or the equivalent thereof as the 10046
director prescribes by rule. 10047

(T) "Computation date" means the first day of the third 10048
calendar quarter of any calendar year. 10049

(U) "Contribution period" means the calendar year beginning 10050
on the first day of January of any year. 10051

(V) "Agricultural labor," for the purpose of this division, 10052
means any service performed prior to January 1, 1972, which was 10053
agricultural labor as defined in this division prior to that date, 10054
and service performed after December 31, 1971: 10055

(1) On a farm, in the employ of any person, in connection 10056
with cultivating the soil, or in connection with raising or 10057
harvesting any agricultural or horticultural commodity, including 10058
the raising, shearing, feeding, caring for, training, and 10059
management of livestock, bees, poultry, and fur-bearing animals 10060
and wildlife; 10061

(2) In the employ of the owner or tenant or other operator of 10062

a farm in connection with the operation, management, conservation, 10063
improvement, or maintenance of such farm and its tools and 10064
equipment, or in salvaging timber or clearing land of brush and 10065
other debris left by hurricane, if the major part of such service 10066
is performed on a farm; 10067

(3) In connection with the production or harvesting of any 10068
commodity defined as an agricultural commodity in section 15 (g) 10069
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 10070
U.S.C. 1141j, as amended, or in connection with the ginning of 10071
cotton, or in connection with the operation or maintenance of 10072
ditches, canals, reservoirs, or waterways, not owned or operated 10073
for profit, used exclusively for supplying and storing water for 10074
farming purposes; 10075

(4) In the employ of the operator of a farm in handling, 10076
planting, drying, packing, packaging, processing, freezing, 10077
grading, storing, or delivering to storage or to market or to a 10078
carrier for transportation to market, in its unmanufactured state, 10079
any agricultural or horticultural commodity, but only if the 10080
operator produced more than one half of the commodity with respect 10081
to which such service is performed; 10082

(5) In the employ of a group of operators of farms, or a 10083
cooperative organization of which the operators are members, in 10084
the performance of service described in division (V)(4) of this 10085
section, but only if the operators produced more than one-half of 10086
the commodity with respect to which the service is performed; 10087

(6) Divisions (V)(4) and (5) of this section shall not be 10088
deemed to be applicable with respect to service performed: 10089

(a) In connection with commercial canning or commercial 10090
freezing or in connection with any agricultural or horticultural 10091
commodity after its delivery to a terminal market for distribution 10092
for consumption; or 10093

(b) On a farm operated for profit if the service is not in 10094
the course of the employer's trade or business. 10095

As used in division (V) of this section, "farm" includes 10096
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 10097
plantations, ranches, nurseries, ranges, greenhouses, or other 10098
similar structures used primarily for the raising of agricultural 10099
or horticultural commodities and orchards. 10100

(W) "Hospital" means an institution which has been registered 10101
or licensed by the Ohio department of health as a hospital. 10102

(X) "Nonprofit organization" means an organization, or group 10103
of organizations, described in section 501(c)(3) of the "Internal 10104
Revenue Code of 1954," and exempt from income tax under section 10105
501(a) of that code. 10106

(Y) "Institution of higher education" means a public or 10107
nonprofit educational institution, including an educational 10108
institution operated by an Indian tribe, which: 10109

(1) Admits as regular students only individuals having a 10110
certificate of graduation from a high school, or the recognized 10111
equivalent; 10112

(2) Is legally authorized in this state or by the Indian 10113
tribe to provide a program of education beyond high school; and 10114

(3) Provides an educational program for which it awards a 10115
bachelor's or higher degree, or provides a program which is 10116
acceptable for full credit toward such a degree, a program of 10117
post-graduate or post-doctoral studies, or a program of training 10118
to prepare students for gainful employment in a recognized 10119
occupation. 10120

For the purposes of this division, all colleges and 10121
universities in this state are institutions of higher education. 10122

(Z) For the purposes of this chapter, "states" includes the 10123

District of Columbia, the Commonwealth of Puerto Rico, and the 10124
Virgin Islands. 10125

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 10126
this section, an individual who is an alien admitted to the United 10127
States to perform service in agricultural labor pursuant to 10128
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 10129
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 10130

(BB)(1) "Crew leader" means an individual who furnishes 10131
individuals to perform agricultural labor for any other employer 10132
or farm operator, and: 10133

(a) Pays, either on the individual's own behalf or on behalf 10134
of the other employer or farm operator, the individuals so 10135
furnished by the individual for the service in agricultural labor 10136
performed by them; 10137

(b) Has not entered into a written agreement with the other 10138
employer or farm operator under which the agricultural worker is 10139
designated as in the employ of the other employer or farm 10140
operator. 10141

(2) For the purposes of this chapter, any individual who is a 10142
member of a crew furnished by a crew leader to perform service in 10143
agricultural labor for any other employer or farm operator shall 10144
be treated as an employee of the crew leader if: 10145

(a) The crew leader holds a valid certificate of registration 10146
under the "Farm Labor Contractor Registration Act of 1963," 90 10147
Stat. 2668, 7 U.S.C. 2041; or 10148

(b) Substantially all the members of the crew operate or 10149
maintain tractors, mechanized harvesting or crop-dusting 10150
equipment, or any other mechanized equipment, which is provided by 10151
the crew leader; and 10152

(c) If the individual is not in the employment of the other 10153

employer or farm operator within the meaning of division (B)(1) of 10154
this section. 10155

(3) For the purposes of this division, any individual who is 10156
furnished by a crew leader to perform service in agricultural 10157
labor for any other employer or farm operator and who is not 10158
treated as in the employment of the crew leader under division 10159
(BB)(2) of this section shall be treated as the employee of the 10160
other employer or farm operator and not of the crew leader. The 10161
other employer or farm operator shall be treated as having paid 10162
cash remuneration to the individual in an amount equal to the 10163
amount of cash remuneration paid to the individual by the crew 10164
leader, either on the crew leader's own behalf or on behalf of the 10165
other employer or farm operator, for the service in agricultural 10166
labor performed for the other employer or farm operator. 10167

(CC) "Educational institution" means an institution other 10168
than an institution of higher education as defined in division (Y) 10169
of this section, including an educational institution operated by 10170
an Indian tribe, which: 10171

(1) Offers participants, trainees, or students an organized 10172
course of study or training designed to transfer to them 10173
knowledge, skills, information, doctrines, attitudes, or abilities 10174
from, by, or under the guidance of an instructor or teacher; and 10175

(2) Is approved, chartered, or issued a permit to operate as 10176
a school by the state board of education, other government agency, 10177
or Indian tribe that is authorized within the state to approve, 10178
charter, or issue a permit for the operation of a school. 10179

For the purposes of this division, the courses of study or 10180
training which the institution offers may be academic, technical, 10181
trade, or preparation for gainful employment in a recognized 10182
occupation. 10183

(DD) "Cost savings day" means any unpaid day off from work in 10184

which employees continue to accrue employee benefits which have a 10185
determinable value including, but not limited to, vacation, 10186
pension contribution, sick time, and life and health insurance. 10187

Sec. 4141.09. (A) There is hereby created an unemployment 10188
compensation fund to be administered by the state without 10189
liability on the part of the state beyond the amounts paid into 10190
the fund and earned by the fund. The unemployment compensation 10191
fund shall consist of all contributions, payments in lieu of 10192
contributions described in sections 4141.241 and 4141.242 of the 10193
Revised Code, reimbursements of the federal share of extended 10194
benefits described in section 4141.301 of the Revised Code, 10195
collected under sections 4141.01 to 4141.56 of the Revised Code, 10196
and the amount required under division (A)(4) of section 4141.35 10197
of the Revised Code, together with all interest earned upon any 10198
moneys deposited with the secretary of the treasury of the United 10199
States to the credit of the account of this state in the 10200
unemployment trust fund established and maintained pursuant to 10201
section 904 of the "Social Security Act," any property or 10202
securities acquired through the use of moneys belonging to the 10203
fund, and all earnings of such property or securities. The 10204
unemployment compensation fund shall be used to pay benefits, 10205
shared work compensation as defined in section 4141.50 of the 10206
Revised Code, and refunds as provided by such sections and for no 10207
other purpose. 10208

(B) The treasurer of state shall be the custodian of the 10209
unemployment compensation fund and shall administer such fund in 10210
accordance with the directions of the director of job and family 10211
services. All disbursements therefrom shall be paid by the 10212
treasurer of state on warrants drawn by the director. Such 10213
warrants may bear the facsimile signature of the director printed 10214
thereon and that of a deputy or other employee of the director 10215
charged with the duty of keeping the account of the unemployment 10216

compensation fund and with the preparation of warrants for the 10217
payment of benefits to the persons entitled thereto. Moneys in the 10218
clearing and benefit accounts shall not be commingled with other 10219
state funds, except as provided in division (C) of this section, 10220
but shall be maintained in separate accounts on the books of the 10221
depository bank. Such money shall be secured by the depository 10222
bank to the same extent and in the same manner as required by 10223
sections 135.01 to 135.21 of the Revised Code; and collateral 10224
pledged for this purpose shall be kept separate and distinct from 10225
any collateral pledged to secure other funds of this state. All 10226
sums recovered for losses sustained by the unemployment 10227
compensation fund shall be deposited therein. The treasurer of 10228
state shall be liable on the treasurer's official bond for the 10229
faithful performance of the treasurer's duties in connection with 10230
the unemployment compensation fund, such liability to exist in 10231
addition to any liability upon any separate bond. 10232

(C) The treasurer of state shall maintain within the 10233
unemployment compensation fund three separate accounts which shall 10234
be a clearing account, a trust fund account, and a benefit 10235
account. All moneys payable to the unemployment compensation fund, 10236
upon receipt by the director, shall be forwarded to the treasurer 10237
of state, who shall immediately deposit them in the clearing 10238
account. Refunds of contributions, or payments in lieu of 10239
contributions, payable pursuant to division (E) of this section 10240
may be paid from the clearing account upon warrants signed by a 10241
deputy or other employee of the director charged with the duty of 10242
keeping the record of the clearing account and with the 10243
preparation of warrants for the payment of refunds to persons 10244
entitled thereto. After clearance thereof, all moneys in the 10245
clearing account shall be deposited with the secretary of the 10246
treasury of the United States to the credit of the account of this 10247
state in the unemployment trust fund established and maintained 10248
pursuant to section 904 of the "Social Security Act," in 10249

accordance with requirements of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund. Federal funds may be deposited, at the director's discretion, into the benefit account. Any funds deposited into the benefit account shall be disbursed solely for payment of benefits under a federal program administered by this state and for no other purpose. Moneys in the clearing and benefit accounts may be deposited by the treasurer of state, under the direction of the director, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund.

(D) Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the director. The director shall requisition from the unemployment trust fund such amounts, not exceeding the amount standing to this state's account therein, as are deemed necessary for the payment of benefits for a reasonable future period. Upon receipt thereof, the treasurer of state shall deposit such moneys in the benefit account. Expenditures of such money in the benefit account and refunds from the clearing account shall not require specific appropriations or other formal release by state officers of money in their custody. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the director, shall be redeposited with the secretary of the treasury of the United States to the credit

of this state's account in the unemployment trust fund, as 10283
provided in division (C) of this section. Unclaimed or unpaid 10284
federal funds redeposited with the secretary of the treasury of 10285
the United States shall be credited to the appropriate federal 10286
account. 10287

(E) No claim for an adjustment or a refund on contribution, 10288
payment in lieu of contributions, interest, or forfeiture alleged 10289
to have been erroneously or illegally assessed or collected, or 10290
alleged to have been collected without authority, and no claim for 10291
an adjustment or a refund of any sum alleged to have been 10292
excessive or in any manner wrongfully collected shall be allowed 10293
unless an application, in writing, therefor is made within four 10294
years from the date on which such payment was made. If the 10295
director determines that such contribution, payment in lieu of 10296
contributions, interest, or forfeiture, or any portion thereof, 10297
was erroneously collected, the director shall allow such employer 10298
to make an adjustment thereof without interest in connection with 10299
subsequent contribution payments, or payments in lieu of 10300
contributions, by the employer, or the director may refund said 10301
amount, without interest, from the clearing account of the 10302
unemployment compensation fund, except as provided in division (B) 10303
of section 4141.11 of the Revised Code. For like cause and within 10304
the same period, adjustment or refund may be so made on the 10305
director's own initiative. An overpayment of contribution, payment 10306
in lieu of contributions, interest, or forfeiture for which an 10307
employer has not made application for refund prior to the date of 10308
sale of the employer's business shall accrue to the employer's 10309
successor in interest. 10310

An application for an adjustment or a refund, or any portion 10311
thereof, that is rejected is binding upon the employer unless, 10312
within thirty days after the mailing of a written notice of 10313
rejection to the employer's last known address, or, in the absence 10314

of mailing of such notice, within thirty days after the delivery 10315
of such notice, the employer files an application for a review and 10316
redetermination setting forth the reasons therefor. The director 10317
shall promptly examine the application for review and 10318
redetermination, and if a review is granted, the employer shall be 10319
promptly notified thereof, and shall be granted an opportunity for 10320
a prompt hearing. 10321

(F) If the director finds that contributions have been paid 10322
to the director in error, and that such contributions should have 10323
been paid to a department of another state or of the United States 10324
charged with the administration of an unemployment compensation 10325
law, the director may upon request by such department or upon the 10326
director's own initiative transfer to such department the amount 10327
of such contributions, less any benefits paid to claimants whose 10328
wages were the basis for such contributions. The director may 10329
request and receive from such department any contributions or 10330
adjusted contributions paid in error to such department which 10331
should have been paid to the director. 10332

(G) In accordance with section 303(c)(3) of the Social 10333
Security Act, and section 3304(a)(17) of the Internal Revenue Code 10334
of 1954 for continuing certification of Ohio unemployment 10335
compensation laws for administrative grants and for tax credits, 10336
any interest required to be paid on advances under Title XII of 10337
the Social Security Act shall be paid in a timely manner and shall 10338
not be paid, directly or indirectly, by an equivalent reduction in 10339
the Ohio unemployment taxes or otherwise, by the state from 10340
amounts in the unemployment compensation fund. 10341

~~(H) The treasurer of state, under the direction of the 10342
director and in accordance with the "Cash Management Improvement 10343
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 10344
amounts of interest earned by the state on funds in the benefit 10345
account established pursuant to division (C) of this section into 10346~~

~~the department of job and family services banking fees fund, which 10347
is hereby created in the state treasury for the purpose of paying 10348
related banking costs incurred by the state for the period for 10349
which the interest is calculated, except that if the deposited 10350
interest exceeds the banking costs incurred by the state for the 10351
period for which the interest is calculated, the treasurer of 10352
state shall deposit the excess interest into the unemployment 10353
trust fund. 10354~~

(I) The treasurer of state, under the direction of the 10355
director, shall deposit federal funds received by the director for 10356
training and administration and for payment of benefits, job 10357
search, relocation, transportation, and subsistence allowances 10358
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 10359
2101, as amended; the "North American Free Trade Agreement 10360
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 10361
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 10362
3801, as amended, into the Trade Act training and administration 10363
account, which is hereby created for the purpose of making 10364
payments specified under those acts. The treasurer of state, under 10365
the direction of the director, may transfer funds from the Trade 10366
Act training and administration account to the benefit account for 10367
the purpose of making any payments directly to claimants for 10368
benefits, job search, relocation, transportation, and subsistence 10369
allowances, as specified by those acts. 10370

Sec. 4141.11. There is hereby created in the state treasury 10371
the unemployment compensation special administrative fund. The 10372
fund shall consist of all interest collected on delinquent 10373
contributions pursuant to this chapter, all fines and forfeitures 10374
collected under this chapter, all money received from the sale of 10375
real property under section 4141.131 of the Revised Code, the 10376
amount required under division (A)(4) of section 4141.35 of the 10377
Revised Code, and all court costs and interest paid or collected 10378

in connection with the repayment of fraudulently obtained benefits 10379
pursuant to section 4141.35 of the Revised Code. All interest 10380
earned on the money in the fund shall be retained in the fund and 10381
shall not be credited or transferred to any other fund or account, 10382
except as provided in division (B) of this section. All moneys 10383
which are deposited or paid into this fund may be used by: 10384

(A) The director of job and family services whenever it 10385
appears that such use is necessary for: 10386

(1) The proper administration of this chapter and no federal 10387
funds are available for the specific purpose for which the 10388
expenditure is to be made, provided the moneys are not substituted 10389
for appropriations from federal funds, which in the absence of 10390
such moneys would be available; 10391

(2) The proper administration of this chapter for which 10392
purpose appropriations from federal funds have been requested and 10393
approved but not received, provided the fund would be reimbursed 10394
upon receipt of the federal appropriation; 10395

(3) To the extent possible, the repayment to the unemployment 10396
compensation administration fund of moneys found by the proper 10397
agency of the United States to have been lost or expended for 10398
purposes other than, or an amount in excess of, those found 10399
necessary by the proper agency of the United States for the 10400
administration of this chapter. 10401

(B) The director or the director's deputy whenever it appears 10402
that such use is necessary for the payment of refunds or 10403
adjustments of interest, fines, forfeitures, or court costs 10404
erroneously collected and paid into this fund pursuant to this 10405
chapter. 10406

(C) The director, to pay state disaster unemployment benefits 10407
pursuant to section 4141.292 of the Revised Code. 10408

(D) The director, to pay any costs attributable to the 10409

director that are associated with the sale of real property under 10410
section 4141.131 of the Revised Code. 10411

Whenever the balance in the unemployment compensation special 10412
administrative fund is considered to be excessive by the director, 10413
the director shall request the director of budget and management 10414
to transfer to the unemployment compensation fund the amount 10415
considered to be excessive. Any balance in the unemployment 10416
compensation special administrative fund shall not lapse at any 10417
time, but shall be continuously available to the director of job 10418
and family services for expenditures consistent with this chapter. 10419

Sec. 4141.131. ~~(A)~~ The director of job and family services 10420
may enter into contracts for the sale of real property no longer 10421
needed by the director for the operations of the director under 10422
this title. Any costs attributable to the director that are 10423
associated with the sale of real property under this section shall 10424
be paid out of the unemployment compensation special 10425
administrative fund established pursuant to section 4141.11 of the 10426
Revised Code. The director shall submit a report summarizing the 10427
use of that fund for the purpose of this section at least annually 10428
to the unemployment compensation advisory council as prescribed by 10429
the council. 10430

~~(B)(1) Earnest moneys from the sale of real property pursuant 10431
to division (A) of this section shall be deposited into the 10432
department of job and family services building consolidation fund, 10433
which is hereby created in the state treasury. The balance of the 10434
purchase price shall be deposited into the department of job and 10435
family services building enhancement fund, which is hereby created 10436
in the state treasury. The building enhancement fund shall retain 10437
its own interest. Upon completion of the sale and the request of 10438
the director, the treasurer of state shall transfer the earnest 10439
moneys in the building consolidation fund into the building 10440~~

~~enhancement fund. The director shall use the interest earned on 10441
the moneys in the building enhancement fund only in accordance 10442
with division (C) of this section. 10443~~

~~(2) The director shall deposit sufficient moneys from the 10444
sale of real property pursuant to division (A) of this section 10445
into the unemployment compensation special administrative fund to 10446
reimburse the fund for all costs associated with the sale of that 10447
real property. 10448~~

~~(C) The director shall use the moneys in the building 10449
enhancement fund from the sale of real property pursuant to 10450
division (A) of this section, less the costs of the sale as 10451
specified in division (B)(2) of this section, in accordance with 10452
the provisions and requirements of the "Social Security Act," 49 10453
Stat. 626 (1935), 52 U.S.C. 502(a) and 1103(c)(2), and the 10454
instructions of the United States department of labor, to improve 10455
buildings owned by or under the control of the director. If the 10456
director determines that there are no buildings for which money in 10457
the building enhancement fund may be used, the money shall be 10458
returned to the United States department of labor. 10459~~

~~(D) The auditor of state, with the assistance of the attorney 10460
general, shall prepare a deed to the real property being sold upon 10461
notice from the director that a contract for the sale of that 10462
property has been executed in accordance with this section. The 10463
deed shall state the consideration and any conditions placed upon 10464
the sale. The deed shall be executed by the governor in the name 10465
of the state, countersigned by the secretary of state, sealed with 10466
the great seal of the state, presented in the office of the 10467
auditor of state for recording, and delivered to the buyer upon 10468
payment of the balance of the purchase price. 10469~~

~~The buyer shall present the deed for recording in the county 10470
recorder's office of the county in which the real property is 10471
located. 10472~~

Sec. 4141.20. (A) Every employer, including those not 10473
otherwise subject to this chapter, shall furnish the director of 10474
job and family services upon request all information required by 10475
the director to carry out the requirements of this chapter. Every 10476
employer receiving from the director any blank with direction to 10477
fill it out shall cause it to be properly filled out, in the 10478
manner prescribed by the director, so as to answer fully and 10479
correctly all questions therein propounded, and shall furnish all 10480
the information therein sought, or, if unable to do so, that 10481
employer shall give the director in writing good and sufficient 10482
reason for such failure. 10483

The director may require that such information be verified 10484
under oath and returned to the director within the period fixed by 10485
the director or by law. The director or any person employed by the 10486
director for that purpose may examine under oath any such 10487
employer, or the officer, agent, or employee of that employer, for 10488
the purpose of ascertaining any information that the employer is 10489
required by this chapter to furnish to the director. ~~Any employer~~ 10490
~~who fails to furnish information as is required by the director~~ 10491
~~under authority of this section shall forfeit five hundred dollars~~ 10492
~~to be collected in a civil action brought against the employer in~~ 10493
~~the name of the state.~~ 10494

(B) ~~Effective with the calendar quarter beginning April 1,~~ 10495
~~1987, every contributory employer shall file a quarterly~~ 10496
~~contribution report and a quarterly report of wages. The quarterly~~ 10497
~~reports shall be filed no later than the last day of the first~~ 10498
~~month following the close of the calendar quarter for which the~~ 10499
~~quarterly reports are being filed. The employer shall enter on the~~ 10500
~~quarterly contribution report the total and taxable remuneration~~ 10501
~~paid to all employees during the quarter. The employer shall enter~~ 10502
~~on the quarterly report of wages the name and social security~~ 10503
~~number of each individual employed during the calendar quarter,~~ 10504

~~the total remuneration paid the individual, the number of weeks 10505
during the quarter for which the individual was paid remuneration, 10506
and any other information as required by section 1137 of the 10507
"Social Security Act." 10508~~

~~Effective until the calendar quarter beginning January 1, 10509
1993, in case of failure to file the quarterly contribution report 10510
or the report of wages containing all the required contribution 10511
and wage information within the time prescribed by this section, 10512
there shall be assessed a forfeiture amounting to ten per cent of 10513
the contributions due; provided such forfeiture shall not be less 10514
than twenty five nor more than two hundred fifty dollars. The 10515
director may waive the forfeiture only with respect to the report 10516
of wages, and the waiver may be approved only if the employer 10517
shows good cause for failure to file the required information. 10518~~

~~Effective with the calendar quarter beginning January 1, 10519
1993, in case of failure to file the quarterly contribution report 10520
containing all the required information within the time prescribed 10521
by this section, there shall be assessed a forfeiture amounting to 10522
twenty five one hundredths of one per cent of the total 10523
remuneration paid by the employer, provided such forfeiture shall 10524
not be less than thirty nor more than five hundred dollars per 10525
quarterly contribution report. The director may waive the 10526
forfeiture only if the employer provides to the director a written 10527
statement showing good cause for failure to file the required 10528
quarterly contribution report. 10529~~

~~Effective with the calendar quarter beginning January 1, 10530
1993, in case of failure to file the quarterly report of wages 10531
containing all the required information within the time prescribed 10532
by this section, there shall be assessed a forfeiture amounting to 10533
twenty five one hundredths of one per cent of the total 10534
remuneration paid by the employer, provided such forfeiture shall 10535
be not less than thirty nor more than five hundred dollars per 10536~~

~~quarterly report of wages. The director may waive the forfeiture 10537
only if the employer provides to the director a written statement 10538
showing good cause for failure to file the required quarterly 10539
report of wages. 10540~~

~~(C) Effective with the calendar quarter beginning April 1, 10541
1987, every employer liable for payments in lieu of contributions 10542
shall file a quarterly payroll report and a quarterly report of 10543
wages. The employer shall file the quarterly reports no later than 10544
the last day of the first month following the close of the 10545
calendar quarter for which the quarterly reports are being filed. 10546
The employer shall enter on the quarterly payroll report the total 10547
remuneration paid to all employees during the quarter and the 10548
total wages that would have been taxable had the employer been 10549
subject to contributions. The employer shall enter on the 10550
quarterly report of wages the name and social security number of 10551
each individual employed during the calendar quarter, the total 10552
remuneration paid the individual, the number of weeks during the 10553
quarter for which the individual was paid remuneration, and any 10554
other information as required by section 1137 of the "Social 10555
Security Act." 10556~~

~~Effective until the calendar quarter beginning January 1, 10557
1993, in case of failure to file the quarterly payroll report or 10558
the report of wages containing all of the required payroll or wage 10559
information within the time prescribed by this section, the 10560
employer shall be assessed a forfeiture of twenty five dollars per 10561
report. The director may waive the forfeiture only with respect to 10562
the report of wages, and such waiver may be approved only if the 10563
employer shows good cause for failure to file the required 10564
information. 10565~~

~~Effective with the calendar quarter beginning January 1, 10566
1993, in case of failure to file the quarterly payroll report 10567
containing all the required wage information within the time 10568~~

~~prescribed by this section, the employer shall be assessed a 10569
forfeiture amounting to twenty five one hundredths of one per cent 10570
of the total remuneration paid by the employer, provided such 10571
forfeiture shall not be less than thirty nor more than five 10572
hundred dollars per quarterly payroll report. The director may 10573
waive the forfeiture only if the employer provides to the director 10574
a written statement showing good cause for failure to file the 10575
required quarterly payroll report. 10576~~

~~Effective with the calendar quarter beginning January 1, 10577
1993, in case of failure to file the quarterly report of wages 10578
containing all the required information within the time prescribed 10579
by this section, there shall be assessed a forfeiture amounting to 10580
twenty five one hundredths of one per cent of the total 10581
remuneration paid by the employer, provided such forfeiture shall 10582
be not less than thirty nor more than five hundred dollars per 10583
quarterly report of wages. The director may waive the forfeiture 10584
only if the employer provides to the director a written statement 10585
showing good cause for failure to file the required quarterly 10586
report of wages. 10587~~

~~(D) Effective with the calendar quarter beginning January 1, 10588
2002, every Every contributory employer shall file a quarterly 10589
contribution and wage report. The quarterly report shall be filed 10590
not later than the last day of the first month following the close 10591
of the calendar quarter for which the quarterly report is being 10592
filed. The employer shall enter on the quarterly report the total 10593
and taxable remuneration paid to all employees during the quarter, 10594
the name and social security number of each individual employed 10595
during the calendar quarter, the total remuneration paid the 10596
individual, the number of weeks during the quarter for which the 10597
individual was paid remuneration, and any other information as 10598
required by section 1137 of the "Social Security Act." 10599~~

~~Effective with the calendar quarter beginning January 1, 10600~~

~~2002, in~~ In case of failure to properly file the quarterly
contribution and wage report containing all the required
contribution and wage information within the time prescribed by
this section, the director shall assess a forfeiture amounting to
twenty-five one-hundredths of one per cent of the total
remuneration reported by the employer, provided such forfeiture
shall not be less than fifty nor more than one thousand dollars.

~~(E) Effective with the calendar quarter beginning January 1,~~
~~2002, every~~ (C) Every employer liable for payments in lieu of
contributions shall file a quarterly payroll and wage report. The
quarterly report shall be filed not later than the last day of the
first month following the close of the calendar quarter for which
the quarterly report is being filed. The employer shall enter on
the quarterly report the total remuneration paid to all employees
during the quarter, the total wages that would have been taxable
had the employer been subject to contributions, the name and
social security number of each individual employed during the
calendar quarter, the total remuneration paid the individual, the
number of weeks during the quarter for which the individual was
paid remuneration, and any other information as required by
section 1137 of the "Social Security Act."

~~Effective with the calendar quarter beginning January 1,~~
~~2002, in~~ In case of failure to properly file the quarterly payroll
and wage report containing all the required payroll and wage
information within the time prescribed by this section, the
director shall assess a forfeiture amounting to twenty-five
one-hundredths of one per cent of the total remuneration reported
by the employer, provided such forfeiture shall not be less than
fifty nor more than one thousand dollars.

~~(F)~~(D) The director may waive a forfeiture assessed under
division ~~(D)~~(B) or ~~(E)~~(C) of this section if the employer provides
to the director, within four years after the date the forfeiture

was assessed, a written statement showing good cause for failure 10633
to properly file the required information. 10634

~~(G)~~(E) The director shall furnish the form or forms on which 10635
quarterly reports required under this section are to be submitted, 10636
or the employer may use other methods of reporting, including 10637
electronic information transmission methods, as approved by the 10638
director. 10639

~~(H)~~(F) All forfeitures required by this section shall be paid 10640
into the unemployment compensation special administrative fund as 10641
provided in section 4141.11 of the Revised Code. 10642

Sec. 4141.25. (A) The director of job and family services 10643
shall determine as of each computation date the contribution rate 10644
of each contributing employer subject to this chapter for the next 10645
succeeding contribution period. The director shall determine a 10646
standard rate of contribution or an experience rate for each 10647
contributing employer. Once a rate of contribution has been 10648
established under this section for a contribution period, except 10649
as provided in division (D) of section 4141.26 of the Revised 10650
Code, that rate shall remain effective throughout such 10651
contribution period. The rate of contribution shall be determined 10652
in accordance with the following requirements: 10653

(1) An employer whose experience does not meet the terms of 10654
division (A)(2) of this section shall be assigned a standard rate 10655
of contribution. Effective for contribution periods beginning on 10656
and after January 1, 1998, an employer's standard rate of 10657
contribution shall be a rate of two and seven-tenths per cent, 10658
except that the rate for employers engaged in the construction 10659
industry shall be the average contribution rate computed for the 10660
construction industry or a rate of two and seven-tenths per cent, 10661
whichever is greater. The standard rate set forth in this division 10662
shall be applicable to a nonprofit organization whose election to 10663

make payments in lieu of contributions is voluntarily terminated 10664
or canceled by the director under section 4141.241 of the Revised 10665
Code, and thereafter pays contributions as required by this 10666
section. If such nonprofit organization had been a contributory 10667
employer prior to its election to make payments in lieu of 10668
contributions, then any prior balance in the contributory account 10669
shall become part of the reactivated account. 10670

As used in division (A) of this section, "the average 10671
contribution rate computed for the construction industry" means 10672
the most recent annual average rate attributable to the 10673
construction industry as prescribed by the director. 10674

(2) A contributing employer subject to this chapter shall 10675
qualify for an experience rate only if there have been four 10676
consecutive quarters, ending on the thirtieth day of June 10677
immediately prior to the computation date, throughout which the 10678
employer's account was chargeable with benefits. Upon meeting the 10679
qualifying requirements provided in division (A)(2) of this 10680
section, the director shall calculate the total credits to each 10681
employer's account consisting of the contributions other than 10682
mutualized contributions including all contributions paid prior to 10683
the computation date for all past periods plus: 10684

(a) The contributions owing on the computation date that are 10685
paid within thirty days after the computation date, and credited 10686
to the employer's account; 10687

(b) All voluntary contributions paid by an employer pursuant 10688
to division (B) of section 4141.24 of the Revised Code. 10689

(3) The director also shall determine the benefits which are 10690
chargeable to each employer's account and which were paid prior to 10691
the computation date with respect to weeks of unemployment ending 10692
prior to the computation date. The director then shall determine 10693
the positive or negative balance of each employer's account by 10694

calculating the excess of such contributions and interest over the 10695
benefits chargeable, or the excess of such benefits over such 10696
contributions and interest. Any resulting negative balance then 10697
shall be subject to adjustment as provided in division (A)(2) of 10698
section 4141.24 of the Revised Code after which the positive or 10699
negative balance shall be expressed in terms of a percentage of 10700
the employer's average annual payroll. If the total standing to 10701
the credit of an employer's account exceeds the total charges, as 10702
provided in this division, the employer has a positive balance and 10703
if such charges exceed such credits the employer has a negative 10704
balance. Each employer's contribution rate shall then be 10705
determined in accordance with the following schedule: 10706

Contribution Rate Schedule 10707

If, as of the computation date	The employer's	
the contribution rate balance of	contribution rate for	
an employer's account as a	the next succeeding	
percentage of the employer's	contribution period	
average annual payroll is	shall be	
(a) A negative balance of:		10713
20.0% or more	6.5%	10714
19.0% but less than 20.0%	6.4%	10715
17.0% but less than 19.0%	6.3%	10716
15.0% but less than 17.0%	6.2%	10717
13.0% but less than 15.0%	6.1%	10718
11.0% but less than 13.0%	6.0%	10719
9.0% but less than 11.0%	5.9%	10720
5.0% but less than 9.0%	5.7%	10721
4.0% but less than 5.0%	5.5%	10722
3.0% but less than 4.0%	5.3%	10723
2.0% but less than 3.0%	5.1%	10724
1.0% but less than 2.0%	4.9%	10725
more than 0.0% but less than	4.8%	10726
1.0%		

(b) A 0.0% or a positive		10727
balance of less than 1.0%	4.7%	10728
(c) A positive balance of:		10729
1.0% or more, but less than 1.5%	4.6%	10730
1.5% or more, but less than 2.0%	4.5%	10731
2.0% or more, but less than 2.5%	4.3%	10732
2.5% or more, but less than 3.0%	4.0%	10733
3.0% or more, but less than 3.5%	3.8%	10734
3.5% or more, but less than 4.0%	3.5%	10735
4.0% or more, but less than 4.5%	3.3%	10736
4.5% or more, but less than 5.0%	3.0%	10737
5.0% or more, but less than 5.5%	2.8%	10738
5.5% or more, but less than 6.0%	2.5%	10739
6.0% or more, but less than 6.5%	2.2%	10740
6.5% or more, but less than 7.0%	2.0%	10741
7.0% or more, but less than 7.5%	1.8%	10742
7.5% or more, but less than 8.0%	1.6%	10743
8.0% or more, but less than 8.5%	1.4%	10744
8.5% or more, but less than 9.0%	1.3%	10745
9.0% or more, but less than 9.5%	1.1%	10746
9.5% or more, but less than	1.0%	10747
10.0%		
10.0% or more, but less than	.9%	10748
10.5%		
10.5% or more, but less than	.7%	10749
11.0%		
11.0% or more, but less than	.6%	10750
11.5%		
11.5% or more, but less than	.5%	10751
12.0%		
12.0% or more, but less than	.4%	10752
12.5%		
12.5% or more, but less than	.3%	10753

13.0%

13.0% or more, but less than .2% 10754

14.0%

14.0% or more .1% 10755

(d) The contribution rates shall be as specified in divisions 10756
(a), (b), and (c) of the contribution rate schedule except that 10757
notwithstanding the amendments made to division (a) of the 10758
contribution rate schedule in this section, if, as of the 10759
computation date: for 1991, the negative balance is 5.0% or more, 10760
the contribution rate shall be 5.7%; for 1992, if the negative 10761
balance is 11.0% or more, the contribution rate shall be 6.0%; and 10762
for 1993, if the negative balance is 17.0% or more, the 10763
contribution rate shall be 6.3%. Thereafter, the contribution 10764
rates shall be as specified in the contribution rate schedule. 10765

(B)(1) The director shall establish and maintain a separate 10766
account to be known as the "mutualized account." As of each 10767
computation date there shall be charged to this account: 10768

(a) As provided in division (A)(2) of section 4141.24 of the 10769
Revised Code, an amount equal to the sum of that portion of the 10770
negative balances of employer accounts which exceeds the 10771
applicable limitations as such balances are computed under 10772
division (A) of this section as of such date; 10773

(b) An amount equal to the sum of the negative balances 10774
remaining in employer accounts which have been closed during the 10775
year immediately preceding such computation date pursuant to 10776
division (E) of section 4141.24 of the Revised Code; 10777

(c) An amount equal to the sum of all benefits improperly 10778
paid preceding such computation date which are not recovered but 10779
which are not charged to an employer's account, or which after 10780
being charged, are credited back to an employer's account; 10781

(d) An amount equal to the sum of any other benefits paid 10782

preceding such computation date which, under this chapter, are not chargeable to an employer's account;

(e) An amount equal to the sum of any refunds made during the year immediately preceding such computation date of erroneously collected mutualized contributions required by this division which were previously credited to this account;

(f) An amount equal to the sum of any repayments made to the federal government during the year immediately preceding such computation date of amounts which may have been advanced by it to the unemployment compensation fund under section 1201 of the "Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301;

(g) Any amounts appropriated by the general assembly out of funds paid by the federal government, under section 903 of the "Social Security Act," to the account of this state in the federal unemployment trust fund.

(2) As of every computation date there shall be credited to the mutualized account provided for in this division:

(a) The proceeds of the mutualized contributions as provided in this division;

(b) Any positive balances remaining in employer accounts which are closed as provided in division (E) of section 4141.24 of the Revised Code;

(c) Any benefits improperly paid which are recovered but which cannot be credited to an employer's account;

(d) All amounts which may be paid by the federal government under section 903 of the "Social Security Act" to the account of this state in the federal unemployment trust fund;

(e) Amounts advanced by the federal government to the account of this state in the federal unemployment trust fund under section 1201 of the "Social Security Act" to the extent such advances have

been repaid to or recovered by the federal government; 10813

(f) Interest credited to the Ohio unemployment trust fund as 10814
deposited with the secretary of the treasury of the United States; 10815

(g) Amounts deposited into the unemployment compensation fund 10816
for penalties collected pursuant to division (A)(4) of section 10817
4141.35 of the Revised Code. 10818

(3) Annually, as of the computation date, the director shall 10819
determine the total credits and charges made to the mutualized 10820
account during the preceding twelve months and the overall 10821
condition of the account. The director shall issue an annual 10822
statement containing this information and such other information 10823
as the director deems pertinent, including a report that the sum 10824
of the balances in the mutualized account, employers' accounts, 10825
and any subsidiary accounts equal the balance in the state's 10826
unemployment trust fund maintained under section 904 of the 10827
"Social Security Act." 10828

(4) As used in this division: 10829

(a) "Fund as of the computation date" means as of any 10830
computation date, the aggregate amount of the unemployment 10831
compensation fund, including all contributions owing on the 10832
computation date that are paid within thirty days thereafter, all 10833
payments in lieu of contributions that are paid within sixty days 10834
after the computation date, all reimbursements of the federal 10835
share of extended benefits described in section 4141.301 of the 10836
Revised Code that are owing on the computation date, and all 10837
interest earned by the fund and received on or before the 10838
computation date from the federal government. 10839

(b) "Minimum safe level" means an amount equal to two 10840
standard deviations above the average of the adjusted annual 10841
average unemployment compensation benefit payment from 1970 to the 10842
most recent calendar year prior to the computation date, as 10843

determined by the director pursuant to division (B)(4)(b) of this 10844
section. To determine the adjusted annual payment of unemployment 10845
compensation benefits, the director first shall multiply the 10846
number of weeks compensated during each calendar year beginning 10847
with 1970 by the most recent annual average weekly unemployment 10848
compensation benefit payment and then compute the average and 10849
standard deviation of the resultant products. 10850

(c) "Annual average weekly unemployment compensation benefit 10851
payment" means the amount resulting from dividing the unemployment 10852
compensation benefits paid from the benefit account maintained 10853
within the unemployment compensation fund pursuant to section 10854
4141.09 of the Revised Code, by the number of weeks compensated 10855
during the same time period. 10856

(5) If, as of any computation date, the charges to the 10857
mutualized account during the entire period subsequent to the 10858
computation date, July 1, 1966, made in accordance with division 10859
(B)(1) of this section, exceed the credits to such account 10860
including mutualized contributions during such period, made in 10861
accordance with division (B)(2) of this section, the amount of 10862
such excess charges shall be recovered during the next 10863
contribution period. To recover such amount, the director shall 10864
compute the percentage ratio of such excess charges to the average 10865
annual payroll of all employers eligible for an experience rate 10866
under division (A) of this section. The percentage so determined 10867
shall be computed to the nearest tenth of one per cent and shall 10868
be an additional contribution rate to be applied to the wages paid 10869
by each employer whose rate is computed under the provisions of 10870
division (A) of this section in the contribution period next 10871
following such computation date, but such percentage shall not 10872
exceed five-tenths of one per cent; however, when there are any 10873
excess charges in the mutualized account, as computed in this 10874
division, then the mutualized contribution rate shall not be less 10875

than one-tenth of one per cent. 10876

(6) If the fund as of the computation date is above or below 10877
minimum safe level, the contribution rates provided for in each 10878
classification in division (A)(3) of this section for the next 10879
contribution period shall be adjusted as follows: 10880

(a) If the fund is thirty per cent or more above minimum safe 10881
level, the contribution rates provided in division (A)(3) of this 10882
section shall be decreased two-tenths of one per cent. 10883

(b) If the fund is more than fifteen per cent but less than 10884
thirty per cent above minimum safe level, the contribution rates 10885
provided in division (A)(3) of this section shall be decreased 10886
one-tenth of one per cent. 10887

(c) If the fund is more than fifteen per cent but less than 10888
thirty per cent below minimum safe level, the contribution rates 10889
of all employers shall be increased twenty-five one-thousandths of 10890
one per cent plus a per cent increase calculated and rounded 10891
pursuant to division (B)(6)(g) of this section. 10892

(d) If the fund is more than thirty per cent but less than 10893
forty-five per cent below minimum safe level, the contribution 10894
rates of all employers shall be increased seventy-five 10895
one-thousandths of one per cent plus a per cent increase 10896
calculated and rounded pursuant to division (B)(6)(g) of this 10897
section. 10898

(e) If the fund is more than forty-five per cent but less 10899
than sixty per cent below minimum safe level, the contribution 10900
rates of all employers shall be increased one-eighth of one per 10901
cent plus a per cent increase calculated and rounded pursuant to 10902
division (B)(6)(g) of this section. 10903

(f) If the fund is sixty per cent or more below minimum safe 10904
level, the contribution rates of all employers shall be increased 10905
two-tenths of one per cent plus a per cent increase calculated and 10906

rounded pursuant to division (B)(6)(g) of this section. 10907

(g) The additional per cent increase in contribution rates 10908
required by divisions (B)(6)(c), (d), (e), and (f) of this section 10909
that is payable by each individual employer shall be calculated in 10910
the following manner. The flat rate increase required by a 10911
particular division shall be multiplied by three and the product 10912
divided by the average experienced-rated contribution rate for all 10913
employers as determined by the director for the most recent 10914
calendar year. The resulting quotient shall be multiplied by an 10915
individual employer's contribution rate determined pursuant to 10916
division (A)(3) of this section. The resulting product shall be 10917
rounded to the nearest tenth of one per cent, added to the flat 10918
rate increase required by division (B)(6)(c), (d), (e), or (f) of 10919
this section, as appropriate, and the total shall be rounded to 10920
the nearest tenth of one per cent. As used in division (B)(6)(g) 10921
of this section, the "average experienced-rated contribution rate" 10922
means the most recent annual average contribution rate reported by 10923
the director contained in report RS 203.2 less the mutualized and 10924
minimum safe level contribution rates included in such rate. 10925

(h) If any of the increased contribution rates of division 10926
(B)(6)(c), (d), (e), or (f) of this section are imposed, the rate 10927
shall remain in effect for the calendar year in which it is 10928
imposed and for each calendar year thereafter until the director 10929
determines as of the computation date for calendar year 1991 and 10930
as of the computation date for any calendar year thereafter 10931
pursuant to this section, that the level of the unemployment 10932
compensation fund equals or exceeds the minimum safe level as 10933
defined in division (B)(4)(b) of this section. Nothing in division 10934
(B)(6)(h) of this section shall be construed as restricting the 10935
imposition of the increased contribution rates provided in 10936
divisions (B)(6)(c), (d), (e), and (f) of this section if the fund 10937
falls below the percentage of the minimum safe level as specified 10938

in those divisions. 10939

(7) The additional contributions required by division (B)(5) 10940
of this section shall be credited to the mutualized account. The 10941
additional contributions required by division (B)(6) of this 10942
section shall be credited fifty per cent to individual employer 10943
accounts and fifty per cent to the mutualized account. 10944

(C) If an employer makes a payment of contributions which is 10945
less than the full amount required by this section and sections 10946
4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, and 10947
4141.27 of the Revised Code, such partial payment shall be applied 10948
first against the mutualized contributions required under this 10949
chapter. Any remaining partial payment shall be credited to the 10950
employer's individual account. 10951

(D) Whenever there are any increases in contributions 10952
resulting from an increase in wages subject to contributions as 10953
defined in division (G) of section 4141.01 of the Revised Code, or 10954
from an increase in the mutualized rate of contributions provided 10955
in division (B) of this section, or from a revision of the 10956
contribution rate schedule provided in division (A) of this 10957
section, except for that portion of the increase attributable to a 10958
change in the positive or negative balance in an employer's 10959
account, which increases become effective after a contract for the 10960
construction of real property, as defined in section 5701.02 of 10961
the Revised Code, has been entered into, the contractee upon 10962
written notice by a prime contractor shall reimburse the 10963
contractor for all increased contributions paid by the prime 10964
contractor or by subcontractors upon wages for services performed 10965
under the contract. Upon reimbursement by the contractee to the 10966
prime contractor, the prime contractor shall reimburse each 10967
subcontractor for the increased contributions. 10968

(E) Effective only for the contribution period beginning on 10969
January 1, 1996, and ending on December 31, 1996, mutualized 10970

contributions collected or received by the director pursuant to 10971
division (B)(5) of this section and amounts credited to the 10972
mutualized account pursuant to division (B)(7) of this section 10973
shall be deposited into or credited to the unemployment 10974
compensation benefit reserve fund that is created under division 10975
(F) of this section, except that amounts collected, received, or 10976
credited in excess of two hundred million dollars shall be 10977
deposited into or credited to the unemployment trust fund 10978
established pursuant to section 4141.09 of the Revised Code. 10979

(F) The state unemployment compensation benefit reserve fund 10980
is hereby created as a trust fund in the custody of the treasurer 10981
of state and shall not be part of the state treasury. The fund 10982
shall consist of all moneys collected or received as mutualized 10983
contributions pursuant to division (B)(5) of this section and 10984
amounts credited to the mutualized account pursuant to division 10985
(B)(7) of this section as provided by division (E) of this 10986
section. All moneys in the fund shall be used solely to pay 10987
unemployment compensation benefits in the event that funds are no 10988
longer available for that purpose from the unemployment trust fund 10989
established pursuant to section 4141.09 of the Revised Code. 10990

(G) The balance in the unemployment compensation benefit 10991
reserve fund remaining at the end of the contribution period 10992
beginning January 1, 2000, and any mutualized contribution amounts 10993
for the contribution period beginning on January 1, 1996, that may 10994
be received after December 31, 2000, shall be deposited into the 10995
unemployment trust fund established pursuant to section 4141.09 of 10996
the Revised Code. Income earned on moneys in the state 10997
unemployment compensation benefit reserve fund shall be available 10998
for use by the director only for the purposes described in 10999
division (I) of this section, and shall not be used for any other 11000
purpose. 11001

(H) The unemployment compensation benefit reserve fund 11002

balance shall be added to the unemployment trust fund balance in 11003
determining the minimum safe level tax to be imposed pursuant to 11004
division (B) of this section and shall be included in the 11005
mutualized account balance for the purpose of determining the 11006
mutualized contribution rate pursuant to division (B)(5) of this 11007
section. 11008

(I) All income earned on moneys in the unemployment 11009
compensation benefit reserve fund from the investment of the fund 11010
by the treasurer of state shall accrue to the department of job 11011
and family services automation administration fund, which is 11012
hereby established in the state treasury. Moneys within the 11013
automation administration fund shall be used to meet the costs 11014
related to automation of the department and the administrative 11015
costs related to collecting and accounting for unemployment 11016
compensation benefit reserve fund revenue. Any funds remaining in 11017
the automation administration fund upon completion of the 11018
department's automation projects that are funded by that fund 11019
shall be deposited into the unemployment trust fund established 11020
pursuant to section 4141.09 of the Revised Code. 11021

(J) The director shall prepare and submit monthly reports to 11022
the unemployment compensation advisory commission with respect to 11023
the status of efforts to collect and account for unemployment 11024
compensation benefit reserve fund revenue and the costs related to 11025
collecting and accounting for that revenue. The director shall 11026
obtain approval from the unemployment compensation advisory 11027
commission for expenditure of funds from the department of job and 11028
family services automation administration fund. Funds may be 11029
approved for expenditure for purposes set forth in division (I) of 11030
this section only to the extent that federal or other funds are 11031
not available. 11032

Sec. 4141.26. (A) As soon as practicable after the first day 11033

of September but not later than the first day of December of each 11034
year, the director of job and family services shall notify each 11035
employer of the employer's contribution rate as determined for the 11036
next ensuing contribution period pursuant to section 4141.25 of 11037
the Revised Code provided the employer has furnished the director, 11038
by the first day of September following the computation date, with 11039
the wage information for all past periods necessary for the 11040
computation of the contribution rate. 11041

(B)(1) If an employer has not timely furnished the necessary 11042
wage information as required by division (A) of this section, the 11043
employer's contribution rate for such contribution period shall 11044
not be computed as provided in section 4141.25 of the Revised 11045
Code, but instead the employer shall be assigned a contribution 11046
rate equal to one hundred twenty-five per cent of the maximum rate 11047
provided in that section, with the following exceptions: 11048

~~(1)~~(a) If the employer files the necessary wage information 11049
by the thirty-first day of December of the year immediately 11050
preceding the contribution period for which the rate is to be 11051
effective, the employer's rate shall be computed as provided in 11052
division (A) of section 4141.25 of the Revised Code. 11053

~~(2)~~(b) The director shall revise the contribution rate of an 11054
employer who has not timely furnished the necessary wage 11055
information as required by division (A) of this section, who has 11056
been assigned a contribution rate pursuant to division (B) of this 11057
section, and who does not meet the requirements of division 11058
(B)(1)(a) of this section, if the employer furnishes the necessary 11059
wage information to the director within eighteen months following 11060
the thirty-first day of December of the year immediately preceding 11061
the contribution period for which the rate is to be effective. The 11062
revised rate under division (B)~~(2)~~(1)(b) of this section shall be 11063
equal to one hundred twenty per cent of the contribution rate that 11064

would have resulted if the employer had timely furnished the 11065
necessary wage information under division (A) of this section. 11066

(c) The director may waive the maximum contribution rate 11067
assigned pursuant to division (B) of this section if the failure 11068
to timely furnish the wage information as required by division (A) 11069
of this section was a result of circumstances beyond the control 11070
of the employer or the employer's agent. 11071

(2) The director shall deny an employer's request for a 11072
revision of the employer's rate as provided in division 11073
(B)~~(2)~~(1)(b) of this section if the director finds that the 11074
employer's failure to timely file the necessary wage information 11075
was due to an attempt to evade payment. 11076

(3) The director shall round the contribution rates the 11077
director determines under division (B) of this section to the 11078
nearest tenth of one per cent. 11079

(4) The director shall adopt rules to prescribe requirements 11080
and procedures for requesting a waiver of the maximum contribution 11081
rate under division (B)(1)(c) of this section. 11082

(C) If, as a result of the computation pursuant to division 11083
(B) of this section, the employer's account shows a negative 11084
balance in excess of the applicable limitations, in that 11085
computation, the excess above applicable limitations shall not be 11086
transferred from the account as provided in division (A)(2) of 11087
section 4141.24 of the Revised Code. 11088

(D) The rate determined pursuant to this section and section 11089
4141.25 of the Revised Code shall become binding upon the employer 11090
unless: 11091

(1) The employer makes a voluntary contribution as provided 11092
in division (B) of section 4141.24 of the Revised Code, whereupon 11093
the director shall issue the employer a revised contribution rate 11094
notice if the contribution changes the employer's rate; or 11095

(2) Within thirty days after the mailing of notice of the employer's rate or a revision of it to the employer's last known address or, in the absence of mailing of such notice, within thirty days after the delivery of such notice, the employer files an application with the director for reconsideration of the director's determination of such rate setting forth reasons for such request. The director shall promptly examine the application for reconsideration and shall notify the employer of the director's reconsidered decision, which shall become final unless, within thirty days after the mailing of such notice by certified mail, return receipt requested, the employer files an application for review of such decision with the unemployment compensation review commission. The commission shall promptly examine the application for review of the director's decision and shall grant such employer an opportunity for a fair hearing. The proceeding at the hearing before the commission shall be recorded in the means and manner prescribed by the commission. For the purposes of this division, the review is considered timely filed when it has been received as provided in division (D)(1) of section 4141.281 of the Revised Code.

The employer and the director shall be promptly notified of the commission's decision, which shall become final unless, within thirty days after the mailing of notice of it to the employer's last known address by certified mail, return receipt requested, or, in the absence of mailing, within thirty days after delivery of such notice, an appeal is taken by the employer or the director to the court of common pleas of Franklin county. Such appeal shall be taken by the employer or the director by filing a notice of appeal with the clerk of such court and with the commission. Such notice of appeal shall set forth the decision appealed and the errors in it complained of. Proof of the filing of such notice with the commission shall be filed with the clerk of such court.

The commission, upon written demand filed by the appellant 11128
and within thirty days after the filing of such demand, shall file 11129
with the clerk a certified transcript of the record of the 11130
proceedings before the commission pertaining to the determination 11131
or order complained of, and the appeal shall be heard upon such 11132
record certified to the commission. In such appeal, no additional 11133
evidence shall be received by the court, but the court may order 11134
additional evidence to be taken before the commission, and the 11135
commission, after hearing such additional evidence, shall certify 11136
such additional evidence to the court or it may modify its 11137
determination and file such modified determination, together with 11138
the transcript of the additional record, with the court. After an 11139
appeal has been filed in the court, the commission, by petition, 11140
may be made a party to such appeal. Such appeal shall be given 11141
precedence over other civil cases. The court may affirm the 11142
determination or order complained of in the appeal if it finds, 11143
upon consideration of the entire record, that the determination or 11144
order is supported by reliable, probative, and substantial 11145
evidence and is in accordance with law. In the absence of such a 11146
finding, it may reverse, vacate, or modify the determination or 11147
order or make such other ruling as is supported by reliable, 11148
probative, and substantial evidence and is in accordance with law. 11149
The judgment of the court shall be final and conclusive unless 11150
reversed, vacated, or modified on appeal. An appeal may be taken 11151
from the decision of the court of common pleas of Franklin county. 11152

(E) The appeal provisions of division (D) of this section 11153
apply to all other determinations and orders of the director 11154
affecting the liability of an employer to pay contributions or the 11155
amount of such contributions, determinations respecting 11156
application for refunds of contributions, determinations 11157
respecting applications for classification of employment as 11158
seasonal under section 4141.33 of the Revised Code, and exceptions 11159
to charges of benefits to an employer's account as provided in 11160

division (D) of section 4141.24 of the Revised Code. 11161

(F) The validity of any general order or rule of the director 11162
adopted pursuant to this chapter or of any final order or action 11163
of the unemployment compensation review commission respecting any 11164
such general order or rule may be determined by the court of 11165
common pleas of Franklin county, and such general order, rule, or 11166
action may be sustained or set aside by the court on an appeal to 11167
it which may be taken by any person affected by the order, rule, 11168
or action in the manner provided by law. Such appeal to the court 11169
of common pleas of Franklin county shall be filed within thirty 11170
days after the date such general order, rule, or action was 11171
publicly released by the director or the commission. Either party 11172
to such action may appeal from the court of common pleas of 11173
Franklin county as in ordinary civil cases. 11174

(G) Notwithstanding any determination made in pursuance of 11175
sections 4141.23 to 4141.26 of the Revised Code, no individual who 11176
files a claim for benefits shall be denied the right to a fair 11177
hearing as provided in section 4141.281 of the Revised Code, or 11178
the right to have a claim determined on the merits of it. 11179

(H)(1) Notwithstanding division (D) of this section, if the 11180
director finds that an omission or error in the director's records 11181
or employer reporting caused the director to issue an erroneous 11182
determination or order affecting contribution rates, the liability 11183
of an employer to pay contributions or the amount of such 11184
contributions, determinations respecting applications for refunds 11185
of contributions, determinations respecting applications for 11186
classification of seasonal status under section 4141.33 of the 11187
Revised Code, or exceptions to charges of benefits to an 11188
employer's account as provided in division (D) of section 4141.24 11189
of the Revised Code, the director may issue a corrected 11190
determination or order correcting the erroneous determination or 11191
order, except as provided in division (H)(2) of this section. 11192

(2) The director may not issue a corrected determination or order correcting an erroneous determination or order if both of the following apply:

(a) The erroneous determination or order was caused solely by an omission or error of the director;

(b) A correction of the erroneous determination or order would adversely affect the employer or any of the employers that were parties in interest to the erroneous determination or order.

A corrected determination or order issued under this division takes precedence over and renders void the erroneous determination or order and is appealable as provided in division (D) of this section.

Sec. 4141.35. (A) If the director of job and family services finds that any fraudulent misrepresentation has been made by an applicant for or a recipient of benefits with the object of obtaining benefits to which the applicant or recipient was not entitled, and in addition to any other penalty or forfeiture under this chapter, then the director:

(1) Shall within four years after the end of the benefit year in which the fraudulent misrepresentation was made reject or cancel such person's entire weekly claim for benefits that was fraudulently claimed, or the person's entire benefit rights if the misrepresentation was in connection with the filing of the claimant's application for determination of benefit rights;

(2) Shall by order declare that, for each application for benefit rights and for each weekly claim canceled, such person shall be ineligible for two otherwise valid weekly claims for benefits, claimed within six years subsequent to the discovery of such misrepresentation;

(3) By order shall require that the total amount of benefits

rejected or canceled under division (A)(1) of this section be 11223
repaid to the director before such person may become eligible for 11224
further benefits, and shall withhold such unpaid sums from future 11225
benefit payments accruing and otherwise payable to such claimant. 11226
Effective with orders issued on or after January 1, 1993, if such 11227
benefits are not repaid within thirty days after the director's 11228
order becomes final, interest on the amount remaining unpaid shall 11229
be charged to the person at a rate and calculated in the same 11230
manner as provided under section 4141.23 of the Revised Code. When 11231
a person ordered to repay benefits has repaid all overpaid 11232
benefits according to a plan approved by the director, the 11233
director may cancel the amount of interest that accrued during the 11234
period of the repayment plan. The director may take action in any 11235
court of competent jurisdiction to collect benefits and interest 11236
as provided in sections 4141.23 and 4141.27 of the Revised Code, 11237
in regard to the collection of unpaid contributions, using the 11238
final repayment order as the basis for such action. Except as 11239
otherwise provided in this division, no administrative or legal 11240
proceedings for the collection of such benefits or interest due, 11241
or for the collection of a penalty under division (A)(4) of this 11242
section, shall be initiated after the expiration of six years from 11243
the date on which the director's order requiring repayment became 11244
final and the amount of any benefits, penalty, or interest not 11245
recovered at that time, and any liens thereon, shall be canceled 11246
as uncollectible. The time limit for instituting proceedings shall 11247
be extended by the period of any stay to the collection or by any 11248
other time period to which the parties mutually agree. 11249

(4) Shall, for findings made on or after October 21, 2013, by 11250
order assess a mandatory penalty on such a person in an amount 11251
equal to twenty-five per cent of the total amount of benefits 11252
rejected or canceled under division (A)(1) of this section. The 11253
first sixty per cent of each penalty collected under division 11254
(A)(4) of this section shall be deposited into the unemployment 11255

compensation fund created under section 4141.09 of the Revised 11256
Code, ~~and the~~ and shall be credited to the mutualized account, as 11257
provided in division (B)(2)(g) of section 4141.25 of the Revised 11258
Code. The remainder of each penalty collected shall be deposited 11259
into the unemployment compensation special administrative fund 11260
created under section 4141.11 of the Revised Code. 11261

(5) May take action to collect benefits fraudulently obtained 11262
under the unemployment compensation law of any other state or the 11263
United States or Canada. Such action may be initiated in the 11264
courts of this state in the same manner as provided for unpaid 11265
contributions in section 4141.41 of the Revised Code. 11266

(6) May take action to collect benefits that have been 11267
fraudulently obtained from the director, interest pursuant to 11268
division (A)(3) of this section, and court costs, through 11269
attachment proceedings under Chapter 2715. of the Revised Code and 11270
garnishment proceedings under Chapter 2716. of the Revised Code. 11271

(B) If the director finds that an applicant for benefits has 11272
been credited with a waiting period or paid benefits to which the 11273
applicant was not entitled for reasons other than fraudulent 11274
misrepresentation, the director shall: 11275

(1)(a) Within six months after the determination under which 11276
the claimant was credited with that waiting period or paid 11277
benefits becomes final pursuant to section 4141.28 of the Revised 11278
Code, or within three years after the end of the benefit year in 11279
which such benefits were claimed, whichever is later, by order 11280
cancel such waiting period and require that such benefits be 11281
repaid to the director or be withheld from any benefits to which 11282
such applicant is or may become entitled before any additional 11283
benefits are paid, provided that the repayment or withholding 11284
shall not be required where the overpayment is the result of the 11285
director's correcting a prior decision due to a typographical or 11286
clerical error in the director's prior decision, or an error in an 11287

employer's report under division (G) of section 4141.28 of the Revised Code. 11288
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(b) The limitation specified in division (B)(1)(a) of this section shall not apply to cases involving the retroactive payment of remuneration covering periods for which benefits were previously paid to the claimant. However, in such cases, the director's order requiring repayment shall not be issued unless the director is notified of such retroactive payment within six months from the date the retroactive payment was made to the claimant. 11290
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(2) The director may, by reciprocal agreement with the United States secretary of labor or another state, recover overpayment amounts from unemployment benefits otherwise payable to an individual under Chapter 4141. of the Revised Code. Any overpayments made to the individual that have not previously been recovered under an unemployment benefit program of the United States may be recovered in accordance with section 303(g) of the "Social Security Act" and sections 3304(a)(4) and 3306(f) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 11298
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(3) If the amounts required to be repaid under division (B) of this section are not recovered within three years from the date the director's order requiring payment became final, initiate no further action to collect such benefits and the amount of any benefits not recovered at that time shall be canceled as uncollectible, provided that the time limit for collection shall be extended by the period of any stay to the collection or by any other time period to which the parties mutually agree. 11308
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(C) The appeal provisions of sections 4141.281 and 4141.282 of the Revised Code shall apply to all orders and determinations issued under this section, except that an individual's right of appeal under division (B)(2) of this section shall be limited to 11316
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this state's authority to recover overpayment of benefits. 11320

(D) If an individual makes a full repayment or a repayment 11321
that is less than the full amount required by this section, the 11322
director shall apply the repayment to the mutualized account under 11323
division (B) of section 4141.25 of the Revised Code, except that 11324
the director shall credit the repayment to the accounts of the 11325
individual's base period employers that previously have not been 11326
credited for the amount of improperly paid benefits charged 11327
against their accounts based on the proportion of benefits charged 11328
against the accounts as determined pursuant to division (D) of 11329
section 4141.24 of the Revised Code. 11330

The director shall deposit any repayment collected under this 11331
section that the director determines to be payment of interest or 11332
court costs into the unemployment compensation special 11333
administrative fund established pursuant to section 4141.11 of the 11334
Revised Code. 11335

This division does not apply to ~~federal~~ any of the following: 11336

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 11337

(2) Unclaimed fund recoveries under section 131.024 of the 11338
Revised Code; 11339

(3) Lottery award offsets under section 3770.073 of the 11340
Revised Code; 11341

(4) State tax refund offsets under section 5747.12 of the 11342
Revised Code. 11343

Sec. 4511.191. (A)(1) As used in this section: 11344

(a) "Physical control" has the same meaning as in section 11345
4511.194 of the Revised Code. 11346

(b) "Alcohol monitoring device" means any device that 11347
provides for continuous alcohol monitoring, any ignition interlock 11348

device, any immobilizing or disabling device other than an 11349
ignition interlock device that is constantly available to monitor 11350
the concentration of alcohol in a person's system, or any other 11351
device that provides for the automatic testing and periodic 11352
reporting of alcohol consumption by a person and that a court 11353
orders a person to use as a sanction imposed as a result of the 11354
person's conviction of or plea of guilty to an offense. 11355

(2) Any person who operates a vehicle, streetcar, or 11356
trackless trolley upon a highway or any public or private property 11357
used by the public for vehicular travel or parking within this 11358
state or who is in physical control of a vehicle, streetcar, or 11359
trackless trolley shall be deemed to have given consent to a 11360
chemical test or tests of the person's whole blood, blood serum or 11361
plasma, breath, or urine to determine the alcohol, drug of abuse, 11362
controlled substance, metabolite of a controlled substance, or 11363
combination content of the person's whole blood, blood serum or 11364
plasma, breath, or urine if arrested for a violation of division 11365
(A) or (B) of section 4511.19 of the Revised Code, section 11366
4511.194 of the Revised Code or a substantially equivalent 11367
municipal ordinance, or a municipal OVI ordinance. 11368

(3) The chemical test or tests under division (A)(2) of this 11369
section shall be administered at the request of a law enforcement 11370
officer having reasonable grounds to believe the person was 11371
operating or in physical control of a vehicle, streetcar, or 11372
trackless trolley in violation of a division, section, or 11373
ordinance identified in division (A)(2) of this section. The law 11374
enforcement agency by which the officer is employed shall 11375
designate which of the tests shall be administered. 11376

(4) Any person who is dead or unconscious, or who otherwise 11377
is in a condition rendering the person incapable of refusal, shall 11378
be deemed to have consented as provided in division (A)(2) of this 11379
section, and the test or tests may be administered, subject to 11380

sections 313.12 to 313.16 of the Revised Code. 11381

(5)(a) If a law enforcement officer arrests a person for a 11382
violation of division (A) or (B) of section 4511.19 of the Revised 11383
Code, section 4511.194 of the Revised Code or a substantially 11384
equivalent municipal ordinance, or a municipal OVI ordinance and 11385
if the person if convicted would be required to be sentenced under 11386
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 11387
Code, the law enforcement officer shall request the person to 11388
submit, and the person shall submit, to a chemical test or tests 11389
of the person's whole blood, blood serum or plasma, breath, or 11390
urine for the purpose of determining the alcohol, drug of abuse, 11391
controlled substance, metabolite of a controlled substance, or 11392
combination content of the person's whole blood, blood serum or 11393
plasma, breath, or urine. A law enforcement officer who makes a 11394
request pursuant to this division that a person submit to a 11395
chemical test or tests is not required to advise the person of the 11396
consequences of submitting to, or refusing to submit to, the test 11397
or tests and is not required to give the person the form described 11398
in division (B) of section 4511.192 of the Revised Code, but the 11399
officer shall advise the person at the time of the arrest that if 11400
the person refuses to take a chemical test the officer may employ 11401
whatever reasonable means are necessary to ensure that the person 11402
submits to a chemical test of the person's whole blood or blood 11403
serum or plasma. The officer shall also advise the person at the 11404
time of the arrest that the person may have an independent 11405
chemical test taken at the person's own expense. Divisions (A)(3) 11406
and (4) of this section apply to the administration of a chemical 11407
test or tests pursuant to this division. 11408

(b) If a person refuses to submit to a chemical test upon a 11409
request made pursuant to division (A)(5)(a) of this section, the 11410
law enforcement officer who made the request may employ whatever 11411
reasonable means are necessary to ensure that the person submits 11412

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 section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code.

(b) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical

test or had been convicted of or pleaded guilty to one violation 11445
of division (A) or (B) of section 4511.19 of the Revised Code or 11446
one other equivalent offense, the suspension shall be a class B 11447
suspension imposed for the period of time specified in division 11448
(B)(2) of section 4510.02 of the Revised Code. 11449

(c) If the arrested person, within six years of the date on 11450
which the person refused the request to consent to the chemical 11451
test, had refused two previous requests to consent to a chemical 11452
test, had been convicted of or pleaded guilty to two violations of 11453
division (A) or (B) of section 4511.19 of the Revised Code or 11454
other equivalent offenses, or had refused one previous request to 11455
consent to a chemical test and also had been convicted of or 11456
pleaded guilty to one violation of division (A) or (B) of section 11457
4511.19 of the Revised Code or other equivalent offenses, which 11458
violation or offense arose from an incident other than the 11459
incident that led to the refusal, the suspension shall be a class 11460
A suspension imposed for the period of time specified in division 11461
(B)(1) of section 4510.02 of the Revised Code. 11462

(d) If the arrested person, within six years of the date on 11463
which the person refused the request to consent to the chemical 11464
test, had refused three or more previous requests to consent to a 11465
chemical test, had been convicted of or pleaded guilty to three or 11466
more violations of division (A) or (B) of section 4511.19 of the 11467
Revised Code or other equivalent offenses, or had refused a number 11468
of previous requests to consent to a chemical test and also had 11469
been convicted of or pleaded guilty to a number of violations of 11470
division (A) or (B) of section 4511.19 of the Revised Code or 11471
other equivalent offenses that cumulatively total three or more 11472
such refusals, convictions, and guilty pleas, the suspension shall 11473
be for five years. 11474

(2) The registrar shall terminate a suspension of the 11475
driver's or commercial driver's license or permit of a resident or 11476

of the operating privilege of a nonresident, or a denial of a 11477
driver's or commercial driver's license or permit, imposed 11478
pursuant to division (B)(1) of this section upon receipt of notice 11479
that the person has entered a plea of guilty to, or that the 11480
person has been convicted after entering a plea of no contest to, 11481
operating a vehicle in violation of section 4511.19 of the Revised 11482
Code or in violation of a municipal OVI ordinance, if the offense 11483
for which the conviction is had or the plea is entered arose from 11484
the same incident that led to the suspension or denial. 11485

The registrar shall credit against any judicial suspension of 11486
a person's driver's or commercial driver's license or permit or 11487
nonresident operating privilege imposed pursuant to section 11488
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 11489
Revised Code for a violation of a municipal OVI ordinance, any 11490
time during which the person serves a related suspension imposed 11491
pursuant to division (B)(1) of this section. 11492

(C)(1) Upon receipt of the sworn report of the law 11493
enforcement officer who arrested a person for a violation of 11494
division (A) or (B) of section 4511.19 of the Revised Code or a 11495
municipal OVI ordinance that was completed and sent to the 11496
registrar and a court pursuant to section 4511.192 of the Revised 11497
Code in regard to a person whose test results indicate that the 11498
person's whole blood, blood serum or plasma, breath, or urine 11499
contained at least the concentration of alcohol specified in 11500
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 11501
Revised Code or at least the concentration of a listed controlled 11502
substance or a listed metabolite of a controlled substance 11503
specified in division (A)(1)(j) of section 4511.19 of the Revised 11504
Code, the registrar shall enter into the registrar's records the 11505
fact that the person's driver's or commercial driver's license or 11506
permit or nonresident operating privilege was suspended by the 11507
arresting officer under this division and section 4511.192 of the 11508

Revised Code and the period of the suspension, as determined under 11509
divisions (C)(1)(a) to (d) of this section. The suspension shall 11510
be subject to appeal as provided in section 4511.197 of the 11511
Revised Code. The suspension described in this division does not 11512
apply to, and shall not be imposed upon, a person arrested for a 11513
violation of section 4511.194 of the Revised Code or a 11514
substantially equivalent municipal ordinance who submits to a 11515
designated chemical test. The suspension shall be for whichever of 11516
the following periods applies: 11517

(a) Except when division (C)(1)(b), (c), or (d) of this 11518
section applies and specifies a different period, the suspension 11519
shall be a class E suspension imposed for the period of time 11520
specified in division (B)(5) of section 4510.02 of the Revised 11521
Code. 11522

(b) The suspension shall be a class C suspension for the 11523
period of time specified in division (B)(3) of section 4510.02 of 11524
the Revised Code if the person has been convicted of or pleaded 11525
guilty to, within six years of the date the test was conducted, 11526
one violation of division (A) or (B) of section 4511.19 of the 11527
Revised Code or one other equivalent offense. 11528

(c) If, within six years of the date the test was conducted, 11529
the person has been convicted of or pleaded guilty to two 11530
violations of a statute or ordinance described in division 11531
(C)(1)(b) of this section, the suspension shall be a class B 11532
suspension imposed for the period of time specified in division 11533
(B)(2) of section 4510.02 of the Revised Code. 11534

(d) If, within six years of the date the test was conducted, 11535
the person has been convicted of or pleaded guilty to more than 11536
two violations of a statute or ordinance described in division 11537
(C)(1)(b) of this section, the suspension shall be a class A 11538
suspension imposed for the period of time specified in division 11539
(B)(1) of section 4510.02 of the Revised Code. 11540

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (C)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (C)(1) of this section.

(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194

of the Revised Code or a substantially equivalent municipal 11573
ordinance, regardless of whether the person's driver's or 11574
commercial driver's license or permit or nonresident operating 11575
privilege is or is not suspended under division (B) or (C) of this 11576
section or Chapter 4510. of the Revised Code, the person's initial 11577
appearance on the charge resulting from the arrest shall be held 11578
within five days of the person's arrest or the issuance of the 11579
citation to the person, subject to any continuance granted by the 11580
court pursuant to section 4511.197 of the Revised Code regarding 11581
the issues specified in that division. 11582

(E) When it finally has been determined under the procedures 11583
of this section and sections 4511.192 to 4511.197 of the Revised 11584
Code that a nonresident's privilege to operate a vehicle within 11585
this state has been suspended, the registrar shall give 11586
information in writing of the action taken to the motor vehicle 11587
administrator of the state of the person's residence and of any 11588
state in which the person has a license. 11589

(F) At the end of a suspension period under this section, 11590
under section 4511.194, section 4511.196, or division (G) of 11591
section 4511.19 of the Revised Code, or under section 4510.07 of 11592
the Revised Code for a violation of a municipal OVI ordinance and 11593
upon the request of the person whose driver's or commercial 11594
driver's license or permit was suspended and who is not otherwise 11595
subject to suspension, cancellation, or disqualification, the 11596
registrar shall return the driver's or commercial driver's license 11597
or permit to the person upon the occurrence of all of the 11598
conditions specified in divisions (F)(1) and (2) of this section: 11599

(1) A showing that the person has proof of financial 11600
responsibility, a policy of liability insurance in effect that 11601
meets the minimum standards set forth in section 4509.51 of the 11602
Revised Code, or proof, to the satisfaction of the registrar, that 11603
the person is able to respond in damages in an amount at least 11604

equal to the minimum amounts specified in section 4509.51 of the Revised Code. 11605
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(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the registrar or an eligible deputy registrar of a license reinstatement fee of four hundred seventy-five dollars, ~~which fee. The registrar or deputy registrar shall be deposited~~ deposit the fee in the state treasury ~~and to be~~ credited as follows: 11607
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(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. Money credited to the fund under this section shall be used for purposes identified under section 5119.22 of the Revised Code. 11613
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(b) Seventy-five dollars shall be credited to the reparations fund created by section 2743.191 of the Revised Code. 11618
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(c) Thirty-seven dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established in the state treasury. ~~Except as otherwise provided in division (F)(2)(c) of this section, moneys in the fund shall be distributed by the~~ The department of mental health and addiction services shall distribute the moneys in that fund to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to division (H) of this section, ~~and shall to be used only to pay the cost of an alcohol and drug addiction treatment program attended by an offender or juvenile traffic offender who is ordered to attend an alcohol and drug addiction treatment program by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's attendance at the program or to pay~~ 11620
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~~the costs specified in division (H)(4) of this section in~~ 11637
~~accordance with that division. In addition, a county, juvenile, or~~ 11638
~~municipal court judge may use moneys in the county indigent~~ 11639
~~drivers alcohol treatment fund, county juvenile indigent drivers~~ 11640
~~alcohol treatment fund, or municipal indigent drivers alcohol~~ 11641
~~treatment fund to pay for the cost of the continued use of an~~ 11642
~~alcohol monitoring device as described in divisions (H)(3) and (4)~~ 11643
~~of this section as provided in division (H)(3) of this section.~~ 11644
Moneys in the fund that are not distributed to a county indigent 11645
drivers alcohol treatment fund, a county juvenile indigent drivers 11646
alcohol treatment fund, or a municipal indigent drivers alcohol 11647
treatment fund under division (H) of this section because the 11648
director of mental health and addiction services does not have the 11649
information necessary to identify the county or municipal 11650
corporation where the offender or juvenile offender was arrested 11651
may be transferred by the director of budget and management to the 11652
statewide treatment and prevention fund created by section 4301.30 11653
of the Revised Code, upon certification of the amount by the 11654
director of mental health and addiction services. 11655

(d) Seventy-five dollars shall be credited to the 11656
opportunities for Ohioans with disabilities agency established by 11657
section 3304.15 of the Revised Code, to the services for 11658
rehabilitation fund, which is hereby established. The fund shall 11659
be used to match available federal matching funds where 11660
appropriate, and for any other purpose or program of the agency to 11661
rehabilitate persons with disabilities to help them become 11662
employed and independent. 11663

(e) Seventy-five dollars shall be deposited into the state 11664
treasury and credited to the drug abuse resistance education 11665
programs fund, which is hereby established, to be used by the 11666
attorney general for the purposes specified in division (F)(4) of 11667
this section. 11668

(f) Thirty dollars shall be credited to the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code. 11669
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(g) Twenty dollars shall be credited to the trauma and emergency medical services fund created by section 4513.263 of the Revised Code. 11672
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(h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Moneys in the fund shall be distributed by the department of public safety to the county indigent drivers interlock and alcohol monitoring funds, the county juvenile indigent drivers interlock and alcohol monitoring funds, and the municipal indigent drivers interlock and alcohol monitoring funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender or juvenile offender who is ordered to use the device by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's use of the device. 11675
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(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the registrar or an eligible deputy registrar, only one reinstatement fee of four hundred seventy-five dollars. The 11691
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reinstatement fee shall be distributed by the bureau in accordance 11701
with division (F)(2) of this section. 11702

(4) The attorney general shall use amounts in the drug abuse 11703
resistance education programs fund to award grants to law 11704
enforcement agencies to establish and implement drug abuse 11705
resistance education programs in public schools. Grants awarded to 11706
a law enforcement agency under this section shall be used by the 11707
agency to pay for not more than fifty per cent of the amount of 11708
the salaries of law enforcement officers who conduct drug abuse 11709
resistance education programs in public schools. The attorney 11710
general shall not use more than six per cent of the amounts the 11711
attorney general's office receives under division (F)(2)(e) of 11712
this section to pay the costs it incurs in administering the grant 11713
program established by division (F)(2)(e) of this section and in 11714
providing training and materials relating to drug abuse resistance 11715
education programs. 11716

The attorney general shall report to the governor and the 11717
general assembly each fiscal year on the progress made in 11718
establishing and implementing drug abuse resistance education 11719
programs. These reports shall include an evaluation of the 11720
effectiveness of these programs. 11721

(5) In addition to the reinstatement fee under this section, 11722
if the person pays the reinstatement fee to a deputy registrar, 11723
the deputy registrar shall collect a service fee of ten dollars to 11724
compensate the deputy registrar for services performed under this 11725
section. The deputy registrar shall retain eight dollars of the 11726
service fee and shall transmit the reinstatement fee, plus two 11727
dollars of the service fee, to the registrar in the manner the 11728
registrar shall determine. 11729

(G) Suspension of a commercial driver's license under 11730
division (B) or (C) of this section shall be concurrent with any 11731
period of disqualification under section 3123.611 or 4506.16 of 11732

the Revised Code or any period of suspension under section 3123.58 11733
of the Revised Code. No person who is disqualified for life from 11734
holding a commercial driver's license under section 4506.16 of the 11735
Revised Code shall be issued a driver's license under Chapter 11736
4507. of the Revised Code during the period for which the 11737
commercial driver's license was suspended under division (B) or 11738
(C) of this section. No person whose commercial driver's license 11739
is suspended under division (B) or (C) of this section shall be 11740
issued a driver's license under Chapter 4507. of the Revised Code 11741
during the period of the suspension. 11742

(H)(1) Each county shall establish an indigent drivers 11743
alcohol treatment fund,~~each county shall establish~~ and a juvenile 11744
indigent drivers alcohol treatment fund,~~and each.~~ Each municipal 11745
corporation in which there is a municipal court shall establish an 11746
indigent drivers alcohol treatment fund. ~~All revenue that the~~ 11747
~~general assembly appropriates to the indigent drivers alcohol~~ 11748
~~treatment fund for transfer to a county indigent drivers alcohol~~ 11749
~~treatment fund, a county juvenile indigent drivers alcohol~~ 11750
~~treatment fund, or a municipal indigent drivers alcohol treatment~~ 11751
~~fund, all portions of fees that are paid under division (F) of~~ 11752
~~this section and that are credited under that division to the~~ 11753
~~indigent drivers alcohol treatment fund in the state treasury for~~ 11754
~~a county indigent drivers alcohol treatment fund, a county~~ 11755
~~juvenile indigent drivers alcohol treatment fund, or a municipal~~ 11756
~~indigent drivers alcohol treatment fund, all portions of~~ 11757
~~additional costs imposed under section 2949.094 of the Revised~~ 11758
~~Code that are specified for deposit into a county, county~~ 11759
~~juvenile, or municipal indigent drivers alcohol treatment fund by~~ 11760
~~that section, and all portions of fines that are specified for~~ 11761
~~deposit into a county or municipal indigent drivers alcohol~~ 11762
~~treatment fund by section 4511.193 of the Revised Code shall be~~ 11763
~~deposited into that county indigent drivers alcohol treatment~~ 11764
~~fund, county juvenile indigent drivers alcohol treatment fund, or~~ 11765

~~municipal indigent drivers alcohol treatment fund. The portions of 11766
the fees paid under division (F) of this section that are to be so 11767
deposited shall be determined in accordance with division (H)(2) 11768
of this section. Additionally, all portions of fines that are paid 11769
for a violation of section 4511.19 of the Revised Code or of any 11770
prohibition contained in Chapter 4510. of the Revised Code, and 11771
that are required under section 4511.19 or any provision of 11772
Chapter 4510. of the Revised Code to be deposited into a county 11773
indigent drivers alcohol treatment fund or municipal indigent 11774
drivers alcohol treatment fund shall be deposited into the 11775
appropriate fund in accordance with the applicable division of the 11776
section or provision. 11777~~

The treasurer of state or other appropriate official, as 11778
applicable, shall transfer the following into each county indigent 11779
drivers alcohol treatment fund, county juvenile indigent drivers 11780
alcohol treatment fund, or municipal indigent drivers alcohol 11781
treatment fund, as applicable: 11782

(a) All revenue the general assembly appropriates to the 11783
indigent drivers alcohol treatment fund for transfer into such a 11784
fund; 11785

(b) All portions of fees paid under division (F) of this 11786
section that, in accordance with division (H)(2) of this section, 11787
are credited to the indigent drivers alcohol treatment fund for 11788
deposit into such a fund; 11789

(c) All portions of additional costs imposed under section 11790
2949.094 of the Revised Code that are required to be deposited 11791
into such a fund; 11792

(d) All portions of fines that are required to be deposited 11793
into such a fund under section 4511.193 of the Revised Code; 11794

(e) All portions of fines paid under section 4511.19 of the 11795
Revised Code or Chapter 4510. of the Revised Code that are 11796

required to be paid into such a fund. 11797

(2) That portion of the license reinstatement fee that is 11798
paid under division (F) of this section and that is credited under 11799
that division to the indigent drivers alcohol treatment fund shall 11800
be deposited into a county indigent drivers alcohol treatment 11801
fund, a county juvenile indigent drivers alcohol treatment fund, 11802
or a municipal indigent drivers alcohol treatment fund as follows: 11803

(a) Regarding a suspension imposed under this section, that 11804
portion of the fee shall be deposited as follows: 11805

(i) If the fee is paid by a person who was charged in a 11806
county court with the violation that resulted in the suspension or 11807
in the imposition of the court costs, the portion shall be 11808
deposited into the county indigent drivers alcohol treatment fund 11809
under the control of that court; 11810

(ii) If the fee is paid by a person who was charged in a 11811
juvenile court with the violation that resulted in the suspension 11812
or in the imposition of the court costs, the portion shall be 11813
deposited into the county juvenile indigent drivers alcohol 11814
treatment fund established in the county served by the court; 11815

(iii) If the fee is paid by a person who was charged in a 11816
municipal court with the violation that resulted in the suspension 11817
or in the imposition of the court costs, the portion shall be 11818
deposited into the municipal indigent drivers alcohol treatment 11819
fund under the control of that court. 11820

(b) Regarding a suspension imposed under section 4511.19 of 11821
the Revised Code or under section 4510.07 of the Revised Code for 11822
a violation of a municipal OVI ordinance, that portion of the fee 11823
shall be deposited as follows: 11824

(i) If the fee is paid by a person whose license or permit 11825
was suspended by a county court, the portion shall be deposited 11826
into the county indigent drivers alcohol treatment fund under the 11827

control of that court; 11828

(ii) If the fee is paid by a person whose license or permit 11829
was suspended by a municipal court, the portion shall be deposited 11830
into the municipal indigent drivers alcohol treatment fund under 11831
the control of that court. 11832

(3) ~~Expenditures~~ (a) As used in division (H)(3) of this 11833
section, "indigent person" means a person who is convicted of, or 11834
found to be a juvenile traffic offender by reason of, a violation 11835
of division (A) of section 4511.19 of the Revised Code or a 11836
substantially similar municipal ordinance, who is ordered by the 11837
court to attend an alcohol and drug addiction treatment program, 11838
and who is determined by the court under division (H)(5) of this 11839
section to be unable to pay the cost of the assessment or the cost 11840
of attendance at the treatment program. 11841

(b) A county, juvenile, or municipal court judge, by order, 11842
may make expenditures from a county indigent drivers alcohol 11843
treatment fund, a county juvenile indigent drivers alcohol 11844
treatment fund, or a municipal indigent drivers alcohol treatment 11845
fund shall be made only upon the order of a county, juvenile, or 11846
municipal court judge and only for payment of the cost of an 11847
assessment or the cost of the attendance at an alcohol and drug 11848
addiction treatment program of a with respect to an indigent 11849
person who is convicted of, or found to be a juvenile traffic 11850
offender by reason of, a violation of division (A) of section 11851
4511.19 of the Revised Code or a substantially similar municipal 11852
ordinance, who is ordered by the court to attend the alcohol and 11853
drug addiction treatment program, and who is determined by the 11854
court to be unable to pay the cost of the assessment or the cost 11855
of attendance at the treatment program or for payment of the costs 11856
specified in division (H)(4) of this section in accordance with 11857
that division. The for any of the following: 11858

(i) To pay the cost of an assessment that is conducted by an 11859

appropriately licensed clinician at either a driver intervention program that is certified under section 5119.38 of the Revised Code or at a community addiction services provider that is certified under section 5119.36 of the Revised Code; 11860
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(ii) To pay the cost of alcohol addiction services, drug addiction services, or integrated alcohol and drug addiction services at a community addiction services provider that is certified under section 5119.36 of the Revised Code; 11864
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(iii) To pay the cost of transportation to attend an assessment as provided under division (H)(3)(b)(i) of this section or addiction services as provided under division (H)(3)(b)(ii) of this section. 11868
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The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to obtain an assessment or attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund serving every court whose program is administered by that board shall be paid to the board to cover the costs it incurs in administering those indigent drivers alcohol treatment programs. 11872
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~~In addition, upon~~ (c) Upon exhaustion of moneys in the 11892
indigent drivers interlock and alcohol monitoring fund for the use 11893
of an alcohol monitoring device, a county, juvenile, or municipal 11894
court judge may use moneys in the county indigent drivers alcohol 11895
treatment fund, county juvenile indigent drivers alcohol treatment 11896
fund, or municipal indigent drivers alcohol treatment fund in 11897
either of the following manners: 11898

~~(a)~~(i) If the source of the moneys was an appropriation of 11899
the general assembly, a portion of a fee that was paid under 11900
division (F) of this section, a portion of a fine that was 11901
specified for deposit into the fund by section 4511.193 of the 11902
Revised Code, or a portion of a fine that was paid for a violation 11903
of section 4511.19 of the Revised Code or of a provision contained 11904
in Chapter 4510. of the Revised Code that was required to be 11905
deposited into the fund, to pay for the continued use of an 11906
alcohol monitoring device by an offender or juvenile traffic 11907
offender, in conjunction with a treatment program approved by the 11908
department of mental health and addiction services, when such use 11909
is determined clinically necessary by the treatment program and 11910
when the court determines that the offender or juvenile traffic 11911
offender is unable to pay all or part of the daily monitoring or 11912
cost of the device; 11913

~~(b)~~(ii) If the source of the moneys was a portion of an 11914
additional court cost imposed under section 2949.094 of the 11915
Revised Code, to pay for the continued use of an alcohol 11916
monitoring device by an offender or juvenile traffic offender when 11917
the court determines that the offender or juvenile traffic 11918
offender is unable to pay all or part of the daily monitoring or 11919
cost of the device. The moneys may be used for a device as 11920
described in this division if the use of the device is in 11921
conjunction with a treatment program approved by the department of 11922
mental health and addiction services, when the use of the device 11923

is determined clinically necessary by the treatment program, but 11924
the use of a device is not required to be in conjunction with a 11925
treatment program approved by the department in order for the 11926
moneys to be used for the device as described in this division. 11927

(4) If a county, juvenile, or municipal court determines, in 11928
consultation with the alcohol and drug addiction services board or 11929
the board of alcohol, drug addiction, and mental health services 11930
established pursuant to section 340.02 or 340.021 of the Revised 11931
Code and serving the alcohol, drug addiction, and mental health 11932
district in which the court is located, that the funds in the 11933
county indigent drivers alcohol treatment fund, the county 11934
juvenile indigent drivers alcohol treatment fund, or the municipal 11935
indigent drivers alcohol treatment fund under the control of the 11936
court are more than sufficient to satisfy the purpose for which 11937
the fund was established, as specified in divisions (H)(1) to (3) 11938
of this section, the court may declare a surplus in the fund. If 11939
the court declares a surplus in the fund, the court may ~~expend~~ 11940
take any of the following actions with regard to the amount of the 11941
surplus in the fund ~~for~~: 11942

(a) ~~Alcohol~~ Expend any of the surplus amount for alcohol and 11943
drug abuse assessment and treatment, and for the cost of 11944
transportation related to assessment and treatment, of persons who 11945
are charged in the court with committing a criminal offense or 11946
with being a delinquent child or juvenile traffic offender and in 11947
relation to whom both of the following apply: 11948

(i) The court determines that substance abuse was a 11949
contributing factor leading to the criminal or delinquent activity 11950
or the juvenile traffic offense with which the person is charged. 11951

(ii) The court determines that the person is unable to pay 11952
the cost of the alcohol and drug abuse assessment and treatment 11953
for which the surplus money will be used. 11954

(b) ~~All~~ Expend any of the surplus amount to pay all or part 11955
of the cost of purchasing alcohol monitoring devices to be used in 11956
conjunction with division (H)(3)(c) of this section, upon 11957
exhaustion of moneys in the indigent drivers interlock and alcohol 11958
monitoring fund for the use of an alcohol monitoring device. 11959

(c) Transfer to another court in the same county any of the 11960
surplus amount to be utilized in a manner consistent with division 11961
(H)(3) of this section. If surplus funds are transferred to 11962
another court, the court that transfers the funds shall notify the 11963
alcohol and drug addiction services board or the board of alcohol, 11964
drug addiction, and mental health services that serves the 11965
alcohol, drug addiction, and mental health service district in 11966
which that court is located. 11967

(d) Transfer to the alcohol and drug addiction services board 11968
or the board of alcohol, drug addiction, and mental health 11969
services that serves the alcohol, drug addiction, and mental 11970
health service district in which the court is located any of the 11971
surplus amount to be utilized in a manner consistent with division 11972
(H)(3) of this section or for board contracted recovery support 11973
services. 11974

(5) ~~For the purpose of determining as described in division~~ 11975
~~(F)(2)(e) of this section whether~~ In order to determine if an 11976
offender does not have the means to pay for the offender's 11977
attendance at an alcohol and drug addiction treatment program for 11978
purposes of division (H)(3) of this section or whether if an 11979
alleged offender or delinquent child is unable to pay the costs 11980
specified in division (H)(4) of this section, the court shall use 11981
the indigent client eligibility guidelines and the standards of 11982
indigency established by the state public defender to make the 11983
determination. 11984

(6) The court shall identify and refer any community 11985
addiction services provider that is not certified under section 11986

5119.36 of the Revised Code and that is interested in receiving 11987
amounts from the surplus in the fund declared under division 11988
(H)(4) of this section to the department of mental health and 11989
addiction services in order for the services provider to become a 11990
certified community addiction services provider. The department 11991
shall keep a record of applicant referrals received pursuant to 11992
this division and shall submit a report on the referrals each year 11993
to the general assembly. If a services provider interested in 11994
becoming certified makes an application to become certified 11995
pursuant to section 5119.36 of the Revised Code, the services 11996
provider is eligible to receive surplus funds as long as the 11997
application is pending with the department. The department of 11998
mental health and addiction services must offer technical 11999
assistance to the applicant. If the interested services provider 12000
withdraws the certification application, the department must 12001
notify the court, and the court shall not provide the interested 12002
services provider with any further surplus funds. 12003

(7)(a) Each alcohol and drug addiction services board and 12004
board of alcohol, drug addiction, and mental health services 12005
established pursuant to section 340.02 or 340.021 of the Revised 12006
Code shall submit to the department of mental health and addiction 12007
services an annual report for each indigent drivers alcohol 12008
treatment fund in that board's area. 12009

(b) The report, which shall be submitted not later than sixty 12010
days after the end of the state fiscal year, shall provide the 12011
total payment that was made from the fund, including the number of 12012
indigent consumers that received treatment services and the number 12013
of indigent consumers that received an alcohol monitoring device. 12014
The report shall identify the treatment program and expenditure 12015
for an alcohol monitoring device for which that payment was made. 12016
The report shall include the fiscal year balance of each indigent 12017
drivers alcohol treatment fund located in that board's area. In 12018

the event that a surplus is declared in the fund pursuant to 12019
division (H)(4) of this section, the report also shall provide the 12020
total payment that was made from the surplus moneys and identify 12021
the ~~treatment program and expenditure for an alcohol monitoring~~ 12022
~~device~~ authorized purpose for which that payment was made. 12023

(c) If a board is unable to obtain adequate information to 12024
develop the report to submit to the department for a particular 12025
indigent drivers alcohol treatment fund, the board shall submit a 12026
report detailing the effort made in obtaining the information. 12027

(I)(1) Each county shall establish an indigent drivers 12028
interlock and alcohol monitoring fund and a juvenile indigent 12029
drivers interlock and alcohol treatment fund, ~~and each.~~ Each 12030
municipal corporation in which there is a municipal court shall 12031
establish an indigent drivers interlock and alcohol monitoring 12032
fund. ~~All revenue that the general assembly appropriates to the~~ 12033
~~indigent drivers interlock and alcohol monitoring fund for~~ 12034
~~transfer to a county indigent drivers interlock and alcohol~~ 12035
~~monitoring fund, a county juvenile indigent drivers interlock and~~ 12036
~~alcohol monitoring fund, or a municipal indigent drivers interlock~~ 12037
~~and alcohol monitoring fund, all portions of license reinstatement~~ 12038
~~fees that are paid under division (F)(2) of this section and that~~ 12039
~~are credited under that division to the indigent drivers interlock~~ 12040
~~and alcohol monitoring fund in the state treasury, and all~~ 12041
~~portions of fines that are paid under division (G) of section~~ 12042
~~4511.19 of the Revised Code and that are credited by division~~ 12043
~~(G)(5)(e) of that section to the indigent drivers interlock and~~ 12044
~~alcohol monitoring fund in the state treasury shall be deposited~~ 12045
~~in the appropriate fund in accordance with division (I)(2) of this~~ 12046
~~section.~~ 12047

The treasurer of state shall transfer the following into each 12048
county indigent drivers interlock and alcohol monitoring fund, 12049
county juvenile indigent drivers interlock and alcohol monitoring 12050

fund, or municipal indigent drivers interlock and alcohol 12051
monitoring fund, as applicable: 12052

(a) All revenue the general assembly appropriates to the 12053
indigent drivers interlock and alcohol monitoring fund for 12054
transfer into such a fund; 12055

(b) All portions of license reinstatement fees paid under 12056
division (F)(2) of this section that, in accordance with division 12057
(I)(2) of this section, are credited to the indigent drivers 12058
interlock and alcohol monitoring fund for deposit into a such 12059
fund; 12060

(c) All portions of fines that are paid under division (G) of 12061
section 4511.19 of the Revised Code and are credited by division 12062
(G)(5)(e) of that section to the indigent drivers interlock and 12063
alcohol monitoring fund for deposit into such a fund in accordance 12064
with division (I)(2) of this section. 12065

(2) That portion of the license reinstatement fee that is 12066
paid under division (F) of this section and that portion of the 12067
fine paid under division (G) of section 4511.19 of the Revised 12068
Code and that is credited under either division to the indigent 12069
drivers interlock and alcohol monitoring fund shall be deposited 12070
into a county indigent drivers interlock and alcohol monitoring 12071
fund, a county juvenile indigent drivers interlock and alcohol 12072
monitoring fund, or a municipal indigent drivers interlock and 12073
alcohol monitoring fund as follows: 12074

(a) If the fee or fine is paid by a person who was charged in 12075
a county court with the violation that resulted in the suspension 12076
or fine, the portion shall be deposited into the county indigent 12077
drivers interlock and alcohol monitoring fund under the control of 12078
that court. 12079

(b) If the fee or fine is paid by a person who was charged in 12080
a juvenile court with the violation that resulted in the 12081

suspension or fine, the portion shall be deposited into the county 12082
juvenile indigent drivers interlock and alcohol monitoring fund 12083
established in the county served by the court. 12084

(c) If the fee or fine is paid by a person who was charged in 12085
a municipal court with the violation that resulted in the 12086
suspension, the portion shall be deposited into the municipal 12087
indigent drivers interlock and alcohol monitoring fund under the 12088
control of that court. 12089

(3) If a county, juvenile, or municipal court determines that 12090
the funds in the county indigent drivers interlock and alcohol 12091
monitoring fund, the county juvenile indigent drivers interlock 12092
and alcohol monitoring fund, or the municipal indigent drivers 12093
interlock and alcohol monitoring fund under the control of that 12094
court are more than sufficient to satisfy the purpose for which 12095
the fund was established as specified in division (F)(2)(h) of 12096
this section, the court may declare a surplus in the fund. The 12097
court then may order the transfer of a specified amount into the 12098
county indigent drivers alcohol treatment fund, the county 12099
juvenile indigent drivers alcohol treatment fund, or the municipal 12100
indigent drivers alcohol treatment fund under the control of that 12101
court to be utilized in accordance with division (H) of this 12102
section. 12103

Sec. 4715.15. When a dentist orders a test for the presence 12104
of Lyme disease in a patient, the dentist or dentist's delegate 12105
shall provide to the patient or patient's representative a written 12106
notice with the following information: 12107

"Your health care provider has ordered a test for the 12108
presence of Lyme disease. Current testing for Lyme disease can be 12109
problematic and may lead to false results. If you are tested for 12110
Lyme disease and the results are positive, this does not 12111
necessarily mean that you have contracted Lyme disease. In the 12112

alternative, if the results are negative, this does not 12113
necessarily mean that you have not contracted Lyme disease. If you 12114
continue to experience symptoms or have other health concerns, you 12115
should contact your health care provider and inquire about the 12116
appropriateness of additional testing or treatment." 12117

The dentist or dentist's delegate shall obtain a signature 12118
from the patient or patient's representative indicating receipt of 12119
the notice. The document containing the signature shall be kept in 12120
the patient's record. 12121

Sec. 4723.433. When an advanced practice registered nurse 12122
orders a test for the presence of Lyme disease in a patient, the 12123
nurse or nurse's delegate shall provide to the patient or 12124
patient's representative a written notice with the following 12125
information: 12126

"Your health care provider has ordered a test for the 12127
presence of Lyme disease. Current testing for Lyme disease can be 12128
problematic and may lead to false results. If you are tested for 12129
Lyme disease and the results are positive, this does not 12130
necessarily mean that you have contracted Lyme disease. In the 12131
alternative, if the results are negative, this does not 12132
necessarily mean that you have not contracted Lyme disease. If you 12133
continue to experience symptoms or have other health concerns, you 12134
should contact your health care provider and inquire about the 12135
appropriateness of additional testing or treatment." 12136

The nurse or nurse's delegate shall obtain a signature from 12137
the patient or patient's representative indicating receipt of the 12138
notice. The document containing the signature shall be kept in the 12139
patient's record. 12140

Sec. 4729.03. The state board of pharmacy shall organize by 12141
electing a president and a vice-president who are members of the 12142

board. The president shall preside over the meetings of the board, 12143
but shall not vote upon matters determined by the board, except in 12144
the event of a tie vote, in which case the president shall vote. 12145
The board shall also employ an executive director ~~who is a~~ 12146
~~licensed pharmacist in good standing in the practice of pharmacy~~ 12147
~~in this state.~~ The person employed shall not be a member of the 12148
board. Each of the officers elected shall serve for a term of one 12149
year. The members of the board shall receive an amount fixed 12150
pursuant to division (J) of section 124.15 of the Revised Code for 12151
each day employed in the discharge of their official duties and 12152
their necessary expenses while engaged therein. 12153

Sec. 4729.54. (A) As used in this section ~~and section~~ 12154
~~4729.541 of the Revised Code:~~ 12155

(1) "Category I" means single-dose injections of intravenous 12156
fluids, including saline, Ringer's lactate, five per cent dextrose 12157
and distilled water, and other intravenous fluids or parenteral 12158
solutions included in this category by rule of the state board of 12159
pharmacy, that have a volume of one hundred milliliters or more 12160
and that contain no added substances, or single-dose injections of 12161
epinephrine to be administered pursuant to sections 4765.38 and 12162
4765.39 of the Revised Code. 12163

(2) "Category II" means any dangerous drug that is not 12164
included in category I or III. 12165

(3) "Category III" means any controlled substance that is 12166
contained in schedule I, II, III, IV, or V. 12167

(4) "Emergency medical service organization" has the same 12168
meaning as in section 4765.01 of the Revised Code. 12169

(5) "Person" includes an emergency medical service 12170
organization. 12171

(6) "Schedule I, schedule II, schedule III, schedule IV, and 12172

schedule V" mean controlled substance schedules I, II, III, IV,
and V, respectively, as established pursuant to section 3719.41 of
the Revised Code and as amended.

