## As Passed by the House

# 130th General Assembly Regular Session 2013-2014

Am. Sub. H. B. No. 483

#### **Representative Amstutz**

Cosponsors: Representatives Sprague, McGregor, Grossman, Hackett, McClain, Sears, Stebelton, Wachtmann Speaker Batchelder

### A BILL

То	amend sections 9.37, 9.482, 9.90, 9.91, 103.63,	1
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5.077, 9.911, 164.261, 175.053, 306.14, 307.678,	34
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4928.642, 5119.362, 5119.363, 5119.364, 5119.365,	40
5123.0420, 5139.12, 5139.45, and 5533.831; to	41
repeal sections 3125.191, 3702.93, 4171.03,	42
4171.04, 5124.63, 5124.64, and 5126.037 of the	43
Revised Code; to amend Sections 207.10, 209.30,	44
211.10, 221.10, 241.10, 257.10, 257.20, 257.50,	45
259.10, 263.10, 263.40, 263.160, 263.230, 263.240,	46
263.250, 263.270, 263.325, 275.10, 282.10, 282.30,	47
285.10, 285.20, 301.10, 301.143, 301.40, 323.10,	48
327.10, 333.10, 340.10, 349.10, 359.10, 363.10,	49
365.10, 395.10, 403.10, 512.80, and 751.10 of Am.	50
Sub. H.B. 59 of the 130th General Assembly; to	51
amend Sections 207.100, 207.250, 207.340, 207.440,	52
223.10, 239.10, and 701.50 of Am. H.B. 497 of the	53
130th General Assembly; and to repeal Sections	54
327.83 and 747.40 of Am. Sub. H.B. 59 of the 130th	55

General Assembly to make operating and other	56
appropriations and to provide authorization and	57
conditions for the operation of state programs.	58

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### 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,	59
103.63, 121.084, 122.12, 122.121, 122.861, 124.32, 124.82, 125.13,	60
126.21, 126.25, 133.07, 149.30, 149.311, 149.38, 150.05, 150.07,	61
153.56, 163.15, 163.53, 163.54, 163.55, 164.26, 175.04, 175.05,	62
175.06, 191.01, 306.04, 307.982, 340.01, 340.02, 340.021, 340.03,	63
340.08, 340.09, 340.15, 757.03, 757.04, 757.05, 757.06, 757.07,	64
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1322.051, 1322.06, 1533.10, 1533.11, 1533.12, 1711.50, 1711.53,	66
2151.421, 2305.11, 2915.08, 2945.402, 3123.89, 3313.617, 3314.08,	67
3317.01, 3317.02, 3317.0217, 3318.36, 3333.04, 3701.132, 3701.34,	68
3701.74, 3701.83, 3702.59, 3702.71, 3702.74, 3702.75, 3702.91,	69
3702.95, 3730.09, 3737.02, 3772.02, 4141.01, 4141.09, 4141.11,	70
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5124.62, 5124.67, 5126.01, 5126.02, 5126.0219, 5126.041, 5126.046,	80
5126.051, 5126.08, 5126.21, 5126.25, 5126.42, 5126.43, 5126.45,	81
5513.01, 5531.10, 5533.051, 5709.17, 5709.40, and 5713.012 be	82
amended; and sections 5.074, 5.077, 9.911, 164.261, 175.053,	83
306.14, 307.678, 307.6910, 307.863, 340.092, 340.093, 340.20,	84
3123.90, 3313.902, 3314.38, 3317.036, 3317.23, 3317.24, 3345.56,	85

3345.86, 3702.595, 3721.122, 4715.15, 4723.433, 4730.093, 4731.77,	86
4741.49, 4758.48, 4758.62, 4758.63, 4758.64, 4928.641, 4928.642,	87
5119.362, 5119.363, 5119.364, 5119.365, 5123.0420, 5139.12,	88
5139.45, and 5533.831 of the Revised Code be enacted to read as	89
follows:	90
Sec. 5.074. The Ohio Veterans Memorial and Museum, located in	91
Franklin county at the site described in division (B) of section	92
307.6910 of the Revised Code, is the official state veterans	93
memorial and museum.	94
Sec. 5.077. The museum located on the grounds of the Ohio	95
state reformatory, operated by the Mansfield reformatory	96
preservation society, is the official state penal museum.	97
Sec. 9.37. (A) As used in this section, "public official"	98
means any elected or appointed officer, employee, or agent of the	99
state, any state institution of higher education, any political	100
subdivision, board, commission, bureau, or other public body	101
established by law. "State institution of higher education" means	102
any state university or college as defined in division (A)(1) of	103
section 3345.12 of the Revised Code, community college, state	104
community college, university branch, or technical college.	105
(B) Except as provided in divisions (F) and (G) of this	106
section, any public official may make by direct deposit of funds	107
by electronic transfer, if the payee provides a written	108
authorization designating a financial institution and an account	109
number to which the payment is to be credited, any payment such	110
public official is permitted or required by law in the performance	111
of official duties to make by issuing a check or warrant.	112
(C) Such public official may contract with a financial	113

institution for the services necessary to make direct deposits and

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draw lump-sum checks or warrants payable to that institution in the amount of the payments to be transferred.

- (D) Before making any direct deposit as authorized under this section, the public official shall ascertain that the account from which the payment is to be made contains sufficient funds to cover the amount of the payment.
- (E) If the issuance of checks and warrants by a public 121 official requires authorization by a governing board, commission, 122 bureau, or other public body having jurisdiction over the public 123 official, the public official may only make direct deposits and 124 contracts under this section pursuant to a resolution of 125 authorization duly adopted by such governing board, commission, 126 bureau, or other public body.
- (F) Pursuant to sections 307.55, 319.16, and 321.15 of the 128 Revised Code, a county auditor may issue, and a county treasurer 129 may redeem, electronic warrants authorizing direct deposit for 130 payment of county obligations in accordance with rules adopted by 131 the director of budget and management pursuant to Chapter 119. of 132 the Revised Code.
- (G) The legislative authority of a municipal corporation, for 134 employees public officials of the municipal corporation, a county 135 auditor, for county employees public officials, or a board of 136 township trustees, for township employees public officials, may 137 adopt a direct deposit payroll policy under which all employees 138 public officials of the municipal corporation, all county 139 employees public officials, or all township employees public 140 officials, as the case may be, provide a written authorization 141 designating a financial institution and an account number to which 142 payment of the employee's public official's compensation shall be 143 credited under the municipal corporation's, county's, or 144 township's direct deposit payroll policy. The direct deposit 145 payroll policy adopted by the legislative authority of a municipal 146

is otherwise legally authorized to exercise, perform, or render.

(C) In the absence in the agreement of provisions determining

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by what officer, office, department, agency, or other authority	177
the powers and duties of a contracting political subdivision shall	178
be exercised or performed, the legislative authority of the	179
contracting political subdivision shall determine and assign the	180
powers and duties.	181

An agreement shall not suspend the possession by a 182 contracting recipient political subdivision or state agency of any 183 power or function that is exercised or performed on its behalf by 184 another the other contracting political subdivision or the 185 contracting state agency under the agreement. 186

A political subdivision shall not enter into an agreement to 187 levy any tax or to exercise, with regard to public moneys, any 188 investment powers, perform any investment function, or render any 189 investment service on behalf of a contracting subdivision. Nothing 190 in this paragraph prohibits a political subdivision from entering 191 into an agreement to collect, administer, or enforce any tax on 192 behalf of another political subdivision or to limit the authority 193 of political subdivisions to create and operate joint economic 194 development zones or joint economic development districts as 195 provided in sections 715.69 to 715.83 of the Revised Code. 196

(C)(D) No county elected officer may be required to exercise 197 any power, perform any function, or render any service under an 198 agreement entered into under this section without the written 199 consent of the county elected officer. No county may enter into an 200 agreement under this section for the exercise, performance, or 201 rendering of any statutory powers, functions, or services of any 202 county elected officer without the written consent of the county 203 elected officer. 204

(D)(E) No power shall be exercised, no function shall be 205 performed, and no service shall be rendered by a contracting 206 political subdivision or state agency pursuant to an agreement 207 entered into under this section within a political subdivision 208

that is not a party to the agreement, without first obtaining the
written consent of the political subdivision that is not a party
to the agreement and within which the power is to be exercised, a
function is to be performed, or a service is to be rendered.

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(E)(F) Chapter 2744. of the Revised Code, insofar as it 213 applies to the operation of a political subdivision, applies to 214 the political subdivisions that are parties to an agreement and to 215 their employees when they are rendering a service outside the 216 boundaries of their employing political subdivision under the 217 agreement. Employees acting outside the boundaries of their 218 employing political subdivision while providing a service under an 219 agreement may participate in any pension or indemnity fund 220 established by the political subdivision to the same extent as 221 while they are acting within the boundaries of the political 222 subdivision, and are entitled to all the rights and benefits of 223 Chapter 4123. of the Revised Code to the same extent as while they 224 are performing a service within the boundaries of the political 225 subdivision. 226

- Sec. 9.90. (A) The board of trustees or other governing body
  of a state institution of higher education, as defined in section
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  3345.011 of the Revised Code, board of education of a school
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  district, or governing board of an educational service center may,
  in addition to all other powers provided in the Revised Code:
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- (1) Contract for, purchase, or otherwise procure from an 232 insurer or insurers licensed to do business by the state of Ohio 233 for or on behalf of such of its employees as it may determine, 234 life insurance, or sickness, accident, annuity, endowment, health, 235 medical, hospital, dental, or surgical coverage and benefits, or 236 any combination thereof, by means of insurance plans or other 237 types of coverage, family, group or otherwise, and may pay from 238 funds under its control and available for such purpose all or any 239

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

(2) Make payments to a custodial account for investment in

regulated investment company stock for the purpose of providing

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retirement benefits as described in section 403(b)(7) of the that

is treated as an annuity under Internal Revenue Code of 1954, as

amended. Such stock shall be purchased only from persons

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authorized to sell such stock in this state section 403(b).