(B)(1) A person who desires to be licensed as a terminal
distributor of dangerous drugs shall file with the executive
director of the state board of pharmacy a verified application.
After it is filed, the application may not be withdrawn without
approval of the board.

(2) An application shall contain all the following that apply
in the applicant's case:

(a) Information that the board requires relative to the
qualifications of a terminal distributor of dangerous drugs set
forth in section 4729.55 of the Revised Code;

(b) A statement that the person wishes to be licensed as a
category I, category II, category III, limited category I, limited
category II, or limited category III terminal distributor of
dangerous drugs;

(c) If the person wishes to be licensed as a limited category
I, limited category II, or limited category III terminal
distributor of dangerous drugs, a notarized list of the dangerous
drugs that the person wishes to possess, have custody or control
of, and distribute, which list shall also specify the purpose for
which those drugs will be used and their source;

(d) If the person is an emergency medical service
organization, the information that is specified in division (C)(1)
of this section;

(e) Except for an emergency medical service organization, the
identity of the one establishment or place at which the person
intends to engage in the sale or other distribution of dangerous
drugs at retail, and maintain possession, custody, or control of
dangerous drugs for purposes other than the person's own use or

consumption; 12204

(f) If the application pertains to a pain management clinic, 12205
information that demonstrates, to the satisfaction of the board, 12206
compliance with division (A) of section 4729.552 of the Revised 12207
Code. 12208

(C)(1) An emergency medical service organization that wishes 12209
to be licensed as a terminal distributor of dangerous drugs shall 12210
list in its application for licensure the following additional 12211
information: 12212

(a) The units under its control that the organization 12213
determines will possess dangerous drugs for the purpose of 12214
administering emergency medical services in accordance with 12215
Chapter 4765. of the Revised Code; 12216

(b) With respect to each such unit, whether the dangerous 12217
drugs that the organization determines the unit will possess are 12218
in category I, II, or III. 12219

(2) An emergency medical service organization that is 12220
licensed as a terminal distributor of dangerous drugs shall file a 12221
new application for such licensure if there is any change in the 12222
number, or location of, any of its units or any change in the 12223
category of the dangerous drugs that any unit will possess. 12224

(3) A unit listed in an application for licensure pursuant to 12225
division (C)(1) of this section may obtain the dangerous drugs it 12226
is authorized to possess from its emergency medical service 12227
organization or, on a replacement basis, from a hospital pharmacy. 12228
If units will obtain dangerous drugs from a hospital pharmacy, the 12229
organization shall file, and maintain in current form, the 12230
following items with the pharmacist who is responsible for the 12231
hospital's terminal distributor of dangerous drugs license: 12232

(a) A copy of its standing orders or protocol; 12233

(b) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code, who are authorized to possess the drugs, which list also shall indicate the personnel who are authorized to administer the drugs.

(D) Each emergency medical service organization that applies for a terminal distributor of dangerous drugs license shall submit with its application the following:

(1) A notarized copy of its standing orders or protocol, which orders or protocol shall be signed by a physician and specify the dangerous drugs that its units may carry, expressed in standard dose units;

(2) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code.

An emergency medical service organization that is licensed as a terminal distributor shall notify the board immediately of any changes in its standing orders or protocol.

(E) There shall be six categories of terminal distributor of dangerous drugs licenses, which categories shall be as follows:

(1) Category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I.

(2) Limited category I license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I that were listed in the application for licensure.

(3) Category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I and category II.

(4) Limited category II license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I or category II that were listed in the application for licensure.

(5) Category III license, which may include a pain management clinic classification issued under section 4729.552 of the Revised Code. A person who obtains this license may possess, have custody or control of, and distribute the dangerous drugs described in category I, category II, and category III. If the license includes a pain management clinic classification, the person may operate a pain management clinic.

(6) Limited category III license. A person who obtains this license may possess, have custody or control of, and distribute only the dangerous drugs described in category I, category II, or category III that were listed in the application for licensure.

(F) Except for an application made on behalf of an animal shelter, if an applicant for licensure as a limited category I, II, or III terminal distributor of dangerous drugs intends to administer dangerous drugs to a person or animal, the applicant shall submit, with the application, a notarized copy of its protocol or standing orders, which protocol or orders shall be signed by a licensed health professional authorized to prescribe drugs, specify the dangerous drugs to be administered, and list personnel who are authorized to administer the dangerous drugs in accordance with federal law or the law of this state. An application made on behalf of an animal shelter shall include a notarized list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals in accordance with section 4729.532 of the Revised Code. After obtaining a terminal distributor license, a licensee shall notify the board immediately of any changes in its protocol or standing orders, or in such personnel.

(G)(1) Except as provided in division (G)(2) of this section,	12296
each applicant for licensure as a terminal distributor of	12297
dangerous drugs shall submit, with the application, a license fee	12298
determined as follows:	12299
(a) For a category I or limited category I license,	12300
forty-five dollars;	12301
(b) For a category II or limited category II license, one	12302
hundred twelve dollars and fifty cents;	12303
(c) For a category III license, including a license with a	12304
pain management clinic classification issued under section	12305
4729.552 of the Revised Code, or a limited category III license,	12306
one hundred fifty dollars.	12307
(2) For a professional association, corporation, partnership,	12308
or limited liability company organized for the purpose of	12309
practicing veterinary medicine, the fee shall be forty dollars.	12310
(3) Fees assessed under divisions (G)(1) and (2) of this	12311
section shall not be returned if the applicant fails to qualify	12312
for registration.	12313
(H)(1) The board shall issue a terminal distributor of	12314
dangerous drugs license to each person who submits an application	12315
for such licensure in accordance with this section, pays the	12316
required license fee, is determined by the board to meet the	12317
requirements set forth in section 4729.55 of the Revised Code, and	12318
satisfies any other applicable requirements of this section.	12319
(2) The license of a person other than an emergency medical	12320
service organization shall describe the one establishment or place	12321
at which the licensee may engage in the sale or other distribution	12322
of dangerous drugs at retail and maintain possession, custody, or	12323
control of dangerous drugs for purposes other than the licensee's	12324
own use or consumption. The one establishment or place shall be	12325
that which is described in the application for licensure.	12326

No such license shall authorize or permit the terminal distributor of dangerous drugs named in it to engage in the sale or other distribution of dangerous drugs at retail or to maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's own use or consumption, at any establishment or place other than that described in the license, except that an agent or employee of an animal shelter may possess and use dangerous drugs in the course of business as provided in division (D) of section 4729.532 of the Revised Code.

(3) The license of an emergency medical service organization shall cover and describe all the units of the organization listed in its application for licensure.

(4) The license of every terminal distributor of dangerous drugs shall indicate, on its face, the category of licensure. If the license is a limited category I, II, or III license, it shall specify, and shall authorize the licensee to possess, have custody or control of, and distribute only, the dangerous drugs that were listed in the application for licensure.

(I) All licenses issued pursuant to this section shall be effective for a period of twelve months from the first day of ~~January~~ April of each year. A license shall be renewed by the board for a like period, annually, according to the provisions of this section, and the standard renewal procedure of Chapter 4745. of the Revised Code. A person who desires to renew a license shall submit an application for renewal and pay the required fee on or before the thirty-first day of ~~December~~ March each year. The fee required for the renewal of a license shall be the same as the fee paid for the license being renewed, and shall accompany the application for renewal.

A license that has not been renewed during ~~December~~ March in any year and by the first day of ~~February~~ May of the following same year may be reinstated only upon payment of the required

renewal fee and a penalty fee of fifty-five dollars. 12359

(J)(1) No emergency medical service organization that is 12360
licensed as a terminal distributor of dangerous drugs shall fail 12361
to comply with division (C)(2) or (3) of this section. 12362

(2) No emergency medical service organization that is 12363
licensed as a terminal distributor of dangerous drugs shall fail 12364
to comply with division (D) of this section. 12365

(3) No licensed terminal distributor of dangerous drugs shall 12366
possess, have custody or control of, or distribute dangerous drugs 12367
that the terminal distributor is not entitled to possess, have 12368
custody or control of, or distribute by virtue of its category of 12369
licensure. 12370

(4) No licensee that is required by division (F) of this 12371
section to notify the board of changes in its protocol or standing 12372
orders, or in personnel, shall fail to comply with that division. 12373

Sec. 4729.541. (A) Except as provided in ~~division~~ divisions 12374
(B) and (C) of this section, a business entity described in 12375
division (B)(1)(j) or (k) of section 4729.51 of the Revised Code 12376
may possess, have custody or control of, and distribute the 12377
dangerous drugs in category I, category II, and category III ~~of,~~ 12378
as defined in section 4729.54 of the Revised Code, without holding 12379
a terminal distributor of dangerous drugs license issued under 12380
that section. 12381

(B) If a business entity described in division (B)(1)(j) or 12382
(k) of section 4729.51 of the Revised Code is a pain management 12383
clinic or is operating a pain management clinic, the entity shall 12384
hold a license as a terminal distributor of dangerous drugs with a 12385
pain management clinic classification issued under section 12386
4729.552 of the Revised Code. 12387

(C) Beginning April 1, 2015, a business entity described in 12388

division (B)(1)(j) or (k) of section 4729.51 of the Revised Code 12389
shall hold a license as a terminal distributor of dangerous drugs 12390
in order to possess, have custody or control of, and distribute 12391
dangerous drugs that are compounded or used for the purpose of 12392
compounding. 12393

Sec. 4729.65. (A) Except as provided in division (B) of this 12394
section, all receipts of the state board of pharmacy, from any 12395
source, shall be deposited into the state treasury to the credit 12396
of the occupational licensing and regulatory fund. All vouchers of 12397
the board shall be approved by the president or executive director 12398
of the board, or both, as authorized by the board. All initial 12399
issuance fees and renewal fees required by sections 4729.01 to 12400
4729.54 of the Revised Code shall be payable by the applicant at 12401
the time of making application. 12402

(B)(1) There is hereby created in the state treasury the 12403
board of pharmacy drug law enforcement fund. All moneys that are 12404
derived from any fines, mandatory fines, or forfeited bail to 12405
which the board may be entitled under Chapter 2925., division (C) 12406
of section 2923.42, or division (B) of section 2925.42 of the 12407
Revised Code and all moneys that are derived from forfeitures of 12408
property to which the board may be entitled pursuant to Chapter 12409
2925. or 2981. of the Revised Code, any other provision of the 12410
Revised Code, or federal law shall be deposited into the fund. 12411
Subject to division (B)(2) of this section, division (B) of 12412
section 2923.44, and divisions (B), (C), and (D) of section 12413
2981.13 of the Revised Code, the moneys in the fund shall be used 12414
solely to subsidize the drug law enforcement efforts of the board. 12415

(2) Notwithstanding any contrary provision in the Revised 12416
Code, moneys that are derived from forfeitures of property 12417
pursuant to federal law and that are deposited into the board of 12418
pharmacy drug law enforcement fund in accordance with division 12419

(B)(1) of this section shall be used and accounted for in 12420
accordance with the applicable federal law, and the board 12421
otherwise shall comply with that law in connection with the 12422
moneys. 12423

(C) All fines and forfeited bonds assessed and collected 12424
under prosecution or prosecution commenced in the enforcement of 12425
this chapter shall be paid to the executive director of the board 12426
within thirty days and by the executive director paid into the 12427
state treasury to the credit of the occupational licensing and 12428
regulatory fund. ~~The~~ 12429

(D)(1) Except as provided in divisions (D)(2) and (3) of this 12430
section, the board, subject to the approval of the controlling 12431
board and except for fees required to be established by the board 12432
at amounts "adequate" to cover designated expenses, may establish 12433
fees in excess of the amounts provided by this chapter, provided 12434
that such fees do not exceed the amounts permitted by this chapter 12435
by more than fifty per cent. 12436

(2) Division (D)(1) of this section does not apply to fees 12437
required by this chapter to be established at amounts adequate to 12438
cover designated expenses. 12439

(3) Fees established under division (D)(1) of this section or 12440
described in division (D)(2) of this section are subject to the 12441
limitation on fee increases specified in division (A) of section 12442
4729.83 of the Revised Code. 12443

Sec. 4729.83. (A) If the state board of pharmacy establishes 12444
and maintains a drug database pursuant to section 4729.75 of the 12445
Revised Code, the board may use, for the purpose of establishing 12446
or maintaining the database, any portion of the fees collected 12447
under section 4729.15, 4729.52, or 4729.54 of the Revised Code for 12448
the licensing or registration of pharmacists, pharmacy interns, 12449
wholesale distributors of dangerous drugs, or terminal 12450

distributors of dangerous drugs. The board shall not increase the 12451
amount of any of those fees solely for the purpose of establishing 12452
or maintaining the database. 12453

The board shall not impose any charge on a ~~terminal~~ 12454
distributor of dangerous drugs, pharmacist, or prescriber for the 12455
establishment or maintenance of the database. The board shall not 12456
charge any fees for the transmission of data to the database or 12457
for the receipt of information from the database, except that the 12458
board may charge a fee in accordance with rules adopted under 12459
section 4729.84 of the Revised Code to an individual who requests 12460
the individual's own database information under section 4729.80 of 12461
the Revised Code. 12462

(B) The board may accept grants, gifts, or donations for 12463
purposes of the drug database. Any money received shall be 12464
deposited into the state treasury to the credit of the drug 12465
database fund, which is hereby created. Money in the fund shall be 12466
used solely for purposes of the drug database. 12467

Sec. 4730.093. When a physician assistant orders a test for 12468
the presence of Lyme disease in a patient, the physician assistant 12469
or physician assistant's delegate shall provide to the patient or 12470
patient's representative a written notice with the following 12471
information: 12472

"Your health care provider has ordered a test for the 12473
presence of Lyme disease. Current testing for Lyme disease can be 12474
problematic and may lead to false results. If you are tested for 12475
Lyme disease and the results are positive, this does not 12476
necessarily mean that you have contracted Lyme disease. In the 12477
alternative, if the results are negative, this does not 12478
necessarily mean that you have not contracted Lyme disease. If you 12479
continue to experience symptoms or have other health concerns, you 12480
should contact your health care provider and inquire about the 12481

appropriateness of additional testing or treatment." 12482

The physician assistant or physician assistant's delegate 12483
shall obtain a signature from the patient or patient's 12484
representative indicating receipt of the notice. The document 12485
containing the signature shall be kept in the patient's record. 12486

Sec. 4731.15. (A)(1) The state medical board also shall 12487
regulate the following limited branches of medicine: massage 12488
therapy and cosmetic therapy, and to the extent specified in 12489
section 4731.151 of the Revised Code, naprapathy and 12490
mechanotherapy. The board shall adopt rules governing the limited 12491
branches of medicine under its jurisdiction. The rules shall be 12492
adopted in accordance with Chapter 119. of the Revised Code. 12493

(2) As used in this chapter, ~~"cosmetic:~~ 12494

(a) "Cosmetic therapy" means the permanent removal of hair 12495
from the human body through the use of electric modalities 12496
approved by the board for use in cosmetic therapy, and 12497
additionally may include the systematic friction, stroking, 12498
slapping, and kneading or tapping of the face, neck, scalp, or 12499
shoulders. 12500

(b) "Massage therapy" means the treatment of disorders of the 12501
human body by the manipulation of soft tissue through the 12502
systematic external application of massage techniques including 12503
touch, stroking, friction, vibration, percussion, kneading, 12504
stretching, compression, and joint movements within the normal 12505
physiologic range of motion; and adjunctive thereto, the external 12506
application of water, heat, cold, topical preparations, and 12507
mechanical devices. 12508

(B) A certificate to practice a limited branch of medicine 12509
issued by the state medical board is valid for a two-year period, 12510
except when an initial certificate is issued for a shorter period 12511

or when division (C)(2) of this section is applicable. The 12512
certificate may be renewed in accordance with division (C) of this 12513
section. 12514

(C)(1) Except as provided in division (C)(2) of this section, 12515
all of the following apply with respect to the renewal of 12516
certificates to practice a limited branch of medicine: 12517

(a) Each person seeking to renew a certificate to practice a 12518
limited branch of medicine shall apply for biennial registration 12519
with the state medical board on a renewal application form 12520
prescribed by the board. An applicant for renewal shall pay a 12521
biennial registration fee of one hundred dollars. 12522

(b) At least six months before a certificate expires, the 12523
board shall mail or cause to be mailed a renewal notice to the 12524
certificate holder's last known address. 12525

(c) At least three months before a certificate expires, the 12526
certificate holder shall submit the renewal application and 12527
biennial registration fee to the board. 12528

(2) Beginning with the 2009 registration period, the board 12529
shall implement a staggered renewal system that is substantially 12530
similar to the staggered renewal system the board uses under 12531
division (B) of section 4731.281 of the Revised Code. 12532

(D) All persons who hold a certificate to practice a limited 12533
branch of medicine issued by the state medical board shall provide 12534
the board written notice of any change of address. The notice 12535
shall be submitted to the board not later than thirty days after 12536
the change of address. 12537

(E) A certificate to practice a limited branch of medicine 12538
shall be automatically suspended if the certificate holder fails 12539
to renew the certificate in accordance with division (C) of this 12540
section. Continued practice after the suspension of the 12541
certificate to practice shall be considered as practicing in 12542

violation of sections 4731.34 and 4731.41 of the Revised Code. 12543

If a certificate to practice has been suspended pursuant to 12544
this division for two years or less, it may be reinstated. The 12545
board shall reinstate the certificate upon an applicant's 12546
submission of a renewal application and payment of the biennial 12547
registration fee and the applicable monetary penalty. With regard 12548
to reinstatement of a certificate to practice cosmetic therapy, 12549
the applicant also shall submit with the application a 12550
certification that the number of hours of continuing education 12551
necessary to have a suspended certificate reinstated have been 12552
completed, as specified in rules the board shall adopt in 12553
accordance with Chapter 119. of the Revised Code. The penalty for 12554
reinstatement shall be twenty-five dollars. 12555

If a certificate has been suspended pursuant to this division 12556
for more than two years, it may be restored. Subject to section 12557
4731.222 of the Revised Code, the board may restore the 12558
certificate upon an applicant's submission of a restoration 12559
application, the biennial registration fee, and the applicable 12560
monetary penalty and compliance with sections 4776.01 to 4776.04 12561
of the Revised Code. The board shall not restore to an applicant a 12562
certificate to practice unless the board, in its discretion, 12563
decides that the results of the criminal records check do not make 12564
the applicant ineligible for a certificate issued pursuant to 12565
section 4731.17 of the Revised Code. The penalty for restoration 12566
is fifty dollars. 12567

~~Sec. 4731.155. (A) Except as provided in division (D) of this 12568
section, each person holding a certificate to practice cosmetic 12569
therapy shall complete biennially not less than twenty five hours 12570
of continuing cosmetic therapy education. 12571~~

~~Cosmetic therapists shall earn continuing education credits 12572
at the rate of one half credit hour for each twenty five to thirty 12573~~

~~minutes of instruction and one credit hour for each fifty to sixty
minutes of instruction.~~ 12574
12575

~~(B) Only continuing education approved by the state medical
board may be used to fulfill the requirements of division (A) of
this section.~~ 12576
12577
12578

~~(C) Each certified cosmetic therapist shall submit to the
board at the time of biennial renewal pursuant to section 4731.15
of the Revised Code a sworn affidavit, in a form acceptable to the
board, attesting that the cosmetic therapist has completed
continuing education programs in compliance with this section and
listing the date, location, sponsor, subject matter, and hours
completed of the programs.~~ 12579
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~~(D) The state medical board shall may adopt rules providing
for pro rata adjustments by month of the hours of that establish
continuing education required by this section for persons who
first receive a certificate during a registration period or who
have a registration period that is shorter or longer than two
years because of the implementation of a staggered renewal system
under section 4731.15 of the Revised Code.~~ 12586
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~~The board may excuse a cosmetic therapist from all or any
part of the requirements of this section because of an unusual
circumstance, emergency, or special hardship.~~ 12593
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12595

~~(E) Failure to comply with the requirements of this section
constitutes a failure to renew pursuant to section 4731.15 of the
Revised Code requirements for renewal under section 4731.15 of the
Revised Code of a certificate to practice a limited branch of
medicine. The rules shall be adopted in accordance with Chapter
119. of the Revised Code.~~ 12596
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Sec. 4731.24. Except as provided in sections 4731.281 and 12602
4731.40 of the Revised Code, all receipts of the state medical 12603

board, from any source, shall be deposited in the state treasury. 12604
Until July 1, 1998, the funds shall be deposited to the credit of 12605
the occupational licensing and regulatory fund. On and after July 12606
1, 1998, the funds shall be deposited to the credit of the state 12607
medical board operating fund, which is hereby created on July 1, 12608
1998. All Except as provided in section 4731.24 of the Revised 12609
Code, all funds deposited into the state treasury under this 12610
section shall be used solely for the administration and 12611
enforcement of this chapter and Chapters 4730., 4760., 4762., 12612
4774., and 4778. of the Revised Code by the board. 12613

Sec. 4731.241. (A) The state medical board may solicit and 12614
accept grants and services from public and private sources for the 12615
purpose of developing and maintaining programs that address 12616
patient safety and education, supply and demand of health care 12617
professionals, and information sharing with the public and the 12618
individuals regulated by the board. The board shall not solicit or 12619
accept a grant or service that would interfere with the board's 12620
independence or objectivity, as determined by the board. 12621

Money received by the board under this ~~section~~ division shall 12622
be deposited into the state treasury to the credit of the medical 12623
board education and patient safety fund, which is hereby created. 12624
The money shall be used solely in accordance with this section. 12625

(B) The board may accept from the state, a political 12626
subdivision of the state, or the federal government money that 12627
results from a fine, civil penalty, or seizure or forfeiture of 12628
property. Money received by the board under this division shall be 12629
deposited in accordance with section 4731.24 of the Revised Code. 12630
The money shall be used solely to further the investigation, 12631
enforcement, and compliance activities of the board. 12632

Sec. 4731.77. When a physician orders a test for the presence 12633

of Lyme disease in a patient, the physician or physician's 12634
delegate shall provide to the patient or patient's representative 12635
a written notice with the following information: 12636

"Your health care provider has ordered a test for the 12637
presence of Lyme disease. Current testing for Lyme disease can be 12638
problematic and may lead to false results. If you are tested for 12639
Lyme disease and the results are positive, this does not 12640
necessarily mean that you have contracted Lyme disease. In the 12641
alternative, if the results are negative, this does not 12642
necessarily mean that you have not contracted Lyme disease. If you 12643
continue to experience symptoms or have other health concerns, you 12644
should contact your health care provider and inquire about the 12645
appropriateness of additional testing or treatment." 12646

The physician or physician's delegate shall obtain a 12647
signature from the patient or patient's representative indicating 12648
receipt of the notice. The document containing the signature shall 12649
be kept in the patient's record. 12650

Sec. 4737.045. (A) To register as a scrap metal dealer or a 12651
bulk merchandise container dealer with the director of public 12652
safety as required by division (B) of section 4737.04 of the 12653
Revised Code, a person shall do all of the following: 12654

(1) Provide the name and street address of the dealer's place 12655
of business; 12656

(2) Provide the name of the primary owner of the business, 12657
and of the manager of the business, if the manager is not the 12658
primary owner; 12659

(3) Provide the electronic mail address of the business; 12660

(4) Provide confirmation that the dealer has the capabilities 12661
to electronically connect with the department of public safety for 12662
the purpose of sending and receiving information; 12663

(5) Provide any other information required by the director in 12664
rules the director adopts pursuant to sections 4737.01 to 4737.045 12665
of the Revised Code; 12666

(6) Pay an initial registration fee of two hundred dollars. 12667

(B) A person engaging in the business of a scrap metal dealer 12668
or a bulk merchandise container dealer in this state on or before 12669
~~the effective date of this section September 28, 2012,~~ shall 12670
register with the director not later than January 1, 2013. With 12671
respect to a person who commences engaging in the business of a 12672
scrap metal dealer or a bulk merchandise container dealer after 12673
~~the effective date of this section September 28, 2012,~~ the person 12674
shall register with the director pursuant to this section prior to 12675
commencing business as a scrap metal dealer or a bulk merchandise 12676
container dealer. 12677

(C) A registration issued to a scrap metal dealer or a bulk 12678
merchandise container dealer pursuant to this section is valid for 12679
a period of one year. A dealer shall renew the registration in 12680
accordance with the rules adopted by the director and pay a 12681
renewal fee of one hundred fifty dollars to cover the costs of 12682
operating and maintaining the registry created pursuant to 12683
division (E) of this section. 12684

(D) A scrap metal dealer or a bulk merchandise container 12685
dealer registered under this section shall prominently display a 12686
copy of the annual registration certificate received from the 12687
director pursuant to division (E)(2) of this section. 12688

(E) The director shall do all of the following: 12689

(1) Develop and implement, by January 1, 2014, and maintain 12690
as a registry a secure database for use by law enforcement 12691
agencies that is capable of all of the following: 12692

(a) Receiving and securely storing all of the information 12693
required by division (A) of this section and the daily transaction 12694

data that scrap metal dealers and bulk merchandise dealers are	12695
required to send pursuant to division (E)(1) of section 4737.04 of	12696
the Revised Code;	12697
(b) Providing secure search capabilities to law enforcement	12698
agencies for enforcement purposes;	12699
(c) Creating a link and retransmission capability for receipt	12700
of routine scrap theft alerts published by the institute of scrap	12701
recycling industries for transmission to dealers and law	12702
enforcement agencies in the state;	12703
(d) Making the electronic lists prepared pursuant to division	12704
(F)(2) of section 4737.04 of the Revised Code available through an	12705
electronic searchable format for individual law enforcement	12706
agencies and for dealers in the state;	12707
(e) Providing, without charge, interlink programming enabling	12708
the transfer of information to dealers.	12709
(2) Issue, reissue, or deny registration to dealers;	12710
(3) Adopt rules to enforce sections 4737.01 to 4737.045 of	12711
the Revised Code, rules establishing procedures to renew a	12712
registration issued under this section, rules for the format and	12713
maintenance for the records required under division (A) of section	12714
4737.012 of the Revised Code or division (C) of section 4737.04 of	12715
the Revised Code, and rules regarding the delivery of the report	12716
required by division (E)(1) of section 4737.04 of the Revised Code	12717
to the registry, which shall be used exclusively by law	12718
enforcement agencies.	12719
(F) A scrap metal dealer or bulk merchandise container dealer	12720
may search, modify, or update only the dealer's own business data	12721
contained within the registry established in division (E) of this	12722
section.	12723
(G) All fees received by the director pursuant to this	12724

section and division (F) of section 4737.99 of the Revised Code 12725
shall be used to develop and maintain the registry required under 12726
this section. The fees shall be deposited into the ~~security,~~ 12727
~~investigations, and policing~~ infrastructure protection fund which 12728
is hereby created in section 4501.11 of the Revised Code the state 12729
treasury. 12730

Sec. 4741.49. (A) A person holding a license, limited 12731
license, or temporary permit to practice veterinary medicine who 12732
orders a test for the presence of Lyme disease in an animal under 12733
the person's care may report to the department of health any test 12734
result indicating the presence of the disease. 12735

(B) The director of health may adopt rules regarding the 12736
submission of reports described in this section. If rules are 12737
adopted, the rules shall be adopted in accordance with Chapter 12738
119. of the Revised Code. 12739

Sec. 4758.01. As used in this chapter: 12740

(A) "Accredited educational institution" means an educational 12741
institution accredited by an accrediting agency accepted by the 12742
Ohio board of regents. 12743

(B)(1) "Alcohol and other drug clinical counseling 12744
principles, methods, or procedures" means an approach to chemical 12745
dependency counseling that emphasizes the chemical dependency 12746
counselor's role in systematically assisting clients through all 12747
of the following: 12748

(a) Analyzing background and current information; 12749

(b) Exploring possible solutions; 12750

(c) Developing and providing a treatment plan; 12751

(d) In the case of an independent chemical dependency 12752
counselor-clinical supervisor, independent chemical dependency 12753

counselor, or chemical dependency counselor III only, diagnosing 12754
chemical dependency conditions. 12755

(2) "Alcohol and other drug clinical counseling principles, 12756
methods, or procedures" includes counseling, assessing, 12757
consulting, and referral as they relate to chemical dependency 12758
conditions. 12759

(C) "Alcohol and other drug prevention services" means a 12760
planned process of strategies and activities designed to preclude 12761
the onset of the use of alcohol and other drugs, reduce 12762
problematic use of alcohol and other drugs, or both. 12763

(D) "Chemical dependency conditions" means those conditions 12764
relating to the abuse of or dependency on alcohol or other drugs 12765
that are classified in accepted nosologies, including the 12766
diagnostic and statistical manual of mental disorders and the 12767
international classification of diseases, and in editions of those 12768
nosologies published after December 23, 2002. 12769

(E) "Chemical dependency counseling" means rendering or 12770
offering to render to individuals, groups, or the public a 12771
counseling service involving the application of alcohol and other 12772
drug clinical counseling principles, methods, or procedures to 12773
assist individuals who are abusing or dependent on alcohol or 12774
other drugs. 12775

(F) "Pathological and problem gambling" means a persistent 12776
and recurring maladaptive gambling behavior that is classified in 12777
accepted nosologies, including the diagnostic and statistical 12778
manual of mental disorders and the international classification of 12779
diseases, and in editions of those nosologies published after the 12780
effective date of this section. 12781

(G) Unless the context provides otherwise, "scope of 12782
practice" means the services, methods, and techniques in which and 12783
the areas for which a person who holds a license or certificate, 12784

or endorsement under this chapter is trained and qualified. 12785

~~(G)~~(H) "Substance abuse professional" has the same meaning as 12786
in 49 C.F.R. 40.3. 12787

~~(H)~~(I) "U.S. department of transportation drug and alcohol 12788
testing program" means a transportation workplace drug and alcohol 12789
testing program governed by 49 C.F.R. part 40. 12790

Sec. 4758.02. (A) Except as provided in section 4758.03 of 12791
the Revised Code, no person shall do any of the following: 12792

(1) Engage in or represent to the public that the person 12793
engages in chemical dependency counseling for a fee, salary, or 12794
other consideration unless the person holds a valid independent 12795
chemical dependency counselor-clinical supervisor license, 12796
independent chemical dependency counselor license, chemical 12797
dependency counselor III license, chemical dependency counselor II 12798
license, or chemical dependency counselor assistant certificate 12799
issued under this chapter; 12800

(2) Use the title "licensed independent chemical dependency 12801
counselor-clinical supervisor," "LICDC-CS," "licensed independent 12802
chemical dependency counselor," "LICDC," "licensed chemical 12803
dependency counselor III," "LCDC III," "licensed chemical 12804
dependency counselor II," "LCDC II," "chemical dependency 12805
counselor assistant," "CDCA," or any other title or description 12806
incorporating the word "chemical dependency counselor" or any 12807
other initials used to identify persons acting in those capacities 12808
unless currently authorized under this chapter to act in the 12809
capacity indicated by the title or initials; 12810

(3) Represent to the public that the person holds a 12811
pathological and problem gambling endorsement unless the person 12812
holds a valid pathological and problem gambling endorsement issued 12813
under this chapter; 12814

(4) Represent to the public that the person is a registered 12815
applicant unless the person holds a valid registered applicant 12816
certificate issued under this chapter; 12817

~~(4)~~(5) Use the title "certified prevention specialist II," 12818
"CPS II," "certified prevention specialist I," "CPS I," "certified 12819
prevention specialist assistant," "CPSA," "registered applicant," 12820
"RA," or any other title, description, or initials used to 12821
identify persons acting in those capacities unless currently 12822
authorized under this chapter to act in the capacity indicated by 12823
the title or initials. 12824

(B) No person shall engage in or represent to the public that 12825
the person engages in chemical dependency counseling as a chemical 12826
dependency counselor I. 12827

Sec. 4758.06. No individual who holds or has held a license 12828
~~or~~ certificate, or endorsement issued under this chapter shall 12829
disclose any information regarding the identity, diagnosis, or 12830
treatment of any of the individual's clients or consumers except 12831
for the purposes and under the circumstances expressly authorized 12832
by 42 U.S.C.A. 290dd-2, regulations promulgated pursuant to that 12833
federal law, other federal law enacted after ~~the effective date of~~ 12834
~~this section~~ December 23, 2002, to replace 42 U.S.C.A. 290dd-2, or 12835
regulations promulgated under the replacement federal law. The 12836
prohibition of this section applies whether or not the information 12837
is recorded. 12838

Sec. 4758.16. The chemical dependency professionals board 12839
shall not discriminate against any licensee, certificate holder, 12840
endorsement holder, or applicant for a license ~~or~~ certificate, or 12841
endorsement under this chapter because of the individual's race, 12842
color, religion, gender, national origin, disability as defined in 12843
section 4112.01 of the Revised Code, or age. The board shall 12844

afford a hearing to any individual who files with the board a 12845
statement alleging discrimination based on any of those reasons. 12846

Sec. 4758.20. (A) The chemical dependency professionals board 12847
shall adopt rules to establish, specify, or provide for all of the 12848
following: 12849

(1) Fees for the purposes authorized by section 4758.21 of 12850
the Revised Code; 12851

(2) If the board, pursuant to section 4758.221 of the Revised 12852
Code, elects to administer examinations for individuals seeking to 12853
act as substance abuse professionals in a U.S. department of 12854
transportation drug and alcohol testing program, the board's 12855
administration of the examinations; 12856

(3) For the purpose of section 4758.23 of the Revised Code, 12857
codes of ethical practice and professional conduct for individuals 12858
who hold a license ~~or~~, certificate, or endorsement issued under 12859
this chapter; 12860

(4) For the purpose of section 4758.24 of the Revised Code, 12861
all of the following: 12862

(a) Good moral character requirements for an individual who 12863
seeks or holds a license ~~or~~, certificate, or endorsement issued 12864
under this chapter; 12865

(b) The documents that an individual seeking such a license 12866
~~or~~, certificate, or endorsement must submit to the board; 12867

(c) Requirements to obtain the license ~~or~~, certificate, or 12868
endorsement that are in addition to the requirements established 12869
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 12870
4758.44, 4758.45, 4758.46, ~~and~~ 4758.47, and 4758.48 of the Revised 12871
Code. The additional requirements may include preceptorships. 12872

(d) The period of time that an individual whose registered 12873
applicant certificate has expired must wait before applying for a 12874

new registered applicant certificate.	12875
(5) For the purpose of section 4758.28 of the Revised Code,	12876
requirements for approval of continuing education courses of study	12877
for individuals who hold a license or , <u>certificate, or endorsement</u>	12878
issued under this chapter;	12879
(6) For the purpose of section 4758.30 of the Revised Code,	12880
the intervention for and treatment of an individual holding a	12881
license or , <u>certificate, or endorsement</u> issued under this chapter	12882
whose abilities to practice are impaired due to abuse of or	12883
dependency on alcohol or other drugs or other physical or mental	12884
condition;	12885
(7) Requirements governing reinstatement of a suspended or	12886
revoked license or , <u>certificate, or endorsement</u> under division (B)	12887
of section 4758.30 of the Revised Code, including requirements for	12888
determining the amount of time an individual must wait to apply	12889
for reinstatement;	12890
(8) For the purpose of section 4758.31 of the Revised Code,	12891
methods of ensuring that all records the board holds pertaining to	12892
an investigation remain confidential during the investigation;	12893
(9) Criteria for employees of the board to follow when	12894
performing their duties under division (B) of section 4758.35 of	12895
the Revised Code;	12896
(10) For the purpose of division (A)(1) of section 4758.39	12897
and division (A)(1) of section 4758.40 of the Revised Code, course	12898
requirements for a degree in a behavioral science or nursing that	12899
shall, at a minimum, include at least forty semester hours in all	12900
of the following courses:	12901
(a) Theories of counseling and psychotherapy;	12902
(b) Counseling procedures;	12903
(c) Group process and techniques;	12904

(d) Relationship therapy;	12905
(e) Research methods and statistics;	12906
(f) Fundamentals of assessment and diagnosis, including measurement and appraisal;	12907 12908
(g) Psychopathology;	12909
(h) Human development;	12910
(i) Cultural competence in counseling;	12911
(j) Ethics.	12912
(11) For the purpose of division (A)(3) of section 4758.39, division (A)(3) of section 4758.40, division (A)(3) of section 4758.41, and division (A)(3) of section 4758.42 of the Revised Code, training requirements for chemical dependency that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in all of the following courses:	12913 12914 12915 12916 12917 12918
(a) Theories of addiction;	12919
(b) Counseling procedures and strategies with addicted populations;	12920 12921
(c) Group process and techniques working with addicted populations;	12922 12923
(d) Assessment and diagnosis of addiction;	12924
(e) Relationship counseling with addicted populations;	12925
(f) Pharmacology;	12926
(g) Prevention strategies;	12927
(h) Treatment planning;	12928
(i) Legal and ethical issues.	12929
(12) For the purpose of division (B)(2)(b) of section 4758.40 and division (B)(2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version	12930 12931 12932

of the diagnostic and statistical manual of mental disorders that 12933
is current at the time of the training, including the number of 12934
the clock hours that must be on substance-related disorders, the 12935
number of the clock hours that must be on chemical dependency 12936
conditions, and the number of the clock hours that must be on 12937
awareness of other mental and emotional disorders; 12938

(13) For the purpose of division (A)(1) of section 4758.41 of 12939
the Revised Code, course requirements for a degree in a behavioral 12940
science or nursing; 12941

(14) For the purpose of division (A) of section 4758.43 of 12942
the Revised Code, training requirements for chemical dependency 12943
counseling that shall, at a minimum, include qualifications for 12944
the individuals who provide the training and instruction in one or 12945
more of the courses listed in division (A)(10) of this section as 12946
selected by the individual seeking the chemical dependency 12947
counselor assistant certificate; 12948

(15) For the purpose of division (A)(2) of section 4758.44 of 12949
the Revised Code, the field of study in which an individual must 12950
obtain at least a bachelor's degree; 12951

(16) For the purpose of division (A)(3) of section 4758.44, 12952
division (A)(3) of section 4758.45, and division (D) of section 12953
4758.46 of the Revised Code, requirements for prevention-related 12954
education; 12955

(17) For the purpose of division (A)(4) of section 4758.44 of 12956
the Revised Code, the number of hours of administrative or 12957
supervisory education that an individual must have; 12958

(18) For the purpose of division (A)(2) of section 4758.45 of 12959
the Revised Code, the field of study in which an individual must 12960
obtain at least an associate's degree; 12961

(19) Standards for the one hundred hours of compensated work 12962
or supervised internship in pathological and problem gambling 12963

<u>direct clinical experience required by division (B)(2) of section</u>	12964
<u>4758.48 of the Revised Code;</u>	12965
<u>(20)</u> For the purpose of section 4758.51 of the Revised Code,	12966
continuing education requirements for individuals who hold a	12967
license or , <u>certificate, or endorsement</u> issued under this chapter;	12968
(20) <u>(21)</u> For the purpose of section 4758.51 of the Revised	12969
Code, the number of hours of continuing education that an	12970
individual must complete to have an expired license or ,	12971
<u>certificate, or endorsement</u> restored under section 4758.26 of the	12972
Revised Code;	12973
(21) <u>(22)</u> For the purpose of divisions (A) and (B) of section	12974
4758.52 of the Revised Code, training requirements for chemical	12975
dependency counseling;	12976
(22) <u>(23)</u> The duties, which may differ, of all of the	12977
following:	12978
(a) An independent chemical dependency counselor-clinical	12979
supervisor licensed under this chapter who supervises a chemical	12980
dependency counselor III under section 4758.56 of the Revised	12981
Code;	12982
(b) An independent chemical dependency counselor-clinical	12983
supervisor, independent chemical dependency counselor, or chemical	12984
dependency counselor III licensed under this chapter who	12985
supervises a chemical dependency counselor assistant under section	12986
4758.59 of the Revised Code;	12987
(c) A prevention specialist II or prevention specialist I	12988
certified under this chapter or independent chemical dependency	12989
counselor-clinical supervisor, independent chemical dependency	12990
counselor, or chemical dependency counselor III licensed under	12991
this chapter who supervises a prevention specialist assistant or	12992
registered applicant under section 4758.61 of the Revised Code.	12993

(23) (24) <u>The duties of an independent chemical dependency counselor licensed under this chapter who holds the pathological and problem gambling endorsement who supervises a chemical dependency counselor III with the pathological and problem gambling endorsement under section 4758.62 of the Revised Code.</u>	12994
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(25) Anything else necessary to administer this chapter.	12999
(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations.	13000
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	13002
(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or alcohol and other drug prevention services.	13003
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Sec. 4758.21. (A) In accordance with rules adopted under section 4758.20 of the Revised Code and subject to division (B) of this section, the chemical dependency professionals board shall establish, and may from time to time adjust, fees to be charged for the following:	13008
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	13012
(1) Admitting an individual to an examination administered pursuant to section 4758.22 of the Revised Code;	13013
	13014
(2) Issuing an initial independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, prevention specialist assistant certificate, or registered applicant certificate;	13015
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(3) <u>Issuing an initial pathological and problem gambling</u>	13023

<u>endorsement;</u>	13024
<u>(4)</u> Renewing an independent chemical dependency counselor-clinical supervisor license, independent chemical dependency counselor license, chemical dependency counselor III license, chemical dependency counselor II license, chemical dependency counselor assistant certificate, prevention specialist II certificate, prevention specialist I certificate, or prevention specialist assistant certificate;	13025 13026 13027 13028 13029 13030 13031
(4) <u>(5)</u> <u>Renewing a pathological and problem gambling endorsement;</u>	13032 13033
<u>(6)</u> Approving continuing education courses under section 4758.28 of the Revised Code;	13034 13035
(5) <u>(7)</u> Doing anything else the board determines necessary to administer this chapter.	13036 13037
(B) The fees established under division (A) of this section are nonrefundable. They shall be in amounts sufficient to cover the necessary expenses of the board in administering this chapter and rules adopted under it. The fees for a license or , certificate, <u>or endorsement</u> and the renewal of a license or , certificate, <u>or endorsement</u> may differ for the various types of licenses and , certificates, <u>or endorsements</u> , but shall not exceed one hundred seventy-five dollars each, unless the board determines that amounts in excess of one hundred seventy-five dollars are needed to cover its necessary expenses in administering this chapter and rules adopted under it and the amounts in excess of one hundred seventy-five dollars are approved by the controlling board.	13038 13039 13040 13041 13042 13043 13044 13045 13046 13047 13048 13049 13050
(C) All vouchers of the board shall be approved by the chairperson or executive director of the board, or both, as authorized by the board.	13051 13052 13053

Sec. 4758.23. (A) In rules adopted under section 4758.20 of 13054
the Revised Code, the chemical dependency professionals board 13055
shall establish codes of ethical practice and professional conduct 13056
for the following: 13057

(1) Individuals who hold a valid independent chemical 13058
dependency counselor-clinical supervisor license, independent 13059
chemical dependency counselor license, chemical dependency 13060
counselor III license, chemical dependency counselor II license, 13061
or chemical dependency counselor assistant certificate issued 13062
under this chapter; 13063

(2) Individuals who hold a valid prevention specialist II 13064
certificate, prevention specialist I certificate, prevention 13065
specialist assistant certificate, or registered applicant 13066
certificate issued under this chapter; 13067

(3) Individuals who hold a valid pathological and problem 13068
gambling endorsement. 13069

(B) The codes for individuals identified under division 13070
(A)(1) of this section shall define unprofessional conduct, which 13071
shall include engaging in a dual relationship with a client, 13072
former client, consumer, or former consumer; committing an act of 13073
sexual abuse, misconduct, or exploitation of a client, former 13074
client, consumer, or former consumer; and, except as permitted by 13075
law, violating client or consumer confidentiality. 13076

(C) The codes for individuals identified under division 13077
(A)(1) of this section may be based on any codes of ethical 13078
practice and professional conduct developed by national 13079
associations or other organizations representing the interests of 13080
those involved in chemical dependency counseling. The codes for 13081
individuals identified under division (A)(2) of this section may 13082
be based on any codes of ethical practice and professional conduct 13083
developed by national associations or other organizations 13084

representing the interests of those involved in alcohol and other 13085
drug prevention services. The board may establish standards in the 13086
codes that are more stringent than those established by the 13087
national associations or other organizations. 13088

Sec. 4758.24. (A) The chemical dependency professionals board 13089
shall issue a license ~~or~~, certificate, or endorsement under this 13090
chapter to an individual who meets all of the following 13091
requirements: 13092

(1) Is of good moral character as determined in accordance 13093
with rules adopted under section 4758.20 of the Revised Code; 13094

(2) Except as provided in section 4758.241 of the Revised 13095
Code, submits a properly completed application and all other 13096
documentation specified in rules adopted under section 4758.20 of 13097
the Revised Code; 13098

(3) Except as provided in section 4758.241 of the Revised 13099
Code, pays the fee established under section 4758.21 of the 13100
Revised Code for the license ~~or~~, certificate, or endorsement that 13101
the individual seeks; 13102

(4) Meets the requirements to obtain the license ~~or~~, 13103
certificate, or endorsement that the individual seeks as specified 13104
in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 13105
4758.45, 4758.46, ~~or~~ 4758.47, or 4758.48 of the Revised Code; 13106

(5) Meets any additional requirements specified in rules 13107
adopted under section 4758.20 of the Revised Code to obtain the 13108
license ~~or~~, certificate, or endorsement that the individual seeks. 13109

(B) The board shall not do either of the following: 13110

(1) Issue a certificate to practice as a chemical dependency 13111
counselor I; 13112

(2) Issue a new registered applicant certificate to an 13113
individual whose previous registered applicant certificate has 13114

been expired for less than the period of time specified in rules 13115
adopted under section 4758.20 of the Revised Code. 13116

Sec. 4758.26. (A) Subject to section 4758.30 of the Revised 13117
Code, a license ~~or~~, certificate, or endorsement issued under this 13118
chapter expires the following period of time after it is issued: 13119

(1) In the case of an initial chemical dependency counselor 13120
assistant certificate, thirteen months; 13121

(2) In the case of any other license ~~or~~, certificate, or 13122
endorsement, two years. 13123

(B) Subject to section 4758.30 of the Revised Code and except 13124
as provided in section 4758.27 of the Revised Code, the chemical 13125
dependency professionals board shall renew a license ~~or~~, 13126
certificate, or endorsement issued under this chapter in 13127
accordance with the standard renewal procedure established under 13128
Chapter 4745. of the Revised Code if the individual seeking the 13129
renewal pays the renewal fee established under section 4758.21 of 13130
the Revised Code and does the following: 13131

(1) In the case of an individual seeking renewal of an 13132
initial chemical dependency counselor assistant certificate, 13133
satisfies the additional training requirement established under 13134
section 4758.52 of the Revised Code; 13135

(2) In the case of any other individual, satisfies the 13136
continuing education requirements established under section 13137
4758.51 of the Revised Code. 13138

(C) Subject to section 4758.30 of the Revised Code and except 13139
as provided in section 4758.27 of the Revised Code, a license ~~or~~, 13140
certificate, or endorsement issued under this chapter that has 13141
expired may be restored if the individual seeking the restoration, 13142
not later than two years after the license ~~or~~, certificate, or 13143
endorsement expires, applies for restoration of the license ~~or~~, 13144

certificate, or endorsement. The board shall issue a restored 13145
license ~~or~~, certificate, or endorsement to the individual if the 13146
individual pays the renewal fee established under section 4758.21 13147
of the Revised Code and does the following: 13148

(1) In the case of an individual whose initial chemical 13149
dependency counselor assistant certificate expired, satisfies the 13150
additional training requirement established under section 4758.52 13151
of the Revised Code; 13152

(2) In the case of any other individual, satisfies the 13153
continuing education requirements established under section 13154
4758.51 of the Revised Code for restoring the license ~~or~~, 13155
certificate, or endorsement. 13156

The board shall not require an individual to take an 13157
examination as a condition of having an expired license ~~or~~, 13158
certificate, or endorsement restored under this section. 13159

Sec. 4758.28. The chemical dependency professionals board 13160
shall approve, in accordance with rules adopted under section 13161
4758.20 of the Revised Code and subject to payment of the fee 13162
established under section 4758.21 of the Revised Code, continuing 13163
education courses of study for individuals who hold a license ~~or~~, 13164
certificate, or endorsement issued under this chapter. 13165

Sec. 4758.29. On receipt of a notice pursuant to section 13166
3123.43 of the Revised Code, the chemical dependency professionals 13167
board shall comply with sections 3123.41 to 3123.50 of the Revised 13168
Code and any applicable rules adopted under section 3123.63 of the 13169
Revised Code with respect to a license ~~or~~, certificate, or 13170
endorsement issued pursuant to this chapter. 13171

Sec. 4758.30. (A) The chemical dependency professionals 13172
board, in accordance with Chapter 119. of the Revised Code, may 13173

refuse to issue a license or , <u>certificate, or endorsement</u> applied	13174
for under this chapter; refuse to renew or restore a license or ,	13175
<u>certificate, or endorsement</u> issued under this chapter; suspend,	13176
revoke, or otherwise restrict a license or , <u>certificate, or</u>	13177
<u>endorsement</u> issued under this chapter; or reprimand an individual	13178
holding a license or , <u>certificate, or endorsement</u> issued under	13179
this chapter. These actions may be taken by the board regarding	13180
the applicant for a license or , <u>certificate, or endorsement</u> or the	13181
individual holding a license or , <u>certificate, or endorsement</u> for	13182
one or more of the following reasons:	13183
(1) Violation of any provision of this chapter or rules	13184
adopted under it;	13185
(2) Knowingly making a false statement on an application for	13186
a license or , <u>certificate, or endorsement</u> or for renewal,	13187
restoration, or reinstatement of a license or , <u>certificate, or</u>	13188
<u>endorsement</u> ;	13189
(3) Acceptance of a commission or rebate for referring an	13190
individual to a person who holds a license or certificate issued	13191
by, or who is registered with, an entity of state government,	13192
including persons practicing chemical dependency counseling,	13193
alcohol and other drug prevention services, <u>pathological and</u>	13194
<u>problem gambling counseling</u> , or fields related to chemical	13195
<u>dependency counseling, pathological and problem gambling</u>	13196
<u>counseling</u> , or alcohol and other drug prevention services;	13197
(4) Conviction in this or any other state of any crime that	13198
is a felony in this state;	13199
(5) Conviction in this or any other state of a misdemeanor	13200
committed in the course of practice as an independent chemical	13201
dependency counselor-clinical supervisor, independent chemical	13202
dependency counselor, chemical dependency counselor III, chemical	13203
dependency counselor II, chemical dependency counselor assistant,	13204

prevention specialist II, <u>pathological and problem gambling</u>	13205
<u>endorsee</u> , prevention specialist I, prevention specialist	13206
assistant, or registered applicant;	13207
(6) Inability to practice as an independent chemical	13208
dependency counselor-clinical supervisor, independent chemical	13209
dependency counselor, chemical dependency counselor III, chemical	13210
dependency counselor II, chemical dependency counselor assistant,	13211
<u>pathological and problem gambling endorsee</u> , prevention specialist	13212
II, prevention specialist I, prevention specialist assistant, or	13213
registered applicant due to abuse of or dependency on alcohol or	13214
other drugs or other physical or mental condition;	13215
(7) Practicing outside the individual's scope of practice;	13216
(8) Practicing without complying with the supervision	13217
requirements specified under section 4758.56, 4758.59, or 4758.61,	13218
<u>or 4758.62</u> of the Revised Code;	13219
(9) Violation of the code of ethical practice and	13220
professional conduct for chemical dependency counseling or ,	13221
alcohol and other drug prevention, <u>or pathological and problem</u>	13222
<u>gambling counseling</u> services adopted by the board pursuant to	13223
section 4758.23 of the Revised Code;	13224
(10) Revocation of a license or , <u>certificate, or endorsement</u>	13225
or voluntary surrender of a license or , <u>certificate, or</u>	13226
<u>endorsement</u> in another state or jurisdiction for an offense that	13227
would be a violation of this chapter.	13228
(B) An individual whose license or , <u>certificate, or</u>	13229
<u>endorsement</u> has been suspended or revoked under this section may	13230
apply to the board for reinstatement after an amount of time the	13231
board shall determine in accordance with rules adopted under	13232
section 4758.20 of the Revised Code. The board may accept or	13233
refuse an application for reinstatement. The board may require an	13234
examination for reinstatement of a license or , <u>certificate, or</u>	13235

endorsement that has been suspended or revoked. 13236

Sec. 4758.31. The chemical dependency professionals board 13237
shall investigate alleged violations of this chapter or the rules 13238
adopted under it and alleged irregularities in the delivery of 13239
chemical dependency counseling services, pathological and problem 13240
gambling counseling services, or alcohol and other drug prevention 13241
services by individuals who hold a license ~~or~~, certificate, or 13242
endorsement issued under this chapter. As part of an 13243
investigation, the board may issue subpoenas, examine witnesses, 13244
and administer oaths. 13245

The board may receive any information necessary to conduct an 13246
investigation under this section that has been obtained in 13247
accordance with federal laws and regulations. If the board is 13248
investigating the provision of chemical dependency counseling 13249
services or pathological and problem gambling counseling services 13250
to a couple or group, it is not necessary for both members of the 13251
couple or all members of the group to consent to the release of 13252
information relevant to the investigation. 13253

The board shall ensure, in accordance with rules adopted 13254
under section 4758.20 of the Revised Code, that all records it 13255
holds pertaining to an investigation remain confidential during 13256
the investigation. After the investigation, the records are public 13257
records except as otherwise provided by federal or state law. 13258

Sec. 4758.35. (A) An individual seeking a license ~~or~~, 13259
certificate, or endorsement issued under this chapter shall file 13260
with the chemical dependency professionals board a written 13261
application on a form prescribed by the board. Each form shall 13262
state that a false statement made on the form is the crime of 13263
falsification under section 2921.13 of the Revised Code. 13264

(B) The board shall require an individual or individuals 13265

employed by the board under section 4758.15 of the Revised Code to 13266
do both of the following in accordance with criteria established 13267
by rules adopted under section 4758.20 of the Revised Code: 13268

(1) Receive and review all applications submitted to the 13269
board; 13270

(2) Submit to the board all applications the individual or 13271
individuals recommend the board review based on the criteria 13272
established in the rules. 13273

(C) The board shall review all applications submitted to the 13274
board pursuant to division (B)(2) of this section. 13275

Sec. 4758.36. As part of the review process under division 13276
(C) of section 4758.35 of the Revised Code of an application 13277
submitted by an applicant who has obtained the applicant's 13278
education, experience in chemical dependency counseling, 13279
pathological and problem gambling, or alcohol and other drug 13280
prevention services, or education and experience outside the 13281
United States, the chemical dependency professionals board shall 13282
determine whether the applicant's command of the English language 13283
and education or experience meet the standards required by this 13284
chapter and rules adopted under it. 13285

Sec. 4758.48. An individual is not eligible for a 13286
pathological and problem gambling endorsement unless the 13287
individual meets the requirements of divisions (A) and (B) of this 13288
section. 13289

(A) The individual is one or more of the following: 13290

(1) An independent chemical dependency counselor, chemical 13291
dependency counselor III, or chemical dependency counselor II 13292
licensed under this chapter; 13293

(2) Authorized to practice medicine and surgery or 13294

<u>osteopathic medicine and surgery under Chapter 4731. of the</u>	13295
<u>Revised Code;</u>	13296
<u>(3) A psychologist licensed under Chapter 4732. of the</u>	13297
<u>Revised Code;</u>	13298
<u>(4) A registered nurse licensed under Chapter 4723. of the</u>	13299
<u>Revised Code; or</u>	13300
<u>(5) A professional clinical counselor, professional</u>	13301
<u>counselor, independent social worker, social worker, independent</u>	13302
<u>marriage and family therapist, or marriage and family therapist</u>	13303
<u>licensed under Chapter 4757. of the Revised Code.</u>	13304
<u>An individual who is a registered nurse or a professional</u>	13305
<u>clinical counselor, professional counselor, independent social</u>	13306
<u>worker, social worker, independent marriage and family therapist,</u>	13307
<u>or marriage and family therapist is ineligible for the endorsement</u>	13308
<u>unless the endorsement is consistent with the individual's scope</u>	13309
<u>of practice.</u>	13310
<u>(B) Except as otherwise provided in this division, the</u>	13311
<u>individual has completed both of the following:</u>	13312
<u>(1) A minimum of thirty hours of training in pathological and</u>	13313
<u>problem gambling that meets the requirements prescribed in rules</u>	13314
<u>adopted under section 4758.20 of the Revised Code; and</u>	13315
<u>(2) A minimum of one hundred hours of compensated work or</u>	13316
<u>supervised internship in pathological and problem gambling direct</u>	13317
<u>clinical experience.</u>	13318
<u>An independent chemical dependency counselor, chemical</u>	13319
<u>dependency counselor III, or chemical dependency counselor II</u>	13320
<u>licensed under this chapter may be issued an initial pathological</u>	13321
<u>and problem gambling endorsement without having complied with</u>	13322
<u>division (B)(2) of this section, but the independent chemical</u>	13323
<u>dependency counselor, chemical dependency counselor III, or</u>	13324

chemical dependency counselor II shall comply with division (B)(2) 13325
of this section before expiration of the initial endorsement. An 13326
independent chemical dependency counselor, chemical dependency 13327
counselor III, or chemical dependency counselor II who fails to 13328
comply with this paragraph is not entitled to renewal of the 13329
initial endorsement. 13330

Sec. 4758.50. An individual who holds a license ~~or~~ 13331
certificate, or endorsement issued under this chapter shall post 13332
the license ~~or~~ certificate, or endorsement in a prominent place 13333
at the individual's place of employment. 13334

Sec. 4758.51. (A) Except as provided in division (C) of this 13335
section and in accordance with rules adopted under section 4758.20 13336
of the Revised Code, each individual who holds a license ~~or~~ 13337
certificate, or endorsement issued under this chapter, other than 13338
an initial chemical dependency counselor assistant certificate, 13339
shall complete during the period that the license ~~or~~ certificate, 13340
or endorsement is in effect not less than the following number of 13341
clock hours of continuing education as a condition of receiving a 13342
renewed license ~~or~~ certificate, or endorsement: 13343

(1) In the case of an individual holding a prevention 13344
specialist assistant certificate, twenty; 13345

(2) In the case of an individual holding a pathological and 13346
problem gambling endorsement, six; 13347

(3) In the case of any other individual, forty. 13348

(B) Except as provided in division (C) of this section, an 13349
individual whose license ~~or~~ certificate, or endorsement issued 13350
under this chapter, other than an initial chemical dependency 13351
counselor assistant certificate, has expired shall complete the 13352
number of hours of continuing education specified in rules adopted 13353
under section 4758.20 of the Revised Code as a condition of 13354

receiving a restored license ~~or~~, certificate, or endorsement. 13355

(C) The chemical dependency professionals board may waive the 13356
continuing education requirements established under this section 13357
for individuals who are unable to fulfill them because of military 13358
service, illness, residence outside the United States, or any 13359
other reason the board considers acceptable. 13360

Sec. 4758.60. An individual who holds a valid prevention 13361
specialist II certificate or prevention specialist I certificate 13362
issued under this chapter may engage in the practice of ~~alcohol~~ 13363
~~and other drug~~ prevention services as specified in rules adopted 13364
under section 4758.20 of the Revised Code. 13365

Sec. 4758.62. An individual who holds an independent chemical 13366
dependency counselor license and a pathological and problem 13367
gambling treatment endorsement may do all of the following: 13368

(A) Diagnose and treat pathological and problem gambling 13369
conditions; 13370

(B) Perform treatment planning, assessment, crisis 13371
intervention, individual and group counseling, case management, 13372
and educational services insofar as those functions relate to 13373
pathological and problem gambling; 13374

(C) Supervise pathological and problem gambling treatment 13375
counseling; and 13376

(D) Refer individuals with nonpathological and nonproblem 13377
gambling conditions to appropriate sources of help. 13378

Sec. 4758.63. An individual who holds a chemical dependency 13379
counselor III license and a pathological and problem gambling 13380
endorsement may do all of the following: 13381

<u>(A) Treat pathological and problem gambling conditions;</u>	13383
<u>(B) Diagnose pathological and problem gambling conditions under supervision;</u>	13384 13385
<u>(C) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and educational services insofar as those functions relate to pathological and problem gambling;</u>	13386 13387 13388 13389
<u>(D) Supervise pathological and problem gambling treatment counseling under supervision; and</u>	13390 13391
<u>(E) Refer individuals having nonpathological and nonproblem gambling conditions to appropriate sources of help.</u>	13392 13393
<u>The supervision required by divisions (B) and (D) of this section shall be provided by an independent chemical dependency counselor licensed under this chapter; an individual authorized to practice medicine and surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code; a psychologist licensed under Chapter 4732. of the Revised Code; a registered nurse licensed under Chapter 4723. of the Revised Code; or a professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code. A registered nurse or a professional clinical counselor, independent social worker, or independent marriage and family therapist is not qualified to provide supervision unless the individual holds a pathological and problem gambling endorsement.</u>	13394 13395 13396 13397 13398 13399 13400 13401 13402 13403 13404 13405 13406 13407
<u>An individual holding a chemical dependency counselor III license shall not practice as an individual practitioner.</u>	13408 13409
<u>Sec. 4758.64. An individual who holds a chemical dependency counselor II license and a pathological and problem gambling endorsement may do all of the following:</u>	13410 13411 13412

<u>(A) Treat pathological and problem gambling conditions;</u>	13413
<u>(B) Perform treatment planning, assessment, crisis</u>	13414
<u>intervention, individual and group counseling, case management,</u>	13415
<u>and educational services insofar as those functions relate to</u>	13416
<u>pathological and problem gambling; and</u>	13417
<u>(C) Refer individuals having nonpathological and nonproblem</u>	13418
<u>gambling conditions to appropriate sources of help.</u>	13419
<u>An individual holding a chemical dependency II license shall</u>	13420
<u>not practice as an individual practitioner.</u>	13421
Sec. 4758.71. Nothing in this chapter or the rules adopted	13422
under it authorizes an individual who holds a license or,	13423
<u>certificate, or endorsement</u> issued under this chapter to admit a	13424
patient to a hospital or requires a hospital to allow any such	13425
individual to admit a patient.	13426
Sec. 4905.911. (A)(1) <u>Except as provided in division (A)(2)</u>	13427
<u>of this section:</u>	13428
<u>(a)</u> The public utilities commission shall require an operator	13429
of either of the following types of pipelines that was completely	13430
constructed on or after the effective date of this section	13431
<u>September 10, 2012,</u> and that transports gas produced by a	13432
horizontal well to comply with the applicable pipe design	13433
requirements of 49 C.F.R. 192 subpart C:	13434
(a) <u>(i)</u> A gas gathering pipeline;	13435
(b) <u>(ii)</u> A processing plant gas stub pipeline.	13436
(2) <u>(b)</u> The commission shall also require the operator to do	13437
all of the following regarding that pipeline:	13438
(a) <u>(i)</u> Design, install, construct, initially inspect, and	13439
initially test the pipeline in accordance with the requirements of	13440
49 C.F.R. 192 if the pipeline is new, replaced, relocated, or	13441

otherwise changed;	13442
(b) (ii) Control corrosion according to requirements of 49 C.F.R. 192 subpart I if the pipeline is metallic;	13443 13444
(e) (iii) Establish and carry out a damage prevention program under 49 C.F.R. 192.614;	13445 13446
(d) (iv) Establish and carry out a public education program under 49 C.F.R. 192.616;	13447 13448
(e) (v) Establish the MAOP of the pipeline under 49 C.F.R. 192.619;	13449 13450
(f) (vi) Install and maintain pipeline markers according to the requirements for transmission lines under 49 C.F.R. 192.707;	13451 13452
(g) (vii) Perform leakage surveys according to requirements in 49 C.F.R. 192.706;	13453 13454
(h) (viii) Retain a record of each required leakage survey conducted under division (A) (2) (g) (1)(v)(vii) of this section and 49 C.F.R. 192.706 for five years or until the next leakage survey is completed, whichever time period is longer.	13455 13456 13457 13458
<u>(2) The commission may, at its discretion and in accordance with subsection (d) of 49 U.S.C. 60118, waive compliance with a pipe design requirement of 49 C.F.R. 192 subpart C.</u>	13459 13460 13461
(B)(1) Any person who plans to construct a pipeline subject to division (A) of this section after the effective date of this section <u>September 10, 2012</u> , shall file with the public utilities commission division of pipeline safety a form approved by the division that includes all of the following information:	13462 13463 13464 13465 13466
(a) The route of the proposed pipeline;	13467
(b) The MAOP of the pipeline;	13468
(c) The outside diameter of the pipeline;	13469
(d) The wall thickness of the pipeline;	13470

(e) The material that the pipeline will be made of;	13471
(f) The yield strength of the pipeline.	13472
The form shall be filed with the division not later than	13473
twenty-one days prior to the commencement of construction of the	13474
pipeline.	13475
(2) Not later than sixty days after the completion of	13476
construction of a pipeline subject to division (B)(1) of this	13477
section, the operator of the pipeline shall file with the public	13478
utilities commission division of pipeline safety an explanation of	13479
the constructed pipeline's route and operating information.	13480
(C) For purposes of this section:	13481
(1) "Horizontal well" has the same meaning as in section	13482
1509.01 of the Revised Code.	13483
(2) "Operator" means any person that owns, operates, manages,	13484
controls, or leases a gas gathering pipeline or a processing plant	13485
gas stub pipeline.	13486
Sec. 4923.02. (A) As used in this chapter, "private motor	13487
carrier" does not include a person when engaged in any of the	13488
following in intrastate commerce:	13489
(1) The transportation of persons in taxicabs in the usual	13490
taxicab service;	13491
(2) The transportation of pupils in school busses operating	13492
to or from school sessions or school events;	13493
(3) The transportation of farm supplies to the farm or farm	13494
products from farm to market or to food fabricating plants;	13495
(4) The distribution of newspapers;	13496
(5) The transportation of crude petroleum incidental to	13497
gathering from wells and delivery to destination by pipe line;	13498

(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;	13499 13500
(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;	13501 13502
(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;	13503 13504 13505 13506
(9) The operation of motor vehicles for contractors on public road work.	13507 13508
(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:	13509 13510 13511 13512
(1) The governor of this state has declared an emergency.	13513
(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency.	13514 13515
(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.	13516 13517 13518 13519 13520
(D) Divisions (A) to (C) of this section shall not be construed to relieve a person from compliance with either of the following:	13521 13522 13523
(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;	13524 13525 13526 13527
(2) Rules regarding commercial driver's licenses adopted	13528

under division (A)(1) of section 4923.04 of the Revised Code; 13529

(3) Rules adopted under section 4921.15 of the Revised Code 13530
regarding uniform registration and permitting of carriers of 13531
hazardous materials and other applicable provisions of that 13532
section and division (H) of section 4921.19 of the Revised Code. 13533

Sec. 4928.64. (A)(1) As used in sections 4928.64 and 4928.65 13534
of the Revised Code, "alternative energy resource" means an 13535
advanced energy resource or renewable energy resource, as defined 13536
in section 4928.01 of the Revised Code that has a 13537
placed-in-service date of January 1, 1998, or after; a renewable 13538
energy resource created on or after January 1, 1998, by the 13539
modification or retrofit of any facility placed in service prior 13540
to January 1, 1998; or a mercantile customer-sited advanced energy 13541
resource or renewable energy resource, whether new or existing, 13542
that the mercantile customer commits for integration into the 13543
electric distribution utility's demand-response, energy 13544
efficiency, or peak demand reduction programs as provided under 13545
division (A)(2)(c) of section 4928.66 of the Revised Code, 13546
including, but not limited to, any of the following: 13547

(a) A resource that has the effect of improving the 13548
relationship between real and reactive power; 13549

(b) A resource that makes efficient use of waste heat or 13550
other thermal capabilities owned or controlled by a mercantile 13551
customer; 13552

(c) Storage technology that allows a mercantile customer more 13553
flexibility to modify its demand or load and usage 13554
characteristics; 13555

(d) Electric generation equipment owned or controlled by a 13556
mercantile customer that uses an advanced energy resource or 13557
renewable energy resource; 13558

(e) Any advanced energy resource or renewable energy resource 13559
of the mercantile customer that can be utilized effectively as 13560
part of any advanced energy resource plan of an electric 13561
distribution utility and would otherwise qualify as an alternative 13562
energy resource if it were utilized directly by an electric 13563
distribution utility. 13564

(2) For the purpose of this section and as it considers 13565
appropriate, the public utilities commission may classify any new 13566
technology as such an advanced energy resource or a renewable 13567
energy resource. 13568

(B) By 2025 and thereafter, an electric distribution utility 13569
shall provide from alternative energy resources, including, at its 13570
discretion, alternative energy resources obtained pursuant to an 13571
electricity supply contract, a portion of the electricity supply 13572
required for its standard service offer under section 4928.141 of 13573
the Revised Code, and an electric services company shall provide a 13574
portion of its electricity supply for retail consumers in this 13575
state from alternative energy resources, including, at its 13576
discretion, alternative energy resources obtained pursuant to an 13577
electricity supply contract. That portion shall equal twenty-five 13578
per cent of the total number of kilowatt hours of electricity sold 13579
by the subject utility or company to any and all retail electric 13580
consumers whose electric load centers are served by that utility 13581
and are located within the utility's certified territory or, in 13582
the case of an electric services company, are served by the 13583
company and are located within this state. However, nothing in 13584
this section precludes a utility or company from providing a 13585
greater percentage. ~~The baseline for a utility's or company's~~ 13586
~~compliance with the alternative energy resource requirements of~~ 13587
~~this section shall be the average of such total kilowatt hours it~~ 13588
~~sold in the preceding three calendar years, except that the~~ 13589
~~commission may reduce a utility's or company's baseline to adjust~~ 13590

~~for new economic growth in the utility's certified territory or,~~ 13591
~~in the case of an electric services company, in the company's~~ 13592
~~service area in this state.~~ 13593

Of the alternative energy resources implemented by the 13594
 subject utility or company by 2025 and thereafter: 13595

(1) Half may be generated from advanced energy resources; 13596

(2) At least half shall be generated from renewable energy 13597
 resources, including one-half per cent from solar energy 13598
 resources, in accordance with the following benchmarks: 13599

By end of year	Renewable energy resources	Solar energy resources	
2009	0.25%	0.004%	13601
2010	0.50%	0.010%	13602
2011	1%	0.030%	13603
2012	1.5%	0.060%	13604
2013	2%	0.090%	13605
2014	2.5%	0.12%	13606
2015	3.5%	0.15%	13607
2016	4.5%	0.18%	13608
2017	5.5%	0.22%	13609
2018	6.5%	0.26%	13610
2019	7.5%	0.3%	13611
2020	8.5%	0.34%	13612
2021	9.5%	0.38%	13613
2022	10.5%	0.42%	13614
2023	11.5%	0.46%	13615
2024 and each calendar year thereafter	12.5%	0.5%	13616

(3) At least one-half of the renewable energy resources 13617
 implemented by the utility or company shall be met through 13618
 facilities located in this state; the remainder shall be met with 13619
 resources that can be shown to be deliverable into this state. 13620

(C)(1) The commission annually shall review an electric 13621
distribution utility's or electric services company's compliance 13622
with the most recent applicable benchmark under division (B)(2) of 13623
this section and, in the course of that review, shall identify any 13624
undercompliance or noncompliance of the utility or company that it 13625
determines is weather-related, related to equipment or resource 13626
shortages for advanced energy or renewable energy resources as 13627
applicable, or is otherwise outside the utility's or company's 13628
control. 13629

(2) Subject to the cost cap provisions of division (C)(3) of 13630
this section, if the commission determines, after notice and 13631
opportunity for hearing, and based upon its findings in that 13632
review regarding avoidable undercompliance or noncompliance, but 13633
subject to division (C)(4) of this section, that the utility or 13634
company has failed to comply with any such benchmark, the 13635
commission shall impose a renewable energy compliance payment on 13636
the utility or company. 13637

(a) The compliance payment pertaining to the solar energy 13638
resource benchmarks under division (B)(2) of this section shall be 13639
an amount per megawatt hour of undercompliance or noncompliance in 13640
the period under review, starting at four hundred fifty dollars 13641
for 2009, four hundred dollars for 2010 and 2011, and similarly 13642
reduced every two years thereafter through 2024 by fifty dollars, 13643
to a minimum of fifty dollars. 13644

(b) The compliance payment pertaining to the renewable energy 13645
resource benchmarks under division (B)(2) of this section shall 13646
equal the number of additional renewable energy credits that the 13647
electric distribution utility or electric services company would 13648
have needed to comply with the applicable benchmark in the period 13649
under review times an amount that shall begin at forty-five 13650
dollars and shall be adjusted annually by the commission to 13651
reflect any change in the consumer price index as defined in 13652

section 101.27 of the Revised Code, but shall not be less than 13653
forty-five dollars. 13654

(c) The compliance payment shall not be passed through by the 13655
electric distribution utility or electric services company to 13656
consumers. The compliance payment shall be remitted to the 13657
commission, for deposit to the credit of the advanced energy fund 13658
created under section 4928.61 of the Revised Code. Payment of the 13659
compliance payment shall be subject to such collection and 13660
enforcement procedures as apply to the collection of a forfeiture 13661
under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code. 13662

(3) An electric distribution utility or an electric services 13663
company need not comply with a benchmark under division (B)(1) or 13664
(2) of this section to the extent that its reasonably expected 13665
cost of that compliance exceeds its reasonably expected cost of 13666
otherwise producing or acquiring the requisite electricity by 13667
three per cent or more. The cost of compliance shall be calculated 13668
as though any exemption from taxes and assessments had not been 13669
granted under section 5727.75 of the Revised Code. 13670

(4)(a) An electric distribution utility or electric services 13671
company may request the commission to make a force majeure 13672
determination pursuant to this division regarding all or part of 13673
the utility's or company's compliance with any minimum benchmark 13674
under division (B)(2) of this section during the period of review 13675
occurring pursuant to division (C)(2) of this section. The 13676
commission may require the electric distribution utility or 13677
electric services company to make solicitations for renewable 13678
energy resource credits as part of its default service before the 13679
utility's or company's request of force majeure under this 13680
division can be made. 13681

(b) Within ninety days after the filing of a request by an 13682
electric distribution utility or electric services company under 13683
division (C)(4)(a) of this section, the commission shall determine 13684

if renewable energy resources are reasonably available in the marketplace in sufficient quantities for the utility or company to comply with the subject minimum benchmark during the review period. In making this determination, the commission shall consider whether the electric distribution utility or electric services company has made a good faith effort to acquire sufficient renewable energy or, as applicable, solar energy resources to so comply, including, but not limited to, by banking or seeking renewable energy resource credits or by seeking the resources through long-term contracts. Additionally, the commission shall consider the availability of renewable energy or solar energy resources in this state and other jurisdictions in the PJM interconnection regional transmission organization or its successor and the midwest system operator or its successor.

(c) If, pursuant to division (C)(4)(b) of this section, the commission determines that renewable energy or solar energy resources are not reasonably available to permit the electric distribution utility or electric services company to comply, during the period of review, with the subject minimum benchmark prescribed under division (B)(2) of this section, the commission shall modify that compliance obligation of the utility or company as it determines appropriate to accommodate the finding. Commission modification shall not automatically reduce the obligation for the electric distribution utility's or electric services company's compliance in subsequent years. If it modifies the electric distribution utility or electric services company obligation under division (C)(4)(c) of this section, the commission may require the utility or company, if sufficient renewable energy resource credits exist in the marketplace, to acquire additional renewable energy resource credits in subsequent years equivalent to the utility's or company's modified obligation under division (C)(4)(c) of this section.

(5) The commission shall establish a process to provide for 13717
at least an annual review of the alternative energy resource 13718
market in this state and in the service territories of the 13719
regional transmission organizations that manage transmission 13720
systems located in this state. The commission shall use the 13721
results of this study to identify any needed changes to the amount 13722
of the renewable energy compliance payment specified under 13723
divisions (C)(2)(a) and (b) of this section. Specifically, the 13724
commission may increase the amount to ensure that payment of 13725
compliance payments is not used to achieve compliance with this 13726
section in lieu of actually acquiring or realizing energy derived 13727
from renewable energy resources. However, if the commission finds 13728
that the amount of the compliance payment should be otherwise 13729
changed, the commission shall present this finding to the general 13730
assembly for legislative enactment. 13731

(D)(1) The commission annually shall submit to the general 13732
assembly in accordance with section 101.68 of the Revised Code a 13733
report describing all of the following: 13734

(a) The compliance of electric distribution utilities and 13735
electric services companies with division (B) of this section; 13736

(b) The average annual cost of renewable energy credits 13737
purchased by utilities and companies for the year covered in the 13738
report; 13739

(c) Any strategy for utility and company compliance or for 13740
encouraging the use of alternative energy resources in supplying 13741
this state's electricity needs in a manner that considers 13742
available technology, costs, job creation, and economic impacts. 13743

The commission shall begin providing the information 13744
described in division (D)(1)(b) of this section in each report 13745
submitted after ~~the effective date of the amendment of this~~ 13746
~~section by S.B. 315 of the 129th general assembly~~ September 10, 13747

2012. The commission shall allow and consider public comments on 13748
the report prior to its submission to the general assembly. 13749
Nothing in the report shall be binding on any person, including 13750
any utility or company for the purpose of its compliance with any 13751
benchmark under division (B) of this section, or the enforcement 13752
of that provision under division (C) of this section. 13753

(2) The governor, in consultation with the commission 13754
chairperson, shall appoint an alternative energy advisory 13755
committee. The committee shall examine available technology for 13756
and related timetables, goals, and costs of the alternative energy 13757
resource requirements under division (B) of this section and shall 13758
submit to the commission a semiannual report of its 13759
recommendations. 13760

(E) All costs incurred by an electric distribution utility in 13761
complying with the requirements of this section shall be 13762
bypassable by any consumer that has exercised choice of supplier 13763
under section 4928.03 of the Revised Code. 13764

Sec. 4928.641. (A) Except as provided in division (B) of this 13765
section and section 4928.642 of the Revised Code, the baseline for 13766
an electric distribution utility's or an electric services 13767
company's compliance with the alternative energy resource 13768
requirements of section 4928.64 of the Revised Code shall be the 13769
average of total kilowatt hours sold by the utility or company in 13770
the preceding three calendar years to the following: 13771

(1) In the case of an electric distribution utility, any and 13772
all retail electric consumers whose electric load centers are 13773
served by that utility and are located within the utility's 13774
certified territory; 13775

(2) In the case of an electric services company, any and all 13776
retail electric consumers who are served by the company and are 13777
located within this state. 13778

(B)(1) Beginning with compliance in calendar year 2017, a utility or company may choose for its baseline for compliance with the alternative energy resource requirements of section 4928.64 of the Revised Code to be the total kilowatt hours sold to the applicable consumers, as described in division (A)(1) or (2) of this section, in the preceding calendar year. 13779
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(2) A utility or company choosing the baseline permitted under division (B)(1) of this section shall inform the public utilities commission by the first of October of the compliance year for which the baseline is to apply. The notice requirement of this division does not apply if the utility or company used the baseline under division (B)(1) of this section in the preceding compliance year. 13785
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(C) A utility or company that uses the baseline permitted under division (B)(1) of this section may use the baseline described in division (A) of this section in any subsequent compliance year. A utility or company may make this switch only after informing the commission by the first of October of the compliance year for which the baseline described in division (A) of this section is to apply. A utility or company that makes this switch shall use the baseline described in division (A) of this section for at least three consecutive compliance years before again using the baseline permitted under division (B)(1) of this section. 13792
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Sec. 4928.642. The public utilities commission may reduce either baseline described in section 4928.641 of the Revised Code to adjust for new economic growth in the electric distribution utility's certified territory or in the electric services company's service area in this state. 13803
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Sec. 5104.03. (A) Any person, firm, organization, 13808

institution, or agency seeking to establish a child day-care 13809
center, type A family day-care home, or licensed type B family 13810
day-care home shall apply for a license to the director of job and 13811
family services on such form as the director prescribes. The 13812
director shall provide at no charge to each applicant for 13813
licensure a copy of the child care license requirements in this 13814
chapter and a copy of the rules adopted pursuant to this chapter. 13815
The copies may be provided in paper or electronic form. 13816

Fees shall be set by the director pursuant to sections 13817
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 13818
paid at the time of application for a license to operate a center, 13819
type A home, or type B home. Fees collected under this section 13820
shall be paid into the state treasury to the credit of the general 13821
revenue fund. 13822

(B)(1) Upon filing of the application for a license, the 13823
director shall investigate and inspect the center, type A home, or 13824
type B home to determine the license capacity for each age 13825
category of children of the center, type A home, or type B home 13826
and to determine whether the center, type A home, or type B home 13827
complies with this chapter and rules adopted pursuant to this 13828
chapter. When, after investigation and inspection, the director is 13829
satisfied that this chapter and rules adopted pursuant to it are 13830
complied with, subject to division (H) of this section, a license 13831
shall be issued as soon as practicable in such form and manner as 13832
prescribed by the director. The license shall be designated as 13833
provisional and shall be valid for twelve months from the date of 13834
issuance unless revoked. 13835

(2) The director may contract with a government entity or a 13836
private nonprofit entity for the entity to inspect ~~and license~~ 13837
type B family day-care homes pursuant to this section. If the 13838
director contracts with a government entity or private nonprofit 13839
entity for that purpose, the entity may contract with another 13840

government entity or private nonprofit entity for the other entity 13841
to inspect type B homes pursuant to this section. The ~~department~~ 13842
director, government entity, or private nonprofit entity shall 13843
conduct ~~the~~ an inspection prior to the issuance of a license for 13844
~~the~~ a type B home and, as part of that inspection, ensure that the 13845
type B home is safe and sanitary. 13846

(C)(1) On receipt of an application for licensure as a type B 13847
family day-care home to provide publicly funded child care, the 13848
~~department~~ director shall search the uniform statewide automated 13849
child welfare information system for information concerning any 13850
abuse or neglect report made pursuant to section 2151.421 of the 13851
Revised Code of which the applicant, any other adult residing in 13852
the applicant's home, or a person designated by the applicant to 13853
be an emergency or substitute caregiver for the applicant is the 13854
subject. 13855

(2) The ~~department~~ director shall consider any information ~~it~~ 13856
~~discovers~~ discovered pursuant to division (C)(1) of this section 13857
or that is provided by a public children services agency pursuant 13858
to section 5153.175 of the Revised Code. If the ~~department~~ 13859
director determines that the information, when viewed within the 13860
totality of the circumstances, reasonably leads to the conclusion 13861
that the applicant may directly or indirectly endanger the health, 13862
safety, or welfare of children, the ~~department~~ director shall deny 13863
the application for licensure or revoke the license of a type B 13864
family day-care home. 13865

(D) The director shall investigate and inspect the center, 13866
type A home, or type B home at least once during operation under a 13867
license designated as provisional. If after the investigation and 13868
inspection the director determines that the requirements of this 13869
chapter and rules adopted pursuant to this chapter are met, 13870
subject to division (H) of this section, the director shall issue 13871
a new license to the center or home. 13872

(E) Each license shall state the name of the licensee, the name of the administrator, the address of the center, type A home, or licensed type B home, and the license capacity for each age category of children. The license shall include thereon, in accordance with sections 5104.015, 5104.017, and 5104.018 of the Revised Code, the toll-free telephone number to be used by persons suspecting that the center, type A home, or licensed type B home has violated a provision of this chapter or rules adopted pursuant to this chapter. A license is valid only for the licensee, administrator, address, and license capacity for each age category of children designated on the license. The license capacity specified on the license is the maximum number of children in each age category that may be cared for in the center, type A home, or licensed type B home at one time.

The center or type A home licensee shall notify the director when the administrator of the center or home changes. The director shall amend the current license to reflect a change in an administrator, if the administrator meets the requirements of this chapter and rules adopted pursuant to this chapter, or a change in license capacity for any age category of children as determined by the director of job and family services.

(F) If the director revokes the license of a center, a type A home, or a type B home, the director shall not issue another license to the owner of the center, type A home, or type B home until five years have elapsed from the date the license is revoked.

If the director denies an application for a license, the director shall not accept another application from the applicant until five years have elapsed from the date the application is denied.

(G) If during the application for licensure process the director determines that the license of the owner has been

revoked, the investigation of the center, type A home, or type B home shall cease. This action does not constitute denial of the application and may not be appealed under division (H) of this section. 13905
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(H) All actions of the director with respect to licensing centers, type A homes, or type B homes, refusal to license, and revocation of a license shall be in accordance with Chapter 119. of the Revised Code. Any applicant who is denied a license or any owner whose license is revoked may appeal in accordance with section 119.12 of the Revised Code. 13909
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(I) In no case shall the director issue a license under this section for a center, type A home, or type B home if the director, based on documentation provided by the appropriate county department of job and family services, determines that the applicant had been certified as a type B family day-care home when such certifications were issued by county departments prior to January 1, 2014, that the county department revoked that certification within the immediately preceding five years, that the revocation was based on the applicant's refusal or inability to comply with the criteria for certification, and that the refusal or inability resulted in a risk to the health or safety of children. 13915
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(J)(1) Except as provided in division (J)(2) of this section, an administrator of a type B family day-care home that receives a license pursuant to this section to provide publicly funded child care is an independent contractor and is not an employee of the department of job and family services. 13927
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(2) For purposes of Chapter 4141. of the Revised Code, determinations concerning the employment of an administrator of a type B family day-care home that receives a license pursuant to this section shall be determined under Chapter 4141. of the Revised Code. 13932
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Sec. 5104.34. (A)(1) Each county department of job and family 13937
services shall implement procedures for making determinations of 13938
eligibility for publicly funded child care. Under those 13939
procedures, the eligibility determination for each applicant shall 13940
be made no later than thirty calendar days from the date the 13941
county department receives a completed application for publicly 13942
funded child care. Each applicant shall be notified promptly of 13943
the results of the eligibility determination. An applicant 13944
aggrieved by a decision or delay in making an eligibility 13945
determination may appeal the decision or delay to the department 13946
of job and family services in accordance with section 5101.35 of 13947
the Revised Code. The due process rights of applicants shall be 13948
protected. 13949

To the extent permitted by federal law, the county department 13950
may make all determinations of eligibility for publicly funded 13951
child care, may contract with child care providers or child care 13952
resource and referral service organizations for the providers or 13953
resource and referral service organizations to make all or any 13954
part of the determinations, and may contract with child care 13955
providers or child care resource and referral service 13956
organizations for the providers or resource and referral service 13957
organizations to collect specified information for use by the 13958
county department in making determinations. If a county department 13959
contracts with a child care provider or a child care resource and 13960
referral service organization for eligibility determinations or 13961
for the collection of information, the contract shall require the 13962
provider or resource and referral service organization to make 13963
each eligibility determination no later than thirty calendar days 13964
from the date the provider or resource and referral organization 13965
receives a completed application that is the basis of the 13966
determination and to collect and transmit all necessary 13967
information to the county department within a period of time that 13968

enables the county department to make each eligibility 13969
determination no later than thirty days after the filing of the 13970
application that is the basis of the determination. 13971

The county department may station employees of the department 13972
in various locations throughout the county to collect information 13973
relevant to applications for publicly funded child care and to 13974
make eligibility determinations. The county department, child care 13975
provider, and child care resource and referral service 13976
organization shall make each determination of eligibility for 13977
publicly funded child care no later than thirty days after the 13978
filing of the application that is the basis of the determination, 13979
shall make each determination in accordance with any relevant 13980
rules adopted pursuant to section 5104.38 of the Revised Code, and 13981
shall notify promptly each applicant for publicly funded child 13982
care of the results of the determination of the applicant's 13983
eligibility. 13984

The director of job and family services shall adopt rules in 13985
accordance with Chapter 119. of the Revised Code for monitoring 13986
the eligibility determination process. In accordance with those 13987
rules, the state department shall monitor eligibility 13988
determinations made by county departments of job and family 13989
services and shall direct any entity that is not in compliance 13990
with this division or any rule adopted under this division to 13991
implement corrective action specified by the department. 13992

(2)(a) All eligibility determinations for publicly funded 13993
child care shall be made in accordance with rules adopted pursuant 13994
to division (A) of section 5104.38 of the Revised Code ~~and, if a~~ 13995
~~county department of job and family services specifies, pursuant~~ 13996
~~to rules adopted under division (B) of that section, a maximum~~ 13997
~~amount of income a family may have to be eligible for publicly~~ 13998
~~funded child care, the income maximum specified by the county~~ 13999
~~department. Publicly Except as otherwise provided in this section,~~ 14000

both of the following apply: 14001

(i) Publicly funded child care may be provided only to 14002
eligible infants, toddlers, preschool-age children, and school-age 14003
children under age thirteen. ~~For~~ 14004

(ii) For an applicant to be eligible for publicly funded 14005
child care, the caretaker parent must be employed or participating 14006
in a program of education or training for an amount of time 14007
reasonably related to the time that the parent's children are 14008
receiving publicly funded child care. This restriction does not 14009
apply to families whose children are eligible for protective child 14010
care. 14011

(b) An applicant seeking publicly funded child care may be 14012
presumed eligible while the county department determines 14013
eligibility. If the county department determines that an applicant 14014
is not eligible for publicly funded child care, the applicant may 14015
continue to receive publicly funded child care for up to five days 14016
after that determination. 14017

(c) If a caretaker parent who has been determined eligible to 14018
receive publicly funded child care no longer meets the 14019
requirements of division (A)(2)(a)(ii) of this section, the 14020
caretaker parent may continue to receive publicly funded child 14021
care for a period of up to thirteen weeks until the caretaker 14022
parent meets those requirements. Such authorization may be given 14023
only once during a twelve-month period. 14024

Subject to available funds, ~~a county~~ the department of job 14025
and family services shall allow a family to receive publicly 14026
funded child care unless the family's income exceeds the maximum 14027
income eligibility limit. Initial and continued eligibility for 14028
publicly funded child care is subject to available funds unless 14029
the family is receiving child care pursuant to division (A)(1), 14030
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 14031

~~county~~ department must limit eligibility due to lack of available 14032
funds, it shall give first priority for publicly funded child care 14033
to an assistance group whose income is not more than the maximum 14034
income eligibility limit that received transitional child care in 14035
the previous month but is no longer eligible because the 14036
twelve-month period has expired. Such an assistance group shall 14037
continue to receive priority for publicly funded child care until 14038
its income exceeds the maximum income eligibility limit. 14039

(3) An assistance group that ceases to participate in the 14040
Ohio works first program established under Chapter 5107. of the 14041
Revised Code is eligible for transitional child care at any time 14042
during the immediately following twelve-month period that both of 14043
the following apply: 14044

(a) The assistance group requires child care due to 14045
employment; 14046

(b) The assistance group's income is not more than one 14047
hundred fifty per cent of the federal poverty line. 14048

An assistance group ineligible to participate in the Ohio 14049
works first program pursuant to section 5101.83 or section 5107.16 14050
of the Revised Code is not eligible for transitional child care. 14051

(B) To the extent permitted by federal law, ~~a county~~ the 14052
department of job and family services may require a caretaker 14053
parent determined to be eligible for publicly funded child care to 14054
pay a fee according to the schedule of fees established in rules 14055
adopted under section 5104.38 of the Revised Code. ~~Each county~~ The 14056
department shall make protective child care services available to 14057
children without regard to the income or assets of the caretaker 14058
parent of the child. 14059

(C) A caretaker parent receiving publicly funded child care 14060
shall report to the entity that determined eligibility any changes 14061
in status with respect to employment or participation in a program 14062

of education or training not later than ten calendar days after 14063
the change occurs. 14064

(D) If ~~a county~~ the department of job and family services 14065
determines that available resources are not sufficient to provide 14066
publicly funded child care to all eligible families who request 14067
it, the ~~county~~ department may establish a waiting list. ~~A county~~ 14068
The department may establish separate waiting lists within the 14069
waiting list based on income. ~~When resources become available to~~ 14070
~~provide publicly funded child care to families on the waiting~~ 14071
~~list, a county department that establishes a waiting list shall~~ 14072
~~assess the needs of the next family scheduled to receive publicly~~ 14073
~~funded child care. If the assessment demonstrates that the family~~ 14074
~~continues to need and is eligible for publicly funded child care,~~ 14075
~~the county department shall offer it to the family. If the county~~ 14076
~~department determines that the family is no longer eligible or no~~ 14077
~~longer needs publicly funded child care, the county department~~ 14078
~~shall remove the family from the waiting list.~~ 14079

(E) A caretaker parent shall not receive full-time publicly 14080
funded child care from more than one child care provider per child 14081
during any period. 14082

(F) As used in this section, "maximum income eligibility 14083
limit" means the amount of income specified in rules adopted under 14084
division (A) of section 5104.38 of the Revised Code ~~or, if a~~ 14085
~~county department of job and family services specifies a higher~~ 14086
~~amount pursuant to rules adopted under division (B) of that~~ 14087
~~section, the amount the county department specifies.~~ 14088

Sec. 5104.341. (A) ~~Except as provided in division (B) of this~~ 14089
~~section, both of the following apply:~~ 14090

~~(1)~~ An eligibility determination made under section 5104.34 14091
of the Revised Code for publicly funded child care is valid for 14092
one year~~+~~ 14093

~~(2).~~ 14094

(B) The county department of job and family services shall 14095
adjust the appropriate level of a fee charged under division (B) 14096
of section 5104.34 of the Revised Code if a caretaker parent 14097
reports changes in income, family size, or both. 14098

~~(B) Division (A) of this section does not apply if the 14099
recipient of the publicly funded child care ceases to be eligible 14100
for publicly funded child care. 14101~~

Sec. 5104.38. In addition to any other rules adopted under 14102
this chapter, the director of job and family services shall adopt 14103
rules in accordance with Chapter 119. of the Revised Code 14104
governing financial and administrative requirements for publicly 14105
funded child care and establishing all of the following: 14106

(A) Procedures and criteria to be used in making 14107
determinations of eligibility for publicly funded child care that 14108
give priority to children of families with lower incomes and 14109
procedures and criteria for eligibility for publicly funded 14110
protective child care. The rules shall specify the maximum amount 14111
of income a family may have for initial and continued eligibility. 14112
The maximum amount shall not exceed two hundred per cent of the 14113
federal poverty line. The rules may specify exceptions to the 14114
eligibility requirements in the case of a family that previously 14115
received publicly funded child care and is seeking to have the 14116
child care reinstated after the family's eligibility was 14117
terminated. 14118

~~(B) Procedures under which a county department of job and 14119
family services may, if the department, under division (A) of this 14120
section, specifies a maximum amount of income a family may have 14121
for eligibility for publicly funded child care that is less than 14122
the maximum amount specified in that division, specify a maximum 14123
amount of income a family residing in the county the county 14124~~

~~department serves may have for initial and continued eligibility~~ 14125
~~for publicly funded child care that is higher than the amount~~ 14126
~~specified by the department but does not exceed the maximum amount~~ 14127
~~specified in division (A) of this section;~~ 14128

~~(C)~~ A schedule of fees requiring all eligible caretaker 14129
parents to pay a fee for publicly funded child care according to 14130
income and family size, which shall be uniform for all types of 14131
publicly funded child care, except as authorized by rule, and, to 14132
the extent permitted by federal law, shall permit the use of state 14133
and federal funds to pay the customary deposits and other advance 14134
payments that a provider charges all children who receive child 14135
care from that provider. The schedule of fees may not provide for 14136
a caretaker parent to pay a fee that exceeds ten per cent of the 14137
parent's family income. 14138

~~(D)~~(C) A formula for determining the amount of state and 14139
federal funds appropriated for publicly funded child care that may 14140
be allocated to a county department to use for administrative 14141
purposes; 14142

~~(E)~~(D) Procedures to be followed by the department and county 14143
departments in recruiting individuals and groups to become 14144
providers of child care; 14145

~~(F)~~(E) Procedures to be followed in establishing state or 14146
local programs designed to assist individuals who are eligible for 14147
publicly funded child care in identifying the resources available 14148
to them and to refer the individuals to appropriate sources to 14149
obtain child care; 14150

~~(G)~~(F) Procedures to deal with fraud and abuse committed by 14151
either recipients or providers of publicly funded child care; 14152

~~(H)~~(G) Procedures for establishing a child care grant or loan 14153
program in accordance with the child care block grant act; 14154

~~(I)~~(H) Standards and procedures for applicants to apply for 14155

grants and loans, and for the department to make grants and loans; 14156

~~(J)~~(I) A definition of "person who stands in loco parentis" 14157
for the purposes of division (KK)(1) of section 5104.01 of the 14158
Revised Code; 14159

~~(K)~~(J) Procedures for a county department of job and family 14160
services to follow in making eligibility determinations and 14161
redeterminations for publicly funded child care available through 14162
telephone, computer, and other means at locations other than the 14163
county department; 14164

~~(L)~~(K) If the director establishes a different reimbursement 14165
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 14166
Code, standards and procedures for determining the amount of the 14167
higher payment that is to be issued to a child care provider based 14168
on the special needs of the child being served; 14169

~~(M)~~(L) To the extent permitted by federal law, procedures for 14170
paying for up to thirty days of child care for a child whose 14171
caretaker parent is seeking employment, taking part in employment 14172
orientation activities, or taking part in activities in 14173
anticipation of enrolling in or attending an education or training 14174
program or activity, if the employment or the education or 14175
training program or activity is expected to begin within the 14176
thirty-day period; 14177

~~(N)~~(M) Any other rules necessary to carry out sections 14178
5104.30 to 5104.43 of the Revised Code. 14179

Sec. 5119.21. (A) The department of mental health and 14180
addiction services shall: 14181

(1) To the extent the department has available resources and 14182
in consultation with boards of alcohol, drug addiction, and mental 14183
health services, support a full spectrum of care for all levels of 14184
treatment services for opioid and co-occurring drug addiction and 14185

a continuum of care for other services in accordance with Chapter 14186
340. of the Revised Code on a district or multi-district basis. 14187
The department shall define the essential elements of a full 14188
spectrum of care for all levels of treatment services for opioid 14189
and co-occurring drug addiction and a continuum of care for other 14190
services, shall assist in identifying resources, and may 14191
prioritize support for one or more of the elements of the 14192
continuum of care. The essential elements of a full spectrum of 14193
care for all levels of treatment services for opioid and 14194
co-occurring drug addiction shall include the services required by 14195
division (B) of section 340.09 of the Revised Code. 14196

(2) Provide training, consultation, and technical assistance 14197
regarding mental health and addiction services and appropriate 14198
prevention, recovery, and mental health promotion activities, 14199
including those that are culturally competent, to employees of the 14200
department, community mental health and addiction services 14201
providers, boards of alcohol, drug addiction, and mental health 14202
services, and other agencies providing mental health and addiction 14203
services; 14204

(3) To the extent the department has available resources, 14205
promote and support a full range of mental health and addiction 14206
services that are available and accessible to all residents of 14207
this state, especially for severely mentally disabled children, 14208
adolescents, adults, pregnant women, parents, guardians or 14209
custodians of children at risk of abuse or neglect, and other 14210
special target populations, including racial and ethnic 14211
minorities, as determined by the department; 14212

(4) Develop standards and measures for evaluating the 14213
effectiveness of mental health and addiction services, including 14214
services that use methadone treatment, of gambling addiction 14215
services, and for increasing the accountability of mental health 14216
and alcohol and addiction services providers and of gambling 14217

addiction services providers;	14218
(5) Design and set criteria for the determination of priority populations;	14219 14220
(6) Promote, direct, conduct, and coordinate scientific research, taking ethnic and racial differences into consideration, concerning the causes and prevention of mental illness and addiction, methods of providing effective services and treatment, and means of enhancing the mental health of and recovery from addiction of all residents of this state;	14221 14222 14223 14224 14225 14226
(7) Foster the establishment and availability of vocational rehabilitation services and the creation of employment opportunities for consumers of mental health and addiction services, including members of racial and ethnic minorities;	14227 14228 14229 14230
(8) Establish a program to protect and promote the rights of persons receiving mental health and addiction services, including the issuance of guidelines on informed consent and other rights;	14231 14232 14233
(9) Promote the involvement of persons who are receiving or have received mental health or addiction services, including families and other persons having a close relationship to a person receiving those services, in the planning, evaluation, delivery, and operation of mental health and addiction services;	14234 14235 14236 14237 14238
(10) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of mental health and addiction services. These constituencies shall include consumers of mental health and addiction services and their families, and may include public and private providers, employee organizations, and others when appropriate. Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation required by this division shall occur prior to the commencement of proceedings	14239 14240 14241 14242 14243 14244 14245 14246 14247 14248

under Chapter 119. The department shall adopt rules under Chapter 14249
119. of the Revised Code that establish procedures for the 14250
notification and consultation required by this division. 14251

(11) Provide consultation to the department of rehabilitation 14252
and correction concerning the delivery of mental health and 14253
addiction services in state correctional institutions. 14254

(12) Promote and coordinate efforts in the provision of 14255
alcohol and drug addiction services and of gambling addiction 14256
services by other state agencies, as defined in section 1.60 of 14257
the Revised Code; courts; hospitals; clinics; physicians in 14258
private practice; public health authorities; boards of alcohol, 14259
drug addiction, and mental health services; alcohol and drug 14260
addiction services providers; law enforcement agencies; gambling 14261
addiction services providers; and related groups; 14262

(13) Provide to each court of record, and biennially update, 14263
a list of the treatment and education programs within that court's 14264
jurisdiction that the court may require an offender, sentenced 14265
pursuant to section 4511.19 of the Revised Code, to attend; 14266

(14) Make the warning sign described in sections 3313.752, 14267
3345.41, and 3707.50 of the Revised Code available on the 14268
department's internet web site; 14269

(15) Provide a program of gambling addiction services on 14270
behalf of the state lottery commission, pursuant to an agreement 14271
entered into with the director of the commission under division 14272
(K) of section 3770.02 of the Revised Code, and provide a program 14273
of gambling addiction services on behalf of the Ohio casino 14274
control commission, under an agreement entered into with the 14275
executive director of the commission under section 3772.062 of the 14276
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 14277
Constitution, the department may enter into agreements with boards 14278
of alcohol, drug addiction, and mental health services, including 14279

boards with districts in which a casino facility is not located, 14280
and nonprofit organizations to provide gambling addiction services 14281
and substance abuse services, and with state institutions of 14282
higher education or private nonprofit institutions that possess a 14283
certificate of authorization issued under Chapter 1713. of the 14284
Revised Code to perform related research. 14285

(B) The department may accept and administer grants from 14286
public or private sources for carrying out any of the duties 14287
enumerated in this section. 14288

(C) Pursuant to Chapter 119. of the Revised Code, the 14289
department shall adopt a rule defining the term "intervention" as 14290
it is used in this chapter in connection with alcohol and drug 14291
addiction services and in connection with gambling addiction 14292
services. The department may adopt other rules as necessary to 14293
implement the requirements of this chapter. 14294

Sec. 5119.22. The director of mental health and addiction 14295
services with respect to all mental health and addiction 14296
facilities and services established and operated or provided under 14297
Chapter 340. of the Revised Code, shall do all of the following: 14298

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 14299
that may be necessary to carry out the purposes of this chapter 14300
and Chapters 340. and 5122. of the Revised Code. 14301

(B) Review and evaluate the full spectrum of care for all 14302
levels of treatment services for opioid and co-occurring drug 14303
addiction and the continuum of care for other services in each 14304
service district, taking into account the findings and 14305
recommendations of the board of alcohol, drug addiction, and 14306
mental health services of the district submitted under division 14307
(A)(4) of section 340.03 of the Revised Code and the priorities 14308
and plans of the department of mental health and addiction 14309
services, including the needs of residents of the district 14310

currently receiving services in state-operated hospitals, and make 14311
recommendations for needed improvements to boards of alcohol, drug 14312
addiction, and mental health services; 14313

(C) At the director's discretion, provide to boards of 14314
alcohol, drug addiction, and mental health services state or 14315
federal funds, in addition to those allocated under section 14316
5119.23 of the Revised Code, for special programs or projects the 14317
director considers necessary but for which local funds are not 14318
available; 14319

(D) Establish, in consultation with board of alcohol, drug 14320
addiction, and mental health service representatives and after 14321
consideration of the recommendations of the medical director, 14322
guidelines for the development of community mental health and 14323
addiction services plans and the review and approval or 14324
disapproval of such plans submitted pursuant to section 340.03 of 14325
the Revised Code. 14326

(E) Establish criteria by which a board of alcohol, drug 14327
addiction, and mental health services reviews and evaluates the 14328
quality, effectiveness, and efficiency of its contracted services. 14329
The criteria shall include requirements ensuring appropriate 14330
service utilization. The department shall assess a board's 14331
evaluation of services and the compliance of each board with this 14332
section, Chapter 340. of the Revised Code, and other state or 14333
federal law and regulations. The department, in cooperation with 14334
the board, periodically shall review and evaluate the quality, 14335
effectiveness, and efficiency of services provided through each 14336
board. The department shall collect information that is necessary 14337
to perform these functions. 14338

(F) To the extent the director determines necessary and after 14339
consulting with boards of alcohol, drug addiction, and mental 14340
health services and community addiction and mental health services 14341
providers, develop and operate, or contract for the operation of, 14342

a community behavioral health information system or systems. The 14343
department shall specify the information that must be provided by 14344
boards of alcohol, drug addiction, and mental health services and 14345
by community addiction and mental health services providers for 14346
inclusion in the system or systems. 14347

Boards of alcohol, drug addiction, and mental health services 14348
and community addiction and mental health services providers shall 14349
submit information requested by the department in the form and 14350
manner and in accordance with time frames prescribed by the 14351
department. Information collected by the department may include 14352
all of the following: 14353

(1) Information on services provided; 14354

(2) Financial information regarding expenditures of federal, 14355
state, or local funds; 14356

(3) Information about persons served. 14357

The department shall not collect any personal information 14358
from the boards except as required or permitted by state or 14359
federal law for purposes related to payment, health care 14360
operations, program and service evaluation, reporting activities, 14361
research, system administration, and oversight. 14362

(G)(1) Review each board's community mental health and 14363
addiction services plan, budget, and statement of services to be 14364
~~made available~~ submitted pursuant to sections 340.03 and 340.08 of 14365
the Revised Code and approve or disapprove the plan, the budget, 14366
and the statement of services in whole or in part. 14367

The department may withhold all or part of the funds 14368
allocated to a board if it disapproves all or part of a plan, 14369
budget, or statement of services, except that the department shall 14370
withhold all of the funds allocated to the board if the department 14371
disapproves the budget because the budget does not comply with 14372
division (A)(1) of section 340.08 of the Revised Code. Prior to a 14373

final decision to disapprove a plan, budget, or statement of 14374
services, or to withhold funds from a board, a representative of 14375
the director of mental health and addiction services shall meet 14376
with the board and discuss the reason for the action the 14377
department proposes to take and any corrective action that should 14378
be taken to make the plan, budget, or statement of services 14379
acceptable to the department. In addition, the department shall 14380
offer technical assistance to the board to assist it to make the 14381
plan, budget, or statement of services acceptable. The department 14382
shall give the board a reasonable time in which to revise the 14383
plan, budget, or statement of services. The board thereafter shall 14384
submit a revised plan, budget, or statement of services, or a new 14385
plan, budget, or statement of services. 14386

(2) If a board determines that it is necessary to amend the 14387
plan, budget, or statement of services that has been approved 14388
under this section, the board shall submit the proposed amendment 14389
to the department. The department may approve or disapprove all or 14390
part of the amendment. 14391

(3) If the director disapproves of all or part of any 14392
proposed amendment, the director shall provide the board an 14393
opportunity to present its position. The director shall inform the 14394
board of the reasons for the disapproval and of the criteria that 14395
must be met before the proposed amendment may be approved. The 14396
director shall give the board a reasonable time within which to 14397
meet the criteria and shall offer technical assistance to the 14398
board to help it meet the criteria. 14399

(4) The department shall establish procedures for the review 14400
of plans, budgets, and statements of services, and a timetable for 14401
submission and review of plans, budgets, and statements of 14402
services and for corrective action and submission of new or 14403
revised plans, budgets, and statements of services. 14404

Sec. 5119.23. (A) The department of mental health and 14405
addiction services shall establish a methodology for allocating to 14406
boards of alcohol, drug addiction, and mental health services the 14407
funds appropriated by the general assembly to the department for 14408
the purpose of the full spectrum of care for all levels of 14409
treatment services for opioid and co-occurring drug addiction and 14410
the continuum of care for other services to be provided as local 14411
mental health and addiction services ~~continuums of care~~. The 14412
department shall establish the methodology after notifying and 14413
consulting with relevant constituencies as required by division 14414
(A)(10) of section 5119.21 of the Revised Code. The methodology 14415
may provide for the funds to be allocated to boards on a district 14416
or multi-district basis. 14417

(B) Subject to section 5119.25 of the Revised Code, and to 14418
required submissions and approvals under section 340.08 of the 14419
Revised Code, the department shall allocate the funds to the 14420
boards in a manner consistent with the methodology, this section, 14421
other state and federal laws, rules, and regulations. 14422

(C) In consultation with boards, community mental health and 14423
addiction services providers, and persons receiving services, the 14424
department shall establish guidelines for the use of funds 14425
allocated and distributed under this section. 14426

Sec. 5119.25. (A) The director of mental health and addiction 14427
services, in whole or in part, may withhold funds otherwise to be 14428
allocated to a board of alcohol, drug addiction, and mental health 14429
services under section 5119.23 of the Revised Code if the board 14430
fails to comply with Chapter 340. or section 5119.22, 5119.24, 14431
5119.36, or 5119.371 of the Revised Code or rules of the 14432
department of mental health and addiction services. However, the 14433
director shall withhold all such funds from the board when 14434
required to do so under division (A)(4) of section 340.08 of the 14435

Revised Code or division (G)(1) of section 5119.22 of the Revised Code. 14436
14437

(B) The director of mental health and addiction services may 14438
withhold funds otherwise to be allocated to a board of alcohol, 14439
drug addiction, and mental health services under section 5119.23 14440
of the Revised Code if the board denies available service on the 14441
basis of race, color, religion, creed, sex, age, national origin, 14442
disability as defined in section 4112.01 of the Revised Code, or 14443
developmental disability. 14444

(C) The director shall issue a notice identifying the areas 14445
of noncompliance and the action necessary to achieve compliance. 14446
The director may offer technical assistance to the board to 14447
achieve compliance. The board shall have ~~ten~~ thirty days from 14448
receipt of the notice of noncompliance to present its position 14449
that it is in compliance or to submit to the director evidence of 14450
corrective action the board took to achieve compliance. Before 14451
withholding funds, the director or the director's designee shall 14452
hold a hearing within ~~ten~~ thirty days of receipt of the board's 14453
position or evidence to determine if there are continuing 14454
violations and that either assistance is rejected or the board is 14455
unable, or has failed, to achieve compliance. The director may 14456
appoint a representative from another board of alcohol, drug 14457
addiction, and mental health services to serve as a mentor for the 14458
board in developing and executing a plan of corrective action to 14459
achieve compliance. Any such representative shall be from a board 14460
that is in compliance with Chapter 340. of the Revised Code, 14461
sections 5119.22, 5119.24, 5119.36, and 5119.371 of the Revised 14462
Code, and the department's rules. Subsequent to the hearing 14463
process, if it is determined that compliance has not been 14464
achieved, the director may allocate all or part of the withheld 14465
funds to ~~a public or private agency~~ one or more community mental 14466
health services providers or community addiction services 14467

providers to provide the community mental health or community 14468
addiction service for which the board is not in compliance until 14469
the time that there is compliance. The director ~~may~~ shall adopt 14470
rules in accordance with Chapter 119. of the Revised Code to 14471
implement this section. 14472

Sec. 5119.362. (A) In accordance with rules adopted under 14473
section 5119.363 of the Revised Code, each community addiction 14474
services provider shall do all of the following: 14475

(1) Maintain, in an aggregate form, a waiting list of 14476
individuals to whom all of the following apply: 14477

(a) The individual has been documented as having a clinical 14478
need for alcohol and drug addiction services due to an opioid or 14479
co-occurring drug addiction. 14480

(b) The individual has applied to the provider for a 14481
clinically necessary treatment service included in the full 14482
spectrum of care required by division (B) of section 340.09 of the 14483
Revised Code. 14484

(c) The individual has not begun to receive the clinically 14485
necessary treatment service within five days of the individual's 14486
application for the service because the provider lacks an 14487
available slot for the individual. 14488

(2) Notify an individual included on the provider's waiting 14489
list when the provider has a slot available for the individual 14490
and, if the individual does not contact the provider about the 14491
slot within a period of time specified in the rules, contact the 14492
individual to determine why the individual did not contact the 14493
provider and to assess whether the individual still needs the 14494
treatment service; 14495

(3) Subject to divisions (B) and (C) of this section, report 14496
all of the following information each month to the board of 14497

alcohol, drug addiction, and mental health services that serves 14498
the county or counties in which the provider provides alcohol and 14499
drug addiction services: 14500

(a) An unduplicated count of all individuals who reside in a 14501
county that the board serves and were included on the provider's 14502
waiting list as of the last day of the immediately preceding month 14503
and each type of treatment service for which they were waiting; 14504

(b) The total number of days all such individuals had been on 14505
the provider's waiting list as of the last day of the immediately 14506
preceding month; 14507

(c) The last known types of residential settings in which all 14508
such individuals resided as of the last day of the immediately 14509
preceding month; 14510

(d) The number of all such individuals who did not contact 14511
the provider after receiving, during the immediately preceding 14512
month, the notices under division (A)(2) of this section about the 14513
provider having slots available for the individuals, and the 14514
reasons the contacts were not made; 14515

(e) The number of all such individuals who withdrew, in the 14516
immediately preceding month, their applications for the treatment 14517
services, each type of treatment service for which those 14518
individuals had applied, and the reasons the applications were 14519
withdrawn; 14520

(f) All other information specified in the rules. 14521

(B) If a community addiction services provider provides 14522
alcohol and drug addiction services in more than one county and 14523
those counties are served by different boards of alcohol, drug 14524
addiction, and mental health services, the provider shall provide 14525
separate reports under division (C)(3) of this section to each of 14526
the boards serving the counties in which the provider provides the 14527
services. The report provided to a board shall be specific to the 14528

county or counties the board serves and not include information 14529
for individuals residing in other counties. 14530

(C) Each report that a community addiction services provider 14531
provides to a board of alcohol, drug addiction, and mental health 14532
services under this section shall do all of the following: 14533

(1) Maintain the confidentiality of all individuals for whom 14534
information is included in the report; 14535

(2) For the purpose of the information reported under 14536
division (A)(3)(c) of this section, identify the types of 14537
residential settings at least as either institutional or 14538
noninstitutional; 14539

(3) If the report is provided to a board that serves more 14540
than one county, present the information included in the report in 14541
a manner that is broken down for each of the counties the board 14542
serves. 14543

Sec. 5119.363. The director of mental health and addiction 14544
services shall adopt rules governing the duties of boards of 14545
alcohol, drug addiction, and mental health services under section 14546
340.20 of the Revised Code and the duties of community addiction 14547
services providers under section 5119.362 of the Revised Code. The 14548
rules shall be adopted in accordance with Chapter 119. of the 14549
Revised Code. 14550

Sec. 5119.364. The department of mental health and addiction 14551
services shall make the reports it receives under section 340.20 14552
of the Revised Code from boards of alcohol, drug addiction, and 14553
mental health services available on the department's internet web 14554
site. The information contained in the reports shall be presented 14555
on the web site on both a statewide basis and county-level basis. 14556
The information on the web site shall be updated monthly after the 14557
boards submit new reports to the department. 14558

Sec. 5119.365. (A) The director of mental health and 14559
addiction services shall adopt rules in accordance with Chapter 14560
119. of the Revised Code to do both of the following: 14561

(1) Streamline the intake procedures used by a community 14562
addiction services provider accepting and beginning to serve a new 14563
patient, including procedures regarding intake forms and 14564
questionnaires; 14565

(2) Enable a community addiction services provider to retain 14566
a patient as an active patient even though the patient last 14567
received services from the provider more than thirty days before 14568
resumption of services so that the patient and provider do not 14569
have to repeat the intake procedures. 14570

(B) The rules adopted under this section shall do both of the 14571
following: 14572

(1) Model the intake and resumption of service procedures on 14573
such procedures used by primary care physicians; 14574

(2) Facilitate the exchange of information about patients 14575
between community addiction services providers and primary care 14576
physicians. 14577

Sec. 5123.01. As used in this chapter: 14578

(A) "Chief medical officer" means the licensed physician 14579
appointed by the managing officer of an institution for the 14580
mentally retarded with the approval of the director of 14581
developmental disabilities to provide medical treatment for 14582
residents of the institution. 14583

(B) "Chief program director" means a person with special 14584
training and experience in the diagnosis and management of the 14585
mentally retarded, certified according to division (C) of this 14586
section in at least one of the designated fields, and appointed by 14587

the managing officer of an institution for the mentally retarded 14588
with the approval of the director to provide habilitation and care 14589
for residents of the institution. 14590

(C) "Comprehensive evaluation" means a study, including a 14591
sequence of observations and examinations, of a person leading to 14592
conclusions and recommendations formulated jointly, with 14593
dissenting opinions if any, by a group of persons with special 14594
training and experience in the diagnosis and management of persons 14595
with mental retardation or a developmental disability, which group 14596
shall include individuals who are professionally qualified in the 14597
fields of medicine, psychology, and social work, together with 14598
such other specialists as the individual case may require. 14599

(D) "Education" means the process of formal training and 14600
instruction to facilitate the intellectual and emotional 14601
development of residents. 14602

(E) "Habilitation" means the process by which the staff of 14603
the institution assists the resident in acquiring and maintaining 14604
those life skills that enable the resident to cope more 14605
effectively with the demands of the resident's own person and of 14606
the resident's environment and in raising the level of the 14607
resident's physical, mental, social, and vocational efficiency. 14608
Habilitation includes but is not limited to programs of formal, 14609
structured education and training. 14610

(F) "Health officer" means any public health physician, 14611
public health nurse, or other person authorized or designated by a 14612
city or general health district. 14613

(G) "Home and community-based services" means medicaid-funded 14614
home and community-based services specified in division (A)(1) of 14615
section 5166.20 of the Revised Code provided under the medicaid 14616
waiver components the department of developmental disabilities 14617
administers pursuant to section 5166.21 of the Revised Code. 14618

Except as provided in section 5123.0412 of the Revised Code, home 14619
and community-based services provided under the medicaid waiver 14620
component known as the transitions developmental disabilities 14621
waiver are to be considered to be home and community-based 14622
services for the purposes of this chapter, and Chapters 5124. and 14623
5126. of the Revised Code, only to the extent, if any, provided by 14624
the contract required by section 5166.21 of the Revised Code 14625
regarding the waiver. 14626

(H) "ICF/IID" has the same meaning as in section 5124.01 of 14627
the Revised Code. 14628

(I) "Indigent person" means a person who is unable, without 14629
substantial financial hardship, to provide for the payment of an 14630
attorney and for other necessary expenses of legal representation, 14631
including expert testimony. 14632

(J) "Institution" means a public or private facility, or a 14633
part of a public or private facility, that is licensed by the 14634
appropriate state department and is equipped to provide 14635
residential habilitation, care, and treatment for the mentally 14636
retarded. 14637

(K) "Licensed physician" means a person who holds a valid 14638
certificate issued under Chapter 4731. of the Revised Code 14639
authorizing the person to practice medicine and surgery or 14640
osteopathic medicine and surgery, or a medical officer of the 14641
government of the United States while in the performance of the 14642
officer's official duties. 14643

(L) "Managing officer" means a person who is appointed by the 14644
director of developmental disabilities to be in executive control 14645
of an institution for the mentally retarded under the jurisdiction 14646
of the department. 14647

(M) "Medicaid case management services" means case management 14648
services provided to an individual with mental retardation or 14649

other developmental disability that the state medicaid plan 14650
requires. 14651

(N) "Mentally retarded person" means a person having 14652
significantly subaverage general intellectual functioning existing 14653
concurrently with deficiencies in adaptive behavior, manifested 14654
during the developmental period. 14655

(O) "Mentally retarded person subject to institutionalization 14656
by court order" means a person eighteen years of age or older who 14657
is at least moderately mentally retarded and in relation to whom, 14658
because of the person's retardation, either of the following 14659
conditions exist: 14660

(1) The person represents a very substantial risk of physical 14661
impairment or injury to self as manifested by evidence that the 14662
person is unable to provide for and is not providing for the 14663
person's most basic physical needs and that provision for those 14664
needs is not available in the community; 14665

(2) The person needs and is susceptible to significant 14666
habilitation in an institution. 14667

(P) "A person who is at least moderately mentally retarded" 14668
means a person who is found, following a comprehensive evaluation, 14669
to be impaired in adaptive behavior to a moderate degree and to be 14670
functioning at the moderate level of intellectual functioning in 14671
accordance with standard measurements as recorded in the most 14672
current revision of the manual of terminology and classification 14673
in mental retardation published by the American association on 14674
mental retardation. 14675

(Q) As used in this division, ~~"substantial functional~~ 14676
~~limitation," "developmental delay," and "established risk" have~~ 14677
has the ~~meanings~~ meaning established pursuant to section 5123.011 14678
of the Revised Code. 14679

"Developmental disability" means a severe, chronic disability 14680

that is characterized by all of the following: 14681

(1) It is attributable to a mental or physical impairment or 14682
a combination of mental and physical impairments, other than a 14683
mental or physical impairment solely caused by mental illness as 14684
defined in division (A) of section 5122.01 of the Revised Code. 14685

(2) It is manifested before age twenty-two. 14686

(3) It is likely to continue indefinitely. 14687

(4) It results in one of the following: 14688

(a) In the case of a person under three years of age, at 14689
least one developmental delay or ~~an established risk~~ a diagnosed 14690
physical or mental condition that has a high probability of 14691
resulting in a developmental delay; 14692

(b) In the case of a person at least three years of age but 14693
under six years of age, at least two developmental delays ~~or an~~ 14694
~~established risk;~~ 14695

(c) In the case of a person six years of age or older, a 14696
substantial functional limitation in at least three of the 14697
following areas of major life activity, as appropriate for the 14698
person's age: self-care, receptive and expressive language, 14699
learning, mobility, self-direction, capacity for independent 14700
living, and, if the person is at least sixteen years of age, 14701
capacity for economic self-sufficiency. 14702

(5) It causes the person to need a combination and sequence 14703
of special, interdisciplinary, or other type of care, treatment, 14704
or provision of services for an extended period of time that is 14705
individually planned and coordinated for the person. 14706

(R) "Developmentally disabled person" means a person with a 14707
developmental disability. 14708

(S) "State institution" means an institution that is 14709
tax-supported and under the jurisdiction of the department. 14710

(T) "Residence" and "legal residence" have the same meaning 14711
as "legal settlement," which is acquired by residing in Ohio for a 14712
period of one year without receiving general assistance prior to 14713
July 17, 1995, under former Chapter 5113. of the Revised Code, 14714
financial assistance under Chapter 5115. of the Revised Code, or 14715
assistance from a private agency that maintains records of 14716
assistance given. A person having a legal settlement in the state 14717
shall be considered as having legal settlement in the assistance 14718
area in which the person resides. No adult person coming into this 14719
state and having a spouse or minor children residing in another 14720
state shall obtain a legal settlement in this state as long as the 14721
spouse or minor children are receiving public assistance, care, or 14722
support at the expense of the other state or its subdivisions. For 14723
the purpose of determining the legal settlement of a person who is 14724
living in a public or private institution or in a home subject to 14725
licensing by the department of job and family services, the 14726
department of mental health and addiction services, or the 14727
department of developmental disabilities, the residence of the 14728
person shall be considered as though the person were residing in 14729
the county in which the person was living prior to the person's 14730
entrance into the institution or home. Settlement once acquired 14731
shall continue until a person has been continuously absent from 14732
Ohio for a period of one year or has acquired a legal residence in 14733
another state. A woman who marries a man with legal settlement in 14734
any county immediately acquires the settlement of her husband. The 14735
legal settlement of a minor is that of the parents, surviving 14736
parent, sole parent, parent who is designated the residential 14737
parent and legal custodian by a court, other adult having 14738
permanent custody awarded by a court, or guardian of the person of 14739
the minor, provided that: 14740

(1) A minor female who marries shall be considered to have 14741
the legal settlement of her husband and, in the case of death of 14742
her husband or divorce, she shall not thereby lose her legal 14743

settlement obtained by the marriage. 14744

(2) A minor male who marries, establishes a home, and who has 14745
resided in this state for one year without receiving general 14746
assistance prior to July 17, 1995, under former Chapter 5113. of 14747
the Revised Code, financial assistance under Chapter 5115. of the 14748
Revised Code, or assistance from a private agency that maintains 14749
records of assistance given shall be considered to have obtained a 14750
legal settlement in this state. 14751

(3) The legal settlement of a child under eighteen years of 14752
age who is in the care or custody of a public or private child 14753
caring agency shall not change if the legal settlement of the 14754
parent changes until after the child has been in the home of the 14755
parent for a period of one year. 14756

No person, adult or minor, may establish a legal settlement 14757
in this state for the purpose of gaining admission to any state 14758
institution. 14759

(U)(1) "Resident" means, subject to division (U)(2) of this 14760
section, a person who is admitted either voluntarily or 14761
involuntarily to an institution or other facility pursuant to 14762
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 14763
Code subsequent to a finding of not guilty by reason of insanity 14764
or incompetence to stand trial or under this chapter who is under 14765
observation or receiving habilitation and care in an institution. 14766

(2) "Resident" does not include a person admitted to an 14767
institution or other facility under section 2945.39, 2945.40, 14768
2945.401, or 2945.402 of the Revised Code to the extent that the 14769
reference in this chapter to resident, or the context in which the 14770
reference occurs, is in conflict with any provision of sections 14771
2945.37 to 2945.402 of the Revised Code. 14772

(V) "Respondent" means the person whose detention, 14773
commitment, or continued commitment is being sought in any 14774

proceeding under this chapter. 14775

(W) "Working day" and "court day" mean Monday, Tuesday, 14776
Wednesday, Thursday, and Friday, except when such day is a legal 14777
holiday. 14778

(X) "Prosecutor" means the prosecuting attorney, village 14779
solicitor, city director of law, or similar chief legal officer 14780
who prosecuted a criminal case in which a person was found not 14781
guilty by reason of insanity, who would have had the authority to 14782
prosecute a criminal case against a person if the person had not 14783
been found incompetent to stand trial, or who prosecuted a case in 14784
which a person was found guilty. 14785

(Y) "Court" means the probate division of the court of common 14786
pleas. 14787

(Z) "Supported living" and "residential services" have the 14788
same meanings as in section 5126.01 of the Revised Code. 14789

Sec. 5123.011. The director of developmental disabilities 14790
shall adopt rules in accordance with Chapter 119. of the Revised 14791
Code ~~that establish definitions of "substantial functional~~ 14792
~~limitation," to do both of the following:~~ 14793

~~(A) Define "developmental delay," "established risk,"~~ 14794
~~"biological risk," and "environmental risk.";~~ 14795

~~(B) For the purpose of division (O)(4)(c) of section 5123.01~~ 14796
~~and division (F)(4)(c) of section 5126.01 of the Revised Code,~~ 14797
~~specify how to determine whether a person six years of age or~~ 14798
~~older has a substantial functional limitation in a major life~~ 14799
~~activity as appropriate for the person's age.~~ 14800

Sec. 5123.012. (A) As used in this section: 14801

~~(1) "Biological risk" and "environmental risk" have the~~ 14802
~~meanings established pursuant to section 5123.011 of the Revised~~ 14803

Code. 14804

~~(2) "Preschool, "preschool~~ child with a disability" has the 14805
same meaning as in section 3323.01 of the Revised Code. 14806

(B) Except as provided in division (C) of this section, the 14807
department of developmental disabilities shall make eligibility 14808
determinations in accordance with the definition of "developmental 14809
disability" in section 5123.01 of the Revised Code. The department 14810
may adopt rules in accordance with Chapter 119. of the Revised 14811
Code establishing eligibility for programs and services for ~~either~~ 14812
~~of the following:~~ 14813

~~(1) Individuals under age six who have a biological risk or~~ 14814
~~environmental risk of a developmental delay;~~ 14815

~~(2) Any~~ any preschool child with a disability eligible for 14816
services under section 3323.02 of the Revised Code whose 14817
disability is not attributable solely to mental illness as defined 14818
in section 5122.01 of the Revised Code. 14819

(C)(1) The department shall make determinations of 14820
eligibility for protective services in accordance with sections 14821
5123.55 to 5123.59 of the Revised Code. 14822

(2) Determinations of whether a mentally retarded person is 14823
subject to institutionalization by court order shall be made in 14824
accordance with sections 5123.71 to 5123.76 of the Revised Code 14825
and shall be based on the definition of "mentally retarded person 14826
subject to institutionalization by court order" in section 5123.01 14827
of the Revised Code. 14828

(3) All persons who were eligible for services and enrolled 14829
in programs offered by the department of developmental 14830
disabilities pursuant to this chapter on July 1, 1991, shall 14831
continue to be eligible for those services and to be enrolled in 14832
those programs as long as they are in need of services. 14833

Sec. 5123.0420. As used in this section, "evidence-based intervention" means a prevention or treatment service that has been demonstrated through scientific evaluation to produce a positive outcome. 14834
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The department of developmental disabilities shall establish a voluntary training and certification program for individuals who provide evidence-based interventions to individuals with an autism spectrum disorder. The department shall administer the program or contract with a person or other government entity to administer the program. The program shall not conflict with or duplicate any other certification or licensure process administered by the state. 14838
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The director of developmental disabilities may adopt rules as necessary to implement this section. If the director adopts rules, the rules shall be adopted in accordance with Chapter 119. of the Revised Code. 14846
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Sec. 5123.16. (A) As used in sections 5123.16 to 5123.1610 of the Revised Code: 14850
14851

(1) "Applicant" means any of the following: 14852

(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; 14853
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(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; 14856
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(c) An individual who applies under section 5123.161 of the Revised Code for a certificate to provide supported living as an independent provider; 14859
14860
14861

(d) An independent provider who seeks renewal of the 14862

independent provider's supported living certificate under section 14863
5123.164 of the Revised Code. 14864

~~(2)(a) "Business" means either of the following:~~ 14865

~~(i) An an association, corporation, nonprofit organization,~~ 14866
partnership, trust, or other group of persons+ 14867

~~(ii) An individual who employs, directly or through contract,~~ 14868
~~one or more other individuals to provide supported living.~~ 14869

~~(b).~~ "Business" does not mean an independent provider. 14870

(3) "Criminal records check" has the same meaning as in 14871
section 109.572 of the Revised Code. 14872

(4) "Disqualifying offense" means any of the offenses listed 14873
or described in divisions (A)(3)(a) to (e) of section 109.572 of 14874
the Revised Code. 14875

(5) "Independent provider" means a provider who provides 14876
supported living on a self-employed basis and does not employ, 14877
directly or through contract, another individual person to provide 14878
the supported living. 14879

(6) "Provider" means a person or government entity certified 14880
by the director of developmental disabilities to provide supported 14881
living. For the purpose of division (A)(8) of this section, 14882
"provider" includes a person or government entity that seeks or 14883
previously held a certificate to provide supported living. 14884

(7) "Minor drug possession offense" has the same meaning as 14885
in section 2925.01 of the Revised Code. 14886

(8) "Related party" means any of the following: 14887

(a) In the case of a provider who is an individual, any of 14888
the following: 14889

(i) The spouse of the provider; 14890

(ii) A parent or stepparent of the provider or provider's 14891

spouse;	14892
(iii) A child of the provider or provider's spouse;	14893
(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;	14894 14895
(v) A grandparent of the provider or provider's spouse;	14896
(vi) A grandchild of the provider or provider's spouse;	14897
(vii) An employee or employer of the provider or provider's spouse.	14898 14899
(b) In the case of a provider that is a person other than an individual, any of the following:	14900 14901
(i) An employee of the person <u>Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;</u>	14902 14903 14904 14905 14906 14907 14908 14909
(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;	14910 14911 14912
(iii) A member of the provider's board of directors or trustees;	14913 14914
(iv) A person owning a financial interest of five per cent or more in the provider, <u>including a direct, indirect, security, or mortgage financial interest;</u>	14915 14916 14917
(v) A corporation that has a subsidiary relationship with the provider;	14918 14919
(vi) A person or government entity that has control over the	14920

provider's day to day operation;	14921
(vii) <u>The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A)(8)(b)(i) to (iv) of this section;</u>	14922
	14923
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	14925
(vi) A person over which the provider has control of the day-to-day operation;	14926
	14927
(vii) <u>A corporation that has a subsidiary relationship with the provider.</u>	14928
	14929
(c) In the case of a provider that is a government entity, any of the following:	14930
	14931
(i) <u>An employee of the provider Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement;</u>	14932
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	14937
(ii) An officer of the provider;	14938
(iii) A member of the provider's governing board;	14939
(iv) <u>A government entity that has control over the provider's day to day operation;</u>	14940
	14941
(v) A person or government entity over which the provider has control of the day-to-day operation.	14942
	14943
(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities.	14944
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	14946
(C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section 5123.1610 of the Revised Code.	14947
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Sec. 5123.162. (A) The director of developmental disabilities 14950
may conduct surveys of persons and government entities that seek a 14951
supported living certificate to determine whether the persons and 14952
government entities meet the certification standards. The director 14953
may also conduct surveys of providers to determine whether the 14954
providers continue to meet the certification standards. The 14955
director shall conduct the surveys in accordance with rules 14956
adopted under section 5123.1610 of the Revised Code. 14957

(B) Following each survey of a provider, the director shall 14958
issue a report listing the date of the survey and any citations 14959
issued as a result of the survey. Except when the director 14960
initiates a proceeding to revoke a provider's certification, the 14961
director shall do all of the following: 14962

(1) Specify a date by which the provider may appeal any of 14963
the citations; 14964

(2) Specify a timetable within which the provider must submit 14965
a plan of correction describing how the problems specified in the 14966
citations will be corrected; 14967

(3) When appropriate, specify a timetable within which the 14968
provider must correct the problems specified in the citations. 14969

(C) If the director initiates a proceeding to revoke a 14970
provider's certification, the director shall include the report 14971
required by division (B) of this section with the notice of the 14972
proposed revocation the director sends the provider. In this 14973
circumstance, the provider may not appeal the citations or submit 14974
a plan of correction. 14975

(D) After a plan of correction is submitted, the director 14976
shall approve or disapprove the plan. If the plan of correction is 14977
approved, a copy of the approved plan shall be provided, not later 14978
than five business days after it is approved, to any person or 14979

government entity that requests it and made available on the 14980
internet web site maintained by the department of developmental 14981
disabilities. If the plan of correction is not approved and the 14982
director initiates a proceeding to revoke the provider's 14983
certification, a copy of the survey report shall be provided to 14984
any person or government entity that requests it and made 14985
available on the internet web site maintained by the department. 14986

The (E) In addition to survey reports described in this 14987
section, all other records of associated with surveys conducted 14988
under this section are public records for the purpose of section 14989
149.43 of the Revised Code and shall be made available on the 14990
request of any person or government entity. 14991

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 14992
the Revised Code: 14993

(1) "Independent living arrangement" means an arrangement in 14994
which a mentally retarded or developmentally disabled person 14995
resides in an individualized setting chosen by the person or the 14996
person's guardian, which is not dedicated principally to the 14997
provision of residential services for mentally retarded or 14998
developmentally disabled persons, and for which no financial 14999
support is received for rendering such service from any 15000
governmental agency by a provider of residential services. 15001

(2) "Licensee" means the person or government agency that has 15002
applied for a license to operate a residential facility and to 15003
which the license was issued under this section. 15004

(3) "Political subdivision" means a municipal corporation, 15005
county, or township. 15006

(4) "Related party" has the same meaning as in section 15007
5123.16 of the Revised Code except that "provider" as used in the 15008
definition of "related party" means a person or government entity 15009

that held or applied for a license to operate a residential 15010
facility, rather than a person or government entity certified to 15011
provide supported living. 15012

(5)(a) Except as provided in division (A)(5)(b) of this 15013
section, "residential facility" means a home or facility, 15014
including an ICF/IID, in which an individual with mental 15015
retardation or a developmental disability resides. 15016

(b) "Residential facility" does not mean any of the 15017
following: 15018

(i) The home of a relative or legal guardian in which an 15019
individual with mental retardation or a developmental disability 15020
resides; 15021

(ii) A respite care home certified under section 5126.05 of 15022
the Revised Code; 15023

(iii) A county home or district home operated pursuant to 15024
Chapter 5155. of the Revised Code; 15025

(iv) A dwelling in which the only residents with mental 15026
retardation or developmental disabilities are in independent 15027
living arrangements or are being provided supported living. 15028

(B) Every person or government agency desiring to operate a 15029
residential facility shall apply for licensure of the facility to 15030
the director of developmental disabilities unless the residential 15031
facility is subject to section 3721.02, 5103.03, 5119.33, or 15032
division (A)(9)(b) of section 5119.34 of the Revised Code. 15033

(C) Subject to section 5123.196 of the Revised Code, the 15034
director of developmental disabilities shall license the operation 15035
of residential facilities. An initial license shall be issued for 15036
a period that does not exceed one year, unless the director denies 15037
the license under division (D) of this section. A license shall be 15038
renewed for a period that does not exceed three years, unless the 15039

director refuses to renew the license under division (D) of this 15040
section. The director, when issuing or renewing a license, shall 15041
specify the period for which the license is being issued or 15042
renewed. A license remains valid for the length of the licensing 15043
period specified by the director, unless the license is 15044
terminated, revoked, or voluntarily surrendered. 15045

(D) If it is determined that an applicant or licensee is not 15046
in compliance with a provision of this chapter that applies to 15047
residential facilities or the rules adopted under such a 15048
provision, the director may deny issuance of a license, refuse to 15049
renew a license, terminate a license, revoke a license, issue an 15050
order for the suspension of admissions to a facility, issue an 15051
order for the placement of a monitor at a facility, issue an order 15052
for the immediate removal of residents, or take any other action 15053
the director considers necessary consistent with the director's 15054
authority under this chapter regarding residential facilities. In 15055
the director's selection and administration of the sanction to be 15056
imposed, all of the following apply: 15057

(1) The director may deny, refuse to renew, or revoke a 15058
license, if the director determines that the applicant or licensee 15059
has demonstrated a pattern of serious noncompliance or that a 15060
violation creates a substantial risk to the health and safety of 15061
residents of a residential facility. 15062

(2) The director may terminate a license if more than twelve 15063
consecutive months have elapsed since the residential facility was 15064
last occupied by a resident or a notice required by division (K) 15065
of this section is not given. 15066

(3) The director may issue an order for the suspension of 15067
admissions to a facility for any violation that may result in 15068
sanctions under division (D)(1) of this section and for any other 15069
violation specified in rules adopted under division (H)(2) of this 15070
section. If the suspension of admissions is imposed for a 15071

violation that may result in sanctions under division (D)(1) of 15072
this section, the director may impose the suspension before 15073
providing an opportunity for an adjudication under Chapter 119. of 15074
the Revised Code. The director shall lift an order for the 15075
suspension of admissions when the director determines that the 15076
violation that formed the basis for the order has been corrected. 15077

(4) The director may order the placement of a monitor at a 15078
residential facility for any violation specified in rules adopted 15079
under division (H)(2) of this section. The director shall lift the 15080
order when the director determines that the violation that formed 15081
the basis for the order has been corrected. 15082

(5) If the director determines that two or more residential 15083
facilities owned or operated by the same person or government 15084
entity are not being operated in compliance with a provision of 15085
this chapter that applies to residential facilities or the rules 15086
adopted under such a provision, and the director's findings are 15087
based on the same or a substantially similar action, practice, 15088
circumstance, or incident that creates a substantial risk to the 15089
health and safety of the residents, the director shall conduct a 15090
survey as soon as practicable at each residential facility owned 15091
or operated by that person or government entity. The director may 15092
take any action authorized by this section with respect to any 15093
facility found to be operating in violation of a provision of this 15094
chapter that applies to residential facilities or the rules 15095
adopted under such a provision. 15096

(6) When the director initiates license revocation 15097
proceedings, no opportunity for submitting a plan of correction 15098
shall be given. The director shall notify the licensee by letter 15099
of the initiation of the proceedings. The letter shall list the 15100
deficiencies of the residential facility and inform the licensee 15101
that no plan of correction will be accepted. The director shall 15102
also send a copy of the letter to the county board of 15103

developmental disabilities. The county board shall send a copy of 15104
the letter to each of the following: 15105

(a) Each resident who receives services from the licensee; 15106

(b) The guardian of each resident who receives services from 15107
the licensee if the resident has a guardian; 15108

(c) The parent or guardian of each resident who receives 15109
services from the licensee if the resident is a minor. 15110

(7) Pursuant to rules which shall be adopted in accordance 15111
with Chapter 119. of the Revised Code, the director may order the 15112
immediate removal of residents from a residential facility 15113
whenever conditions at the facility present an immediate danger of 15114
physical or psychological harm to the residents. 15115

(8) In determining whether a residential facility is being 15116
operated in compliance with a provision of this chapter that 15117
applies to residential facilities or the rules adopted under such 15118
a provision, or whether conditions at a residential facility 15119
present an immediate danger of physical or psychological harm to 15120
the residents, the director may rely on information obtained by a 15121
county board of developmental disabilities or other governmental 15122
agencies. 15123

(9) In proceedings initiated to deny, refuse to renew, or 15124
revoke licenses, the director may deny, refuse to renew, or revoke 15125
a license regardless of whether some or all of the deficiencies 15126
that prompted the proceedings have been corrected at the time of 15127
the hearing. 15128

(E) The director shall establish a program under which public 15129
notification may be made when the director has initiated license 15130
revocation proceedings or has issued an order for the suspension 15131
of admissions, placement of a monitor, or removal of residents. 15132
The director shall adopt rules in accordance with Chapter 119. of 15133
the Revised Code to implement this division. The rules shall 15134

establish the procedures by which the public notification will be 15135
made and specify the circumstances for which the notification must 15136
be made. The rules shall require that public notification be made 15137
if the director has taken action against the facility in the 15138
eighteen-month period immediately preceding the director's latest 15139
action against the facility and the latest action is being taken 15140
for the same or a substantially similar violation of a provision 15141
of this chapter that applies to residential facilities or the 15142
rules adopted under such a provision. The rules shall specify a 15143
method for removing or amending the public notification if the 15144
director's action is found to have been unjustified or the 15145
violation at the residential facility has been corrected. 15146

(F)(1) Except as provided in division (F)(2) of this section, 15147
appeals from proceedings initiated to impose a sanction under 15148
division (D) of this section shall be conducted in accordance with 15149
Chapter 119. of the Revised Code. 15150

(2) Appeals from proceedings initiated to order the 15151
suspension of admissions to a facility shall be conducted in 15152
accordance with Chapter 119. of the Revised Code, unless the order 15153
was issued before providing an opportunity for an adjudication, in 15154
which case all of the following apply: 15155

(a) The licensee may request a hearing not later than ten 15156
days after receiving the notice specified in section 119.07 of the 15157
Revised Code. 15158

(b) If a timely request for a hearing that includes the 15159
licensee's current address is made, the hearing shall commence not 15160
later than thirty days after the department receives the request. 15161

(c) After commencing, the hearing shall continue 15162
uninterrupted, except for Saturdays, Sundays, and legal holidays, 15163
unless other interruptions are agreed to by the licensee and the 15164
director. 15165

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:	15166 15167 15168
(i) The close of the hearing;	15169
(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;	15170 15171
(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.	15172 15173
(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.	15174 15175 15176 15177
(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.	15178 15179 15180
(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.	15181 15182 15183 15184
(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.	15185 15186 15187 15188
(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	15189 15190 15191 15192 15193 15194 15195

date that is five years after the date of the revocation.	15196
(H) In accordance with Chapter 119. of the Revised Code, the	15197
director shall adopt and may amend and rescind rules for licensing	15198
and regulating the operation of residential facilities. The rules	15199
for residential facilities that are ICFs/IID may differ from those	15200
for other residential facilities. The rules shall establish and	15201
specify the following:	15202
(1) Procedures and criteria for issuing and renewing	15203
licenses, including procedures and criteria for determining the	15204
length of the licensing period that the director must specify for	15205
each license when it is issued or renewed;	15206
(2) Procedures and criteria for denying, refusing to renew,	15207
terminating, and revoking licenses and for ordering the suspension	15208
of admissions to a facility, placement of a monitor at a facility,	15209
and the immediate removal of residents from a facility;	15210
(3) Fees for issuing and renewing licenses, which shall be	15211
deposited into the program fee fund created under section 5123.033	15212
of the Revised Code;	15213
(4) Procedures for surveying residential facilities;	15214
(5) Requirements for the training of residential facility	15215
personnel;	15216
(6) Classifications for the various types of residential	15217
facilities;	15218
(7) Certification procedures for licensees and management	15219
contractors that the director determines are necessary to ensure	15220
that they have the skills and qualifications to properly operate	15221
or manage residential facilities;	15222
(8) The maximum number of persons who may be served in a	15223
particular type of residential facility;	15224
(9) Uniform procedures for admission of persons to and	15225

transfers and discharges of persons from residential facilities;	15226
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	15227
(11) Procedures for waiving any provision of any rule adopted under this section.	15228
(I)(1) 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.	15229
(2) 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.	15230
(3) Following each survey, unless the director initiates a license revocation proceeding, the director or the director's designee shall provide the licensee with a report listing <u>the date of the survey and any deficiencies, specifying citations issued as a result of the survey. Except when the director initiates a proceeding to revoke a license, the director shall do all of the following:</u>	15231
(a) <u>Specify a date by which the licensee may appeal any of</u>	15232
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the citations; 15257

(b) Specify a timetable within which the licensee shall must 15258
submit a plan of correction describing how the deficiencies 15259
problems specified in the citations will be corrected, and, when; 15260

(c) When appropriate, specifying specify a timetable within 15261
which the licensee must correct the deficiencies problems 15262
specified in the citations. After 15263

(4) If the director initiates a proceeding to revoke a 15264
license, the director shall include the report required by 15265
division (I)(3) of this section with the notice of the proposed 15266
revocation the director sends the licensee. In this circumstance, 15267
the licensee may not appeal the citations or submit a plan of 15268
correction. 15269

(5) After a plan of correction is submitted, the director or 15270
the director's designee shall approve or disapprove the plan. A If 15271
the plan of correction is approved, a copy of the report and any 15272
approved plan of correction shall be provided, not later than five 15273
business days after it is approved, to any person or government 15274
entity who requests it and made available on the internet web site 15275
maintained by the department of developmental disabilities. If the 15276
plan of correction is not approved and the director initiates a 15277
proceeding to revoke the license, a copy of the survey report 15278
shall be provided to any person or government entity that requests 15279
it and made available on the internet web site maintained by the 15280
department. 15281

(6) The director shall initiate disciplinary action against 15282
any department employee who notifies or causes the notification to 15283
any unauthorized person of an unannounced survey of a residential 15284
facility by an authorized representative of the department. 15285

(J) In addition to any other information which may be 15286
required of applicants for a license pursuant to this section, the 15287

director shall require each applicant to provide a copy of an 15288
approved plan for a proposed residential facility pursuant to 15289
section 5123.042 of the Revised Code. This division does not apply 15290
to renewal of a license or to an applicant for an initial or 15291
modified license who meets the requirements of section 5123.197 of 15292
the Revised Code. 15293

(K) A licensee shall notify the owner of the building in 15294
which the licensee's residential facility is located of any 15295
significant change in the identity of the licensee or management 15296
contractor before the effective date of the change if the licensee 15297
is not the owner of the building. 15298

Pursuant to rules which shall be adopted in accordance with 15299
Chapter 119. of the Revised Code, the director may require 15300
notification to the department of any significant change in the 15301
ownership of a residential facility or in the identity of the 15302
licensee or management contractor. If the director determines that 15303
a significant change of ownership is proposed, the director shall 15304
consider the proposed change to be an application for development 15305
by a new operator pursuant to section 5123.042 of the Revised Code 15306
and shall advise the applicant within sixty days of the 15307
notification that the current license shall continue in effect or 15308
a new license will be required pursuant to this section. If the 15309
director requires a new license, the director shall permit the 15310
facility to continue to operate under the current license until 15311
the new license is issued, unless the current license is revoked, 15312
refused to be renewed, or terminated in accordance with Chapter 15313
119. of the Revised Code. 15314

(L) A county board of developmental disabilities and any 15315
interested person may file complaints alleging violations of 15316
statute or department rule relating to residential facilities with 15317
the department. All complaints shall be in writing and shall state 15318
the facts constituting the basis of the allegation. The department 15319

shall not reveal the source of any complaint unless the 15320
complainant agrees in writing to waive the right to 15321
confidentiality or until so ordered by a court of competent 15322
jurisdiction. 15323

The department shall adopt rules in accordance with Chapter 15324
119. of the Revised Code establishing procedures for the receipt, 15325
referral, investigation, and disposition of complaints filed with 15326
the department under this division. 15327

(M) The department shall establish procedures for the 15328
notification of interested parties of the transfer or interim care 15329
of residents from residential facilities that are closing or are 15330
losing their license. 15331

(N) Before issuing a license under this section to a 15332
residential facility that will accommodate at any time more than 15333
one mentally retarded or developmentally disabled individual, the 15334
director shall, by first class mail, notify the following: 15335

(1) If the facility will be located in a municipal 15336
corporation, the clerk of the legislative authority of the 15337
municipal corporation; 15338

(2) If the facility will be located in unincorporated 15339
territory, the clerk of the appropriate board of county 15340
commissioners and the fiscal officer of the appropriate board of 15341
township trustees. 15342

The director shall not issue the license for ten days after 15343
mailing the notice, excluding Saturdays, Sundays, and legal 15344
holidays, in order to give the notified local officials time in 15345
which to comment on the proposed issuance. 15346

Any legislative authority of a municipal corporation, board 15347
of county commissioners, or board of township trustees that 15348
receives notice under this division of the proposed issuance of a 15349
license for a residential facility may comment on it in writing to 15350

the director within ten days after the director mailed the notice, 15351
excluding Saturdays, Sundays, and legal holidays. If the director 15352
receives written comments from any notified officials within the 15353
specified time, the director shall make written findings 15354
concerning the comments and the director's decision on the 15355
issuance of the license. If the director does not receive written 15356
comments from any notified local officials within the specified 15357
time, the director shall continue the process for issuance of the 15358
license. 15359

(O) Any person may operate a licensed residential facility 15360
that provides room and board, personal care, habilitation 15361
services, and supervision in a family setting for at least six but 15362
not more than eight persons with mental retardation or a 15363
developmental disability as a permitted use in any residential 15364
district or zone, including any single-family residential district 15365
or zone, of any political subdivision. These residential 15366
facilities may be required to comply with area, height, yard, and 15367
architectural compatibility requirements that are uniformly 15368
imposed upon all single-family residences within the district or 15369
zone. 15370

(P) Any person may operate a licensed residential facility 15371
that provides room and board, personal care, habilitation 15372
services, and supervision in a family setting for at least nine 15373
but not more than sixteen persons with mental retardation or a 15374
developmental disability as a permitted use in any multiple-family 15375
residential district or zone of any political subdivision, except 15376
that a political subdivision that has enacted a zoning ordinance 15377
or resolution establishing planned unit development districts may 15378
exclude these residential facilities from those districts, and a 15379
political subdivision that has enacted a zoning ordinance or 15380
resolution may regulate these residential facilities in 15381
multiple-family residential districts or zones as a conditionally 15382

permitted use or special exception, in either case, under 15383
reasonable and specific standards and conditions set out in the 15384
zoning ordinance or resolution to: 15385

(1) Require the architectural design and site layout of the 15386
residential facility and the location, nature, and height of any 15387
walls, screens, and fences to be compatible with adjoining land 15388
uses and the residential character of the neighborhood; 15389

(2) Require compliance with yard, parking, and sign 15390
regulation; 15391

(3) Limit excessive concentration of these residential 15392
facilities. 15393

(Q) This section does not prohibit a political subdivision 15394
from applying to residential facilities nondiscriminatory 15395
regulations requiring compliance with health, fire, and safety 15396
regulations and building standards and regulations. 15397

(R) Divisions (O) and (P) of this section are not applicable 15398
to municipal corporations that had in effect on June 15, 1977, an 15399
ordinance specifically permitting in residential zones licensed 15400
residential facilities by means of permitted uses, conditional 15401
uses, or special exception, so long as such ordinance remains in 15402
effect without any substantive modification. 15403

(S)(1) The director may issue an interim license to operate a 15404
residential facility to an applicant for a license under this 15405
section if either of the following is the case: 15406

(a) The director determines that an emergency exists 15407
requiring immediate placement of persons in a residential 15408
facility, that insufficient licensed beds are available, and that 15409
the residential facility is likely to receive a permanent license 15410
under this section within thirty days after issuance of the 15411
interim license. 15412

(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 15413
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(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. 15416
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(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. 15421
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(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. 15424
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(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. 15427
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(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. 15436
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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 15441
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facility from continuing to operate without a license. The court 15444
may grant the injunction on a showing that the person or 15445
governmental agency named in the petition is operating a 15446
residential facility without a license. The court may grant the 15447
injunction, regardless of whether the residential facility meets 15448
the requirements for receiving a license under this section. 15449

Sec. 5123.191. (A) The court of common pleas or a judge 15450
thereof in the judge's county, or the probate court, may appoint a 15451
receiver to take possession of and operate a residential facility 15452
licensed by the department of developmental disabilities, in 15453
causes pending in such courts respectively, when conditions 15454
existing at the facility present a substantial risk of physical or 15455
mental harm to residents and no other remedies at law are adequate 15456
to protect the health, safety, and welfare of the residents. 15457
Conditions at the facility that may present such risk of harm 15458
include, but are not limited to, instances when any of the 15459
following occur: 15460

(1) The residential facility is in violation of state or 15461
federal law or regulations. 15462

(2) The facility has had its license revoked or procedures 15463
for revocation have been initiated, or the facility is closing or 15464
intends to cease operations. 15465

(3) Arrangements for relocating residents need to be made. 15466

(4) Insolvency of the operator, licensee, or landowner 15467
threatens the operation of the facility. 15468

(5) The facility or operator has demonstrated a pattern and 15469
practice of repeated violations of state or federal laws or 15470
regulations. 15471

(B) A court in which a petition is filed pursuant to this 15472
section shall notify the person holding the license for the 15473

facility and the department of developmental disabilities of the 15474
filing. The court shall order the department to notify the 15475
facility owner, facility operator, county board of developmental 15476
disabilities, facility residents, and residents' parents and 15477
guardians of the filing of the petition. 15478

The court shall provide a hearing on the petition within five 15479
court days of the time it was filed, except that the court may 15480
appoint a receiver prior to that time if it determines that the 15481
circumstances necessitate such action. Following a hearing on the 15482
petition, and upon a determination that the appointment of a 15483
receiver is warranted, the court shall appoint a receiver and 15484
notify the department of developmental disabilities and 15485
appropriate persons of this action. 15486

(C) A residential facility for which a receiver has been 15487
named is deemed to be in compliance with section 5123.19 and 15488
Chapter 3721. of the Revised Code for the duration of the 15489
receivership. 15490

(D) When the operating revenue of a residential facility in 15491
receivership is insufficient to meet its operating expenses, 15492
including the cost of bringing the facility into compliance with 15493
state or federal laws or regulations, the court may order the 15494
state to provide necessary funding, except as provided in division 15495
(K) of this section. The state shall provide such funding, subject 15496
to the approval of the controlling board. The court may also order 15497
the appropriate authorities to expedite all inspections necessary 15498
for the issuance of licenses or the certification of a facility, 15499
and order a facility to be closed if it determines that reasonable 15500
efforts cannot bring the facility into substantial compliance with 15501
the law. 15502

(E) In establishing a receivership, the court shall set forth 15503
the powers and duties of the receiver. The court may generally 15504
authorize the receiver to do all that is prudent and necessary to 15505

safely and efficiently operate the residential facility within the requirements of state and federal law, but shall require the receiver to obtain court approval prior to making any single expenditure of more than five thousand dollars to correct deficiencies in the structure or furnishings of a facility. The court shall closely review the conduct of the receiver it has appointed and shall require regular and detailed reports. The receivership shall be reviewed at least every sixty days.

(F) A receivership established pursuant to this section shall be terminated, following notification of the appropriate parties and a hearing, if the court determines either of the following:

(1) The residential facility has been closed and the former residents have been relocated to an appropriate facility.

(2) Circumstances no longer exist at the facility that present a substantial risk of physical or mental harm to residents, and there is no deficiency in the facility that is likely to create a future risk of harm.

Notwithstanding division (F)(2) of this section, the court shall not terminate a receivership for a residential facility that has previously operated under another receivership unless the responsibility for the operation of the facility is transferred to an operator approved by the court and the department of developmental disabilities.

(G) The department of developmental disabilities may, upon its own initiative or at the request of an owner, operator, or resident of a residential facility, or at the request of a resident's guardian or relative or a county board of developmental disabilities, petition the court to appoint a receiver to take possession of and operate a residential facility. When the department has been requested to file a petition by any of the parties listed above, it shall, within forty-eight hours of such

request, either file such a petition or notify the requesting party of its decision not to file. If the department refuses to file, the requesting party may file a petition with the court requesting the appointment of a receiver to take possession of and operate a residential facility.

Petitions filed pursuant to this division shall include the following:

(1) A description of the specific conditions existing at the facility which present a substantial risk of physical or mental harm to residents;

(2) A statement of the absence of other adequate remedies at law;

(3) The number of individuals residing at the facility;

(4) A statement that the facts have been brought to the attention of the owner or licensee and that conditions have not been remedied within a reasonable period of time or that the conditions, though remedied periodically, habitually exist at the facility as a pattern or practice;

(5) The name and address of the person holding the license for the facility and the address of the department of developmental disabilities.

The court may award to an operator appropriate costs and expenses, including reasonable attorney's fees, if it determines that a petitioner has initiated a proceeding in bad faith or merely for the purpose of harassing or embarrassing the operator.

(H) Except for the department of developmental disabilities or a county board of developmental disabilities, no party or person interested in an action shall be appointed a receiver pursuant to this section.

To assist the court in identifying persons qualified to be

named as receivers, the director of developmental disabilities ~~or~~ 15567
~~the director's designee~~ shall maintain a list of the names of such 15568
persons. The director shall, in accordance with Chapter 119. of 15569
the Revised Code, establish standards for evaluating persons 15570
desiring to be included on such a list. 15571

(I) Before a receiver enters upon the duties of that person, 15572
the receiver must be sworn to perform the duties of receiver 15573
faithfully, and, with surety approved by the court, judge, or 15574
clerk, execute a bond to such person, and in such sum as the court 15575
or judge directs, to the effect that such receiver will faithfully 15576
discharge the duties of receiver in the action, and obey the 15577
orders of the court therein. 15578

(J) Under the control of the appointing court, a receiver may 15579
bring and defend actions in the receiver's own name as receiver 15580
and take and keep possession of property. 15581

The court shall authorize the receiver to do the following: 15582

(1) Collect payment for all goods and services provided to 15583
the residents or others during the period of the receivership at 15584
the same rate as was charged by the licensee at the time the 15585
petition for receivership was filed, unless a different rate is 15586
set by the court; 15587

(2) Honor all leases, mortgages, and secured transactions 15588
governing all buildings, goods, and fixtures of which the receiver 15589
has taken possession and continues to use, subject to the 15590
following conditions: 15591

(a) In the case of a rental agreement, only to the extent of 15592
payments that are for the use of the property during the period of 15593
the receivership; 15594

(b) In the case of a purchase agreement only to the extent of 15595
payments that come due during the period of the receivership. 15596

(3) If transfer of residents is necessary, provide for the orderly transfer of residents by doing the following:	15597 15598
(a) Cooperating with all appropriate state and local agencies in carrying out the transfer of residents to alternative community placements;	15599 15600 15601
(b) Providing for the transportation of residents' belongings and records;	15602 15603
(c) Helping to locate alternative placements and develop discharge plans;	15604 15605
(d) Preparing residents for the trauma of discharge;	15606
(e) Permitting residents or guardians to participate in transfer or discharge planning except when an emergency exists and immediate transfer is necessary.	15607 15608 15609
(4) Make periodic reports on the status of the residential program to the appropriate state agency, county board of developmental disabilities, parents, guardians, and residents;	15610 15611 15612
(5) Compromise demands or claims;	15613
(6) Generally do such acts respecting the residential facility as the court authorizes.	15614 15615
(K) Neither the receiver nor the department of developmental disabilities is liable for debts incurred by the owner or operator of a residential facility for which a receiver has been appointed.	15616 15617 15618
(L) The department of developmental disabilities may contract for the operation of a residential facility in receivership. The department shall establish the conditions of a contract. Notwithstanding any other provision of law, contracts that are necessary to carry out the powers and duties of the receiver need not be competitively bid.	15619 15620 15621 15622 15623 15624
(M) The department of developmental disabilities, the department of job and family services, and the department of	15625 15626

health shall provide technical assistance to any receiver 15627
appointed pursuant to this section. 15628

Sec. 5123.21. The director of developmental disabilities ~~or~~ 15629
~~the director's designee~~ may transfer or authorize the transfer of 15630
an involuntary resident or a consenting voluntary resident from 15631
one public institution to another or to an institution other than 15632
a public institution or other facility, if the director determines 15633
that it would be consistent with the habilitation needs of the 15634
resident to do so. 15635

Before an involuntary resident may be transferred to a more 15636
restrictive setting, the managing officer of the institution shall 15637
file a motion with the court requesting the court to amend its 15638
order of placement issued under section 5123.76 of the Revised 15639
Code. At the resident's request, the court shall hold a hearing on 15640
the motion at which the resident has the same rights as at a full 15641
hearing under section 5123.76 of the Revised Code. 15642

Whenever a resident is transferred, the director shall give 15643
written notice of the transfer to the resident's legal guardian, 15644
parents, spouse, and counsel, or, if none is known, to the 15645
resident's nearest known relative or friend. If the resident is a 15646
minor, the ~~department~~ director before making such a transfer shall 15647
make a minute of the order for the transfer and the reason for it 15648
upon its record and shall send a certified copy at least seven 15649
days prior to the transfer to the person shown by its record to 15650
have had the care or custody of the minor immediately prior to the 15651
minor's commitment. Whenever a consenting voluntary resident is 15652
transferred, the notification shall be given only at the 15653
resident's request. The managing officer shall advise a voluntary 15654
resident who is being transferred that the patient may decide if 15655
such a notification shall be given. In all such transfers, due 15656
consideration shall be given to the relationship of the resident 15657

to the resident's family, legal guardian, or friends, so as to 15658
maintain relationships and encourage visits beneficial to the 15659
resident. 15660

Sec. 5123.61. (A) As used in this section: 15661

(1) "Law enforcement agency" means the state highway patrol, 15662
the police department of a municipal corporation, or a county 15663
sheriff. 15664

(2) "Abuse" has the same meaning as in section 5123.50 of the 15665
Revised Code, except that it includes a misappropriation, as 15666
defined in that section. 15667

(3) "Neglect" has the same meaning as in section 5123.50 of 15668
the Revised Code. 15669

(B) The department of developmental disabilities shall 15670
establish a registry office for the purpose of maintaining reports 15671
of abuse, neglect, and other major unusual incidents made to the 15672
department under this section and reports received from county 15673
boards of developmental disabilities under section 5126.31 of the 15674
Revised Code. The department shall establish committees to review 15675
reports of abuse, neglect, and other major unusual incidents. 15676

(C)(1) Any person listed in division (C)(2) of this section, 15677
having reason to believe that a person with mental retardation or 15678
a developmental disability has suffered or faces a substantial 15679
risk of suffering any wound, injury, disability, or condition of 15680
such a nature as to reasonably indicate abuse or neglect of that 15681
person, shall immediately report or cause reports to be made of 15682
such information to the entity specified in this division. Except 15683
as provided in section 5120.173 of the Revised Code or as 15684
otherwise provided in this division, the person making the report 15685
shall make it to a law enforcement agency or to the county board 15686
of developmental disabilities. If the report concerns a resident 15687

of a facility operated by the department of developmental 15688
disabilities the report shall be made either to a law enforcement 15689
agency or to the department. If the report concerns any act or 15690
omission of an employee of a county board of developmental 15691
disabilities, the report immediately shall be made to the 15692
department and to the county board. 15693

(2) All of the following persons are required to make a 15694
report under division (C)(1) of this section: 15695

(a) Any physician, including a hospital intern or resident, 15696
any dentist, podiatrist, chiropractor, practitioner of a limited 15697
branch of medicine as specified in section 4731.15 of the Revised 15698
Code, hospital administrator or employee of a hospital, nurse 15699
licensed under Chapter 4723. of the Revised Code, employee of an 15700
ambulatory health facility as defined in section 5101.61 of the 15701
Revised Code, employee of a home health agency, employee of a 15702
residential facility licensed under section 5119.34 of the Revised 15703
Code that provides accommodations, supervision, and person care 15704
services for three to sixteen unrelated adults, or employee of a 15705
community mental health facility; 15706

(b) Any school teacher or school authority, social worker, 15707
psychologist, attorney, peace officer, coroner, or residents' 15708
rights advocate as defined in section 3721.10 of the Revised Code; 15709

(c) A superintendent, board member, or employee of a county 15710
board of developmental disabilities; an administrator, board 15711
member, or employee of a residential facility licensed under 15712
section 5123.19 of the Revised Code; an administrator, board 15713
member, or employee of any other public or private provider of 15714
services to a person with mental retardation or a developmental 15715
disability, or any MR/DD employee, as defined in section 5123.50 15716
of the Revised Code; 15717

(d) A member of a citizen's advisory council established at 15718

an institution or branch institution of the department of 15719
developmental disabilities under section 5123.092 of the Revised 15720
Code; 15721

(e) A member of the clergy who is employed in a position that 15722
includes providing specialized services to an individual with 15723
mental retardation or another developmental disability, while 15724
acting in an official or professional capacity in that position, 15725
or a person who is employed in a position that includes providing 15726
specialized services to an individual with mental retardation or 15727
another developmental disability and who, while acting in an 15728
official or professional capacity, renders spiritual treatment 15729
through prayer in accordance with the tenets of an organized 15730
religion. 15731

(3)(a) The reporting requirements of this division do not 15732
apply to employees of the Ohio protection and advocacy system. 15733

(b) An attorney or physician is not required to make a report 15734
pursuant to division (C)(1) of this section concerning any 15735
communication the attorney or physician receives from a client or 15736
patient in an attorney-client or physician-patient relationship, 15737
if, in accordance with division (A) or (B) of section 2317.02 of 15738
the Revised Code, the attorney or physician could not testify with 15739
respect to that communication in a civil or criminal proceeding, 15740
except that the client or patient is deemed to have waived any 15741
testimonial privilege under division (A) or (B) of section 2317.02 15742
of the Revised Code with respect to that communication and the 15743
attorney or physician shall make a report pursuant to division 15744
(C)(1) of this section, if both of the following apply: 15745

(i) The client or patient, at the time of the communication, 15746
is a person with mental retardation or a developmental disability. 15747

(ii) The attorney or physician knows or suspects, as a result 15748
of the communication or any observations made during that 15749

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 15781
entity specified in this division. Except as provided in section 15782
5120.173 of the Revised Code or as otherwise provided in this 15783
division, the person making the report shall make it to a law 15784
enforcement agency or the county board of developmental 15785
disabilities. If the person is a resident of a facility operated 15786
by the department of developmental disabilities, the report shall 15787
be made to a law enforcement agency or to the department. If the 15788
report concerns any act or omission of an employee of a county 15789
board of developmental disabilities, the report immediately shall 15790
be made to the department and to the county board. 15791

(G)(1) Upon the receipt of a report concerning the possible 15792
abuse or neglect of a person with mental retardation or a 15793
developmental disability, the law enforcement agency shall inform 15794
the county board of developmental disabilities or, if the person 15795
is a resident of a facility operated by the department of 15796
developmental disabilities, the ~~director of the department or the~~ 15797
~~director's designee.~~ 15798

(2) On receipt of a report under this section that includes 15799
an allegation of action or inaction that may constitute a crime 15800
under federal law or the law of this state, the department of 15801
developmental disabilities shall notify the law enforcement 15802
agency. 15803

(3) When a county board of developmental disabilities 15804
receives a report under this section that includes an allegation 15805
of action or inaction that may constitute a crime under federal 15806
law or the law of this state, the superintendent of the board or 15807
an individual the superintendent designates under division (H) of 15808
this section shall notify the law enforcement agency. The 15809
superintendent or individual shall notify the department of 15810
developmental disabilities when it receives any report under this 15811
section. 15812

(4) When a county board of developmental disabilities 15813
receives a report under this section and believes that the degree 15814
of risk to the person is such that the report is an emergency, the 15815
superintendent of the board or an employee of the board the 15816
superintendent designates shall attempt a face-to-face contact 15817
with the person with mental retardation or a developmental 15818
disability who allegedly is the victim within one hour of the 15819
board's receipt of the report. 15820

(H) The superintendent of the board may designate an 15821
individual to be responsible for notifying the law enforcement 15822
agency and the department when the county board receives a report 15823
under this section. 15824

(I) An adult with mental retardation or a developmental 15825
disability about whom a report is made may be removed from the 15826
adult's place of residence only by law enforcement officers who 15827
consider that the adult's immediate removal is essential to 15828
protect the adult from further injury or abuse or in accordance 15829
with the order of a court made pursuant to section 5126.33 of the 15830
Revised Code. 15831

(J) A law enforcement agency shall investigate each report of 15832
abuse or neglect it receives under this section. In addition, the 15833
department, in cooperation with law enforcement officials, shall 15834
investigate each report regarding a resident of a facility 15835
operated by the department to determine the circumstances 15836
surrounding the injury, the cause of the injury, and the person 15837
responsible. The investigation shall be in accordance with the 15838
memorandum of understanding prepared under section 5126.058 of the 15839
Revised Code. The department shall determine, with the registry 15840
office which shall be maintained by the department, whether prior 15841
reports have been made concerning an adult with mental retardation 15842
or a developmental disability or other principals in the case. If 15843
the department finds that the report involves action or inaction 15844

that may constitute a crime under federal law or the law of this state, it shall submit a report of its investigation, in writing, to the law enforcement agency. If the person with mental retardation or a developmental disability is an adult, with the consent of the adult, the department shall provide such protective services as are necessary to protect the adult. The law enforcement agency shall make a written report of its findings to the department.