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Any income of an employee deferred under divisions (A)(1) and 257 (2) of this section in a deferred compensation program eligible 258 for favorable tax treatment under the Internal Revenue Code of 259 1954, as amended, shall continue to be included as regular 260 compensation for the purpose of computing the contributions to and 261 benefits from the retirement system of such employee. Any sum so 262 deferred shall not be included in the computation of any federal 263 and state income taxes withheld on behalf of any such employee. 264

(B) All or any portion of the cost, premium, or charge 265 therefor may be paid in such other manner or combination of 266 manners as the board or governing body may determine, including 267 direct payment by the employee in cases under division (A)(1) of 268 this section, and, if authorized in writing by the employee in 269 cases under division (A)(1) or (2) of this section, by the board 270 or governing body with moneys made available by deduction from or 271

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

(C) The board of education of any school district may 280 exercise any of the powers granted to the governing boards of 281 public institutions of higher education under divisions (A) and 282 (B) of this section. All health care benefits provided to persons 283 employed by the public schools of this state shall be through 284 health care plans that contain best practices established by the 285 department of administrative services pursuant to section 9.901 of 286 the Revised Code. 287

Sec. 9.91. If the governing board of a public institution of 288 higher education or the board of education of a school district 289 procures a tax-sheltered annuity for an employee, pursuant to 290 section 9.90 of the Revised Code, that meets the requirements of 291 section 403(b) of the Internal Revenue Code of 1954, 26 U.S.C.A. 292 section 403(b), the employee has the right to designate the 293 licensed agent, broker, or company through whom the board shall 294 arrange for the placement or purchase of the tax-sheltered 295 annuity. In any case in which the employee has designated such an 296 agent, broker, or company, the board shall comply with the 297 designation, provided that the board may impose either or both of 298 the following as conditions to complying with any such 299 designations: 300

(A) The designee must execute a reasonable agreement 301 protecting the institution or district from any liability 302

conditions of the agreement described in division (E) of this

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As Passed by the House

(2)	Includ	<u>les sucl</u>	n other	terms	and	conc	<u>litions</u>	as	<u>are</u>	363
establish	ned by	the in	stitutio	on in	its	sole	discret	cion		364

Sec. 103.63. There is established an Ohio constitutional 365 modernization commission consisting of thirty-two members. Twelve 366 members shall be appointed from the general assembly as follows: 367 three by the president of the senate, three by the minority leader 368 of the senate, three by the speaker of the house of 369 representatives, and three by the minority leader of the house of 370 representatives. Not later than On or before the tenth day of 371 January 1, 2012, and every two years thereafter even-numbered 372 year, the twelve general assembly members shall meet, organize, 373 and elect two co-chairpersons, who shall be from different 374 political parties. Beginning in 2014, the twelve general assembly 375 members shall elect one co-chairperson from each house of the 376 general assembly. The members shall then, by majority vote, 377 appoint twenty commission members, not from the general assembly. 378 All appointments shall end on the first day of January of every 379 even-numbered year, or as soon thereafter as successors are 380 appointed, and the commission shall then be re-created in the 381 manner provided above. Members may be reappointed. Vacancies on 382 the commission shall be filled in the manner provided for original 383 appointments. 384

The members of the commission shall serve without 385 compensation, but each member shall be reimbursed for actual and 386 necessary expenses incurred while engaging in the performance of 387 the member's official duties. Membership on the commission does 388 not constitute holding another public office. The joint 389 legislative ethics committee is the appropriate ethics commission 390 as described in division (F) of section 102.01 of the Revised Code 391 for matters relating to the public members appointed to the Ohio 392 constitutional modernization commission. 393

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Sec. 121.084. (A) All moneys collected under sections	394
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20,	395
4169.03, 4171.04, and 5104.051 of the Revised Code, and any other	396
moneys collected by the division of industrial compliance shall be	397
paid into the state treasury to the credit of the industrial	398
compliance operating fund, which is hereby created. The department	399
of commerce shall use the moneys in the fund for paying the	400
operating expenses of the division and the administrative	401
assessment described in division (B) of this section.	402
(B) The director of commerce, with the approval of the	403
director of budget and management, shall prescribe procedures for	404
assessing the industrial compliance operating fund a proportionate	405
share of the administrative costs of the department of commerce.	406
The assessment shall be made in accordance with those procedures	407
and be paid from the industrial compliance operating fund to the	408
division of administration fund created in section 121.08 of the	409
Revised Code.	410
Sec. 122.12. As used in this section and in section 122.121	411
of the Revised Code:	412
	112
(A) "Endorsing county" means a county that contains a site	413
selected by a site selection organization for one or more games.	414
(B) "Endorsing municipality" means a municipal corporation	415
that contains a site selected by a site selection organization for	416
one or more games.	417
(C) "Game support contract" means a joinder undertaking,	418
joinder agreement, or similar contract executed by an endorsing	419
municipality or endorsing county and a site selection	420
organization.	421

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

of football, auto racing, rugby, cricket, horse racing, mixed

county acting collectively, has executed an agreement with a site	454
selection organization regarding a bid to host one or more games.	455
(H) "Site selection organization" means the national or	456
international governing body of a sport that is recognized as such	457
by the endorsing municipality, endorsing county, or local	458
organizing committee.	459

Sec. 122.121. (A) If a local organizing committee, endorsing 460 municipality, or endorsing county enters into a joinder 461 undertaking with a site selection organization, the local 462 organizing committee, endorsing municipality, or endorsing county 463 may apply to the director of development <u>services</u>, on a form and 464 in the manner prescribed by the director, for a grant based on the 465 projected incremental increase in the receipts from the tax 466 imposed under section 5739.02 of the Revised Code within the 467 market area designated under division (C) of this section, for the 468 two-week period that ends at the end of the day after the date on 469 which a game will be held, that is directly attributable, as 470 determined by the director, to the preparation for and 471 presentation of the game. The director shall determine the 472 projected incremental increase in the tax imposed under section 473 5739.02 of the Revised Code by using a formula approved by the 474 destination marketing association international for event impact 475 or another formula of similar purpose approved by the director. 476 The local organizing committee, endorsing municipality, or 477 endorsing county is eligible to receive a grant under this section 478 only if the projected incremental increase in receipts from the 479 tax imposed under section 5739.02 of the Revised Code, as 480 determined by the director, exceeds two hundred fifty thousand 481 dollars. The amount of the grant shall be not less than fifty per 482 cent of the projected incremental increase in receipts, as 483 determined by the director, but shall not exceed five hundred 484 thousand dollars. The director shall not issue grants with a total 485

value	of	more	than	one	million	dollars	in	any	fiscal	year,	and	486
shall	not	issu	ıe any	gra	ant befor	re July 1	L, 2	2013.				487

- (B) If the director of development <u>services</u> approves an 488 application for a local organizing committee, endorsing 489 municipality, or endorsing county and that local organizing 490 committee, endorsing municipality, or endorsing county enters into 491 a joinder agreement with a site selection organization, the local 492 organizing committee, endorsing municipality, or endorsing county 493 shall file a copy of the joinder agreement with the director of 494 development, who immediately shall notify the director of budget 495 and management of the filing. Within thirty days after receiving 496 the notice, the director of budget and management shall establish 497 a schedule to disburse from the general revenue fund to such local 498 organizing committee, endorsing municipality, or endorsing county 499 payments that total the amount certified by the director of 500 development under division (A) of this section, but in no event 501 shall the total amount disbursed exceed five hundred thousand 502 dollars, and no disbursement shall be made before July 1, 2013. 503 The payments grant shall be used exclusively by the local 504 organizing committee, endorsing municipality, or endorsing county 505 to fulfill a portion of its obligations to a site selection 506 organization under game support contracts, which obligations may 507 include the payment of costs relating to the preparations 508 necessary for the conduct of the game, including acquiring, 509 renovating, or constructing facilities; to pay the costs of 510 conducting the game; and to assist the local organizing committee, 511 endorsing municipality, or endorsing county in providing 512 assurances required by a site selection organization sponsoring 513 one or more games. 514
- (C) For the purposes of division (A) of this section, the 515 director of development <u>services</u>, in consultation with the tax 516 commissioner, shall designate the market area for a game. The 517

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market area shall consist of the combined statistical area, as defined by the United States office of management and budget, in which an endorsing municipality or endorsing county is located.

- (D) A local organizing committee, endorsing municipality, or 521 endorsing county shall provide information required by the 522 director of development services and tax commissioner to enable 523 the director and commissioner to fulfill their duties under this 524 section, including annual audited statements of any financial 525 records required by a site selection organization and data 526 obtained by the local organizing committee, endorsing 527 municipality, or endorsing county relating to attendance at a game 528 and to the economic impact of the game. A local organizing 529 committee, an endorsing municipality, or an endorsing county shall 530 provide an annual audited financial statement if so required by 531 the director and commissioner, not later than the end of the 532 fourth month after the date the period covered by the financial 533 statement ends. 534
- (E) Within thirty days after the game, the local organizing 535 committee, endorsing municipality, or endorsing county shall 536 report to the director of development services about the economic 537 impact of the game. The report shall be in the form and substance 538 required by the director, including, but not limited to, a final 539 income statement for the event showing total revenue and 540 expenditures and revenue and expenditures in the market area for 541 the game, and ticket sales for the game and any related activities 542 for which admission was charged. The director of development shall 543 determine, based on the reported information and the exercise of 544 reasonable judgment, the incremental increase in receipts from the 545 tax imposed under section 5739.02 of the Revised Code directly 546 attributable to the game. If the actual incremental increase in 547 such receipts is less than the projected incremental increase in 548 receipts, the director may require the local organizing committee, 549

endorsing municipality, or endorsing county to refund to the state	550
all or a portion of the grant.	551
(F) No disbursement may be made under this section if the	552
director of development services determines that it would be used	553
for the purpose of soliciting the relocation of a professional	554
sports franchise located in this state.	555
(G) This section may not be construed as creating or	556
requiring a state guarantee of obligations imposed on an endorsing	557
municipality or endorsing county under a game support contract or	558
any other agreement relating to hosting one or more games in this	559
state.	560
Sec. 122.861. (A) As used in this section:	561
(1) "Certified engine configuration" means a new, rebuilt, or	562
remanufactured engine configuration that satisfies divisions	563
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this	564
section:	565
(a) It has been certified by the administrator of the United	566
States environmental protection agency or the California air	567
resources board.	568
(b) It meets or is rebuilt or remanufactured to a more	569
stringent set of engine emission standards than when originally	570
manufactured, as determined pursuant to Subtitle G of Title VII of	571
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838,	572
et seq.	573
(c) In the case of a certified engine configuration involving	574
the replacement of an existing engine, an engine configuration	575
that replaced an engine that was removed from the vehicle and	576
returned to the supplier for remanufacturing to a more stringent	577
set of engine emissions standards or for scrappage.	578

(2) "Section 793" means section 793 of the Energy Policy Act

revolving loan program.