If the person is an adult and is not a resident of a facility operated by the department, the county board of developmental disabilities shall review the report of abuse or neglect in accordance with sections 5126.30 to 5126.33 of the Revised Code and the law enforcement agency shall make the written report of its findings to the county board.

(K) Any person or any hospital, institution, school, health department, or agency participating in the making of reports pursuant to this section, any person participating as a witness in an administrative or judicial proceeding resulting from the reports, or any person or governmental entity that discharges responsibilities under sections 5126.31 to 5126.33 of the Revised Code shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of such actions except liability for perjury, unless the person or governmental entity has acted in bad faith or with malicious purpose.

(L) No employer or any person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, reduce pay or benefits, terminate work privileges, or take any other action detrimental to an employee or retaliate against an employee as a result of the employee's having made a report under this section. This division does not preclude an employer or person with authority from taking action with regard to an employee who has made a report under this section if

there is another reasonable basis for the action. 15877

(M) Reports made under this section are not public records as 15878
defined in section 149.43 of the Revised Code. Information 15879
contained in the reports on request shall be made available to the 15880
person who is the subject of the report, to the person's legal 15881
counsel, and to agencies authorized to receive information in the 15882
report by the department or by a county board of developmental 15883
disabilities. 15884

(N) Notwithstanding section 4731.22 of the Revised Code, the 15885
physician-patient privilege shall not be a ground for excluding 15886
evidence regarding the injuries or physical neglect of a person 15887
with mental retardation or a developmental disability or the cause 15888
thereof in any judicial proceeding resulting from a report 15889
submitted pursuant to this section. 15890

Sec. 5123.75. A respondent who is involuntarily placed in an 15891
institution or other place as designated in section 5123.77 of the 15892
Revised Code or with respect to whom proceedings have been 15893
instituted under section 5123.71 of the Revised Code shall, on 15894
request of the respondent, the respondent's guardian, or the 15895
respondent's counsel, or upon the court's own motion, be afforded 15896
a hearing to determine whether there is probable cause to believe 15897
that the respondent is a mentally retarded person subject to 15898
institutionalization by court order. 15899

(A) The probable cause hearing shall be conducted within two 15900
court days from the day on which the request is made. Failure to 15901
conduct the probable cause hearing within this time shall effect 15902
an immediate discharge of the respondent. If the proceedings are 15903
not reinstated within thirty days, records of the proceedings 15904
shall be expunged. 15905

(B) The respondent shall be informed that the respondent may 15906
retain counsel and have independent expert evaluation and, if the 15907

respondent is an indigent person, be represented by court 15908
appointed counsel and have independent expert evaluation at court 15909
expense. 15910

(C) The probable cause hearing shall be conducted in a manner 15911
consistent with the procedures set forth in division (A) of 15912
section 5123.76 of the Revised Code, except divisions (A)(10) and 15913
(14) of that section, and the designee of the director of 15914
developmental disabilities under section 5123.72 of the Revised 15915
Code shall present evidence for the state. 15916

(D) If the court does not find probable cause to believe that 15917
the respondent is a mentally retarded person subject to 15918
institutionalization by court order, it shall order immediate 15919
release of the respondent and dismiss and expunge all record of 15920
the proceedings under this chapter. 15921

(E) On motion of the respondent or the respondent's counsel 15922
and for good cause shown, the court may order a continuance of the 15923
hearing. 15924

(F) If the court finds probable cause to believe that the 15925
respondent is a mentally retarded person subject to 15926
institutionalization by court order, the court may issue an 15927
interim order of placement and, where proceedings under section 15928
5123.71 of the Revised Code have been instituted, shall order a 15929
full hearing as provided in section 5123.76 of the Revised Code to 15930
be held on the question of whether the respondent is a mentally 15931
retarded person subject to institutionalization by court order. 15932
Unless specifically waived by the respondent or the respondent's 15933
counsel, the court shall schedule said hearing to be held as soon 15934
as possible within ten days from the probable cause hearing. A 15935
waiver of such full hearing at this point shall not preclude the 15936
respondent from asserting the respondent's right to such hearing 15937
under section 5123.76 of the Revised Code at any time prior to the 15938
mandatory hearing provided in division (H) of section 5123.76 of 15939

the Revised Code. In any case, if the respondent has waived the right to the full hearing, a mandatory hearing shall be held under division (H) of section 5123.76 of the Revised Code between the ninetieth and the one hundredth day after the original involuntary detention of the person unless the respondent has been discharged.

(G) Whenever possible, the probable cause hearing shall be held before the respondent is taken into custody.

Sec. 5123.76. (A) The full hearing shall be conducted in a manner consistent with the procedures outlined in this chapter and with due process of law. The hearing shall be held by a judge of the probate division or, upon transfer by the judge of the probate division, by another judge of the court of common pleas, or a referee designated by the judge of the probate division. Any referee designated by the judge of the probate division must be an attorney.

(1) The following shall be made available to counsel for the respondent:

(a) All relevant documents, information, and evidence in the custody or control of the state or prosecutor;

(b) All relevant documents, information, and evidence in the custody or control of the institution, facility, or program in which the respondent currently is held or in which the respondent has been held pursuant to these proceedings;

(c) With the consent of the respondent, all relevant documents, information, and evidence in the custody or control of any institution or person other than the state.

(2) The respondent has the right to be represented by counsel of the respondent's choice and has the right to attend the hearing except if unusual circumstances of compelling medical necessity exist that render the respondent unable to attend and the

respondent has not expressed a desire to attend. 15970

(3) If the respondent is not represented by counsel and the 15971
court determines that the conditions specified in division (A)(2) 15972
of this section justify the respondent's absence and the right to 15973
counsel has not been validly waived, the court shall appoint 15974
counsel forthwith to represent the respondent at the hearing, 15975
reserving the right to tax costs of appointed counsel to the 15976
respondent unless it is shown that the respondent is indigent. If 15977
the court appoints counsel, or if the court determines that the 15978
evidence relevant to the respondent's absence does not justify the 15979
absence, the court shall continue the case. 15980

(4) The respondent shall be informed of the right to retain 15981
counsel, to have independent expert evaluation, and, if an 15982
indigent person, to be represented by court appointed counsel and 15983
have expert independent evaluation at court expense. 15984

(5) The hearing may be closed to the public unless counsel 15985
for the respondent requests that the hearing be open to the 15986
public. 15987

(6) Unless objected to by the respondent, the respondent's 15988
counsel, or the designee of the director of developmental 15989
disabilities under section 5123.72 of the Revised Code, the court, 15990
for good cause shown, may admit persons having a legitimate 15991
interest in the proceedings. 15992

(7) The affiant under section 5123.71 of the Revised Code 15993
shall be subject to subpoena by either party. 15994

(8) The court shall examine the sufficiency of all documents 15995
filed and shall inform the respondent, if present, and the 15996
respondent's counsel of the nature of the content of the documents 15997
and the reason for which the respondent is being held or for which 15998
the respondent's placement is being sought. 15999

(9) The court shall receive only relevant, competent, and 16000

material evidence. 16001

(10) ~~The~~ In accordance with section 5123.72 of the Revised 16002
Code, the designee of the director shall present the evidence for 16003
the state. In proceedings under this chapter, the attorney general 16004
shall present the comprehensive evaluation, assessment, diagnosis, 16005
prognosis, record of habilitation and care, if any, and less 16006
restrictive habilitation plans, if any. The attorney general does 16007
not have a similar presentation responsibility in connection with 16008
a person who has been found not guilty by reason of insanity and 16009
who is the subject of a hearing under section 2945.40 of the 16010
Revised Code to determine whether the person is a mentally 16011
retarded person subject to institutionalization by court order. 16012

(11) The respondent has the right to testify and the 16013
respondent or the respondent's counsel has the right to subpoena 16014
witnesses and documents and to present and cross-examine 16015
witnesses. 16016

(12) The respondent shall not be compelled to testify and 16017
shall be so advised by the court. 16018

(13) On motion of the respondent or the respondent's counsel 16019
for good cause shown, or upon the court's own motion, the court 16020
may order a continuance of the hearing. 16021

(14) To an extent not inconsistent with this chapter, the 16022
Rules of Civil Procedure shall be applicable. 16023

(B) Unless, upon completion of the hearing, the court finds 16024
by clear and convincing evidence that the respondent named in the 16025
affidavit is a mentally retarded person subject to 16026
institutionalization by court order, it shall order the 16027
respondent's discharge forthwith. 16028

(C) If, upon completion of the hearing, the court finds by 16029
clear and convincing evidence that the respondent is a mentally 16030
retarded person subject to institutionalization by court order, 16031

the court may order the respondent's discharge or order the respondent, for a period not to exceed ninety days, to any of the following:

(1) A public institution, provided that commitment of the respondent to the institution will not cause the institution to exceed its licensed capacity determined in accordance with section 5123.19 of the Revised Code and provided that such a placement is indicated by the comprehensive evaluation report filed pursuant to section 5123.71 of the Revised Code;

(2) A private institution;

(3) A county mental retardation program;

(4) Receive private habilitation and care;

(5) Any other suitable facility, program, or the care of any person consistent with the comprehensive evaluation, assessment, diagnosis, prognosis, and habilitation needs of the respondent.

(D) Any order made pursuant to division (C)(2), (4), or (5) of this section shall be conditional upon the receipt by the court of consent by the facility, program, or person to accept the respondent.

(E) In determining the place to which, or the person with whom, the respondent is to be committed, the court shall consider the comprehensive evaluation, assessment, diagnosis, and projected habilitation plan for the respondent, and shall order the implementation of the least restrictive alternative available and consistent with habilitation goals.

(F) If, at any time it is determined by the director of the facility or program to which, or the person to whom, the respondent is committed that the respondent could be equally well habilitated in a less restrictive environment that is available, the following shall occur:

(1) The respondent shall be released by the director of the facility or program or by the person forthwith and referred to the court together with a report of the findings and recommendations of the facility, program, or person.

(2) The director of the facility or program or the person shall notify the respondent's counsel and the designee of the director of developmental disabilities.

(3) The court shall dismiss the case or order placement in the less restrictive environment.

(G)(1) Except as provided in divisions (G)(2) and (3) of this section, any person who has been committed under this section may apply at any time during the ninety-day period for voluntary admission to an institution under section 5123.69 of the Revised Code. Upon admission of a voluntary resident, the managing officer immediately shall notify the court, the respondent's counsel, and the designee of the director in writing of that fact by mail or otherwise, and, upon receipt of the notice, the court shall dismiss the case.

(2) A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not be voluntarily admitted to an institution pursuant to division (G)(1) of this section until after the termination of the commitment, as described in division (J) of section 2945.401 of the Revised Code.

(H) If, at the end of any commitment period, the respondent has not already been discharged or has not requested voluntary admission status, the director of the facility or program, or the person to whose care the respondent has been committed, shall discharge the respondent forthwith, unless at least ten days before the expiration of that period the designee of the director

of developmental disabilities or the prosecutor files an 16093
application with the court requesting continued commitment. 16094

(1) An application for continued commitment shall include a 16095
written report containing a current comprehensive evaluation and 16096
assessment, a diagnosis, a prognosis, an account of progress and 16097
past habilitation, and a description of alternative habilitation 16098
settings and plans, including a habilitation setting that is the 16099
least restrictive setting consistent with the need for 16100
habilitation. A copy of the application shall be provided to 16101
respondent's counsel. The requirements for notice under section 16102
5123.73 of the Revised Code and the provisions of divisions (A) to 16103
(E) of this section apply to all hearings on such applications. 16104

(2) A hearing on the first application for continued 16105
commitment shall be held at the expiration of the first ninety-day 16106
period. The hearing shall be mandatory and may not be waived. 16107

(3) Subsequent periods of commitment not to exceed one 16108
hundred eighty days each may be ordered by the court if the 16109
designee of the director of developmental disabilities files an 16110
application for continued commitment, after a hearing is held on 16111
the application or without a hearing if no hearing is requested 16112
and no hearing required under division (H)(4) of this section is 16113
waived. Upon the application of a person involuntarily committed 16114
under this section, supported by an affidavit of a licensed 16115
physician alleging that the person is no longer a mentally 16116
retarded person subject to institutionalization by court order, 16117
the court for good cause shown may hold a full hearing on the 16118
person's continued commitment prior to the expiration of any 16119
subsequent period of commitment set by the court. 16120

(4) A mandatory hearing shall be held at least every two 16121
years after the initial commitment. 16122

(5) If the court, after a hearing upon a request to continue 16123

commitment, finds that the respondent is a mentally retarded 16124
person subject to institutionalization by court order, the court 16125
may make an order pursuant to divisions (C), (D), and (E) of this 16126
section. 16127

(I) Notwithstanding the provisions of division (H) of this 16128
section, no person who is found to be a mentally retarded person 16129
subject to institutionalization by court order pursuant to 16130
division (O)(2) of section 5123.01 of the Revised Code shall be 16131
held under involuntary commitment for more than five years. 16132

(J) The managing officer admitting a person pursuant to a 16133
judicial proceeding, within ten working days of the admission, 16134
shall make a report of the admission to the department. 16135

Sec. 5123.89. (A) As used in this section: 16136

(1) "Family" means a parent, brother, sister, spouse, son, 16137
daughter, grandparent, aunt, uncle, or cousin. 16138

(2) "Payment" means activities undertaken by a service 16139
provider or government entity to obtain or provide reimbursement 16140
for services provided to a person. 16141

(3) "Treatment" means the provision of services to a person, 16142
including the coordination or management of services provided to 16143
the person. 16144

(B) All certificates, applications, records, and reports made 16145
for the purpose of this chapter, other than court journal entries 16146
or court docket entries, which directly or indirectly identify a 16147
resident or former resident of an institution for the mentally 16148
retarded or person whose institutionalization has been sought 16149
under this chapter shall be kept confidential and shall not be 16150
disclosed by any person except in the following situations: 16151

(1) It is the judgment of the court for judicial records, and 16152
the managing officer for institution records, that disclosure is 16153

in the best interest of the person identified, and that person or 16154
that person's guardian or, if that person is a minor, that 16155
person's parent or guardian consents. 16156

(2) Disclosure is provided for in other sections of this 16157
chapter. 16158

(3) It is the judgment of the managing officer for 16159
institution records that disclosure to a mental health facility is 16160
in the best interest of the person identified. 16161

(4) Disclosure is of a record deposited with the Ohio 16162
historical society pursuant to division (C) of section 5123.31 of 16163
the Revised Code and the disclosure is made to the closest living 16164
relative of the person identified, on the relative's request. 16165

~~(B)(5) Disclosure is needed for the treatment of a person who 16166
is a resident or former resident of an institution for the 16167
mentally retarded or a person whose institutionalization has been 16168
sought under this chapter or is needed for the payment of services 16169
provided to the person. 16170~~

(C) The department of developmental disabilities shall adopt 16171
rules with respect to the systematic and periodic destruction of 16172
residents' records. 16173

~~(C)(1) As used in this division, "family" means a parent, 16174
brother, sister, spouse, son, daughter, grandparent, aunt, uncle, 16175
or cousin. 16176~~

~~(2)~~(D) Upon the death of a resident or former resident of an 16177
institution for the mentally retarded or a person whose 16178
institutionalization was sought under this chapter, the managing 16179
officer of an institution shall provide access to the 16180
certificates, applications, records, and reports made for the 16181
purposes of this chapter to the resident's, former resident's, or 16182
person's guardian if the guardian makes a written request. If a 16183
deceased resident, former resident, or person whose 16184

institutionalization was sought under this chapter did not have a guardian at the time of death, the managing officer shall provide access to the certificates, applications, records, and reports made for purposes of this chapter to a member of the person's family, upon that family member's written request.

~~(D)~~(E) No person shall reveal the contents of a record of a resident except as authorized by this chapter.

Sec. 5124.01. As used in this chapter:

(A) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator with the exiting operator specified in division (A)(1) of this section.

(B) "Allowable costs" means an ICF/IID's costs that the department of developmental disabilities determines are reasonable. Fines paid under section 5124.99 of the Revised Code are not allowable costs.

(C) "Capital costs" means an ICF/IID's costs of ownership and costs of nonextensive renovation.

(D) "Case-mix score" means the measure determined under section 5124.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to an ICF/IID resident.

(E) "Change of operator" means an entering operator becoming the operator of an ICF/IID in the place of the exiting operator.

(1) Actions that constitute a change of operator include the following:	16215 16216
(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship;	16217 16218 16219
(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/IID to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/IID is also transferred;	16220 16221 16222 16223 16224
(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease;	16225 16226
(d) If the exiting operator is a partnership, dissolution of the partnership;	16227 16228
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	16229 16230
(i) The change in composition does not cause the partnership's dissolution under state law.	16231 16232
(ii) The partners agree that the change in composition does not constitute a change in operator.	16233 16234
(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.	16235 16236 16237 16238
(2) The following, alone, do not constitute a change of operator:	16239 16240
(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;	16241 16242 16243
(b) A change of ownership, lease, or termination of a lease	16244

of real property or personal property associated with an ICF/IID	16245
if an entering operator does not become the operator in place of	16246
an exiting operator;	16247
(c) If the operator is a corporation, a change of one or more	16248
members of the corporation's governing body or transfer of	16249
ownership of one or more shares of the corporation's stock, if the	16250
same corporation continues to be the operator.	16251
(F) "Cost center" means the following:	16252
(1) Capital costs;	16253
(2) Direct care costs;	16254
(3) Indirect care costs;	16255
(4) Other protected costs.	16256
(G) "Costs of nonextensive renovations" means the actual	16257
expense incurred by an ICF/IID for depreciation or amortization	16258
and interest on renovations that are not extensive renovations.	16259
(H)(1) "Costs of ownership" means the actual expenses	16260
incurred by an ICF/IID for all of the following:	16261
(a) Subject to division (H)(2) of this section, depreciation	16262
and interest on any capital assets that cost five hundred dollars	16263
or more per item, including the following:	16264
(i) Buildings;	16265
(ii) Building improvements that are not approved as	16266
nonextensive renovations under section 5124.17 of the Revised	16267
Code;	16268
(iii) Equipment;	16269
(iv) Extensive renovations;	16270
(v) Transportation equipment.	16271
(b) Amortization and interest on land improvements and	16272

leasehold improvements;	16273
(c) Amortization of financing costs;	16274
(d) Except as provided in division (Z) of this section, lease and rent of land, building, and equipment.	16275 16276
(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.	16277 16278 16279
(I)(1) "Date of licensure" means the following:	16280
(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;	16281 16282 16283 16284 16285
(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;	16286 16287 16288
(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.	16289 16290 16291 16292 16293 16294
(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:	16295 16296 16297 16298 16299 16300
(a) The additional beds are located in a part of the ICF/IID that was constructed at the same time as the continuing beds	16301 16302

already located in that part of the ICF/IID~~+~~. 16303

(b) The part of the ICF/IID in which the additional beds are 16304
located was constructed as part of the ICF/IID at a time when the 16305
ICF/IID was not required by law to be licensed as a nursing home 16306
or residential facility. 16307

(3) The definition of "date of licensure" in this section 16308
applies in determinations of ICFs/IID's medicaid payment rates but 16309
does not apply in determinations of ICFs/IID's franchise permit 16310
fees under sections 5168.60 to 5168.71 of the Revised Code. 16311

(J) "Desk-reviewed" means that an ICF/IID's costs as reported 16312
on a cost report filed under section 5124.10 or 5124.101 of the 16313
Revised Code have been subjected to a desk review under section 16314
5124.108 of the Revised Code and preliminarily determined to be 16315
allowable costs. 16316

(K) "Developmental center" means a residential facility that 16317
is maintained and operated by the department of developmental 16318
disabilities. 16319

(L) "Direct care costs" means all of the following costs 16320
incurred by an ICF/IID: 16321

(1) Costs for registered nurses, licensed practical nurses, 16322
and nurse aides employed by the ICF/IID; 16323

(2) Costs for direct care staff, administrative nursing 16324
staff, medical directors, respiratory therapists, physical 16325
therapists, physical therapy assistants, occupational therapists, 16326
occupational therapy assistants, speech therapists, audiologists, 16327
habilitation staff (including habilitation supervisors), qualified 16328
intellectual disability professionals, program directors, social 16329
services staff, activities staff, off-site day programming, 16330
psychologists, psychology assistants, social workers, counselors, 16331
and other persons holding degrees qualifying them to provide 16332
therapy; 16333

(3) Costs of purchased nursing services;	16334
(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in divisions (L)(1), (2), and (3) of this section;	16335 16336 16337 16338 16339 16340
(5) Costs of quality assurance;	16341
(6) Costs of consulting and management fees related to direct care;	16342 16343
(7) Allocated direct care home office costs;	16344
(8) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5124.03 of the Revised Code.	16345 16346 16347
(M) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code.	16348 16349 16350 16351
(N) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.	16352 16353
(O) "Effective date of a facility closure" means the last day that the last of the residents of the ICF/IID resides in the ICF/IID.	16354 16355 16356
(P) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the ICF/IID or the last day that such a provider agreement is in effect when the department cancels or refuses to revalidate it.	16357 16358 16359 16360 16361
(Q) "Effective date of a voluntary termination" means the day the ICF/IID ceases to accept medicaid recipients.	16362 16363

(R) "Entering operator" means the person or government entity that will become the operator of an ICF/IID when a change of operator occurs or following an involuntary termination.	16364 16365 16366
(S) "Exiting operator" means any of the following:	16367
(1) An operator that will cease to be the operator of an ICF/IID on the effective date of a change of operator;	16368 16369
(2) An operator that will cease to be the operator of an ICF/IID on the effective date of a facility closure;	16370 16371
(3) An operator of an ICF/IID that is undergoing or has undergone a voluntary termination;	16372 16373
(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination.	16374 16375
(T)(1) "Extensive renovation" means the following:	16376
(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:	16377 16378
(i) It was started before July 1, 1993 + .	16379
(ii) It meets the definition of "extensive renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.	16380 16381 16382
(b) An ICF/IID's betterment, improvement, or restoration to which all of the following apply:	16383 16384
(i) It was started on or after July 1, 1993 + .	16385
(ii) Except as provided in division (T)(2) of this section, it costs more than sixty-five per cent and not more than eighty-five per cent of the cost of constructing a new bed + .	16386 16387 16388
(iii) It extends the useful life of the assets for at least ten years.	16389 16390
(2) The department of developmental disabilities may treat a renovation that costs more than eighty-five per cent of the cost	16391 16392

of constructing new beds as an extensive renovation if the 16393
department determines that the renovation is more prudent than 16394
construction of new beds. 16395

(3) For the purpose of division (T)(1)(b)(ii) of this 16396
section, the cost of constructing a new bed shall be considered to 16397
be forty thousand dollars, adjusted for the estimated rate of 16398
inflation from January 1, 1993, to the end of the calendar year 16399
during which the extensive renovation is completed, using the 16400
consumer price index for shelter costs for all urban consumers for 16401
the north central region, as published by the United States bureau 16402
of labor statistics. 16403

(U)(1) Subject to divisions (U)(2) and (3) of this section, 16404
"facility closure" means either of the following: 16405

(a) Discontinuance of the use of the building, or part of the 16406
building, that houses the facility as an ICF/IID that results in 16407
the relocation of all of the facility's residents; 16408

(b) Conversion of the building, or part of the building, that 16409
houses an ICF/IID to a different use with any necessary license or 16410
other approval needed for that use being obtained and one or more 16411
of the facility's residents remaining in the facility to receive 16412
services under the new use. 16413

(2) A facility closure occurs regardless of any of the 16414
following: 16415

(a) The operator completely or partially replacing the 16416
ICF/IID by constructing a new ICF/IID or transferring the 16417
ICF/IID's license to another ICF/IID; 16418

(b) The ICF/IID's residents relocating to another of the 16419
operator's ICFs/IID; 16420

(c) Any action the department of health takes regarding the 16421
ICF/IID's medicaid certification that may result in the transfer 16422

of part of the ICF/IID's survey findings to another of the 16423
operator's ICFs/IID; 16424

(d) Any action the department of developmental disabilities 16425
takes regarding the ICF/IID's license under section 5123.19 of the 16426
Revised Code. 16427

(3) A facility closure does not occur if all of the ICF/IID's 16428
residents are relocated due to an emergency evacuation and one or 16429
more of the residents return to a medicaid-certified bed in the 16430
ICF/IID not later than thirty days after the evacuation occurs. 16431

(V) "Fiscal year" means the fiscal year of this state, as 16432
specified in section 9.34 of the Revised Code. 16433

(W) "Franchise permit fee" means the fee imposed by sections 16434
5168.60 to 5168.71 of the Revised Code. 16435

(X) "Home and community-based services" has the same meaning 16436
as in section 5123.01 of the Revised Code. 16437

(Y) "ICF/IID services" has the same meaning as in 42 C.F.R. 16438
440.150. 16439

(Z)(1) "Indirect care costs" means all reasonable costs 16440
incurred by an ICF/IID other than capital costs, direct care 16441
costs, and other protected costs. "Indirect care costs" includes 16442
costs of habilitation supplies, pharmacy consultants, medical and 16443
habilitation records, program supplies, incontinence supplies, 16444
food, enterals, dietary supplies and personnel, laundry, 16445
housekeeping, security, administration, liability insurance, 16446
bookkeeping, purchasing department, human resources, 16447
communications, travel, dues, license fees, subscriptions, home 16448
office costs not otherwise allocated, legal services, accounting 16449
services, minor equipment, maintenance and repair expenses, 16450
help-wanted advertising, informational advertising, start-up 16451
costs, organizational expenses, other interest, property 16452
insurance, employee training and staff development, employee 16453

benefits, payroll taxes, and workers' compensation premiums or 16454
costs for self-insurance claims and related costs, as specified in 16455
rules adopted under section 5124.03 of the Revised Code, for 16456
personnel listed in this division. Notwithstanding division (H) of 16457
this section, "indirect care costs" also means the cost of 16458
equipment, including vehicles, acquired by operating lease 16459
executed before December 1, 1992, if the costs are reported as 16460
administrative and general costs on the ICF/IID's cost report for 16461
the cost reporting period ending December 31, 1992. 16462

(2) For the purpose of division (Z)(1) of this section, an 16463
operating lease shall be construed in accordance with generally 16464
accepted accounting principles. 16465

(AA) "Inpatient days" means both of the following: 16466

(1) All days during which a resident, regardless of payment 16467
source, occupies a bed in an ICF/IID that is included in the 16468
ICF/IID's medicaid-certified capacity; 16469

(2) All days for which payment is made under section 5124.34 16470
of the Revised Code. 16471

(BB) "Intermediate care facility for individuals with 16472
intellectual disabilities" and "ICF/IID" mean an intermediate care 16473
facility for the mentally retarded as defined in the "Social 16474
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 16475

(CC) "Involuntary termination" means the department of 16476
medicaid's termination of, cancellation of, or refusal to 16477
revalidate the operator's provider agreement for the ICF/IID when 16478
such action is not taken at the operator's request. 16479

(DD) "Maintenance and repair expenses" means, except as 16480
provided in division (TT)(2)(b) of this section, expenditures that 16481
are necessary and proper to maintain an asset in a normally 16482
efficient working condition and that do not extend the useful life 16483
of the asset two years or more. "Maintenance and repair expenses" 16484

includes the costs of ordinary repairs such as painting and 16485
wallpapering. 16486

(EE) "Medicaid-certified capacity" means the number of an 16487
ICF/IID's beds that are certified for participation in medicaid as 16488
ICF/IID beds. 16489

(FF) "Medicaid days" means both of the following: 16490

(1) All days during which a resident who is a medicaid 16491
recipient eligible for ICF/IID services occupies a bed in an 16492
ICF/IID that is included in the ICF/IID's medicaid-certified 16493
capacity; 16494

(2) All days for which payment is made under section 5124.34 16495
of the Revised Code. 16496

(GG)(1) "New ICF/IID" means an ICF/IID for which the provider 16497
obtains an initial provider agreement following the director of 16498
health's medicaid certification of the ICF/IID, including such an 16499
ICF/IID that replaces one or more ICFs/IID for which a provider 16500
previously held a provider agreement. 16501

(2) "New ICF/IID" does not mean either of the following: 16502

(a) An ICF/IID for which the entering operator seeks a 16503
provider agreement pursuant to section 5124.511 or 5124.512 or 16504
(pursuant to section 5124.515) section 5124.07 of the Revised 16505
Code; 16506

(b) A downsized ICF/IID or partially converted ICF/IID. 16507

(HH) "Nursing home" has the same meaning as in section 16508
3721.01 of the Revised Code. 16509

(II) "Operator" means the person or government entity 16510
responsible for the daily operating and management decisions for 16511
an ICF/IID. 16512

(JJ) "Other protected costs" means costs incurred by an 16513
ICF/IID for medical supplies; real estate, franchise, and property 16514

taxes; natural gas, fuel oil, water, electricity, sewage, and 16515
refuse and hazardous medical waste collection; allocated other 16516
protected home office costs; and any additional costs defined as 16517
other protected costs in rules adopted under section 5124.03 of 16518
the Revised Code. 16519

(KK)(1) "Owner" means any person or government entity that 16520
has at least five per cent ownership or interest, either directly, 16521
indirectly, or in any combination, in any of the following 16522
regarding an ICF/IID: 16523

(a) The land on which the ICF/IID is located; 16524

(b) The structure in which the ICF/IID is located; 16525

(c) Any mortgage, contract for deed, or other obligation 16526
secured in whole or in part by the land or structure on or in 16527
which the ICF/IID is located; 16528

(d) Any lease or sublease of the land or structure on or in 16529
which the ICF/IID is located. 16530

(2) "Owner" does not mean a holder of a debenture or bond 16531
related to an ICF/IID and purchased at public issue or a regulated 16532
lender that has made a loan related to the ICF/IID unless the 16533
holder or lender operates the ICF/IID directly or through a 16534
subsidiary. 16535

(LL) "Partially converted ICF/IID" means an ICF/IID that 16536
converted some, but not all, of its beds to providing home and 16537
community-based services under the individual options waiver 16538
pursuant to section 5124.60 or 5124.61 of the Revised Code. 16539

(MM)(1) Except as provided in divisions (MM)(2) and (3) of 16540
this section, "per diem" means an ICF/IID's desk-reviewed, actual, 16541
allowable costs in a given cost center in a cost reporting period, 16542
divided by the facility's inpatient days for that cost reporting 16543
period. 16544

(2) When determining capital costs for the purpose of section 5124.17 of the Revised Code, "per diem" means an ICF/IID's actual, allowable capital costs in a ~~cost-reporting~~ cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been ninety-five per cent.

(3) When determining indirect care costs for the purpose of section 5124.21 of the Revised Code, "per diem" means an ICF/IID's actual, allowable indirect care costs in a ~~cost-reporting~~ cost reporting period divided by the greater of the ICF/IID's inpatient days for that period or the number of inpatient days the ICF/IID would have had during that period if its occupancy rate had been eighty-five per cent.

(NN) "Provider" means an operator with a valid provider agreement.

(OO) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the provision of ICF/IID services under the medicaid program.

(PP) "Purchased nursing services" means services that are provided in an ICF/IID by registered nurses, licensed practical nurses, or nurse aides who are not employees of the ICF/IID.

(QQ) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.

(RR) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is

associated or affiliated with, has control of, or is controlled 16576
by, a provider. 16577

(1) An individual who is a relative of an owner is a related 16578
party. 16579

(2) Common ownership exists when an individual or individuals 16580
possess significant ownership or equity in both the provider and 16581
the other organization. Significant ownership or equity exists 16582
when an individual or individuals possess five per cent ownership 16583
or equity in both the provider and a supplier. Significant 16584
ownership or equity is presumed to exist when an individual or 16585
individuals possess ten per cent ownership or equity in both the 16586
provider and another organization from which the provider 16587
purchases or leases real property. 16588

(3) Control exists when an individual or organization has the 16589
power, directly or indirectly, to significantly influence or 16590
direct the actions or policies of an organization. 16591

(4) An individual or organization that supplies goods or 16592
services to a provider shall not be considered a related party if 16593
all of the following conditions are met: 16594

(a) The supplier is a separate bona fide organization. 16595

(b) A substantial part of the supplier's business activity of 16596
the type carried on with the provider is transacted with others 16597
than the provider and there is an open, competitive market for the 16598
types of goods or services the supplier furnishes. 16599

(c) The types of goods or services are commonly obtained by 16600
other ICFs/IID from outside organizations and are not a basic 16601
element of resident care ordinarily furnished directly to 16602
residents by the ICFs/IID. 16603

(d) The charge to the provider is in line with the charge for 16604
the goods or services in the open market and no more than the 16605

charge made under comparable circumstances to others by the supplier.	16606 16607
(SS) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships:	16608 16609
(1) Spouse;	16610
(2) Natural parent, child, or sibling;	16611
(3) Adopted parent, child, or sibling;	16612
(4) Stepparent, stepchild, stepbrother, or stepsister;	16613
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	16614 16615
(6) Grandparent or grandchild;	16616
(7) Foster caregiver, foster child, foster brother, or foster sister.	16617 16618
(TT)(1) "Renovation" means the following:	16619
(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:	16620 16621
(i) It was started before July 1, 1993+ <u>1</u>	16622
(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.	16623 16624 16625
(b) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:	16626 16627
(i) It was started on or after July 1, 1993+ <u>1</u>	16628
(ii) It betters, improves, or restores the ICF/IID beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed.	16629 16630 16631
(2) A renovation started on or after July 1, 1993, may include both of the following:	16632 16633

(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years;

(b) Costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project.

(3) "Renovation" does not mean construction of additional space for beds that will be added to an ICF/IID's licensed capacity or medicaid-certified capacity.

(UU) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(VV) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare.

(WW) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.

(XX) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.

(YY) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.

Sec. 5124.106. (A) If an ICF/IID provider required by section 5124.10 of the Revised Code to file a cost report for the ICF/IID fails to file the cost report by the date it is due or the date, if any, to which the due date is extended pursuant to division (E) of that section, or files an incomplete or inadequate report for the ICF/IID under that section, the department of developmental disabilities shall ~~provide immediate~~ do both of the following:

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~~(1) Give written notice to the provider that the provider agreement for the ICF/IID will be terminated in thirty days unless the provider submits a complete and adequate cost report for the ICF/IID within thirty days. During the thirty day termination period or any additional time allowed for an appeal of the proposed termination of a provider agreement, the provider shall be paid the ICF/IID's then current per medicaid day payment rate, minus the dollar amount by which ICFs/IID's per medicaid day payment rates are reduced during fiscal year 2013 in accordance with division (A)(2) of section 5111.26 of the Revised Code (renumbered as section 5165.10 of the Revised Code by H.B. 59 of the 130th general assembly) as that section existed on the day immediately preceding the effective date of this section. On the first day of each July, the department shall adjust the amount of the reduction in effect during the previous twelve months to reflect the rate of inflation during the preceding twelve months;~~

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(2) Reduce the per medicaid day payment rate for the provider's ICF/IID by the amount specified in division (B) of this section for the period of time specified in division (C) of this section.

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(B) For the purpose of division (A)(2) of this section, an ICF/IID's per medicaid day payment rate shall be reduced by the following amount:

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(1) In the case of a reduction made during the period beginning on the effective date of this amendment and ending on the first day of the first fiscal year beginning after the effective date of this amendment, two dollars;

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(2) In the case of a reduction made during the first fiscal year beginning after the effective date of this amendment and each fiscal year thereafter, the amount of the reduction in effect on

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the last day of the fiscal year immediately preceding the fiscal year in which the reduction is made adjusted by the rate of inflation during that immediately preceding fiscal year, as shown in the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics. 16695
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(C) The period of time that an ICF/IID's per medicaid day payment rate is reduced under this section shall begin and end as follows: 16701
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(1) The period shall begin on the following date: 16704

(a) The day immediately following the date the cost report is due or to which the due date is extended, as applicable, if the reduction is made because the provider fails to file a cost report by that date; 16705
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(b) The day the department gives the provider written notice under division (A)(1) of this section of the proposed provider agreement termination, if the reduction is made because the provider files an incomplete or inadequate cost report. 16709
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(2) The period shall end on the last day of the thirty-day period specified in the notice given under division (A)(1) of this section or any additional period allowed for an appeal of the proposed provider agreement termination. 16713
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Sec. 5124.21. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day payment rate for indirect care costs. Except as otherwise provided in this chapter, an ICF/IID's rate shall be determined prospectively. Subject to section 5124.28 of the Revised Code, an ICF/IID's rate shall be the lesser of the individual rate determined under division (B) of this section and the maximum rate determined for the ICF/IID's peer group under 16717
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division (C) of this section. 16725

(B) An ICF/IID's individual rate is the sum of the following: 16726

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 16727
indirect care costs from the calendar year immediately preceding 16728
the fiscal year in which the rate will be paid, adjusted for the 16729
inflation rate estimated under division ~~(D)~~(E)(1) of this section; 16730

(2) ~~If the ICF/IID has more than eight beds~~ Subject to 16731
division (D) of this section, an efficiency incentive ~~in the~~ 16732
~~following amount:~~ 16733

~~(a) For fiscal year 2014, seven and one tenth per cent of the~~ 16734
~~maximum rate established for the ICF/IID's peer group under~~ 16735
~~division (C) of this section;~~ 16736

~~(b) For fiscal year 2015, the following amount:~~ 16737

~~(i) The amount calculated for fiscal year 2014 under division~~ 16738
~~(B)(2)(a) of this section if the provider of the ICF/IID obtains~~ 16739
~~the department's approval to become a downsized ICF/IID and the~~ 16740
~~approval is conditioned on the downsizing being completed not~~ 16741
~~later than July 1, 2018;~~ 16742

~~(ii) One half of the amount calculated for fiscal year 2014~~ 16743
~~under division (B)(2)(a) of this section if division (B)(2)(b)(i)~~ 16744
~~of this section does not apply to the ICF/IID~~ equal to the 16745
difference between the amount of the per diem indirect care costs 16746
determined for the ICF/IID under division (B)(1) of this section 16747
for the fiscal year in which the rate will be paid and the maximum 16748
rate established for the ICF/IID's peer group under division (C) 16749
of this section for that fiscal year. 16750

~~(c) For fiscal year 2016 and each fiscal year thereafter~~ 16751
~~ending in an even numbered calendar year, the following~~ 16752
~~percentages of the maximum rate established for the ICF/IID's peer~~ 16753
~~group under division (C) of this section:~~ 16754

~~(i) Seven and one tenth per cent if the provider of the ICF/IID obtains the department's approval to become a downsized ICF/IID and the approval is conditioned on the downsizing being completed not later than July 1, 2018;~~

~~(ii) Three and fifty five hundredths per cent if division (B)(2)(c)(i) of this section does not apply to the ICF/IID.~~

~~(d) For fiscal year 2017 and each fiscal year thereafter ending in an odd numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (B)(2)(c) of this section.~~

~~(3) If the ICF/IID has eight or fewer beds, an efficiency incentive in the following amount:~~

~~(a) For each fiscal year ending in an even numbered calendar year, seven per cent of the maximum rate established for the ICF/IID's peer group under division (C) of this section;~~

~~(b) For each fiscal year ending in an odd numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (B)(3)(a) of this section.~~

(C)(1) The maximum rate for indirect care costs for each peer group of ICFs/IID with more than eight beds shall be determined as follows:

(a) For each fiscal year ending in an even-numbered calendar year, the maximum rate for each such peer group shall be the rate that is no less than twelve and four-tenths per cent above the median desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID in the peer group (excluding ICFs/IID in the peer group whose indirect care costs for that period are more than three standard deviations from the mean desk-reviewed, actual, allowable, per diem indirect care cost for all ICFs/IID with more than eight beds) for the calendar year immediately preceding the fiscal year in which the rate will be paid, adjusted by the

inflation rate estimated under division ~~(D)~~(E)(1) of this section. 16786

(b) For each fiscal year ending in an odd-numbered calendar 16787
year, the maximum rate for each such peer group is the peer 16788
group's maximum rate for the previous fiscal year, adjusted for 16789
the inflation rate estimated under division ~~(D)~~(E)(2) of this 16790
section. 16791

(2) The maximum rate for indirect care costs for each peer 16792
group of ICFs/IID with eight or fewer beds shall be determined as 16793
follows: 16794

(a) For each fiscal year ending in an even-numbered calendar 16795
year, the maximum rate for each such peer group shall be the rate 16796
that is no less than ten and three-tenths per cent above the 16797
median desk-reviewed, actual, allowable, per diem indirect care 16798
cost for all ICFs/IID in the peer group (excluding ICFs/IID in the 16799
peer group whose indirect care costs are more than three standard 16800
deviations from the mean desk-reviewed, actual, allowable, per 16801
diem indirect care cost for all ICFs/IID with eight or fewer beds) 16802
for the calendar year immediately preceding the fiscal year in 16803
which the rate will be paid, adjusted by the inflation rate 16804
estimated under division ~~(D)~~(E)(1) of this section. 16805

(b) For each fiscal year ending in an odd-numbered calendar 16806
year, the maximum rate for each such peer group is the peer 16807
group's maximum rate for the previous fiscal year, adjusted for 16808
the inflation rate estimated under division ~~(D)~~(E)(2) of this 16809
section. 16810

(3) The department shall not redetermine a maximum rate for 16811
indirect care costs under division (C)(1) or (2) of this section 16812
based on additional information that it receives after the maximum 16813
rate is set. The department shall redetermine the maximum rate for 16814
indirect care costs only if it made an error in computing the 16815
maximum rate based on the information available to the department 16816

at the time of the original calculation. 16817

(D)(1) The efficiency incentive for an ICF/IID with more than 16818
eight beds shall not exceed the following: 16819

(a) For fiscal year 2014, seven and one-tenth per cent of the 16820
maximum rate established for the ICF/IID's peer group under 16821
division (C) of this section; 16822

(b) For fiscal year 2015, the following amount: 16823

(i) The amount calculated for fiscal year 2014 under division 16824
(D)(1)(a) of this section if the provider of the ICF/IID obtains 16825
the department's approval to become a downsized ICF/IID and the 16826
approval is conditioned on the downsizing being completed not 16827
later than July 1, 2018; 16828

(ii) One-half of the amount calculated for fiscal year 2014 16829
under division (D)(1)(a) of this section if division (D)(1)(b)(i) 16830
of this section does not apply to the ICF/IID. 16831

(c) For fiscal year 2016 and each fiscal year thereafter 16832
ending in an even-numbered calendar year, the following 16833
percentages of the maximum rate established for the ICF/IID's peer 16834
group under division (C) of this section: 16835

(i) Seven and one-tenth per cent if the provider of the 16836
ICF/IID obtains the department's approval to become a downsized 16837
ICF/IID and the approval is conditioned on the downsizing being 16838
completed not later than July 1, 2018; 16839

(ii) Three and fifty-five hundredths per cent if division 16840
(D)(1)(c)(i) of this section does not apply to the ICF/IID. 16841

(d) For fiscal year 2017 and each fiscal year thereafter 16842
ending in an odd-numbered calendar year, the amount calculated for 16843
the immediately preceding fiscal year under division (D)(1)(c) of 16844
this section. 16845

(2) The efficiency incentive for an ICF/IID with eight or 16846

fewer beds shall not exceed the following: 16847

(a) For each fiscal year ending in an even-numbered calendar year, seven per cent of the maximum rate established for the ICF/IID's peer group under division (C) of this section; 16848
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(b) For each fiscal year ending in an odd-numbered calendar year, the amount calculated for the immediately preceding fiscal year under division (D)(2)(a) of this section. 16851
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(E)(1) When adjusting rates for inflation under divisions (B)(1), (C)(1)(a), and (C)(2)(a) of this section, the department shall estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the calendar year immediately preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid. To estimate the rate of inflation, the department shall use the following: 16854
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(a) Subject to division ~~(D)~~(E)(1)(b) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics; 16862
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(b) If the United States bureau of labor statistics ceases to publish the index specified in division ~~(D)~~(E)(1)(a) of this section, a comparable index that the bureau publishes and the department determines is appropriate. 16866
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(2) When adjusting rates for inflation under divisions (C)(1)(b) and (C)(2)(b) of this section, the department shall estimate the rate of inflation for the twelve-month period beginning on the first day of January of the fiscal year immediately preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid. To estimate the rate of inflation, the department shall use the following: 16870
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(a) Subject to division ~~(D)~~(E)(2)(b) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(b) If the United States bureau of labor statistics ceases to publish the index specified in division ~~(D)~~(E)(2)(a) of this section, a comparable index that the bureau publishes and the department determines is appropriate.

(3) If an inflation rate estimated under division ~~(D)~~(E)(1) or (2) of this section is different from the actual inflation rate for the relevant time period, as measured using the same index, the difference shall be added to or subtracted from the inflation rate estimated pursuant to this division for the following fiscal year.

~~(E)~~(F) The director of developmental disabilities shall adopt rules under section 5124.03 of the Revised Code that specify peer groups of ICFs/IID with more than eight beds and peer groups of ICFs/IID with eight or fewer beds, based on findings of significant per diem indirect care cost differences due to geography and bed-size. The rules also may specify peer groups based on findings of significant per diem indirect care cost differences due to other factors, including case-mix.

Sec. 5124.60. (A) For the purpose of increasing the number of slots available for home and community-based services ~~and subject to sections 5124.63 and 5124.64 of the Revised Code~~, the operator of an ICF/IID may convert some or all of the beds in the ICF/IID from providing ICF/IID services to providing home and community-based services if all of the following requirements are met:

(1) The operator provides the directors of health and developmental disabilities at least ninety days' notice of the

operator's intent to make the conversion. 16909

(2) The operator complies with the requirements of sections 16910
5124.50 to 5124.53 of the Revised Code regarding a voluntary 16911
termination if those requirements are applicable. 16912

(3) If the operator intends to convert all of the ICF/IID's 16913
beds, the operator notifies each of the ICF/IID's residents that 16914
the ICF/IID is to cease providing ICF/IID services and inform each 16915
resident that the resident may do either of the following: 16916

(a) Continue to receive ICF/IID services by transferring to 16917
another ICF/IID that is willing and able to accept the resident if 16918
the resident continues to qualify for ICF/IID services; 16919

(b) Begin to receive home and community-based services 16920
instead of ICF/IID services from any provider of home and 16921
community-based services that is willing and able to provide the 16922
services to the resident if the resident is eligible for the 16923
services and a slot for the services is available to the resident. 16924

(4) If the operator intends to convert some but not all of 16925
the ICF/IID's beds, the operator notifies each of the ICF/IID's 16926
residents that the ICF/IID is to convert some of its beds from 16927
providing ICF/IID services to providing home and community-based 16928
services and inform each resident that the resident may do either 16929
of the following: 16930

(a) Continue to receive ICF/IID services from any ICF/IID 16931
that is willing and able to provide the services to the resident 16932
if the resident continues to qualify for ICF/IID services; 16933

(b) Begin to receive home and community-based services 16934
instead of ICF/IID services from any provider of home and 16935
community-based services that is willing and able to provide the 16936
services to the resident if the resident is eligible for the 16937
services and a slot for the services is available to the resident. 16938

(5) The operator meets the requirements for providing home and community-based services, including the following:	16939 16940
(a) Such requirements applicable to a residential facility if the operator maintains the facility's license as a residential facility;	16941 16942 16943
(b) Such requirements applicable to a facility that is not licensed as a residential facility if the operator surrenders the facility's license as a residential facility under section 5123.19 of the Revised Code.	16944 16945 16946 16947
(6) The director of developmental disabilities approves the conversion.	16948 16949
(B) A decision by the director of developmental disabilities to approve or refuse to approve a proposed conversion of beds is final. In making a decision, the director shall consider all of the following:	16950 16951 16952 16953
(1) The fiscal impact on the ICF/IID if some but not all of the beds are converted;	16954 16955
(2) The fiscal impact on the medicaid program;	16956
(3) The availability of home and community-based services.	16957
(C) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the ICF/IID's beds are to be converted. If some but not all of the beds are to be converted, the notice shall specify how many of the ICF/IID's beds are to be converted and how many of the beds are to continue to provide ICF/IID services. The notice to the director of developmental disabilities shall specify whether the operator wishes to surrender the ICF/IID's license as a residential facility under section 5123.19 of the Revised Code.	16958 16959 16960 16961 16962 16963 16964 16965 16966
(D)(1) If the director of developmental disabilities approves a conversion under division (B) of this section, the director of	16967 16968

health shall do the following: 16969

(a) Terminate the ICF/IID's medicaid certification if the 16970
notice specifies that all of the ICF/IID's beds are to be 16971
converted; 16972

(b) Reduce the ICF/IID's medicaid-certified capacity by the 16973
number of beds being converted if the notice specifies that some 16974
but not all of the beds are to be converted. 16975

(2) The director of health shall notify the medicaid director 16976
of the termination or reduction. On receipt of the notice, the 16977
medicaid director shall do the following: 16978

(a) Terminate the operator's medicaid provider agreement that 16979
authorizes the operator to provide ICF/IID services at the ICF/IID 16980
if the ICF/IID's certification was terminated; 16981

(b) Amend the operator's medicaid provider agreement to 16982
reflect the ICF/IID's reduced medicaid-certified capacity if the 16983
ICF/IID's medicaid-certified capacity is reduced. 16984

(3) In the case of action taken under division (D)(2)(a) of 16985
this section, the operator is not entitled to notice or a hearing 16986
under Chapter 119. of the Revised Code before the medicaid 16987
director terminates the medicaid provider agreement. 16988

Sec. 5124.61. (A) For the purpose of increasing the number of 16989
slots available for home and community-based services ~~and subject~~ 16990
~~to sections 5124.63 and 5124.64 of the Revised Code~~, a person who 16991
acquires, through a request for proposals issued by the director 16992
of developmental disabilities, an ICF/IID for which a residential 16993
facility license was previously surrendered or revoked may convert 16994
some or all of the ICF/IID's beds from providing ICF/IID services 16995
to providing home and community-based services if all of the 16996
following requirements are met: 16997

(1) The person provides the directors of health and 16998

developmental disabilities and medicaid director at least ninety 16999
days' notice of the person's intent to make the conversion. 17000

(2) The person complies with the requirements of sections 17001
5124.50 to 5124.53 of the Revised Code regarding a voluntary 17002
termination if those requirements are applicable. 17003

(3) If the person intends to convert all of the ICF/IID's 17004
beds, the person notifies each of the ICF/IID's residents that the 17005
ICF/IID is to cease providing ICF/IID services and informs each 17006
resident that the resident may do either of the following: 17007

(a) Continue to receive ICF/IID services by transferring to 17008
another ICF/IID willing and able to accept the resident if the 17009
resident continues to qualify for ICF/IID services; 17010

(b) Begin to receive home and community-based services 17011
instead of ICF/IID services from any provider of home and 17012
community-based services that is willing and able to provide the 17013
services to the resident if the resident is eligible for the 17014
services and a slot for the services is available to the resident. 17015

(4) If the person intends to convert some but not all of the 17016
ICF/IID's beds, the person notifies each of the ICF/IID's 17017
residents that the ICF/IID is to convert some of its beds from 17018
providing ICF/IID services to providing home and community-based 17019
services and inform each resident that the resident may do either 17020
of the following: 17021

(a) Continue to receive ICF/IID services from any that is 17022
willing and able to provide the services to the resident if the 17023
resident continues to qualify for ICF/IID services; 17024

(b) Begin to receive home and community-based services 17025
instead of ICF/IID services from any provider of home and 17026
community-based services that is willing and able to provide the 17027
services to the resident if the resident is eligible for the 17028
services and a slot for the services is available to the resident. 17029

(5) The person meets the requirements for providing home and community-based services at a residential facility. 17030
17031

(B) The notice provided to the directors under division 17032
(A)(1) of this section shall specify whether some or all of the 17033
ICF/IID's beds are to be converted. If some but not all of the 17034
beds are to be converted, the notice shall specify how many of the 17035
ICF/IID's beds are to be converted and how many of the beds are to 17036
continue to provide ICF/IID services. 17037

(C) On receipt of a notice under division (A)(1) of this 17038
section, the director of health shall do the following: 17039

(1) Terminate the ICF/IID's medicaid certification if the 17040
notice specifies that all of the facility's beds are to be 17041
converted; 17042

(2) Reduce the ICF/IID's medicaid-certified capacity by the 17043
number of beds being converted if the notice specifies that some 17044
but not all of the beds are to be converted. 17045

(D) The director of health shall notify the medicaid director 17046
of the termination or reduction under division (C) of this 17047
section. On receipt of the director of health's notice, the 17048
medicaid director shall do the following: 17049

(1) Terminate the person's medicaid provider agreement that 17050
authorizes the person to provide ICF/IID services at the ICF/IID 17051
if the ICF/IID's medicaid certification was terminated; 17052

(2) Amend the person's medicaid provider agreement to reflect 17053
the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's 17054
medicaid-certified capacity is reduced. 17055

The person is not entitled to notice or a hearing under 17056
Chapter 119. of the Revised Code before the medicaid director 17057
terminates or amends the medicaid provider agreement. 17058

~~Sec. 5124.62. Subject to section 5124.63 of the Revised Code,~~ 17059

~~the~~ The director of developmental disabilities may request that 17060
the medicaid director seek the approval of the United States 17061
secretary of health and human services to increase the number of 17062
slots available for home and community-based services by a number 17063
not exceeding the number of beds that were part of the licensed 17064
capacity of a residential facility that had its license revoked or 17065
surrendered under section 5123.19 of the Revised Code if the 17066
residential facility was an ICF/IID at the time of the license 17067
revocation or surrender. ~~The revocation or surrender may have~~ 17068
~~occurred before, or may occur on or after, June 24, 2008.~~ The 17069
request may include beds the director of developmental 17070
disabilities removed from such a residential facility's licensed 17071
capacity before transferring ownership or operation of the 17072
residential facility pursuant to a request for proposals. 17073

Sec. 5124.67. (A)(1) The department of developmental 17074
disabilities shall strive to achieve, not later than July 1, 2018, 17075
the following statewide reductions in ICF/IID beds: 17076

~~(1)(a)~~ At least five hundred ~~and not more than six hundred~~ 17077
beds in ICFs/IID that, before becoming downsized ICFs/IID, have 17078
sixteen or more beds; 17079

~~(2)(b)~~ At least five hundred ~~and not more than six hundred~~ 17080
beds in ICFs/IID with any number of beds that convert some or all 17081
of their beds from providing ICF/IID services to providing home 17082
and community-based services pursuant to section 5124.60 or 17083
5124.61 of the Revised Code. 17084

(2) The department shall strive to achieve a reduction of at 17085
least one thousand two hundred ICF/IID beds through a combination 17086
of the methods specified in divisions (A)(1)(a) and (b) of this 17087
section. 17088

(B) In its efforts to achieve the reductions under division 17089

(A) of this section, the department shall collaborate with the Ohio association of county boards serving people with developmental disabilities, the Ohio provider resource association, the Ohio centers for intellectual disabilities formed by the Ohio health care association, and the values and faith alliance. The collaboration efforts may include the following:

(1) Identifying ICFs/IID that may reduce the number of their beds to help achieve the reductions under division (A) of this section;

(2) Encouraging ICF/IID providers to reduce the number of their ICFs/IID's beds;

(3) Establishing interim time frames for making progress in achieving the reductions;

(4) Creating incentives for, and removing impediments to, the reductions;

(5) In the case of ICF/IID beds that are converted to providing home and community-based services, developing a mechanism to compensate providers for beds that permanently cease to provide ICF/IID services.

(C) The department shall meet not less than twice each year with the organizations specified in division (B) of this section to do all of the following:

(1) Review the progress being made in achieving the reductions under division (A) of this section;

(2) Prepare written reports on the progress;

(3) Identify additional measures needed to achieve the reductions.

Sec. 5126.01. As used in this chapter:

(A) As used in this division, "adult" means an individual who

is eighteen years of age or over and not enrolled in a program or 17119
service under Chapter 3323. of the Revised Code and an individual 17120
sixteen or seventeen years of age who is eligible for adult 17121
services under rules adopted by the director of developmental 17122
disabilities pursuant to Chapter 119. of the Revised Code. 17123

(1) "Adult services" means services provided to an adult 17124
outside the home, except when they are provided within the home 17125
according to an individual's assessed needs and identified in an 17126
individual service plan, that support learning and assistance in 17127
the area of self-care, sensory and motor development, 17128
socialization, daily living skills, communication, community 17129
living, social skills, or vocational skills. 17130

(2) "Adult services" includes all of the following: 17131

(a) Adult day habilitation services; 17132

(b) ~~Adult day care;~~ 17133

~~(c) Prevocational Employment services;~~ 17134

~~(d) Sheltered employment;~~ 17135

~~(e)~~(c) Educational experiences and training obtained through 17136
entities and activities that are not expressly intended for 17137
individuals with mental retardation and developmental 17138
disabilities, including trade schools, vocational or technical 17139
schools, adult education, job exploration and sampling, unpaid 17140
work experience in the community, volunteer activities, and 17141
spectator sports; 17142

~~(f) Community employment services and supported employment 17143
services. 17144~~

(B)(1) "Adult day habilitation services" means adult services 17145
that do the following: 17146

(a) Provide access to and participation in typical activities 17147
and functions of community life that are desired and chosen by the 17148

general population, including such activities and functions as 17149
opportunities to experience and participate in community 17150
exploration, companionship with friends and peers, leisure 17151
activities, hobbies, maintaining family contacts, community 17152
events, and activities where individuals without disabilities are 17153
involved; 17154

(b) Provide supports or a combination of training and 17155
supports that afford an individual a wide variety of opportunities 17156
to facilitate and build relationships and social supports in the 17157
community. 17158

(2) "Adult day habilitation services" includes all of the 17159
following: 17160

(a) Personal care services needed to ensure an individual's 17161
ability to experience and participate in vocational services, 17162
educational services, community activities, and any other adult 17163
day habilitation services; 17164

(b) Skilled services provided while receiving adult day 17165
habilitation services, including such skilled services as behavior 17166
management intervention, occupational therapy, speech and language 17167
therapy, physical therapy, and nursing services; 17168

~~(c) Training and education in self-determination designed to 17169
help the individual do one or more of the following: develop 17170
self-advocacy skills, exercise the individual's civil rights, 17171
acquire skills that enable the individual to exercise control and 17172
responsibility over the services received, and acquire skills that 17173
enable the individual to become more independent, integrated, or 17174
productive in the community; 17175~~

~~(d)~~ Recreational and leisure activities identified in the 17176
individual's service plan as therapeutic in nature or assistive in 17177
developing or maintaining social supports; 17178

~~(e)~~(d) Counseling and assistance provided to obtain housing, 17179

including such counseling as identifying options for either rental 17180
or purchase, identifying financial resources, assessing needs for 17181
environmental modifications, locating housing, and planning for 17182
ongoing management and maintenance of the housing selected; 17183

~~(f)~~(e) Transportation necessary to access adult day 17184
habilitation services; 17185

~~(g)~~(f) Habilitation management, as described in section 17186
5126.14 of the Revised Code. 17187

(3) "Adult day habilitation services" does not include 17188
activities that are components of the provision of residential 17189
services, family support services, or supported living services. 17190

(C) "Appointing authority" means the following: 17191

(1) In the case of a member of a county board of 17192
developmental disabilities appointed by, or to be appointed by, a 17193
board of county commissioners, the board of county commissioners; 17194

(2) In the case of a member of a county board appointed by, 17195
or to be appointed by, a senior probate judge, the senior probate 17196
judge. 17197

(D) "Community employment," "competitive employment," and 17198
"integrated setting" have the same meanings as in section 5123.022 17199
of the Revised Code. 17200

(E) "Supported employment services" means vocational 17201
assessment, job training and coaching, job development and 17202
placement, worksite accessibility, and other services related to 17203
employment outside a sheltered workshop. "Supported employment 17204
services" includes both of the following: 17205

(1) Job training resulting in the attainment of community 17206
employment, supported work in a typical work environment, or 17207
self-employment; 17208

(2) Support for ongoing community employment, supported work 17209

at community-based sites, or self-employment. 17210

(F) As used in this division, "~~substantial functional~~ 17211
~~limitation,~~" "developmental delay," and "~~established risk~~" have 17212
has the meanings meaning established pursuant to section 5123.011 17213
of the Revised Code. 17214

"Developmental disability" means a severe, chronic disability 17215
that is characterized by all of the following: 17216

(1) It is attributable to a mental or physical impairment or 17217
a combination of mental and physical impairments, other than a 17218
mental or physical impairment solely caused by mental illness as 17219
defined in division (A) of section 5122.01 of the Revised Code; 17220

(2) It is manifested before age twenty-two; 17221

(3) It is likely to continue indefinitely; 17222

(4) It results in one of the following: 17223

(a) In the case of a person under age three, at least one 17224
developmental delay or ~~an established risk~~ a diagnosed physical or 17225
mental condition that has a high probability of resulting in a 17226
developmental delay; 17227

(b) In the case of a person at least age three but under age 17228
six, at least two developmental delays ~~or an established risk;~~ 17229

(c) In the case of a person age six or older, a substantial 17230
functional limitation in at least three of the following areas of 17231
major life activity, as appropriate for the person's age: 17232
self-care, receptive and expressive language, learning, mobility, 17233
self-direction, capacity for independent living, and, if the 17234
person is at least age sixteen, capacity for economic 17235
self-sufficiency. 17236

(5) It causes the person to need a combination and sequence 17237
of special, interdisciplinary, or other type of care, treatment, 17238
or provision of services for an extended period of time that is 17239

individually planned and coordinated for the person.	17240
(G) "Early childhood services" means a planned program of habilitation designed to meet the needs of individuals with mental retardation or other developmental disabilities who have not attained compulsory school age.	17241 17242 17243 17244
(H) "Employment services" means prevocational services or supported employment services.	17245 17246
(I)(1) "Environmental modifications" means the physical adaptations to an individual's home, specified in the individual's service plan, that are necessary to ensure the individual's health, safety, and welfare or that enable the individual to function with greater independence in the home, and without which the individual would require institutionalization.	17247 17248 17249 17250 17251 17252
(2) "Environmental modifications" includes such adaptations as installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, and installation of specialized electric and plumbing systems necessary to accommodate the individual's medical equipment and supplies.	17253 17254 17255 17256 17257
(3) "Environmental modifications" does not include physical adaptations or improvements to the home that are of general utility or not of direct medical or remedial benefit to the individual, including such adaptations or improvements as carpeting, roof repair, and central air conditioning.	17258 17259 17260 17261 17262
(J) "Family support services" means the services provided under a family support services program operated under section 5126.11 of the Revised Code.	17263 17264 17265
(K) "Habilitation" means the process by which the staff of the facility or agency assists an individual with mental retardation or other developmental disability in acquiring and maintaining those life skills that enable the individual to cope more effectively with the demands of the individual's own person	17266 17267 17268 17269 17270

and environment, and in raising the level of the individual's 17271
personal, physical, mental, social, and vocational efficiency. 17272
Habilitation includes, but is not limited to, programs of formal, 17273
structured education and training. 17274

(L) "Home and community-based services" has the same meaning 17275
as in section 5123.01 of the Revised Code. 17276

(M) "ICF/IID" has the same meaning as in section 5124.01 of 17277
the Revised Code. 17278

(N) "Immediate family" means parents, grandparents, brothers, 17279
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 17280
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 17281
daughters-in-law. 17282

(O) "Medicaid case management services" means case management 17283
services provided to an individual with mental retardation or 17284
other developmental disability that the state medicaid plan 17285
requires. 17286

(P) "Mental retardation" means a mental impairment manifested 17287
during the developmental period characterized by significantly 17288
subaverage general intellectual functioning existing concurrently 17289
with deficiencies in the effectiveness or degree with which an 17290
individual meets the standards of personal independence and social 17291
responsibility expected of the individual's age and cultural 17292
group. 17293

(Q) "Prevocational services" means services, ~~including~~ 17294
~~services as a volunteer,~~ that provide learning and work 17295
experiences, including volunteer work experiences, from which an 17296
individual can develop general strengths and skills that are not 17297
specific to a particular task or job but contribute to 17298
employability in community employment, supported work at 17299
community-based sites, or self-employment. 17300

(R) "Residential services" means services to individuals with 17301

mental retardation or other developmental disabilities to provide 17302
housing, food, clothing, habilitation, staff support, and related 17303
support services necessary for the health, safety, and welfare of 17304
the individuals and the advancement of their quality of life. 17305
"Residential services" includes program management, as described 17306
in section 5126.14 of the Revised Code. 17307

(S) "Resources" means available capital and other assets, 17308
including moneys received from the federal, state, and local 17309
governments, private grants, and donations; appropriately 17310
qualified personnel; and appropriate capital facilities and 17311
equipment. 17312

(T) "Senior probate judge" means the current probate judge of 17313
a county who has served as probate judge of that county longer 17314
than any of the other current probate judges of that county. If a 17315
county has only one probate judge, "senior probate judge" means 17316
that probate judge. 17317

(U) "Service and support administration" means the duties 17318
performed by a service and support administrator pursuant to 17319
section 5126.15 of the Revised Code. 17320

(V)(1) "Specialized medical, adaptive, and assistive 17321
equipment, supplies, and supports" means equipment, supplies, and 17322
supports that enable an individual to increase the ability to 17323
perform activities of daily living or to perceive, control, or 17324
communicate within the environment. 17325

(2) "Specialized medical, adaptive, and assistive equipment, 17326
supplies, and supports" includes the following: 17327

(a) Eating utensils, adaptive feeding dishes, plate guards, 17328
mylatex straps, hand splints, reaches, feeder seats, adjustable 17329
pointer sticks, interpreter services, telecommunication devices 17330
for the deaf, computerized communications boards, other 17331
communication devices, support animals, veterinary care for 17332

support animals, adaptive beds, supine boards, prone boards, 17333
wedges, sand bags, sidelayers, bolsters, adaptive electrical 17334
switches, hand-held shower heads, air conditioners, humidifiers, 17335
emergency response systems, folding shopping carts, vehicle lifts, 17336
vehicle hand controls, other adaptations of vehicles for 17337
accessibility, and repair of the equipment received. 17338

(b) Nondisposable items not covered by medicaid that are 17339
intended to assist an individual in activities of daily living or 17340
instrumental activities of daily living. 17341

(W) "Supportive home services" means a range of services to 17342
families of individuals with mental retardation or other 17343
developmental disabilities to develop and maintain increased 17344
acceptance and understanding of such persons, increased ability of 17345
family members to teach the person, better coordination between 17346
school and home, skills in performing specific therapeutic and 17347
management techniques, and ability to cope with specific 17348
situations. 17349

(X)(1) "Supported living" means services provided for as long 17350
as twenty-four hours a day to an individual with mental 17351
retardation or other developmental disability through any public 17352
or private resources, including moneys from the individual, that 17353
enhance the individual's reputation in community life and advance 17354
the individual's quality of life by doing the following: 17355

(a) Providing the support necessary to enable an individual 17356
to live in a residence of the individual's choice, with any number 17357
of individuals who are not disabled, or with not more than three 17358
individuals with mental retardation and developmental disabilities 17359
unless the individuals are related by blood or marriage; 17360

(b) Encouraging the individual's participation in the 17361
community; 17362

(c) Promoting the individual's rights and autonomy; 17363

(d) Assisting the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in the individual's residence.	17364 17365 17366
(2) "Supported living" includes the provision of all of the following:	17367 17368
(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual receiving the services;	17369 17370 17371 17372
(b) A combination of lifelong or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;	17373 17374 17375 17376 17377
(c) Personal care services and homemaker services;	17378
(d) Household maintenance that does not include modifications to the physical structure of the residence;	17379 17380
(e) Respite care services;	17381
(f) Program management, as described in section 5126.14 of the Revised Code.	17382 17383
Sec. 5126.02. (A) Each county shall have its own county board of developmental disabilities. Subject to division (B) of this section:	17384 17385 17386
(1) A county board shall be operated as a separate administrative and service entity.	17387 17388
(2) The functions of a county board shall not be combined with the functions of any other entity of county government.	17389 17390
(B) Division (A) of this section does not prohibit or restrict any county board from sharing administrative functions or	17391 17392

personnel with one or more other county boards, including entering 17393
into an arrangement authorized by division (B) of section 17394
5126.0219 of the Revised Code or an agreement with one or more 17395
other county boards to share the services of any employee. 17396

Sec. 5126.0219. (A) Each county board of developmental 17397
disabilities shall either employ a superintendent or obtain the 17398
services of the superintendent of another county board of 17399
developmental disabilities. The board shall provide for a 17400
superintendent who is qualified, as specified in rules adopted by 17401
the department of developmental disabilities in accordance with 17402
Chapter 119. of the Revised Code. The superintendent shall have no 17403
voting privileges on the board. 17404

If the superintendent position becomes vacant, the county 17405
board first shall consider entering into an agreement with another 17406
county board for the sharing of a superintendent under division 17407
(B) of this section. If the county board determines there are no 17408
significant efficiencies or it is impractical to share a 17409
superintendent, the county board may employ a superintendent in 17410
accordance with this section to fill the vacancy. 17411

The board shall prescribe the duties of its superintendent 17412
and review the superintendent's performance. The superintendent 17413
may be removed, suspended, or demoted for cause pursuant to 17414
section 5126.23 of the Revised Code. The board shall fix the 17415
superintendent's compensation and reimburse the superintendent for 17416
actual and necessary expenses. 17417

Each county board that employs its own superintendent shall 17418
employ the superintendent under a contract. To enter into a 17419
contract, the board shall adopt a resolution agreeing to the 17420
contract. Each contract for employment or re-employment of a 17421
superintendent shall be for a term of not less than one and not 17422
more than five years. At the expiration of a superintendent's 17423

current term of employment, the superintendent may be re-employed. 17424
If the board intends not to re-employ the superintendent, the 17425
board shall give the superintendent written notification of its 17426
intention. The notice shall be given not less than ninety days 17427
prior to the expiration of the superintendent's contract. 17428

(B) Two or more county boards may enter into an arrangement 17429
under which the superintendent of one county board acts as the 17430
superintendent of another county board. To enter into such an 17431
arrangement, each board shall adopt a resolution agreeing to the 17432
arrangement. The resolutions shall specify the duration of the 17433
arrangement and the contribution each board is to make to the 17434
superintendent's compensation and reimbursement for expenses. 17435

(C) If a vacancy occurs in the position of superintendent, a 17436
county board may appoint a person who holds a valid 17437
superintendent's certificate issued under the rules of the 17438
department to work under a contract for an interim period not to 17439
exceed one hundred eighty days until a permanent superintendent 17440
can be employed or arranged for under division (A) or (B) of this 17441
section. The director of the department may approve additional 17442
periods of time for these types of interim appointments when so 17443
requested by a resolution adopted by a county board, if the 17444
director determines that the additional periods are warranted and 17445
the services of a permanent superintendent are not available. 17446

Sec. 5126.041. (A) As used in this section: 17447

(1) ~~"Biological risk" and "environmental risk" have the 17448
meanings established pursuant to section 5123.011 of the Revised 17449
Code.~~ 17450

~~(2)~~ "Preschool child with a disability" has the same meaning 17451
as in section 3323.01 of the Revised Code. 17452

~~(3)~~(2) "State institution" means all or part of an 17453

institution under the control of the department of developmental 17454
disabilities pursuant to section 5123.03 of the Revised Code and 17455
maintained for the care, treatment, and training of the mentally 17456
retarded. 17457

(B) Except as provided in division (C) of this section, each 17458
county board of developmental disabilities shall make eligibility 17459
determinations in accordance with the definition of "developmental 17460
disability" in section 5126.01 of the Revised Code. Pursuant to 17461
rules ~~the department of developmental disabilities shall adopt in~~ 17462
~~accordance with Chapter 119. adopted under section 5123.012~~ of the 17463
Revised Code, a county board may establish eligibility for 17464
programs and services for ~~either of the following:~~ 17465

~~(1) Individuals under age six who have a biological risk or 17466
environmental risk of a developmental delay;~~ 17467

~~(2) Any any~~ preschool child with a disability eligible for 17468
services under section 3323.02 of the Revised Code whose 17469
disability is not attributable solely to mental illness as defined 17470
in section 5122.01 of the Revised Code. 17471

(C)(1) A county board shall make determinations of 17472
eligibility for service and support administration in accordance 17473
with rules adopted under section 5126.08 of the Revised Code. 17474

(2) All persons who were eligible for services and enrolled 17475
in programs offered by a county board of developmental 17476
disabilities pursuant to this chapter on July 1, 1991, shall 17477
continue to be eligible for those services and to be enrolled in 17478
those programs as long as they are in need of services. 17479

(3) A person who resided in a state institution on or before 17480
October 29, 1993, is eligible for programs and services offered by 17481
a county board of developmental disabilities, unless the person is 17482
determined by the county board not to be in need of those programs 17483
and services. 17484

(D) A county board shall refer a person who requests but is not eligible for programs and services offered by the board to other entities of state and local government or appropriate private entities that provide services.

(E) Membership of a person on, or employment of a person by, a county board of developmental disabilities does not affect the eligibility of any member of that person's family for services provided by the board or by any entity under contract with the board.

Sec. 5126.046. (A) Except as otherwise provided by 42 C.F.R. 431.51, an individual with mental retardation or other developmental disability who is eligible for home and community-based services has the right to obtain the services from any provider of the services that is qualified to furnish the services and is willing to furnish the services to the individual. A county board of developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services and refuses to permit an individual to obtain home and community-based services from a qualified and willing provider shall provide the individual timely notice that the individual may ~~request a hearing~~ appeal under section ~~5101.35~~ 5160.31 of the Revised Code.

(B) An individual with mental retardation or other developmental disability who is eligible for nonmedicaid residential services or nonmedicaid supported living has the right to obtain the services from any provider of the residential services or supported living that is qualified to furnish the residential services or supported living and is willing to furnish the residential services or supported living to the individual.

(C) The department of developmental disabilities shall make

available to the public on its internet web site an up-to-date 17516
list of all providers of home and community-based services, 17517
nonmedicaid residential services, and nonmedicaid supported 17518
living. County boards shall assist individuals with mental 17519
retardation or other developmental disabilities and the families 17520
of such individuals access the list on the department's internet 17521
web site. 17522

(D) The director of developmental disabilities shall adopt 17523
rules in accordance with Chapter 119. of the Revised Code 17524
governing the implementation of this section. The rules shall 17525
include procedures for individuals to choose their providers. ~~The~~ 17526
~~rules shall not be limited by a provider selection system~~ 17527
~~established under section 5126.42 of the Revised Code, including~~ 17528
~~any pool of providers created pursuant to a provider selection~~ 17529
~~system.~~ 17530

Sec. 5126.051. (A) To the extent that resources are 17531
available, a county board of developmental disabilities shall 17532
provide for or arrange residential services and supported living 17533
for individuals with mental retardation and developmental 17534
disabilities. 17535

A county board may acquire, convey, lease, or sell property 17536
for residential services and supported living and enter into loan 17537
agreements, including mortgages, for the acquisition of such 17538
property. A county board is not required to comply with provisions 17539
of Chapter 307. of the Revised Code providing for competitive 17540
bidding or sheriff sales in the acquisition, lease, conveyance, or 17541
sale of property under this division, but the acquisition, lease, 17542
conveyance, or sale must be at fair market value determined by 17543
appraisal of one or more disinterested persons appointed by the 17544
board. 17545

Any action taken by a county board under this division that 17546

will incur debt on the part of the county shall be taken in 17547
accordance with Chapter 133. of the Revised Code. A county board 17548
shall not incur any debt on the part of the county without the 17549
prior approval of the board of county commissioners. 17550

(B)(1) To the extent that resources are available, a county 17551
board shall provide or arrange for the provision of adult services 17552
to individuals who are age eighteen and older and not enrolled in 17553
a program or service under Chapter 3323. of the Revised Code or 17554
age sixteen or seventeen and eligible for adult services under 17555
rules adopted by the director of developmental disabilities under 17556
Chapter 119. of the Revised Code. These services shall be provided 17557
in accordance with the individual's individual service plan and 17558
shall include support services specified in the plan. 17559

(2) Any prevocational services shall be provided in 17560
accordance with the individual's individual service plan and occur 17561
over a specified period of time with specific outcomes sought to 17562
be achieved. 17563

(3) A county board may, in cooperation with the opportunities 17564
for Ohioans with disabilities agency, seek federal funds for job 17565
training or other services ~~directly~~ directed at helping 17566
individuals obtain community employment. 17567

(4) A county board may contract with any agency, board, or 17568
other entity that is accredited by the commission on accreditation 17569
of rehabilitation facilities to provide services. A county board 17570
that is accredited by the commission on accreditation of 17571
rehabilitation facilities may provide services for which it is 17572
certified by the commission. 17573

(C) To the extent that resources are available, a county 17574
board may provide services to an individual with mental 17575
retardation or other developmental disability in addition to those 17576
provided pursuant to this section, section 5126.05 of the Revised 17577

Code, or any other section of this chapter. The services shall be 17578
provided in accordance with the individual's individual service 17579
plan and may be provided in collaboration with other entities of 17580
state or local government. 17581

Sec. 5126.08. (A) The director of developmental disabilities 17582
shall adopt rules in accordance with Chapter 119. of the Revised 17583
Code for all programs and services offered by a county board of 17584
developmental disabilities. Such rules shall include, but are not 17585
limited to, the following: 17586

(1) Determination of what constitutes a program or service; 17587

(2) Standards to be followed by a board in administering, 17588
providing, arranging, or operating programs and services; 17589

(3) Standards for determining the nature and degree of mental 17590
retardation, including mild mental retardation, or developmental 17591
disability; 17592

(4) Standards and procedures for ~~determining~~ making 17593
eligibility determinations for the programs and services ~~under~~ 17594
~~section 5126.15 of the Revised Code;~~ 17595

(5) Procedures for obtaining consent for the arrangement of 17596
services under section 5126.31 of the Revised Code and for 17597
obtaining signatures on individual service plans under that 17598
section; 17599

(6) Specification of the service and support administration 17600
to be provided by a county board and standards for resolving 17601
grievances in connection with service and support administration. 17602

(B) The director shall be the final authority in determining 17603
the nature and degree of mental retardation or developmental 17604
disability. 17605

Sec. 5126.21. As used in this section, "management employee" 17606

does not include the superintendent of a county board of 17607
developmental disabilities. 17608

(A)(1) Each management employee of a county board of 17609
developmental disabilities shall hold a limited contract for a 17610
period of not less than one year and not more than five years, 17611
except that a management employee hired after the beginning of a 17612
program year may be employed under a limited contract expiring at 17613
the end of the program year. The board shall approve all contracts 17614
of employment for management employees that are for a term of more 17615
than one year. A management employee shall receive notice of the 17616
superintendent's intention not to rehire the employee at least 17617
ninety days prior to the expiration of the contract. 17618

(2) During the term of a contract a management employee's 17619
salary may be increased, but shall not be reduced unless the 17620
reduction is part of a uniform plan affecting all employees of the 17621
board. 17622

(B) All management employees may be removed, suspended, or 17623
demoted for cause pursuant to section 5126.23 of the Revised Code. 17624

(C) All management employees shall receive employee benefits 17625
as established by the board. Sections 124.38 and 325.19 of the 17626
Revised Code do not apply to management employees. 17627

(D) The superintendent of a county board of developmental 17628
disabilities shall notify all management employees of the board of 17629
their salary no later than thirty days before the first day of the 17630
new contract year. 17631

(E) Each county board of developmental disabilities shall 17632
establish a lay-off policy to be followed if it determines a 17633
reduction in the number of management employees is necessary. 17634

(F) If a management employee position becomes vacant, the 17635
superintendent first shall consider whether to enter into an 17636
agreement with another county board for the sharing of personnel 17637

under 5126.02 of the Revised Code. If the superintendent 17638
determines there are no significant efficiencies or it is 17639
impractical to share personnel, the superintendent may employ a 17640
management employee to fill the vacancy. 17641

Sec. 5126.25. (A) The director of developmental disabilities 17642
shall adopt rules under division (C) of this section establishing 17643
uniform standards and procedures for the certification and 17644
registration of persons, other than the persons described in 17645
division (I) of this section, who are seeking employment with or 17646
are employed by either of the following: 17647

(1) A county board of developmental disabilities; 17648

(2) An entity that contracts with a county board to operate 17649
programs and services for individuals with mental retardation or 17650
developmental disabilities. 17651

(B) No person shall be employed in a position for which 17652
certification or registration is required pursuant to the rules 17653
adopted under this section without the certification or 17654
registration that is required for that position. The person shall 17655
not be employed or shall not continue to be employed if the 17656
required certification or registration is denied, revoked, or not 17657
renewed. 17658

(C) The director shall adopt rules in accordance with Chapter 17659
119. of the Revised Code as the director considers necessary to 17660
implement and administer this section, including rules 17661
establishing all of the following: 17662

(1) Positions of employment that are subject to this section 17663
and, for each position, whether a person must receive 17664
certification or receive registration to be employed in that 17665
position; 17666

(2) Requirements that must be met to receive the 17667

certification or registration required to be employed in a 17668
particular position, including standards regarding education, 17669
specialized training, and experience, taking into account the 17670
needs of individuals with mental retardation or developmental 17671
disabilities and the specialized techniques needed to serve them, 17672
except that the rules shall not require a person designated as a 17673
service employee under section 5126.22 of the Revised Code to have 17674
or obtain a bachelor's or higher degree; 17675

(3) Procedures to be followed in applying for initial 17676
certification or registration and for renewing the certification 17677
or registration. 17678

(4) Requirements that must be met for renewal of 17679
certification or registration, which may include continuing 17680
education and professional training requirements; 17681

(5) Subject to section 5126.23 of the Revised Code, grounds 17682
for which certification or registration may be denied, suspended, 17683
or revoked and procedures for appealing the denial, suspension, or 17684
revocation. 17685

(D) Each person seeking certification or registration for 17686
employment shall apply in the manner established in rules adopted 17687
under this section. 17688

(E)(1) Except as provided in division (E)(2) of this section, 17689
the superintendent of each county board is responsible for taking 17690
all actions regarding certification and registration of employees, 17691
other than the position of superintendent, early intervention 17692
supervisor, early intervention specialist, or investigative agent. 17693
For the position of superintendent, early intervention supervisor, 17694
early intervention specialist, or investigative agent, the 17695
director of developmental disabilities is responsible for taking 17696
all such actions. 17697

Actions that may be taken by the superintendent or director 17698

include issuing, renewing, denying, suspending, and revoking 17699
certification and registration. All actions shall be taken in 17700
accordance with the rules adopted under this section. 17701

The superintendent may charge a fee to persons applying for 17702
certification or registration. The superintendent shall establish 17703
the amount of the fee according to the costs the county board 17704
incurs in administering its program for certification and 17705
registration of employees. 17706

A person subject to the denial, suspension, or revocation of 17707
certification or registration may appeal the decision. The appeal 17708
shall be made in accordance with the rules adopted under this 17709
section. 17710

(2) Pursuant to division (C) of section 5126.05 of the 17711
Revised Code, the superintendent may enter into a contract with 17712
any other entity under which the entity is given authority to 17713
carry out all or part of the superintendent's responsibilities 17714
under division (E)(1) of this section. 17715

(F) A person with valid certification or registration under 17716
this section on the effective date of any rules adopted under this 17717
section that increase the standards applicable to the 17718
certification or registration shall have such period as the rules 17719
prescribe, but not less than one year after the effective date of 17720
the rules, to meet the new certification or registration 17721
standards. 17722

(G) A person with valid certification or registration is 17723
qualified to be employed according to that certification or 17724
registration by any county board or entity contracting with a 17725
county board. 17726

(H) The director shall monitor county boards to ensure that 17727
their employees and the employees of their contracting entities 17728
have the applicable certification or registration required under 17729

this section and that the employees are performing only those 17730
functions they are authorized to perform under the certification 17731
or registration. The superintendent of each county board or the 17732
superintendent's designee shall maintain in appropriate personnel 17733
files evidence acceptable to the director that the employees have 17734
met the requirements. On request, representatives of the 17735
department of developmental disabilities shall be given access to 17736
the evidence. 17737

(I) The certification and registration requirements of this 17738
section and the rules adopted under it do not apply to either of 17739
the following: 17740

(1) A person who holds a valid license issued or certificate 17741
issued under Chapter 3319. of the Revised Code and performs no 17742
duties other than teaching or supervision of a teaching program; 17743

(2) A person who holds a valid license or certificate issued 17744
under Title XLVII of the Revised Code and performs only those 17745
duties governed by the license or certificate. 17746

Sec. 5126.42. ~~(A) A Each county board of developmental 17747
disabilities shall establish an advisory council composed of board 17748
members or employees of the board, providers, individuals 17749
receiving supported living, and advocates for individuals 17750
receiving supported living to provide on going communication among 17751
all persons concerned with supported living. 17752~~

~~(B) The board shall develop procedures for the resolution of 17753
grievances between the following: 17754~~

~~(A) The board and providers ~~or between the~~; 17755~~

~~(B) The board and an entity with which it has a shared 17756
funding agreement. 17757~~

~~(C) The board shall develop and implement a provider 17758
selection system. Each system shall enable an individual to choose 17759~~

~~to continue receiving supported living from the same providers, to 17760
select additional providers, or to choose alternative providers. 17761
Annually, the board shall review its provider selection system to 17762
determine whether it has been implemented in a manner that allows 17763
individuals fair and equitable access to providers. 17764~~

~~In developing a provider selection system, the county board 17765
shall create a pool of providers for individuals to use in 17766
choosing their providers of supported living. The pool shall be 17767
created by placing in the pool all providers on record with the 17768
board or by placing in the pool all providers approved by the 17769
board through soliciting requests for proposals for supported 17770
living contracts. In either case, only providers that are 17771
certified by the director of developmental disabilities may be 17772
placed in the pool. 17773~~

~~If the board places all providers on record in the pool, the 17774
board shall review the pool at least annually to determine whether 17775
each provider has continued interest in being a provider and has 17776
maintained its certification by the department. At any time, an 17777
interested and certified provider may make a request to the board 17778
that it be added to the pool, and the board shall add the provider 17779
to the pool not later than seven days after receiving the request. 17780~~

~~If the board solicits requests for proposals for inclusion of 17781
providers in the pool, the board shall develop standards for 17782
selecting the providers to be included. Requests for proposals 17783
shall be solicited at least annually. When requests are solicited, 17784
the board shall cause legal notices to be published once each week 17785
for two consecutive weeks in a newspaper of general circulation 17786
within the county or as provided in section 7.16 of the Revised 17787
Code. The board's formal request for proposals shall include a 17788
description of any applicable contract terms, the standards that 17789
are used to select providers for inclusion in the pool, and the 17790
process the board uses to resolve disputes arising from the 17791~~

~~selection process. The board shall accept requests from any entity 17792
interested in being a provider of supported living for individuals 17793
served by the board. Requests shall be approved or denied 17794
according to the standards developed by the board. Providers that 17795
previously have been placed in the pool are not required to 17796
resubmit a request for proposal to be included in the pool, unless 17797
the board's standards have been changed. 17798~~

~~In assisting an individual in choosing a provider, the county 17799
board shall provide the individual with uniform and consistent 17800
information pertaining to each provider in the pool. An individual 17801
may choose to receive supported living from a provider that is not 17802
included in the pool, if the provider is certified by the director 17803
of developmental disabilities. 17804~~

Sec. 5126.43. (A) After receiving notice from the department 17805
of developmental disabilities of the amount of state funds to be 17806
distributed to it for planning, developing, contracting for, and 17807
providing supported living, the county board of developmental 17808
disabilities shall arrange for supported living on behalf of and 17809
with the consent of individuals based on their individual service 17810
plans developed under section 5126.41 of the Revised Code. With 17811
the state distribution and any other money designated by the board 17812
for supported living, the board shall arrange for supported living 17813
in one or more of the following ways: 17814

(1) By contracting under section 5126.45 of the Revised Code 17815
with providers selected by the individual to be served; 17816

(2) By entering into shared funding agreements with state 17817
agencies, local public agencies, or political subdivisions at 17818
rates negotiated by the board; 17819

(3) By providing direct payment or vouchers to be used to 17820
purchase supported living, pursuant to a written contract in an 17821
amount determined by the board, to the individual or a person 17822

providing the individual with protective services as defined in 17823
section 5123.55 of the Revised Code. 17824

(B) The board may arrange for supported living only with 17825
providers that are certified by the director of developmental 17826
disabilities. 17827

When no certified provider is willing and able to provide 17828
supported living for an individual in accordance with the terms of 17829
the individual service plan for that individual, a county board 17830
may provide supported living directly if it is certified by the 17831
director of developmental disabilities to provide supported 17832
living. 17833

A county board may, for a period not to exceed ninety days, 17834
contract for or provide supported living without meeting the 17835
requirements of this section for an individual it determines to be 17836
in emergency need of supported living. Thereafter, the individual 17837
shall choose providers in accordance with sections 5126.046 and 17838
5126.41 ~~and 5126.42~~ of the Revised Code. 17839

Sec. 5126.45. (A) A contract between a county board of 17840
developmental disabilities and a provider of supported living 17841
shall be in writing and shall be based on the individual service 17842
plan developed by the individual under section 5126.41 of the 17843
Revised Code. The plan may be submitted as an addendum to the 17844
contract. An individual receiving services pursuant to a contract 17845
shall be considered a third-party beneficiary to the contract. 17846

(B) The contract shall be negotiated between the provider and 17847
the county board. The terms of the contract shall include at least 17848
the following: 17849

(1) The contract period and conditions for renewal; 17850

(2) The services to be provided pursuant to the individual 17851
service plan; 17852

(3) The rights and responsibilities of all parties to the contract;	17853 17854
(4) The methods that will be used to evaluate the services delivered by the provider;	17855 17856
(5) Procedures for contract modification that ensure all parties affected by the modification are involved and agree;	17857 17858
(6) A process for resolving conflicts between individuals receiving services, the county board, and the provider, as applicable;	17859 17860 17861
(7) Procedures for the retention of applicable records;	17862
(8) Provisions for contract termination by any party involved that include requirements for an appropriate notice of intent to terminate the contract;	17863 17864 17865
(9) Methods to be used to document services provided;	17866
(10) Procedures for submitting reports required by the county board as a condition of receiving payment under the contract;	17867 17868
(11) The method and schedule the board will use to make payments to the provider and whether periodic payment adjustments will be made to the provider;	17869 17870 17871
(12) Provisions for conducting fiscal reconciliations for payments made through methods other than a fee-for-service arrangement.	17872 17873 17874
(C) Payments to the provider under a supported living contract must be determined by the <u>county</u> board to be reasonable in accordance with policies and procedures developed by the <u>county</u> board. Goods or services provided without charge to the provider shall not be included as expenditures of the provider.	17875 17876 17877 17878 17879
(D) The <u>county</u> board shall establish procedures for reconciling expenditures and payments, other than those made under a fee-for-service arrangement, for the prior contract year when a	17880 17881 17882

contract is not renewed and shall reconcile expenditures and 17883
payments in accordance with these procedures. 17884

(E) A provider or an entity with which the county board has 17885
entered into a shared funding agreement may ~~appeal a negotiated~~ 17886
~~contract or proposed shared funding rate to seek resolution of~~ 17887
grievances with the county board using the procedures established 17888
by the county board under section 5126.42 of the Revised Code. 17889

Sec. 5139.12. Any person who is required, pursuant to 17890
division (A) of section 2151.421 of the Revised Code, to report 17891
the person's knowledge of or reasonable cause to suspect abuse or 17892
neglect or threat of abuse or neglect of a child under eighteen 17893
years of age or a mentally retarded, developmentally disabled, or 17894
physically impaired child under twenty-one years of age or any 17895
person who is permitted, pursuant to division (B) of that section, 17896
to report, or cause such a report to be made and who makes or 17897
causes the report to be made, shall direct that report to the 17898
state highway patrol if the child is a delinquent child in the 17899
custody of an institution. If the state highway patrol determines 17900
after receipt of the report that there is probable cause that 17901
abuse or neglect or threat of abuse or neglect of the delinquent 17902
child occurred, the highway patrol shall report its findings to 17903
the department of youth services, to the court that ordered the 17904
disposition of the delinquent child for the act that would have 17905
been an offense if committed by an adult and for which the 17906
delinquent child is in the custody of the department, to the 17907
public children services agency in the county in which the child 17908
resides or in which the abuse or neglect or threat of abuse or 17909
neglect occurred, and to the chairperson and vice-chairperson of 17910
the correctional institution inspection committee established by 17911
section 103.71 of the Revised Code. 17912

Sec. 5139.45. (A) As used in this section: 17913

(1) "Institution" means a state facility that is created by 17914
the general assembly and that is under the management and control 17915
of the department of youth services or a private entity with which 17916
the department has contracted for the institutional care and 17917
custody of felony delinquents. 17918

(2) "Quality assurance program" means a comprehensive program 17919
within the department of youth services to systematically review 17920
and improve the quality of programming, operations, education, 17921
medical and mental health services within the department and the 17922
department's institutions, the safety and security of persons 17923
receiving care and services within the department and the 17924
department's institutions, and the efficiency and effectiveness of 17925
the utilization of staff and resources in the delivery of services 17926
within the department and the department's institutions. 17927

(3) "Quality assurance program activities" means the 17928
activities of the institution and the office of quality assurance 17929
and improvement, of persons who provide, collect, or compile 17930
information and reports required by the office of quality 17931
assurance and improvement, and of persons who receive, review, or 17932
implement the recommendations made by the office of quality 17933
assurance and improvement. "Quality assurance program activities" 17934
include credentialing, infection control, utilization review 17935
including access to patient care, patient care assessments, 17936
medical and mental health records, medical and mental health 17937
resource management, mortality and morbidity review, and 17938
identification and prevention of medical or mental health 17939
incidents and risks, whether performed by the office of quality 17940
assurance and improvement or by persons who are directed by the 17941
office of quality assurance and improvement. 17942

(4) "Quality assurance record" means the proceedings, 17943
records, minutes, and reports that result from quality assurance 17944
program activities. "Quality assurance record" does not include 17945

aggregate statistical information that does not disclose the 17946
identity of persons receiving or providing services in 17947
institutions. 17948

(B) The office of quality assurance and improvement is hereby 17949
created as an office in the department of youth services. The 17950
director of youth services shall appoint a managing officer to 17951
carry out quality assurance program activities. 17952

(C)(1) Except as otherwise provided in division (F) of this 17953
section, quality assurance records are confidential and are not 17954
public records under section 149.43 of the Revised Code and shall 17955
be used only in the course of the proper functions of a quality 17956
assurance program. 17957

(2) Except as provided in division (F) of this section, no 17958
person who possesses or has access to quality assurance records 17959
and who knows that the records are quality assurance records shall 17960
willfully disclose the contents of the records to any person or 17961
entity. 17962

(D)(1) Except as otherwise provided in division (F) of this 17963
section, a quality assurance record is not subject to discovery 17964
and is not admissible as evidence in any judicial or 17965
administrative proceeding. 17966

(2) Except as provided in division (F) of this section, no 17967
employee of the office of quality assurance and improvement or a 17968
person who is performing a function that is part of a quality 17969
assurance program shall be permitted or required to testify in a 17970
judicial or administrative proceeding with respect to a quality 17971
assurance record or with respect to any finding, recommendation, 17972
evaluation, opinion, or other action taken by the office or 17973
program or by the person within the scope of the quality assurance 17974
program. 17975

(3) Information, documents, or records otherwise available 17976

from original sources shall not be unavailable for discovery or 17977
inadmissible as evidence in a judicial or administrative 17978
proceeding under division (D)(1) of this section merely because 17979
they were presented to the office of quality assurance and 17980
improvement. No person who is an employee of the office of quality 17981
assurance and improvement shall be prohibited from testifying as 17982
to matters within the person's knowledge, but the person shall not 17983
be asked about an opinion formed by the person as a result of the 17984
person's quality assurance program activities. 17985

(E)(1) A person who, without malice and in the reasonable 17986
belief that the information is warranted by the facts known to the 17987
person, provides information to a person engaged in quality 17988
assurance program activities is not liable for damages in a civil 17989
action for injury, death, or loss to person or property as a 17990
result of providing the information. 17991

(2) An employee of the office of quality assurance and 17992
improvement, a person engaged in quality assurance program 17993
activities, or an employee of the department of youth services 17994
shall not be liable in damages in a civil action for injury, 17995
death, or loss to person or property for any acts, omissions, 17996
decisions, or other conduct within the scope of the functions of 17997
the quality assurance program. 17998

(3) Nothing in this section shall relieve any institution 17999
from liability arising from the treatment of a patient. 18000

(F) Quality assurance records may be disclosed, and testimony 18001
may be provided concerning quality assurance records, only to the 18002
following persons or entities or under the following 18003
circumstances: 18004

(1) Persons who are employed or retained by the department of 18005
youth services and who have the authority to evaluate or implement 18006
the recommendations of an institution or the office of quality 18007

assurance and improvement; 18008

(2) Public or private agencies or organizations if needed to 18009
perform a licensing or accreditation function related to 18010
institutions or to perform monitoring of institutions as required 18011
by law; 18012

(3) A governmental board or agency, a professional health 18013
care society or organization, or a professional standards review 18014
organization, if the records or testimony are needed to perform 18015
licensing, credentialing, or monitoring of professional standards 18016
with respect to medical or mental health professionals employed or 18017
retained by the department; 18018

(4) A criminal or civil law enforcement agency or public 18019
health agency charged by law with the protection of public health 18020
or safety, if a qualified representative of the agency makes a 18021
written request stating that the records or testimony are 18022
necessary for a purpose authorized by law; 18023

(5) In a judicial or administrative proceeding commenced by 18024
an entity described in division (F)(3) or (4) of this section for 18025
a purpose described in that division but only with respect to the 18026
subject of the proceedings. 18027

(G) A disclosure of quality assurance records pursuant to 18028
division (F) of this section does not otherwise waive the 18029
confidential and privileged status of the disclosed quality 18030
assurance records. The names and other identifying information 18031
regarding individual patients or employees of the office of 18032
quality assurance and improvement contained in a quality assurance 18033
record shall be redacted from the record prior to the disclosure 18034
of the record unless the identity of an individual is necessary 18035
for the purpose for which the disclosure is being made and does 18036
not constitute a clearly unwarranted invasion of personal privacy. 18037

Sec. 5513.01. (A) ~~All~~ The director of transportation shall 18038
make all purchases of machinery, materials, supplies, or other 18039
articles ~~that the director of transportation makes shall be~~ in the 18040
manner provided in this section. In all cases except those in 18041
which the director provides written authorization for purchases by 18042
district deputy directors of transportation, the director shall 18043
make all such purchases ~~shall be made~~ at the central office of the 18044
department of transportation in Columbus. Before making any 18045
purchase at that office, the director, as provided in this 18046
section, shall give notice to bidders of the director's intention 18047
to purchase. Where the expenditure does not exceed the amount 18048
applicable to the purchase of supplies specified in division (B) 18049
of section 125.05 of the Revised Code, as adjusted pursuant to 18050
division (D) of that section, the director shall give such notice 18051
as the director considers proper, or the director may make the 18052
purchase without notice. Where the expenditure exceeds the amount 18053
applicable to the purchase of supplies specified in division (B) 18054
of section 125.05 of the Revised Code, as adjusted pursuant to 18055
division (D) of that section, the director shall give notice by 18056
posting for not less than ten days a written, typed, or printed 18057
invitation to bidders on a bulletin board, ~~which.~~ The director 18058
~~shall be located~~ locate the notice in a place in the offices 18059
assigned to the department and open to the public during business 18060
hours. ~~Producers~~ 18061

Producers or distributors of any product may notify the 18062
director, in writing, of the class of articles for the furnishing 18063
of which they desire to bid and their post-office addresses, ~~in~~ 18064
~~which case.~~ In that circumstance, the director shall mail copies 18065
of all invitations to bidders relating to the purchase of such 18066
articles ~~shall be mailed~~ to such persons ~~by the director~~ by 18067
regular first class mail at least ten days prior to the time fixed 18068
for taking bids. The director also may mail copies of all 18069

invitations to bidders to news agencies or other agencies or 18070
organizations distributing information of this character. Requests 18071
for invitations ~~shall~~ are not be valid ~~nor~~ and do not require 18072
action by the director unless renewed by the director, either 18073
annually or after such shorter period as the director may 18074
prescribe by a general rule. ~~The~~ 18075

The director shall include in an invitation to bidders ~~shall~~ 18076
~~contain~~ a brief statement of the general character of the article 18077
that it is intended to purchase, the approximate quantity desired, 18078
and a statement of the time and place where bids will be received, 18079
and may relate to and describe as many different articles as the 18080
director thinks proper, it being the intent and purpose of this 18081
section to authorize the inclusion in a single invitation of as 18082
many different articles as the director desires to invite bids 18083
upon at any given time. ~~Invitations~~ The director shall give 18084
invitations issued during each calendar year ~~shall be given~~ 18085
consecutive numbers, and ensure that the number assigned to each 18086
invitation ~~shall appear~~ appears on all copies thereof. In all 18087
cases where notice is required by this section, the director shall 18088
require sealed bids ~~shall be taken~~, on forms prescribed and 18089
furnished by the director, ~~and~~. The director shall not permit the 18090
modification of bids after they have been opened ~~shall not be~~ 18091
permitted. 18092

(B) The director may permit the Ohio turnpike and 18093
infrastructure commission, any political subdivision, and any 18094
state university or college to participate in contracts into which 18095
the director has entered for the purchase of machinery, materials, 18096
supplies, or other articles. The turnpike and infrastructure 18097
commission and any political subdivision or state university or 18098
college desiring to participate in such purchase contracts shall 18099
file with the director a certified copy of the bylaws or rules of 18100
the turnpike and infrastructure commission or the ordinance or 18101

resolution of the legislative authority, board of trustees, or 18102
other governing board requesting authorization to participate in 18103
such contracts and agreeing to be bound by such terms and 18104
conditions as the director prescribes. Purchases made by the 18105
turnpike and infrastructure commission, political subdivisions, or 18106
state universities or colleges under this division are exempt from 18107
any competitive bidding required by law for the purchase of 18108
machinery, materials, supplies, or other articles. 18109

(C) As used in this section: 18110

(1) "Political subdivision" means any county, township, 18111
municipal corporation, conservancy district, township park 18112
district, park district created under Chapter 1545. of the Revised 18113
Code, port authority, regional transit authority, regional airport 18114
authority, regional water and sewer district, county transit 18115
board, ~~or~~ school district as defined in section 5513.04 of the 18116
Revised Code, regional planning commission formed under section 18117
713.21 of the Revised Code, regional council of government formed 18118
under section 167.01 of the Revised Code, or other association of 18119
local governments established pursuant to an agreement under 18120
sections 307.14 to 307.19 of the Revised Code. 18121

(2) "State university or college" has the same meaning as in 18122
division (A)(1) of section 3345.32 of the Revised Code. 18123

(3) "Ohio turnpike and infrastructure commission" means the 18124
commission created by section 5537.02 of the Revised Code. 18125

Sec. 5531.10. (A) As used in this chapter: 18126

(1) "Bond proceedings" means the resolution, order, trust 18127
agreement, indenture, lease, lease-purchase agreements, and other 18128
agreements, amendments and supplements to the foregoing, or any 18129
one or more or combination thereof, authorizing or providing for 18130
the terms and conditions applicable to, or providing for the 18131

security or liquidity of, obligations issued pursuant to this 18132
section, and the provisions contained in such obligations. 18133

(2) "Bond service charges" means principal, including 18134
mandatory sinking fund requirements for retirement of obligations, 18135
and interest, and redemption premium, if any, required to be paid 18136
by the state on obligations. 18137

(3) "Bond service fund" means the applicable fund and 18138
accounts therein created for and pledged to the payment of bond 18139
service charges, which may be, or may be part of, the state 18140
infrastructure bank revenue bond service fund created by division 18141
(R) of this section including all moneys and investments, and 18142
earnings from investments, credited and to be credited thereto. 18143

(4) "Issuing authority" means the treasurer of state, or the 18144
officer who by law performs the functions of the treasurer of 18145
state. 18146

(5) "Obligations" means bonds, notes, or other evidence of 18147
obligation including interest coupons pertaining thereto, issued 18148
pursuant to this section. 18149

(6) "Pledged receipts" means moneys accruing to the state 18150
from the lease, lease-purchase, sale, or other disposition, or 18151
use, of qualified projects, and from the repayment, including 18152
interest, of loans made from proceeds received from the sale of 18153
obligations; accrued interest received from the sale of 18154
obligations; income from the investment of the special funds; any 18155
gifts, grants, donations, and pledges, and receipts therefrom, 18156
available for the payment of bond service charges; and any amounts 18157
in the state infrastructure bank pledged to the payment of such 18158
charges. If the amounts in the state infrastructure bank are 18159
insufficient for the payment of such charges, "pledged receipts" 18160
also means moneys that are apportioned by the United States 18161
secretary of transportation under United States Code, Title XXIII, 18162

as amended, or any successor legislation, or under any other 18163
federal law relating to aid for highways, and that are to be 18164
received as a grant by the state, to the extent the state is not 18165
prohibited by state or federal law from using such moneys and the 18166
moneys are pledged to the payment of such bond service charges. 18167

(7) "Special funds" or "funds" means, except where the 18168
context does not permit, the bond service fund, and any other 18169
funds, including reserve funds, created under the bond 18170
proceedings, and the state infrastructure bank revenue bond 18171
service fund created by division (R) of this section to the extent 18172
provided in the bond proceedings, including all moneys and 18173
investments, and earnings from investment, credited and to be 18174
credited thereto. 18175

(8) "State infrastructure project" means any public 18176
transportation project undertaken by the state, including, but not 18177
limited to, all components of any such project, as described in 18178
division (D) of section 5531.09 of the Revised Code. 18179

(9) "District obligations" means bonds, notes, or other 18180
evidence of obligation including interest coupons pertaining 18181
thereto, issued to finance a qualified project by a transportation 18182
improvement district created pursuant to section 5540.02 of the 18183
Revised Code, of which the principal, including mandatory sinking 18184
fund requirements for retirement of such obligations, and interest 18185
and redemption premium, if any, are payable by the department of 18186
transportation. 18187

(B) The issuing authority, after giving written notice to the 18188
director of budget and management and upon the certification by 18189
the director of transportation to the issuing authority of the 18190
amount of moneys or additional moneys needed either for state 18191
infrastructure projects or to provide financial assistance for any 18192
of the purposes for which the state infrastructure bank may be 18193
used under section 5531.09 of the Revised Code, or needed for 18194

capitalized interest, funding reserves, and paying costs and 18195
expenses incurred in connection with the issuance, carrying, 18196
securing, paying, redeeming, or retirement of the obligations or 18197
any obligations refunded thereby, including payment of costs and 18198
expenses relating to letters of credit, lines of credit, 18199
insurance, put agreements, standby purchase agreements, indexing, 18200
marketing, remarketing and administrative arrangements, interest 18201
swap or hedging agreements, and any other credit enhancement, 18202
liquidity, remarketing, renewal, or refunding arrangements, all of 18203
which are authorized by this section, shall issue obligations of 18204
the state under this section in the required amount. The proceeds 18205
of such obligations, except for the portion to be deposited in 18206
special funds, including reserve funds, as may be provided in the 18207
bond proceedings, shall as provided in the bond proceedings be 18208
credited to the infrastructure bank obligations fund of the state 18209
infrastructure bank created by section 5531.09 of the Revised Code 18210
and disbursed as provided in the bond proceedings for such 18211
obligations. The issuing authority may appoint trustees, paying 18212
agents, transfer agents, and authenticating agents, and may retain 18213
the services of financial advisors, accounting experts, and 18214
attorneys, and retain or contract for the services of marketing, 18215
remarketing, indexing, and administrative agents, other 18216
consultants, and independent contractors, including printing 18217
services, as are necessary in the issuing authority's judgment to 18218
carry out this section. The costs of such services are payable 18219
from funds of the state infrastructure bank unless otherwise 18220
provided in the bond proceedings. 18221

(C) The holders or owners of such obligations shall have no 18222
right to have moneys raised by taxation by the state of Ohio 18223
obligated or pledged, and moneys so raised shall not be obligated 18224
or pledged, for the payment of bond service charges. The right of 18225
such holders and owners to the payment of bond service charges is 18226
limited to all or that portion of the pledged receipts and those 18227

special funds pledged thereto pursuant to the bond proceedings for 18228
such obligations in accordance with this section, and each such 18229
obligation shall bear on its face a statement to that effect. 18230
Moneys received as repayment of loans made by the state 18231
infrastructure bank pursuant to section 5531.09 of the Revised 18232
Code shall not be considered moneys raised by taxation by the 18233
state of Ohio regardless of the source of the moneys. 18234

(D) Obligations shall be authorized by order of the issuing 18235
authority and the bond proceedings shall provide for the purpose 18236
thereof and the principal amount or amounts, and shall provide for 18237
or authorize the manner or agency for determining the principal 18238
maturity or maturities, not exceeding twenty-five years from the 18239
date of issuance or, with respect to obligations the debt service 18240
on which is to be directly or indirectly provided for by payments 18241
a private entity has contracted in the bond proceedings to make, 18242
not exceeding forty-five years from the date of issuance, the 18243
interest rate or rates or the maximum interest rate, the date of 18244
the obligations and the dates of payment of interest thereon, 18245
their denomination, and the establishment within or without the 18246
state of a place or places of payment of bond service charges. 18247
Sections 9.98 to 9.983 of the Revised Code are applicable to 18248
obligations issued under this section. The purpose of such 18249
obligations may be stated in the bond proceedings in terms 18250
describing the general purpose or purposes to be served. The bond 18251
proceedings also shall provide, subject to the provisions of any 18252
other applicable bond proceedings, for the pledge of all, or such 18253
part as the issuing authority may determine, of the pledged 18254
receipts and the applicable special fund or funds to the payment 18255
of bond service charges, which pledges may be made either prior or 18256
subordinate to other expenses, claims, or payments, and may be 18257
made to secure the obligations on a parity with obligations 18258
theretofore or thereafter issued, if and to the extent provided in 18259
the bond proceedings. The pledged receipts and special funds so 18260

pledged and thereafter received by the state immediately are 18261
subject to the lien of such pledge without any physical delivery 18262
thereof or further act, and the lien of any such pledges is valid 18263
and binding against all parties having claims of any kind against 18264
the state or any governmental agency of the state, irrespective of 18265
whether such parties have notice thereof, and shall create a 18266
perfected security interest for all purposes of Chapter 1309. of 18267
the Revised Code, without the necessity for separation or delivery 18268
of funds or for the filing or recording of the bond proceedings by 18269
which such pledge is created or any certificate, statement, or 18270
other document with respect thereto; and the pledge of such 18271
pledged receipts and special funds is effective and the money 18272
therefrom and thereof may be applied to the purposes for which 18273
pledged without necessity for any act of appropriation. Every 18274
pledge, and every covenant and agreement made with respect 18275
thereto, made in the bond proceedings may therein be extended to 18276
the benefit of the owners and holders of obligations authorized by 18277
this section, and to any trustee therefor, for the further 18278
security of the payment of the bond service charges. 18279

For purposes of this division, "private entity" has the same 18280
meaning as in section 5501.70 of the Revised Code. 18281

(E) The bond proceedings may contain additional provisions as 18282
to: 18283

(1) The redemption of obligations prior to maturity at the 18284
option of the issuing authority at such price or prices and under 18285
such terms and conditions as are provided in the bond proceedings; 18286

(2) Other terms of the obligations; 18287

(3) Limitations on the issuance of additional obligations; 18288

(4) The terms of any trust agreement or indenture securing 18289
the obligations or under which the same may be issued; 18290

(5) The deposit, investment, and application of special 18291

funds, and the safeguarding of moneys on hand or on deposit, 18292
without regard to Chapter 131. or 135. of the Revised Code, but 18293
subject to any special provisions of this section with respect to 18294
particular funds or moneys, provided that any bank or trust 18295
company which acts as depository of any moneys in the special 18296
funds may furnish such indemnifying bonds or may pledge such 18297
securities as required by the issuing authority; 18298

(6) Any or every provision of the bond proceedings being 18299
binding upon such officer, board, commission, authority, agency, 18300
department, or other person or body as may from time to time have 18301
the authority under law to take such actions as may be necessary 18302
to perform all or any part of the duty required by such provision; 18303

(7) Any provision that may be made in a trust agreement or 18304
indenture; 18305

(8) Any other or additional agreements with the holders of 18306
the obligations, or the trustee therefor, relating to the 18307
obligations or the security therefor, including the assignment of 18308
mortgages or other security relating to financial assistance for 18309
qualified projects under section 5531.09 of the Revised Code. 18310

(F) The obligations may have the great seal of the state or a 18311
facsimile thereof affixed thereto or printed thereon. The 18312
obligations and any coupons pertaining to obligations shall be 18313
signed or bear the facsimile signature of the issuing authority. 18314
Any obligations or coupons may be executed by the person who, on 18315
the date of execution, is the proper issuing authority although on 18316
the date of such bonds or coupons such person was not the issuing 18317
authority. In case the issuing authority whose signature or a 18318
facsimile of whose signature appears on any such obligation or 18319
coupon ceases to be the issuing authority before delivery thereof, 18320
such signature or facsimile nevertheless is valid and sufficient 18321
for all purposes as if the former issuing authority had remained 18322
the issuing authority until such delivery; and in case the seal to 18323

be affixed to obligations has been changed after a facsimile of 18324
the seal has been imprinted on such obligations, such facsimile 18325
seal shall continue to be sufficient as to such obligations and 18326
obligations issued in substitution or exchange therefor. 18327

(G) All obligations are negotiable instruments and securities 18328
under Chapter 1308. of the Revised Code, subject to the provisions 18329
of the bond proceedings as to registration. The obligations may be 18330
issued in coupon or in registered form, or both, as the issuing 18331
authority determines. Provision may be made for the registration 18332
of any obligations with coupons attached thereto as to principal 18333
alone or as to both principal and interest, their exchange for 18334
obligations so registered, and for the conversion or reconversion 18335
into obligations with coupons attached thereto of any obligations 18336
registered as to both principal and interest, and for reasonable 18337
charges for such registration, exchange, conversion, and 18338
reconversion. 18339

(H) Obligations may be sold at public sale or at private 18340
sale, as determined in the bond proceedings. 18341

(I) Pending preparation of definitive obligations, the 18342
issuing authority may issue interim receipts or certificates which 18343
shall be exchanged for such definitive obligations. 18344

(J) In the discretion of the issuing authority, obligations 18345
may be secured additionally by a trust agreement or indenture 18346
between the issuing authority and a corporate trustee which may be 18347
any trust company or bank ~~having~~ possessing trust powers that has 18348
a place of business within the state. Any such agreement or 18349
indenture may contain the order authorizing the issuance of the 18350
obligations, any provisions that may be contained in any bond 18351
proceedings, and other provisions which are customary or 18352
appropriate in an agreement or indenture of such type, including, 18353
but not limited to: 18354

(1) Maintenance of each pledge, trust agreement, indenture,	18355
or other instrument comprising part of the bond proceedings until	18356
the state has fully paid the bond service charges on the	18357
obligations secured thereby, or provision therefor has been made;	18358
(2) In the event of default in any payments required to be	18359
made by the bond proceedings, or any other agreement of the	18360
issuing authority made as a part of the contract under which the	18361
obligations were issued, enforcement of such payments or agreement	18362
by mandamus, the appointment of a receiver, suit in equity, action	18363
at law, or any combination of the foregoing;	18364
(3) The rights and remedies of the holders of obligations and	18365
of the trustee, and provisions for protecting and enforcing them,	18366
including limitations on the rights of individual holders of	18367
obligations;	18368
(4) The replacement of any obligations that become mutilated	18369
or are destroyed, lost, or stolen;	18370
(5) Such other provisions as the trustee and the issuing	18371
authority agree upon, including limitations, conditions, or	18372
qualifications relating to any of the foregoing.	18373
(K) Any holder of obligations or a trustee under the bond	18374
proceedings, except to the extent that the holder's or trustee's	18375
rights are restricted by the bond proceedings, may by any suitable	18376
form of legal proceedings, protect and enforce any rights under	18377
the laws of this state or granted by such bond proceedings. Such	18378
rights include the right to compel the performance of all duties	18379
of the issuing authority and the director of transportation	18380
required by the bond proceedings or sections 5531.09 and 5531.10	18381
of the Revised Code; to enjoin unlawful activities; and in the	18382
event of default with respect to the payment of any bond service	18383
charges on any obligations or in the performance of any covenant	18384
or agreement on the part of the issuing authority or the director	18385

of transportation in the bond proceedings, to apply to a court 18386
having jurisdiction of the cause to appoint a receiver to receive 18387
and administer the pledged receipts and special funds, other than 18388
those in the custody of the treasurer of state, which are pledged 18389
to the payment of the bond service charges on such obligations or 18390
which are the subject of the covenant or agreement, with full 18391
power to pay, and to provide for payment of bond service charges 18392
on, such obligations, and with such powers, subject to the 18393
direction of the court, as are accorded receivers in general 18394
equity cases, excluding any power to pledge additional revenues or 18395
receipts or other income or moneys of the state or local 18396
governmental entities, or agencies thereof, to the payment of such 18397
principal and interest and excluding the power to take possession 18398
of, mortgage, or cause the sale or otherwise dispose of any 18399
project facilities. 18400

Each duty of the issuing authority and the issuing 18401
authority's officers and employees, and of each state or local 18402
governmental agency and its officers, members, or employees, 18403
undertaken pursuant to the bond proceedings or any loan, loan 18404
guarantee, lease, lease-purchase agreement, or other agreement 18405
made under authority of section 5531.09 of the Revised Code, and 18406
in every agreement by or with the issuing authority, is hereby 18407
established as a duty of the issuing authority, and of each such 18408
officer, member, or employee having authority to perform such 18409
duty, specifically enjoined by the law resulting from an office, 18410
trust, or station within the meaning of section 2731.01 of the 18411
Revised Code. 18412

The person who is at the time the issuing authority, or the 18413
issuing authority's officers or employees, are not liable in their 18414
personal capacities on any obligations issued by the issuing 18415
authority or any agreements of or with the issuing authority. 18416

(L) The issuing authority may authorize and issue obligations 18417

for the refunding, including funding and retirement, and advance 18418
refunding with or without payment or redemption prior to maturity, 18419
of any obligations previously issued by the issuing authority or 18420
district obligations. Such refunding obligations may be issued in 18421
amounts sufficient for payment of the principal amount of the 18422
prior obligations or district obligations, any redemption premiums 18423
thereon, principal maturities of any such obligations or district 18424
obligations maturing prior to the redemption of the remaining 18425
obligations or district obligations on a parity therewith, 18426
interest accrued or to accrue to the maturity dates or dates of 18427
redemption of such obligations or district obligations, and any 18428
expenses incurred or to be incurred in connection with such 18429
issuance and such refunding, funding, and retirement. Subject to 18430
the bond proceedings therefor, the portion of proceeds of the sale 18431
of refunding obligations issued under this division to be applied 18432
to bond service charges on the prior obligations or district 18433
obligations shall be credited to an appropriate account held by 18434
the trustee for such prior or new obligations or to the 18435
appropriate account in the bond service fund for such obligations 18436
or district obligations. Obligations authorized under this 18437
division shall be deemed to be issued for those purposes for which 18438
such prior obligations or district obligations were issued and are 18439
subject to the provisions of this section pertaining to other 18440
obligations, except as otherwise provided in this section. The 18441
last maturity of obligations authorized under this division shall 18442
not be later than ~~twenty five years from the date of issuance~~ the 18443
last maturity of the original securities issued for the original 18444
purpose. 18445

(M) The authority to issue obligations under this section 18446
includes authority to issue obligations in the form of bond 18447
anticipation notes and to renew the same from time to time by the 18448
issuance of new notes. The holders of such notes or interest 18449
coupons pertaining thereto shall have a right to be paid solely 18450

from the pledged receipts and special funds that may be pledged to 18451
the payment of the bonds anticipated, or from the proceeds of such 18452
bonds or renewal notes, or both, as the issuing authority provides 18453
in the order authorizing such notes. Such notes may be 18454
additionally secured by covenants of the issuing authority to the 18455
effect that the issuing authority and the state will do such or 18456
all things necessary for the issuance of such bonds or renewal 18457
notes in the appropriate amount, and apply the proceeds thereof to 18458
the extent necessary, to make full payment of the principal of and 18459
interest on such notes at the time or times contemplated, as 18460
provided in such order. For such purpose, the issuing authority 18461
may issue bonds or renewal notes in such principal amount and upon 18462
such terms as may be necessary to provide funds to pay when 18463
required the principal of and interest on such notes, 18464
notwithstanding any limitations prescribed by or for purposes of 18465
this section. Subject to this division, all provisions for and 18466
references to obligations in this section are applicable to notes 18467
authorized under this division. 18468

The issuing authority in the bond proceedings authorizing the 18469
issuance of bond anticipation notes shall set forth for such bonds 18470
an estimated interest rate and a schedule of principal payments 18471
for such bonds and the annual maturity dates thereof. 18472

(N) Obligations issued under this section are lawful 18473
investments for banks, societies for savings, savings and loan 18474
associations, deposit guarantee associations, trust companies, 18475
trustees, fiduciaries, insurance companies, including domestic for 18476
life and domestic not for life, trustees or other officers having 18477
charge of sinking and bond retirement or other special funds of 18478
political subdivisions and taxing districts of this state, the 18479
commissioners of the sinking fund of the state, the administrator 18480
of workers' compensation, the state teachers retirement system, 18481
the public employees retirement system, the school employees 18482

retirement system, and the Ohio police and fire pension fund, 18483
notwithstanding any other provisions of the Revised Code or rules 18484
adopted pursuant thereto by any agency of the state with respect 18485
to investments by them, and are also acceptable as security for 18486
the deposit of public moneys. 18487

(O) Unless otherwise provided in any applicable bond 18488
proceedings, moneys to the credit of or in the special funds 18489
established by or pursuant to this section may be invested by or 18490
on behalf of the issuing authority only in notes, bonds, or other 18491
obligations of the United States, or of any agency or 18492
instrumentality of the United States, obligations guaranteed as to 18493
principal and interest by the United States, obligations of this 18494
state or any political subdivision of this state, and certificates 18495
of deposit of any national bank located in this state and any 18496
bank, as defined in section 1101.01 of the Revised Code, subject 18497
to inspection by the superintendent of financial institutions. If 18498
the law or the instrument creating a trust pursuant to division 18499
(J) of this section expressly permits investment in direct 18500
obligations of the United States or an agency of the United 18501
States, unless expressly prohibited by the instrument, such moneys 18502
also may be invested in no-front-end-load money market mutual 18503
funds consisting exclusively of obligations of the United States 18504
or an agency of the United States and in repurchase agreements, 18505
including those issued by the fiduciary itself, secured by 18506
obligations of the United States or an agency of the United 18507
States; and in collective investment funds as defined in division 18508
(A) of section 1111.01 of the Revised Code and consisting 18509
exclusively of any such securities. The income from such 18510
investments shall be credited to such funds as the issuing 18511
authority determines, and such investments may be sold at such 18512
times as the issuing authority determines or authorizes. 18513

(P) Provision may be made in the applicable bond proceedings 18514

for the establishment of separate accounts in the bond service 18515
fund and for the application of such accounts only to the 18516
specified bond service charges on obligations pertinent to such 18517
accounts and bond service fund and for other accounts therein 18518
within the general purposes of such fund. Unless otherwise 18519
provided in any applicable bond proceedings, moneys to the credit 18520
of or in the several special funds established pursuant to this 18521
section shall be disbursed on the order of the treasurer of state, 18522
provided that no such order is required for the payment from the 18523
bond service fund when due of bond service charges on obligations. 18524

(Q)(1) The issuing authority may pledge all, or such portion 18525
as the issuing authority determines, of the pledged receipts to 18526
the payment of bond service charges on obligations issued under 18527
this section, and for the establishment and maintenance of any 18528
reserves, as provided in the bond proceedings, and make other 18529
provisions therein with respect to pledged receipts as authorized 18530
by this chapter, which provisions are controlling notwithstanding 18531
any other provisions of law pertaining thereto. 18532

(2) An action taken under division (Q)(2) of this section 18533
does not limit the generality of division (Q)(1) of this section, 18534
and is subject to division (C) of this section and, if and to the 18535
extent otherwise applicable, Section 13 of Article VIII, Ohio 18536
Constitution. The bond proceedings may contain a covenant that, in 18537
the event the pledged receipts primarily pledged and required to 18538
be used for the payment of bond service charges on obligations 18539
issued under this section, and for the establishment and 18540
maintenance of any reserves, as provided in the bond proceedings, 18541
are insufficient to make any such payment in full when due, or to 18542
maintain any such reserve, the director of transportation shall so 18543
notify the governor, and shall determine to what extent, if any, 18544
the payment may be made or moneys may be restored to the reserves 18545
from lawfully available moneys previously appropriated for that 18546

purpose to the department of transportation. The covenant also may 18547
provide that if the payments are not made or the moneys are not 18548
immediately and fully restored to the reserves from such moneys, 18549
the director shall promptly submit to the governor and to the 18550
director of budget and management a written request for either or 18551
both of the following: 18552

(a) That the next biennial budget submitted by the governor 18553
to the general assembly include an amount to be appropriated from 18554
lawfully available moneys to the department for the purpose of and 18555
sufficient for the payment in full of bond service charges 18556
previously due and for the full replenishment of the reserves; 18557

(b) That the general assembly be requested to increase 18558
appropriations from lawfully available moneys for the department 18559
in the current biennium sufficient for the purpose of and for the 18560
payment in full of bond service charges previously due and to come 18561
due in the biennium and for the full replenishment of the 18562
reserves. 18563

The director of transportation shall include with such 18564
requests a recommendation that the payment of the bond service 18565
charges and the replenishment of the reserves be made in the 18566
interest of maximizing the benefits of the state infrastructure 18567
bank. Any such covenant shall not obligate or purport to obligate 18568
the state to pay the bond service charges on such bonds or notes 18569
or to deposit moneys in a reserve established for such payments 18570
other than from moneys that may be lawfully available and 18571
appropriated for that purpose during the then-current biennium. 18572

(R) There is hereby created the state infrastructure bank 18573
revenue bond service fund, which shall be in the custody of the 18574
treasurer of state but shall not be a part of the state treasury. 18575
All moneys received by or on account of the issuing authority or 18576
state agencies and required by the applicable bond proceedings, 18577
consistent with this section, to be deposited, transferred, or 18578

credited to the bond service fund, and all other moneys 18579
transferred or allocated to or received for the purposes of the 18580
fund, shall be deposited and credited to such fund and to any 18581
separate accounts therein, subject to applicable provisions of the 18582
bond proceedings, but without necessity for any act of 18583
appropriation. The state infrastructure bank revenue bond service 18584
fund is a trust fund and is hereby pledged to the payment of bond 18585
service charges to the extent provided in the applicable bond 18586
proceedings, and payment thereof from such fund shall be made or 18587
provided for by the treasurer of state in accordance with such 18588
bond proceedings without necessity for any act of appropriation. 18589

(S) The obligations issued pursuant to this section, the 18590
transfer thereof, and the income therefrom, including any profit 18591
made on the sale thereof, shall at all times be free from taxation 18592
within this state. 18593

Sec. 5533.051. In addition to the designations of the road 18594
known as United States route twenty-three in section 5533.05 of 18595
the Revised Code, the portion of that road running in a north and 18596
south direction, commencing at the boundary of Franklin and 18597
Delaware counties and extending to the municipal corporation of 18598
Delaware, and also the portion of that road located in Scioto 18599
county, from mile marker number three to mile marker number ten, 18600
shall be known as the "Branch Rickey Memorial Highway." 18601

The director of transportation may erect suitable markers 18602
along each designated portion of the highway indicating its name. 18603

Sec. 5533.831. That portion of state route fifty-two located 18604
in southern Scioto county between mile marker number seventeen and 18605
mile marker number nineteen shall be known as the "Boone Coleman 18606
Memorial Highway." 18607

The director of transportation may erect suitable markers 18608

along the highway indicating its name. 18609

Sec. 5709.17. The following property shall be exempted from 18610
taxation: 18611

(A) Real estate held or occupied by an association or 18612
corporation, organized or incorporated under the laws of this 18613
state relative to soldiers' memorial associations, monumental 18614
building associations, or cemetery associations or corporations, 18615
which in the opinion of the trustees, directors, or managers 18616
thereof is necessary and proper to carry out the object intended 18617
for such association or corporation; 18618

(B) Real estate and tangible personal property held or 18619
occupied by a veterans' organization that qualifies for exemption 18620
from taxation under section 501(c)(19) or 501(c)(23) of the 18621
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 18622
amended, and is incorporated under the laws of this state or the 18623
United States, except real estate held by such an organization for 18624
the production of rental income in excess of thirty-six thousand 18625
dollars in a tax year, before accounting for any cost or expense 18626
incurred in the production of such income. For the purposes of 18627
this division, rental income includes only income arising directly 18628
from renting the real estate to others for consideration. 18629

(C) Tangible personal property held by a corporation 18630
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 18631
section 501(c)(3) of the Internal Revenue Code, and exempt from 18632
taxation under section 501(a) of the Internal Revenue Code shall 18633
be exempt from taxation if it is property obtained as described in 18634
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 18635

(D) Real estate held or occupied by a fraternal organization 18636
and used primarily for meetings of and the administration of the 18637
fraternal organization, except real estate held by such an 18638
organization for the production of rental income in excess of 18639

thirty-six thousand dollars in a tax year, before accounting for 18640
any cost or expense incurred in the production of such income. As 18641
used in this division, "rental income" has the same meaning as in 18642
division (B) of this section, and "fraternal organization" means a 18643
domestic fraternal society, order, or association operating under 18644
the lodge, council, or grange system that qualifies for exemption 18645
from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of 18646
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, 18647
as amended; that provides financial support for charitable 18648
purposes, as defined in division (B)(12) of section 5739.02 of the 18649
Revised Code; and that has been operating in this state with a 18650
state governing body for at least ~~one hundred~~ eighty-five years. 18651

Sec. 5709.40. (A) As used in this section: 18652

(1) "Blighted area" and "impacted city" have the same 18653
meanings as in section 1728.01 of the Revised Code. 18654

(2) "Business day" means a day of the week excluding 18655
Saturday, Sunday, and a legal holiday as defined under section 18656
1.14 of the Revised Code. 18657

(3) "Housing renovation" means a project carried out for 18658
residential purposes. 18659

(4) "Improvement" means the increase in the assessed value of 18660
any real property that would first appear on the tax list and 18661
duplicate of real and public utility property after the effective 18662
date of an ordinance adopted under this section were it not for 18663
the exemption granted by that ordinance. 18664

(5) "Incentive district" means an area not more than three 18665
hundred acres in size enclosed by a continuous boundary in which a 18666
project is being, or will be, undertaken and having one or more of 18667
the following distress characteristics: 18668

(a) At least fifty-one per cent of the residents of the 18669

district have incomes of less than eighty per cent of the median 18670
income of residents of the political subdivision in which the 18671
district is located, as determined in the same manner specified 18672
under section 119(b) of the "Housing and Community Development Act 18673
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 18674

(b) The average rate of unemployment in the district during 18675
the most recent twelve-month period for which data are available 18676
is equal to at least one hundred fifty per cent of the average 18677
rate of unemployment for this state for the same period. 18678

(c) At least twenty per cent of the people residing in the 18679
district live at or below the poverty level as defined in the 18680
federal Housing and Community Development Act of 1974, 42 U.S.C. 18681
5301, as amended, and regulations adopted pursuant to that act. 18682

(d) The district is a blighted area. 18683

(e) The district is in a situational distress area as 18684
designated by the director of development services under division 18685
(F) of section 122.23 of the Revised Code. 18686

(f) As certified by the engineer for the political 18687
subdivision, the public infrastructure serving the district is 18688
inadequate to meet the development needs of the district as 18689
evidenced by a written economic development plan or urban renewal 18690
plan for the district that has been adopted by the legislative 18691
authority of the subdivision. 18692

(g) The district is comprised entirely of unimproved land 18693
that is located in a distressed area as defined in section 122.23 18694
of the Revised Code. 18695

(6) "Project" means development activities undertaken on one 18696
or more parcels, including, but not limited to, construction, 18697
expansion, and alteration of buildings or structures, demolition, 18698
remediation, and site development, and any building or structure 18699
that results from those activities. 18700

(7) "Public infrastructure improvement" includes, but is not limited to, public roads and highways; water and sewer lines; environmental remediation; land acquisition, including acquisition in aid of industry, commerce, distribution, or research; demolition, including demolition on private property when determined to be necessary for economic development purposes; stormwater and flood remediation projects, including such projects on private property when determined to be necessary for public health, safety, and welfare; the provision of gas, electric, and communications service facilities, including the provision of gas or electric service facilities owned by nongovernmental entities when such improvements are determined to be necessary for economic development purposes; and the enhancement of public waterways through improvements that allow for greater public access.

(B) The legislative authority of a municipal corporation, by ordinance, may declare improvements to certain parcels of real property located in the municipal corporation to be a public purpose. Improvements with respect to a parcel that is used or to be used for residential purposes may be declared a public purpose under this division only if the parcel is located in a blighted area of an impacted city. For this purpose, "parcel that is used or to be used for residential purposes" means a parcel that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the parcel as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code. Except with the approval under division (D) of this section of the board of education of each city, local, or exempted village school district within which the improvements are located, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation for a period of not more than ten years. The ordinance shall specify the percentage of the improvement to be exempted from taxation and the life of the

exemption. 18734

An ordinance adopted or amended under this division shall 18735
designate the specific public infrastructure improvements made, to 18736
be made, or in the process of being made by the municipal 18737
corporation that directly benefit, or that once made will directly 18738
benefit, the parcels for which improvements are declared to be a 18739
public purpose. The service payments provided for in section 18740
5709.42 of the Revised Code shall be used to finance the public 18741
infrastructure improvements designated in the ordinance, for the 18742
purpose described in division (D)(1) of this section or as 18743
provided in section 5709.43 of the Revised Code. 18744

(C)(1) The legislative authority of a municipal corporation 18745
may adopt an ordinance creating an incentive district and 18746
declaring improvements to parcels within the district to be a 18747
public purpose and, except as provided in division (F) of this 18748
section, exempt from taxation as provided in this section, but no 18749
legislative authority of a municipal corporation that has a 18750
population that exceeds twenty-five thousand, as shown by the most 18751
recent federal decennial census, shall adopt an ordinance that 18752
creates an incentive district if the sum of the taxable value of 18753
real property in the proposed district for the preceding tax year 18754
and the taxable value of all real property in the municipal 18755
corporation that would have been taxable in the preceding year 18756
were it not for the fact that the property was in an existing 18757
incentive district and therefore exempt from taxation exceeds 18758
twenty-five per cent of the taxable value of real property in the 18759
municipal corporation for the preceding tax year. The ordinance 18760
shall delineate the boundary of the district and specifically 18761
identify each parcel within the district. A district may not 18762
include any parcel that is or has been exempted from taxation 18763
under division (B) of this section or that is or has been within 18764
another district created under this division. An ordinance may 18765

create more than one such district, and more than one ordinance 18766
may be adopted under division (C)(1) of this section. 18767

(2) Not later than thirty days prior to adopting an ordinance 18768
under division (C)(1) of this section, if the municipal 18769
corporation intends to apply for exemptions from taxation under 18770
section 5709.911 of the Revised Code on behalf of owners of real 18771
property located within the proposed incentive district, the 18772
legislative authority of a municipal corporation shall conduct a 18773
public hearing on the proposed ordinance. Not later than thirty 18774
days prior to the public hearing, the legislative authority shall 18775
give notice of the public hearing and the proposed ordinance by 18776
first class mail to every real property owner whose property is 18777
located within the boundaries of the proposed incentive district 18778
that is the subject of the proposed ordinance. 18779

(3)(a) An ordinance adopted under division (C)(1) of this 18780
section shall specify the life of the incentive district and the 18781
percentage of the improvements to be exempted, shall designate the 18782
public infrastructure improvements made, to be made, or in the 18783
process of being made, that benefit or serve, or, once made, will 18784
benefit or serve parcels in the district. The ordinance also shall 18785
identify one or more specific projects being, or to be, undertaken 18786
in the district that place additional demand on the public 18787
infrastructure improvements designated in the ordinance. The 18788
project identified may, but need not be, the project under 18789
division (C)(3)(b) of this section that places real property in 18790
use for commercial or industrial purposes. Except as otherwise 18791
permitted under that division, the service payments provided for 18792
in section 5709.42 of the Revised Code shall be used to finance 18793
the designated public infrastructure improvements, for the purpose 18794
described in division (D)(1) or (E) of this section, or as 18795
provided in section 5709.43 of the Revised Code. 18796

An ordinance adopted under division (C)(1) of this section on 18797

or after March 30, 2006, shall not designate police or fire 18798
equipment as public infrastructure improvements, and no service 18799
payment provided for in section 5709.42 of the Revised Code and 18800
received by the municipal corporation under the ordinance shall be 18801
used for police or fire equipment. 18802

(b) An ordinance adopted under division (C)(1) of this 18803
section may authorize the use of service payments provided for in 18804
section 5709.42 of the Revised Code for the purpose of housing 18805
renovations within the incentive district, provided that the 18806
ordinance also designates public infrastructure improvements that 18807
benefit or serve the district, and that a project within the 18808
district places real property in use for commercial or industrial 18809
purposes. Service payments may be used to finance or support 18810
loans, deferred loans, and grants to persons for the purpose of 18811
housing renovations within the district. The ordinance shall 18812
designate the parcels within the district that are eligible for 18813
housing renovation. The ordinance shall state separately the 18814
amounts or the percentages of the expected aggregate service 18815
payments that are designated for each public infrastructure 18816
improvement and for the general purpose of housing renovations. 18817

(4) Except with the approval of the board of education of 18818
each city, local, or exempted village school district within the 18819
territory of which the incentive district is or will be located, 18820
and subject to division (E) of this section, the life of an 18821
incentive district shall not exceed ten years, and the percentage 18822
of improvements to be exempted shall not exceed seventy-five per 18823
cent. With approval of the board of education, the life of a 18824
district may be not more than thirty years, and the percentage of 18825
improvements to be exempted may be not more than one hundred per 18826
cent. The approval of a board of education shall be obtained in 18827
the manner provided in division (D) of this section. 18828

(D)(1) If the ordinance declaring improvements to a parcel to 18829

be a public purpose or creating an incentive district specifies 18830
that payments in lieu of taxes provided for in section 5709.42 of 18831
the Revised Code shall be paid to the city, local, or exempted 18832
village, and joint vocational school district in which the parcel 18833
or incentive district is located in the amount of the taxes that 18834
would have been payable to the school district if the improvements 18835
had not been exempted from taxation, the percentage of the 18836
improvement that may be exempted from taxation may exceed 18837
seventy-five per cent, and the exemption may be granted for up to 18838
thirty years, without the approval of the board of education as 18839
otherwise required under division (D)(2) of this section. 18840

(2) Improvements with respect to a parcel may be exempted 18841
from taxation under division (B) of this section, and improvements 18842
to parcels within an incentive district may be exempted from 18843
taxation under division (C) of this section, for up to ten years 18844
or, with the approval under this paragraph of the board of 18845
education of the city, local, or exempted village school district 18846
within which the parcel or district is located, for up to thirty 18847
years. The percentage of the improvement exempted from taxation 18848
may, with such approval, exceed seventy-five per cent, but shall 18849
not exceed one hundred per cent. Not later than forty-five 18850
business days prior to adopting an ordinance under this section 18851
declaring improvements to be a public purpose that is subject to 18852
approval by a board of education under this division, the 18853
legislative authority shall deliver to the board of education a 18854
notice stating its intent to adopt an ordinance making that 18855
declaration. The notice regarding improvements with respect to a 18856
parcel under division (B) of this section shall identify the 18857
parcels for which improvements are to be exempted from taxation, 18858
provide an estimate of the true value in money of the 18859
improvements, specify the period for which the improvements would 18860
be exempted from taxation and the percentage of the improvement 18861
that would be exempted, and indicate the date on which the 18862

legislative authority intends to adopt the ordinance. The notice 18863
regarding improvements to parcels within an incentive district 18864
under division (C) of this section shall delineate the boundaries 18865
of the district, specifically identify each parcel within the 18866
district, identify each anticipated improvement in the district, 18867
provide an estimate of the true value in money of each such 18868
improvement, specify the life of the district and the percentage 18869
of improvements that would be exempted, and indicate the date on 18870
which the legislative authority intends to adopt the ordinance. 18871
The board of education, by resolution adopted by a majority of the 18872
board, may approve the exemption for the period or for the 18873
exemption percentage specified in the notice; may disapprove the 18874
exemption for the number of years in excess of ten, may disapprove 18875
the exemption for the percentage of the improvement to be exempted 18876
in excess of seventy-five per cent, or both; or may approve the 18877
exemption on the condition that the legislative authority and the 18878
board negotiate an agreement providing for compensation to the 18879
school district equal in value to a percentage of the amount of 18880
taxes exempted in the eleventh and subsequent years of the 18881
exemption period or, in the case of exemption percentages in 18882
excess of seventy-five per cent, compensation equal in value to a 18883
percentage of the taxes that would be payable on the portion of 18884
the improvement in excess of seventy-five per cent were that 18885
portion to be subject to taxation, or other mutually agreeable 18886
compensation. If an agreement is negotiated between the 18887
legislative authority and the board to compensate the school 18888
district for all or part of the taxes exempted, including 18889
agreements for payments in lieu of taxes under section 5709.42 of 18890
the Revised Code, the legislative authority shall compensate the 18891
joint vocational school district within which the parcel or 18892
district is located at the same rate and under the same terms 18893
received by the city, local, or exempted village school district. 18894

(3) The board of education shall certify its resolution to 18895

the legislative authority not later than fourteen days prior to 18896
the date the legislative authority intends to adopt the ordinance 18897
as indicated in the notice. If the board of education and the 18898
legislative authority negotiate a mutually acceptable compensation 18899
agreement, the ordinance may declare the improvements a public 18900
purpose for the number of years specified in the ordinance or, in 18901
the case of exemption percentages in excess of seventy-five per 18902
cent, for the exemption percentage specified in the ordinance. In 18903
either case, if the board and the legislative authority fail to 18904
negotiate a mutually acceptable compensation agreement, the 18905
ordinance may declare the improvements a public purpose for not 18906
more than ten years, and shall not exempt more than seventy-five 18907
per cent of the improvements from taxation. If the board fails to 18908
certify a resolution to the legislative authority within the time 18909
prescribed by this division, the legislative authority thereupon 18910
may adopt the ordinance and may declare the improvements a public 18911
purpose for up to thirty years, or, in the case of exemption 18912
percentages proposed in excess of seventy-five per cent, for the 18913
exemption percentage specified in the ordinance. The legislative 18914
authority may adopt the ordinance at any time after the board of 18915
education certifies its resolution approving the exemption to the 18916
legislative authority, or, if the board approves the exemption on 18917
the condition that a mutually acceptable compensation agreement be 18918
negotiated, at any time after the compensation agreement is agreed 18919
to by the board and the legislative authority. 18920

(4) If a board of education has adopted a resolution waiving 18921
its right to approve exemptions from taxation under this section 18922
and the resolution remains in effect, approval of exemptions by 18923
the board is not required under division (D) of this section. If a 18924
board of education has adopted a resolution allowing a legislative 18925
authority to deliver the notice required under division (D) of 18926
this section fewer than forty-five business days prior to the 18927
legislative authority's adoption of the ordinance, the legislative 18928

authority shall deliver the notice to the board not later than the 18929
number of days prior to such adoption as prescribed by the board 18930
in its resolution. If a board of education adopts a resolution 18931
waiving its right to approve agreements or shortening the 18932
notification period, the board shall certify a copy of the 18933
resolution to the legislative authority. If the board of education 18934
rescinds such a resolution, it shall certify notice of the 18935
rescission to the legislative authority. 18936

(5) If the legislative authority is not required by division 18937
(D) of this section to notify the board of education of the 18938
legislative authority's intent to declare improvements to be a 18939
public purpose, the legislative authority shall comply with the 18940
notice requirements imposed under section 5709.83 of the Revised 18941
Code, unless the board has adopted a resolution under that section 18942
waiving its right to receive such a notice. 18943

(E)(1) If a proposed ordinance under division (C)(1) of this 18944
section exempts improvements with respect to a parcel within an 18945
incentive district for more than ten years, or the percentage of 18946
the improvement exempted from taxation exceeds seventy-five per 18947
cent, not later than forty-five business days prior to adopting 18948
the ordinance the legislative authority of the municipal 18949
corporation shall deliver to the board of county commissioners of 18950
the county within which the incentive district will be located a 18951
notice that states its intent to adopt an ordinance creating an 18952
incentive district. The notice shall include a copy of the 18953
proposed ordinance, identify the parcels for which improvements 18954
are to be exempted from taxation, provide an estimate of the true 18955
value in money of the improvements, specify the period of time for 18956
which the improvements would be exempted from taxation, specify 18957
the percentage of the improvements that would be exempted from 18958
taxation, and indicate the date on which the legislative authority 18959
intends to adopt the ordinance. 18960

(2) The board of county commissioners, by resolution adopted 18961
by a majority of the board, may object to the exemption for the 18962
number of years in excess of ten, may object to the exemption for 18963
the percentage of the improvement to be exempted in excess of 18964
seventy-five per cent, or both. If the board of county 18965
commissioners objects, the board may negotiate a mutually 18966
acceptable compensation agreement with the legislative authority. 18967
In no case shall the compensation provided to the board exceed the 18968
property taxes forgone due to the exemption. If the board of 18969
county commissioners objects, and the board and legislative 18970
authority fail to negotiate a mutually acceptable compensation 18971
agreement, the ordinance adopted under division (C)(1) of this 18972
section shall provide to the board compensation in the eleventh 18973
and subsequent years of the exemption period equal in value to not 18974
more than fifty per cent of the taxes that would be payable to the 18975
county or, if the board's objection includes an objection to an 18976
exemption percentage in excess of seventy-five per cent, 18977
compensation equal in value to not more than fifty per cent of the 18978
taxes that would be payable to the county, on the portion of the 18979
improvement in excess of seventy-five per cent, were that portion 18980
to be subject to taxation. The board of county commissioners shall 18981
certify its resolution to the legislative authority not later than 18982
thirty days after receipt of the notice. 18983

(3) If the board of county commissioners does not object or 18984
fails to certify its resolution objecting to an exemption within 18985
thirty days after receipt of the notice, the legislative authority 18986
may adopt the ordinance, and no compensation shall be provided to 18987
the board of county commissioners. If the board timely certifies 18988
its resolution objecting to the ordinance, the legislative 18989
authority may adopt the ordinance at any time after a mutually 18990
acceptable compensation agreement is agreed to by the board and 18991
the legislative authority, or, if no compensation agreement is 18992
negotiated, at any time after the legislative authority agrees in 18993

the proposed ordinance to provide compensation to the board of 18994
fifty per cent of the taxes that would be payable to the county in 18995
the eleventh and subsequent years of the exemption period or on 18996
the portion of the improvement in excess of seventy-five per cent, 18997
were that portion to be subject to taxation. 18998

(F) Service payments in lieu of taxes that are attributable 18999
to any amount by which the effective tax rate of either a renewal 19000
levy with an increase or a replacement levy exceeds the effective 19001
tax rate of the levy renewed or replaced, or that are attributable 19002
to an additional levy, for a levy authorized by the voters for any 19003
of the following purposes on or after January 1, 2006, and which 19004
are provided pursuant to an ordinance creating an incentive 19005
district under division (C)(1) of this section that is adopted on 19006
or after January 1, 2006, shall be distributed to the appropriate 19007
taxing authority as required under division (C) of section 5709.42 19008
of the Revised Code in an amount equal to the amount of taxes from 19009
that additional levy or from the increase in the effective tax 19010
rate of such renewal or replacement levy that would have been 19011
payable to that taxing authority from the following levies were it 19012
not for the exemption authorized under division (C) of this 19013
section: 19014

(1) A tax levied under division (L) of section 5705.19 or 19015
section 5705.191 of the Revised Code for community mental 19016
retardation and developmental disabilities programs and services 19017
pursuant to Chapter 5126. of the Revised Code; 19018

(2) A tax levied under division (Y) of section 5705.19 of the 19019
Revised Code for providing or maintaining senior citizens services 19020
or facilities; 19021

(3) A tax levied under section 5705.22 of the Revised Code 19022
for county hospitals; 19023

(4) A tax levied by a joint-county district or by a county 19024

under section 5705.19, 5705.191, or 5705.221 of the Revised Code	19025
for alcohol, drug addiction, and mental health services or	19026
facilities;	19027
(5) A tax levied under section 5705.23 of the Revised Code	19028
for library purposes;	19029
(6) A tax levied under section 5705.24 of the Revised Code	19030
for the support of children services and the placement and care of	19031
children;	19032
(7) A tax levied under division (Z) of section 5705.19 of the	19033
Revised Code for the provision and maintenance of zoological park	19034
services and facilities under section 307.76 of the Revised Code;	19035
(8) A tax levied under section 511.27 or division (H) of	19036
section 5705.19 of the Revised Code for the support of township	19037
park districts;	19038
(9) A tax levied under division (A), (F), or (H) of section	19039
5705.19 of the Revised Code for parks and recreational purposes of	19040
a joint recreation district organized pursuant to division (B) of	19041
section 755.14 of the Revised Code;	19042
(10) A tax levied under section 1545.20 or 1545.21 of the	19043
Revised Code for park district purposes;	19044
(11) A tax levied under section 5705.191 of the Revised Code	19045
for the purpose of making appropriations for public assistance;	19046
human or social services; public relief; public welfare; public	19047
health and hospitalization; and support of general hospitals;	19048
(12) A tax levied under section 3709.29 of the Revised Code	19049
for a general health district program.	19050
(G) An exemption from taxation granted under this section	19051
commences with the tax year specified in the ordinance so long as	19052
the year specified in the ordinance commences after the effective	19053
date of the ordinance. If the ordinance specifies a year	19054

commencing before the effective date of the resolution or 19055
specifies no year whatsoever, the exemption commences with the tax 19056
year in which an exempted improvement first appears on the tax 19057
list and duplicate of real and public utility property and that 19058
commences after the effective date of the ordinance. In lieu of 19059
stating a specific year, the ordinance may provide that the 19060
exemption commences in the tax year in which the value of an 19061
improvement exceeds a specified amount or in which the 19062
construction of one or more improvements is completed, provided 19063
that such tax year commences after the effective date of the 19064
ordinance. With respect to the exemption of improvements to 19065
parcels under division (B) of this section, the ordinance may 19066
allow for the exemption to commence in different tax years on a 19067
parcel-by-parcel basis, with a separate exemption term specified 19068
for each parcel. 19069

Except as otherwise provided in this division, the exemption 19070
ends on the date specified in the ordinance as the date the 19071
improvement ceases to be a public purpose or the incentive 19072
district expires, or ends on the date on which the public 19073
infrastructure improvements and housing renovations are paid in 19074
full from the municipal public improvement tax increment 19075
equivalent fund established under division (A) of section 5709.43 19076
of the Revised Code, whichever occurs first. The exemption of an 19077
improvement with respect to a parcel or within an incentive 19078
district may end on a later date, as specified in the ordinance, 19079
if the legislative authority and the board of education of the 19080
city, local, or exempted village school district within which the 19081
parcel or district is located have entered into a compensation 19082
agreement under section 5709.82 of the Revised Code with respect 19083
to the improvement, and the board of education has approved the 19084
term of the exemption under division (D)(2) of this section, but 19085
in no case shall the improvement be exempted from taxation for 19086
more than thirty years. Exemptions shall be claimed and allowed in 19087

the same manner as in the case of other real property exemptions. 19088
If an exemption status changes during a year, the procedure for 19089
the apportionment of the taxes for that year is the same as in the 19090
case of other changes in tax exemption status during the year. 19091

(H) Additional municipal financing of public infrastructure 19092
improvements and housing renovations may be provided by any 19093
methods that the municipal corporation may otherwise use for 19094
financing such improvements or renovations. If the municipal 19095
corporation issues bonds or notes to finance the public 19096
infrastructure improvements and housing renovations and pledges 19097
money from the municipal public improvement tax increment 19098
equivalent fund to pay the interest on and principal of the bonds 19099
or notes, the bonds or notes are not subject to Chapter 133. of 19100
the Revised Code. 19101

(I) The municipal corporation, not later than fifteen days 19102
after the adoption of an ordinance under this section, shall 19103
submit to the director of development services a copy of the 19104
ordinance. On or before the thirty-first day of March of each 19105
year, the municipal corporation shall submit a status report to 19106
the director of development services. The report shall indicate, 19107
in the manner prescribed by the director, the progress of the 19108
project during each year that an exemption remains in effect, 19109
including a summary of the receipts from service payments in lieu 19110
of taxes; expenditures of money from the funds created under 19111
section 5709.43 of the Revised Code; a description of the public 19112
infrastructure improvements and housing renovations financed with 19113
such expenditures; and a quantitative summary of changes in 19114
employment and private investment resulting from each project. 19115

(J) Nothing in this section shall be construed to prohibit a 19116
legislative authority from declaring to be a public purpose 19117
improvements with respect to more than one parcel. 19118

(K) If a parcel is located in a new community district in 19119

which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

Sec. 5713.012. (A) For purposes of this section:

(1) "Mass appraisal project" means any sexennial reappraisal, triennial update, or other revaluation of all real property or the valuation of newly constructed real property in accordance with section 5713.01 of the Revised Code.

(2) "Qualified project manager" means a person who plans, manages, coordinates, and controls the execution of a mass appraisal project under the direction of the county auditor and who has all of the following qualifications:

(a) Has passed a comprehensive final examination that corresponds to a course, approved by the superintendent of real estate and professional licensing, that consists of at least thirty hours of instruction, quizzes, and learning aids. The superintendent shall not approve a course under this division that does not address the following topics in both the instruction and the examination:

(i) Concepts and principles of mass appraisal as they relate to the assessment of real property for the purposes of ad valorem taxation;

(ii) Methods of data collection and data management relative to parcels of real property, including modern alternative data collection methods and currently utilized computer-assisted mass appraisal systems;

(iii) Assessment sales-ratio study including various measures of central tendency, the various measures of dispersion of data

about the mean, median, and dollar-weighted mean, and the advantages and disadvantages of various analysis techniques;

(iv) Traditional approaches of property valuation, including the cost approach, the sales comparison approach, and the income approach, as they are implemented in a mass appraisal project;

(v) Methods and systems for model building and model calibration as related to mass appraisal of real property;

(vi) Methods of production management and project analysis such as Gantt charts, program evaluation and review technique (PERT) charts, frequency distribution charts, line graphs, bar charts, and scatter diagrams, as they are utilized in the mass appraisal area.

(b) Has completed at least seven hours of continuing education courses in mass appraisal during the two-year period immediately succeeding the year in which the person passed the examination required in division (A)(2)(a) of this section, and during each two-year period thereafter.

(B)(1) The county auditor, in acting as the assessor of all real property in the auditor's county for taxation purposes in accordance with section 5713.01 of the Revised Code, shall involve at least one qualified project manager in each mass ~~assessment~~ appraisal project that originates more than two years after the effective date of the enactment of this section by H.B. 487 of the 129th general assembly, September 10, 2012.

(2) The tax commissioner, beginning two years after the effective date of the enactment of this section by H.B. 487 of the 129th general assembly, September 10, 2012, shall not approve any contract entered into by the auditor under division (E) of section 5713.01 of the Revised Code, with a person to do all or any part of the work necessary to the performance of the auditor's duties as assessor unless that person designates an officer or employee

of that person, with the appropriate credentials, to act as a 19181
qualified project manager. 19182

(3) The tax commissioner, beginning two years after the 19183
effective date of the enactment of this section by H.B. 487 of the 19184
129th general assembly, September 10, 2012, shall not include any 19185
person that has not designated an officer or employee, with the 19186
appropriate credentials, to act as a qualified project manager on 19187
a list generated by the commissioner for either of the following 19188
purposes: 19189

(a) To assist county auditors in selecting a person to do all 19190
or any part of the work necessary to the performance of the 19191
auditor's duties as assessor of all real property under section 19192
5713.01 of the Revised Code; 19193

(b) To assist the commissioner in the consideration of 19194
whether to approve or disapprove the auditor's application 19195
requesting authority to employ an appraisal firm or individual 19196
appraiser. 19197

(C) The superintendent of real estate and professional 19198
licensing shall adopt reasonable rules in accordance with Chapter 19199
119. of the Revised Code necessary for the implementation of this 19200
section, including rules establishing all of the following: 19201

(1) The form and manner by which persons may apply to the 19202
superintendent to offer a thirty-hour course or continuing 19203
education course as described in division (A)(2) of this section; 19204

(2) Standards to be used by the superintendent in approving a 19205
thirty-hour course or continuing education course described in 19206
division (A)(2) of this section; 19207

(3) Standards to be used in determining whether a person has 19208
successfully completed the examination and continuing education 19209
requirements described in division (A)(2) of this section; 19210

(4) The method and deadlines for transmitting to the tax commissioner all information necessary for the commissioner to determine a person's eligibility for inclusion on the commissioner's list of qualified project managers.

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Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as provided in divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax on the transactions, a uniform percentage of the tax collected in the municipal corporation or in the unincorporated portion of the township from each transaction, not to exceed thirty-three and one-third per cent. The remainder of the revenue arising from the tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors' bureau operating within the county, including a pledge and contribution of any portion of the remainder pursuant to an agreement authorized by section 307.678 or 307.695 of the Revised Code, provided that if the board of county commissioners of an eligible county as defined in section 307.678 or 307.695 of the Revised Code adopts a resolution amending a resolution levying a

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tax under this division to provide that all or a portion of the 19243
revenue from the tax shall be used by the board as described in 19244
either division (D) of section 307.678 or division (H) of section 19245
307.695 of the Revised Code, the remainder of the revenue shall be 19246
used as described in the resolution making that amendment. Except 19247
as provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) 19248
of this section, on and after May 10, 1994, a board of county 19249
commissioners may not levy an excise tax pursuant to this division 19250
in any municipal corporation or township located wholly or partly 19251
within the county that has in effect an ordinance or resolution 19252
levying an excise tax pursuant to division (B) of this section. 19253
The board of a county that has levied a tax under division (C) of 19254
this section may, by resolution adopted within ninety days after 19255
July 15, 1985, by a majority of the members of the board, amend 19256
the resolution levying a tax under this division to provide for a 19257
portion of that tax to be pledged and contributed in accordance 19258
with an agreement entered into under section 307.695 of the 19259
Revised Code. A tax, any revenue from which is pledged pursuant to 19260
such an agreement, shall remain in effect at the rate at which it 19261
is imposed for the duration of the period for which the revenue 19262
from the tax has been so pledged. 19263

The board of county commissioners of an eligible county as 19264
defined in section 307.695 of the Revised Code may, by resolution 19265
adopted by a majority of the members of the board, amend a 19266
resolution levying a tax under this division to provide that the 19267
revenue from the tax shall be used by the board as described in 19268
division (H) of section 307.695 of the Revised Code, in which case 19269
the tax shall remain in effect at the rate at which it was imposed 19270
for the duration of any agreement entered into by the board under 19271
section 307.695 of the Revised Code, the duration during which any 19272
securities issued by the board under that section are outstanding, 19273
or the duration of the period during which the board owns a 19274
project as defined in section 307.695 of the Revised Code, 19275

whichever duration is longest. 19276

The board of county commissioners of an eligible county as 19277
defined in section 307.678 of the Revised Code may, by resolution, 19278
amend a resolution levying a tax under this division to provide 19279
that revenue from the tax may be used for the purposes described 19280
in division (D) of section 307.678 of the Revised Code. 19281

(2) A board of county commissioners that levies an excise tax 19282
under division (A)(1) of this section on June 30, 1997, at a rate 19283
of three per cent, and that has pledged revenue from the tax to an 19284
agreement entered into under section 307.695 of the Revised Code 19285
or, in the case of the board of county commissioners of an 19286
eligible county as defined in section 307.695 of the Revised Code, 19287
has amended a resolution levying a tax under division (C) of this 19288
section to provide that proceeds from the tax shall be used by the 19289
board as described in division (H) of section 307.695 of the 19290
Revised Code, may, at any time by a resolution adopted by a 19291
majority of the members of the board, amend the resolution levying 19292
a tax under division (A)(1) of this section to provide for an 19293
increase in the rate of that tax up to seven per cent on each 19294
transaction; to provide that revenue from the increase in the rate 19295
shall be used as described in division (H) of section 307.695 of 19296
the Revised Code or be spent solely to make contributions to the 19297
convention and visitors' bureau operating within the county to be 19298
used specifically for promotion, advertising, and marketing of the 19299
region in which the county is located; and to provide that the 19300
rate in excess of the three per cent levied under division (A)(1) 19301
of this section shall remain in effect at the rate at which it is 19302
imposed for the duration of the period during which any agreement 19303
is in effect that was entered into under section 307.695 of the 19304
Revised Code by the board of county commissioners levying a tax 19305
under division (A)(1) of this section, the duration of the period 19306
during which any securities issued by the board under division (I) 19307

of section 307.695 of the Revised Code are outstanding, or the 19308
duration of the period during which the board owns a project as 19309
defined in section 307.695 of the Revised Code, whichever duration 19310
is longest. The amendment also shall provide that no portion of 19311
that revenue need be returned to townships or municipal 19312
corporations as would otherwise be required under division (A)(1) 19313
of this section. 19314

(3) A board of county commissioners that levies a tax under 19315
division (A)(1) of this section on March 18, 1999, at a rate of 19316
three per cent may, by resolution adopted not later than 19317
forty-five days after March 18, 1999, amend the resolution levying 19318
the tax to provide for all of the following: 19319

(a) That the rate of the tax shall be increased by not more 19320
than an additional four per cent on each transaction; 19321

(b) That all of the revenue from the increase in the rate 19322
shall be pledged and contributed to a convention facilities 19323
authority established by the board of county commissioners under 19324
Chapter 351. of the Revised Code on or before November 15, 1998, 19325
and used to pay costs of constructing, maintaining, operating, and 19326
promoting a facility in the county, including paying bonds, or 19327
notes issued in anticipation of bonds, as provided by that 19328
chapter; 19329

(c) That no portion of the revenue arising from the increase 19330
in rate need be returned to municipal corporations or townships as 19331
otherwise required under division (A)(1) of this section; 19332

(d) That the increase in rate shall not be subject to 19333
diminution by initiative or referendum or by law while any bonds, 19334
or notes in anticipation of bonds, issued by the authority under 19335
Chapter 351. of the Revised Code to which the revenue is pledged, 19336
remain outstanding in accordance with their terms, unless 19337
provision is made by law or by the board of county commissioners 19338

for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

Division (A)(3) of this section does not apply to the board of county commissioners of any county in which a convention center or facility exists or is being constructed on November 15, 1998, or of any county in which a convention facilities authority levies a tax pursuant to section 351.021 of the Revised Code on that date.