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of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq.	580
(3) "Verified technology" means a pollution control	581
technology, including a retrofit technology, advanced truckstop	582
electrification system, or auxiliary power unit, that has been	583
verified by the administrator of the United States environmental	584
protection agency or the California air resources board.	585
(B) For the purpose of reducing emissions from diesel	586
engines, the director of environmental protection shall administer	587
a diesel emissions reduction grant program and a diesel emissions	588
reduction revolving loan clean diesel school bus program. The	589
programs shall provide for the implementation in this state of	590
section 793 and shall otherwise be administered in compliance with	591
the requirements of section 793, and any regulations issued	592
pursuant to that section.	593
The director shall apply to the administrator of the United	594
States environmental protection agency for grant or loan funds	595
available under section 793 to help fund the diesel emissions	596
reduction grant program and the diesel emissions reduction	597
revolving loan clean diesel school bus program.	598
(C) There is hereby created in the state treasury the diesel	599
emissions reduction revolving loan fund consisting of money	600
appropriated to it by the general assembly, any grants obtained	601
from the federal government under section 793, and any other	602
grants, gifts, or other contributions of money made to the credit	603
of the fund. Money in the fund shall be used for the purpose of	604
making loans for projects relating to certified engine	605
configurations and verified technologies in a manner consistent	606
with the requirements of section 793 and any regulations issued	607
pursuant to that section. Interest earned from moneys in the fund	608
shall be used to administer the diesel emissions reduction	609

Sec. 124.32. (A) A person holding an office or position in	611
the classified service may be transferred to a similar position in	612
another office, department, or institution having the same pay and	613
similar duties, but no transfer shall be made as follows:	614

- (1) From an office or position in one class to an office or 615 position in another class; 616
- (2) To an office or position for original entrance to which
  there is required by sections 124.01 to 124.64 of the Revised
  618
  Code, or the rules adopted pursuant to those sections, an
  619
  examination involving essential tests or qualifications or
  620
  carrying a salary different from or higher than those required for
  621
  original entrance to an office or position held by the person
  622
  proposed to be transferred.

No person in the classified civil service of the state may be 624 transferred without the consent of the director of administrative 625 services.

(B) Any person holding an office or position in the 627 classified service who has been separated from the service without 628 delinquency or misconduct on the person's part may be reinstated 629 within one year from the date of that separation to a vacancy in 630 the same office or in a similar position in the same department, 631 except that a person in the classified service of the state only 632 may be reinstated with the consent of the director of 633 administrative services. But, if that separation is due to injury 634 or physical or psychiatric disability, the person shall be 635 reinstated in the same office held or in a similar position to 636 that held at the time of separation, within thirty sixty days 637 after written application for reinstatement, if the person passes 638 a physical or psychiatric examination made by a licensed 639 physician, a physician assistant, a clinical nurse specialist, a 640 certified nurse practitioner, or a certified nurse-midwife showing 641

that the person has recovered from the injury or physical or	642
psychiatric disability, if the application for reinstatement is	643
filed within two years from the date of separation, and if the	644
application is not filed after the date of service eligibility	645
retirement. The physician, physician assistant, clinical nurse	646
specialist, certified nurse practitioner, or certified	647
nurse-midwife shall be designated by the appointing authority and	648
shall complete any written documentation of the physical or	649
psychiatric examination.	650

Sec. 124.82. (A) Except as provided in division (D) of this 651 section, the department of administrative services, in 652 consultation with the superintendent of insurance, shall, in 653 accordance with competitive selection procedures of Chapter 125. 654 of the Revised Code, contract with an insurance company or a 655 health plan in combination with an insurance company, authorized 656 to do business in this state, for the issuance of a policy or 657 contract of health, medical, hospital, dental, or surgical 658 benefits, or any combination of those benefits, covering state 659 employees who are paid directly by warrant of the director of 660 budget and management, including elected state officials. The 661 department may fulfill its obligation under this division by 662 exercising its authority under division (A)(2) of section 124.81 663 of the Revised Code. 664

(B) The department may, in addition, in consultation with the 665 superintendent of insurance, negotiate and contract with health 666 insuring corporations holding a certificate of authority under 667 Chapter 1751. of the Revised Code, in their approved service areas 668 only, for issuance of a contract or contracts of health care 669 services, covering state employees who are paid directly by 670 warrant of the director of budget and management, including 671 elected state officials. The department may enter into contracts 672 with one or more insurance carriers or health plans to provide the 673

same plan of benefits, provided that:	674
(1) The amount of the premium or cost for such coverage	675
contributed by the state, for an individual or for an individual	676
and the individual's family, does not exceed that same amount of	677
the premium or cost contributed by the state under division (A) of	678
this section;	679
(2) The employee be permitted to exercise the option as to	680
which plan the employee will select under division (A) or (B) of	681
this section, at a time that shall be determined by the	682
department;	683
(3) The health insuring corporations do not refuse to accept	684
the employee, or the employee and the employee's family, if the	685
employee exercises the option to select care provided by the	686
corporations;	687
(4) The employee may choose participation in only one of the	688
plans sponsored by the department;	689
(5) The director of health examines and certifies to the	690
department that the quality and adequacy of care rendered by the	691
health insuring corporations meet at least the standards of care	692
provided by hospitals and physicians in that employee's community,	693
who would be providing such care as would be covered by a contract	694
awarded under division (A) of this section.	695
(C) All or any portion of the cost, premium, or charge for	696
the coverage in divisions (A) and (B) of this section may be paid	697
in such manner or combination of manners as the department	698
determines and may include the proration of health care costs,	699
premiums, or charges for part-time employees.	700
(D) Notwithstanding division (A) of this section, the	701
department may provide benefits equivalent to those that may be	702
paid under a policy or contract issued by an insurance company or	703
a health plan pursuant to division (A) of this section.	704

#### Am. Sub. H. B. No. 483 As Passed by the House

(E) This section does not prohibit the state office of	705
collective bargaining from entering into an agreement with an	706
employee representative for the purposes of providing fringe	707
benefits, including, but not limited to, hospitalization, surgical	708
care, major medical care, disability, dental care, vision care,	709
medical care, hearing aids, prescription drugs, group life	710
insurance, sickness and accident insurance, group legal services	711
or other benefits, or any combination of those benefits, to	712
employees paid directly by warrant of the director of budget and	713
management through a jointly administered trust fund. The	714
employer's contribution for the cost of the benefit care shall be	715
mutually agreed to in the collectively bargained agreement. The	716
amount, type, and structure of fringe benefits provided under this	717
division is subject to the determination of the board of trustees	718
of the jointly administered trust fund. Notwithstanding any other	719
provision of the Revised Code, competitive bidding does not apply	720
to the purchase of fringe benefits for employees under this	721
division when those benefits are provided through a jointly	722
administered trust fund.	723

- (F) Members of state boards or commissions may be covered by 724 any policy, contract, or plan of benefits or services described in 725 division (A) or (B) of this section. Board or commission members 726 who are appointed for a fixed term and who are compensated on a 727 per meeting basis, or paid only for expenses, or receive a 728 combination of per diem payments and expenses shall pay the entire 729 amount of the premiums, costs, or charges for that coverage. 730
- (G) Employees of the Ohio historical society may be covered 731

  by any policy, contract, or plan of benefits or services described 732

  in division (A) or (B) of this section. The Ohio historical 733

  society and its employees shall pay the entire amount of the 734

  premiums, costs, or charges for that coverage. 735

Sec. 125.13. (A) As used in this section:	736
(1) "Emergency medical service organization" has the same	737
meaning as in section 4765.01 of the Revised Code.	738
(2) "Private fire company" has the same meaning as in section	739
9.60 of the Revised Code.	740
(B) Except as otherwise provided in section 5139.03 of the	741
Revised Code, whenever a state agency determines that it has	742
excess or surplus supplies, it shall notify the director of	743
administrative services. Upon request by the director and on forms	744
provided by the director, the state agency shall furnish to the	745
director a list of all those excess and surplus supplies and an	746
appraisal of their value.	747
(C) The director of administrative services shall take	748
immediate control of a state agency's excess and surplus supplies,	749
except for the following excess and surplus supplies:	750
(1) Excess or surplus supplies that have a value below the	751
minimum value that the director establishes for excess and surplus	752
supplies under division (F) of this section;	753
(2) Excess or surplus supplies that the director has	754
authorized an agency to donate to a public entity, including, but	755
not limited to, public schools and surplus computers and computer	756
equipment transferred to a public school under division (H) of	757
this section;	758
(3) Excess or surplus supplies that an agency trades in as	759
full or partial payment when purchasing a replacement item;	760
(4) Hazardous property.	761
(D) The director shall inventory excess and surplus supplies	762
in the director's control and may have the supplies repaired.	763
(E) The director may do either of the following:	764

(1) Dispose of declared surplus or excess supplies in the	765
director's control by sale, lease, donation, or transfer. If the	766
director does so, the director shall dispose of those supplies in	767
the following order of priority:	768
(a) To state agencies;	769
(b) To state-supported or state-assisted institutions of	770
higher education;	771
(c) To tax-supported agencies, municipal corporations, or	772
other political subdivisions of this state, private fire	773
companies, or private, nonprofit emergency medical service	774
organizations;	775
(d) To nonpublic elementary and secondary schools chartered	776
by the state board of education under section 3301.16 of the	777
Revised Code;	778
(e) To the general public by auction, sealed bid, sale, or	779
negotiation.	780
(2) If the director has attempted to dispose of any declared	781
surplus or excess motor vehicle that does not exceed four thousand	782
five hundred dollars in value pursuant to divisions (E)(1)(a) to	783
(c) of this section, donate the motor vehicle to a nonprofit	784
organization exempt from federal income taxation pursuant to 26	785
U.S.C. 501(a) and (c)(3) for the purpose of meeting the	786
transportation needs of participants in the Ohio works first	787
program established under Chapter 5107. of the Revised Code and	788
participants in the prevention, retention, and contingency program	789
established under Chapter 5108. of the Revised Code. The director	790
may not donate a motor vehicle furnished to the state highway	791
patrol to a nonprofit organization pursuant to this division.	792
(F) The director may adopt rules governing the sale, lease,	793
or transfer of surplus and excess supplies in the director's	794

control by public auction, sealed bid, <a href="mailto:sale">sale</a>, or negotiation,

except that no employee of the disposing agency shall be allowed	796
to purchase, lease, or receive any such supplies. The director may	797
dispose of declared surplus or excess supplies, including motor	798
vehicles, in the director's control as the director determines	799
proper if such supplies cannot be disposed of pursuant to division	800
(E) of this section. The director shall by rule establish a	801
minimum value for excess and surplus supplies and prescribe	802
procedures for a state agency to follow in disposing of excess and	803
surplus supplies in its control that have a value below the	804
minimum value established by the director.	805