As used in division (A)(3) of this section, "cost" and "facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(4)(a) A board of county commissioners that levies a tax under division (A)(1) of this section on June 30, 2002, at a rate of three per cent may, by resolution adopted not later than September 30, 2002, amend the resolution levying the tax to provide for all of the following:

(i) That the rate of the tax shall be increased by not more than an additional three and one-half per cent on each transaction;

(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(iii) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this

section; 19370

(iv) That the increase in rate shall not be subject to 19371
diminution by initiative or referendum or by law while any bonds, 19372
or notes in anticipation of bonds, issued by the authority under 19373
Chapter 351. of the Revised Code to which the revenue is pledged, 19374
remain outstanding in accordance with their terms, unless 19375
provision is made by law or by the board of county commissioners 19376
for an adequate substitute therefor that is satisfactory to the 19377
trustee if a trust agreement secures the bonds. 19378

(b) Any board of county commissioners that, pursuant to 19379
division (A)(4)(a) of this section, has amended a resolution 19380
levying the tax authorized by division (A)(1) of this section may 19381
further amend the resolution to provide that the revenue referred 19382
to in division (A)(4)(a)(ii) of this section shall be pledged and 19383
contributed both to a convention facilities authority to pay the 19384
costs of constructing, expanding, maintaining, or operating one or 19385
more convention centers in the county, including paying bonds, or 19386
notes issued in anticipation of bonds, as provided in Chapter 351. 19387
of the Revised Code, and to a convention and visitors' bureau to 19388
pay the costs of promoting one or more convention centers in the 19389
county. 19390

As used in division (A)(4) of this section, "cost" has the 19391
same meaning as in section 351.01 of the Revised Code, and 19392
"convention center" has the same meaning as in section 307.695 of 19393
the Revised Code. 19394

(5)(a) As used in division (A)(5) of this section: 19395

(i) "Port authority" means a port authority created under 19396
Chapter 4582. of the Revised Code. 19397

(ii) "Port authority military-use facility" means port 19398
authority facilities on which or adjacent to which is located an 19399
installation of the armed forces of the United States, a reserve 19400

component thereof, or the national guard and at least part of 19401
which is made available for use, for consideration, by the armed 19402
forces of the United States, a reserve component thereof, or the 19403
national guard. 19404

(b) For the purpose of contributing revenue to pay operating 19405
expenses of a port authority that operates a port authority 19406
military-use facility, the board of county commissioners of a 19407
county that created, participated in the creation of, or has 19408
joined such a port authority may do one or both of the following: 19409

(i) Amend a resolution previously adopted under division 19410
(A)(1) of this section to designate some or all of the revenue 19411
from the tax levied under the resolution to be used for that 19412
purpose, notwithstanding that division; 19413

(ii) Amend a resolution previously adopted under division 19414
(A)(1) of this section to increase the rate of the tax by not more 19415
than an additional two per cent and use the revenue from the 19416
increase exclusively for that purpose. 19417

(c) If a board of county commissioners amends a resolution to 19418
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 19419
of this section, the board also may amend the resolution to 19420
specify that the increase in rate of the tax does not apply to 19421
"hotels," as otherwise defined in section 5739.01 of the Revised 19422
Code, having fewer rooms used for the accommodation of guests than 19423
a number of rooms specified by the board. 19424

(6) A board of county commissioners of a county organized 19425
under a county charter adopted pursuant to Article X, Section 3, 19426
Ohio Constitution, and that levies an excise tax under division 19427
(A)(1) of this section at a rate of three per cent and levies an 19428
additional excise tax under division (E) of this section at a rate 19429
of one and one-half per cent may, by resolution adopted not later 19430
than January 1, 2008, by a majority of the members of the board, 19431

amend the resolution levying a tax under division (A)(1) of this 19432
section to provide for an increase in the rate of that tax by not 19433
more than an additional one per cent on transactions by which 19434
lodging by a hotel is or is to be furnished to transient guests. 19435
Notwithstanding divisions (A)(1) and (E) of this section, the 19436
resolution shall provide that all of the revenue from the increase 19437
in rate, after deducting the real and actual costs of 19438
administering the tax, shall be used to pay the costs of 19439
improving, expanding, equipping, financing, or operating a 19440
convention center by a convention and visitors' bureau in the 19441
county. The increase in rate shall remain in effect for the period 19442
specified in the resolution, not to exceed ten years. The increase 19443
in rate shall be subject to the regulations adopted under division 19444
(A)(1) of this section, except that the resolution may provide 19445
that no portion of the revenue from the increase in the rate shall 19446
be returned to townships or municipal corporations as would 19447
otherwise be required under that division. 19448

(7) Division (A)(7) of this section applies only to a county 19449
with a population greater than sixty-five thousand and less than 19450
seventy thousand according to the most recent federal decennial 19451
census and in which, on December 31, 2006, an excise tax is levied 19452
under division (A)(1) of this section at a rate not less than and 19453
not greater than three per cent, and in which the most recent 19454
increase in the rate of that tax was enacted or took effect in 19455
November 1984. 19456

The board of county commissioners of a county to which this 19457
division applies, by resolution adopted by a majority of the 19458
members of the board, may increase the rate of the tax by not more 19459
than one per cent on transactions by which lodging by a hotel is 19460
or is to be furnished to transient guests. The increase in rate 19461
shall be for the purpose of paying expenses deemed necessary by 19462
the convention and visitors' bureau operating in the county to 19463

promote travel and tourism. The increase in rate shall remain in 19464
effect for the period specified in the resolution, not to exceed 19465
twenty years, provided that the increase in rate may not continue 19466
beyond the time when the purpose for which the increase is levied 19467
ceases to exist. If revenue from the increase in rate is pledged 19468
to the payment of debt charges on securities, the increase in rate 19469
is not subject to diminution by initiative or referendum or by law 19470
for so long as the securities are outstanding, unless provision is 19471
made by law or by the board of county commissioners for an 19472
adequate substitute for that revenue that is satisfactory to the 19473
trustee if a trust agreement secures payment of the debt charges. 19474
The increase in rate shall be subject to the regulations adopted 19475
under division (A)(1) of this section, except that the resolution 19476
may provide that no portion of the revenue from the increase in 19477
the rate shall be returned to townships or municipal corporations 19478
as would otherwise be required under division (A)(1) of this 19479
section. A resolution adopted under division (A)(7) of this 19480
section is subject to referendum under sections 305.31 to 305.99 19481
of the Revised Code. 19482

(B)(1) The legislative authority of a municipal corporation 19483
or the board of trustees of a township that is not wholly or 19484
partly located in a county that has in effect a resolution levying 19485
an excise tax pursuant to division (A)(1) of this section may, by 19486
ordinance or resolution, levy an excise tax not to exceed three 19487
per cent on transactions by which lodging by a hotel is or is to 19488
be furnished to transient guests. The legislative authority of the 19489
municipal corporation or the board of trustees of the township 19490
shall deposit at least fifty per cent of the revenue from the tax 19491
levied pursuant to this division into a separate fund, which shall 19492
be spent solely to make contributions to convention and visitors' 19493
bureaus operating within the county in which the municipal 19494
corporation or township is wholly or partly located, and the 19495
balance of that revenue shall be deposited in the general fund. 19496

The municipal corporation or township shall establish all 19497
regulations necessary to provide for the administration and 19498
allocation of the tax. The regulations may prescribe the time for 19499
payment of the tax, and may provide for the imposition of a 19500
penalty or interest, or both, for late payments, provided that the 19501
penalty does not exceed ten per cent of the amount of tax due, and 19502
the rate at which interest accrues does not exceed the rate per 19503
annum prescribed pursuant to section 5703.47 of the Revised Code. 19504
The levy of a tax under this division is in addition to any tax 19505
imposed on the same transaction by a municipal corporation or a 19506
township as authorized by division (A) of section 5739.08 of the 19507
Revised Code. 19508

(2)(a) The legislative authority of the most populous 19509
municipal corporation located wholly or partly in a county in 19510
which the board of county commissioners has levied a tax under 19511
division (A)(4) of this section may amend, on or before September 19512
30, 2002, that municipal corporation's ordinance or resolution 19513
that levies an excise tax on transactions by which lodging by a 19514
hotel is or is to be furnished to transient guests, to provide for 19515
all of the following: 19516

(i) That the rate of the tax shall be increased by not more 19517
than an additional one per cent on each transaction; 19518

(ii) That all of the revenue from the increase in rate shall 19519
be pledged and contributed to a convention facilities authority 19520
established by the board of county commissioners under Chapter 19521
351. of the Revised Code on or before May 15, 2002, and be used to 19522
pay costs of constructing, expanding, maintaining, operating, or 19523
promoting a convention center in the county, including paying 19524
bonds, or notes issued in anticipation of bonds, as provided by 19525
that chapter; 19526

(iii) That the increase in rate shall not be subject to 19527
diminution by initiative or referendum or by law while any bonds, 19528

or notes in anticipation of bonds, issued by the authority under 19529
Chapter 351. of the Revised Code to which the revenue is pledged, 19530
remain outstanding in accordance with their terms, unless 19531
provision is made by law, by the board of county commissioners, or 19532
by the legislative authority, for an adequate substitute therefor 19533
that is satisfactory to the trustee if a trust agreement secures 19534
the bonds. 19535

(b) The legislative authority of a municipal corporation 19536
that, pursuant to division (B)(2)(a) of this section, has amended 19537
its ordinance or resolution to increase the rate of the tax 19538
authorized by division (B)(1) of this section may further amend 19539
the ordinance or resolution to provide that the revenue referred 19540
to in division (B)(2)(a)(ii) of this section shall be pledged and 19541
contributed both to a convention facilities authority to pay the 19542
costs of constructing, expanding, maintaining, or operating one or 19543
more convention centers in the county, including paying bonds, or 19544
notes issued in anticipation of bonds, as provided in Chapter 351. 19545
of the Revised Code, and to a convention and visitors' bureau to 19546
pay the costs of promoting one or more convention centers in the 19547
county. 19548

As used in division (B)(2) of this section, "cost" has the 19549
same meaning as in section 351.01 of the Revised Code, and 19550
"convention center" has the same meaning as in section 307.695 of 19551
the Revised Code. 19552

(C) For the purposes described in section 307.695 of the 19553
Revised Code and to cover the costs of administering the tax, a 19554
board of county commissioners of a county where a tax imposed 19555
under division (A)(1) of this section is in effect may, by 19556
resolution adopted within ninety days after July 15, 1985, by a 19557
majority of the members of the board, levy an additional excise 19558
tax not to exceed three per cent on transactions by which lodging 19559
by a hotel is or is to be furnished to transient guests. The tax 19560

authorized by this division shall be in addition to any tax that 19561
is levied pursuant to division (A) of this section, but it shall 19562
not apply to transactions subject to a tax levied by a municipal 19563
corporation or township pursuant to the authorization granted by 19564
division (A) of section 5739.08 of the Revised Code. The board 19565
shall establish all regulations necessary to provide for the 19566
administration and allocation of the tax. The regulations may 19567
prescribe the time for payment of the tax, and may provide for the 19568
imposition of a penalty or interest, or both, for late payments, 19569
provided that the penalty does not exceed ten per cent of the 19570
amount of tax due, and the rate at which interest accrues does not 19571
exceed the rate per annum prescribed pursuant to section 5703.47 19572
of the Revised Code. All revenues arising from the tax shall be 19573
expended in accordance with section 307.695 of the Revised Code. 19574
The board of county commissioners of an eligible county as defined 19575
in section 307.695 of the Revised Code may, by resolution adopted 19576
by a majority of the members of the board, amend the resolution 19577
levying a tax under this division to provide that the revenue from 19578
the tax shall be used by the board as described in division (H) of 19579
section 307.695 of the Revised Code. A tax imposed under this 19580
division shall remain in effect at the rate at which it is imposed 19581
for the duration of the period during which any agreement entered 19582
into by the board under section 307.695 of the Revised Code is in 19583
effect, the duration of the period during which any securities 19584
issued by the board under division (I) of section 307.695 of the 19585
Revised Code are outstanding, or the duration of the period during 19586
which the board owns a project as defined in section 307.695 of 19587
the Revised Code, whichever duration is longest. 19588

(D) For the purpose of providing contributions under division 19589
(B)(1) of section 307.671 of the Revised Code to enable the 19590
acquisition, construction, and equipping of a port authority 19591
educational and cultural facility in the county and, to the extent 19592
provided for in the cooperative agreement authorized by that 19593

section, for the purpose of paying debt service charges on bonds, 19594
or notes in anticipation of bonds, described in division (B)(1)(b) 19595
of that section, a board of county commissioners, by resolution 19596
adopted within ninety days after December 22, 1992, by a majority 19597
of the members of the board, may levy an additional excise tax not 19598
to exceed one and one-half per cent on transactions by which 19599
lodging by a hotel is or is to be furnished to transient guests. 19600
The excise tax authorized by this division shall be in addition to 19601
any tax that is levied pursuant to divisions (A), (B), and (C) of 19602
this section, to any excise tax levied pursuant to section 5739.08 19603
of the Revised Code, and to any excise tax levied pursuant to 19604
section 351.021 of the Revised Code. The board of county 19605
commissioners shall establish all regulations necessary to provide 19606
for the administration and allocation of the tax that are not 19607
inconsistent with this section or section 307.671 of the Revised 19608
Code. The regulations may prescribe the time for payment of the 19609
tax, and may provide for the imposition of a penalty or interest, 19610
or both, for late payments, provided that the penalty does not 19611
exceed ten per cent of the amount of tax due, and the rate at 19612
which interest accrues does not exceed the rate per annum 19613
prescribed pursuant to section 5703.47 of the Revised Code. All 19614
revenues arising from the tax shall be expended in accordance with 19615
section 307.671 of the Revised Code and division (D) of this 19616
section. The levy of a tax imposed under this division may not 19617
commence prior to the first day of the month next following the 19618
execution of the cooperative agreement authorized by section 19619
307.671 of the Revised Code by all parties to that agreement. The 19620
tax shall remain in effect at the rate at which it is imposed for 19621
the period of time described in division (C) of section 307.671 of 19622
the Revised Code for which the revenue from the tax has been 19623
pledged by the county to the corporation pursuant to that section, 19624
but, to any extent provided for in the cooperative agreement, for 19625
no lesser period than the period of time required for payment of 19626

the debt service charges on bonds, or notes in anticipation of 19627
bonds, described in division (B)(1)(b) of that section. 19628

(E) For the purpose of paying the costs of acquiring, 19629
constructing, equipping, and improving a municipal educational and 19630
cultural facility, including debt service charges on bonds 19631
provided for in division (B) of section 307.672 of the Revised 19632
Code, and for any additional purposes determined by the county in 19633
the resolution levying the tax or amendments to the resolution, 19634
including subsequent amendments providing for paying costs of 19635
acquiring, constructing, renovating, rehabilitating, equipping, 19636
and improving a port authority educational and cultural performing 19637
arts facility, as defined in section 307.674 of the Revised Code, 19638
and including debt service charges on bonds provided for in 19639
division (B) of section 307.674 of the Revised Code, the 19640
legislative authority of a county, by resolution adopted within 19641
ninety days after June 30, 1993, by a majority of the members of 19642
the legislative authority, may levy an additional excise tax not 19643
to exceed one and one-half per cent on transactions by which 19644
lodging by a hotel is or is to be furnished to transient guests. 19645
The excise tax authorized by this division shall be in addition to 19646
any tax that is levied pursuant to divisions (A), (B), (C), and 19647
(D) of this section, to any excise tax levied pursuant to section 19648
5739.08 of the Revised Code, and to any excise tax levied pursuant 19649
to section 351.021 of the Revised Code. The legislative authority 19650
of the county shall establish all regulations necessary to provide 19651
for the administration and allocation of the tax. The regulations 19652
may prescribe the time for payment of the tax, and may provide for 19653
the imposition of a penalty or interest, or both, for late 19654
payments, provided that the penalty does not exceed ten per cent 19655
of the amount of tax due, and the rate at which interest accrues 19656
does not exceed the rate per annum prescribed pursuant to section 19657
5703.47 of the Revised Code. All revenues arising from the tax 19658
shall be expended in accordance with section 307.672 of the 19659

Revised Code and this division. The levy of a tax imposed under 19660
this division shall not commence prior to the first day of the 19661
month next following the execution of the cooperative agreement 19662
authorized by section 307.672 of the Revised Code by all parties 19663
to that agreement. The tax shall remain in effect at the rate at 19664
which it is imposed for the period of time determined by the 19665
legislative authority of the county. That period of time shall not 19666
exceed fifteen years, except that the legislative authority of a 19667
county with a population of less than two hundred fifty thousand 19668
according to the most recent federal decennial census, by 19669
resolution adopted by a majority of its members before the 19670
original tax expires, may extend the duration of the tax for an 19671
additional period of time. The additional period of time by which 19672
a legislative authority extends a tax levied under this division 19673
shall not exceed fifteen years. 19674

(F) The legislative authority of a county that has levied a 19675
tax under division (E) of this section may, by resolution adopted 19676
within one hundred eighty days after January 4, 2001, by a 19677
majority of the members of the legislative authority, amend the 19678
resolution levying a tax under that division to provide for the 19679
use of the proceeds of that tax, to the extent that it is no 19680
longer needed for its original purpose as determined by the 19681
parties to a cooperative agreement amendment pursuant to division 19682
(D) of section 307.672 of the Revised Code, to pay costs of 19683
acquiring, constructing, renovating, rehabilitating, equipping, 19684
and improving a port authority educational and cultural performing 19685
arts facility, including debt service charges on bonds provided 19686
for in division (B) of section 307.674 of the Revised Code, and to 19687
pay all obligations under any guaranty agreements, reimbursement 19688
agreements, or other credit enhancement agreements described in 19689
division (C) of section 307.674 of the Revised Code. The 19690
resolution may also provide for the extension of the tax at the 19691
same rate for the longer of the period of time determined by the 19692

legislative authority of the county, but not to exceed an 19693
additional twenty-five years, or the period of time required to 19694
pay all debt service charges on bonds provided for in division (B) 19695
of section 307.672 of the Revised Code and on port authority 19696
revenue bonds provided for in division (B) of section 307.674 of 19697
the Revised Code. All revenues arising from the amendment and 19698
extension of the tax shall be expended in accordance with section 19699
307.674 of the Revised Code, this division, and division (E) of 19700
this section. 19701

(G) For purposes of a tax levied by a county, township, or 19702
municipal corporation under this section or section 5739.08 of the 19703
Revised Code, a board of county commissioners, board of township 19704
trustees, or the legislative authority of a municipal corporation 19705
may adopt a resolution or ordinance at any time specifying that 19706
"hotel," as otherwise defined in section 5739.01 of the Revised 19707
Code, includes the following: 19708

(1) Establishments in which fewer than five rooms are used 19709
for the accommodation of guests. 19710

(2) Establishments at which rooms are used for the 19711
accommodation of guests regardless of whether each room is 19712
accessible through its own keyed entry or several rooms are 19713
accessible through the same keyed entry; and, in determining the 19714
number of rooms, all rooms are included regardless of the number 19715
of structures in which the rooms are situated or the number of 19716
parcels of land on which the structures are located if the 19717
structures are under the same ownership and the structures are not 19718
identified in advertisements of the accommodations as distinct 19719
establishments. For the purposes of division (G)(2) of this 19720
section, two or more structures are under the same ownership if 19721
they are owned by the same person, or if they are owned by two or 19722
more persons the majority of the ownership interests of which are 19723
owned by the same person. 19724

The resolution or ordinance may apply to a tax imposed 19725
pursuant to this section prior to the adoption of the resolution 19726
or ordinance if the resolution or ordinance so states, but the tax 19727
shall not apply to transactions by which lodging by such an 19728
establishment is provided to transient guests prior to the 19729
adoption of the resolution or ordinance. 19730

(H)(1) As used in this division: 19731

(a) "Convention facilities authority" has the same meaning as 19732
in section 351.01 of the Revised Code. 19733

(b) "Convention center" has the same meaning as in section 19734
307.695 of the Revised Code. 19735

(2) Notwithstanding any contrary provision of division (D) of 19736
this section, the legislative authority of a county with a 19737
population of one million or more according to the most recent 19738
federal decennial census that has levied a tax under division (D) 19739
of this section may, by resolution adopted by a majority of the 19740
members of the legislative authority, provide for the extension of 19741
such levy and may provide that the proceeds of that tax, to the 19742
extent that they are no longer needed for their original purpose 19743
as defined by a cooperative agreement entered into under section 19744
307.671 of the Revised Code, shall be deposited into the county 19745
general revenue fund. The resolution shall provide for the 19746
extension of the tax at a rate not to exceed the rate specified in 19747
division (D) of this section for a period of time determined by 19748
the legislative authority of the county, but not to exceed an 19749
additional forty years. 19750

(3) The legislative authority of a county with a population 19751
of one million or more that has levied a tax under division (A)(1) 19752
of this section may, by resolution adopted by a majority of the 19753
members of the legislative authority, increase the rate of the tax 19754
levied by such county under division (A)(1) of this section to a 19755

rate not to exceed five per cent on transactions by which lodging 19756
by a hotel is or is to be furnished to transient guests. 19757
Notwithstanding any contrary provision of division (A)(1) of this 19758
section, the resolution may provide that all collections resulting 19759
from the rate levied in excess of three per cent, after deducting 19760
the real and actual costs of administering the tax, shall be 19761
deposited in the county general fund. 19762

(4) The legislative authority of a county with a population 19763
of one million or more that has levied a tax under division (A)(1) 19764
of this section may, by resolution adopted on or before August 30, 19765
2004, by a majority of the members of the legislative authority, 19766
provide that all or a portion of the proceeds of the tax levied 19767
under division (A)(1) of this section, after deducting the real 19768
and actual costs of administering the tax and the amounts required 19769
to be returned to townships and municipal corporations with 19770
respect to the first three per cent levied under division (A)(1) 19771
of this section, shall be deposited in the county general fund, 19772
provided that such proceeds shall be used to satisfy any pledges 19773
made in connection with an agreement entered into under section 19774
307.695 of the Revised Code. 19775

(5) No amount collected from a tax levied, extended, or 19776
required to be deposited in the county general fund under division 19777
(H) of this section shall be contributed to a convention 19778
facilities authority, corporation, or other entity created after 19779
July 1, 2003, for the principal purpose of constructing, 19780
improving, expanding, equipping, financing, or operating a 19781
convention center unless the mayor of the municipal corporation in 19782
which the convention center is to be operated by that convention 19783
facilities authority, corporation, or other entity has consented 19784
to the creation of that convention facilities authority, 19785
corporation, or entity. Notwithstanding any contrary provision of 19786
section 351.04 of the Revised Code, if a tax is levied by a county 19787

under division (H) of this section, the board of county 19788
commissioners of that county may determine the manner of 19789
selection, the qualifications, the number, and terms of office of 19790
the members of the board of directors of any convention facilities 19791
authority, corporation, or other entity described in division 19792
(H)(5) of this section. 19793

(6)(a) No amount collected from a tax levied, extended, or 19794
required to be deposited in the county general fund under division 19795
(H) of this section may be used for any purpose other than paying 19796
the direct and indirect costs of constructing, improving, 19797
expanding, equipping, financing, or operating a convention center 19798
and for the real and actual costs of administering the tax, 19799
unless, prior to the adoption of the resolution of the legislative 19800
authority of the county authorizing the levy, extension, increase, 19801
or deposit, the county and the mayor of the most populous 19802
municipal corporation in that county have entered into an 19803
agreement as to the use of such amounts, provided that such 19804
agreement has been approved by a majority of the mayors of the 19805
other municipal corporations in that county. The agreement shall 19806
provide that the amounts to be used for purposes other than paying 19807
the convention center or administrative costs described in 19808
division (H)(6)(a) of this section be used only for the direct and 19809
indirect costs of capital improvements, including the financing of 19810
capital improvements. 19811

(b) If the county in which the tax is levied has an 19812
association of mayors and city managers, the approval of that 19813
association of an agreement described in division (H)(6)(a) of 19814
this section shall be considered to be the approval of the 19815
majority of the mayors of the other municipal corporations for 19816
purposes of that division. 19817

(7) Each year, the auditor of state shall conduct an audit of 19818
the uses of any amounts collected from taxes levied, extended, or 19819

deposited under division (H) of this section and shall prepare a 19820
report of the auditor of state's findings. The auditor of state 19821
shall submit the report to the legislative authority of the county 19822
that has levied, extended, or deposited the tax, the speaker of 19823
the house of representatives, the president of the senate, and the 19824
leaders of the minority parties of the house of representatives 19825
and the senate. 19826

(I)(1) As used in this division: 19827

(a) "Convention facilities authority" has the same meaning as 19828
in section 351.01 of the Revised Code. 19829

(b) "Convention center" has the same meaning as in section 19830
307.695 of the Revised Code. 19831

(2) Notwithstanding any contrary provision of division (D) of 19832
this section, the legislative authority of a county with a 19833
population of one million two hundred thousand or more according 19834
to the most recent federal decennial census or the most recent 19835
annual population estimate published or released by the United 19836
States census bureau at the time the resolution is adopted placing 19837
the levy on the ballot, that has levied a tax under division (D) 19838
of this section may, by resolution adopted by a majority of the 19839
members of the legislative authority, provide for the extension of 19840
such levy and may provide that the proceeds of that tax, to the 19841
extent that the proceeds are no longer needed for their original 19842
purpose as defined by a cooperative agreement entered into under 19843
section 307.671 of the Revised Code and after deducting the real 19844
and actual costs of administering the tax, shall be used for 19845
paying the direct and indirect costs of constructing, improving, 19846
expanding, equipping, financing, or operating a convention center. 19847
The resolution shall provide for the extension of the tax at a 19848
rate not to exceed the rate specified in division (D) of this 19849
section for a period of time determined by the legislative 19850
authority of the county, but not to exceed an additional forty 19851

years. 19852

(3) The legislative authority of a county with a population 19853
of one million two hundred thousand or more that has levied a tax 19854
under division (A)(1) of this section may, by resolution adopted 19855
by a majority of the members of the legislative authority, 19856
increase the rate of the tax levied by such county under division 19857
(A)(1) of this section to a rate not to exceed five per cent on 19858
transactions by which lodging by a hotel is or is to be furnished 19859
to transient guests. Notwithstanding any contrary provision of 19860
division (A)(1) of this section, the resolution shall provide that 19861
all collections resulting from the rate levied in excess of three 19862
per cent, after deducting the real and actual costs of 19863
administering the tax, shall be used for paying the direct and 19864
indirect costs of constructing, improving, expanding, equipping, 19865
financing, or operating a convention center. 19866

(4) The legislative authority of a county with a population 19867
of one million two hundred thousand or more that has levied a tax 19868
under division (A)(1) of this section may, by resolution adopted 19869
on or before July 1, 2008, by a majority of the members of the 19870
legislative authority, provide that all or a portion of the 19871
proceeds of the tax levied under division (A)(1) of this section, 19872
after deducting the real and actual costs of administering the tax 19873
and the amounts required to be returned to townships and municipal 19874
corporations with respect to the first three per cent levied under 19875
division (A)(1) of this section, shall be used to satisfy any 19876
pledges made in connection with an agreement entered into under 19877
section 307.695 of the Revised Code or shall otherwise be used for 19878
paying the direct and indirect costs of constructing, improving, 19879
expanding, equipping, financing, or operating a convention center. 19880

(5) Any amount collected from a tax levied or extended under 19881
division (I) of this section may be contributed to a convention 19882
facilities authority created before July 1, 2005, but no amount 19883

collected from a tax levied or extended under division (I) of this 19884
section may be contributed to a convention facilities authority, 19885
corporation, or other entity created after July 1, 2005, unless 19886
the mayor of the municipal corporation in which the convention 19887
center is to be operated by that convention facilities authority, 19888
corporation, or other entity has consented to the creation of that 19889
convention facilities authority, corporation, or entity. 19890

(J) All (1) Except as provided in division (J)(2) of this 19891
section, money collected by a county and distributed under this 19892
section to a convention and visitors' bureau in existence as of 19893
June 30, 2013, the effective date of H.B. 59 of the 130th general 19894
assembly, except for any such money pledged, as of that effective 19895
date, to the payment of debt service charges on bonds, notes, 19896
securities, or lease agreements, shall be used solely for tourism 19897
sales, marketing and promotion, and their associated costs, 19898
including, but not limited to, operational and administrative 19899
costs of the bureau, sales and marketing, and maintenance of the 19900
physical bureau structure. 19901

(2) A convention and visitors' bureau that has entered into 19902
an agreement under section 307.678 of the Revised Code may use 19903
revenue it receives from a tax levied under division (A)(1) of 19904
this section for the purposes described in division (D) of section 19905
307.678 of the Revised Code. 19906

(K) The board of county commissioners of a county with a 19907
population between one hundred three thousand and one hundred 19908
seven thousand according to the most recent federal decennial 19909
census, by resolution adopted by a majority of the members of the 19910
board within six months after the effective date of H.B. 483 of 19911
the 130th general assembly, may levy a tax not to exceed three per 19912
cent on transactions by which a hotel is or is to be furnished to 19913
transient guests. The purpose of the tax shall be to pay the costs 19914
of expanding, maintaining, or operating a soldiers' memorial and 19915

the costs of administering the tax. All revenue arising from the 19916
tax shall be credited to one or more special funds in the county 19917
treasury and shall be spent solely for the purposes of paying 19918
those costs. The board of county commissioners shall adopt all 19919
rules necessary to provide for the administration of the tax 19920
subject to the same limitations on imposing penalty or interest 19921
under division (A)(1) of this section. 19922

As used in this division "soldiers' memorial" means a 19923
memorial constructed and funded under Chapter 345. of the Revised 19924
Code. 19925

Section 101.02. That existing sections 9.37, 9.482, 9.90, 19926
9.91, 103.63, 121.084, 122.12, 122.121, 122.861, 124.32, 124.82, 19927
125.13, 126.21, 126.25, 133.07, 149.30, 149.311, 149.38, 150.05, 19928
150.07, 153.56, 163.15, 163.53, 163.54, 163.55, 164.26, 175.04, 19929
175.05, 175.06, 191.01, 306.04, 307.982, 340.01, 340.02, 340.021, 19930
340.03, 340.08, 340.09, 340.15, 757.03, 757.04, 757.05, 757.06, 19931
757.07, 757.08, 1321.535, 1321.55, 1322.03, 1322.031, 1322.04, 19932
1322.041, 1322.051, 1322.06, 1533.10, 1533.11, 1533.12, 1711.50, 19933
1711.53, 2151.421, 2305.11, 2915.08, 2945.402, 3123.89, 3313.539, 19934
3313.617, 3314.08, 3317.01, 3317.02, 3317.0217, 3318.36, 3333.04, 19935
3701.132, 3701.34, 3701.74, 3701.83, 3702.59, 3702.71, 3702.74, 19936
3702.75, 3702.91, 3702.95, 3707.511, 3730.09, 3737.02, 3772.02, 19937
4141.01, 4141.09, 4141.11, 4141.131, 4141.20, 4141.25, 4141.26, 19938
4141.35, 4511.191, 4729.03, 4729.54, 4729.541, 4729.65, 4729.83, 19939
4731.15, 4731.155, 4731.24, 4731.241, 4737.045, 4758.01, 4758.02, 19940
4758.06, 4758.16, 4758.20, 4758.21, 4758.23, 4758.24, 4758.26, 19941
4758.28, 4758.29, 4758.30, 4758.31, 4758.35, 4758.36, 4758.50, 19942
4758.51, 4758.60, 4758.71, 4905.911, 4923.02, 4928.64, 5104.03, 19943
5104.34, 5104.341, 5104.38, 5119.21, 5119.22, 5119.23, 5119.25, 19944
5123.01, 5123.011, 5123.012, 5123.16, 5123.162, 5123.19, 5123.191, 19945
5123.21, 5123.61, 5123.75, 5123.76, 5123.89, 5124.01, 5124.106, 19946
5124.21, 5124.60, 5124.61, 5124.62, 5124.67, 5126.01, 5126.02, 19947

5126.0219, 5126.041, 5126.046, 5126.051, 5126.08, 5126.21, 19948
5126.25, 5126.42, 5126.43, 5126.45, 5513.01, 5531.10, 5533.051, 19949
5709.17, 5709.40, 5713.012, and 5739.09 of the Revised Code are 19950
hereby repealed. 19951

Section 105.01. That sections 3125.191, 3702.93, 4171.03, 19952
4171.04, 5124.63, 5124.64, and 5126.037 of the Revised Code are 19953
hereby repealed. 19954

Section 501.10. HAMILTON COUNTY FAIRGROUND IMPROVEMENTS 19955

On the effective date of this section, or as soon as possible 19956
thereafter, the Director of Budget and Management shall transfer 19957
up to \$50,000 appropriation from appropriation item C26616, Forest 19958
Park Homeland Security Facility, to appropriation item C26686, 19959
Hamilton County Fairground Improvements. An amount equal to the 19960
unexpended, unencumbered portion of appropriation item C26686, 19961
Hamilton County Fairground Improvements, at the end of fiscal year 19962
2014 is hereby reappropriated to the University of Cincinnati for 19963
the same purpose for the fiscal biennium ending June 30, 2016. 19964

Section 503.10. APPROPRIATIONS RELATED TO GRANT 19965
RECONCILIATION AND CLOSE-OUT 19966

If, pursuant to the reconciliation and close-out process for 19967
a grant received by a state agency, an amount is identified as 19968
both unspent and requiring remittance to the grantor, the director 19969
of the agency may request the Director of Budget and Management to 19970
authorize additional expenditures to return the unspent cash to 19971
the grantor. Upon approval of the Director of Budget and 19972
Management, the additional amounts are hereby appropriated. 19973

Section 503.30. CLEAN OHIO CONSERVATION GRANT REPAYMENTS 19974

Any grant repayment received by the Public Works Commission 19975

and deposited into the Clean Ohio Conservation Fund (Fund 7056) 19976
pursuant to section 164.261 of the Revised Code is hereby 19977
appropriated in appropriation item C15060, Clean Ohio 19978
Conservation. 19979

Section 509.10. REESTABLISHING ENCUMBRANCES THAT USE OUTDATED 19980
EXPENSE ACCOUNT CODES 19981

On or after January 1, 2015, should the Director of Budget 19982
and Management elect to update expense account codes pursuant to 19983
the authority granted in division (A)(2) of section 126.21 of the 19984
Revised Code, the Director may cancel any existing operating or 19985
capital encumbrances from prior fiscal years that reference 19986
outdated expense account codes and, if needed, reestablish them 19987
against the same appropriation items referencing updated expense 19988
account codes. The reestablished encumbrance amounts are hereby 19989
appropriated. Any business commenced but not completed under the 19990
prior encumbrances by January 1, 2015, shall be completed under 19991
the new encumbrances in the same manner and with the same effect 19992
as if it was completed with regard to the old encumbrances. 19993

Section 509.20. The Department of Natural Resources is hereby 19994
authorized, pursuant to and consistent with the requirements of 19995
Chapter 127. of the Revised Code, to use moneys appropriated to it 19996
from the Ohio Parks and Natural Resources Fund (Fund 7031) and the 19997
Parks and Recreation Improvement Fund (Fund 7035) for capital 19998
projects, including, but not limited to, improvements or 19999
renovations on land or property owned by the department but used 20000
and operated, under a lease or other agreement, by an entity other 20001
than the department. No moneys shall be released under the 20002
authority of this section until the Director of Natural Resources 20003
has certified in writing to the Director of the Office of Budget 20004
and Management that the project will enhance the use and enjoyment 20005
of Ohio's state parks and natural resources. 20006

Section 512.10. On July 1, 2014, or as soon as possible 20007
thereafter, the Director of Budget and Management shall transfer 20008
the cash balance in the Education Endowment Fund (Fund P087) to 20009
the Education Facilities Trust Fund (Fund N087). Upon completion 20010
of the transfer, Fund P087 is abolished. 20011

Section 512.20. On July 1, 2014, or as soon as possible 20012
thereafter, the Director of Budget and Management shall transfer 20013
the cash balance in the Healthcare Services Fund (Fund 3W50), 20014
Healthy Ohioans Initiatives Fund (Fund 5BL0), Alcohol Testing 20015
Program Fund (Fund 5C00), TANF Family Planning Fund (Fund 5C10), 20016
Poison Control Fund (Fund 5CB0), Sewage Treatment System 20017
Innovation Fund (Fund 5CJ0), and the Health Emergency Fund (Fund 20018
5EC0) to the General Revenue Fund. Upon the completion of these 20019
transfers, Fund 3W50, Fund 5BL0, Fund 5C00, Fund 5C10, Fund 5CB0, 20020
Fund 5CJ0, and Fund 5EC0 are abolished. 20021

Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE 20022
DEPARTMENT OF JOB AND FAMILY SERVICES 20023

Within ninety days of the effective date of this section, or 20024
as soon as possible thereafter, the Director of Budget and 20025
Management shall transfer all cash in the following funds to the 20026
Administration and Operating Fund (Fund 5DM0) used by the 20027
Department of Job and Family Services: 20028

The State and Local Training Fund (Fund 3160), 20029

The Job Training Program Fund (Fund 3650), 20030

The Income Maintenance Reimbursement Fund (Fund 3A10), 20031

The ABD Managed Care - Federal Fund (Fund 3AZ0), 20032

The Children's Hospitals - Federal Fund (Fund 3BB0), 20033

The Ford Foundation Reimbursement Fund (Fund 3G90), 20034

The TANF - Employment & Training Fund (Fund 3S90),	20035
The HIPPY Program Fund (Fund 3W80),	20036
The Adoption Connection Fund (Fund 3W90),	20037
The Interagency Programs Fund (Fund 4G10),	20038
The Welfare Overpayment Intercept Fund (Fund 4K70),	20039
The Wellness Block Grant Fund (Fund 4N70),	20040
The Banking Fees Fund (Fund 4R30),	20041
The BCII Service Fees Fund (Fund 4R40),	20042
The Child Support Activities Fund (Fund 4V20),	20043
The BES Automation Administration Fund (Fund 5A50),	20044
The Public Assistance Reconciliation Fund (Fund 5AX0),	20045
The Child Support Operating Fund (Fund 5BE0),	20046
The ABD Managed Care - State Fund (Fund 5BZ0),	20047
The Private Child Care Agencies Training Fund (Fund 5E40),	20048
The EBT Contracted Services Fund (Fund 5E50),	20049
The State Option Food Stamp Program Fund (Fund 5E60),	20050
The BES Building Consolidation Fund (Fund 5F20),	20051
The BES Building Enhancement Fund (Fund 5F30),	20052
The Commission on Fatherhood Fund (Fund 5G30),	20053
The Child & Adult Protective Services Fund (Fund 5GV0),	20054
The Child Support Supplement Fund (Fund 5K60),	20055
The OhioWorks Supplement Fund (Fund 5L40),	20056
The County Technologies Fund (Fund 5N10),	20057
The TANF Child Welfare Fund (Fund 5P40),	20058
The Medicaid Admin Reimbursement Fund (Fund 5P60),	20059

The Child Support Special Payment Fund (Fund 5T20), 20060
The Federal Fiscal Relief Fund (Fund 5Y90), 20061
The Health Care Grants Fund (Fund 5Z50), 20062
The TANF QC Reinvestment Fund (Fund 5Z90), 20063
The Third Party Recoveries Fund (Fund 6000), 20064
The Training Activities Fund (Fund 6130), and 20065
The Ford Foundation Fund (Fund 6A70). 20066

Upon completion of the transfers, all the aforementioned funds 20067
listed in this section (except Fund 5DM0) are hereby abolished. 20068

Within ninety days after the effective date of this section, 20069
or as soon as possible thereafter, the Director of Budget and 20070
Management shall transfer all cash in the OhioCare Fund (Fund 20071
4X30), the Human Services Stabilization Fund (Fund 4Z70), and the 20072
Managed Care Assessment Fund (Fund 5BG0) to the General Revenue 20073
Fund. Upon completion of the transfers, Fund 4X30, Fund 4Z70, and 20074
Fund 5BG0 are hereby abolished. 20075

Section 512.40. On July 1, 2014, or as soon as possible 20076
thereafter, the Director of Budget and Management shall transfer 20077
the cash balance in the Nursing Facility Technical Assistance Fund 20078
(Fund 5L10), to the Residents Protection Fund (Fund 4E30). Upon 20079
completion of the transfer, Fund 5L10 is abolished. 20080

Section 610.20. That Sections 207.10, 209.30, 211.10, 221.10, 20081
241.10, 257.10, 257.20, 257.50, 259.10, 263.10, 263.40, 263.160, 20082
263.230, 263.240, 263.250, 263.270, 263.325, 275.10, 282.10, 20083
282.30, 285.10, 285.20, 301.10, 301.143, 301.40, 323.10, 327.10, 20084
333.10, 340.10, 349.10, 359.10, 363.10, 365.10, 395.10, 403.10, 20085
512.80, and 751.10 of Am. Sub. H.B. 59 of the 130th General 20086
Assembly be amended to read as follows: 20087

	Sec. 207.10.	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				20088	
		General Revenue Fund				20089	
GRF	100403	Public Employees	\$	309,600	\$	309,600	20090
		Health Care Program					
GRF	100414	MARCS Lease Rental	\$	5,133,700	\$	5,135,800	20091
		Payments					
GRF	100415	OAKS Lease Rental	\$	22,998,500	\$	22,982,500	20092
		Payments					
GRF	100416	STARS Lease Rental	\$	4,976,500	\$	4,973,200	20093
		Payments					
GRF	100447	Administrative	\$	85,847,800	\$	91,059,600	20094
		Building Lease Rental		<u>83,847,800</u>			
		Payments					
GRF	100448	Office Building	\$	20,000,000	\$	20,000,000	20095
		Operating Payments					
GRF	100449	DAS - Building	\$	7,551,571	\$	7,551,571	20096
		Operating Payments					
GRF	100452	Lean Ohio	\$	1,059,624	\$	1,059,624	20097
GRF	100456	State IT Services	\$	1,739,038	\$	1,739,038	20098
GRF	100457	Equal Opportunity	\$	1,910,516	\$	1,910,516	20099
		Services					
GRF	100459	Ohio Business Gateway	\$	4,049,094	\$	4,049,094	20100
GRF	130321	State Agency Support	\$	2,477,008	\$	2,477,008	20101
		Services					
TOTAL GRF	General Revenue Fund		\$	158,052,951	\$	163,247,551	20102
				<u>156,052,951</u>			
		General Services Fund Group				20103	
1120	100616	DAS Administration	\$	6,127,659	\$	6,147,659	20104
1150	100632	Central Service Agency	\$	911,580	\$	927,699	20105
1170	100644	General Services	\$	12,993,870	\$	12,993,870	20106
		Division - Operating					

1220	100637	Fleet Management	\$	4,200,000	\$	4,200,000	20107
1250	100622	Human Resources	\$	17,749,839	\$	17,749,839	20108
		Division - Operating					
1250	100657	Benefits Communication	\$	712,316	\$	712,316	20109
1280	100620	Office of Collective Bargaining	\$	3,329,507	\$	3,329,507	20110
1300	100606	Risk Management Reserve	\$	6,635,784	\$	6,635,784	20111
1320	100631	DAS Building Management	\$	19,343,170	\$	19,343,170	20112
1330	100607	IT Services Delivery	\$	57,521,975	\$	57,521,975	20113
1880	100649	Equal Opportunity Division - Operating	\$	863,013	\$	863,013	20114
2100	100612	State Printing	\$	20,459,526	\$	20,459,526	20115
2290	100630	IT Governance	\$	16,446,474	\$	16,446,474	20116
2290	100640	Leveraged Enterprise Purchases	\$	7,065,639	\$	7,065,639	20117
4270	100602	Investment Recovery	\$	1,618,062	\$	1,638,515	20118
4N60	100617	Major IT Purchases	\$	56,888,635	\$	56,888,635	20119
4P30	100603	DAS Information Services	\$	6,400,070	\$	6,400,070	20120
5C20	100605	MARCS Administration	\$	14,292,596	\$	14,512,028	20121
5C30	100608	Minor Construction Project Management	\$	1,004,375	\$	1,004,375	20122
5EB0	100635	OAKS Support Organization	\$	25,813,077	\$	19,813,077	20123
5EB0	100656	OAKS Updates and Developments	\$	9,886,923	\$	2,636,923	20124
5HU0	100655	Construction Reform Demo Compliance	\$	150,000	\$	150,000	20125
5KZ0	100659	Building Improvement	\$	500,000	\$	500,000	20126
5L70	100610	Professional Development	\$	2,100,000	\$	2,100,000	20127

5LA0 100660	Building Operation	\$	26,600,767	\$	26,814,648	20128
5LJ0 100661	IT Development	\$	13,200,000	\$	13,200,000	20129
5V60 100619	Employee Educational Development	\$	800,000	\$	800,000	20130
TOTAL GSF General Services Fund						20131
Group		\$	333,614,857	\$	320,854,742	20132
Federal Special Revenue Fund Group						20133
3AJ0 100654	ARRA Broadband Mapping Grant	\$	1,723,009	\$	1,723,009	20134
TOTAL FED Federal Special Revenue						20135
Fund Group		\$	1,723,009	\$	1,723,009	20136
State Special Revenue Fund Group						20137
5JQ0 100658	Professionals Licensing System	\$	3,028,366	\$	990,000	20138
5MV0 100662	Theater Equipment Maintenance	\$	80,891	\$	80,891	20139
5NM0 100663	911 Program	\$	290,000	\$	290,000	20140
TOTAL SSR State Special Revenue						20141
Fund Group		\$	3,399,257	\$	1,360,891	20142
TOTAL ALL BUDGET FUND GROUPS						20143
		\$	496,790,074	\$	487,186,193	
			<u>494,790,074</u>			

Sec. 209.30. LONG-TERM CARE OMBUDSMAN 20145

The foregoing appropriation item 490410, Long-Term Care 20146
Ombudsman, shall be used to fund ombudsman program activities as 20147
authorized in sections 173.14 to 173.27 and section 173.99 of the 20148
Revised Code. 20149

The State Ombudsman may explore the design of a payment 20150
method for the Ombudsman Program that includes a 20151
pay-for-performance incentive component that is earned by 20152
designated regional long-term care ombudsman programs. 20153

MYCARE OHIO 20154

The foregoing appropriation items 490410, Long-Term Care Ombudsman, 490618, Federal Aging Grants, 490612, Federal Independence Services, 490609, Regional Long-Term Care Ombudsman Program, and 490620, Ombudsman Support, may be used by the Office of the State Long-Term Care Ombudsman to provide ombudsman program activities as described in sections 173.14 to 173.27 and section 173.99 of the Revised Code to consumers participating in MyCare Ohio.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, shall be used for services designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, prevention and disease self-management, and decision support systems. Service priority shall be given to low income, frail, and cognitively impaired persons 60 years of age and over. The department shall promote cost sharing by service recipients for those services funded with senior community services funds, including, when possible, sliding-fee scale payment systems based on the income of service recipients.

ALZHEIMER'S RESPITE

The foregoing appropriation item 490414, Alzheimer's Respite, shall be used to fund only Alzheimer's disease services under section 173.04 of the Revised Code.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, shall be used by the Department of Aging to fund grants for three Corporation for National and Community Service/Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer

Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. The expenditure of these funds by any grant recipient shall be in accordance with Senior Corps policies and procedures, as stated in the Domestic Volunteer Service Act of 1973, as amended. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

SENIOR COMMUNITY OUTREACH AND EDUCATION

The foregoing appropriation item 490606, Senior Community Outreach and Education, may be used to provide training to workers in the field of aging pursuant to division (G) of section 173.02 of the Revised Code.

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS

At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM

The foregoing appropriation item 490609, Regional Long-Term Care Ombudsman Program, shall be used to pay the costs of operating the regional long-term care ombudsman programs designated by the State Long-Term Care Ombudsman.

TRANSFER OF RESIDENT PROTECTION FUNDS

In each fiscal year, the Director of Budget and Management 20217
may transfer up to \$1,250,000 cash from the Resident Protection 20218
Fund (Fund 4E30), which is used by the Department of Medicaid, to 20219
the Ombudsman Support Fund (Fund 5BA0), which is used by the 20220
Department of Aging. 20221

The Director of Aging and the Office of the State Long-Term 20222
Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 20223
5BA0) to implement a nursing home quality initiative as specified 20224
in section 173.60 of the Revised Code. 20225

LONG-TERM CARE CONSUMERS GUIDE 20226

The foregoing appropriation item 490613, Long-Term Care 20227
Consumers Guide, shall be used to conduct annual consumer 20228
satisfaction surveys and to pay for other administrative expenses 20229
related to the publication of the Ohio Long-Term Care Consumer 20230
Guide. 20231

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE BOARD 20232
OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS FUND 20233

On July 1, 2013, or as soon as possible thereafter, the 20234
Director of Health shall certify to the Director of Budget and 20235
Management the cash balance relating to the Board of Examiners of 20236
Nursing Home Administrators in the General Operations Fund (Fund 20237
4700), used by the Department of Health. Upon receiving this 20238
certification, the Director of Budget and Management may transfer 20239
this cash from the General Operations Fund (Fund 4700) to the 20240
Board of Executives of Long-Term Services and Supports Fund (Fund 20241
5MT0), used by the Department of Aging. If this transfer occurs, 20242
the Director of Budget and Management shall cancel any existing 20243
encumbrances pertaining to the Board of Examiners of Nursing Home 20244
Administrators against appropriation item 440647, Fee Supported 20245
Programs, and re-establish them against appropriation item 490627, 20246
Board of Executives of LTSS. The re-established encumbrance 20247

amounts are hereby appropriated. 20248

Sec. 211.10. AGR DEPARTMENT OF AGRICULTURE 20249

General Revenue Fund 20250

GRF 700401 Animal Disease Control \$ 3,936,687 \$ 3,936,687 20251

GRF 700403 Dairy Division \$ 1,088,115 \$ 1,088,115 20252

GRF 700404 Ohio Proud \$ 50,000 \$ 50,000 20253

GRF 700406 Consumer Analytical \$ 1,287,556 \$ 1,287,556 20254

Lab

GRF 700407 Food Safety \$ 848,792 \$ 848,792 20255

GRF 700409 Farmland Preservation \$ 72,750 \$ 72,750 20256

GRF 700412 Weights and Measures \$ 600,000 \$ 600,000 20257

GRF 700415 Poultry Inspection \$ 592,978 \$ 592,978 20258

GRF 700418 Livestock Regulation \$ 1,108,071 \$ ~~1,108,071~~ 20259

Program

1,259,484

GRF 700424 Livestock Testing and \$ 102,770 \$ 102,770 20260

Inspections

GRF 700426 Dangerous and \$ 800,000 \$ 800,000 20261

Restricted Animals

GRF 700427 High Volume Breeder \$ 400,000 \$ 200,000 20262

Kennel Control

GRF 700499 Meat Inspection \$ 4,175,097 \$ 4,175,097 20263

Program - State Share

GRF 700501 County Agricultural \$ 391,415 \$ 391,415 20264

Societies

TOTAL GRF General Revenue Fund \$ 15,454,231 \$ ~~15,254,231~~ 20265

15,405,644

General Services Fund Group 20266

5DA0 700644 Laboratory \$ 1,115,000 \$ 1,115,000 20267

Administration

Support

5GH0 700655 Central Support \$ 4,368,013 \$ 4,404,073 20268

Indirect Cost					
TOTAL GSF General Services Fund	\$	5,483,013	\$	5,519,073	20269
Group					
Federal Special Revenue Fund Group					20270
3260 700618 Meat Inspection	\$	4,450,000	\$	4,450,000	20271
Program - Federal					
Share					
3360 700617 Ohio Farm Loan	\$	150,000	\$	150,000	20272
Revolving Fund					
3820 700601 Cooperative Contracts	\$	4,500,000	\$	4,500,000	20273
3AB0 700641 Agricultural Easement	\$	1,000,000	\$	1,000,000	20274
3J40 700607 Indirect Cost	\$	1,100,000	\$	1,100,000	20275
3R20 700614 Federal Plant	\$	1,606,000	\$	1,606,000	20276
Industry					
TOTAL FED Federal Special Revenue					20277
Fund Group	\$	12,806,000	\$	12,806,000	20278
State Special Revenue Fund Group					20279
4900 700651 License Plates -	\$	10,000	\$	10,000	20280
Sustainable					
Agriculture					
4940 700612 Agricultural	\$	218,000	\$	213,000	20281
Commodity Marketing					
Program					
4960 700626 Ohio Grape Industries	\$	970,000	\$	970,000	20282
4970 700627 Commodity Handlers	\$	482,672	\$	482,672	20283
Regulatory Program					
4C90 700605 Commercial Feed and	\$	1,760,000	\$	1,760,000	20284
Seed					
4D20 700609 Auction Education	\$	35,000	\$	35,000	20285
4E40 700606 Utility Radiological	\$	130,000	\$	130,000	20286
Safety					
4P70 700610 Food Safety	\$	1,017,328	\$	1,017,328	20287

		Inspection				
4R00	700636	Ohio Proud Marketing	\$	45,500	\$	45,500 20288
4R20	700637	Dairy Industry	\$	1,738,247	\$	1,738,247 20289
		Inspection				
4T60	700611	Poultry and Meat	\$	120,000	\$	120,000 20290
		Inspection				
5780	700620	Ride Inspection Fees	\$	1,175,142	\$	1,175,142 20291
5880	700633	Brand Registration	\$	5,000	\$	5,000 20292
5B80	700629	Auctioneers	\$	340,000	\$	340,000 20293
5CP0	700652	License Plate	\$	10,000	\$	10,000 20294
		Scholarships				
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000 20295
5H20	700608	Metrology Lab and	\$	552,000	\$	552,000 20296
		Scale Certification				
5L80	700604	Livestock Management	\$	145,000	\$	145,000 20297
		Program				
5MA0	700657	Dangerous and	\$	195,000	\$	195,000 20298
		Restricted Animals				
6520	700634	Animal and Consumer	\$	4,966,383	\$	4,966,383 20299
		Analytical Laboratory				
6690	700635	Pesticide,	\$	3,418,041	\$	3,418,041 20300
		Fertilizer, and Lime				
		Inspection Program				
TOTAL SSR		State Special Revenue				20301
Fund Group			\$	18,523,313	\$	18,518,313 20302
Clean Ohio Conservation Fund Group						20303
7057	700632	Clean Ohio	\$	310,000	\$	310,000 20304
		Agricultural Easement				
TOTAL CLF		Clean Ohio Conservation	\$	310,000	\$	310,000 20305
Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	52,576,557	\$	52,407,617 20306
						<u>52,559,030</u>
		DANGEROUS AND RESTRICTED WILD ANIMALS				20307

The foregoing GRF appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program.

COUNTY AGRICULTURAL SOCIETIES

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

CLEAN OHIO AGRICULTURAL EASEMENT

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement, shall be used by the Department of Agriculture in administering Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

Sec. 221.10. AGO ATTORNEY GENERAL

General Revenue Fund

GRF	055321	Operating Expenses	\$	42,514,169	\$	43,114,169	20324
GRF	055405	Law-Related Education	\$	100,000	\$	100,000	20325
GRF	055407	Tobacco Settlement Enforcement	\$	1,500,000	\$	1,500,000 0	20326
GRF	055411	County Sheriffs' Pay Supplement	\$	757,921	\$	757,921	20327
GRF	055415	County Prosecutors' Pay Supplement	\$	831,499	\$	831,499	20328
GRF	055501	Rape Crisis Centers	\$	1,000,000	\$	1,000,000	20329
TOTAL GRF	General Revenue Fund		\$	46,703,589	\$	47,303,589 <u>45,803,589</u>	20330

General Services Fund Group

1060	055612	General Reimbursement <u>Attorney General</u>	\$	54,806,192	\$	55,820,716	20332
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		<u>Operating</u>					
1950	055660	Workers' Compensation Section	\$	8,415,504	\$	8,415,504	20333
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	20334
4200	055603	Attorney General Antitrust	\$	1,839,074	\$	1,839,074	20335
4210	055617	Police Officers' Training Academy Fee	\$	500,000	\$	500,000	20336
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000	20337
5900	055633	Peace Officer Private Security Fund	\$	79,438	\$	95,325	20338
5A90	055618	Telemarketing Fraud Enforcement	\$	45,000	\$	10,000	20339
5L50	055619	Law Enforcement Assistance Program	\$	375,255	\$	187,627	20340
5LR0	055655	Peace Officer Training - Casino	\$	4,629,409	\$	4,629,409	20341
5MP0	055657	Peace Officer Training Commission	\$	25,000	\$	25,000	20342
6310	055637	Consumer Protection Enforcement	\$	6,700,000	\$	6,834,000	20343
TOTAL GSF General Services Fund							20344
Group			\$	86,700,872	\$	87,642,655	20345
Federal Special Revenue Fund Group							20346
3060	055620	Medicaid Fraud Control	\$	4,537,408	\$	4,628,156	20347
3810	055611	Civil Rights Legal Service	\$	75,000	\$	35,574	20348
3830	055634	Crime Victims Assistance	\$	15,000,000	\$	15,000,000	20349

3E50	055638	Attorney General	\$	599,999	\$	599,999	20350
		Pass-Through Funds					
3FV0	055656	Crime Victim	\$	7,000,000	\$	7,000,000	20351
		Compensation					
3R60	055613	Attorney General	\$	999,999	\$	999,999	20352
		Federal Funds					
TOTAL FED		Federal Special Revenue					20353
Fund Group			\$	28,212,406	\$	28,263,728	20354
State Special Revenue Fund Group							20355
4020	055616	Victims of Crime	\$	16,456,769	\$	16,456,769	20356
4190	055623	Claims Section	\$	55,920,716	\$	56,937,131	20357
4L60	055606	DARE Programs	\$	3,578,901	\$	3,486,209	20358
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	20359
6590	055641	Solid and Hazardous	\$	310,730	\$	310,730	20360
		Waste Background					
		Investigations					
TOTAL SSR		State Special Revenue					20361
Fund Group			\$	76,867,116	\$	77,790,839	20362
Holding Account Redistribution Fund Group							20363
R004	055631	General Holding	\$	1,000,000	\$	1,000,000	20364
		Account					
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	20365
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	20366
R042	055601	Organized Crime	\$	25,025	\$	25,025	20367
		Commission					
		Distributions					
R054	055650	Collection Payment	\$	4,500,000	\$	4,500,000	20368
		Redistribution					
TOTAL 090		Holding Account					20369
Redistribution Fund Group			\$	6,276,025	\$	6,276,025	20370
Tobacco Master Settlement Agreement Fund Group							20371
U087	055402	Tobacco Settlement	\$	500,000	\$	500,000	20372

Oversight,	<u>2,000,000</u>	
Administration, and		
Enforcement		
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$ 500,000 \$ 500,000	20373
	<u>2,000,000</u>	
TOTAL ALL BUDGET FUND GROUPS	\$ 245,260,008 \$ 247,776,836	20374
OHIO BCI FORENSIC RESEARCH AND PROFESSIONAL TRAINING CENTER		20375
Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in fiscal year 2015 shall be used to create the Ohio BCI Forensic Research and Professional Training Center at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields.		20376 20377 20378 20379 20380 20381 20382
COUNTY SHERIFFS' PAY SUPPLEMENT		20383
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.		20384 20385 20386 20387
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.		20388 20389 20390 20391 20392 20393
COUNTY PROSECUTORS' PAY SUPPLEMENT		20394
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.		20395 20396 20397 20398
At the request of the Attorney General, the Director of		20399

Budget and Management may transfer appropriation from 20400
appropriation item 055321, Operating Expenses, to appropriation 20401
item 055415, County Prosecutors' Pay Supplement. Any appropriation 20402
so transferred shall be used to supplement the annual compensation 20403
of county prosecutors as required by section 325.111 of the 20404
Revised Code. 20405

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL 20406
REIMBURSEMENT FUND 20407

Notwithstanding any other provision of law to the contrary, 20408
on July 1, 2013, or as soon as possible thereafter, the Director 20409
of Budget and Management shall transfer \$80,000 cash from the 20410
General Revenue Fund to the General Reimbursement Fund (Fund 20411
1060). 20412

WORKERS' COMPENSATION SECTION 20413

The Workers' Compensation Fund (Fund 1950) is entitled to 20414
receive payments from the Bureau of Workers' Compensation and the 20415
Ohio Industrial Commission at the beginning of each quarter of 20416
each fiscal year to fund legal services to be provided to the 20417
Bureau of Workers' Compensation and the Ohio Industrial Commission 20418
during the ensuing quarter. The advance payment shall be subject 20419
to adjustment. 20420

In addition, the Bureau of Workers' Compensation shall 20421
transfer payments at the beginning of each quarter for the support 20422
of the Workers' Compensation Fraud Unit. 20423

All amounts shall be mutually agreed upon by the Attorney 20424
General, the Bureau of Workers' Compensation, and the Ohio 20425
Industrial Commission. 20426

ATTORNEY GENERAL PASS-THROUGH FUNDS 20427

The foregoing appropriation item 055638, Attorney General 20428
Pass-Through Funds, shall be used to receive federal grant funds 20429

provided to the Attorney General by other state agencies, 20430
including, but not limited to, the Department of Youth Services 20431
and the Department of Public Safety. 20432

GENERAL HOLDING ACCOUNT 20433

The foregoing appropriation item 055631, General Holding 20434
Account, shall be used to distribute moneys under the terms of 20435
relevant court orders or other settlements received in a variety 20436
of cases involving the Office of the Attorney General. If it is 20437
determined that additional amounts are necessary for this purpose, 20438
the amounts are hereby appropriated. 20439

ANTITRUST SETTLEMENTS 20440

The foregoing appropriation item 055632, Antitrust 20441
Settlements, shall be used to distribute moneys under the terms of 20442
relevant court orders or other out of court settlements in 20443
antitrust cases or antitrust matters involving the Office of the 20444
Attorney General. If it is determined that additional amounts are 20445
necessary for this purpose, the amounts are hereby appropriated. 20446

CONSUMER FRAUDS 20447

The foregoing appropriation item 055630, Consumer Frauds, 20448
shall be used for distribution of moneys from court-ordered 20449
judgments against sellers in actions brought by the Office of 20450
Attorney General under sections 1334.08 and 4549.48 and division 20451
(B) of section 1345.07 of the Revised Code. These moneys shall be 20452
used to provide restitution to consumers victimized by the fraud 20453
that generated the court-ordered judgments. If it is determined 20454
that additional amounts are necessary for this purpose, the 20455
amounts are hereby appropriated. 20456

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 20457

The foregoing appropriation item 055601, Organized Crime 20458
Commission Distributions, shall be used by the Organized Crime 20459

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 PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

OHIO LAW ENFORCEMENT TRAINING FUND RECOMMENDATIONS

By September 1, 2013, the Attorney General, in consultation with state and local law enforcement agencies, shall submit to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives a report recommending how to best use moneys collected from the gross casino revenue tax, pursuant to Section 6(C)(3)(f) of Article XV, Ohio Constitution, and how to best distribute such money for the purposes of enhancing public safety and providing additional training opportunities to the law enforcement community. The report shall expressly include a recommendation for sharing a portion of such moneys with local law enforcement agencies beginning in fiscal year 2015.

CASH TRANSFERS FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS FUND

Notwithstanding section 512.20 of Am. Sub. H.B. 487 of the 129th General Assembly, on July 1, 2014, or as soon as possible thereafter, the Director of Budget and Management may transfer up

to \$8,000,000 cash from the Pre-Securitization Tobacco Payments 20491
Fund (Fund 5LS0) to the Tobacco Oversight Administration and 20492
Enforcement Fund (Fund U087). 20493

Sec. 241.10. COM DEPARTMENT OF COMMERCE 20494

General Services Fund Group 20495

1630 800620 Division of Administration \$ 6,200,000 \$ 6,200,000 20496

1630 800637 Information Technology \$ 6,011,977 \$ 6,011,977 20497

5430 800602 Unclaimed Funds-Operating \$ 7,737,546 \$ 7,737,546 20498

5430 800625 Unclaimed Funds-Claims \$ 64,000,000 \$ 64,000,000 20499

5F10 800635 Small Government Fire Departments \$ 300,000 \$ 300,000 20500

TOTAL GSF General Services Fund 20501

Group \$ 84,249,523 \$ 84,249,523 20502

Federal Special Revenue Fund Group 20503

3480 800622 Underground Storage Tanks \$ 1,129,518 \$ 1,129,518 20504

3480 800624 Leaking Underground Storage Tanks \$ 1,556,211 \$ 1,556,211 20505

TOTAL FED Federal Special Revenue 20506

Fund Group \$ 2,685,729 \$ 2,685,729 20507

State Special Revenue Fund Group 20508

4B20 800631 Real Estate Appraisal Recovery \$ 35,000 \$ 35,000 20509

4H90 800608 Cemeteries \$ 266,688 \$ 266,688 20510

4X20 800619 Financial Institutions \$ 1,854,298 \$ 1,854,298 20511

5440 800612 Banks \$ 6,836,589 \$ 6,836,589 20512

5450 800613 Savings Institutions \$ 2,259,536 \$ 2,259,536 20513

5460 800610 Fire Marshal \$ 17,336,990 \$ 15,976,408 20514

5460 800639 Fire Department Grants \$ 2,198,802 \$ ~~2,198,802~~ 20515

				<u>5,198,802</u>		
5470 800603	Real Estate	\$	69,655	\$	69,655	20516
	Education/Research					
5480 800611	Real Estate Recovery	\$	50,000	\$	50,000	20517
5490 800614	Real Estate	\$	3,310,412	\$	3,310,412	20518
5500 800617	Securities	\$	4,238,814	\$	4,238,814	20519
5520 800604	Credit Union	\$	3,297,888	\$	3,297,888	20520
5530 800607	Consumer Finance	\$	3,481,692	\$	3,481,692	20521
5560 800615	Industrial Compliance	\$	26,612,520	\$	27,104,205	20522
5FW0 800616	Financial Literacy	\$	200,000	\$	200,000	20523
	Education					
5GK0 800609	Securities Investor	\$	432,150	\$	432,150	20524
	Education/Enforcement					
5HV0 800641	Cigarette Enforcement	\$	118,800	\$	118,800	20525
5LP0 800646	Liquor Regulatory	\$	7,988,921	\$	7,844,537	20526
	Operating Expenses					
<u>5PA0 800647</u>	<u>Bustr Revolving Loan</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>3,000,000</u>	20527
	<u>Program</u>					
5X60 800623	Video Service	\$	337,224	\$	337,224	20528
6530 800629	UST Registration/Permit	\$	3,831,888	\$	3,612,588	20529
	Fee		<u>2,331,888</u>		<u>2,112,588</u>	
6A40 800630	Real Estate	\$	672,973	\$	672,973	20530
	Appraiser-Operating					
TOTAL SSR State Special Revenue						20531
Fund Group		\$	85,430,840	\$	84,198,259	20532
			<u>83,930,840</u>		<u>88,698,259</u>	
Liquor Control Fund Group						20533
5LC0 800644	Liquor JobsOhio	\$	557,974	\$	372,661	20534
	Extraordinary					
	Allowance					
5LN0 800645	Liquor Operating	\$	13,949,342	\$	9,316,535	20535
	Services					
TOTAL LCF Liquor Control						20536

Fund Group	\$	14,507,316	\$	9,689,196	20537
TOTAL ALL BUDGET FUND GROUPS	\$	186,873,408	\$	180,822,707	20538
		<u>185,373,408</u>		<u>185,322,707</u>	

ADMINISTRATIVE ASSESSMENTS 20539

Notwithstanding any other provision of law to the contrary, 20540
the Division of Administration Fund (Fund 1630) is entitled to 20541
receive assessments from all operating funds of the Department in 20542
accordance with procedures prescribed by the Director of Commerce 20543
and approved by the Director of Budget and Management. 20544

UNCLAIMED FUNDS PAYMENTS 20545

The foregoing appropriation item 800625, Unclaimed 20546
Funds-Claims, shall be used to pay claims under section 169.08 of 20547
the Revised Code. If it is determined that additional amounts are 20548
necessary, the amounts are appropriated. 20549

FIRE DEPARTMENT GRANTS 20550

Of the foregoing appropriation item 800639, Fire Department 20551
Grants, up to \$2,198,802 in ~~each~~ fiscal year 2014 and \$5,198,802 20552
in fiscal year 2015 shall be used to make annual grants to the 20553
following eligible recipients: volunteer fire departments, fire 20554
departments that serve one or more small municipalities or small 20555
townships, joint fire districts comprised of fire departments that 20556
primarily serve small municipalities or small townships, local 20557
units of government responsible for such fire departments, and 20558
local units of government responsible for the provision of fire 20559
protection services for small municipalities or small townships. 20560
For the purposes of these grants, a private fire company, as that 20561
phrase is defined in section 9.60 of the Revised Code, that is 20562
providing fire protection services under a contract to a political 20563
subdivision of the state, is an additional eligible recipient for 20564
a training grant. 20565

Eligible recipients that consist of small municipalities or 20566

small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services.

If the grant awarded to joint applicants is an equipment grant and the equipment to be purchased cannot be readily distributed or possessed by multiple recipients, each of the joint applicants shall be awarded by the State Fire Marshal an ownership interest in the equipment so purchased in proportion to each applicant's contribution to and demonstrated need for fire protection services. The joint applicants shall then mutually agree on how the equipment is to be maintained, operated, stored, or disposed of. If, for any reason, the joint applicants cannot agree as to how jointly owned equipment is to be maintained, operated, stored, or disposed of or any of the joint applicants no longer maintain a contract with the same fire protection service provider as the other applicants, then the joint applicants shall, with the assistance of the State Fire Marshal, mutually agree as to how the jointly owned equipment is to be maintained, operated, stored, disposed of, or owned. If the joint applicants cannot agree how the grant equipment is to be maintained, operated, stored, disposed of, or owned, the State Fire Marshal may, in its discretion, require all of the equipment acquired by the joint applicants with grant funds to be returned to the State Fire Marshal. The State Fire Marshal may then award the returned equipment to any eligible recipients. For this paragraph only, an "equipment grant" also includes a MARCS Grant.

Except as otherwise provided in this section, the grants

shall be used by recipients to purchase firefighting or rescue 20599
equipment or gear or similar items, to provide full or partial 20600
reimbursement for the documented costs of firefighter training, 20601
or, at the discretion of the State Fire Marshal, to cover fire 20602
department costs for providing fire protection services in that 20603
grant recipient's jurisdiction. 20604

Of the foregoing appropriation item 800639, Fire Department 20605
Grants, up to \$500,000 per fiscal year may be used to pay for the 20606
State Fire Marshal's costs of providing firefighter I 20607
certification classes or other firefighter classes approved by the 20608
Department of Public Safety in accordance with section 4765.55 of 20609
the Revised Code at no cost to selected students attending the 20610
Ohio Fire Academy or other class providers approved by the State 20611
Fire Marshal. The State Fire Marshal may establish the 20612
qualifications and selection processes for students to attend such 20613
classes by written policy, and such students shall be considered 20614
eligible recipients of fire department grants for the purposes of 20615
this portion of the grant program. 20616

For purposes of this section, a MARCS Grant is a grant for 20617
systems, equipment, or services that are a part of, integrated 20618
into, or otherwise interoperable with the Multi-Agency Radio 20619
Communication System (MARCS) operated by the state. 20620

Of the foregoing appropriation item 800639, Fire Department 20621
Grants, up to \$3,000,000 in fiscal year 2015 may be used for MARCS 20622
Grants. MARCS Grants may be used for the payment of user access 20623
fees by the eligible recipient to access MARCS. 20624

MARCS Grant awards may be up to \$50,000 in fiscal year 2015 20625
per eligible recipient. Each eligible recipient may only apply, as 20626
a separate entity or as a part of a joint application, for one 20627
MARCS Grant per fiscal year. Eligible recipients that are or were 20628
awarded fire department grants that are not MARCS Grants may also 20629
apply for and receive MARCS Grants in accordance with criteria for 20630

the awarding of grant funds established by the State Fire Marshal. 20631

Grant awards for firefighting or rescue equipment or gear or 20632
for fire department costs of providing fire protection services 20633
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 20634
fiscal year if an eligible entity serves a jurisdiction in which 20635
the Governor declared a natural disaster during the preceding or 20636
current fiscal year in which the grant was awarded. In addition to 20637
any grant funds awarded for rescue equipment or gear, or for fire 20638
department costs associated with the provision of fire protection 20639
services, an eligible entity may receive a grant for up to \$15,000 20640
per fiscal year for full or partial reimbursement of the 20641
documented costs of firefighter training. For each fiscal year, 20642
the State Fire Marshal shall determine the total amounts to be 20643
allocated for each eligible purpose. 20644

The grant program shall be administered by the State Fire 20645
Marshal in accordance with rules the State Fire Marshal adopts as 20646
part of the state fire code adopted pursuant to section 3737.82 of 20647
the Revised Code that are necessary for the administration and 20648
operation of the grant program. The rules may further define the 20649
entities eligible to receive grants and establish criteria for the 20650
awarding and expenditure of grant funds, including methods the 20651
State Fire Marshal may use to verify the proper use of grant funds 20652
or to obtain reimbursement for or the return of equipment for 20653
improperly used grant funds. To the extent consistent with this 20654
section and until such time as the rules are updated, the existing 20655
rules in the state fire code adopted pursuant to section 3737.82 20656
of the Revised Code for fire department grants under this section 20657
apply to MARCS Grants. Any amounts in appropriation item 800639, 20658
Fire Department Grants, in excess of the amount allocated for 20659
these grants may be used for the administration of the grant 20660
program. 20661

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 20662

The Director of Budget and Management, upon the request of 20663
the Director of Commerce, may transfer up to \$500,000 in cash from 20664
the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in 20665
cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to 20666
the Division of Real Estate Operating Fund (Fund 5490) during the 20667
biennium ending June 30, 2015. 20668

Sec. 257.10. DEV DEVELOPMENT SERVICES AGENCY 20669

General Revenue Fund 20670

GRF 195402 Coal Research \$ 261,205 \$ 261,405 20671

Operating

GRF 195405 Minority Business \$ 1,693,691 \$ 1,693,691 20672

Development

GRF 195407 Travel and Tourism \$ 1,300,000 \$ 0 20673

GRF 195415 Business Development \$ 2,413,387 \$ 2,413,387 20674

Services

GRF 195426 Redevelopment \$ 1,968,365 \$ 468,365 20675

Assistance

GRF 195497 CDBG Operating Match \$ 1,015,000 \$ 1,015,000 20676

GRF 195501 Appalachian Local \$ 440,000 \$ 440,000 20677

Development Districts

GRF 195530 Economic Gardening \$ 0 \$ 500,000 20678

Pilot Program

GRF 195532 Technology Programs \$ 13,547,341 \$ ~~13,547,341~~ 20679

and Grants

15,837,841

GRF 195533 Business Assistance \$ 4,205,774 \$ 4,205,774 20680

GRF 195535 Appalachia Assistance \$ 3,846,482 \$ 3,846,482 20681

GRF 195537 Ohio-Israel \$ 150,000 \$ 150,000 20682

Agricultural

Initiative

GRF 195901 Coal Research & \$ 2,858,900 \$ 4,327,200 20683

Development General

		Obligation Debt				
		Service				
GRF	195905	Third Frontier	\$	66,511,600	\$	83,783,000
		Research &		<u>61,911,600</u>		<u>78,483,000</u>
		Development General				
		Obligation Debt				
		Service				
GRF	195912	Job Ready Site	\$	15,498,400	\$	19,124,500
		Development General		<u>13,198,400</u>		
		Obligation Debt				
		Service				
TOTAL GRF	General Revenue Fund		\$	115,710,145	\$	135,276,145
				<u>108,810,145</u>		<u>132,766,645</u>
		General Services Fund Group				20687
1350	195684	Development Services	\$	10,800,000	\$	10,800,000
		Operations				
4W10	195646	Minority Business	\$	2,500,000	\$	2,500,000
		Enterprise Loan				
5KN0	195640	Local Government	\$	20,730,986	\$	21,900,000
		Innovation				
5MB0	195623	Business Incentive	\$	15,000,000	\$	0
		Grants				
5MK0	195600	Vacant Facilities	\$	1,000,000	\$	1,000,000
		Grant				
5W50	195690	Travel and Tourism	\$	150,000	\$	150,000
		Cooperative Projects				
6850	195636	Development Services	\$	700,000	\$	700,000
		Reimbursable				
		Expenditures				
TOTAL GSF	General Services Fund					20695
Group			\$	50,880,986	\$	37,050,000
						20696
		Federal Special Revenue Fund Group				20697

3080	195602	Appalachian Regional Commission	\$	475,000	\$	475,000	20698
3080	195603	Housing Assistance Programs	\$	10,000,000	\$	10,000,000	20699
3080	195609	Small Business Administration Grants	\$	5,271,381	\$	5,271,381	20700
3080	195618	Energy Grants	\$	9,307,779	\$	4,109,193	20701
3080	195670	Home Weatherization Program	\$	17,000,000	\$	17,000,000	20702
3080	195671	Brownfield Redevelopment	\$	5,000,000	\$	5,000,000	20703
3080	195672	Manufacturing Extension Partnership	\$	5,359,305	\$	5,359,305	20704
3080	195675	Procurement Technical Assistance	\$	600,000	\$	600,000	20705
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000	20706
3350	195610	Energy Programs	\$	200,000	\$	200,000	20707
3AE0	195643	Workforce Development Initiatives	\$	1,800,000	\$	1,800,000	20708
3DB0	195642	Federal Stimulus - Energy Efficiency & Conservation Block Grants	\$	38,152	\$	0	20709
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	32,046,846	\$	5,655,326	20710
3FJ0	195661	Technology Targeted Investment Program	\$	12,750,410	\$	2,250,072	20711
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	20712
3K90	195611	Home Energy	\$	172,000,000	\$	172,000,000	20713

		Assistance Block				
		Grant				
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000 20714
3L00	195612	Community Services	\$	27,240,217	\$	27,240,217 20715
		Block Grant				
3V10	195601	HOME Program	\$	30,000,000	\$	30,000,000 20716
TOTAL FED		Federal Special Revenue				20717
Fund Group			\$	417,389,090	\$	375,260,494 20718
State Special Revenue Fund Group						20719
4500	195624	Minority Business	\$	74,868	\$	74,905 20720
		Bonding Program				
		Administration				
4510	195649	Business Assistance	\$	6,300,800	\$	6,700,800 20721
		Programs				
4F20	195639	State Special Projects	\$	102,145	\$	102,104 20722
4F20	195699	Utility Community	\$	500,000	\$	500,000 20723
		Assistance				
5CG0	195679	Alternative Fuel	\$	750,000	\$	750,000 20724
		Transportation				
5HR0	195526	Incumbent Workforce	\$	30,000,000	\$	30,000,000 20725
		Training Vouchers				
5HR0	195622	Defense Development	\$	5,000,000	\$	5,000,000 20726
		Assistance				
5JR0	195635	Redevelopment Program	\$	100,000	\$	100,000 20727
		Support				
5KP0	195645	Historic Rehab	\$	650,000	\$	650,000 20728
		Operating				
5LU0	195673	Racetrack Facility	\$	12,000,000	\$	0 20729
		Community Economic				
		Redevelopment Fund				
5M40	195659	Low Income Energy	\$	350,000,000	\$	350,000,000 20730
		Assistance (USF)				
5M50	195660	Advanced Energy Loan	\$	8,000,000	\$	8,000,000 20731

		Programs					
5MH0	195644	SiteOhio	\$	100,000	\$	100,000	20732
		Administration					
5MJ0	195683	TourismOhio	\$	8,000,000	\$	8,000,000	20733
		Administration				<u>9,628,321</u>	
5W60	195691	International Trade	\$	18,000	\$	18,000	20734
		Cooperative Projects					
6170	195654	Volume Cap	\$	32,562	\$	32,562	20735
		Administration					
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	20736
		Income Housing Trust					
		Fund					
TOTAL SSR		State Special Revenue					20737
Fund Group			\$	474,628,375	\$	463,028,371	20738
						<u>464,656,692</u>	
Facilities		Establishment Fund Group					20739
5S90	195628	Capital Access Loan	\$	3,000,000	\$	3,000,000	20740
		Program					
7009	195664	Innovation Ohio	\$	15,000,000	\$	15,000,000	20741
7010	195665	Research and	\$	22,000,000	\$	22,000,000	20742
		Development					
7037	195615	Facilities	\$	50,000,000	\$	50,000,000	20743
		Establishment					
TOTAL 037		Facilities					20744
Establishment		Fund Group	\$	90,000,000	\$	90,000,000	20745
Clean Ohio		Revitalization Fund					20746
7003	195663	Clean Ohio Program	\$	950,000	\$	950,000	20747
TOTAL 7003		Clean Ohio	\$	950,000	\$	950,000	20748
Revitalization		Fund					
Third Frontier		Research & Development Fund Group					20749
7011	195686	Third Frontier	\$	1,149,750	\$	1,149,750	20750
		Operating					

7011	195687	Third Frontier Research & Development Projects	\$	90,850,250	\$	90,850,250	20751
7014	195620	Third Frontier Operating - Tax	\$	1,700,000	\$	1,700,000	20752
7014	195692	Research & Development Taxable Bond Projects	\$	38,300,000	\$	38,300,000	20753
TOTAL 011		Third Frontier Research & Development Fund Group	\$	132,000,000	\$	132,000,000	20754
		Job Ready Site Development Fund Group					20755
7012	195688	Job Ready Site Development	\$	800,000	\$	800,000	20756
TOTAL 012		Job Ready Site Development Fund Group	\$	800,000	\$	800,000	20757
		Tobacco Master Settlement Agreement Fund Group					20758
M087	195435	Biomedical Research and Technology Transfer	\$	1,896,595	\$	1,906,025	20759
TOTAL TSF		Tobacco Master Settlement Agreement Fund Group	\$	1,896,595	\$	1,906,025	20760
TOTAL ALL BUDGET FUND GROUPS			\$	1,284,255,191 <u>1,277,355,191</u>	\$	1,236,271,035 <u>1,235,389,856</u>	20761

Sec. 257.20. COAL RESEARCH OPERATING 20763

The foregoing appropriation item 195402, Coal Research 20764
Operating, shall be used for the operating expenses of the 20765
Community Services Division in support of the Ohio Coal 20766
Development Office. 20767

TRAVEL AND TOURISM 20768

The foregoing appropriation item 195407, Travel and Tourism, 20769
shall be used for marketing the state of Ohio as a tourism 20770

destination and to support administrative expenses and contracts 20771
necessary to market Ohio. 20772

BUSINESS DEVELOPMENT SERVICES 20773

The foregoing appropriation item 195415, Business Development 20774
Services, shall be used for the operating expenses of the Business 20775
Services Division and the regional economic development offices 20776
and for grants for cooperative economic development ventures. 20777

REDEVELOPMENT ASSISTANCE 20778

The foregoing appropriation item 195426, Redevelopment 20779
Assistance, shall be used to fund the costs of administering the 20780
Clean Ohio Revitalization program and other urban revitalization 20781
programs that may be implemented by the Development Services 20782
Agency. Of the foregoing appropriation item 195426, Redevelopment 20783
Assistance, \$1,500,000 in fiscal year 2014 shall be used for the 20784
Famicos Foundation. 20785

CDBG OPERATING MATCH 20786

The foregoing appropriation item 195497, CDBG Operating 20787
Match, shall be used as matching funds for grants from the United 20788
States Department of Housing and Urban Development pursuant to the 20789
Housing and Community Development Act of 1974 and regulations and 20790
policy guidelines for the programs pursuant thereto. 20791

APPALACHIAN LOCAL DEVELOPMENT DISTRICTS 20792

The foregoing appropriation item 195501, Appalachian Local 20793
Development Districts, shall be used to support four local 20794
development districts. Of the foregoing appropriation amount in 20795
each fiscal year, up to \$135,000 shall be allocated to the Ohio 20796
Valley Regional Development Commission, up to \$135,000 shall be 20797
allocated to the Ohio Mid-Eastern Government Association, up to 20798
\$135,000 shall be allocated to the Buckeye Hills-Hocking Valley 20799
Regional Development District, and up to \$35,000 shall be 20800

allocated to the Eastgate Regional Council of Governments. Local 20801
development districts receiving funding under this section shall 20802
use the funds for the implementation and administration of 20803
programs and duties under section 107.21 of the Revised Code. 20804

ECONOMIC GARDENING TECHNICAL ASSISTANCE PILOT PROGRAM 20805

The foregoing appropriation item 195530, Economic Gardening 20806
Pilot Program, shall be used for the Economic Gardening Technical 20807
Assistance Pilot Program established in Section 757.30 of this 20808
act. 20809

TECHNOLOGY PROGRAMS AND GRANTS 20810

Of the foregoing appropriation item 195532, Technology 20811
Programs and Grants, up to \$547,341 in each fiscal year shall be 20812
used for operating expenses incurred in administering the Ohio 20813
Third Frontier pursuant to sections 184.10 to 184.20 of the 20814
Revised Code; up to \$13,000,000 in each fiscal year shall be used 20815
for the Thomas Edison Program pursuant to sections 122.28 to 20816
122.38 of the Revised Code, of which not more than ten per cent 20817
shall be used for operating expenses incurred in administering the 20818
program. 20819

Of the foregoing appropriation item 195532, Technology 20820
Programs and Grants, up to \$1,510,000 in fiscal year 2015 shall be 20821
allocated to Connect Ohio to support the Digital Works initiative. 20822

Of the foregoing appropriation item 195532, Technology 20823
Programs and Grants, up to \$780,500 in fiscal year 2015 shall be 20824
allocated to Connect Ohio to provide broadband mapping and 20825
economic development consultation services. 20826

BUSINESS ASSISTANCE 20827

The foregoing appropriation item 195533, Business Assistance, 20828
may be used to provide a range of business assistance, including 20829
grants to local organizations to support economic development 20830

activities that promote minority business development, small 20831
business development, entrepreneurship, and exports of Ohio's 20832
goods and services. This appropriation item shall also be used as 20833
matching funds for grants from the United States Small Business 20834
Administration and other federal agencies, pursuant to Public Law 20835
No. 96-302 as amended by Public Law No. 98-395, and regulations 20836
and policy guidelines for the programs pursuant thereto. 20837

APPALACHIA ASSISTANCE 20838

The foregoing appropriation item 195535, Appalachia 20839
Assistance, may be used for the administrative costs of planning 20840
and liaison activities for the Governor's Office of Appalachia, to 20841
provide financial assistance to projects in Ohio's Appalachian 20842
counties, and to pay dues for the Appalachian Regional Commission. 20843
These funds may be used to match federal funds from the 20844
Appalachian Regional Commission. 20845

OHIO-ISRAEL AGRICULTURE INITIATIVE 20846

The foregoing appropriation item 195537, Ohio-Israel 20847
Agricultural Initiative, shall be used for the Ohio-Israel 20848
Agricultural Initiative. 20849

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 20850

The foregoing appropriation line item 195901, Coal Research 20851
and Development General Obligation Debt Service, shall be used to 20852
pay all debt service and related financing costs during the period 20853
July 1, 2013, through June 30, 2015 for obligations issued under 20854
sections 151.01 and 151.07 of the Revised Code. 20855

THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT 20856
SERVICE 20857

The foregoing appropriation item 195905, Third Frontier 20858
Research & Development General Obligation Debt Service, shall be 20859
used to pay all debt service and related financing costs during 20860

the period from July 1, 2013, through June 30, 2015, on	20861
obligations issued for research and development purposes under	20862
sections 151.01 and 151.10 of the Revised Code.	20863
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	20864
The foregoing appropriation item 195912, Job Ready Site	20865
Development General Obligation Debt Service, shall be used to pay	20866
all debt service and related financing costs during the period	20867
from July 1, 2013, through June 30, 2015, on obligations issued	20868
for job ready site development purposes under sections 151.01 and	20869
151.11 of the Revised Code.	20870
Sec. 257.50. BUSINESS ASSISTANCE PROGRAMS	20871
The foregoing appropriation item 195649, Business Assistance	20872
Programs, shall be used for administrative expenses associated	20873
with the operation of tax credit programs, loan servicing, the	20874
Ohio Film Office, workforce initiatives, and the Office of	20875
Strategic Business Investments.	20876
STATE SPECIAL PROJECTS	20877
The State Special Projects Fund (Fund 4F20), may be used for	20878
the deposit of private-sector funds from utility companies and for	20879
the deposit of other miscellaneous state funds. State moneys so	20880
deposited may also be used to match federal housing grants for the	20881
homeless.	20882
MINORITY BUSINESS ENTERPRISE LOAN	20883
All repayments from the Minority Development Financing	20884
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee	20885
Program shall be deposited in the State Treasury to the credit of	20886
the Minority Business Enterprise Loan Fund (Fund 4W10).	20887
MINORITY BUSINESS BONDING FUND	20888
Notwithstanding Chapters 122., 169., and 175. of the Revised	20889

Code, the Director of Development Services may, upon the 20890
recommendation of the Minority Development Financing Advisory 20891
Board, pledge up to \$10,000,000 in the fiscal year 2014-fiscal 20892
year 2015 biennium of unclaimed funds administered by the Director 20893
of Commerce and allocated to the Minority Business Bonding Program 20894
under section 169.05 of the Revised Code. 20895

If needed for the payment of losses arising from the Minority 20896
Business Bonding Program, the Director of Budget and Management 20897
may, at the request of the Director of Development Services, 20898
request that the Director of Commerce transfer unclaimed funds 20899
that have been reported by holders of unclaimed funds under 20900
section 169.05 of the Revised Code to the Minority Bonding Fund 20901
(Fund 4490). The transfer of unclaimed funds shall only occur 20902
after proceeds of the initial transfer of \$2,700,000 by the 20903
Controlling Board to the Minority Business Bonding Program have 20904
been used for that purpose. If expenditures are required for 20905
payment of losses arising from the Minority Business Bonding 20906
Program, such expenditures shall be made from appropriation item 20907
195658, Minority Business Bonding Contingency in the Minority 20908
Business Bonding Fund, and such amounts are hereby appropriated. 20909

INCUMBENT WORKFORCE TRAINING VOUCHERS 20910

(A) The Director of Budget and Management may transfer up to 20911
\$30,000,000 cash in each fiscal year from the Economic Development 20912
Programs Fund (Fund 5JC0) used by the Board of Regents to the Ohio 20913
Incumbent Workforce Job Training Fund (Fund 5HR0) used by the 20914
Development Services Agency. 20915

(B) Of the foregoing appropriation item 195526, Incumbent 20916
Workforce Training Vouchers, up to \$30,000,000 in each fiscal year 20917
shall be used to support the Ohio Incumbent Workforce Training 20918
Voucher Program. 20919

(C) The Ohio Incumbent Workforce Training Voucher Program 20920

shall conform to guidelines for the operation of the program, 20921
including, but not limited to, the following: 20922

(1) A requirement that a training voucher under the program 20923
shall not exceed \$6,000 per worker per year; 20924

(2) A provision for an employer of an eligible employee to 20925
apply for a voucher on behalf of the eligible employee; 20926

(3) A provision for an eligible employee to apply directly 20927
for a training voucher with the pre-approval of the employee's 20928
employer; and 20929

(4) A requirement that an employee participating in the 20930
program, or the employee's employer, shall pay for not less than 20931
thirty-three per cent of the training costs under the program. 20932

On July 1, 2014, or as soon as possible thereafter, the 20933
Director of Development Services may request that the Director of 20934
Budget and Management reappropriate any unexpended, unencumbered 20935
balance of the prior fiscal year's appropriation to the foregoing 20936
appropriation item 195526, Incumbent Workforce Training Vouchers, 20937
for fiscal year 2015. The Director of Budget and Management may 20938
request additional information necessary for evaluating the 20939
request, and the Director of Development Services shall provide 20940
the requested information to the Director of Budget and 20941
Management. Based on the information provided by the Director of 20942
Development Services, the Director of Budget and Management shall 20943
determine the amount to be reappropriated, and those amounts are 20944
hereby reappropriated for fiscal year 2015. 20945

DEFENSE DEVELOPMENT ASSISTANCE 20946

The Director of Budget and Management shall transfer up to 20947
\$5,000,000 in cash in each fiscal year from the Economic 20948
Development Programs Fund (Fund 5JC0) used by the Board of Regents 20949
to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used 20950
by the Development Services Agency. The transferred funds shall be 20951

used for appropriation item 195622, Defense Development 20952
Assistance, for economic development programs and the creation of 20953
new jobs to leverage and support mission gains at Department of 20954
Defense facilities in Ohio by working with future base realignment 20955
and closure activities and ongoing Department of Defense 20956
efficiency initiatives, assisting efforts to secure Department of 20957
Defense support contracts for Ohio companies, assessing and 20958
supporting regional job training and workforce development needs 20959
generated by the Department of Defense and the Ohio aerospace 20960
industry, and for expanding job training and economic development 20961
programs in human performance related initiatives. A portion of 20962
these funds shall be matched in the aggregate amount of \$5,000,000 20963
by either public or private industry partners, educational 20964
entities, or federal agencies. 20965

Of the foregoing appropriation item 195622, Defense 20966
Development Assistance, \$3,000,000 shall be used by Applied 20967
Research Corporation to support education or research projects 20968
conducted by public-private partnerships in Ohio that seek to 20969
develop and train the workforce of Ohio in all industries. 20970

On July 1, 2014, or as soon as possible thereafter, the 20971
Director of Development Services may request that the Director of 20972
Budget and Management reappropriate any unexpended, unencumbered 20973
balance of the prior fiscal year's appropriation to the foregoing 20974
appropriation item 195622, Defense Development Assistance, for 20975
fiscal year 2015. The Director of Budget and Management may 20976
request additional information necessary for evaluating the 20977
request, and the Director of Development Services shall provide 20978
the requested information to the Director of Budget and 20979
Management. Based on the information provided by the Director of 20980
Development Services, the Director of Budget and Management shall 20981
determine the amount to be reappropriated, and those amounts are 20982
hereby reappropriated for fiscal year 2015. 20983

ADVANCED ENERGY LOAN PROGRAMS 20984

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers, and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted by the Director of Development Services. 20985
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TOURISMOHIO ADMINISTRATION 20993

Of the foregoing appropriation item 195683, TourismOhio Administration, \$1,000,000 in fiscal year 2014 shall be used to administer a program established by the Development Services Agency pursuant to section 122.121 of the Revised Code. 20994
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Of the foregoing appropriation item 195683, TourismOhio Administration, \$250,000 in fiscal year 2014 shall be used by Lake Erie Heritage Foundation for the promotion of events relating to bicentennial celebrations of the War of 1812 and the Battle of Lake Erie. 20998
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Of the foregoing appropriation item 195683, TourismOhio Administration, \$500,000 in fiscal year 2015 shall be used to support the 2015 Major League Baseball All-Star Game in Cincinnati. 21003
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VOLUME CAP ADMINISTRATION 21007

The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State. 21008
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Sec. 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES				21014
General Revenue Fund				21015
GRF	320412	Protective Services	\$ 1,918,196 \$ 1,918,196	21016
GRF	320415	Lease-Rental Payments	\$ 15,843,300 \$ 16,076,700	21017
			<u>14,743,300</u>	
GRF	322420	Screening and Early Intervention	\$ 300,000 \$ 300,000	21018
GRF	322451	Family Support Services	\$ 5,932,758 \$ 5,932,758	21019
GRF	322501	County Boards Subsidies	\$ 44,449,280 \$ 44,449,280	21020
GRF	322503	Tax Equity	\$ 14,000,000 \$ 14,000,000	21021
GRF	322507	County Board Case Management	\$ 2,500,000 \$ 2,500,000	21022
GRF	322508	Employment First Pilot Program	\$ 3,000,000 \$ 3,000,000	21023
GRF	653321	Medicaid Program Support - State	\$ 6,186,694 \$ 6,186,694	21024
GRF	653407	Medicaid Services	\$ 430,056,111 \$ 437,574,237	21025
TOTAL GRF	General Revenue Fund		\$ 524,186,339 \$ 531,937,865	21026
			<u>523,086,339</u>	
General Services Fund Group				21027
1520	653609	DC and Residential Operating Services	\$ 3,414,317 \$ 3,414,317	21028
TOTAL GSF	General Services Fund		\$ 3,414,317 \$ 3,414,317	21029
Group				
Federal Special Revenue Fund Group				21030
3A50	320613	DD Council	\$ 3,297,656 \$ 3,324,187	21031
3250	322612	Community Social Service Programs	\$ 10,604,896 \$ 10,604,896	21032
3A40	653604	DC & ICF/IID Program	\$ 8,013,611 \$ 8,013,611	21033

		Support				
3A40	653605	DC and Residential	\$	159,548,565	159,548,565	21034
		Services and Support				
3A40	653653	ICF/IID	\$	354,712,840	\$ 353,895,717	21035
3G60	653639	Medicaid Waiver	\$	932,073,249	\$ 1,025,921,683	21036
		Services				
3G60	653640	Medicaid Waiver	\$	36,934,303	\$ 36,170,872	21037
		Program Support				
3M70	653650	CAFS Medicaid	\$	3,000,000	\$ 3,000,000	21038
TOTAL FED	Federal Special Revenue		\$	1,508,185,120	\$ 1,600,479,531	21039
	Fund Group					
	State Special Revenue Fund Group					21040
5GE0	320606	Operating and	\$	7,407,297	\$ 7,407,297	21041
		Services				
2210	322620	Supplement Service	\$	150,000	\$ 150,000	21042
		Trust				
5DJ0	322625	Targeted Case	\$	33,750,000	\$ 37,260,000	21043
		Management Match				
5DK0	322629	Capital Replacement	\$	750,000	\$ 750,000	21044
		Facilities				
5H00	322619	Medicaid Repayment	\$	160,000	\$ 160,000	21045
5JX0	322651	Interagency Workgroup	\$	45,000	45,000	21046
		- Autism				
4890	653632	DC Direct Care	\$	16,497,169	\$ 16,497,169	21047
		Services				
5CT0	653607	Intensive Behavioral	\$	1,000,000	\$ 1,000,000	21048
		Needs				
5DJ0	653626	Targeted Case	\$	91,740,000	\$ 100,910,000	21049
		Management Services				
5EV0	653627	Medicaid Program	\$	685,000	\$ 685,000	21050
		Support				
5GE0	653606	ICF/IID and Waiver	\$	40,353,139	\$ 39,106,638	21051
		Match				

5S20 653622	Medicaid Admin and Oversight	\$ 17,341,201	\$ 19,032,154	21052
5Z10 653624	County Board Waiver Match	\$ 284,740,000	\$ 336,480,000	21053
TOTAL SSR State Special Revenue Fund Group		\$ 494,618,806	\$ 559,483,258	21054
TOTAL ALL BUDGET FUND GROUPS		\$ 2,530,404,582	\$ 2,695,314,971	21055
		<u>2,529,304,582</u>		

Sec. 263.10. EDU DEPARTMENT OF EDUCATION 21057

General Revenue Fund				21058
GRF 200321	Operating Expenses	\$ 13,142,780	\$ 13,142,780	21059
GRF 200408	Early Childhood Education	\$ 33,318,341	\$ 45,318,341	21060
GRF 200420	Information Technology Development and Support	\$ 4,241,296	\$ 4,241,296	21061
GRF 200421	Alternative Education Programs	\$ 7,403,998	7,403,998 <u>12,403,998</u>	21062
GRF 200422	School Management Assistance	\$ 3,000,000	\$ 3,000,000	21063
GRF 200424	Policy Analysis	\$ 328,558	\$ 328,558	21064
GRF 200425	Tech Prep Consortia Support	\$ 260,542	\$ 260,542	21065
GRF 200426	Ohio Educational Computer Network	\$ 29,625,569	\$ 19,625,569	21066
GRF 200427	Academic Standards	\$ 3,800,000	\$ 3,800,000	21067
GRF 200437	Student Assessment	\$ 55,895,000	\$ 75,895,000	21068
GRF 200439	Accountability/Report Cards	\$ 3,500,000	\$ 3,750,000	21069
GRF 200442	Child Care Licensing	\$ 827,140	\$ 827,140	21070
GRF 200446	Education Management Information System	\$ 6,833,070	\$ 6,833,070	21071

GRF 200447	GED Testing	\$	879,551	\$	879,551	21072
GRF 200448	Educator Preparation	\$	1,136,737	\$	1,564,237	21073
GRF 200455	Community Schools and Choice Programs	\$	2,438,685	\$	2,491,395	21074
<u>GRF 200457</u>	<u>STEM Initiatives</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>200,000</u>	21075
GRF 200464	General Technology Operations	\$	192,097	\$	192,097	21076
GRF 200465	Technology Integration and Professional Development	\$	1,778,879	\$	1,778,879	21077
GRF 200502	Pupil Transportation	\$	505,013,527	\$	521,013,527	21078
GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000	21079
GRF 200511	Auxiliary Services	\$	130,499,457	\$	138,214,374	21080
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	58,951,750	\$	62,436,882	21081
GRF 200540	Special Education Enhancements	\$	156,871,292	\$	157,871,292	21082
GRF 200545	Career-Technical Education Enhancements	\$	9,372,999	\$	9,372,999	21083
GRF 200550	Foundation Funding	\$	5,808,098,389	\$	6,151,463,768	21084
GRF 200566	Literacy Improvement	\$	150,000	\$	150,000	21085
GRF 200901	Property Tax Allocation - Education	\$	1,138,800,000 <u>1,126,800,000</u>	\$	1,156,402,000 <u>1,146,402,000</u>	21086
TOTAL GRF General Revenue Fund		\$	7,985,459,657 <u>7,973,459,657</u>	\$	8,397,357,295 <u>8,392,557,295</u>	21087
General Services Fund Group						21088
1380 200606	Information Technology Development and Support	\$	6,850,090	\$	6,850,090	21089
4520 200638	Fees and Refunds	\$	500,000	\$	500,000	21090
4L20 200681	Teacher Certification	\$	8,313,762	\$	13,658,274	21091

		and Licensure				
5960	200656	Ohio Career Information System	\$	529,761	\$	529,761 21092
5H30	200687	School District Solvency Assistance	\$	25,000,000	\$	25,000,000 21093
<u>5JC0</u>	<u>200629</u>	<u>Career Advising and Mentoring</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>10,000,000</u> 21094
<u>5JC0</u>	<u>200654</u>	<u>Adult Career Opportunity Pilot Program</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,500,000</u> 21095
5KX0	200691	Ohio School Sponsorship Program	\$	487,419	\$	487,419 21096
5KY0	200693	Community Schools Temporary Sponsorship	\$	83,000	\$	83,000 21097
TOTAL GSF General Services						21098
Fund Group			\$	41,764,032	\$	47,108,544 21099
						<u>59,608,544</u>
Federal Special Revenue Fund Group						21100
3090	200601	Neglected and Delinquent Education	\$	2,168,642	\$	2,168,642 21101
3670	200607	School Food Services	\$	8,200,664	\$	8,700,149 21102
3700	200624	Education of Exceptional Children	\$	1,530,000	\$	1,530,000 21103
3AF0	200603	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000 21104
3AN0	200671	School Improvement Grants	\$	20,400,000	\$	20,400,000 21105
3BK0	200628	Longitudinal Data Systems	\$	1,250,000	\$	0 21106
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749 21107
3CG0	200646	Teacher Incentive	\$	15,125,588	\$	15,183,285 21108
3D20	200667	Math Science	\$	6,000,000	\$	6,000,000 21109

		Partnerships			
3EC0	200653	Teacher Incentive - Federal Stimulus	\$ 1,300,000	\$ 0	21110
3EH0	200620	Migrant Education	\$ 2,900,000	\$ 2,900,000	21111
3EJ0	200622	Homeless Children Education	\$ 2,600,000	\$ 2,600,000	21112
3EK0	200637	Advanced Placement	\$ 450,000	\$ 450,000	21113
3EN0	200655	State Data Systems - Federal Stimulus	\$ 1,250,000	\$ 0	21114
3FD0	200665	Race to the Top	\$ 136,000,000	\$ 58,074,046	21115
3FN0	200672	Early Learning Challenge - Race to the Top	\$ 7,040,000	\$ 7,040,000	21116
3GE0	200674	Summer Food Service Program	\$ 13,596,000	\$ 14,003,800	21117
3GF0	200675	Miscellaneous Nutrition Grants	\$ 700,000	\$ 700,000	21118
3GG0	200676	Fresh Fruit and Vegetable Program	\$ 4,738,000	\$ 4,880,140	21119
3H90	200605	Head Start Collaboration Project	\$ 225,000	\$ 225,000	21120
3L60	200617	Federal School Lunch	\$ 350,608,075	\$ 361,126,273	21121
3L70	200618	Federal School Breakfast	\$ 108,480,590	\$ 112,819,813	21122
3L80	200619	Child/Adult Food Programs	\$ 106,992,650	\$ 110,202,428	21123
3L90	200621	Career-Technical Education Basic Grant	\$ 44,663,900	\$ 44,663,900	21124
3M00	200623	ESEA Title 1A	\$ 560,000,000	\$ 560,000,000	21125
3M20	200680	Individuals with Disabilities Education Act	\$ 443,170,050	\$ 443,170,050	21126
3T40	200613	Public Charter	\$ 500,000	\$ 0	21127

		Schools				
3Y20	200688	21st Century Community Learning Centers	\$	48,201,810	\$	50,611,900 21128
3Y60	200635	Improving Teacher Quality	\$	101,900,000	\$	101,900,000 21129
3Y70	200689	English Language Acquisition	\$	9,700,000	\$	9,700,000 21130
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000 21131
3Z20	200690	State Assessments	\$	11,800,000	\$	11,800,000 21132
3Z30	200645	Consolidated Federal Grant Administration	\$	7,949,280	\$	7,949,280 21133
TOTAL FED		Federal Special				21134
Revenue Fund Group			\$	2,038,044,998	\$	1,977,403,455 21135
State Special Revenue Fund Group						21136
4540	200610	GED Testing	\$	1,050,000	\$	250,000 21137
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 21138
4R70	200695	Indirect Operational Support	\$	6,600,000	\$	6,600,000 21139
4V70	200633	Interagency Program Support	\$	717,725	\$	717,725 21140
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910 21141
5BJ0	200626	Half-Mill Maintenance Equalization	\$	19,000,000	\$	20,000,000 21142
5MM0	200677	Child Nutrition Refunds	\$	500,000	\$	500,000 21143
5T30	200668	Gates Foundation Grants	\$	200,000	\$	153,000 21144
5U20	200685	National Education Statistics	\$	300,000	\$	300,000 21145
6200	200615	Educational	\$	300,000	\$	300,000 21146

Improvement Grants				
TOTAL SSR State Special Revenue				21147
Fund Group	\$	53,996,635	\$ 54,149,635	21148
Lottery Profits Education Fund Group				21149
7017 200612 Foundation Funding	\$	775,500,000	\$ 853,000,000	21150
7017 200648 Straight A Fund	\$	100,000,000	\$ 150,000,000	21151
7017 200666 EdChoice Expansion	\$	8,500,000	\$ 17,000,000	21152
7017 200684 Community School	\$	7,500,000	\$ 7,500,000	21153
Facilities				
TOTAL LPE Lottery Profits				21154
Education Fund Group	\$	891,500,000	\$ 1,027,500,000	21155
Revenue Distribution Fund Group				21156
7047 200909 School District	\$	482,000,000	\$ 482,000,000	21157
Property Tax				
Replacement-Business				
7053 200900 School District	\$	28,000,000	\$ 28,000,000	21158
Property Tax				
Replacement-Utility				
TOTAL RDF Revenue Distribution				21159
Fund Group	\$	510,000,000	\$ 510,000,000	21160
TOTAL ALL BUDGET FUND GROUPS	\$	11,520,765,322	\$12,013,518,929	21161
		<u>11,508,765,322</u>	<u>12,021,218,929</u>	

Sec. 263.40. ALTERNATIVE EDUCATION PROGRAMS 21163

Of the foregoing appropriation item 200421, Alternative Education Programs, up to \$5,000,000 in fiscal year 2015 shall be used to make payments under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code as enacted by this act. 21164
21165
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The ~~foregoing~~ remainder of appropriation item 200421, 21168
Alternative Education Programs, shall be used for the renewal of 21169
successful implementation grants and for competitive matching 21170
grants to school districts for alternative educational programs 21171

for existing and new at-risk and delinquent youth. Programs shall 21172
be focused on youth in one or more of the following categories: 21173
those who have been expelled or suspended, those who have dropped 21174
out of school or who are at risk of dropping out of school, those 21175
who are habitually truant or disruptive, or those on probation or 21176
on parole from a Department of Youth Services facility. Grants 21177
shall be awarded only to programs in which the grant will not 21178
serve as the program's primary source of funding. These grants 21179
shall be administered by the Department of Education. 21180

The Department of Education may waive compliance with any 21181
minimum education standard established under section 3301.07 of 21182
the Revised Code for any alternative school that receives a grant 21183
under this section on the grounds that the waiver will enable the 21184
program to more effectively educate students enrolled in the 21185
alternative school. 21186

Of the foregoing appropriation item 200421, Alternative 21187
Education Programs, a portion may be used for program 21188
administration, monitoring, technical assistance, support, 21189
research, and evaluation. 21190

Sec. 263.160. STEM INITIATIVES 21191

The foregoing appropriation item 200457, STEM Initiatives, 21192
shall be used for building and equipment costs associated with the 21193
Lake County Incubator Project located on or near Lakeland 21194
Community College. The purpose of this project is to improve the 21195
workforce of Lake County and foster an environment of 21196
entrepreneurial business creation by, among other initiatives, 21197
offering programs that enhance the number of high school students 21198
that eventually enroll in and complete certificate programs in 21199
science, technology, engineering, and mathematics (STEM) fields 21200
and by offering additional dual enrollment opportunities. The 21201
building housing the project shall accommodate advanced STEM and 21202

computer coding programs, a fabrication laboratory, and medical 21203
sciences education facilities. Educational programs hosted at the 21204
building shall be delivered through a partnership between the Lake 21205
County Educational Service Center, the Auburn Career Center, and 21206
Lakeland Community College. 21207

TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT 21208

The foregoing appropriation item 200465, Technology 21209
Integration and Professional Development, shall be used by the 21210
Department of Education to provide grants to educational 21211
television stations working with partner education technology 21212
centers to provide Ohio public schools with instructional 21213
resources and services, with priority given to resources and 21214
services aligned with state academic content standards. Such 21215
resources and services shall be based upon the advice and approval 21216
of the Department, based on a formula used by the former eTech 21217
Ohio Commission unless and until a substitute formula is developed 21218
in consultation with Ohio's educational television stations and 21219
educational technology centers. 21220

Sec. 263.230. FOUNDATION FUNDING 21221

Of the foregoing appropriation item 200550, Foundation 21222
Funding, up to \$675,000 in fiscal year 2014 shall be used to 21223
support the work of the College of Education and Human Ecology at 21224
the Ohio State University in reviewing and assessing the alignment 21225
of courses offered through the distance learning clearinghouse 21226
established in sections 3333.81 to 3333.88 of the Revised Code 21227
with the academic content standards adopted under division (A) of 21228
section 3301.079 of the Revised Code. 21229

Of the foregoing appropriation item 200550, Foundation 21230
Funding, up to \$40,000,000 in each fiscal year shall be used to 21231
provide additional state aid to school districts, joint vocational 21232
school districts, community schools, and STEM schools for special 21233

education students under division (C)(3) of section 3314.08, 21234
section 3317.0214, division (B) of section 3317.16, and section 21235
3326.34 of the Revised Code, except that the Controlling Board may 21236
increase these amounts if presented with such a request from the 21237
Department of Education at the final meeting of the fiscal year. 21238

Of the foregoing appropriation item 200550, Foundation 21239
Funding, up to \$2,000,000 in each fiscal year shall be reserved 21240
for Youth Services tuition payments under section 3317.024 of the 21241
Revised Code. 21242

Of the foregoing appropriation item 200550, Foundation 21243
Funding, up to \$3,800,000 in each fiscal year shall be used to 21244
fund gifted education at educational service centers. The 21245
Department shall distribute the funding through the unit-based 21246
funding methodology in place under division (L) of section 21247
3317.024, division (E) of section 3317.05, and divisions (A), (B), 21248
and (C) of section 3317.053 of the Revised Code as they existed 21249
prior to fiscal year 2010. 21250

Of the foregoing appropriation item 200550, Foundation 21251
Funding, up to \$43,500,000 in fiscal year 2014 and up to 21252
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 21253
state reimbursement of educational service centers under the 21254
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 21255
entitled "EDUCATIONAL SERVICE CENTERS FUNDING"; and up to 21256
\$3,500,000 in each fiscal year shall be distributed to educational 21257
service centers for School Improvement Initiatives and, in 21258
consultation with the Governor's Director of 21st Century 21259
Education, for the provision of technical assistance as required 21260
by the Elementary and Secondary Education Act Flexibility waivers 21261
approved for Ohio by the United States Department of Education. 21262
Educational service centers shall be required to support districts 21263
in the development and implementation of their continuous 21264
improvement plans as required in section 3302.04 of the Revised 21265

Code and to provide technical assistance and support in accordance 21266
with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 21267
1425, 20 U.S.C. 6317, as administered pursuant to the Elementary 21268
and Secondary Education Act Flexibility waivers approved for Ohio 21269
by the United States Department of Education. 21270

Of the foregoing appropriation item 200550, Foundation 21271
Funding, up to \$20,000,000 in each fiscal year shall be reserved 21272
for payments under sections 3317.026, 3317.027, and 3317.028 of 21273
the Revised Code. If this amount is not sufficient, the Department 21274
of Education shall prorate the payment amounts so that the 21275
aggregate amount allocated in this paragraph is not exceeded. 21276

Of the foregoing appropriation item 200550, Foundation 21277
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 21278
career-technical planning districts for the amounts reimbursed to 21279
students, as prescribed in this paragraph. Each career-technical 21280
planning district shall reimburse individuals taking the online 21281
General Educational Development (GED) test for the first time for 21282
application/test fees in excess of \$40. Each career-technical 21283
planning district shall designate a site or sites where 21284
individuals may register and take the exam. For each individual 21285
that registers for the exam, the career-technical planning 21286
district shall make available and offer career counseling 21287
services, including information on adult education programs that 21288
are available. Any remaining funds in each fiscal year shall be 21289
reimbursed to the Department of Youth Services and the Department 21290
of Rehabilitation and Correction for individuals in these 21291
facilities who have taken the GED for the first time. The amounts 21292
reimbursed shall not exceed the per-individual amounts reimbursed 21293
to other individuals under this section for each section of the 21294
GED. 21295

Of the foregoing appropriation item 200550, Foundation 21296
Funding, up to \$410,000 in each fiscal year shall be used to pay 21297

career-technical planning districts \$500 for each student that 21298
receives a journeyman certification, as recognized by the United 21299
States Department of Labor. 21300

Of the foregoing appropriation item 200550, Foundation 21301
Funding, up to \$18,713,327 in each fiscal year shall be used to 21302
support school choice programs. 21303

Of the portion of the funds distributed to the Cleveland 21304
Municipal School District under this section, up to \$11,901,887 in 21305
each fiscal year shall be used to operate the school choice 21306
program in the Cleveland Municipal School District under sections 21307
3313.974 to 3313.979 of the Revised Code. Notwithstanding 21308
divisions (B) and (C) of section 3313.978 and division (C) of 21309
section 3313.979 of the Revised Code, up to \$1,000,000 in each 21310
fiscal year of this amount shall be used by the Cleveland 21311
Municipal School District to provide tutorial assistance as 21312
provided in division (H) of section 3313.974 of the Revised Code. 21313
The Cleveland Municipal School District shall report the use of 21314
these funds in the district's three-year continuous improvement 21315
plan as described in section 3302.04 of the Revised Code in a 21316
manner approved by the Department of Education. 21317

Of the foregoing appropriation item 200550, Foundation 21318
Funding, up to \$2,000,000 in fiscal year 2015 shall be used to pay 21319
college-preparatory boarding schools the per pupil boarding amount 21320
pursuant to section 3328.34 of the Revised Code. 21321

Of the foregoing appropriation item 200550, Foundation 21322
Funding, up to \$500,000 in each fiscal year shall be used to 21323
support Jobs for Ohio's Graduates. 21324

Of the foregoing appropriation item 200550, Foundation 21325
Funding, up to \$250,000 in fiscal year 2015 may be used for 21326
payment of the Post-Secondary Enrollment Options Program for 21327
students instructed at home pursuant to section 3321.04 of the 21328

Revised Code. 21329

Of the foregoing appropriation item 200550, Foundation 21330
Funding, up to \$5,000,000 in fiscal year 2014 shall be used to 21331
reimburse school districts for the full amount deducted in that 21332
year under section 3310.55 of the Revised Code for Jon Peterson 21333
Scholarships awarded under sections 3310.51 to 3310.64 of the 21334
Revised Code to students who did not attend a public school in 21335
their resident district in the previous school year. If this 21336
amount is not sufficient, the Department of Education shall 21337
prorate the payment amounts so that the aggregate amount 21338
appropriated in this paragraph is not exceeded. 21339

Of the foregoing appropriation item 200550, Foundation 21340
Funding, an amount shall be available in each fiscal year to be 21341
paid to joint vocational school districts in accordance with 21342
division (A) of section 3317.16 of the Revised Code and the 21343
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 21344
entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 21345
DISTRICTS." 21346

Of the foregoing appropriation item 200550, Foundation 21347
Funding, up to \$700,000 in each fiscal year shall be used by the 21348
Department of Education for a program to pay for educational 21349
services for youth who have been assigned by a juvenile court or 21350
other authorized agency to any of the facilities described in 21351
division (A) of the section of ~~this act~~ Am. Sub. H.B. 59 of the 21352
130th General Assembly entitled "PRIVATE TREATMENT FACILITY 21353
PROJECT." 21354

Of the foregoing appropriation item 200550, Foundation 21355
Funding, up to \$675,000 in fiscal year 2015 shall be used to 21356
provide grants on a competitive basis to public and chartered 21357
nonpublic schools for their participation in the electronic 21358
textbook pilot project. These funds shall be administered as 21359
provided under the section of ~~this act~~ Am. Sub. H.B. 59 of the 21360

130th General Assembly entitled ELECTRONIC TEXTBOOK PILOT PROJECT. 21361

Of the foregoing appropriation item 200550, Foundation 21362
Funding, up to \$500,000 in fiscal year 2014 and up to \$3,000,000 21363
in fiscal year 2015 shall be used for the New Leaders for Ohio 21364
Schools Pilot Project in accordance with Section 733.40 of ~~this~~ 21365
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly. 21366

The remainder of appropriation item 200550, Foundation 21367
Funding, shall be used to distribute the amounts calculated for 21368
formula aid under section 3317.022 of the Revised Code and the 21369
section of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly 21370
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED 21371
VILLAGE SCHOOL DISTRICTS." 21372

Appropriation items 200502, Pupil Transportation, 200540, 21373
Special Education Enhancements, and 200550, Foundation Funding, 21374
other than specific set-asides, are collectively used in each 21375
fiscal year to pay state formula aid obligations for school 21376
districts, community schools, STEM schools, college preparatory 21377
boarding schools, and joint vocational school districts under ~~this~~ 21378
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly. The first 21379
priority of these appropriation items, with the exception of 21380
specific set-asides, is to fund state formula aid obligations. It 21381
may be necessary to reallocate funds among these appropriation 21382
items or use excess funds from other general revenue fund 21383
appropriation items in the Department of Education's budget in 21384
each fiscal year, in order to meet state formula aid obligations. 21385
If it is determined that it is necessary to transfer funds among 21386
these appropriation items or to transfer funds from other General 21387
Revenue Fund appropriations in the Department of Education's 21388
budget to meet state formula aid obligations, the Department of 21389
Education shall seek approval from the Controlling Board to 21390
transfer funds as needed. 21391

The Superintendent of Public Instruction shall make payments, 21392

transfers, and deductions, as authorized by Title XXXIII of the Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXIII by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly. If a new school district, community school, or STEM school opens prior to the effective date of ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, the Department of Education shall pay to the district or school an amount of \$5,000 per pupil, based upon the estimated number of students that the district or school is expected to serve. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII in ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly are effective. Upon the effective date of changes made to Title XXXIII in ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, funds shall be calculated as an annual amount.

Sec. 263.240. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS

The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional aid in each fiscal year to each qualifying city, local, and exempted village school district.

(A) For fiscal years 2014 and 2015, the Department shall pay temporary transitional aid to each city, local, or exempted village school district that experiences any decrease in its state foundation funding for the current fiscal year from its transitional aid guarantee base. The amount of the temporary transitional aid payment shall equal the difference between its

foundation funding for the current fiscal year and its 21424
transitional aid guarantee base. If the computation made under 21425
this division results in a negative number, the district's funding 21426
under this division shall be zero. 21427

(1) As used in this section, foundation funding for each 21428
city, local, and exempted village school district for a given 21429
fiscal year equals the sum of the amount calculated for the 21430
district under section 3317.022 of the Revised Code, as re-enacted 21431
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, and 21432
the amounts calculated for the district under divisions (G)(1) and 21433
(2) of section 3317.0212 of the Revised Code, as amended by ~~this~~ 21434
~~act~~ Am. Sub. H.B. 59 of the 130th General Assembly, for that 21435
fiscal year. 21436

(2) The transitional aid guarantee base for each city, local, 21437
and exempted village school district equals the sum of the amounts 21438
computed for the district for fiscal year 2013, under Sections 21439
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 21440
129th General Assembly. The Department of Education shall adjust, 21441
as necessary, the transitional aid guarantee base of any local 21442
school district that participates in the establishment of a joint 21443
vocational school district that begins receiving payments under 21444
section 3317.16 of the Revised Code, as re-enacted by ~~this act~~ Am. 21445
Sub. H.B. 59 of the 130th General Assembly, for fiscal year 2014 21446
or fiscal year 2015, but does not receive payments under Section 21447
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, for 21448
fiscal year 2013. The Department shall adjust any such local 21449
school district's guarantee base according to the amounts received 21450
by the district in fiscal year 2013 for career-technical education 21451
students who attend the newly established joint vocational school 21452
district in fiscal year 2014 or fiscal year 2015. 21453

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 21454
as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 21455

Assembly, in fiscal year 2014, no city, local, or exempted village school district shall be allocated foundation funding that is greater than 1.0625 times the district's transitional aid guarantee base.

(2) Notwithstanding section 3317.022 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, in fiscal year 2015, no city, local, or exempted village school district shall be allocated foundation funding that is greater than 1.105 times the district's fiscal year 2014 base, which is the amount computed for foundation funding for the district for fiscal year 2014 plus any amount calculated for temporary transitional aid for fiscal year 2014 under division (A) of this section and after any reductions made for fiscal year 2014 under division (B)(1) of this section. The Department shall adjust, as necessary, the fiscal year 2014 base of any local school district that participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2015, but does not receive such payments for fiscal year 2014. The Department shall adjust any such local school district's fiscal year 2014 base according to the amounts received by the district in fiscal year 2014 for career-technical education students who attend the newly established joint vocational school district in fiscal year 2015.

(3) The Department shall reduce a district's payments under divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 of the Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, and divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, as amended by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a

district's payments under divisions (A)(3), (8), and (9) of 21488
section 3317.022 of the Revised Code, as re-enacted by ~~this act~~ 21489
Am. Sub. H.B. 59 of the 130th General Assembly. 21490

Sec. 263.250. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL 21491
SCHOOL DISTRICTS 21492

The Department of Education shall distribute funds within 21493
appropriation item 200550, Foundation Funding, for temporary 21494
transitional aid in each fiscal year to each qualifying joint 21495
vocational school district. 21496

(A) For fiscal years 2014 and 2015, the Department shall pay 21497
temporary transitional aid to each joint vocational school 21498
district that experiences any decrease in its state core 21499
foundation funding under division (A) of section 3317.16 of the 21500
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 21501
130th General Assembly, for the current fiscal year from its 21502
transitional aid guarantee base. The amount of the temporary 21503
transitional aid payment shall equal the difference between the 21504
district's funding under division (A) of section 3317.16 of the 21505
Revised Code for the current fiscal year and its transitional aid 21506
guarantee base. If the computation made under this division 21507
results in a negative number, the district's funding under this 21508
division shall be zero. 21509

The transitional aid guarantee base for each joint vocational 21510
school district equals the amount computed for the district for 21511
fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of 21512
the 129th General Assembly. The Department of Education shall 21513
establish, as necessary, the transitional aid guarantee base of 21514
any joint vocational school district that begins receiving 21515
payments under section 3317.16 of the Revised Code, as re-enacted 21516
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, for 21517
fiscal year 2014 or fiscal year 2015, but does not receive 21518

payments under Section 267.30.60 of Am. Sub. H.B. 153 of the 129th 21519
General Assembly, for fiscal year 2013. The Department shall 21520
establish any such joint vocational school district's guarantee 21521
base as an amount equal to the absolute value of the sum of the 21522
associated adjustments of any local school districts' guarantee 21523
bases under Section 263.240 of ~~this act~~ Am. Sub. H.B. 59 of the 21524
130th General Assembly. 21525

(B)(1) Notwithstanding division (A) of section 3317.16 of the 21526
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 21527
130th General Assembly, in fiscal year 2014, no joint vocational 21528
school district shall be allocated state core foundation funding, 21529
as computed under division (A) of section 3317.16 of the Revised 21530
Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th 21531
General Assembly, that is greater than 1.0625 times the district's 21532
transitional aid guarantee base. 21533

(2) Notwithstanding division (A) of section 3317.16 of the 21534
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 21535
130th General Assembly, in fiscal year 2015, no joint vocational 21536
school district shall be allocated state core foundation funding, 21537
under division (A) of section 3317.16 of the Revised Code, as 21538
re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th General 21539
Assembly, that is greater than 1.105 times the district's fiscal 21540
year 2014 base, which is the amount computed for state core 21541
foundation funding for the district for fiscal year 2014 under 21542
division (A) of section 3317.16 of the Revised Code, as re-enacted 21543
by ~~this act~~ Am. Sub. H.B. 59 of the 130th General Assembly, plus 21544
any amount calculated for temporary transitional aid for fiscal 21545
year 2014 under division (A) of this section and after any 21546
reductions made for fiscal year 2014 under division (B)(1) of this 21547
section. The Department shall establish, as necessary, the fiscal 21548
year 2014 base of any joint vocational school district that begins 21549
receiving payments under section 3317.16 of the Revised Code for 21550

fiscal year 2015, but does not receive such payments for fiscal 21551
year 2014. The Department shall establish any such joint 21552
vocational school district's fiscal year 2014 base as an amount 21553
equal to the absolute value of the sum of the associated 21554
adjustments of any local school district's fiscal year 2014 base 21555
under division (B)(2) of Section 263.240 of Am. Sub. H.B. 59 of 21556
the 130th General Assembly. 21557

(3) The Department shall reduce a district's payments under 21558
divisions (A)(1), (3), and (4) of section 3317.16 of the Revised 21559
Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 130th 21560
General Assembly, proportionately as necessary in order to comply 21561
with this division. If those amounts are insufficient, the 21562
Department shall proportionately reduce a district's payments 21563
under divisions (A)(2), (5), and (6) of section 3317.16 of the 21564
Revised Code, as re-enacted by ~~this act~~ Am. Sub. H.B. 59 of the 21565
130th General Assembly. 21566

Sec. 263.270. TEACHER CERTIFICATION AND LICENSURE 21567

The foregoing appropriation item 200681, Teacher 21568
Certification and Licensure, shall be used by the Department of 21569
Education in each year of the biennium to administer and support 21570
teacher certification and licensure activities. 21571

SCHOOL DISTRICT SOLVENCY ASSISTANCE 21572

(A) Of the foregoing appropriation item 200687, School 21573
District Solvency Assistance, \$20,000,000 in each fiscal year 21574
shall be allocated to the School District Shared Resource Account 21575
and \$5,000,000 in each fiscal year shall be allocated to the 21576
Catastrophic Expenditures Account. These funds shall be used to 21577
provide assistance and grants to school districts to enable them 21578
to remain solvent under section 3316.20 of the Revised Code. 21579
Assistance and grants shall be subject to approval by the 21580
Controlling Board. Except as provided under division (C) of this 21581

section, any required reimbursements from school districts for 21582
solvency assistance shall be made to the appropriate account in 21583
the School District Solvency Assistance Fund (Fund 5H30). 21584

(B) Notwithstanding any provision of law to the contrary, 21585
upon the request of the Superintendent of Public Instruction, the 21586
Director of Budget and Management may make transfers to the School 21587
District Solvency Assistance Fund (Fund 5H30) from any fund used 21588
by the Department of Education or the General Revenue Fund to 21589
maintain sufficient cash balances in Fund 5H30 in fiscal years 21590
2014 and 2015. Any cash transferred is hereby appropriated. The 21591
transferred cash may be used by the Department of Education to 21592
provide assistance and grants to school districts to enable them 21593
to remain solvent and to pay unforeseeable expenses of a temporary 21594
or emergency nature that the school district is unable to pay from 21595
existing resources. The Director of Budget and Management shall 21596
notify the members of the Controlling Board of any such transfers. 21597

(C) If the cash balance of the School District Solvency 21598
Assistance Fund (Fund 5H30) is insufficient to pay solvency 21599
assistance in fiscal years 2014 and 2015, at the request of the 21600
Superintendent of Public Instruction, and with the approval of the 21601
Controlling Board, the Director of Budget and Management may 21602
transfer cash from the Lottery Profits Education Reserve Fund 21603
(Fund 7018) to Fund 5H30 to provide assistance and grants to 21604
school districts to enable them to remain solvent and to pay 21605
unforeseeable expenses of a temporary nature that they are unable 21606
to pay from existing resources under section 3316.20 of the 21607
Revised Code. Such transfers are hereby appropriated to 21608
appropriation item 200670, School District Solvency Assistance - 21609
Lottery. Any required reimbursements from school districts for 21610
solvency assistance granted from appropriation item 200670, School 21611
District Solvency Assistance - Lottery, shall be made to Fund 21612
7018. 21613

CAREER ADVISING AND MENTORING PROGRAM 21614

The foregoing appropriation item 200629, Career Advising and 21615
Mentoring, shall be used by the State Superintendent of Public 21616
Instruction to create the Career Advising and Mentoring Grant 21617
Program. The Superintendent shall develop guidelines for the 21618
grants. The program shall award competitive matching grants to 21619
provide funding for local networks of volunteers and organizations 21620
to sponsor career advising and mentoring for students in eligible 21621
school districts. Each grant award shall match up to three times 21622
the funds allocated to the project by the local network. Eligible 21623
school districts are those with a high percentage of students in 21624
poverty, a high number of students not graduating on time, and 21625
other criteria as determined by the State Superintendent. Eligible 21626
school districts shall partner with members of the business 21627
community, civic organizations, or the faith-based community to 21628
provide sustainable career advising and mentoring services. 21629

ADULT CAREER OPPORTUNITY PILOT PROGRAM 21630

The foregoing appropriation item 200654, Adult Career 21631
Opportunity Pilot Program, shall be used by the Superintendent of 21632
Public Instruction to award and administer planning grants for the 21633
Adult Career Opportunity Pilot Program established in section 21634
3313.902 of the Revised Code. The Superintendent may award grants 21635
of up to \$500,000 to not more than five eligible institutions. The 21636
grants shall be used by selected eligible institutions to build 21637
capacity to implement the program beginning in the 2015-2016 21638
academic year. 21639

The Superintendent of Public Instruction and the Chancellor, 21640
or their designees, shall develop an application process to award 21641
these grants to eligible institutions geographically dispersed 21642
across the state. Any remaining appropriation after providing 21643
grants to eligible institutions may be used to provide technical 21644
assistance to eligible institutions receiving the grant. 21645

The Superintendent, in consultation with the Chancellor, the Governor's Office of Workforce Transformation, the Ohio Association of Community Colleges, Ohio Technical Centers, Adult Basic and Literacy Education programs, and other interested parties as deemed necessary, or their designees, shall develop recommendations for the method of funding and other associated requirements for the Adult Career Opportunity Pilot Program. The Superintendent shall provide a report of the recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2014.

As used in this section, "eligible institution" has the same meaning as in section 3313.902 of the Revised Code.

Sec. 263.325. (A) The Straight A Program is hereby created for fiscal years 2014 and 2015 to provide grants to city, local, exempted village, and joint vocational school districts, educational service centers, community schools established under Chapter 3314., STEM schools established under Chapter 3326., college-preparatory boarding schools established under Chapter 3328. of the Revised Code, individual school buildings, education consortia (which may represent a partnership among school districts, school buildings, community schools, or STEM schools), institutions of higher education, and private entities partnering with one or more of the educational entities identified in this division for projects that aim to achieve significant advancement in one or more of the following goals:

(1) Student achievement;

(2) Spending reduction in the five-year fiscal forecast required under section 5705.391 of the Revised Code;

(3) Utilization of a greater share of resources in the classroom.

(B)(1) Grants shall be awarded by a nine-member governing board consisting of the Superintendent of Public Instruction, or the Superintendent's designee, four members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. The Department of Education shall provide administrative support to the board. No member shall be compensated for the member's service on the board.

(2) The board shall select grant advisors with fiscal expertise and education expertise. These advisors shall evaluate proposals from grant applicants and advise the staff administering the program. No advisor shall be compensated for this service.

(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program.

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals.

(5) With the approval of the board, the Department shall establish a system for evaluating and scoring the grant applications received under this section.

(C) Each grant applicant shall submit a proposal that includes all of the following:

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing

spending, the applicant shall show how the spending will be offset 21707
by verifiable, credible, permanent spending reductions. 21708

(3) A description of quantifiable results of the project that 21709
can be benchmarked. 21710

If an education consortia described in division (A) of this 21711
section applies for a grant, the lead applicant shall be the 21712
school district, school building, community school, or STEM school 21713
that is a member of the consortia and shall so indicate on the 21714
grant application. 21715

(D)(1) Within seventy-five days after receiving a grant 21716
application, the board shall issue a decision on the application 21717
of "yes," "no," "hold," or "edit." In making its decision, the 21718
board shall consider whether the project has the capability of 21719
being replicated in other school districts and schools or creates 21720
something that can be used in other districts and schools. A grant 21721
awarded under this section to a school district, educational 21722
service center, community school, STEM school, college-preparatory 21723
boarding school, individual school building, institution of higher 21724
education, or private entity partnering with one or more of the 21725
educational entities identified in division (A) of this section 21726
shall not exceed \$5,000,000 in each fiscal year. A grant awarded 21727
to an education consortia shall not exceed \$15,000,000 in each 21728
fiscal year. The Superintendent of Public Instruction may make 21729
recommendations to the Controlling Board that these maximum 21730
amounts be exceeded. Upon Controlling Board approval, grants may 21731
be awarded in excess of these amounts. 21732

(2) If the board issues a "hold" or "edit" decision for an 21733
application, it shall, upon returning the application to the 21734
applicant, specify the process for reconsideration of the 21735
application. An applicant may work with the grant advisors and 21736
staff to modify or improve a grant application. 21737

(E) Upon deciding to award a grant to an applicant, the board shall enter into a grant agreement with the applicant that includes all of the following:	21738 21739 21740
(1) The content of the applicant's proposal as outlined under division (C) of this section;	21741 21742
(2) The project's deliverables and a timetable for their completion;	21743 21744
(3) Conditions for receiving grant funding;	21745
(4) Conditions for receiving funding in future years if the contract is a multi-year contract;	21746 21747
(5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement, as determined by the Auditor of State.	21748 21749 21750
(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.	21751 21752
(F) An advisory committee for the Straight A Program is hereby established. The committee shall consist of not more than eleven members appointed by the Governor that represent all areas of the state and different interests. The committee shall annually review the Straight A Program and provide strategic advice to the governing board and the Director of the Governor's Office of 21st Century Education.	21753 21754 21755 21756 21757 21758 21759
(G) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.	21760 21761 21762
<u>(H) Notwithstanding Section 503.50 of Am. Sub. H.B. 59 of the 130th General Assembly, funds encumbered by recipients of grants awarded under this section may be used for grant-related expenses incurred outside of the fiscal year in which the grant is awarded and remain open for twelve months after the close of the fiscal</u>	21763 21764 21765 21766 21767

<u>year.</u>					21768		
Sec. 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY					21769		
General Revenue Fund					21770		
GRF	715502	Auto Emissions	\$	10,923,093	\$ 10,923,093	21771	
		e-Check Program					
TOTAL GRF General Revenue Fund					\$ 10,923,093	\$ 10,923,093	21772
General Services Fund Group					21773		
1990	715602	Laboratory Services	\$	252,153	\$ 326,029	21774	
2190	715604	Central Support	\$	10,255,680	\$ 10,255,680	21775	
		Indirect					
4A10	715640	Operating Expenses	\$	2,600,000	\$ 2,602,000	21776	
4D50	715618	Recycled State	\$	50,000	\$ 50,000	21777	
		Materials					
TOTAL GSF General Services						21778	
Fund Group					\$ 13,157,833	\$ 13,233,709	21779
Federal Special Revenue Fund Group					21780		
3530	715612	Public Water Supply	\$	2,562,578	\$ 2,474,605	21781	
3540	715614	Hazardous Waste	\$	4,088,383	\$ 4,088,383	21782	
		Management - Federal					
3570	715619	Air Pollution Control	\$	6,310,203	\$ 6,310,203	21783	
		- Federal					
3620	715605	Underground Injection	\$	111,874	\$ 111,874	21784	
		Control - Federal					
3BU0	715684	Water Quality	\$	16,205,000	\$ 15,280,000	21785	
		Protection					
3CS0	715688	Federal NRD	\$	200,000	\$ 200,000	21786	
		Settlements					
3F20	715630	Revolving Loan Fund -	\$	832,543	\$ 1,114,543	21787	
		Operating					
3F30	715632	Federally Supported	\$	3,012,021	\$ 3,012,991	21788	
		Cleanup and Response					

3FH0 715693	Diesel Emission	\$	10,000,000	\$	10,000,000	21789
	Reduction Grants				<u>2,500,000</u>	
3T30 715669	Drinking Water State	\$	2,609,198	\$	2,824,076	21790
	Revolving Fund					
3V70 715606	Agencywide Grants	\$	600,000	\$	600,000	21791
TOTAL FED	Federal Special Revenue					21792
Fund Group		\$	46,531,800	\$	46,016,675	21793
					<u>38,516,675</u>	
State Special Revenue	Fund Group					21794
4J00 715638	Underground Injection	\$	389,126	\$	402,697	21795
	Control					
4K20 715648	Clean Air - Non Title	\$	3,165,400	\$	3,237,450	21796
	V					
4K30 715649	Solid Waste	\$	15,685,342	\$	16,330,873	21797
4K40 715650	Surface Water	\$	6,993,800	\$	7,688,800	21798
	Protection					
4K40 715686	Environmental	\$	2,096,007	\$	2,096,007	21799
	Laboratory Services					
4K50 715651	Drinking Water	\$	6,316,772	\$	6,476,011	21800
	Protection					
4P50 715654	Cozart Landfill	\$	100,000	\$	100,000	21801
4R50 715656	Scrap Tire Management	\$	1,059,378	\$	1,070,532	21802
4R90 715658	Voluntary Action	\$	916,690	\$	945,195	21803
	Program					
4T30 715659	Clean Air - Title V	\$	14,528,885	\$	15,080,366	21804
	Permit Program					
4U70 715660	Construction and	\$	335,000	\$	335,000	21805
	Demolition Debris					
5000 715608	Immediate Removal	\$	660,033	\$	660,293	21806
	Special Account					
5030 715621	Hazardous Waste	\$	7,615,403	\$	8,224,041	21807
	Facility Management					
5050 715623	Hazardous Waste	\$	14,528,609	\$	14,933,345	21808

		Cleanup					
5050	715674	Clean Ohio	\$	108,104	\$	108,104	21809
		Environmental Review					
5320	715646	Recycling and Litter	\$	4,514,500	\$	4,535,500	21810
		Control					
5410	715670	Site Specific Cleanup	\$	1,548,101	\$	1,548,101	21811
5420	715671	Risk Management	\$	208,936	\$	214,826	21812
		Reporting					
5860	715637	Scrap Tire Market	\$	1,497,645	\$	1,497,645	21813
		Development					
5BC0	715617	Clean Ohio	\$	611,455	\$	611,455	21814
5BC0	715622	Local Air Pollution	\$	2,297,980	\$	2,297,980	21815
		Control					
5BC0	715624	Surface Water	\$	9,614,974	\$	9,614,974	21816
5BC0	715672	Air Pollution Control	\$	5,684,758	\$	5,684,758	21817
5BC0	715673	Drinking and Ground	\$	4,863,521	\$	4,863,521	21818
		Water					
5BC0	715676	Assistance and	\$	695,069	\$	695,069	21819
		Prevention					
5BC0	715677	Laboratory	\$	1,358,586	\$	1,558,586	21820
5BC0	715678	Corrective Actions	\$	705,423	\$	705,423	21821
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000	21822
		Agencies					
5BC0	715692	Administration	\$	10,582,627	\$	10,582,627	21823
5BC0	715694	Environmental Resource	\$	170,000	\$	170,000	21824
		Coordination					
5BT0	715679	C&DD Groundwater	\$	203,800	\$	203,800	21825
		Monitoring					
5CD0	715682	Clean Diesel School	\$	475,000	\$	475,000	21826
		Buses					
5H40	715664	Groundwater Support	\$	128,212	\$	223,212	21827
5Y30	715685	Surface Water	\$	1,800,000	\$	1,800,000	21828
		Improvement					

6440	715631	Emergency Response	\$	284,266	\$	290,674	21829
		Radiological Safety					
6600	715629	Infectious Waste	\$	88,764	\$	88,764	21830
		Management					
6760	715642	Water Pollution	\$	3,921,605	\$	3,921,605	21831
		Control Loan					
		Administration					
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	21832
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	21833
6960	715643	Air Pollution Control	\$	1,100,000	\$	1,125,000	21834
		Administration					
6990	715644	Water Pollution	\$	345,000	\$	345,000	21835
		Control Administration					
6A10	715645	Environmental	\$	1,350,000	\$	1,350,000	21836
		Education					
TOTAL SSR	State Special Revenue		\$	131,755,659	\$	135,299,122	21837
Fund Group							
Clean Ohio Conservation Fund Group							21838
5S10	715607	Clean Ohio -	\$	284,124	\$	284,124	21839
		Operating					
TOTAL CLF	Clean Ohio Conservation		\$	284,124	\$	284,124	21840
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	202,652,509	\$	205,756,723 <u>198,256,723</u>	21841
AREAWIDE PLANNING AGENCIES							21842
The Director of Environmental Protection Agency may award							21843
grants from appropriation item 715687, Areawide Planning Agencies,							21844
to areawide planning agencies engaged in areawide water quality							21845
management and planning activities in accordance with Section 208							21846
of the "Federal Clean Water Act," 33 U.S.C. 1288.							21847
CASH TRANSFERS							21848
On July 1, 2013, or as soon as possible thereafter, the							21849

Director of Budget and Management may transfer up to \$11,400,000 21850
 cash from the Hazardous Waste Management Fund (Fund 5030) to the 21851
 Hazardous Waste Cleanup Fund (Fund 5050) to support closure and 21852
 corrective action programs that were transferred to the Division 21853
 of Environmental Response and Revitalization. 21854

On July 1, 2013, or as soon as possible thereafter, the 21855
 Director of Environmental Protection shall certify to the Director 21856
 of Budget and Management the cash balance in the Dredge and Fill 21857
 Fund (Fund 5N20). The Director of Budget and Management shall 21858
 transfer the certified amount from Fund 5N20 to the Surface Water 21859
 Protection Fund (Fund 4K40). Any existing encumbrances against 21860
 appropriation item 715613, Dredge and Fill, shall be canceled and 21861
 reestablished against appropriation item 715650, Surface Water 21862
 Protection. The reestablished encumbrance amounts are hereby 21863
 appropriated and Fund 5N20 is abolished. 21864

Sec. 282.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 21865

General Revenue Fund 21866

GRF	230401	Lease Rental Payments	\$	33,106,400	\$	29,854,500	21867
		- Cultural Facilities					

GRF	230458	State Construction	\$	2,495,751	\$	2,245,751	21868
		Management Services					

GRF	230908	Common Schools	\$	351,806,100	\$	377,364,700	21869
		General Obligation		<u>332,506,100</u>		<u>358,364,700</u>	
		Debt Service					

TOTAL GRF	General Revenue Fund	\$	387,408,251	\$	409,464,951	21870
			<u>368,108,251</u>		<u>390,464,951</u>	

General Services Fund Group 21871

1310	230639	State Construction	\$	9,463,342	\$	9,463,342	21872
		Management Operations					

TOTAL GSF	General Services Fund	\$	9,463,342	\$	9,463,342	21873
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Group

State Special Revenue Fund Group				21874
4T80 230603 Community Project	\$	200,000	\$ 200,000	21875
Administration				
5E30 230644 Operating Expenses	\$	8,550,000	\$ 8,550,000	21876
TOTAL SSR State Special Revenue				21877
Fund Group	\$	8,750,000	\$ 8,750,000	21878
TOTAL ALL BUDGET FUND GROUPS	\$	405,621,593	\$ 427,678,293	21879
		<u>386,321,593</u>	<u>408,678,293</u>	

Sec. 282.30. COMMUNITY PROJECT ADMINISTRATION 21881

The foregoing appropriation item 230603, Community Project Administration, shall be used by the Ohio Facilities Construction Commission in administering Cultural and Sports Facilities Building Fund (Fund 7030) projects pursuant to section 123.201 of the Revised Code. 21882
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TRANSFERS TO CULTURAL FACILITIES ADMINISTRATION FUND 21887

By the tenth day following each calendar quarter in each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall determine the amount of cash, if any, to be transferred from the Cultural and Sports Facilities Building Fund (Fund 7030) to the Cultural Facilities Administration Fund (Fund 4T80). 21888
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As soon as possible after each bond issuance made on behalf of the Facilities Construction Commission, the Director of Budget and Management shall determine the amount of cash, if any, from the bond proceeds to be transferred, after all issuance costs have been paid, from Fund 7030 to Fund 4T80. 21894
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Sec. 285.10. DOH DEPARTMENT OF HEALTH 21899

General Revenue Fund				21900
GRF 440412 Cancer Incidence	\$	600,000	\$ 600,000	21901

	Surveillance System				
GRF 440413	Local Health	\$	823,061	\$	823,061
	Departments				
GRF 440416	Mothers and Children	\$	4,428,015	\$	4,428,015
	Safety Net Services				
GRF 440418	Immunizations	\$	8,825,829	\$	8,825,829
GRF 440431	Free Clinics Safety	\$	437,326	\$	437,326
	Net Services				
GRF 440438	Breast and Cervical	\$	823,217	\$	823,217
	Cancer Screening				
GRF 440444	AIDS Prevention and	\$	5,842,315	\$	5,842,315
	Treatment				
GRF 440451	Public Health	\$	3,655,449	\$	3,655,449
	Laboratory				<u>4,305,449</u>
GRF 440452	Child and Family	\$	630,444	\$	630,444
	Health Services Match				
GRF 440453	Health Care Quality	\$	4,874,361	\$	4,874,361
	Assurance				
GRF 440454	Environmental Health	\$	1,194,634	\$	1,194,634
GRF 440459	Help Me Grow	\$	33,673,987	\$	33,673,987
GRF 440465	Federally Qualified	\$	2,686,688	\$	2,686,688
	Health Centers				
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484
GRF 440468	Chronic Disease and	\$	2,447,251	\$	2,447,251
	Injury Prevention				
GRF 440472	Alcohol Testing	\$	1,100,000	\$	1,100,000
GRF 440473	Tobacco Prevention and	\$	1,050,000	\$	1,050,000
	Cessation				
GRF 440474	Infant Vitality	\$	3,116,688	\$	3,116,688
GRF 440505	Medically Handicapped	\$	7,512,451	\$	7,512,451
	Children				
GRF 440507	Targeted Health Care	\$	1,045,414	\$	1,045,414
	Services Over 21				

GRF 654453	Medicaid - Health Care	\$	3,300,000	\$	3,300,000	21921
	Quality Assurance					
TOTAL GRF	General Revenue Fund	\$	88,607,614	\$	88,607,614	21922
					<u>89,257,614</u>	
	State Highway Safety Fund Group					21923
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	21924
TOTAL HSF	State Highway Safety					21925
Fund Group		\$	233,894	\$	233,894	21926
	General Services Fund Group					21927
1420 440646	Agency Health	\$	820,998	\$	820,998	21928
	Services					
2110 440613	Central Support	\$	30,615,591	\$	31,052,469	21929
	Indirect Costs				<u>30,052,469</u>	
4730 440622	Lab Operating	\$	5,000,000	\$	5,000,000	21930
	Expenses					
6980 440634	Nurse Aide Training	\$	99,265	\$	99,265	21931
TOTAL GSF	General Services					21932
Fund Group		\$	36,535,854	\$	36,972,732	21933
					<u>35,972,732</u>	
	Federal Special Revenue Fund Group					21934
3200 440601	Maternal Child Health	\$	23,889,057	\$	23,889,057	21935
	Block Grant					
3870 440602	Preventive Health	\$	6,000,000	\$	6,000,000	21936
	Block Grant					
3890 440604	Women, Infants, and	\$	250,000,000	\$	250,000,000	21937
	Children					
3910 440606	Medicare Survey and	\$	19,449,282	\$	19,961,405	21938
	Certification					
3920 440618	Federal Public Health	\$	134,546,304	\$	135,140,586	21939
	Programs					
3GD0 654601	Medicaid Program	\$	21,126,014	\$	22,392,094	21940
	Support					

TOTAL FED Federal Special Revenue					21941
Fund Group	\$	455,010,657	\$	457,383,142	21942
State Special Revenue Fund Group					21943
4700 440647 Fee Supported Programs	\$	25,305,250	\$	25,613,586	21944
4710 440619 Certificate of Need	\$	878,433	\$	878,433	21945
4770 440627 Medically Handicapped Children Audit	\$	3,692,703	\$	3,692,703	21946
4D60 440608 Genetics Services	\$	3,311,039	\$	3,311,039	21947
4F90 440610 Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	21948
4G00 440636 Heirloom Birth Certificate	\$	5,000	\$	5,000	21949
4G00 440637 Birth Certificate Surcharge	\$	5,000	\$	5,000	21950
4L30 440609 HIV Care and Miscellaneous Expenses	\$	8,333,164	\$	8,333,164	21951
4P40 440628 Ohio Physician Loan Repayment	\$	476,870	\$	476,870	21952
4V60 440641 Save Our Sight	\$	2,255,789	\$	2,255,789	21953
5B50 440616 Quality, Monitoring, and Inspection	\$	878,997	\$	878,997	21954
5CN0 440645 Choose Life	\$	75,000	\$	75,000	21955
5D60 440620 Second Chance Trust	\$	1,151,902	\$	1,151,902	21956
5ED0 440651 Smoke Free Indoor Air	\$	250,000	\$	250,000	21957
5G40 440639 Adoption Services	\$	20,000	\$	20,000	21958
<u>5PE0 440659 Breast and Cervical Cancer Services</u>	\$	<u>0</u>	\$	<u>100,000</u>	21959
5Z70 440624 Ohio Dentist Loan Repayment	\$	140,000	\$	140,000	21960
6100 440626 Radiation Emergency Response	\$	1,049,954	\$	1,086,098	21961

6660	440607	Medically Handicapped	\$	19,739,617	\$	19,739,617	21962
		Children - County					
		Assessments					
TOTAL SSR State Special Revenue							21963
Fund Group			\$	68,601,542	\$	68,946,022	21964
						<u>69,046,022</u>	
Holding Account Redistribution Fund Group							21965
R014	440631	Vital Statistics	\$	44,986	\$	44,986	21966
R048	440625	Refunds, Grants	\$	20,000	\$	20,000	21967
		Reconciliation, and					
		Audit Settlements					
TOTAL 090 Holding Account							21968
Redistribution Fund Group			\$	64,986	\$	64,986	21969
Tobacco Master Settlement Agreement Fund Group							21970
5BX0	440656	Tobacco Use	\$	1,450,000	\$	1,450,000	21971
		Prevention				<u>6,350,000</u>	
TOTAL TSF Tobacco Master Settlement							21972
Agreement Fund Group			\$	1,450,000	\$	1,450,000	
						<u>6,350,000</u>	
TOTAL ALL BUDGET FUND GROUPS							21973
			\$	650,504,547	\$	653,658,390	
						<u>658,308,390</u>	

Sec. 285.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 21975

Of the foregoing appropriation item 440416, Mothers and 21976
 Children Safety Net Services, \$200,000 in each fiscal year shall 21977
 be used to assist families with hearing impaired children under 21978
 twenty-one years of age in purchasing hearing aids. The Director 21979
 of Health shall adopt rules governing the distribution of these 21980
 funds, including rules that do both of the following: (1) 21981
 establish eligibility criteria to include families with incomes at 21982
 or below four hundred per cent of the federal poverty guidelines 21983
 as defined in section 5101.46 of the Revised Code, and (2) develop 21984
 a sliding scale of disbursements under this section based on 21985

family income. The Director may adopt other rules as necessary to 21986
implement this section. Rules adopted under this section shall be 21987
adopted in accordance with Chapter 119. of the Revised Code. 21988

The Department shall disburse all of the funds appropriated 21989
under this section. 21990

HIV/AIDS PREVENTION/TREATMENT 21991

The foregoing appropriation item 440444, AIDS Prevention and 21992
Treatment, shall be used to assist persons with HIV/AIDS in 21993
acquiring HIV-related medications and to administer educational 21994
prevention initiatives. 21995

PUBLIC HEALTH LABORATORY 21996

A portion of the foregoing appropriation item 440451, Public 21997
Health Laboratory, shall be used for coordination and management 21998
of prevention program operations and the purchase of drugs for 21999
sexually transmitted diseases. 22000

HELP ME GROW 22001

The foregoing appropriation item 440459, Help Me Grow, shall 22002
be used by the Department of Health to implement the Help Me Grow 22003
Program. Funds shall be distributed to counties through 22004
agreements, contracts, grants, or subsidies in accordance with 22005
section 3701.61 of the Revised Code. Appropriation item 440459, 22006
Help Me Grow, may be used in conjunction with other early 22007
childhood funds and services to promote the optimal development of 22008
young children and family-centered programs and services that 22009
acknowledge and support the social, emotional, cognitive, 22010
intellectual, and physical development of children and the vital 22011
role of families in ensuring the well-being and success of 22012
children. The Department of Health shall enter into interagency 22013
agreements with the Department of Education, Department of 22014
Developmental Disabilities, Department of Job and Family Services, 22015
and Department of Mental Health and Addiction Services to ensure 22016

that all early childhood programs and initiatives are coordinated 22017
and school linked. 22018

The foregoing appropriation item 440459, Help Me Grow, may 22019
also be used for the Developmental Autism and Screening Program. 22020

INFANT VITALITY 22021

The foregoing appropriation item 440474, Infant Vitality, 22022
shall be used to fund the following projects, which are hereby 22023
created: 22024

(A) The Infant Safe Sleep Campaign to educate parents and 22025
caregivers with a uniform message regarding safe sleep 22026
environments; 22027

(B) The Progesterone Prematurity Prevention Project to enable 22028
prenatal care providers to identify, screen, treat, and track 22029
outcomes for women eligible for progesterone supplementation; and 22030

(C) The Prenatal Smoking Cessation Project to enable prenatal 22031
care providers who work with women of reproductive age, including 22032
pregnant women, to have the tools, training, and technical 22033
assistance needed to treat smokers effectively. 22034

TARGETED HEALTH CARE SERVICES OVER 21 22035

The foregoing appropriation item 440507, Targeted Health Care 22036
Services Over 21, shall be used to administer the Cystic Fibrosis 22037
Program and to implement the Hemophilia Insurance Premium Payment 22038
Program. 22039

The foregoing appropriation item 440507, Targeted Health Care 22040
Services Over 21, shall also be used to provide essential 22041
medications and to pay the copayments for drugs approved by the 22042
Department of Health and covered by Medicare Part D that are 22043
dispensed to Bureau for Children with Medical Handicaps (BCMh) 22044
participants for the Cystic Fibrosis Program. 22045

The Department shall expend all of these funds. 22046

CASH TRANSFERS TO THE MEDICAID FUND 22047

On July 1, 2013, or as soon as possible thereafter, the 22048
Director of Health shall certify to the Director of Budget and 22049
Management the cash balance relating to Medicaid restructuring in 22050
the following funds, all used by the Department of Health: the 22051
General Operations Fund (Fund 4700); the General Operations Fund 22052
(Fund 1420); the General Operations Fund (Fund 3920); and the 22053
Medicaid/Medicare Fund (Fund 3910). Upon receiving this 22054
certification, the Director of Budget and Management may transfer 22055
the amount certified to the Medicaid Fund (Fund 3GD0), used by the 22056
Department of Health. If this transfer occurs, the Director of 22057
Budget and Management shall cancel any existing encumbrances 22058
pertaining to Medicaid in appropriation items 440647, Fee 22059
Supported Programs, 440646, Agency Health Services, 440618, 22060
Federal Public Health Programs, and 440606, Medicare Survey and 22061
Certification, and reestablish them against appropriation item 22062
654601, Medicaid Program Support. The reestablished encumbrance 22063
amounts are hereby appropriated. 22064

GENETICS SERVICES 22065

The foregoing appropriation item 440608, Genetics Services 22066
(Fund 4D60), shall be used by the Department of Health to 22067
administer programs authorized by sections 3701.501 and 3701.502 22068
of the Revised Code. None of these funds shall be used to counsel 22069
or refer for abortion, except in the case of a medical emergency. 22070

MEDICALLY HANDICAPPED CHILDREN AUDIT 22071

The Medically Handicapped Children Audit Fund (Fund 4770) 22072
shall receive revenue from audits of hospitals and recoveries from 22073
third-party payers. Moneys may be expended for payment of audit 22074
settlements and for costs directly related to obtaining recoveries 22075
from third-party payers and for encouraging Medically Handicapped 22076
Children's Program recipients to apply for third-party benefits. 22077

Moneys also may be expended for payments for diagnostic and 22078
treatment services on behalf of medically handicapped children, as 22079
defined in division (A) of section 3701.022 of the Revised Code, 22080
and Ohio residents who are twenty-one or more years of age and who 22081
are suffering from cystic fibrosis or hemophilia. Moneys may also 22082
be expended for administrative expenses incurred in operating the 22083
Medically Handicapped Children's Program. 22084

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 22085

The foregoing appropriation item 440607, Medically 22086
Handicapped Children - County Assessments (Fund 6660), shall be 22087
used to make payments under division (E) of section 3701.023 of 22088
the Revised Code. 22089

CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO 22090
THE TOBACCO USE PREVENTION FUND 22091

On July 1, 2013, or as soon as possible thereafter, the 22092
Director of Budget and Management shall transfer \$2,439,230 cash 22093
from the Public Health Priorities Trust Fund (Fund L087) to the 22094
Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating 22095
needs of the Department of Health's tobacco enforcement and 22096
cessation efforts. 22097

CASH TRANSFER FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS 22098
FUND TO THE TOBACCO USE PREVENTION FUND 22099

Notwithstanding Section 512.20 of Am. Sub. H.B. 487 of the 22100
129th General Assembly, on July 1, 2014, or as soon as possible 22101
thereafter, the Director of Budget and Management may transfer 22102
cash determined to be in excess of the tobacco enforcement needs 22103
of the Attorney General from the Pre-Securitization Tobacco 22104
Payments Fund (Fund 5LS0) to the Tobacco Use Prevention Fund (Fund 22105
5BX0). 22106

Sec. 301.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 22107

General Revenue Fund					22108	
GRF 600321	Program Support	\$	31,320,964	\$	31,109,751	22109
GRF 600410	TANF State/Maintenance of Effort	\$	152,386,934	\$	152,386,934	22110
GRF 600413	Child Care State/Maintenance of Effort	\$	84,732,730	\$	84,732,730	22111
GRF 600416	Information Technology Projects	\$	54,223,871	\$	54,184,700	22112
GRF 600420	Child Support Programs	\$	6,498,667	\$	6,591,048	22113
GRF 600421	Family Assistance Programs	\$	3,161,930	\$	3,161,930	22114
GRF 600423	Families and Children Programs	\$	6,384,514	\$	6,542,517	22115
<u>GRF 600442</u>	<u>Healthier Buckeye Grants</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,400,000</u>	22116
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103	22117
GRF 600511	Disability Financial Assistance	\$	22,000,000	\$	22,000,000	22118
GRF 600521	Family Assistance - Local	\$	41,132,751	\$	41,132,751 <u>42,932,751</u>	22119
GRF 600523	Family and Children Services	\$	54,255,323	\$	54,255,323 <u>65,455,323</u>	22120
GRF 600528	Adoption Services					22121
	State	\$	28,623,389	\$	28,623,389	22122
	Federal	\$	38,202,557	\$	38,202,557	22123
	Adoption Services Total	\$	66,825,946	\$	66,825,946	22124
GRF 600533	Child, Family, and Adult Community & Protective Services	\$	13,500,000	\$	13,500,000	22125
GRF 600534	Adult Protective Services	\$	500,000	\$	500,000 <u>10,500,000</u>	22126
GRF 600535	Early Care and	\$	123,596,474	\$	123,596,474	22127

	Education				
GRF 600540	Food Banks	\$	6,000,000	\$	6,000,000
GRF 600541	Kinship Permanency	\$	3,500,000	\$	3,500,000
	Incentive Program				
<u>GRF 600545</u>	<u>Workforce Pilot Program</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>3,000,000</u>
GRF 655522	Medicaid Program	\$	38,267,970	\$	38,267,970
	Support - Local				
GRF 655523	Medicaid Program	\$	30,680,495	\$	30,680,495
	Support - Local				
	Transportation				
TOTAL GRF	General Revenue Fund				22133
	State	\$	724,580,115	\$	724,580,115
					<u>752,980,115</u>
	Federal	\$	38,202,557	\$	38,202,557
	GRF Total	\$	762,782,672	\$	762,782,672
					<u>791,182,672</u>
General Services Fund Group					22137
4A80 600658	Public Assistance	\$	34,000,000	\$	34,000,000
	Activities				
5DM0 600633	Administration &	\$	19,660,339	\$	19,660,339
	Operating				
5HC0 600695	Unemployment	\$	60,000,000	\$	60,000,000
	Compensation Interest				
5HL0 600602	State and County	\$	3,020,000	\$	3,020,000
	Shared Services				
TOTAL GSF	General Services				22142
Fund Group		\$	124,780,339	\$	116,773,328
Federal Special Revenue Fund Group					22144
3270 600606	Child Welfare	\$	29,769,866	\$	29,769,866
3310 600615	Veterans Programs	\$	8,000,000	\$	8,000,000
3310 600624	Employment Services	\$	26,000,000	\$	26,000,000
	Programs				

As Reported by the House Finance and Appropriations Committee

3310	600686	Workforce Programs	\$	6,260,000	\$	6,260,000	22148
3840	600610	Food Assistance Programs	\$	209,333,246	\$	180,381,394	22149
3850	600614	Refugee Services	\$	12,564,952	\$	12,564,952	22150
3950	600616	Federal Discretionary Grants	\$	2,259,264	\$	2,259,264	22151
3960	600620	Social Services Block Grant	\$	47,000,000	\$	47,000,000	22152
3970	600626	Child Support - Federal	\$	235,000,000	\$	235,000,000	22153
3980	600627	Adoption Program - Federal	\$	174,178,779	\$	174,178,779	22154
3A20	600641	Emergency Food Distribution	\$	5,000,000	\$	5,000,000	22155
3D30	600648	Children's Trust Fund Federal	\$	3,477,699	\$	3,477,699	22156
3F01	655624	Medicaid Program Support	\$	110,680,495	\$	110,680,495	22157
3H70	600617	Child Care Federal	\$	241,987,805	\$	222,212,089	22158
3N00	600628	Foster Care Program - Federal	\$	311,968,616	\$	311,968,616	22159
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	22160
3V00	600688	Workforce Investment Act Programs	\$	136,000,000	\$	136,000,000	22161
3V40	600678	Federal Unemployment Programs	\$	182,814,212	\$	182,814,212	22162
3V40	600679	UC Review Commission - Federal	\$	6,185,788	\$	6,185,788	22163
3V60	600689	TANF Block Grant	\$	777,957,809	\$	790,304,845	22164
TOTAL FED Federal Special Revenue							22165
Fund Group			\$	2,526,972,581	\$	2,490,592,049	22166
State Special Revenue Fund Group							22167
1980	600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848	22168

4A90	600607	Unemployment	\$	9,006,000	\$	9,006,000	22169
		Compensation				<u>12,506,000</u>	
		Administration Fund					
4E70	600604	Family and Children	\$	400,000	\$	400,000	22170
		Services Collections					
4F10	600609	Family and Children	\$	683,549	\$	683,549	22171
		Activities					
5DB0	600637	Military Injury Relief	\$	2,000,000	\$	2,000,000	22172
		Subsidies					
5DP0	600634	Adoption Assistance	\$	500,000	\$	500,000	22173
		Loan					
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	22174
5KU0	600611	Unemployment	\$	2,000,000	\$	2,000,000	22175
		Compensation Support -					
		Other Sources					
5NG0	600660	Victims of Human	\$	100,000	\$	100,000	22176
		Trafficking					
5U60	600663	Family and Children	\$	4,000,000	\$	4,000,000	22177
		Support					
TOTAL SSR		State Special Revenue					22178
Fund Group			\$	25,063,397	\$	25,063,397	22179
						<u>28,563,397</u>	
Agency Fund Group							22180
1920	600646	Child Support	\$	129,250,000	\$	129,250,000	22181
		Intercept - Federal					
5830	600642	Child Support	\$	14,000,000	\$	14,000,000	22182
		Intercept - State					
5B60	600601	Food Assistance	\$	1,000,000	\$	1,000,000	22183
		Intercept					
TOTAL AGY		Agency Fund Group	\$	144,250,000	\$	144,250,000	22184
Holding Account		Redistribution Fund Group					22185
R012	600643	Refunds and Audit	\$	2,200,000	\$	2,200,000	22186

Settlements			
R013 600644	Forgery Collections	\$ 10,000	\$ 10,000 22187
TOTAL 090	Holding Account	\$ 2,210,000	\$ 2,210,000 22188
Redistribution Fund Group			
TOTAL ALL BUDGET FUND GROUPS		\$ 3,586,058,989	\$ 3,541,671,446 22189
			<u>3,573,571,446</u>

Sec. 301.40. COUNTY HEALTHIER BUCKEYE GRANTS 22191

The foregoing appropriation item 600442, Healthier Buckeye Grants, shall be used for the Healthier Buckeye Grant Program. Up to \$120,000 in fiscal year 2015 may be used by the Ohio Healthier Buckeye Council to receive administrative support from the Office of Human Services Innovation or through that Office from another state department. 22192
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COUNTY ADMINISTRATIVE FUNDS 22198

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 22199
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(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 22203
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(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local, in order to ensure county administrative funds are expended from the proper appropriation item. 22207
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(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 22213
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(Fund 3840) exceed the amounts appropriated, the Director of Job 22215
and Family Services shall request the Director of Budget and 22216
Management to authorize expenditures from those funds in excess of 22217
the amounts appropriated. Upon approval of the Director of Budget 22218
and Management, the additional amounts are hereby appropriated. 22219

FAMILY ASSISTANCE-LOCAL 22220

Of the foregoing appropriation item 600521, Family Assistance 22221
- Local, \$1,500,000 in fiscal year 2015 shall be allocated to the 22222
Putnam County YMCA in the city of Ottawa. 22223

Of the foregoing appropriation item 600521, Family 22224
Assistance-Local, \$300,000 in fiscal year 2015 shall be allocated 22225
to the Jewish Federation of Cincinnati to provide operating funds 22226
for the Mayerson Jewish Community Center, Jewish Family Service of 22227
Cincinnati, and Dream Homes, Inc. 22228

WORKFORCE PILOT PROGRAM 22229

The foregoing appropriation item 600545, Workforce Pilot 22230
Program, shall be used for the Workforce Training Pilot Program 22231
for the Economically Disadvantaged. 22232

Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES 22233

Of the foregoing appropriation item 600523, Family and 22234
Children Services, \$150,000 in each fiscal year shall be provided 22235
to children's crisis care facilities, as defined in section 22236
5103.13 of the Revised Code. The Director of Job and Family 22237
Services shall allocate funds based on the number of children at 22238
each facility. A children's crisis care facility may decline to 22239
receive funds provided for under this section. A children's crisis 22240
care facility that accepts funds provided under this section shall 22241
use the funds in accordance with section 5103.13 of the Revised 22242
Code and rules in section 5101:2-9-36 of the Administrative Code. 22243

STATE CHILD PROTECTION ALLOCATION 22244

(A) Of the foregoing appropriation item 600523, Family and Children Services, \$10,000,000 in fiscal year 2015 shall be used as follows: 22245
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(1) Up to \$3,200,000 shall be used to match eligible federal Title IV-B ESSA funds and federal Title IV-E Chafee funds allocated to public children services agencies. 22248
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(2) 75 per cent of the remaining funds shall be allocated to public children services agencies in accordance with section 5101.14 of the Revised Code. 22251
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(3) 25 per cent of the remaining funds shall be allocated to counties identified by the Department of Job and Family Services as hardship counties, in amounts determined by the Department, based on the county hardship ranking established by the Department under division (C) of this section. 22254
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(B) The Department shall provide to public children services agencies that receive funding under division (A)(2) of this section information regarding evidence-informed strategies and offer technical and other assistance to agencies that adopt suggested strategies. Each public children services agency receiving funding under that division shall review its programs, identify agency needs, and select strategies to implement to improve outcomes. An agency may implement evidence-informed strategies that are not part of the strategies provided by the Department under this division, but shall be required to implement and collect outcome data about those strategies without assistance from the Department. 22259
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(C) To determine the counties that are to receive funding under division (A)(3) of this section, the Department shall adopt rules in accordance with section 111.15 of the Revised Code to establish a county hardship ranking. When adopting the rules, the Department shall consider the following: 22271
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<u>(1) The number of children residing in the county based on the most recent decennial federal census;</u>	22276
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<u>(2) The percentage of children living in poverty in the county, based on the most recent data;</u>	22278
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<u>(3) The county's average unemployment rate for the immediately preceding fiscal year;</u>	22280
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<u>(4) The county's average real estate property values for the immediately preceding fiscal year;</u>	22282
	22283
<u>(5) The amount of taxes collected by the county in the immediately preceding fiscal year;</u>	22284
	22285
<u>(6) The amount of the county's public children services agency annual expenditures in the immediately preceding fiscal year.</u>	22286
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	22288
<u>(D)(1) Funds received under division (A)(3) of this section shall supplement, not replace, county funds spent on childrens' services. A county that receives funds under division (A)(3) of this section shall not reduce its annual expenditures for childrens' services below the average amount spent on childrens' services for the immediately preceding three fiscal years. The Department shall reduce the amount allocated to a county that reduces its spending below the average amount spent in the immediately preceding three fiscal years.</u>	22289
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<u>(2) The Department may waive the requirements of division (D)(1) of this section if the county presents to the Department evidence of events that have led to a significant change to the county's fiscal stability, including the loss of a major local employer or other negative impacts to the local base of taxation.</u>	22298
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<u>CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM</u>	22303
<u>Of the foregoing appropriation item 600523, Family and Children Services, \$1,200,000 in fiscal year 2015 shall be used to</u>	22304
	22305

<u>fund the Child Placement Level of Care Tool Pilot Program.</u>				22306
Sec. 323.10. MCD DEPARTMENT OF MEDICAID				22307
General Revenue Fund				22308
GRF	651425	Medicaid Program	\$ 177,071,199 \$ 180,446,636	22309
Support - State				
GRF	651525	Medicaid/Health Care		22310
Services				
State			\$ 4,739,421,777 \$ 5,097,244,293	22311
			<u>5,097,769,249</u>	
Federal			\$ 8,961,692,337 \$ 9,502,550,748	22312
			<u>9,503,467,185</u>	
Medicaid/Health Care			\$13,701,114,114 \$ 14,599,795,041	22313
Services Total			<u>14,601,236,434</u>	
GRF	651526	Medicare Part D	\$ 309,349,142 \$ 313,020,518	22314
TOTAL GRF General Revenue Fund				22315
State			\$ 5,225,842,118 \$ 5,590,711,447	22316
			<u>5,591,236,403</u>	
Federal			\$ 8,961,692,337 \$ 9,502,550,748	22317
			<u>9,503,467,185</u>	
GRF Total			\$14,187,534,455 \$ 15,093,262,195	22318
			<u>15,094,703,588</u>	
General Services Fund Group				22319
5DL0	651639	Medicaid Services -	\$ 462,900,000 \$ 514,700,000	22320
Recoveries				
5FX0	651638	Medicaid Services -	\$ 6,000,000 \$ 6,000,000	22321
Payment Withholding				
TOTAL GSF General Services Fund			\$ 468,900,000 \$ 520,700,000	22322
Group				
Federal Special Revenue Fund Group				22323
3ER0	651603	Medicaid Health	\$ 123,074,778 \$ 123,089,606	22324
Information				

		Technology				
3F00	651623	Medicaid Services -	\$ 2,965,609,943	\$ 3,196,808,545		22325
		Federal				
3F00	651624	Medicaid Program	\$ 565,046,401	\$ 454,423,399		22326
		Support - Federal				
3FA0	651680	Health Care Grants -	\$ 45,400,000	\$ 44,500,000		22327
		Federal				
3G50	651655	Medicaid Interagency	\$ 1,712,881,658	\$ 1,895,403,348		22328
		Pass-Through				
TOTAL FED		Federal Special Revenue	\$ 5,412,012,780	\$ 5,714,224,898		22329
		Fund Group				
		State Special Revenue Fund Group				22330
4E30	651605	Resident Protection	\$ 2,878,319	\$ 2,878,319		22331
		Fund				
5AJ0	651631	Money Follows the	\$ 5,555,000	\$ 4,517,500		22332
		Person				
5GF0	651656	Medicaid Services -	\$ 531,273,601	\$ 531,273,601		22333
		Hospitals/UPL				
5KC0	651682	Health Care Grants -	\$ 10,000,000	\$ 10,000,000		22334
		State				
5R20	651608	Medicaid Services -	\$ 398,000,000	\$ 398,000,000		22335
		Long Term Care				
5U30	651654	Medicaid Program	\$ 54,305,843	\$ 37,903,126		22336
		Support				
6510	651649	Medicaid Services -	\$ 215,527,947	\$ 215,314,482		22337
		HCAP				
TOTAL SSR		State Special Revenue	\$ 1,217,540,710	\$ 1,199,887,028		22338
		Fund Group				
		Holding Account Redistribution Fund Group				22339
R055	651644	Refunds and	\$ 1,000,000	\$ 1,000,000		22340
		Reconciliations				
TOTAL 090		Holding Account	\$ 1,000,000	\$ 1,000,000		22341

Redistribution Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$21,286,987,945	\$22,529,074,121	22342
		<u>22,530,515,514</u>	

Sec. 327.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 22344

SERVICES 22345

General Revenue Fund 22346

GRF 333321	Central	\$ 13,495,337	\$ 13,486,290	22347
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Administration

GRF 333402	Resident Trainees	\$ 450,000	\$ 450,000	22348
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GRF 333415	Lease-Rental Payments	\$ 15,843,300	\$ 16,076,700	22349
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14,743,300

GRF 333416	Research Program	\$ 321,998	\$ 321,998	22350
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Evaluation

GRF 334412	Hospital Services	\$ 190,514,437	\$ 190,514,437	22351
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GRF 334506	Court Costs	\$ 784,210	\$ 784,210	22352
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GRF 335405	Family & Children	\$ 1,386,000	\$ 1,386,000	22353
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First

GRF 335406	Prevention and	\$ 868,659	\$ 868,659	22354
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Wellness

GRF 335421	Continuum of Care	\$ 77,733,742	\$ 77,633,742	22355
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Services

GRF 335422	Criminal Justice	\$ 4,917,898	\$ 4,917,898	22356
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Services

GRF 335504	Community Innovations	\$ 6,500,000	\$ 1,500,000	22357
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GRF 335506	Residential State	\$ 7,502,875	\$ 7,502,875	22358
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Supplement

GRF 335507	Community Behavioral	\$ 47,500,000	\$ 47,500,000	22359
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Health

GRF 652507	Medicaid Support	\$ 1,727,553	\$ 1,736,600	22360
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TOTAL GRF General Revenue Fund	\$ 369,546,009	\$ 364,679,409	22361
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368,446,009

General Services Fund Group 22362

1490	333609	Central Office Operating	\$	1,343,190	\$	1,343,190	22363
5T90	333641	Problem Gambling Services - Administration	\$	60,000	\$	60,000	22364
1490	334609	Hospital - Operating Expenses	\$	28,190,000	\$	28,190,000 <u>30,190,000</u>	22365
1500	334620	Special Education	\$	150,000	\$	150,000	22366
4P90	335604	Community Mental Health Projects	\$	250,000	\$	250,000	22367
5T90	335641	Problem Gambling Services	\$	275,000	\$	275,000	22368
1510	336601	Office of Support Services	\$	115,000,000	\$	115,000,000 <u>90,000,000</u>	22369
TOTAL GSF General Services Fund Group			\$	145,268,190	\$	145,268,190 <u>122,268,190</u>	22370
Federal Special Revenue Fund Group							22371
3240	333605	Medicaid/Medicare - Refunds	\$	154,500	\$	154,500	22372
3A60	333608	Federal Miscellaneous - Administration	\$	140,000	\$	140,000	22373
3A70	333612	Social Services Block Grant - Administration	\$	50,000	\$	50,000	22374
3A80	333613	Federal Grants - Administration	\$	4,717,000	\$	4,717,000	22375
3A90	333614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	22376
3G40	333618	Substance Abuse Block Grant- Administration	\$	3,307,789	\$	3,307,789	22377
3H80	333606	Demonstration Grants - Administration	\$	3,237,574	\$	3,237,574 <u>6,000,000</u>	22378

3N80	333639	Administrative Reimbursement	\$	300,000	\$	300,000	22379
3240	334605	Medicaid/Medicare - Hospitals	\$	28,200,000	\$	28,200,000	22380
3A60	334608	Federal Miscellaneous - Hospitals	\$	200,000	\$	200,000	22381
3A80	334613	Federal Letter of Credit	\$	200,000	\$	200,000	22382
3A60	335608	Federal Miscellaneous	\$	2,170,000	\$	2,170,000	22383
3A70	335612	Social Services Block Grant	\$	8,400,000	\$	8,400,000	22384
3A80	335613	Federal Grant - Community Mental Health Board Subsidy	\$	2,500,000	\$	2,500,000 <u>4,500,000</u>	22385
3A90	335614	Mental Health Block Grant	\$	14,200,000	\$	14,200,000	22386
3FR0	335638	Race to the Top - Early Learning Challenge Grant	\$	1,164,000	\$	1,164,000	22387
3G40	335618	Substance Abuse Block Grant	\$	62,542,003	\$	62,557,967	22388
3H80	335606	Demonstration Grants	\$	5,428,006	\$	5,428,006 <u>11,000,000</u>	22389
3B10	652635	Community Medicaid Legacy Costs	\$	5,000,000	\$	5,000,000	22390
3B10	652636	Community Medicaid Legacy Support	\$	7,000,000	\$	7,000,000	22391
3J80	652609	Medicaid Legacy Costs Support	\$	3,000,000	\$	3,000,000	22392
TOTAL FED	FED	Federal Special Revenue Fund Group	\$	152,659,342	\$	144,675,306 <u>163,009,726</u>	22393
		State Special Revenue Fund Group					22394
2320	333621	Family and Children	\$	400,000	\$	400,000	22395

		First Administration				
4750	333623	Statewide Treatment and Prevention - Administration	\$	5,490,667	\$	5,490,667 22396
4850	333632	Mental Health Operating - Refunds	\$	134,233	\$	134,233 22397
5JL0	333629	Problem Gambling and Casino Addictions - Administration	\$	1,361,592	\$	1,361,592 22398
5V20	333611	Non-Federal Miscellaneous	\$	100,000	\$	100,000 22399
6890	333640	Education and Conferences	\$	150,000	\$	150,000 22400
4850	334632	Mental Health Operating - Hospitals	\$	2,477,500	\$	2,477,500 22401
4750	335623	Statewide Treatment and Prevention	\$	10,059,333	\$	10,059,333 22402
5AU0	335615	Behavioral Health Care	\$	6,690,000	\$	6,690,000 22403
5JL0	335629	Problem Gambling and Casino Addictions	\$	4,084,772		4,084,772 22404
6320	335616	Community Capital Replacement	\$	350,000	\$	350,000 22405
TOTAL SSR		State Special Revenue	\$	31,298,097	\$	31,298,097 22406
Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	698,771,638	\$	685,921,002 22407
				<u>697,671,638</u>		<u>681,255,422</u>

Sec. 333.10. DNR DEPARTMENT OF NATURAL RESOURCES 22409

		General Revenue Fund				22410
GRF	725401	Wildlife-GRF Central Support	\$	1,800,000	\$	1,800,000 22411
GRF	725413	Lease Rental Payments	\$	21,622,900	\$	23,943,400 22412
GRF	725456	Canal Lands	\$	135,000	\$	135,000 22413

GRF	725502	Soil and Water Districts	\$	2,900,000	\$	2,900,000	22414
GRF	725505	Healthy Lake Erie Fund	\$	650,000	\$	500,000	22415
GRF	725507	Coal and Mine Safety Program	\$	2,500,000	\$	2,500,000	22416
GRF	725903	Natural Resources General Obligation Debt Service	\$	24,325,400	\$	25,443,000 <u>23,743,000</u>	22417
GRF	727321	Division of Forestry	\$	4,392,002	\$	4,392,001	22418
GRF	729321	Office of Information Technology	\$	177,405	\$	177,405	22419
GRF	730321	Division of Parks and Recreation	\$	30,000,000	\$	30,000,000	22420
GRF	736321	Division of Engineering	\$	2,279,115	\$	2,324,736	22421
GRF	737321	Division of Soil and Water Resources	\$	4,782,704	\$	4,782,652 <u>4,631,239</u>	22422
GRF	738321	Division of Real Estate and Land Management	\$	715,963	\$	670,342	22423
GRF	741321	Division of Natural Areas and Preserves	\$	1,200,000	\$	1,200,000	22424
TOTAL GRF		General Revenue Fund	\$	97,480,489	\$	100,768,536 <u>98,917,123</u>	22425
		General Services Fund Group					22426
1550	725601	Departmental Projects	\$	2,109,968	\$	1,839,204	22427
1570	725651	Central Support Indirect	\$	4,609,154	\$	4,671,566	22428
2040	725687	Information Services	\$	5,179,097	\$	5,288,168	22429
2050	725696	Human Resource Direct Service	\$	2,474,345	\$	2,526,662	22430
2070	725690	Real Estate Services	\$	50,000	\$	50,000	22431
2230	725665	Law Enforcement	\$	2,126,432	\$	2,126,432	22432

		Administration					
2270	725406	Parks Projects	\$	436,500	\$	436,500	22433
		Personnel					
4300	725671	Canal Lands	\$	883,879	\$	883,879	22434
4S90	725622	NatureWorks Personnel	\$	404,657	\$	412,570	22435
4X80	725662	Water Resources	\$	138,005	\$	138,005	22436
		Council					
5100	725631	Maintenance -	\$	303,611	\$	303,611	22437
		State-owned					
		Residences					
5160	725620	Water Management	\$	2,559,292	\$	2,559,292	22438
6350	725664	Fountain Square	\$	3,329,935	\$	3,346,259	22439
		Facilities Management					
6970	725670	Submerged Lands	\$	852,982	\$	869,145	22440
		TOTAL GSF General Services					22441
		Fund Group	\$	25,457,857	\$	25,451,293	22442
		Federal Special Revenue Fund Group					22443
3320	725669	Federal Mine Safety	\$	265,000	\$	265,000	22444
		Grant					
3B30	725640	Federal Forest	\$	500,000	\$	500,000	22445
		Pass-Thru					
3B40	725641	Federal Flood	\$	500,000	\$	500,000	22446
		Pass-Thru					
3B50	725645	Federal Abandoned	\$	11,851,759	\$	11,851,759	22447
		Mine Lands					
3B60	725653	Federal Land and	\$	950,000	\$	950,000	22448
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	3,200,000	\$	3,200,000	22449
		Regulatory					
3P10	725632	Geological Survey -	\$	933,448	\$	557,146	22450
		Federal					
3P20	725642	Oil and Gas - Federal	\$	234,509	\$	234,509	22451

As Reported by the House Finance and Appropriations Committee

3P30	725650	Coastal Management - Federal	\$	2,790,633	\$	2,790,633	22452
3P40	725660	Federal - Soil and Water Resources	\$	969,190	\$	1,006,874	22453
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	4,342,280	\$	4,342,280	22454
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	22455
TOTAL FED Federal Special Revenue							22456
Fund Group			\$	28,386,819	\$	28,048,201	22457
State Special Revenue Fund Group							22458
4J20	725628	Injection Well Review	\$	128,466	\$	128,466	22459
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	22460
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	22461
5090	725602	State Forest	\$	6,873,330	\$	6,880,158	22462
5110	725646	Ohio Geological Mapping	\$	1,220,690	\$	1,993,519	22463
5120	725605	State Parks Operations	\$	29,654,880	\$	29,671,044	22464
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	22465
5180	725643	Oil and Gas Permit <u>Fees Regulation and</u> <u>Safety</u>	\$	12,812,311	\$	13,140,201	22466
5180	725677	Oil and Gas Well Plugging	\$	1,500,000	\$	1,500,000	22467
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	22468
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	22469
5260	725610	Strip Mining Administration Fee	\$	1,800,000	\$	1,800,000	22470
5270	725637	Surface Mining	\$	1,941,532	\$	1,941,532	22471

		Administration				
5290	725639	Unreclaimed Land Fund	\$	1,804,180	\$	1,804,180 22472
5310	725648	Reclamation	\$	500,000	\$	500,000 22473
		Forfeiture				
5B30	725674	Mining Regulation	\$	28,135	\$	28,135 22474
5BV0	725658	Heidelberg Water	\$	250,000	\$	250,000 22475
		Quality Lab				
5BV0	725683	Soil and Water	\$	8,000,000	\$	8,000,000 22476
		Districts				
5EJ0	725608	Forestry Law	\$	1,000	\$	1,000 22477
		Enforcement				
5EK0	725611	Natural Areas &	\$	1,000	\$	1,000 22478
		Preserves Law				
		Enforcement				
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000 22479
		Enforcement				
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000 22480
5EN0	725614	Watercraft Law	\$	2,500	\$	2,500 22481
		Enforcement				
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000 22482
5MF0	725635	Ohio Geology License	\$	7,500	\$	7,500 22483
		Plate				
5MW0	725604	Natural Resources	\$	10,163,812	\$	6,165,162 22484
		Special Purposes				
6150	725661	Dam Safety	\$	943,517	\$	943,517 22485
TOTAL SSR		State Special Revenue				22486
Fund Group			\$	80,129,565	\$	77,254,626 22487
Clean Ohio Conservation Fund Group						22488
7061	725405	Clean Ohio Operating	\$	300,775	\$	300,775 22489
TOTAL CLF		Clean Ohio Conservation	\$	300,775	\$	300,775 22490
Fund Group						
Wildlife Fund Group						22491

5P20	725634	Wildlife Boater Angler Administration	\$	3,000,000	\$	3,000,000	22492
7015	740401	Division of Wildlife Conservation	\$	56,466,564	\$	57,075,976	22493
8150	725636	Cooperative Management Projects	\$	120,449	\$	120,449	22494
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	22495
8170	725655	Wildlife Conservation Checkoff Fund	\$	2,000,000	\$	2,000,000	22496
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	22497
8190	725685	Ohio River Management	\$	203,584	\$	203,584	22498
81B0	725688	Wildlife Habitat Fund	\$	1,200,000	\$	1,200,000	22499
TOTAL WLF		Wildlife Fund Group	\$	65,457,482	\$	66,066,894	22500
		Waterways Safety Fund Group					22501
7086	725414	Waterways Improvement	\$	5,693,671	\$	5,693,671	22502
7086	725418	Buoy Placement	\$	52,182	\$	52,182	22503
7086	725501	Waterway Safety Grants	\$	120,000	\$	120,000	22504
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	22505
7086	725513	Watercraft Educational Grants	\$	366,643	\$	366,643	22506
7086	739401	Division of Watercraft	\$	19,467,370	\$	19,297,370	22507
TOTAL WSF		Waterways Safety Fund Group	\$	26,276,019	\$	26,106,019	22508 22509
		Accrued Leave Liability Fund Group					22510
4M80	725675	FOP Contract	\$	20,219	\$	20,219	22511
TOTAL ALF		Accrued Leave Liability Fund Group	\$	20,219	\$	20,219	22512 22513
		Holding Account Redistribution Fund Group					22514

R017	725659	Performance Cash Bond	\$	496,263	\$	496,263	22515
		Refunds					
R043	725624	Forestry	\$	2,100,000	\$	2,100,000	22516
TOTAL 090 Holding Account							22517
Redistribution Fund Group			\$	2,596,263	\$	2,596,263	22518
TOTAL ALL BUDGET FUND GROUPS			\$	326,105,488	\$	326,612,826	22519
							<u>324,761,413</u>

Sec. 340.10. OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES 22521

AGENCY 22522

General Revenue Fund 22523

GRF 415402 Independent Living Council \$ 252,000 \$ 252,000 22524

GRF 415406 Assistive Technology \$ 26,618 \$ 26,618 22525

GRF 415431 ~~Office for People~~ with Brain Injury \$ 126,567 \$ 126,567 22526

GRF 415506 Services for ~~People~~ Individuals with Disabilities \$ 15,277,885 \$ 15,277,885 22527

GRF 415508 Services for the Deaf \$ 28,000 \$ 28,000 22528

TOTAL GRF General Revenue Fund \$ 15,711,070 \$ 15,711,070 22529

General Services Fund Group 22530

4670 415609 Business Enterprise Operating Expenses \$ 962,538 \$ 965,481 22531

TOTAL GSF General Services 22532

Fund Group \$ 962,538 \$ 965,481 22533

Federal Special Revenue Fund Group 22534

3170 415620 Disability Determination \$ 83,332,186 \$ 84,641,911 22535

3790 415616 Federal - Vocational Rehabilitation \$ 117,431,895 \$ 113,610,728 22536

3L10 415601 Social Security \$ 2,748,451 \$ 2,752,396 22537

		Personal Care				
		Assistance				
3L10	415605	Social Security	\$	772,000	\$	772,000 22538
		Community Centers for				
		the Deaf				
3L10	415608	Social Security	\$	445,258	\$	498,269 22539
		Special				
		Programs/Assistance				
		<u>Vocational</u>				
		<u>Rehabilitation</u>				
3L40	415612	Federal Independent	\$	638,431	\$	638,431 22540
		Living Centers or				
		Services				
3L40	415615	Federal - Supported	\$	916,727	\$	916,727 22541
		Employment				
3L40	415617	Independent	\$	1,548,658	\$	1,348,658 22542
		Living/Vocational				
		Rehabilitation				
		Programs				
		TOTAL FED Federal Special				22543
		Revenue Fund Group	\$	207,833,606	\$	205,179,120 22544
		State Special Revenue Fund Group				22545
4680	415618	Third Party Funding	\$	11,000,000	\$	11,000,000 22546
4L10	415619	Services for	\$	3,502,168	\$	3,502,168 22547
		Rehabilitation				
4W50	415606	Program Management	\$	12,369,751	\$	12,594,758 22548
		Expenses				
		TOTAL SSR State Special				22549
		Revenue Fund Group	\$	26,871,919	\$	27,096,926 22550
		TOTAL ALL BUDGET FUND GROUPS	\$	251,379,133	\$	248,952,597 22551
		INDEPENDENT LIVING COUNCIL				22552
		The foregoing appropriation item 415402, Independent Living				22553

Council, shall be used to fund the operations of the State 22554
Independent Living Council and to support state independent living 22555
centers and independent living services under Title VII of the 22556
Independent Living Services and Centers for Independent Living of 22557
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 22558
U.S.C. 796d. 22559

Of the foregoing appropriation item 415402, Independent 22560
Living Council, \$67,662 in each fiscal year shall be used as state 22561
matching funds for vocational rehabilitation innovation and 22562
expansion activities. 22563