- (G) No state-supported or state-assisted institution of 806 higher education, tax-supported agency, municipal corporation, or 807 other political subdivision of this state, private fire company, 808 or private, nonprofit emergency medical service organization shall 809 sell, lease, or transfer excess or surplus supplies acquired under 810 this section to private entities or the general public at a price 811 greater than the price it originally paid for those supplies. 812
- (H) The director of administrative services may authorize any 813 state agency to transfer surplus computers and computer equipment 814 that are not needed by other state agencies directly to an 815 accredited public school within the state. The computers and 816 computer equipment may be repaired or refurbished prior to 817 transfer. The state agency may charge a service fee to the public 818 schools for the property not to exceed the direct cost of 819 repairing or refurbishing it. The state agency shall deposit such 820 funds into the account used for repair or refurbishment. 821
- Sec. 126.21. (A) The director of budget and management shall 822 do all of the following: 823
  - (1) Keep all necessary accounting records;
- (2) Prescribe and maintain the accounting system of the state 825 and establish appropriate accounting procedures and charts of 826

accounts;	827
(3) Establish procedures for the use of written, electronic,	828
optical, or other communications media for approving and reviewing	829
payment vouchers;	830
(4) Reconcile, in the case of any variation between the	831
amount of any appropriation and the aggregate amount of items of	832
the appropriation, with the advice and assistance of the state	833
agency affected by it and the legislative service commission,	834
totals so as to correspond in the aggregate with the total	835
appropriation. In the case of a conflict between the item and the	836
total of which it is a part, the item shall be considered the	837
intended appropriation.	838
(5) Evaluate on an ongoing basis and, if necessary, recommend	839
improvements to the internal controls used in state agencies;	840
(6) Authorize the establishment of petty cash accounts. The	841
director may withdraw approval for any petty cash account and	842
require the officer in charge to return to the state treasury any	843
unexpended balance shown by the officer's accounts to be on hand.	844
Any officer who is issued a warrant for petty cash shall render a	845
detailed account of the expenditures of the petty cash and shall	846
report when requested the balance of petty cash on hand at any	847
time.	848
(7) Process orders, invoices, vouchers, claims, and payrolls	849
and prepare financial reports and statements;	850
(8) Perform extensions, reviews, and compliance checks prior	851
to or after approving a payment as the director considers	852
necessary;	853
(9) Issue the official comprehensive annual financial report	854
of the state. The report shall cover all funds of the state	855
reporting entity and shall include basic financial statements and	856
required supplementary information prepared in accordance with	857

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generally accepted accounting principles and other information as	858
the director provides. All state agencies, authorities,	859
institutions, offices, retirement systems, and other component	860
units of the state reporting entity as determined by the director	861
shall furnish the director whatever financial statements and other	862
information the director requests for the report, in the form, at	863
the times, covering the periods, and with the attestation the	864
director prescribes. The information for state institutions of	865
higher education, as defined in section 3345.011 of the Revised	866
Code, shall be submitted to the chancellor by the Ohio board of	867
regents. The board shall establish a due date by which each such	868
institution shall submit the information to the board, but no such	869
date shall be later than one hundred twenty days after the end of	870
the state fiscal year unless a later date is approved by the	871
director.	872

- (B) In addition to the director's duties under division (A) 873 of this section, the director may establish and administer one or 874 more state payment card programs that permit or require state 875 agencies and political subdivisions to use a payment card to 876 purchase equipment, materials, supplies, or services in accordance 877 with guidelines issued by the director. The chief administrative 878 officer of a state agency or political subdivision that uses a 879 payment card for such purposes shall ensure that purchases made 880 with the card are made in accordance with the guidelines issued by 881 the director and do not exceed the unexpended, unencumbered, 882 unobligated balance in the appropriation to be charged for the 883 purchase. State agencies may participate in only those state 884 payment card programs that the director establishes pursuant to 885 this section. 886
- (C) In addition to the director's duties under divisions (A) and (B) of this section, the director may enter into any contract or agreement necessary for and incidental to the performance of

the director's duties or the duties of the office of budget and	890
management.	891
(D) In addition to the director's duties under divisions (A),	892
(B), and (C) of this section, the director may operate a shared	893
services center within the office of budget and management for the	894
purpose of consolidating common business functions and	895
transactional processes. The services offered by the shared	896
services center may be provided to any state agency or political	897
subdivision. In consultation with the director of administrative	898
services, the director may appoint and fix the compensation of	899
employees of the office of budget and management whose primary	900
duties include the consolidation of statewide financing common	901
<u>business</u> functions and <del>common</del> transactional processes.	902
(E) The director may transfer cash between funds other than	903
the general revenue fund in order to correct an erroneous payment	904
or deposit regardless of the fiscal year during which the	905
erroneous payment or deposit occurred.	906
(F) As used in divisions (B) and (D) of this section:	907
(1) "Political subdivision" has the same meaning as in	908
section 2744.01 of the Revised Code.	909
(2) "State agency" has the same meaning as in section 9.482	910
of the Revised Code.	911
Sec. 126.25. The accounting and budgeting services provided	912
by the director of budget and management <u>under section 126.21 of</u>	913
the Revised Code shall be supported by user charges. The director	914
shall determine a rate that is sufficient to defray the expense of	915
those services and the manner by which those charges shall be	916
collected. All money collected from <del>user</del> <u>the</u> charges shall be	917
deposited in the state treasury to the credit of the accounting	918
and budgeting fund, which is hereby created. Rebates or revenue	919

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the following securities shall be considered:

(1) Securities described in section 307.201 of the Revised

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- (4) Voted general obligation securities issued for the 980 purpose of permanent improvements for sanitary sewerage or water 981 systems or facilities to the extent that the total principal 982 amount of voted securities outstanding for the purpose does not 983 exceed an amount equal to two per cent of the county's tax 984 valuation; 985
- (5) Securities issued for permanent improvements to house 986 agencies, departments, boards, or commissions of the county or of 987 988 any municipal corporation located, in whole or in part, in the county, to the extent that the revenues, other than revenues from 989 unvoted county property taxes, derived from leases or other 990 agreements between the county and those agencies, departments, 991 boards, commissions, or municipal corporations relating to the use 992 of the permanent improvements are sufficient to cover the cost of 993 all operating expenses of the permanent improvements paid by the 994 county and debt charges on the securities; 995
- (6) Securities issued pursuant to section 133.08 of the 996
  Revised Code; 997
- 998 (7) Securities issued for the purpose of acquiring or constructing roads, highways, bridges, or viaducts, for the 999 purpose of acquiring or making other highway permanent 1000 improvements, or for the purpose of procuring and maintaining 1001 computer systems for the office of the clerk of any 1002 county-operated municipal court, for the office of the clerk of 1003 the court of common pleas, or for the office of the clerk of the 1004 probate, juvenile, or domestic relations division of the court of 1005 common pleas to the extent that the legislation authorizing the 1006 issuance of the securities includes a covenant to appropriate from 1007 moneys distributed to the county pursuant to division (B) of 1008 section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 1009 Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 1010 sufficient amount to cover debt charges on and financing costs 1011

relating to the securities as they become due;	1012
(8) Securities issued for the purpose of acquiring,	1013
constructing, improving, and equipping a county, multicounty, or	1014
multicounty-municipal jail, workhouse, juvenile detention	1015
facility, or correctional facility;	1016
(9) Securities issued for the acquisition, construction,	1017
equipping, or repair of any permanent improvement or any class or	1018
group of permanent improvements enumerated in a resolution adopted	1019
pursuant to division (D) of section 5739.026 of the Revised Code	1020
to the extent that the legislation authorizing the issuance of the	1021
securities includes a covenant to appropriate from moneys received	1022
from the taxes authorized under section 5739.023 and division	1023
(A)(5) of section 5739.026 of the Revised Code an amount	1024
sufficient to pay debt charges on the securities and those moneys	1025
shall be pledged for that purpose;	1026
(10) Securities issued for county or joint county solid waste	1027
or hazardous waste collection, transfer, or disposal facilities,	1028
or resource recovery and solid or hazardous waste recycling	1029
facilities, or any combination of those facilities;	1030
(11) Securities issued for the acquisition, construction, and	1031
equipping of a port authority educational and cultural facility	1032
under section 307.671 of the Revised Code;	1033
(12) Securities issued for the acquisition, construction,	1034
equipping, and improving of a municipal educational and cultural	1035
facility under division (B)(1) of section 307.672 of the Revised	1036
Code;	1037
(13) Securities issued for energy conservation measures under	1038
section 307.041 of the Revised Code;	1039
(14) Securities issued for the acquisition, construction,	1040
equipping, improving, or repair of a sports facility, including	1041

obligations issued to pay costs of a sports facility under section

307.673 of the Revised Code;	1043
(15) Securities issued under section 755.17 of the Revised	1044
Code if the legislation authorizing issuance of the securities	1045
includes a covenant to appropriate from revenue received from a	1046
tax authorized under division (A)(5) of section 5739.026 and	1047
section 5741.023 of the Revised Code an amount sufficient to pay	1048
debt charges on the securities, and the board of county	1049
commissioners pledges that revenue for that purpose, pursuant to	1050
section 755.171 of the Revised Code;	1051
(16) Sales tax supported bonds issued pursuant to section	1052
133.081 of the Revised Code for the purpose of acquiring,	1053
constructing, improving, or equipping any permanent improvement to	1054
the extent that the legislation authorizing the issuance of the	1055
sales tax supported bonds pledges county sales taxes to the	1056
payment of debt charges on the sales tax supported bonds and	1057
contains a covenant to appropriate from county sales taxes a	1058
sufficient amount to cover debt charges or the financing costs	1059
related to the sales tax supported bonds as they become due;	1060
(17) Bonds or notes issued under section 133.60 of the	1061
Revised Code if the legislation authorizing issuance of the bonds	1062
or notes includes a covenant to appropriate from revenue received	1063
from a tax authorized under division (A)(9) of section 5739.026	1064
and section 5741.023 of the Revised Code an amount sufficient to	1065
pay the debt charges on the bonds or notes, and the board of	1066
county commissioners pledges that revenue for that purpose;	1067
(18) Securities issued under section 3707.55 of the Revised	1068
Code for the acquisition of real property by a general health	1069
district;	1070
(19) Securities issued under division (A)(3) of section	1071
3313.37 of the Revised Code for the acquisition of real and	1072
personal property by an educational service center;	1073

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(20) Securities issued for the purpose of paying the costs of	1074
acquiring, constructing, reconstructing, renovating,	1075
rehabilitating, expanding, adding to, equipping, furnishing, or	1076
otherwise improving an arena, convention center, or a combination	1077
of an arena and convention center under section 307.695 of the	1078
Revised Code;	1079
(21) Securities issued for the purpose of paying project	1080
costs under section 307.678 of the Revised Code.	1081
(D) In calculating the net indebtedness of a county, no	1082
obligation incurred under division (F) of section 339.06 of the	1083
Revised Code shall be considered.	1084
Sec. 149.30. The Ohio historical society, chartered by this	1085
state as a corporation not for profit to promote a knowledge of	1086
history and archaeology, especially of Ohio, and operated	1087
continuously in the public interest since 1885, may perform public	1088
functions as prescribed by law.	1089
The general assembly may appropriate money to the Ohio	1090
historical society each biennium to carry out the public functions	1091
of the society as enumerated in this section. An appropriation by	1092
the general assembly to the society constitutes an offer to	1093
contract with the society to carry out those public functions for	1094
which appropriations are made. An acceptance by the society of the	1095
appropriated funds constitutes an acceptance by the society of the	1096
offer and is considered an agreement by the society to perform	1097
those functions in accordance with the terms of the appropriation	1098
and the law and to expend the funds only for the purposes for	1099
which appropriated. The governor may request on behalf of the	1100
society, and the controlling board may release, additional funds	1101
to the society for survey, salvage, repair, or rehabilitation of	1102
an emergency nature for which funds have not been appropriated,	1103

and acceptance by the society of those funds constitutes an

agre	eemen	t on	the	part	of	the	societ	cy t	to e	xpend	those	funds	only	110	)5
for	the	purpo	se f	for w	vhich	re	Leased	by	the	conti	colling	g board	i.	110	)6

The society shall faithfully expend and apply all moneys

received from the state to the uses and purposes directed by law

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and for necessary administrative expenses. If the general assembly

appropriates money to the society for grants or subsidies to other

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entities for their site-related programs, the society, except for

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good cause, shall distribute the money within ninety days of

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accepting a grant or subsidy application for the money.

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The society shall perform the public function of sending 1114 notice by certified mail to the owner of any property at the time 1115 it is listed on the national register of historic places. The 1116 society shall accurately record all expenditures of such funds in 1117 conformity with generally accepted accounting principles. 1118

The auditor of state shall audit all funds and fiscal records 1119 of the society.

The public functions to be performed by the Ohio historical 1121 society shall include all of the following: 1122

- (A) Creating, supervising, operating, protecting, 1123 maintaining, and promoting for public use a system of state 1124 memorials, titles to which may reside wholly or in part with this 1125 state or wholly or in part with the society as provided in and in 1126 conformity to appropriate acts and resolves of the general 1127 assembly, and leasing for renewable periods of two years or less, 1128 with the advice and consent of the attorney general and the 1129 director of administrative services, lands and buildings owned by 1130 the state which are in the care, custody, and control of the 1131 society, all of which shall be maintained and kept for public use 1132 at reasonable hours; 1133
- (B) Making alterations and improvements, marking, and 1134 constructing, reconstructing, protecting, or restoring structures, 1135

earthworks, and monuments in its care, and equipping such	1136
facilities with appropriate educational maintenance facilities;	1137
(C) Serving as the archives administration for the state and	1138
its political subdivisions as provided in sections 149.31 to	1139
149.42 of the Revised Code;	1140
(D) Administering a state historical museum, to be the	1141
headquarters of the society and its principal museum and library,	1142
which shall be maintained and kept for public use at reasonable	1143
hours;	1144
(E) Establishing a marking system to identify all designated	1145
historic and archaeological sites within the state and marking or	1146
causing to be marked historic sites and communities considered by	1147
the society to be historically or archaeologically significant;	1148
(F) Publishing books, pamphlets, periodicals, and other	1149
publications about history, archaeology, and natural science and	1150
offering one copy of each regular periodical issue to all public	1151
libraries in this state at a reasonable price, which shall not	1152
exceed one hundred ten per cent more than the total cost of	1153
publication;	1154
(G) Engaging in research in history, archaeology, and natural	1155
science and providing historical information upon request to all	1156
state agencies;	1157
(H) Collecting, preserving, and making available by all	1158
appropriate means and under approved safeguards all manuscript,	1159
print, or near-print library collections and all historical	1160
objects, specimens, and artifacts which pertain to the history of	1161
Ohio and its people, including the following original documents:	1162
Ohio Constitution of 1802; Ohio Constitution of 1851; proposed	1163
Ohio Constitution of 1875; design and the letters of patent and	1164
assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R.	1165
53 (1875); S.J. R. 72 (1875); S.J. R. 50 (1883); H.J. R. 73 (1883);	1166

S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28	1167
(1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904);	1168
S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition	1169
form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40	1170
(1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933);	1171
petition form (2) (1933); S.J.R. 57 (1936); petition form (1936);	1172
H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6	1173
(1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48	1174
(1947);	1175
(I) Encouraging and promoting the organization and	1176
development of county and local historical societies;	1177
(J) Providing to Ohio schools such materials as the society	1178
may prepare to facilitate the instruction of Ohio history at a	1179
reasonable price, which shall not exceed one hundred ten per cent	1180
more than the total cost of preparation and delivery;	1181
(K) Providing advisory and technical assistance to local	1182
societies for the preservation and restoration of historic and	1183
archaeological sites;	1184
(L) Devising uniform criteria for the designation of historic	1185
and archaeological sites throughout the state and advising local	1186
historical societies of the criteria and their application;	1187
(M) Taking inventory, in cooperation with the Ohio arts	1188
council, the Ohio archaeological council, and the archaeological	1189
society of Ohio, of significant designated and undesignated state	1190
and local sites and keeping an active registry of all designated	1191
sites within the state;	1192
(N) Contracting with the owners or persons having an interest	1193
in designated historic or archaeological sites or property	1194
adjacent or contiguous to those sites, or acquiring, by purchase,	1195
gift, or devise, easements in those sites or in property adjacent	1196

or contiguous to those sites, in order to control or restrict the

use of those historic or archaeological sites or adjacent or	1198
contiguous property for the purpose of restoring or preserving the	1199
historical or archaeological significance or educational value of	1200
those sites;	1201
(0) Constructing a monument honoring Governor James A.	1202
Rhodes, which shall stand on the northeast quadrant of the grounds	1203
surrounding the capitol building. The monument shall be	1204
constructed with private funds donated to the Ohio historical	1205
society and designated for this purpose. No public funds shall be	1206
expended to construct this monument. The department of	1207
administrative services shall cooperate with the Ohio historical	1208
society in carrying out this function and shall maintain the	1209
monument in a manner compatible with the grounds of the capitol	1210
building.	1211
(P) Commissioning a portrait of each departing governor,	1212
which shall be displayed in the capitol building. The Ohio	1213
historical society may accept private contributions designated for	1214
this purpose and, at the discretion of its board of trustees, also	1215
may apply for the same purpose funds appropriated by the general	1216
assembly to the society pursuant to this section.	1217
(Q) Submitting an annual report of its activities, programs,	1218
and operations to the governor within two months after the close	1219
of each fiscal year of the state.	1220
The society shall not sell, mortgage, transfer, or dispose of	1221
historical or archaeological sites to which it has title and in	1222
which the state has monetary interest except by action of the	1223
general assembly.	1224
In consideration of the public functions performed by the	1225
Ohio historical society for the state, employees of the society	1226
shall be considered public employees within the meaning of section	1227

145.01 of the Revised Code, and employees of the society may

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the fee simple interest in the building. "Owner" does not include	1259
the state or a state agency, or any political subdivision as	1260
defined in section 9.23 of the Revised Code.	1261
(4) "Qualified lessee" means a person subject to a lease	1262
agreement for an historic building and eligible for the federal	1263
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee"	1264
does not include the state or a state agency or political	1265
subdivision as defined in section 9.23 of the Revised Code.	1266
(5) "Certificate owner" means the owner or qualified lessee	1267
of an historic building to which a rehabilitation tax credit	1268
certificate was issued under this section.	1269
(6) "Registered historic district" means an historic district	1270
listed in the national register of historic places under 16 U.S.C.	1271
470a, an historic district designated by a local government	1272
certified under 16 U.S.C. 470a(c), or a local historic district	1273
certified under 36 C.F.R. 67.8 and 67.9.	1274
(7) "Rehabilitation" means the process of repairing or	1275
altering an historic building or buildings, making possible an	1276
efficient use while preserving those portions and features of the	1277
building and its site and environment that are significant to its	1278
historic, architectural, and cultural values.	1279
(8) "Rehabilitation period" means one of the following:	1280
(a) If the rehabilitation initially was not planned to be	1281
completed in stages, a period chosen by the owner or qualified	1282
lessee not to exceed twenty-four months during which	1283
rehabilitation occurs;	1284
(b) If the rehabilitation initially was planned to be	1285
completed in stages, a period chosen by the owner or qualified	1286
lessee not to exceed sixty months during which rehabilitation	1287
occurs. Each stage shall be reviewed as a phase of a	1288

rehabilitation as determined under 26 C.F.R. 1.48-12 or a

(2) Criteria for reviewing, evaluating, and approving

applications for certificates within the limitations under

division (D) of this section, criteria for assuring that the

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(a) The applicant's decision to rehabilitate the historic

building; or

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(b) To increase the level of investment in suchrehabilitation.1352

An applicant shall demonstrate to the satisfaction of the 1353 state historic preservation officer and director of development 1354 services that the rehabilitation will satisfy the standards 1355 described in division (C)(2) of this section before the applicant 1356 begins the physical rehabilitation of the historic building. 1357

- (D)(1) If the director of development services determines 1358 that an application meets the criteria in divisions (C)(1), (2), 1359 and (3) of this section, the director shall conduct a cost-benefit 1360 analysis for the historic building that is the subject of the 1361 application to determine whether rehabilitation of the historic 1362 building will result in a net revenue gain in state and local 1363 taxes once the building is used. The director shall consider the 1364 results of the cost-benefit analysis in determining whether to 1365 approve the application. The director shall also consider the 1366 potential economic impact and the regional distributive balance of 1367 the credits throughout the state. The director may approve an 1368 application only after completion of the cost-benefit analysis. 1369
- (2) A rehabilitation tax credit certificate shall not be 1370 issued for an amount greater than the estimated amount furnished 1371 by the applicant on the application for such certificate and 1372 approved by the director. The director shall not approve more than 1373 a total of sixty million dollars of rehabilitation tax credits per 1374 fiscal year but the director may reallocate unused tax credits 1375 from a prior fiscal year for new applicants and such reallocated 1376 credits shall not apply toward the dollar limit of this division. 1377
- (3) For rehabilitations with a rehabilitation period not exceeding twenty-four months as provided in division  $(A)\frac{(7)}{(8)}(a)$  of this section, a rehabilitation tax credit certificate shall not be issued before the rehabilitation of the historic building is completed.