ASSISTIVE TECHNOLOGY 22564

The total amount of the foregoing appropriation item 415406, 22565
Assistive Technology, shall be provided to Assistive Technology of 22566
Ohio to provide grants and assistive technology services for 22567
people with disabilities in the State of Ohio. 22568

~~OFFICE FOR PEOPLE WITH BRAIN INJURY~~ 22569

The foregoing appropriation item 415431, ~~Office for People~~ 22570
~~with~~ Brain Injury, shall be provided to The Ohio State University 22571
College of Medicine to support the Brain Injury Program 22572
established under section 3304.23 of the Revised Code. 22573

VOCATIONAL REHABILITATION SERVICES 22574

The foregoing appropriation item 415506, Services for ~~People~~ 22575
Individuals with Disabilities, shall be used as state matching 22576
funds to provide vocational rehabilitation services to eligible 22577
consumers. 22578

SERVICES FOR THE DEAF 22579

The foregoing appropriation item 415508, Services for the 22580
Deaf, shall be used to provide grants to community centers for the 22581
deaf. 22582

~~INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS~~ 22583

The foregoing appropriation item 415617, Independent	22584
Living/Vocational Rehabilitation Programs, shall be used to	22585
support vocational rehabilitation programs.	22586
SOCIAL SECURITY REIMBURSEMENT FUNDS	22587
Reimbursement funds received from the Social Security	22588
Administration, United States Department of Health and Human	22589
Services, for the costs of providing services and training to	22590
return disability recipients to gainful employment shall be	22591
expended from the Social Security Reimbursement Fund (Fund 3L10),	22592
to the extent funds are available, as follows:	22593
(A) Appropriation item 415601, Social Security Personal Care	22594
Assistance, to provide personal care services in accordance with	22595
section 3304.41 of the Revised Code;	22596
(B) Appropriation item 415605, Social Security Community	22597
Centers for the Deaf, to provide grants to community centers for	22598
the deaf in Ohio for services to individuals with hearing	22599
impairments; and	22600
(C) Appropriation item 415608, Social Security Special	22601
Programs/Assistance <u>Vocational Rehabilitation</u> , to provide	22602
vocational rehabilitation services to individuals with severe	22603
disabilities who are Social Security beneficiaries, to enable them	22604
to achieve competitive employment. This appropriation item shall	22605
also be used to pay a portion of indirect costs of the Personal	22606
Care Assistance Program and the Independent Living Programs as	22607
mandated by federal OMB Circular A-87.	22608
PROGRAM MANAGEMENT EXPENSES	22609
The foregoing appropriation item 415606, Program Management	22610
Expenses , shall be used to support the administrative functions of	22611
the commission related to the provision of vocational	22612
rehabilitation, disability determination services, and ancillary	22613
programs.	22614

Sec. 349.10. PRX STATE BOARD OF PHARMACY				22615
General Services Fund Group				22616
4A50	887605	Drug Law Enforcement	\$ 150,000 \$ 150,000	22617
4K90	887609	Operating Expenses	\$ 6,701,285 \$ 6,701,285	22618
			<u>6,901,285</u>	
TOTAL GSF	General Services Fund Group		\$ 6,851,285 \$ 6,851,285	22619
			<u>7,051,285</u>	
Federal Special Revenue Fund Group				22620
3BC0	887604	Dangerous Drugs Database	\$ 390,869 \$ 0	22621
3CT0	887606	2008 Developing/Enhancing PMP	\$ 224,691 \$ 112,346	22622
3DV0	887607	Enhancing Ohio's PMP	\$ 2,000 \$ 2,000	22623
3EY0	887603	Administration of PMIX Hub	\$ 66,335 \$ 0	22624
TOTAL FED	Federal Special Revenue Fund Group		\$ 683,895 \$ 114,346	22625
TOTAL ALL BUDGET FUND GROUPS			\$ 7,535,180 \$ 6,965,631	22626
			<u>7,165,631</u>	
Sec. 359.10. PWC PUBLIC WORKS COMMISSION				22628
General Revenue Fund				22629
GRF	150904	Conservation General Obligation Debt Service	\$ 33,376,600 \$ 34,447,700	22630
			<u>26,676,600</u>	
GRF	150907	State Capital Improvements General Obligation Debt Service	\$ 227,810,300 \$ 228,948,900	22631
			<u>210,710,300</u> <u>226,948,900</u>	
TOTAL GRF	General Revenue Fund		\$ 261,186,900 \$ 263,396,600	22632

	<u>237,386,900</u>	<u>261,396,600</u>	
Clean Ohio Conservation Fund Group			22633
7056 150403 Clean Ohio Operating Expenses	\$ 288,980	\$ 288,980	22634
TOTAL 056 Clean Ohio Conservation Fund Group	\$ 288,980	\$ 288,980	22635
TOTAL ALL BUDGET FUND GROUPS	\$ 261,475,880	\$ 263,685,580	22636
	<u>237,675,880</u>	<u>261,685,580</u>	
CONSERVATION GENERAL OBLIGATION DEBT SERVICE			22637
The foregoing appropriation item 150904, Conservation General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, at the times they are required to be made for obligations issued under sections 151.01 and 151.09 of the Revised Code.			22638 22639 22640 22641 22642 22643
STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE			22644
The foregoing appropriation item 150907, State Capital Improvements General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2013, through June 30, 2015, at the times they are required to be made for obligations issued under sections 151.01 and 151.08 of the Revised Code.			22645 22646 22647 22648 22649 22650
CLEAN OHIO OPERATING EXPENSES			22651
The foregoing appropriation item 150403, Clean Ohio Operating Expenses, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.			22652 22653 22654 22655
Sec. 363.10. BOR BOARD OF REGENTS			22656
General Revenue Fund			22657
GRF 235321 Operating Expenses	\$ 2,850,357	\$ 2,850,357	22658

GRF 235401	Lease Rental Payments	\$	5,805,300	\$	0	22659
GRF 235402	Sea Grants	\$	285,000	\$	285,000	22660
GRF 235406	Articulation and Transfer	\$	2,000,000	\$	2,000,000	22661
GRF 235408	Midwest Higher Education Compact	\$	95,000	\$	95,000	22662
GRF 235409	HEI Information System	\$	1,505,683	\$	1,505,683	22663
GRF 235414	State Grants and Scholarship Administration	\$	830,180	\$	830,180	22664
GRF 235417	eStudent Services	\$	2,532,688	\$	2,532,688	22665
GRF 235428	Appalachian New Economy Partnership	\$	737,366	\$	737,366	22666
GRF 235433	Economic Growth Challenge	\$	521,153	\$	521,153	22667
GRF 235434	College Readiness and Access	\$	1,200,000	\$	1,200,000	22668
GRF 235438	Choose Ohio First Scholarship	\$	16,665,114	\$	16,665,114	22669
GRF 235443	Adult Basic and Literacy Education - State	\$	7,427,416	\$	7,427,416	22670
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,817,547	\$	15,817,547	22671
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000	22672
GRF 235480	General Technology Operations	\$	500,000	\$	500,000	22673
GRF 235483	Technology Integration and Professional Development	\$	3,378,598	\$	2,703,598	22674

GRF 235501	State Share of Instruction	\$ 1,789,699,580	\$ 1,818,225,497 <u>1,821,325,497</u>	22675
GRF 235502	Student Support Services	\$ 632,974	\$ 632,974	22676
GRF 235504	War Orphans Scholarships	\$ 5,500,000	\$ 5,500,000	22677
GRF 235507	OhioLINK	\$ 6,211,012	\$ 6,211,012	22678
GRF 235508	Air Force Institute of Technology	\$ 1,740,803	\$ 1,740,803	22679
GRF 235510	Ohio Supercomputer Center	\$ 3,747,418	\$ 3,747,418	22680
GRF 235511	Cooperative Extension Service	\$ 23,086,658	\$ 23,056,658	22681
GRF 235514	Central State Supplement	\$ 11,063,468	\$ 11,063,468	22682
GRF 235515	Case Western Reserve University School of Medicine	\$ 2,146,253	\$ 2,146,253	22683
GRF 235516	Wright State Lake Campus Agricultural Program	\$ 200,000	\$ 0	22684
GRF 235519	Family Practice	\$ 3,166,185	\$ 3,166,185	22685
GRF 235520	Shawnee State Supplement	\$ 2,326,097	\$ 2,326,097	22686
GRF 235523	Youth STEM Commercialization and Entrepreneurship Program	\$ 2,000,000	\$ 3,000,000	22687
GRF 235524	Police and Fire Protection	\$ 107,814	\$ 107,814	22688
GRF 235525	Geriatric Medicine	\$ 522,151	\$ 522,151	22689
GRF 235526	Primary Care Residencies	\$ 1,500,000	\$ 1,500,000	22690

GRF 235535	Ohio Agricultural Research and Development Center	\$ 34,126,100	\$ 34,629,970	22691
GRF 235536	The Ohio State University Clinical Teaching	\$ 9,668,941	\$ 9,668,941	22692
GRF 235537	University of Cincinnati Clinical Teaching	\$ 7,952,573	\$ 7,952,573	22693
GRF 235538	University of Toledo Clinical Teaching	\$ 6,198,600	\$ 6,198,600	22694
GRF 235539	Wright State University Clinical Teaching	\$ 3,011,400	\$ 3,011,400	22695
GRF 235540	Ohio University Clinical Teaching	\$ 2,911,212	\$ 2,911,212	22696
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$ 2,994,178	\$ 2,994,178	22697
GRF 235552	Capital Component	\$ 13,628,639	\$ 10,280,387	22698
GRF 235555	Library Depositories	\$ 1,440,342	\$ 1,440,342	22699
GRF 235556	Ohio Academic Resources Network	\$ 3,172,519	\$ 3,172,519	22700
GRF 235558	Long-term Care Research	\$ 325,300	\$ 325,300	22701
GRF 235563	Ohio College Opportunity Grant	\$ 90,284,264	\$ 90,284,264	22702
GRF 235572	The Ohio State University Clinic Support	\$ 766,533	\$ 766,533	22703
GRF 235599	National Guard Scholarship Program	\$ 16,711,514	\$ 17,384,511	22704
GRF 235909	Higher Education	\$ 221,168,700	\$ 248,822,000	22705

	General Obligation		<u>215,368,700</u>		<u>245,822,000</u>	
	Debt Service					
TOTAL GRF	General Revenue Fund		\$ 2,331,062,630	\$	2,379,360,162	22706
			<u>2,325,262,630</u>		<u>2,379,460,162</u>	
General Services Fund Group						22707
2200 235614	Program Approval and Reauthorization	\$	903,595	\$	903,595	22708
4560 235603	Sales and Services	\$	199,250	\$	199,250	22709
5JC0 235649	Co-op Internship Program	\$	8,000,000	\$	8,000,000	22710
5JC0 235668	Defense/Aerospace Workforce Development Initiative	\$	4,000,000	\$	4,000,000	22711
5JC0 235685	Manufacturing Workforce Development Initiative	\$	2,000,000	\$	0	22712
TOTAL GSF	General Services Fund Group		\$ 15,102,845	\$	13,102,845	22713 22714
Federal Special Revenue Fund Group						22715
3120 235612	Carl D. Perkins Grant/Plan Administration	\$	1,350,000	\$	1,350,000	22716
3120 235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	22717
3120 235641	Adult Basic and Literacy Education - Federal	\$	14,835,671	\$	14,835,671	22718
3120 235672	H-1B Tech Skills Training	\$	1,100,000	\$	1,100,000	22719
3BW0 235630	Indirect Cost Recovery - Federal	\$	50,000	\$	50,000	22720
3H20 235608	Human Services	\$	1,000,000	\$	1,000,000	22721

Project			
TOTAL FED Federal Special Revenue			22722
Fund Group	\$	21,535,671	\$ 21,535,671 22723
State Special Revenue Fund Group			22724
4E80 235602 Higher Educational Facility Commission Administration	\$	29,100	\$ 29,100 22725
4X10 235674 Telecommunity and Distance Learning	\$	49,150	\$ 49,150 22726
5D40 235675 Conferences/Special Purposes	\$	1,884,095	\$ 1,884,095 22727
5FR0 235643 Making Opportunity Affordable	\$	230,000	\$ 230,000 22728
5P30 235663 Variable Savings Plan	\$	8,066,920	\$ 8,104,370 22729
6450 235664 Guaranteed Savings Plan	\$	1,290,718	\$ 1,303,129 22730
6820 235606 Nursing Loan Program	\$	891,320	\$ 891,320 22731
TOTAL SSR State Special Revenue			22732
Fund Group	\$	12,441,303	\$ 12,491,164 22733
Third Frontier Research & Development Fund Group			22734
7011 235634 Research Incentive Third Frontier Fund	\$	8,000,000	\$ 8,000,000 22735
TOTAL 011 Third Frontier Research & Development Fund Group	\$	8,000,000	\$ 8,000,000 22736
TOTAL ALL BUDGET FUND GROUPS	\$	2,388,142,449	\$ 2,434,489,842 22737
		<u>2,382,342,449</u>	<u>2,434,589,842</u>
Sec. 365.10. DRC DEPARTMENT OF REHABILITATION AND CORRECTION			22739
General Revenue Fund			22740
GRF 501321 Institutional Operations	\$	883,768,015	\$ 873,724,802 22741
		<u>895,799,933</u>	<u>900,215,085</u>
GRF 501403 Prisoner Compensation	\$	6,000,000	\$ 6,000,000 22742

GRF 501405	Halfway House	\$	45,049,356	\$	46,024,108	22743
			<u>48,399,340</u>		<u>51,197,937</u>	
GRF 501406	Lease Rental Payments	\$	104,099,500	\$	99,534,800	22744
			<u>103,099,500</u>			
GRF 501407	Community Nonresidential Programs	\$	34,187,858	\$	34,314,390	22745
GRF 501408	Community Misdemeanor Programs	\$	12,856,800	\$	12,856,800	22746
GRF 501501	Community Residential Programs - CBCF	\$	63,345,972	\$	66,150,781	22747
			<u>64,224,472</u>		<u>69,453,455</u>	
GRF 503321	Parole and Community Operations	\$	64,480,938	\$	65,029,680	22748
			<u>66,102,094</u>		<u>71,676,403</u>	
GRF 504321	Administrative Operations	\$	20,659,664	\$	20,907,476	22749
GRF 505321	Institution Medical Services	\$	243,289,774	\$	254,139,452	22750
			<u>239,397,895</u>		<u>251,994,058</u>	
GRF 506321	Institution Education Services	\$	19,102,051	\$	19,112,418	22751
TOTAL GRF General Revenue Fund		\$	1,496,839,928	\$	1,497,794,707	22752
			<u>1,509,829,607</u>		<u>1,537,262,822</u>	
General Services Fund Group						22753
1480 501602	Institutional Services	\$	3,139,577	\$	3,139,577	22754
2000 501607	Ohio Penal Industries	\$	41,393,226	\$	40,609,872	22755
4830 501605	Property Receipts	\$	582,086	\$	582,086	22756
4B00 501601	Sewer Treatment Services	\$	2,023,671	\$	2,067,214	22757
4D40 501603	Prisoner Programs	\$	17,499,255	\$	17,499,255	22758
4L40 501604	Transitional Control	\$	1,113,120	\$	1,113,120	22759
4S50 501608	Education Services	\$	4,114,782	\$	4,114,782	22760
5710 501606	Training Academy Receipts	\$	125,000	\$	125,000	22761

5930	501618	Laboratory Services	\$	3,750,000	\$	0	22762
5AF0	501609	State and Non-Federal Awards	\$	1,440,000	\$	1,440,000	22763
5H80	501617	Offender Financial Responsibility	\$	2,000,000	\$	2,000,000	22764
5L60	501611	Information Technology Services	\$	250,000	\$	250,000	22765
TOTAL GSF General Services Fund Group			\$	77,430,717	\$	72,940,906	22766
Federal Special Revenue Fund Group							22767
3230	501619	Federal Grants	\$	7,132,943	\$	7,132,943	22768
TOTAL FED Federal Special Revenue Fund Group			\$	7,132,943	\$	7,132,943	22770
TOTAL ALL BUDGET FUND GROUPS			\$	1,581,403,588	\$	1,577,868,556	22771
				<u>1,594,393,267</u>		<u>1,617,336,671</u>	

TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL SENTENCING REFORMS 22772
 22773

For the purposes of implementing criminal sentencing reforms, 22774
 and notwithstanding any other provision of law to the contrary, 22775
 the Director of Budget and Management, at the request of the 22776
 Director of Rehabilitation and Correction, may transfer up to 22777
 \$14,000,000 in appropriations, in each of fiscal years 2014 and 22778
 2015, from appropriation item 501321, Institutional Operations, to 22779
 any combination of appropriation items 501405, Halfway House; 22780
 501407, Community Residential Programs; 501408, Community 22781
 Misdemeanor Programs; and 501501, Community Residential Programs - 22782
 CBCF. 22783

LEASE RENTAL PAYMENTS 22784

The foregoing appropriation item 501406, Lease Rental 22785
 Payments, shall be used to meet all payments at the times they are 22786
 required to be made during the period from July 1, 2013, through 22787
 June 30, 2015, by the Department of Rehabilitation and Correction 22788

under the primary leases and agreements for those buildings made 22789
under Chapters 152. and 154. of the Revised Code. These 22790
appropriations are the source of funds pledged for bond service 22791
charges on related obligations issued under Chapters 152. and 154. 22792
of the Revised Code. 22793

OSU MEDICAL CHARGES 22794

Notwithstanding section 341.192 of the Revised Code, at the 22795
request of the Department of Rehabilitation and Correction, The 22796
Ohio State University Medical Center, including the Arthur G. 22797
James Cancer Hospital and Richard J. Solove Research Institute and 22798
the Richard M. Ross Heart Hospital, shall provide necessary care 22799
to persons who are confined in state adult correctional 22800
facilities. The provision of necessary care shall be billed to the 22801
Department at a rate not to exceed the authorized reimbursement 22802
rate for the same service established by the Department of 22803
Medicaid under the Medicaid Program. 22804

CORRECTIVE CASH TRANSFER 22805

At the request of the Director of Rehabilitation and 22806
Correction, the Director of Budget and Management may transfer an 22807
amount not to exceed \$2,391 in cash that was mistakenly deposited 22808
in the Federal Grants Fund (Fund 3230) to the General Revenue 22809
Fund. 22810

Sec. 395.10. TAX DEPARTMENT OF TAXATION 22811

General Revenue Fund 22812

GRF 110321	Operating Expenses	\$	72,568,330	\$	67,968,332	22813
GRF 110404	Tobacco Settlement	\$	178,200	\$	178,200	22814
	Enforcement					
GRF 110901	Property Tax	\$	666,640,000	\$	678,255,600	22815
	Allocation - Taxation		<u>658,640,000</u>		<u>673,255,600</u>	
TOTAL GRF	General Revenue Fund	\$	739,386,530	\$	746,402,132	22816

		<u>731,386,530</u>	<u>741,402,132</u>	
General Services Fund Group				22817
2280	110628 Revenue Enhancement	\$ 15,500,000	\$ 17,500,000	22818
			<u>17,100,000</u>	
4330	110602 Tape File Account	\$ 175,000	\$ 175,000	22819
5BP0	110639 Wireless 9-1-1 Administration	\$ 290,000	\$ 290,000	22820
5CZ0	110631 Vendor's License Application	\$ 250,000	\$ 250,000	22821
5MN0	110638 STARS Development and Implementation	\$ 5,000,000	\$ 3,000,000	22822
5N50	110605 Municipal Income Tax Administration	\$ 150,000	\$ 150,000	22823
5N60	110618 Kilowatt Hour Tax Administration	\$ 100,000	\$ 100,000	22824
5V80	110623 Property Tax Administration	\$ 11,978,310	\$ 11,978,310	22825
			<u>11,178,310</u>	
5W70	110627 Exempt Facility Administration	\$ 49,500	\$ 49,500	22826
TOTAL GSF General Services Fund Group		\$ 33,492,810	\$ 33,492,810	22827
			<u>32,292,810</u>	22828
State Special Revenue Fund Group				22829
4350	110607 Local Tax Administration	\$ 20,000,000	\$ 20,700,000	22830
			<u>20,300,000</u>	
4360	110608 Motor Vehicle Audit	\$ 1,459,609	\$ 1,459,609	22831
4370	110606 Income Tax Contribution	\$ 38,800	\$ 38,800	22832
4380	110609 School District Income Tax	\$ 5,802,044	\$ 5,802,044	22833
			<u>5,402,044</u>	
4C60	110616 International Registration Plan	\$ 682,415	\$ 682,415	22834

4R60	110610	Tire Tax	\$	244,193	\$	244,193	22835
		Administration					
5V70	110622	Motor Fuel Tax	\$	5,035,374	\$	5,035,374	22836
		Administration					
6390	110614	Cigarette Tax	\$	1,750,000	\$	1,750,000	22837
		Enforcement					
6420	110613	Ohio Political Party	\$	500,000	\$	500,000	22838
		Distributions					
6880	110615	Local Excise Tax	\$	775,015	\$	775,015	22839
		Administration					
TOTAL SSR State Special Revenue							22840
Fund Group			\$	36,287,450	\$	36,987,450	22841
						<u>36,187,450</u>	
Agency Fund Group							22842
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	22843
7095	110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000	22844
TOTAL AGY Agency Fund Group							22845
Holding Account Redistribution Fund Group							22846
R010	110611	Tax Distributions	\$	50,000	\$	50,000	22847
R011	110612	Miscellaneous Income	\$	50,000	\$	50,000	22848
		Tax Receipts					
TOTAL 090 Holding Account							22849
Redistribution Fund Group			\$	100,000	\$	100,000	22850
TOTAL ALL BUDGET FUND GROUPS							22851
				<u>2,369,066,790</u>		<u>2,377,782,392</u>	
<u>OPERATING EXPENSES</u>							22852
<u>Of the foregoing appropriation item 110321, Operating</u>							22853
<u>Expenses, \$175,000 in FY 2015 shall be allocated to Energy</u>							22854
<u>Industries Ohio for the supplier development program.</u>							22855
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK							22856
The foregoing appropriation item 110901, Property Tax							22857

Allocation - Taxation, is hereby appropriated to pay for the 22858
state's costs incurred due to the Homestead Exemption, the 22859
Manufactured Home Property Tax Rollback, and the Property Tax 22860
Rollback. The Tax Commissioner shall distribute these funds 22861
directly to the appropriate local taxing districts, except for 22862
school districts, notwithstanding the provisions in sections 22863
321.24 and 323.156 of the Revised Code, which provide for payment 22864
of the Homestead Exemption, the Manufactured Home Property Tax 22865
Rollback, and Property Tax Rollback by the Tax Commissioner to the 22866
appropriate county treasurer and the subsequent redistribution of 22867
these funds to the appropriate local taxing districts by the 22868
county auditor. 22869

Upon receipt of these amounts, each local taxing district 22870
shall distribute the amount among the proper funds as if it had 22871
been paid as real property taxes. Payments for the costs of 22872
administration shall continue to be paid to the county treasurer 22873
and county auditor as provided for in sections 319.54, 321.26, and 22874
323.156 of the Revised Code. 22875

Any sums, in addition to the amounts specifically 22876
appropriated in appropriation item 110901, Property Tax Allocation 22877
- Taxation, for the Homestead Exemption, the Manufactured Home 22878
Property Tax Rollback, and the Property Tax Rollback payments, 22879
which are determined to be necessary for these purposes, are 22880
hereby appropriated. 22881

MUNICIPAL INCOME TAX 22882

The foregoing appropriation item 110995, Municipal Income 22883
Tax, shall be used to make payments to municipal corporations 22884
under section 5745.05 of the Revised Code. If it is determined 22885
that additional appropriations are necessary to make such 22886
payments, such amounts are hereby appropriated. 22887

TAX REFUNDS 22888

The foregoing appropriation item 110635, Tax Refunds, shall 22889
be used to pay refunds under section 5703.052 of the Revised Code. 22890
If it is determined that additional appropriations are necessary 22891
for this purpose, such amounts are hereby appropriated. 22892

INTERNATIONAL REGISTRATION PLAN AUDIT 22893

The foregoing appropriation item 110616, International 22894
Registration Plan, shall be used under section 5703.12 of the 22895
Revised Code for audits of persons with vehicles registered under 22896
the International Registration Plan. 22897

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 22898

Of the foregoing appropriation item 110607, Local Tax 22899
Administration, the Tax Commissioner may disburse funds, if 22900
available, for the purposes of paying travel expenses incurred by 22901
members of Ohio's delegation to the Streamlined Sales Tax Project, 22902
as appointed under section 5740.02 of the Revised Code. Any travel 22903
expense reimbursement paid for by the Department of Taxation shall 22904
be done in accordance with applicable state laws and guidelines. 22905

TOBACCO SETTLEMENT ENFORCEMENT 22906

The foregoing appropriation item 110404, Tobacco Settlement 22907
Enforcement, shall be used by the Tax Commissioner to pay costs 22908
incurred in the enforcement of divisions (F) and (G) of section 22909
5743.03 of the Revised Code. 22910

STARS DEVELOPMENT AND IMPLEMENTATION FUND 22911

The foregoing appropriation item 110638, STARS Development 22912
and Implementation Fund, shall be used to pay costs incurred in 22913
the development and implementation of the department's State Tax 22914
Accounting and Revenue System. The Director of Budget and 22915
Management, under a plan submitted by the Tax Commissioner, or as 22916
otherwise determined by the Director of Budget and Management, 22917
shall set a schedule to transfer cash from the Tax Reform System 22918

Implementation Fund, Local Tax Administration Fund, School				22919
District Income Tax Fund, Discovery Project Fund, and the Motor				22920
Fuel Tax Administration Fund to the credit of the STARS				22921
Development and Implementation Fund (Fund 5MN0). The transfers of				22922
cash shall not exceed \$8,000,000 in the biennium.				22923
 Sec. 403.10. DVS DEPARTMENT OF VETERANS SERVICES				22924
General Revenue Fund				22925
GRF 900321 Veterans' Homes	\$	27,369,946	\$ 27,369,946	22926
			<u>26,992,608</u>	
GRF 900402 Hall of Fame	\$	107,075	\$ 107,075	22927
GRF 900408 Department of	\$	2,001,823	\$ 2,001,823	22928
Veterans Services			<u>2,379,161</u>	
GRF 900901 Persian Gulf,	\$	7,542,600	\$ 9,914,800	22929
Afghanistan, and Iraq				
Compensation Debt				
Service				
TOTAL GRF General Revenue Fund	\$	37,021,444	\$ 39,393,644	22930
General Services Fund Group				22931
4840 900603 Veterans' Homes	\$	1,596,894	\$ 1,596,894	22932
Services				
TOTAL GSF General Services Fund	\$	1,596,894	\$ 1,596,894	22933
Group				
Federal Special Revenue Fund Group				22934
3680 900614 Veterans Training	\$	684,017	\$ 697,682	22935
3740 900606 Troops to Teachers	\$	111,822	\$ 111,879	22936
3BX0 900609 Medicare Services	\$	2,250,000	\$ 2,250,000	22937
3L20 900601 Veterans' Homes	\$	24,887,790	\$ 25,634,423	22938
Operations - Federal				
TOTAL FED Federal Special Revenue				22939
Fund Group	\$	27,933,629	\$ 28,693,984	22940
State Special Revenue Fund Group				22941

4E20 900602	Veterans' Homes	\$	10,614,652	\$	10,837,435	22942
	Operating					
6040 900604	Veterans' Homes	\$	403,663	\$	459,359	22943
	Improvement					
TOTAL SSR State Special Revenue						22944
Fund Group		\$	11,018,315	\$	11,296,794	22945
Persian Gulf, Afghanistan, and Iraq Compensation Fund Group						22946
7041 900615	Veteran Bonus Program	\$	738,703	\$	629,709	22947
	- Administration					
7041 900641	Persian Gulf,	\$	14,500,000	\$	9,400,000	22948
	Afghanistan, and Iraq					
	Compensation					
TOTAL 041 Persian Gulf,						22949
Afghanistan, and Iraq						22950
Compensation Fund Group		\$	15,238,703	\$	10,029,709	22951
TOTAL ALL BUDGET FUND GROUPS		\$	92,808,985	\$	91,011,025	22952
	PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL					22953
	OBLIGATION DEBT SERVICE					22954
	The foregoing appropriation item 900901, Persian Gulf,					22955
	Afghanistan and Iraq Compensation Debt Service, shall be used to					22956
	pay all debt service and related financing costs during the period					22957
	from July 1, 2013, through June 30, 2015, on obligations issued					22958
	for Persian Gulf, Afghanistan and Iraq Conflicts Compensation					22959
	purposes under sections 151.01 and 151.12 of the Revised Code.					22960
	Sec. 512.80. DIESEL EMISSIONS REDUCTION GRANT PROGRAM					22961
	There is hereby established in the Highway Operating Fund					22962
	(Fund 7002), used by the Department of Transportation, a Diesel					22963
	Emissions Reduction Grant Program. The Director of Environmental					22964
	Protection shall administer the program and shall solicit,					22965
	evaluate, score, and select projects submitted by public and					22966
	private entities that are eligible for the federal Congestion					22967

Mitigation and Air Quality (CMAQ) Program. The Director of 22968
Transportation shall process Federal Highway 22969
Administration-approved projects as recommended by the Director of 22970
Environmental Protection. 22971

In addition to the allowable expenditures set forth in 22972
section 122.861 of the Revised Code, Diesel Emissions Reduction 22973
Grant Program funds also may be used to fund projects involving 22974
the purchase or use of hybrid and alternative fuel vehicles that 22975
are allowed under guidance developed by the Federal Highway 22976
Administration for the CMAQ Program. 22977

Public entities eligible to receive funds under section 22978
122.861 of the Revised Code and CMAQ shall be reimbursed from 22979
moneys in the Highway Operating Fund (Fund 7002) designated for 22980
the Department of Transportation's Diesel Emissions Reduction 22981
Grant Program. 22982

Private entities eligible to receive funds under section 22983
122.861 of the Revised Code and CMAQ shall be reimbursed through 22984
transfers of cash from moneys in the Highway Operating Fund (Fund 22985
7002) designated for the Department of Transportation's Diesel 22986
Emissions Reduction Grant Program to the Diesel Emissions 22987
Reduction Fund (Fund 3FH0), used by the Environmental Protection 22988
Agency, or at the direction of the local public agency sponsor and 22989
upon approval of the Department of Transportation, through direct 22990
payments to the vendor in the prorated share of federal/state 22991
participation. Total expenditures between both the Environmental 22992
Protection Agency and the Department of Transportation shall not 22993
exceed the amounts appropriated in this act for appropriation item 22994
715693, Diesel Emissions Reduction Grants, \$10,000,000 in FY 2014 22995
and \$2,500,000 in FY 2015. 22996

On or before June 30, 2014, the Director of Environmental 22997
Protection may certify to the Director of Budget and Management 22998
the amount of any unencumbered balance of the foregoing 22999

appropriation item 715693, Diesel Emissions Reduction Grants, for 23000
fiscal year 2014 to be used for the same purpose in fiscal year 23001
2015. Once the certification permitted under this section has been 23002
submitted and approved by the Director of Budget and Management, 23003
the amount approved ~~is hereby~~ may be appropriated for fiscal year 23004
2015. 23005

Any cash transfers or allocations under this section 23006
represent CMAQ program moneys within the Department of 23007
Transportation for use by the Diesel Emissions Reduction Grant 23008
Program by the Environmental Protection Agency. These allocations 23009
shall not reduce the amount of such moneys designated for 23010
metropolitan planning organizations. 23011

The Director of Environmental Protection, in consultation 23012
with the ~~directors of Development Services and~~ Director of 23013
Transportation, shall develop guidance for the distribution of 23014
funds and for the administration of the Diesel Emissions Reduction 23015
Grant Program. The guidance shall include a method of 23016
prioritization for projects, acceptable technologies, and 23017
procedures for awarding grants. 23018

Sec. 751.10. RECOVERY REQUIRES A COMMUNITY PROGRAM 23019

The Department of Mental Health and Addiction Services, in 23020
consultation with the Department of Medicaid, shall administer the 23021
Recovery Requires a Community Program to identify individuals 23022
residing in nursing facilities who can be successfully moved into 23023
a community setting with the aid of community non-Medicaid 23024
services. 23025

The Director of Mental Health and Addiction Services and the 23026
Medicaid Director shall agree upon an amount representing the 23027
savings realized from decreased nursing facility utilization to be 23028
transferred within the biennium from the Department of Medicaid to 23029
the Department of Mental Health and Addiction Services to support 23030

non-Medicaid program costs for individuals moving into community settings. 23031
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~~Of the foregoing appropriation item 651525, Medicaid/Health Care Services, the Medicaid Director shall transfer the amount agreed upon representing the savings from the General Revenue Fund to the Sale of Goods and Services Fund (Fund 1490). The transfer shall be made using an intrastate transfer voucher. The transferred cash is hereby appropriated to appropriation item 335609, Community Operating/Planning.~~ 23033
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The Director of Mental Health and Addiction Services and the Medicaid Director shall certify the agreed upon amount to the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management may increase appropriation item 335504, Community Innovations, up to the amount of the certification and decrease appropriation item 651525, Medicaid/Health Care Services, by an equal amount. 23040
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Section 610.21. That existing Sections 207.10, 209.30, 211.10, 221.10, 241.10, 257.10, 257.20, 257.50, 259.10, 263.10, 263.40, 263.160, 263.230, 263.240, 263.250, 263.270, 263.325, 275.10, 282.10, 282.30, 285.10, 285.20, 301.10, 301.143, 301.40, 323.10, 327.10, 333.10, 340.10, 349.10, 359.10, 363.10, 365.10, 395.10, 403.10, 512.80, and 751.10 of Am. Sub. H.B. 59 of the 130th General Assembly are hereby repealed. 23047
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Section 630.10. That Sections 207.100, 207.250, 207.340, 207.440, 223.10, 239.10, and 701.50 of Am. H.B. 497 of the 130th General Assembly be amended to read as follows: 23054
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Sec. 207.100. CCC CUYAHOGA COMMUNITY COLLEGE 23057
Higher Education Improvement Fund (Fund 7034) 23058
C37838 Structural Concrete Repairs \$ 7,000,000 23059

C37839	Roof Repair and Replacements	\$	2,900,000	23060
C37840	Workforce Economic Development Renovations	\$	1,700,000	23061
C37841	St. Vincent Charity Medical Center - Geriatric Behavioral Health Project	\$	500,000	23062
C37842	Playhouse Square Ohio Theatre	\$	1,500,000	23063
C37843	Cleveland Museum of Art - Final Phase	\$	2,000,000	23064
<u>C37844</u>	<u>Rock and Roll Hall of Fame</u>	<u>\$</u>	<u>1,060,522</u>	23065
TOTAL	Higher Education Improvement Fund	\$	15,600,000	23066
			<u>16,660,522</u>	
TOTAL ALL FUNDS		\$	15,600,000	23067
			<u>16,660,522</u>	

Sec. 207.250. OTC OWENS COMMUNITY COLLEGE 23069

	Higher Education Improvement Fund (Fund 7034)			23070
C38816	Penta Renovations	\$	4,750,000	23071
C38826	College Hall Renovation	\$	750,000	23072
C38827	Manufacturing Training Simulators	\$	290,000	23073
<u>C38828</u>	<u>ProMedica Transformative Low Income Medical Senior Housing</u>	<u>\$</u>	<u>250,000</u>	23074
TOTAL	Higher Education Improvement Fund	\$	5,790,000	23075
			<u>6,040,000</u>	
TOTAL ALL FUNDS		\$	5,790,000	23076
			<u>6,040,000</u>	

Sec. 207.340. UTO UNIVERSITY OF TOLEDO 23078

	Higher Education Improvement Fund (Fund 7034)			23079
C34058	Campus Energy Cost Reduction Project	\$	1,500,000	23080
C34067	Anatomy Specimen Storage Facility	\$	3,500,000	23081
C34068	Academic Technology and Renovation Projects	\$	3,000,000	23082
C34069	Campus Infrastructure Improvements	\$	3,000,000	23083

C34070	NW Ohio Plastics Training Center	\$	2,000,000	23084
C34071	Elevator Safety Repairs and Replacements	\$	2,000,000	23085
C34072	Building Automation System Upgrades	\$	1,500,000	23086
C34073	Mechanical System Improvements	\$	1,500,000	23087
C34074	Backbone Core Router Replacements	\$	1,600,000	23088
C34075	Network Infrastructure Replacement	\$	1,400,000	23089
C34076	Northwest Ohio Food Partnership Center	\$	1,000,000	23090
C34077	Mercy College Science Facilities Expansion and Renovation	\$	500,000	23091
C34078	Northwest Ohio Workforce Development and Advanced Manufacturing Training Center	\$	1,000,000	23092
C34079	Promedica Transformative Low Income Medical Senior Housing	\$	250,000	23093
TOTAL Higher Education Improvement Fund		\$	23,750,000 <u>23,500,000</u>	23094
TOTAL ALL FUNDS		\$	23,750,000 <u>23,500,000</u>	23095

Sec. 207.440. The Ohio Public Facilities Commission is hereby 23097
authorized to issue and sell, in accordance with Section 2n of 23098
Article VIII, Ohio Constitution, and Chapter 151. and particularly 23099
sections 151.01 and 151.04 of the Revised Code, original 23100
obligations in an aggregate principal amount not to exceed 23101
~~\$506,000,000~~ \$507,000,000, in addition to the original issuance of 23102
obligations heretofore authorized by prior acts of the General 23103
Assembly. These authorized obligations shall be issued, subject to 23104
applicable constitutional and statutory limitations, as needed to 23105
provide sufficient moneys to the credit of the Higher Education 23106
Improvement Fund (Fund 7034) and the Higher Education Improvement 23107
Taxable Fund (Fund 7024) to pay costs of capital facilities as 23108
defined in sections 151.01 and 151.04 of the Revised Code for 23109
state-supported and state-assisted institutions of higher 23110
education. 23111

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES			23112
Wildlife Fund (Fund 7015)			23113
C725K9	Wildlife Area Building	\$ 6,400,000	23114
	Development/Renovations		
TOTAL Wildlife Fund			\$ 6,400,000 23115
Administrative Building Fund (Fund 7026)			23116
C725D5	Fountain Square Telephone Improvements	\$ 2,250,000	23117
C725D7	MARCS Equipment	\$ 2,490,150	23118
C725E0	DNR Fairgrounds Areas Upgrading	\$ 485,000	23119
C725N7	District Office Renovations	\$ 2,000,000	23120
TOTAL Administrative Building Fund			\$ 7,225,150 23121
Ohio Parks and Natural Resources Fund (Fund 7031)			23122
C72549	Facilities Development	\$ 1,250,000	23123
C72599	State Parks, Campgrounds, Lodges, Cabins	\$ 2,600,000	23124
C725C2	Canals Hydraulics Work and Support	\$ 200,000	23125
	Facilities		
C725E1	Local Parks Projects Statewide	\$ 11,366,525	23126
C725E5	Project Planning	\$ 2,749,000	23127
C725J0	Natural Areas/Preserves	\$ 1,000,000	23128
	Maintenance/Facilities		
C725K0	State Park Renovations/Upgrading	\$ 13,027,940	23129
C725N5	Wastewater/Water Systems Upgrades	\$ 12,055,000	23130
C725N8	Operations Facilities Development	\$ 2,500,000	23131
C72501	The Wilds	\$ 500,000	23132
C725T3	Healthy Lake Erie Initiative	\$ 10,000,000	23133
C725U0	Savanna Ridge Enterprise Zone	\$ 500,000	23134
	<u>Cleveland Metroparks Zoo Zoological</u>		
	<u>Society Savannah Ridge Project</u>		
TOTAL Ohio Parks and Natural Resources Fund			\$ 57,748,465 23135
Parks and Recreation Improvement Fund (Fund 7035)			23136
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$ 42,050,000	23137

C725B2	State Park Maintenance Facility Development	\$ 3,000,000	23138
C725B5	Buckeye Lake Dam Rehabilitation	\$ 4,000,000	23139
C725E2	Local Parks Projects	\$ 35,639,595	23140
C725E6	Project Planning	\$ 5,901,000	23141
C725M5	Lake Erie Island State Park/Middle Bass Island State Park	\$ 6,000,000	23142
C725R4	Dam Rehabilitation - Parks	\$ 41,100,000	23143
TOTAL	Parks and Recreation Improvement Fund	\$ 137,690,595	23144
	Clean Ohio Trail Fund (Fund 7061)		23145
C72514	Clean Ohio Trail Fund	\$ 12,500,000	23146
TOTAL	Clean Ohio Trail Fund	\$ 12,500,000	23147
	Waterways Safety Fund (Fund 7086)		23148
C725A7	Cooperative Funding for Boating Facilities	\$ 9,200,000	23149
C725N9	Operations Facilities Development	\$ 820,000	23150
C725Q6	Facilities Development	\$ 5,363,274	23151
TOTAL	Waterways Safety Fund	\$ 15,383,274	23152
TOTAL ALL FUNDS		\$ 236,947,484	23153
	FEDERAL REIMBURSEMENT		23154
	All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 7035).		23155 23156 23157 23158
	LOCAL PARK PROJECTS STATEWIDE		23159
	Of the foregoing appropriation item C725E1, Local Parks Projects Statewide, an amount equal to two per cent of the projects listed may be used by the Department of Natural Resources for the administration of local projects, \$3,500,000 shall be used for the Flats East Gateway and Riverfront Park, \$1,000,000 shall be used for the City of Celina Boardwalk, \$1,000,000 shall be used		23160 23161 23162 23163 23164 23165

for the Middletown River Center, \$1,000,000 shall be used for the 23166
Voice of America Multi-Purpose Field and Athletic Complex, 23167
\$1,000,000 shall be used for the Euclid Waterfront Improvements 23168
Plan - Phase II Implementation, \$875,000 shall be used for the 23169
Preble County Agricultural Facility Improvements, \$500,000 shall 23170
be used for the New Economy Neighborhood - Phase II, \$500,000 23171
shall be used for the Nimisila Spillway Replacement Project, 23172
\$350,000 shall be used for the Perry Township Park Lakeshore 23173
Stabilization, \$300,000 shall be used for the Fairfield Sports 23174
Complex Entrance, \$250,000 shall be used for the Riverfront 23175
Enhancement, \$250,000 shall be used for the Earl Thomas Conley 23176
Riverside Park Campground, \$150,000 shall be used for the Treasure 23177
Island River Corridor Improvement, \$150,000 shall be used for the 23178
Russ Nature Reserve, \$100,000 shall be used for the Hillsboro 23179
North High Trail and Pedestrian Bridge, \$100,000 shall be used for 23180
the PASA Field Lighting, \$100,000 shall be used for the Gallipolis 23181
Riverfront Project - Phase I, \$80,000 shall be used for the Black 23182
River Landing Pavilion, \$50,000 shall be used for the Loudonville 23183
Public Swimming Pool, \$35,000 shall be used for the A.S.K. 23184
Playground, \$30,000 shall be used for the Medina Community 23185
Recreation Center, \$25,000 shall be used for the Newbury Veterans' 23186
Memorial Park, and \$21,525 shall be used for the Black Swamp 23187
Education Center Parking Lot. 23188

LOCAL PARKS PROJECTS 23189

Of the foregoing appropriation item C725E2, Local Parks 23190
Projects, an amount equal to two per cent of the projects listed 23191
may be used by the Department of Natural Resources for the 23192
administration of local projects, \$15,000,000 shall be used for 23193
the Veterans Memorial, \$5,000,000 shall be used for the City of 23194
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for 23195
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the 23196
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the 23197

Lima Stadium Park, \$1,000,000 shall be used for the Little Miami	23198
Scenic Trail- Bridge Construction, \$500,000 shall be used for the	23199
Shaker Heights Van Aken District, \$500,000 shall be used for the	23200
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy	23201
Greenway Trail Highbanks Connector, \$500,000 shall be used for	23202
Hilliard Station Park, \$500,000 shall be used for the MidPointe	23203
Crossing - Swift Park, \$500,000 shall be used for the Smale	23204
Riverfront Park, \$500,000 shall be used for the Green Township	23205
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used	23206
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall	23207
be used for the City of Sylvania River Trail, \$285,545 shall be	23208
used for the Celina Westview Park Quad, \$250,000 shall be used for	23209
the New Bremen Lions Park Development, \$250,000 shall be used for	23210
the Montgomery County Agricultural Facility Improvements, \$250,000	23211
shall be used for Northam Park, \$250,000 shall be used for the	23212
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for	23213
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel	23214
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike	23215
Path, \$150,000 shall be used for the Logan County Agricultural	23216
Facility Improvements, \$150,000 shall be used for the Help All	23217
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used	23218
for York Township Park, \$150,000 shall be used for Eastview Park,	23219
\$120,000 shall be used for the Shelby County Agricultural Facility	23220
Improvements, \$100,000 shall be used for the Ohio to Erie Trail,	23221
\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000	23222
shall be used for the Shanes Park Expansion, \$92,000 shall be used	23223
for the Defiance County Agricultural Facility Improvements,	23224
\$50,000 shall be used for the Moonville Rail Trail Bridges and	23225
Construction, \$50,000 shall be used for the All-Pro Freight	23226
Stadium Improvements, \$50,000 shall be used for the Bowling Green	23227
Nature Center, \$49,000 shall be used for the Lynchburg Old School	23228
Park, \$45,000 shall be used for the Bruce L. Chapin Bridge -	23229
Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill	23230

Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park, 23231
 \$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000 23232
 shall be used for the Round Town Bike Trail, and \$27,750 shall be 23233
 used for the Shalersville Park Walking Trail. 23234

Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION 23235

Lottery Profits Education Fund (Fund 7017) 23236

C23014 Classroom Facilities Assistance Program \$ 100,000,000 23237
 - Lottery Profits

TOTAL Lottery Profits Education Fund \$ 100,000,000 23238

Administrative Building Fund (Fund 7026) 23239

C23016 Energy Conservation Projects \$ 3,000,000 23240

C230E5 State Agency Planning/Assessment \$ 500,000 23241

TOTAL Administrative Building Fund \$ 3,500,000 23242

Cultural and Sports Facilities Building Fund (Fund 7030) 23243

C23022 Woodward Opera House Redevelopment \$ 100,000 23244

C23023 OHS - Ohio History Center Exhibit \$ 840,750 23245
 Replacement

C23024 OHS - Statewide Site Exhibit Renovation \$ 420,000 23246

C23025 OHS - Statewide Site Repairs \$ 1,152,700 23247

C23027 OHS - Zoar Village Building Restoration \$ 502,500 23248

C23028 OHS - Basic Renovations and Emergency \$ 850,000 23249
 Repairs

C23030 OHS - Rankin House State Memorial \$ 653,000 23250

C23031 OHS - Harding Home State Memorial \$ 250,000 23251

C23032 OHS - Ohio Historical Center \$ 985,000 23252
 Rehabilitation

C23033 OHS - Stowe House State Memorial \$ 300,000 23253

C23038 OHS - Fort Amanda State Memorial \$ 395,000 23254

C23042 Tecumseh - Sugarloaf Mountain \$ 33,500 23255
 Amphitheatre

C23044 OHS - Ohio River Museum \$ 52,200 23256

C23045	OHS - Lockington Locks Stabilization	\$	358,900	23257
C23057	OHS - Online Portal to Ohio's Heritage	\$	1,246,000	23258
C23059	Lake Erie Nature and Science Center	\$	300,000	23259
C23068	Huntington House	\$	75,000	23260
C23077	Columbus Museum of Art: Expansion and Renovation Phase 3	\$	1,101,000	23261
C23083	Stan Hywet Hall & Gardens Restoration	\$	1,560,522	23262
C23091	Ohio Theatre - Toledo	\$	201,000	23263
C23098	Twin City Opera House	\$	400,000	23264
C230A1	Preble County Historical Society	\$	50,000	23265
C230A6	Secrest Auditorium Renovation	\$	125,000	23266
C230B1	Karamu House	\$	1,060,522	23267
C230C5	OHS - Collections Storage Facility Object Evaluation	\$	212,000	23268
C230C6	OHS - Historic Site Signage	\$	300,000	23269
C230C8	OHS - Serpent Mound	\$	397,900	23270
C230D1	OHS - Great Circle Earthworks	\$	75,000	23271
C230D4	OHS - Fort Laurens	\$	45,000	23272
C230E6	OHS - Exhibits for Native American Sites	\$	500,000	23273
C230E7	OHS - Hayes Presidential Center	\$	50,000	23274
C230E8	OHS - Armstrong Air and Space Museum	\$	45,000	23275
C230E9	OHS - Museum of Ceramics	\$	223,850	23276
C230F1	OHS - Campus Martius Museum	\$	145,200	23277
C230F2	Second Century Project	\$	200,000	23278
C230F3	Stuart's Opera House	\$	500,000	23279
C230F4	The Gordon, Hauss, Folk Company Mill	\$	250,000	23280
C230F5	Thatcher Temple Art Building	\$	37,500	23281
C230F6	Fitton Center for Creative Arts	\$	100,000	23282
C230F7	Oxford Community Arts Center	\$	450,000	23283
C230F8	Gammon House Improvements	\$	75,000	23284
C230F9	Clark State Community College Performing Arts Center	\$	275,000	23285
C230G1	Murphy Theatre	\$	150,000	23286

C230G2	Johnson-Humrick House Museum	\$	57,960	23287
C230G3	Public artPARK	\$	200,000	23288
C230G4	Schines Art Park	\$	357,500	23289
C230G5	Bedford Historical Society	\$	100,000	23290
C230G6	Rainey Institute - Safe Parking	\$	\$125,000	23291
C230G7	Ukrainian Museum - Archives	\$	125,000	23292
C230G8	Cleveland African American Museum Restoration and Expansion	\$	150,000	23293
C230G9	Great Lakes Science Center Omnimax Theatre	\$	500,000	23294
C230H1	Cleveland Music School Settlement - Burke Mansion Performing Arts Center	\$	255,000	23295
C230H2	Cozad Bates House	\$	365,131	23296
C230H3	Beck Center	\$	402,349	23297
C230H5	University Hospital Seidman Cancer Center Proton Therapy Center	\$	500,000	23298
C230H7	Western Reserve Historical Society	\$	750,000	23299
C230H9	Gordon Square Arts District	\$	1,000,000	23300
C230J1	Rock and Roll Hall of Fame	\$	1,060,522	23301
C230J4	Cleveland Museum of Natural History	\$	2,500,000	23302
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000	23303
C230J6	West Side Market Renovation	\$	500,000	23304
C230J7	Cardinal Center	\$	75,000	23305
C230J8	War of 1812 Bicentennial Native American Bowery Education Center	\$	24,913	23306
C230J9	St. Clair Memorial Hall	\$	500,000	23307
C230K1	Historic Strand Theatre Renovation	\$	150,000	23308
C230K2	Delaware Veterans Memorial Plaza	\$	320,000	23309
C230K3	African-American Legacy Project	\$	75,000	23310
C230K4	Ohio Glass Museum Furnace System	\$	10,000	23311
C230K5	Saylor House and Reese-Peters House Preservation	\$	20,000	23312
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000	23313

C230K7	Georgian Museum Storage Facility	\$	30,000	23314
C230K8	Sherman House Museum	\$	35,000	23315
C230K9	Washington Court House Auditorium Project	\$	100,000	23316
C230L1	McCoy Community Center of the Arts - Video Projection System	\$	50,000	23317
C230L2	Glass Axis Relocation	\$	150,000	23318
C230L3	Harmony Project	\$	300,000	23319
C230L4	CCAD Cinematic Arts and Motion Capture Studio and Auditorium	\$	750,000	23320
C230L5	Columbus Theater-Based Community Development Project	\$	1,000,000	23321
C230L6	Franklin Park Conservatory Joint Recreation District	\$	1,000,000	23322
C230L7	Sauder Village - 1920 Homestead	\$	300,000	23323
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000	23324
C230L9	Ariel-Ann Carson Dater Performing Arts Centre	\$	100,000	23325
C230M1	French Art Colony/Riverby Theatre Guild	\$	100,000	23326
C230M2	Geauga County Historical Society	\$	56,000	23327
C230M3	Chardon Lyric Theatre	\$	50,000	23328
C230M4	Chardon Heritage House	\$	200,000	23329
C230M5	Incline Theater Project	\$	550,000	23330
C230M6	Cincinnati Art Museum - Make Room for Art	\$	825,000	23331
C230M7	Hamilton County Memorial Hall	\$	2,000,000	23332
C230M8	Cincinnati Zoo	\$	2,000,000	23333
C230M9	Union Terminal Restoration	\$	5,000,000	23334
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	23335
C230N2	Kan Du Community Arts Center	\$	520,000	23336
C230N3	Findlay Central Auditorium	\$	1,000,000	23337
C230N4	Appalachian Forest Museum	\$	100,000	23338

C230N5	Logan Theater	\$	25,000	23339
C230N6	Willard Train Viewing Platform	\$	50,000	23340
C230N7	Markay Theatre Renovation	\$	150,000	23341
C230N8	Grand Theater Restoration Project	\$	140,000	23342
C230N9	South Leroy Historic Meeting House Restoration	\$	15,000	23343
C230P1	Willoughby Fine Arts Association - Facility Expansion	\$	500,000	23344
C230P2	Ironton Cultural Arts Operations Facility	\$	100,000	23345
C230P3	Sterling Theater Revitalization Project	\$	200,000	23346
C230P4	Logan County Veterans' Memorial Hall	\$	250,000	23347
C230P5	Columbia Station 1812 Block House Project	\$	28,000	23348
C230P6	Avon Isle Renovation Phase 2	\$	82,775	23349
C230P7	Oberlin Gasholder Building/Underground Railroad Center	\$	200,000	23350
C230P8	Carnegie Building Renovation	\$	500,000	23351
C230P9	Toledo Zoo	\$	750,000	23352
C230Q1	Imagination Station Improvements	\$	695,000	23353
C230Q2	War of 1812 Exhibit	\$	35,000	23354
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000	23355
C230Q4	Toledo Repertoire Theatre	\$	150,000	23356
C230Q5	Valentine Theatre Initiative	\$	136,000	23357
C230Q6	Southern Park Historic District	\$	250,000	23358
C230Q7	Butler Institute of Art	\$	279,717	23359
C230Q8	Stambaugh Auditorium	\$	500,000	23360
C230Q9	Marion Palace Theatre	\$	731,000	23361
C230R1	Bradford Rail Museum	\$	275,000	23362
C230R2	K12 and TEJAS Building Project	\$	50,000	23363
C230R3	River Run Murals Project	\$	82,500	23364
C230R4	Dayton Contemporary Dance Company Studio Renovations	\$	125,000	23365

C230R5	Wright Company Factory Project	\$	250,000	23366
C230R6	Victoria Theatre and Metropolitan Arts Center	\$	825,000	23367
C230R7	Preserving & Updating the Historic Dayton Art Institute	\$	2,198,500	23368
C230R8	National Ceramic Museum and Heritage Center Renovation	\$	100,000	23369
C230R9	Opera House Project	\$	100,000	23370
C230S1	Tecumseh Theater - Opera House Restoration	\$	140,000	23371
C230S2	Perry County Historical and Cultural Arts Center	\$	341,600	23372
C230S3	Hayden Auditorium - Hiram	\$	260,854	23373
C230S4	Majestic Theater Renovation	\$	36,000	23374
C230S5	Lucy Webb Hayes Heritage Center Exterior Replacement and Restoration	\$	100,000	23375
C230S6	Pumphouse Center for the Arts	\$	130,000	23376
C230S7	Historic Sidney Theatre	\$	500,000	23377
C230S8	Pro Football Hall of Fame	\$	10,000,000	23378
C230S9	Park Theater Renovation	\$	159,078	23379
C230T1	Akron Civic Theater	\$	530,261	23380
C230T2	John Brown House and Grounds	\$	50,000	23381
C230T3	Hale Farm	\$	500,000	23382
C230T4	Urichsville Clay Museum	\$	150,000	23383
C230T5	Mason Historical Society	\$	350,000	23384
C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000	23385
C230T7	Historic Theatre Restoration	\$	500,000	23386
C230T8	County Line Historical Society	\$	46,000	23387
C230T9	Pemberville Opera House Elevator Project	\$	220,000	23388
C230U1	Wood County Historical Center & Museum Accessibility Project	\$	600,000	23389
C230U2	Avon Lake - Folger House	\$	150,000	23390
C230U3	DeYor Performing Arts Center	\$	100,000	23391

TOTAL Cultural and Sports Facilities Building Fund	\$	76,400,704	23392
		<u>75,340,182</u>	
School Building Program Assistance Fund (Fund 7032)			23393
C23002 School Building Program Assistance	\$	575,000,000	23394
TOTAL School Building Program Assistance Fund	\$	575,000,000	23395
TOTAL ALL FUNDS	\$	754,900,704	23396
		<u>753,840,182</u>	
STATE AGENCY PLANNING/ASSESSMENT			23397
The foregoing appropriation item C230E5, State Agency			23398
Planning/Assessment, shall be used by the Facilities Construction			23399
Commission to provide assistance to any state agency for			23400
assessment, capital planning, and maintenance management.			23401
GEAUGA COUNTY HISTORICAL SOCIETY			23402
Of the foregoing appropriation item C230M2, Geauga County			23403
Historical Society, \$12,000 shall be used for Geauga Historical			23404
Society - White Barn Restoration, \$18,000 shall be used for Geauga			23405
Historical Society - Maple Museum, and \$26,000 shall be used for			23406
Gauga Historical Society - Lennah Bond Center.			23407
SCHOOL BUILDING PROGRAM ASSISTANCE			23408
The foregoing appropriation item C23002, School Building			23409
Program Assistance, shall be used by the School Facilities			23410
Commission to provide funding to school districts that receive			23411
conditional approval from the Commission pursuant to Chapter 3318.			23412
of the Revised Code.			23413
Sec. 701.50. DISASTER SERVICES			23414
Notwithstanding any other provision of law, upon the request			23415
of the Department of Public Safety, the Controlling Board may			23416
approve the transfer of up to \$4,000,000 <u>\$6,000,000</u> from the			23417
Disaster Services Fund (Fund 5E20) to a fund and appropriation			23418
item used by the Department of Public Safety for Putnam County			23419

flood mitigation projects. Moneys in the designated fund shall be 23420
awarded to the local public agency that is leading the projects. 23421

Section 630.11. That existing Sections 207.100, 207.250, 23422
207.340, 207.440, 223.10, 239.10, and 701.50 of Am. H.B. 497 of 23423
the 130th General Assembly are hereby repealed. 23424

Section 690.10. That Sections 327.83 and 747.40 of Am. Sub. 23425
H.B. 59 of the 130th General Assembly are hereby repealed. 23426

Section 701.10. Within one calendar year after the effective 23427
date of this act, the Ohio Housing Finance Agency shall do both of 23428
the following: 23429

(A) Review the Agency's process for providing Restoring 23430
Stability: A Save the Dream Ohio Initiative assistance to 23431
individuals and identify steps that can be taken to reduce the 23432
amount of time for providing the assistance. The review shall 23433
include consultation with states that have reported significantly 23434
less processing time, limiting the time homeowners have to provide 23435
documentation to the Agency. 23436

(B) Modify the current Restoring Stability tracking system to 23437
include identification of the stages in the process that should be 23438
attributed to the Agency compared to the time attributed to 23439
homeowner or counselor delays. 23440

Section 733.10. (A) As used in this section: 23441

(1) "Eligible individual" has the same meaning as in section 23442
3317.23 of the Revised Code as enacted by this act. 23443

(2) "Eligible institution" has the same meaning as in section 23444
3345.86 of the Revised Code as enacted by this act. 23445

(B) For fiscal year 2015, the combined enrollment in city, 23446
local, and exempted village school districts under division (B) of 23447

section 3317.23 of the Revised Code, joint vocational school 23448
districts under division (B) of section 3317.24 of the Revised 23449
Code, community school dropout prevention and recovery programs 23450
under division (A) of section 3314.38 of the Revised Code, and 23451
eligible institutions under division (B) of section 3345.86 of the 23452
Revised Code of individuals who are at least twenty-two but 23453
younger than thirty years of age shall be limited to 1,000 23454
eligible individuals on a full-time equivalency basis as 23455
determined by the Department of Education. 23456

Section 733.20. Not later than December 31, 2015, the 23457
Department of Education shall prepare and submit a report to the 23458
General Assembly, in accordance with section 101.68 of the Revised 23459
Code, regarding services provided to individuals who are at least 23460
twenty-two but younger than thirty years of age under sections 23461
3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code as 23462
enacted by this act. 23463

Section 735.10. Rule 111-3-05 of the Administrative Code, 23464
which regulates corporate and labor organization political 23465
communications, is void. 23466

Section 747.10. LICENSING PERIOD FOR TERMINAL DISTRIBUTORS OF 23467
DANGEROUS DRUGS 23468

In the case of a terminal distributor of dangerous drugs 23469
holding a license issued or renewed pursuant to section 4729.54 of 23470
the Revised Code that is valid on the effective date of this 23471
section, the license remains in effect until April 1, 2015, unless 23472
earlier revoked or suspended. The license holder is subject to the 23473
renewal schedule established by division (I) of section 4729.54 of 23474
the Revised Code, as amended by this act. 23475

Section 751.20. WORKFORCE INTEGRATION TASK FORCE 23476

(A) A workforce integration task force for individuals who are deaf or blind is hereby established within the Opportunities for Ohioans with Disabilities Agency. The task force shall be co-chaired by the Executive Director of the Opportunities for Ohioans with Disabilities Agency and the Director of the Department of Job and Family Services. The co-chairs shall appoint the members of the task force.

(B) The task force shall collect data on the following regarding individuals who are deaf or blind in Ohio:

(1) The average income levels for those individuals who are employed compared to those who are not employed;

(2) The number of those individuals;

(3) Where those individuals are geographically located;

(4) The number of those individuals who are employed and in what job categories they are employed;

(5) Whether barriers to employment exist for those individuals.

(C) The task force shall use the data collected and any other information necessary to make recommendations regarding how those individuals may be more fully integrated into the workforce to increase employability and income parity. The task force shall issue a report of its findings and recommendations to the Governor not later than January 1, 2015. Upon issuance of its report, the task force ceases to exist.

Section 751.33. WORKFORCE TRAINING PILOT PROGRAM FOR THE ECONOMICALLY DISADVANTAGED

(A) The Workforce Training Pilot Program for the Economically Disadvantaged is hereby established to provide grants to provide training in life and technical skills. The Director of Job and Family Services shall administer the Pilot Program for a period of

two years, beginning July 1, 2014. 23507

(B) The Director of Job and Family Services, in consultation 23508
with the Director of Development Services and JobsOhio, shall 23509
issue a request for proposals from entities seeking to receive a 23510
grant under this section to create and administer a demonstration 23511
project in the field of workforce development. The demonstration 23512
project shall provide training to those individuals located in the 23513
region described in division (C) of this section where the project 23514
is located who the applicant determines are economically 23515
disadvantaged. The request for proposals shall include all of the 23516
following as conditions of eligibility to receive a grant: 23517

(1) The applicant must include in the proposal a description 23518
of the manner in which the applicant will determine whether an 23519
individual is economically disadvantaged. 23520

(2) The demonstration project must provide life skills 23521
training to assist an individual in developing character traits 23522
necessary to obtain employment, as well as technical and 23523
field-related training. 23524

(3) In creating and administering the demonstration project, 23525
the applicant must collaborate with an organization in the region 23526
described in division (C) of this section where the project is 23527
located and with at least one organization that is a 23528
community-based nonprofit organization with experience in 23529
life-skill support services and workforce development. 23530

(4) The applicant must satisfy any other requirements 23531
established in the request for proposals. 23532

(C)(1) The Director of Job and Family Services, in 23533
consultation with the Director of Development Services and 23534
JobsOhio, shall award a grant in fiscal year 2015 for a 23535
demonstration project described in division (B) of this section in 23536
each of the following regions of the state: 23537

(a) The counties of Allen, Crawford, Defiance, Fulton,	23538
Hancock, Hardin, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky,	23539
Seneca, Van Wert, Williams, Wood, and Wyandot;	23540
(b) The counties of Ashland, Ashtabula, Columbiana, Cuyahoga,	23541
Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage,	23542
Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne;	23543
(c) The counties of Auglaize, Champaign, Clark, Clinton,	23544
Darke, Fayette, Greene, Mercer, Miami, Montgomery, Preble, and	23545
Shelby;	23546
(d) The counties of Delaware, Fairfield, Franklin, Knox,	23547
Licking, Logan, Madison, Marion, Morrow, Pickaway, and Union;	23548
(e) The counties of Adams, Athens, Belmont, Carroll,	23549
Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes,	23550
Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum,	23551
Noble, Perry, Pike, Ross, Scioto, Vinton, and Washington;	23552
(f) The counties of Brown, Butler, Clermont, Hamilton, and	23553
Warren.	23554
(2) The Director of Job and Family Services may award a grant	23555
to one or two demonstration projects located in a region described	23556
in division (C)(1) of this section; however, no region shall	23557
receive more than two million dollars in grant funding under this	23558
section.	23559
(D) The Director of Job and Family Services shall adopt rules	23560
in accordance with Chapter 119. of the Revised Code to establish	23561
reporting requirements for recipients of grants awarded under this	23562
section. The rules shall require a grant recipient to report on	23563
the successful completion rate of demonstration project	23564
participants, rate of job placement of participants, tracking of	23565
participant's employment after completion of the project, and any	23566
other information requested by the Director. The Director shall	23567
require grant recipients to report this information during the	23568

two-year Pilot Program and to submit a final report upon the 23569
expiration of the Pilot Program. A grant recipient shall comply 23570
with rules adopted by the Director. 23571

Section 751.40. SUPPORT FOR START TALKING! INITIATIVE 23572

The Director of Mental Health and Addiction Services shall 23573
designate an employee who is certified as a prevention specialist 23574
by the Chemical Dependency Professionals Board to serve as 23575
coordinator for the Start Talking! Initiative and to assist with 23576
statewide efforts to prevent substance abuse among children. 23577

Section 751.50. ASSISTED LIVING PROGRAM PAYMENT RATES 23578

As used in the this section, "Assisted Living program" and 23579
"assisted living services" have the same meanings as in section 23580
173.51 of the Revised Code. 23581

The Medicaid payment rates for assisted living services 23582
provided under the Assisted Living program during the period 23583
beginning on the effective date of this section and ending June 23584
30, 2015, shall be one and one-half per cent higher than the rates 23585
for the services in effect on July 1, 2013. 23586

**Section 751.60. STEP-DOWN REGIONAL CRISIS STABILIZATION UNITS 23587
AND RECOVERY HOUSING** 23588

(A) As used in this section, "recovery housing" means 23589
recovery housing that a board of alcohol, drug addiction, and 23590
mental health services, beginning two years after the effective 23591
date of this section, is to include in the full spectrum of care 23592
for all levels of treatment services for opioid and co-occurring 23593
drug addiction under division (B) of section 340.09 of the Revised 23594
Code, as that section is amended by this act. 23595

(B)(1) Except as provided in division (C) of this section, of 23596
the appropriation item 335507, Community Behavioral Health, in Am. 23597

Sub. H.B. 59 of the 130th General Assembly, \$24,850,000 in fiscal year 2015 shall be used as follows: 23598
23599

(a) To provide six step-down regional crisis stabilization units, for a total of up to 90 beds, in accordance with a state allocation formula the Department of Mental Health and Addiction Services shall create; 23600
23601
23602
23603

(b) To provide state funds to the boards of alcohol, drug addiction, and mental health services serving Cuyahoga, Franklin, Hamilton, Lucas, Mahoning, Montgomery, Stark, and Summit counties for either of the following: 23604
23605
23606
23607

(i) Subject to divisions (D)(1) and (3) of this section, the capital or leasing costs associated with making up to four hundred recovery housing beds available in those counties; 23608
23609
23610

(ii) Additional step-down regional crisis stabilization units that are funded in accordance with the state allocation formula created under division (B)(1)(a) of this section. 23611
23612
23613

(c) Subject to divisions (D)(2) and (3) of this section, to provide state funds to the other boards of alcohol, drug addiction, and mental health services for the capital or leasing costs associated with making up to four hundred eighty recovery housing beds available in those counties; 23614
23615
23616
23617
23618

(d) Subject to division (E) of this section, to provide state funds to boards for the first two years of operating expenses of recovery housing; 23619
23620
23621

(e) Subject to division (F) of this section, to contract for a network of recovery housing. 23622
23623

(2) In providing state funds to boards under this section, the Department shall prioritize funding for counties that have no recovery housing on the effective date of this section. 23624
23625
23626

(C) On July 1, 2014, or as soon as possible thereafter, the 23627

Department of Medicaid shall calculate the variance between the 23628
actual and projected enrollment of newly eligible individuals 23629
under the Medicaid expansion in fiscal year 2014. The projected 23630
enrollment shall be the number specified in the "Fiscal Impact of 23631
the Affordable Care Act on Medicaid Enrollment and Program Cost" 23632
report produced by Mercer Health and Benefits LLC for the State of 23633
Ohio's Office of Medical Assistance on February 13, 2013. If the 23634
actual enrollment is more than ten per cent less than the 23635
projected enrollment, the Director of Mental Health and Addiction 23636
Services may allocate up to \$24,850,000 of the appropriation item 23637
335507, Community Behavioral Health, in Am. Sub. H.B. 59 of the 23638
130th General Assembly to boards of alcohol, drug addiction, and 23639
mental health services to continue programs the boards started in 23640
fiscal year 2014. Any of that amount not so allocated shall be 23641
used in accordance with division (B) of this section. 23642

(D)(1) Funding for the capital or leasing costs of recovery 23643
housing in Cuyahoga, Franklin, Hamilton, Lucas, Mahoning, 23644
Montgomery, Stark, and Summit counties is subject to the 23645
following: 23646

(a) If recovery housing exists in the county on the effective 23647
date of this section, the Department shall pay fifty per cent and 23648
the board serving the county shall pay the other fifty per cent of 23649
the capital or leasing costs of additional recovery housing in the 23650
county. 23651

(b) If no recovery housing exists in the county on the 23652
effective date of this section, the Department shall pay ninety 23653
per cent and the board serving the county shall pay the remaining 23654
ten per cent of the capital or leasing costs of recovery housing 23655
in the county, except that if the board cannot afford to pay ten 23656
per cent, the Department shall pay one hundred per cent of the 23657
capital or leasing costs. 23658

(2) In the case of all other counties, the Department shall 23659

pay ninety per cent and the board serving the county shall pay the 23660
remaining ten per cent of the capital or leasing costs of recovery 23661
housing in the county, except that if the board cannot afford to 23662
pay ten per cent, the Department shall pay one hundred per cent of 23663
the capital or leasing costs. 23664

(3) Each board that receives state funds under division 23665
(B)(1)(b) or (c) of this section and uses the funds for the 23666
capital costs of recovery housing shall, to the greatest extent 23667
possible, give priority to developing new or additional recovery 23668
housing through a grant process under which one or more nonprofit 23669
entities use the grants for the capital costs of developing new or 23670
additional recovery housing in the county or counties that the 23671
board serves. A nonprofit entity that receives such a grant shall 23672
do both of the following to the greatest extent possible: 23673

(a) Develop the new or additional recovery housing by 23674
rehabilitating existing buildings, using materials from existing 23675
buildings that no longer need the materials, or both; 23676

(b) In developing the new or additional recovery housing, use 23677
one or more of the following: 23678

(i) Volunteers; 23679

(ii) Apprentices working under a bona fide apprenticeship 23680
program that is registered with the Ohio Apprenticeship Council 23681
created in section 4139.02 of the Revised Code or with the United 23682
States Department of Labor; 23683

(iii) Individuals who have successfully completed training in 23684
the construction field that is offered by a career-technical 23685
center, joint vocational school district, comprehensive 23686
career-technical center, or compact career-technical center 23687
offering adult training; 23688

(iv) Employees hired through a hiring hall contract or 23689
agreement. 23690

(E) The Department shall pay ninety per cent of the operating expenses of recovery housing for the first two years that the recovery housing is operated in a county if the Department pays one hundred per cent of the capital or leasing costs for the recovery housing.

(F)(1) Through a competitive bidding process, the Department shall enter into a three-year contract with a nongovernmental organization under which the organization shall organize a network of recovery housing in the state that has all of the following features:

(a) An internet-based database of recovery housing available in the state;

(b) A resource hub for recovery housing providers that assists the providers' development and operation efforts and enables providers to connect with other recovery housing providers in this and other states for the purpose of shared learning;

(c) Quality standards for recovery housing and a peer-review process that uses the standards to endorse individual recovery housing sites;

(d) A system that monitors data that can be used to determine outcomes for recovery housing.

(2) The Department shall not spend a total of more than \$500,000 on the contract entered into under division (F)(1) of this section.

Section 751.70. SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT

Of the appropriation item 335507, Community Behavioral Health, in Am. Sub. H.B. 59 of the 130th General Assembly, \$5,078,200 in fiscal year 2015 shall be used to maintain the level of funding for the Substance Abuse Prevention and Treatment Block

Grant.	23721
Section 751.80. PREVENTION-BASED RESOURCES	23722
Of the appropriation item 335507, Community Behavioral Health, in Am. Sub. H.B. 59 of the 130th General Assembly, \$5,000,000 in fiscal year 2015 shall be used to expand prevention-based resources statewide.	23723 23724 23725 23726
Section 751.90. RESIDENTIAL STATE SUPPLEMENT PROGRAM	23727
Of the appropriation item 335507, Community Behavioral Health, in Am. Sub. H.B. 59 of the 130th General Assembly, \$3.75 million in fiscal year 2015 shall be used to expand the Residential State Supplement Program.	23728 23729 23730 23731
Section 751.100. SPECIALTY DOCKET STAFF PAYROLL COSTS	23732
(A) On July 1, 2014, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$8,821,800 in General Revenue Fund appropriations in fiscal year 2015 from appropriation item 335507, Community Behavioral Health, used by the Department of Mental Health and Addiction Services, to appropriation item 501502, Specialty Docket Staff Payroll Costs, used by the Department of Rehabilitation and Correction.	23733 23734 23735 23736 23737 23738 23739
(B) The foregoing appropriation item 501502, Specialty Docket Staff Payroll Costs, shall be used by the Department of Rehabilitation and Correction to defray a portion of the annual payroll costs associated with the employment of up to two separate and distinct full-time, or full-time equivalent, specialized docket staff members by a court of common pleas, a municipal court, or a county court, including a juvenile or family court that currently has, or anticipates having, a family dependency treatment court that meets all of the eligibility requirements described in division (C) of this section. Specialized docket	23740 23741 23742 23743 23744 23745 23746 23747 23748 23749

staff members employed under this section shall be considered 23750
employees of the court. 23751

(C) To be eligible: 23752

(1) The court must have received Supreme Court of Ohio 23753
certification for a specialized docket that targets participants 23754
with a drug addiction or dependency; and 23755

(2) Specialized docket staff members must have received 23756
training for or education in alcohol and other drug addiction, 23757
abuse, and recovery and have demonstrated, prior to or within 23758
ninety days of hire, competencies in fundamental alcohol and other 23759
drug addiction, abuse, and recovery. Fundamental competencies 23760
shall include, at a minimum, an understanding of alcohol and other 23761
drug treatment and recovery, how to engage a person in treatment 23762
and recovery and an understanding of other health care systems, 23763
social service systems, and the criminal justice system. 23764

(D) For the purposes of this section, payroll costs include 23765
annual compensation and fringe benefits. 23766

(E) The Department of Rehabilitation and Correction, solely 23767
for the purpose of determining the amount of the state share 23768
available to a court under division (G) of this section for the 23769
employment of up to two separate and distinct full-time, full-time 23770
equivalent, or any combination thereof, specialized docket staff 23771
members, shall use the lesser of: 23772

(1) The actual annual compensation and fringe benefits paid 23773
to those staff members proportionally reflecting their time 23774
allocated for specialized docket duties and responsibilities; or 23775

(2) \$78,000. 23776

(F) In accordance with any applicable rules, guidelines, or 23777
procedures adopted by the Department of Rehabilitation and 23778
Correction pursuant to this section, the county auditor shall 23779

certify, for any court located within that county that is applying 23780
for or receiving funding under this section, to the Department of 23781
Rehabilitation and Correction the information necessary to 23782
determine that court's eligibility for, and the amount of, funding 23783
under this section. 23784

(G) For a specialized docket staff member employed by a court 23785
in this section, the amount of state funding available under this 23786
section shall be sixty-five per cent of the payroll costs 23787
specified in division (E) of this section. This state funding 23788
shall not exceed \$50,700. 23789

(H) The Department of Rehabilitation and Correction shall 23790
disburse this state funding in quarterly installments to the 23791
appropriate county or municipality in which the court is located. 23792

(I) Of the foregoing appropriation item 501502, Specialty 23793
Docket Staff Payroll Costs, the Department of Rehabilitation and 23794
Correction shall use up to one per cent of the appropriation in 23795
fiscal year 2015 to pay the costs it incurs in administering the 23796
duties and responsibilities established in this section. 23797

(J) The Department of Rehabilitation and Correction may adopt 23798
rules, guidelines, and procedures as necessary to carry out the 23799
purposes of this section. 23800

Section 751.110. RETURNING OFFENDERS 23801

(A) As used in this section: 23802

"Returning offender" means an individual who is released from 23803
confinement in a state correctional facility to live in the 23804
community on or after the effective date of this section. 23805

"State correctional facility" has the same meaning as in 23806
section 2967.01 of the Revised Code. 23807

(B) Subject to division (C) of this section, the boards of 23808
alcohol, drug addiction, and mental health services serving 23809

Cuyahoga, Franklin, Hamilton, Montgomery, and Summit counties 23810
shall prioritize the use of funds made available to the boards by 23811
the Department of Mental Health and Addiction Services under Am. 23812
Sub. H.B. 59 of the 130th General Assembly to temporarily assist 23813
returning offenders who have severe mental illnesses, severe 23814
substance use disorders, or both, and reside in the alcohol, drug 23815
addiction, and mental health service districts the boards serve, 23816
obtain Medicaid-covered community mental health services, 23817
Medicaid-covered community drug addiction services, or both. A 23818
board shall provide the temporary assistance to such a returning 23819
offender regardless of whether the returning offender resided in 23820
the district the board serves before being confined in a state 23821
correctional facility. Such a returning offender's priority for 23822
the temporary assistance shall end on the earlier of the 23823
following: 23824

(1) The date that the offender is enrolled in the Medicaid 23825
program or, if applicable, the date that the suspension of the 23826
offender's Medicaid eligibility ends pursuant to section 5163.45 23827
of the Revised Code; 23828

(2) Sixty days after the offender is released from 23829
confinement in a state correctional facility. 23830

(C) The assistance provided to returning offenders under this 23831
section shall not receive priority over community addiction 23832
services that are prioritized under section 340.15 of the Revised 23833
Code or the program for pregnant women with drug addictions 23834
developed under section 5119.17 of the Revised Code. 23835

Section 752.10. MORATORIUM ON STRS MITIGATING RATE 23836

Notwithstanding division (D) of section 3305.06 and section 23837
3305.061 of the Revised Code, the percentage of an electing 23838
employee's compensation contributed to the State Teachers 23839
Retirement System by a public institution of higher education 23840

under division (D) of section 3305.06 of the Revised Code to 23841
mitigate any financial impact of an alternative retirement program 23842
on the retirement system shall not exceed four and one-half per 23843
cent. The percentage shall be effective until July 1, 2015. 23844

Section 752.20. ORSC STUDY OF ARP MITIGATING RATE 23845

(A) The Ohio Retirement Study Council shall study the 23846
applicability, operation, and efficacy of the percentage of an 23847
electing employee's compensation contributed by a public 23848
institution of higher education under division (D) of section 23849
3305.06 of the Revised Code to mitigate any financial impact of an 23850
alternative retirement program on the Public Employees Retirement 23851
System, State Teachers Retirement System, and School Employees 23852
Retirement System and make recommendations on any changes in 23853
determining the appropriate mitigating rate. The study shall 23854
research the historical impact of the mitigating rate and whether 23855
its purpose is being served. 23856

(B) Not later than December 31, 2014, the Council shall 23857
prepare and submit to the Governor, the President of the Senate, 23858
and the Speaker of the House of Representatives a report of its 23859
findings and recommendations. 23860

Section 757.20. (A) As used in this section: 23861

(1) "Certificate owner" and "qualified rehabilitation 23862
expenditures" have the same meanings as in section 149.311 of the 23863
Revised Code. 23864

(2) "Taxpayer," "tax period," "excluded person," "combined 23865
taxpayer," and "consolidated elected taxpayer," have the same 23866
meanings as in section 5751.01 of the Revised Code. 23867

(3) "Pass-through entity" has the same meaning as in section 23868
5733.04 of the Revised Code. 23869

(B) A taxpayer that is the certificate owner of a 23870
rehabilitation tax credit certificate issued under section 149.311 23871
of the Revised Code may claim a credit against the tax levied by 23872
section 5751.02 of the Revised Code for tax periods ending on or 23873
before June 30, 2015, provided that the taxpayer is unable to 23874
claim the credit under section 5725.151, 5725.34, 5726.52, 23875
5729.17, 5733.47, or 5747.76 of the Revised Code. 23876

The credit shall equal the lesser of twenty-five per cent of 23877
the dollar amount of the qualified rehabilitation expenditures 23878
indicated on the certificate or five million dollars. The credit 23879
shall be claimed for the calendar year specified in the 23880
certificate and after the credits authorized in divisions (A)(1) 23881
to (4) of section 5751.98 of the Revised Code, but before the 23882
credits authorized in divisions (A)(5) to (7) of that section. 23883

If the credit allowed for any calendar year exceeds the tax 23884
otherwise due under section 5751.02 of the Revised Code, after 23885
allowing for any other credits preceding the credit in the order 23886
prescribed by this section, the excess shall be refunded to the 23887
taxpayer. However, if any amount of the credit is refunded, the 23888
sum of the amount refunded and the amount applied to reduce the 23889
tax otherwise due for that year shall not exceed three million 23890
dollars. The taxpayer may carry forward any balance of the credit 23891
in excess of the amount claimed for that year for not more than 23892
five calendar years after the calendar year specified in the 23893
certificate, and shall deduct any amount claimed in any such year 23894
from the amount claimed in an ensuing year. 23895

A person that is an excluded person may file a return under 23896
section 5751.051 of the Revised Code for the purpose of claiming 23897
the credit authorized in this section. 23898

If the certificate owner is a pass-through entity, the credit 23899
may not be allocated among the entity's owners in proportions or 23900
amounts as the owners mutually agree unless either the owners are 23901

part of the same combined or consolidated elected taxpayer as the 23902
pass-through entity or the director of development services issued 23903
the certificate in the name of the pass-through entity's owners in 23904
the agreed-upon proportions or amounts. If the credit is allocated 23905
among those owners, an owner may claim the credit authorized in 23906
this section only if that owner is a corporation or an association 23907
taxed as a corporation for federal income tax purposes and is not 23908
a corporation that has made an election under Subchapter S of 23909
Chapter 1 of Subtitle A of the Internal Revenue Code. 23910

The credit authorized in this section may be claimed only on 23911
the basis of a rehabilitation tax credit certificate obtained by a 23912
certificate owner after December 31, 2013, but before June 30, 23913
2015. 23914

A person claiming a credit under this section shall retain 23915
the rehabilitation tax credit certificate for four years following 23916
the end of the latest calendar year in which the credit was 23917
applied, and shall make the certificate available for inspection 23918
by the tax commissioner upon request. 23919

Section 757.30. (A) As used in this section: 23920

(1) "Eligible business" means a for-profit business 23921
association that has at least six employees but not more than 23922
ninety-nine employees and that has maintained its principal place 23923
of business in the state for at least a two-year period ending on 23924
the date the business applies for assistance under this section. 23925
The business must generate at least seven hundred fifty thousand 23926
dollars but not more than twenty-five million dollars in annual 23927
revenue and must have increased both its number of full-time 23928
equivalent employees in this state and its gross revenue during at 23929
least three of the five years preceding the date of application. 23930

(2) "Full-time equivalent employee" means the quotient 23931
obtained by dividing the total number of hours for which an 23932

eligible business employs employees during a year by two thousand 23933
eighty. 23934

(B) There is hereby created in the Development Services 23935
Agency the Economic Gardening Technical Assistance Pilot Program. 23936
The Director of Development Services may contract with or 23937
coordinate one or more persons to aid in the administration and 23938
operation of the program. 23939

The Director shall provide technical assistance to eligible 23940
businesses, including, but not limited to, access to information 23941
and market intelligence services, including information on 23942
markets, customers, and competitors, such as business databases, 23943
geographic information systems, search engine marketing, and 23944
business connection development encouraging interaction and 23945
exchange among business owners and resource providers such as 23946
trade associations, academic institutions, business advocacy 23947
organizations, peer-based learning sessions, and mentoring 23948
programs. The Director, through the program, is authorized to 23949
promote the general business and industrial interests of the 23950
state. 23951

(C)(1) The Director, in selecting eligible businesses to 23952
assist, shall select businesses in more than one industry 23953
classification and, to the extent practicable, shall choose 23954
businesses that are geographically distributed throughout the 23955
state. 23956

(2) A business receiving assistance under the program must 23957
enter into an agreement with the Director to establish the 23958
business's commitment to participate in the program. The agreement 23959
must require, at a minimum, that the business do all of the 23960
following: 23961

(a) Attend the number of meetings between the business and 23962
the Director or another person designated by the Director as 23963

prescribed in the agreement;	23964
(b) Report job creation data in the manner prescribed by the Director;	23965 23966
(c) Provide financial data in the manner prescribed by the Director.	23967 23968
The Director may prescribe in the agreement additional reporting requirements as are necessary to document the progress of the business and monitor the business's implementation of the assistance.	23969 23970 23971 23972
(D) On or before one year after the effective date of H.B. 483 of the 130th General Assembly, the Director of Development Services shall make available on the Development Services Agency's web site a report that includes, at a minimum, the number of businesses receiving assistance under this section, the number of full-time equivalent employees created as a result of the assistance, the total amount of compensation paid for such employees, and the locations and types of business conducted by the businesses. The report shall also evaluate the effectiveness of the Economic Gardening Technical Assistance Pilot Program and recommend any changes to be made to the program. The report shall be submitted to the Governor, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate.	23973 23974 23975 23976 23977 23978 23979 23980 23981 23982 23983 23984 23985 23986
(E) The Director of Development Services shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the Economic Gardening Technical Assistance Pilot Program.	23987 23988 23989 23990
Section 757.40. Notwithstanding division (D)(6) of section 149.311 of the Revised Code, the Director of Development Services may issue a rehabilitation tax credit certificate under that	23991 23992 23993

division during the biennium that includes fiscal years 2014 and 23994
2015 only to the owner of a catalytic project whose application is 23995
pending with the Director before the effective date of this act, 23996
provided the qualified rehabilitation expenditures paid or 23997
incurred by the owner on the catalytic project exceed seventy-five 23998
million dollars. Such certificate may be issued for a tax credit 23999
award cycle that ended before the effective date of this act, 24000
provided that such tax credit award cycle ended during the 24001
biennium that includes fiscal years 2014 and 2015. All terms used 24002
in this section have the same meanings as in section 149.311 of 24003
the Revised Code. 24004

Section 757.50. The amendment by this act of section 5709.17 24005
of the Revised Code applies to tax year 2014 and every tax year 24006
thereafter. 24007

Section 757.60. Section 757.30 of H.B. 483 of the 130th 24008
General Assembly is hereby repealed, effective two years after the 24009
effective date of that act. 24010

Section 806.10. The items of law contained in this act, and 24011
their applications, are severable. If any item of law contained in 24012
this act, or if any application of any item of law contained in 24013
this act, is held invalid, the invalidity does not affect other 24014
items of law contained in this and their applications that can be 24015
given effect without the invalid item of law or application. 24016

Section 812.20. The amendment, enactment, or repeal by this 24017
act of the sections listed below is exempt from the referendum 24018
under Ohio Constitution, Article II, Section 1d and section 1.471 24019
of the Revised Code and therefore takes effect immediately when 24020
this act becomes law or, if a later effective date is specified 24021
below, on that date. 24022

Sections 501.10, 503.20, 512.10, 512.20, 512.30, 512.40, 24023
610.20, 610.21, 751.40, and 812.20 of this act. 24024

Section 812.30. Except as otherwise provided in this act, the 24025
amendment, enactment, or repeal by this act of a section is 24026
subject to the referendum under Ohio Constitution, Article II, 24027
Section 1c and therefore takes effect on the ninety-first day 24028
after this act is filed with the Secretary of State, or if a later 24029
effective date is specified below, on that date. 24030

Sections 3313.539 and 3707.511 of the Revised Code take 24031
effect six months after the effective date of this act. 24032

Section 812.40. (A) The following take effect two years after 24033
the effective date of this act: 24034

(1) The amendments by this act to sections 340.01, 340.03, 24035
340.08, 340.09, 340.15, 5119.21, 5119.22, and 5119.23 of the 24036
Revised Code; 24037

(2) The enactment by this act of sections 340.092, 340.093, 24038
340.20, 5119.362, 5119.363, and 5119.364 of the Revised Code. 24039

(B) The amendments by this act to division (A) of section 24040
5119.25 of the Revised Code take effect two years after the 24041
effective date of this section. The amendments by this act to 24042
division (C) of that section take effect at the earliest time 24043
permitted by law. 24044

Section 815.10. Section 133.07 of the Revised Code is 24045
presented in this act as a composite of the section as amended by 24046
both Am. Sub. H.B. 699 and Sub. S.B. 126 of the 126th General 24047
Assembly. The General Assembly, applying the principle stated in 24048
division (B) of section 1.52 of the Revised Code that amendments 24049
are to be harmonized if reasonably capable of simultaneous 24050
operation, finds that the composite is the resulting version of 24051
the section in effect prior to the effective date of the section 24052

as presented in this act.

24053