(4) For rehabilitations with a rehabilitation period not	1383
exceeding sixty months as provided in division $(A)\frac{(7)}{(8)}(b)$ of	1384
this section, a rehabilitation tax credit certificate shall not be	1385
issued before a stage of rehabilitation is completed. After all	1386
stages of rehabilitation are completed, if the director cannot	1387
determine that the criteria in division (C) of this section are	1388
satisfied for all stages of rehabilitations, the director shall	1389
certify this finding to the tax commissioner, and any	1390
rehabilitation tax credits received by the applicant shall be	1391
repaid by the applicant and may be collected by assessment as	1392
unpaid tax by the commissioner.	1393

(5) The director of development services shall require the 1394 applicant to provide a third-party cost certification by a 1395 certified public accountant of the actual costs attributed to the 1396 rehabilitation of the historic building when qualified 1397 rehabilitation expenditures exceed two hundred thousand dollars. 1398

If an applicant whose application is approved for receipt of 1399 a rehabilitation tax credit certificate fails to provide to the 1400 director sufficient evidence of reviewable progress, including a 1401 viable financial plan, copies of final construction drawings, and 1402 evidence that the applicant has obtained all historic approvals 1403 within twelve months after the date the applicant received 1404 notification of approval, and if the applicant fails to provide 1405 evidence to the director that the applicant has secured and closed 1406 on financing for the rehabilitation within eighteen months after 1407 receiving notification of approval, the director may rescind the 1408 approval of the application. The director shall notify the 1409 applicant if the approval has been rescinded. Credits that would 1410 have been available to an applicant whose approval was rescinded 1411 shall be available for other qualified applicants. Nothing in this 1412 division prohibits an applicant whose approval has been rescinded 1413 from submitting a new application for a rehabilitation tax credit 1414

certificate.	1415
(6) The director of development services may approve the	1416
application of, and issue a rehabilitation tax credit certificate	1417
to, the owner of a catalytic project, provided the application	1418
otherwise meets the criteria described in divisions (C) and (D) of	1419
this section. The director may not issue more than one	1420
rehabilitation tax credit certificate under division (D)(6) of	1421
this section during each state fiscal biennium. The director shall	1422
consider the following criteria in determining whether to issue a	1423
certificate under division (D)(6) of this section:	1424
(a) Whether the historic building is a catalytic project;	1425
(b) The effect issuance of the certificate would have on the	1426
availability of credits for other applicants that qualify for a	1427
credit certificate within the credit dollar limit described in	1428
division (D)(2) of this section;	1429
(c) The number of jobs, if any, the catalytic project will	1430
<u>create;</u>	1431
(d) The number of individuals, if any, who will reside in the	1432
catalytic project upon its completion.	1433
(E) Issuance of a certificate represents a finding by the	1434
director of development services of the matters described in	1435
divisions (C)(1), (2), and (3) of this section only; issuance of a	1436
certificate does not represent a verification or certification by	1437
the director of the amount of qualified rehabilitation	1438
expenditures for which a tax credit may be claimed under section	1439
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the	1440
Revised Code. The amount of qualified rehabilitation expenditures	1441
for which a tax credit may be claimed is subject to inspection and	1442
examination by the tax commissioner or employees of the	1443
commissioner under section 5703.19 of the Revised Code and any	1444
other applicable law. Upon the issuance of a certificate, the	1445

director shall certify to the tax commissioner, in the form and	1446
manner requested by the tax commissioner, the name of the	1447
applicant, the amount of qualified rehabilitation expenditures	1448
shown on the certificate, and any other information required by	1449
the rules adopted under this section.	1450

- (F)(1) On or before the first day of April each year, the 1451 director of development services and tax commissioner jointly 1452 shall submit to the president of the senate and the speaker of the 1453 house of representatives a report on the tax credit program 1454 established under this section and sections 5725.151, 5725.34, 1455 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 1456 report shall present an overview of the program and shall include 1457 information on the number of rehabilitation tax credit 1458 certificates issued under this section during the preceding fiscal 1459 year, an update on the status of each historic building for which 1460 an application was approved under this section, the dollar amount 1461 of the tax credits granted under sections 5725.151, 5725.34, 1462 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 1463 any other information the director and commissioner consider 1464 relevant to the topics addressed in the report. 1465
- (2) On or before December 1, 2015, the director of 1466 development services and tax commissioner jointly shall submit to 1467 the president of the senate and the speaker of the house of 1468 representatives a comprehensive report that includes the 1469 information required by division (F)(1) of this section and a 1470 detailed analysis of the effectiveness of issuing tax credits for 1471 rehabilitating historic buildings. The report shall be prepared 1472 with the assistance of an economic research organization jointly 1473 chosen by the director and commissioner. 1474
- (G) There is hereby created in the state treasury the 1475 historic rehabilitation tax credit operating fund. The director of development services is authorized to charge reasonable 1477

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application and other fees in connection with the administration	1478
of tax credits authorized by this section and sections 5725.151,	1479
5725.34, $5726.52$ , $5729.17$ , $5733.44$ $5733.47$ , and $5747.76$ of the	1480
Revised Code. Any such fees collected shall be credited to the	1481
fund and used to pay reasonable costs incurred by the department	1482
of development services in administering this section and sections	1483
5725.151, 5725.34, 5726.52, 5729.17, <del>5733.44</del> <u>5733.47</u> , and 5747.76	1484
of the Revised Code.	1485
The Ohio historic preservation office is authorized to charge	1486
reasonable fees in connection with its review and approval of	1487
applications under this section. Any such fees collected shall be	1488
credited to the fund and used to pay administrative costs incurred	1489
by the Ohio historic preservation office pursuant to this section.	1490
(H) Notwithstanding sections 5725.151, 5725.34, 5726.52,	1491
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate	1492
owner of a tax credit certificate issued under division (D)(6) of	1493
this section may claim a tax credit equal to twenty-five per cent	1494
of the dollar amount indicated on the certificate for a total	1495
credit of not more than twenty-five million dollars. The credit	1496
claimed by such a certificate owner for any calendar year, tax	1497
year, or taxable year under section 5725.151, 5725.34, 5726.52,	1498
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed	1499
five million dollars. If the certificate owner is eligible for	1500
more than five million dollars in total credits, the certificate	1501
owner may carry forward the balance of the credit in excess of the	1502
amount claimed for that year for not more than five ensuing	1503
calendar years, tax years, or taxable years. If the credit claimed	1504
in any calendar year, tax year, or taxable year exceeds the tax	1505
otherwise due, the excess shall be refunded to the taxpayer.	1506

Sec. 149.38. (A) Except as otherwise provided in section

307.847 of the Revised Code, there is hereby created in each

county a county records commission, composed of a member of the	1509
board of county commissioners as chairperson, the prosecuting	1510
attorney, the auditor, the recorder, and the clerk of the court of	1511
common pleas. The commission shall appoint a secretary, who may or	1512
may not be a member of the commission and who shall serve at the	1513
pleasure of the commission. The commission may employ an archivist	1514
or records manager to serve under its direction. The commission	1515
shall meet at least once every six months and upon the call of the	1516
chairperson.	1517
(B) $(1)$ The functions of the county records commission shall	1518
be to provide rules for retention and disposal of records of the	1519
county, and to review applications for one-time disposal of	1520
obsolete records and schedules of records retention and	1521
disposition submitted by county offices. The commission may	1522
dispose of records pursuant to the procedure outlined in this	1523
section. The commission, at any time, may review any schedule it	1524
has previously approved and, for good cause shown, may revise that	1525
schedule, subject to division (D) of this section.	1526
(2)(a) As used in division (B)(2) of this section, "paper	1527
case records" means written reports of child abuse or neglect,	1528
written records of investigations, or other written records	1529
required to be prepared under section 2151.421, 5101.13, 5153.166,	1530
or 5153.17 of the Revised Code.	1531
(b) A county public children services agency may submit to	1532
the county records commission applications for one-time disposal,	1533
or schedules of records retention and disposition, of paper case	1534
records that have been entered into permanently maintained and	1535
retrievable fields in the state automated child welfare	1536
information system established under section 5101.13 of the	1537
Revised Code or entered into other permanently maintained and	1538
retrievable electronic files. The county records commission may	1539

dispose of the paper case records pursuant to the procedure

## outlined in this section.

(C)(1) When the county records commission has approved any 1542 county application for one-time disposal of obsolete records or 1543 any schedule of records retention and disposition, the commission 1544 shall send that application or schedule to the Ohio historical 1545 society for its review. The Ohio historical society shall review 1546 the application or schedule within a period of not more than sixty 1547 days after its receipt of it. During the sixty-day review period, 1548 the Ohio historical society may select for its custody from the 1549 application for one-time disposal of obsolete records any records 1550 it considers to be of continuing historical value, and shall 1551 denote upon any schedule of records retention and disposition any 1552 records for which the Ohio historical society will require a 1553 certificate of records disposal prior to their disposal. 1554

- (2) Upon completion of its review, the Ohio historical 1555 society shall forward the application for one-time disposal of 1556 obsolete records or the schedule of records retention and 1557 disposition to the auditor of state for the auditor's approval or 1558 disapproval. The auditor of state shall approve or disapprove the 1559 application or schedule within a period of not more than sixty 1560 days after receipt of it.
- (3) Before public records are to be disposed of pursuant to 1562 an approved schedule of records retention and disposition, the 1563 county records commission shall inform the Ohio historical society 1564 of the disposal through the submission of a certificate of records 1565 disposal for only the records required by the schedule to be 1566 disposed of and shall give the society the opportunity for a 1567 period of fifteen business days to select for its custody those 1568 records, from the certificate submitted, that it considers to be 1569 of continuing historical value. Upon the expiration of the 1570 fifteen-business-day period, the county records commission also 1571 shall notify the public libraries, county historical society, 1572

state universities, and other public or quasi-public institutions,	1573
agencies, or corporations in the county that have provided the	1574
commission with their name and address for these notification	1575
purposes, that the commission has informed the Ohio historical	1576
society of the records disposal and that the notified entities,	1577
upon written agreement with the Ohio historical society pursuant	1578
to section 149.31 of the Revised Code, may select records of	1579
continuing historical value, including records that may be	1580
distributed to any of the notified entities under section 149.31	1581
of the Revised Code. Any notified entity that notifies the county	1582
records commission of its intent to review and select records of	1583
continuing historical value from certificates of records disposal	1584
is responsible for the cost of any notice given and for the	1585
transportation of those records.	1586

- (D) The rules of the county records commission shall include 1587 a rule that requires any receipts, checks, vouchers, or other 1588 1589 similar records pertaining to expenditures from the delinquent tax and assessment collection fund created in section 321.261 of the 1590 Revised Code, from the real estate assessment fund created in 1591 section 325.31 of the Revised Code, or from amounts allocated for 1592 the furtherance of justice to the county sheriff under section 1593 325.071 of the Revised Code or to the prosecuting attorney under 1594 section 325.12 of the Revised Code to be retained for at least 1595 four years. 1596
- (E) No person shall knowingly violate the rule adopted under 1597 division (D) of this section. Whoever violates that rule is guilty 1598 of a misdemeanor of the first degree. 1599
- Sec. 150.05. (A) The authority shall select, as program 1600 administrators, not more than two private, for-profit investment 1601 funds to acquire loans for the program fund and to invest money in the program fund as prescribed in the investment policy 1603

established or modified by the authority in accordance with	1604
sections 150.03 and 150.04 of the Revised Code. The authority	1605
shall give equal consideration, in selecting these program	1606
administrators, to minority owned and controlled investment funds,	1607
to funds owned and controlled by women, to ventures involving	1608
minority owned and controlled funds, and to ventures involving	1609
funds owned and controlled by women that otherwise meet the	1610
policies and criteria established by the authority. To be eligible	1611
for selection, an investment fund must be incorporated or	1612
organized under Chapter 1701., 1705., 1775., 1776., 1782., or	1613
1783. of the Revised Code, must have an established business	1614
presence in this state, and must be capitalized in accordance with	1615
any state and federal laws applicable to the issuance or sale of	1616
securities.	1617

The authority shall select program administrators only after 1618 soliciting and evaluating requests for proposals as prescribed in 1619 this section. The authority shall publish a notice of a request 1620 for proposals in newspapers of general circulation in this state 1621 once each week for two consecutive weeks before a date specified 1622 by the authority as the date on which it will begin accepting 1623 proposals. The notices shall contain a general description of the 1624 subject of the proposed agreement and the location where the 1625 request for proposals may be obtained. The request for proposals 1626 shall include all the following: 1627

- (1) Instructions and information to respondents concerning 1628 the submission of proposals, including the name and address of the 1629 office where proposals are to be submitted; 1630
- (2) Instructions regarding the manner in which respondents

  may communicate with the authority, including the names, titles,

  and telephone numbers of the individuals to whom such

  communications shall be directed;

  1631

(3) Description of the performance criteria that will be used	1635
to evaluate whether a respondent selected by the authority is	1636
satisfying the authority's investment policy;	1637
(4) Description of the factors and criteria to be considered	1638
in evaluating respondents' proposals, the relative importance of	1639
each factor or criterion, and description of the authority's	1640
evaluation procedure;	1641
(5) Description of any documents that may be incorporated by	1642
reference into the request for proposals, provided that the	1643
request specifies where such documents may be obtained and such	1644
documents are readily available to all interested parties.	1645
After the date specified for receiving proposals, the	1646
authority shall evaluate submitted proposals. The authority may	1647
discuss a respondent's proposal with that respondent to clarify or	1648
revise a proposal or the terms of the agreement.	1649
The authority shall choose for review proposals from at least	1650
three respondents the authority considers qualified to operate the	1651
program in the best interests of the investment policy adopted by	1652
the authority. If three or fewer proposals are submitted, the	1653
authority shall review each proposal. The authority may cancel a	1654
request for proposals at any time before entering into an	1655
agreement with a respondent. The authority shall provide	1656
respondents fair and equal opportunity for such discussions. The	1657
authority may terminate discussions with any respondent upon	1658
written notice to the respondent.	1659
(B) After reviewing the chosen proposals, the authority may	1660
select not more than two such respondents and enter into a written	1661
agreement with each of the selected respondents, provided that at	1662
no time shall there be agreements with more than two persons.	1663
The agreement shall do all of the following:	1664

(1) Specify that borrowing and investing by the program

administrator will be budgeted to guarantee that no tax credits	1666
will be granted during the first four years of the Ohio venture	1667
capital program, and will be structured to ensure that payments of	1668
principal, interest, or interest equivalent due in any fiscal	1669
year, when added to such payments due from any other program	1670
administrator, does not exceed <del>twenty</del> <u>twenty-six</u> million <u>five</u>	1671
hundred thousand dollars;	1672

- (2) Require investment by the program administrator or the 1673 fund manager employed by the program administrator to be in 1674 compliance with the investment policy established or modified in 1675 accordance with sections 150.03 and 150.04 of the Revised Code 1676 that is in effect at the time the investment is made, and prohibit 1677 the program administrator or fund manager from engaging in any 1678 investment activities other than activities to carry out that 1679 policy; 1680
- (3) Require periodic financial reporting by the program

  1681
  administrator to the authority, which reporting shall include an
  1682
  annual audit by an independent auditor and such other financial
  1683
  reporting as is specified in the agreement or otherwise required
  1684
  by the authority for the purpose of ensuring that the program
  1685
  administrator is carrying out the investment policy;
  1686
- (4) Specify any like standards or general limitations in 1687 addition to or in furtherance of investment standards or 1688 limitations that apply pursuant to division (H) of section 150.03 1689 of the Revised Code; 1690
- (5) Require the program administrator to apply program fund
  1691
  revenue first to the payment of principal borrowed by the program
  1692
  administrator for investment under the program, then to interest
  1693
  related to that principal, and then to amounts necessary to cover
  1694
  the program administrator's pro rata share required under division
  1695
  (B)(9) of this section; and require the program administrator to
  1696
  pay the authority not less than ninety per cent of the amount by
  1697

which program fund revenue attributable to investments under the	1698
program administrator's investment authority exceeds amounts so	1699
applied;	1700

- (6) Specify the procedures by which the program administrator 1701 shall certify immediately to the authority the necessity for the 1702 authority to issue tax credit certificates pursuant to contracts 1703 entered into under section 150.07 of the Revised Code; 1704
- (7) Specify any general limitations regarding the employment 1705 of a fund manager by the program administrator, in addition to an 1706 express limitation that the fund manager be a person with 1707 demonstrated, substantial, successful experience in the design and 1708 management of seed and venture capital investment programs and in 1709 capital formation. The fund manager may be, but need not be, an 1710 equity owner or affiliate of the program administrator.
- (8) Specify the terms and conditions under which the 1712 authority or the program administrator may terminate the 1713 agreement, including in the circumstance that the program 1714 administrator or fund manager violates the investment policy; 1715
- (9) Require the program administrator or fund manager 1716 employed by the program administrator to provide capital in the 1717 form of a loan equal to one per cent of the amount of outstanding 1718 loans by lenders to the program fund. The loan from the program 1719 administrator or fund manager shall be on the same terms and 1720 conditions as loans from other lenders, except that the loan from 1721 the program administrator or fund manager shall not be secured by 1722 the Ohio venture capital fund or tax credits available to other 1723 lenders under division (B) of section 150.04 of the Revised Code. 1724 Such capital shall be placed at the same risk as the proceeds from 1725 such loans. The program administrator shall receive a pro rata 1726 share of the net income, including net loss, from the investment 1727 of money from the program fund, but is not entitled to the 1728 security against losses provided under section 150.04 of the 1729

Revised Code. 1730

Sec. 150.07. (A) For the purpose stated in section 150.01 of 1731 the Revised Code, the authority may authorize a lender to claim 1732 one of the refundable tax credits allowed under section 5707.031, 1733 5725.19, 5726.53, 5727.241, 5729.08, 5733.49, or 5747.80 of the 1734 Revised Code. The credits shall be authorized by a written 1735 contract with the lender. The contract shall specify the terms 1736 under which the lender may claim the credit, including the amount 1737 of loss, if any, the lender must incur before the lender may claim 1738 the credit; specify that the credit shall not exceed the amount of 1739 the loss; and specify that the lender may claim the credit only 1740 for a loss certified by a program administrator to the authority 1741 under the procedures prescribed under division (B)(6) of section 1742 150.05 of the Revised Code. The program administrator shall 1743 provide to the authority an estimate of the amount of tax credits, 1744 if any, that are likely, in the administrator's reasonable 1745 judgment, to be claimed by a lender during the current and next 1746 succeeding state fiscal years. The estimate shall be provided at 1747 the same time each year that the administrator is required to 1748 report the annual audit to the authority under section 150.05 of 1749 the Revised Code. 1750

- (B) Tax credits may be authorized at any time after the 1751 authority establishes the investment policy under section 150.03 1752 of the Revised Code, but a tax credit so authorized may not be 1753 claimed before July 1, 2007, or after June 30, 2026, except, with 1754 respect to loans made from the proceeds of obligations issued 1755 under section 4582.71 of the Revised Code, a tax credit may not be 1756 claimed before July 1, 2012, or after June 30, 2036. 1757
- (C)(1) Upon receiving certification of a lender's loss from a 1758 program administrator pursuant to the procedures in the investment 1759 policy, the authority shall issue a tax credit certificate to the 1760

lender, except as otherwise provided in division (D) of this 1761 section.

- (2) If the lender is a pass-through entity, as defined in 1763 section 5733.04 of the Revised Code, then each equity investor in 1764 the lender pass-through entity shall be entitled to claim one of 1765 the tax credits allowed under division (A) of this section for 1766 that equity investor's taxable year in which or with which ends 1767 the taxable year of the lender pass-through entity in an amount 1768 based on the equity investor's distributive or proportionate share 1769 of the credit amount set forth in the certificate issued by the 1770 authority. If all equity investors of the lender pass-through 1771 entity are not eligible to claim a credit against the same tax set 1772 forth in division (A) of this section, then each equity investor 1773 may elect to claim a credit against the tax to which the equity 1774 investor is subject to in an amount based on the equity investor's 1775 distributive or proportionate share of the credit amount set forth 1776 in the certificate issued by the authority. 1777
- (3) The certificate shall state the amount of the credit and 1778 the calendar year under section 5707.031, 5725.19, 5727.241, or 1779 5729.08, the tax year under section 5726.53 or 5733.49, or the 1780 taxable year under section 5747.80 of the Revised Code for which 1781 the credit may be claimed. The authority, in conjunction with the 1782 tax commissioner, shall develop a system for issuing tax credit 1783 certificates for the purpose of verifying that any credit claimed 1784 is a credit issued under this section and is properly taken in the 1785 year specified in the certificate and in compliance with division 1786 (B) of this section. 1787
- (D) The authority shall not, in any fiscal year, issue tax 1788 credit certificates under this section in a total amount exceeding 1789 twenty twenty-six million five hundred thousand dollars. The 1790 authority shall not issue tax credit certificates under this 1791 section in a total amount exceeding three hundred eighty million 1792

dollars. 1793

(E) Notwithstanding any other section of this chapter or any 1794 provision of Chapter 5707., 5725., 5726., 5727., 5729., 5733., or 1795 5747. of the Revised Code, if provided by the terms of an 1796 agreement entered into by the issuer and the authority under 1797 division (E) of section 150.02 of the Revised Code, and subject to 1798 the limitations of divisions (B) and (D) of this section, a 1799 trustee shall have the right, for the benefit of the issuer, to 1800 receive and claim the credits authorized under division (A) of 1801 this section solely for the purpose provided for in section 150.04 1802 of the Revised Code, and the trustee shall be entitled to file a 1803 tax return, an amended tax return, or an estimated tax return at 1804 such times as are permitted or required under the applicable 1805 provisions of Chapter 5707., 5725., 5726., 5727., 5729., 5733., or 1806 5747. of the Revised Code for the purpose of claiming credits 1807 issued to the trustee. The trustee shall receive the proceeds of 1808 such a tax credit for the benefit of the issuer, and shall apply 1809 the proceeds solely to satisfy a loss or restore a reserve as 1810 provided in section 150.04 of the Revised Code. Nothing in this 1811 section shall require a trustee to file a tax return under any 1812 chapter for any purpose other than claiming such credits if the 1813 trustee is not otherwise required to make such a filing. 1814

The general assembly may from time to time modify or repeal 1815 any of the taxes against which the credits authorized under 1816 division (A) of this section may be claimed, and may authorize 1817 those credits to be claimed for the purposes provided for in 1818 section 150.04 of the Revised Code with respect to any other tax 1819 imposed by this state; provided, that if any obligations issued 1820 under section 4582.71 of the Revised Code are then outstanding and 1821 such modification or repeal would have the effect of impairing any 1822 covenant made in or pursuant to an agreement under division (E) of 1823 section 150.02 of the Revised Code regarding the maintenance or 1824

restoration of reserves established and maintained with a trustee	1825
consistent with division (B)(2) of section 150.04 of the Revised	1826
Code and such agreement, the state shall provide other security to	1827
the extent necessary to avoid or offset the impairment of such	1828
covenant.	1829

- Sec. 153.56. (A) Any person to whom any money is due for 1830 labor or work performed or materials furnished in a public 1831 improvement as provided in section 153.54 of the Revised Code, at 1832 any time after performing the labor or work or furnishing the 1833 materials, but not later than ninety days after the completion of 1834 the contract by the principal contractor or design-build firm and 1835 the acceptance of the public improvement for which the bond was 1836 provided by the duly authorized board or officer, shall furnish 1837 the sureties on the bond, a statement of the amount due to the 1838 person. 1839
- (B) A suit shall not be brought against sureties on the bond 1840 until after sixty days after the furnishing of the statement 1841 described in division (A) of this section. If the indebtedness is 1842 not paid in full at the expiration of that sixty days, and if the 1843 person complies with division (C) of this section, the person may 1844 bring an action in the person's own name upon the bond, as 1845 provided in sections 2307.06 and 2307.07 of the Revised Code, that 1846 action to be commenced, notwithstanding section 2305.12 of the 1847 Revised Code, not later than one year from the date of acceptance 1848 of the public improvement for which the bond was provided. 1849
- (C) To exercise rights under this section, a subcontractor or 1850 materials supplier supplying labor or materials that cost more 1851 than thirty thousand dollars, who is not in direct privity of 1852 contract with the principal contractor or design-build firm for 1853 the public improvement, shall serve a notice of furnishing upon 1854 the principal contractor or design-build firm in the form provided 1855

in section 1311.261 of the Revised Code. 1856

- (D) A subcontractor or materials supplier who serves a notice 1857 of furnishing under division (C) of this section as required to 1858 exercise rights under this section has the right of recovery only 1859 as to amounts owed for labor and work performed and materials 1860 furnished during and after the twenty-one days immediately 1861 preceding service of the notice of furnishing.
  - (E) For purposes of this section:
- (1) "Design-build firm" has the same meaning as in section 1864
  153.65 of the Revised Code. 1865
- (2) "Principal contractor" has the same meaning as in section 1866
  1311.25 of the Revised Code, and may include a "construction 1867
  manager" and a "construction manager at risk" as defined in 1868
  section 9.33 of the Revised Code. 1869

Sec. 163.15. (A) As soon as the agency pays to the party 1870 entitled thereto or deposits with the court the amount of the 1871 award and the costs assessed against the agency, it may take 1872 possession; provided, that this shall not be construed to limit 1873 the right of a public agency to enter and take possession, as 1874 provided in section 163.06 of the Revised Code. When the agency is 1875 entitled to possession the court shall enter an order to such 1876 effect upon the record and, if necessary, process shall be issued 1877 to place the agency in possession. Whenever a final journal entry 1878 in an appropriation proceeding, granting to this state a fee title 1879 or any lesser estate or interest in real property is filed and 1880 journalized by the clerk of courts, the clerk of courts shall 1881 forthwith transmit to the county auditor a certified copy of said 1882 final journal entry who shall transfer the property on the 1883 auditor's books and transmit said entry with proper endorsement to 1884 the county recorder for recording. The costs of filing such final 1885 journal entry with the county auditor and the county recorder 1886

shall be taxed as costs in the appropriation proceedings the same	1887
as other costs are taxed under section 163.16 of the Revised Code.	1888
(B)(1) Whenever the appropriation of real property requires	1889
the owner, a commercial tenant, or a residential tenant identified	1890
by the owner in a notice filed with the court to move or relocate,	1891
the agency shall make a payment to that person, upon proper	1892
application as approved by the agency, for all of the following:	1893
(a) Actual reasonable expenses in moving the person and the	1894
person's family, business, farm operation, or other personal	1895
property;	1896
(b) Actual direct losses of tangible personal property as a	1897
result of moving or discontinuing a business or farm operation,	1898
but not to exceed an amount equal to the reasonable expenses that	1899
would have been required to relocate such property, as determined	1900
by the agency;	1901
(c) Actual reasonable expenses in searching for a replacement	1902
business or farm, but not to exceed two thousand five hundred	1903
dollars;	1904
(d) Actual and reasonable expenses necessary to reestablish a	1905
farm, nonprofit organization, or small business at its new site,	1906
but not to exceed <del>ten</del> <u>twenty-five</u> thousand dollars.	1907
(2) If the agency does not approve a payment for which the	1908
owner applied under division (B)(1) of this section, the trier of	1909
fact, upon presentation of proof, shall determine whether to award	1910
a payment for the expenses described in division (B)(1) of this	1911
section and the amount of any award. The owner shall have the	1912
burden of proof with respect to those expenses.	1913
(3)(a) In addition to any payments an owner of a business may	1914
receive under division (B)(1) of this section, an owner of a	1915
business who is required by an appropriation of real property to	1916
relocate the business may recover damages for the owner's actual	1917

economic loss resulting from the appropriation, as proven by the	1918
owner by a preponderance of the evidence. Compensation for actual	1919
economic loss under this division shall not include any attorney's	1920
fees and shall not duplicate any amount awarded as compensation	1921
under this chapter.	1922

- (b) The amount of compensation awarded under division 1923 (B)(3)(a) of this section shall not exceed twelve months net 1924 profit of the business on an annualized basis. Except as otherwise 1925 provided in division (B)(3)(c) of this section, if the agency is 1926 appropriating property in time of war or other public exigency 1927 imperatively requiring its immediate seizure, for the purpose of 1928 making or repairing roads that shall be open to the public without 1929 charge, for the purpose of implementing rail service under Chapter 1930 4981. of the Revised Code, or under section 307.08, 504.19, 1931 6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the 1932 result of a public exigency, or the agency is a municipal 1933 corporation that is appropriating property as a result of a public 1934 exigency, the period for which the net profit of the business is 1935 calculated shall be twelve months minus the time period from the 1936 date the agency gives the notice required by section 163.04 of the 1937 Revised Code to the date the agency deposits the value of the 1938 property with the court pursuant to section 163.06 of the Revised 1939 Code or pays that amount to the owner, but in no event shall the 1940 compensation time period be less than fifteen days. If the period 1941 on which the loss is calculated is reduced to fifteen days and the 1942 relocation is unusually complex, the owner may request the agency 1943 to increase that period by up to fifteen additional days. If the 1944 agency fails to pay the compensation as provided under division 1945 (B)(3)(a) of this section or denies the request, the owner may 1946 seek an award of such compensation pursuant to this section. 1947
- (c) In case of an act of God or other public exigency that 1948 requires an immediate taking of property to protect public health 1949

or safety or in case of a voluntary conveyance, the amount of	1950
compensation awarded under division (B)(3)(a) of this section	1951
shall not exceed fifteen days net profit of the business on an	1952
annualized basis. The owner may request the agency to increase	1953
that period by up to fifteen additional days. If the agency fails	1954
to pay the compensation as provided under division (B)(3)(a) of	1955
this section or denies the request, the owner may seek an award of	1956
such compensation pursuant to this section.	1957
Sec. 163.53. (A) Whenever the acquisition of real property	1958
for a program or project undertaken by a displacing agency will	1959
result in the displacement of any person, the head of the agency	1960

Sec. 163.53. (A) Whenever the acquisition of real property

for a program or project undertaken by a displacing agency will

1959

result in the displacement of any person, the head of the agency

shall make a payment to any displaced person, upon proper

application as approved by such agency head, for all of the

1962

following:

- (1) Actual reasonable expenses in moving the person, the
  person's family, business, farm operation, or other personal
  property;
  1965
- (2) Actual direct losses of tangible personal property as a 1967 result of moving or discontinuing a business or farm operation, 1968 but not to exceed an amount equal to the reasonable expenses that 1969 would have been required to relocate such property, as determined 1970 by the head of the displacing agency; 1971
- (3) Actual reasonable expenses in searching for a replacement 1972 business or farm, but not to exceed two thousand five hundred 1973 dollars;
- (4) Actual and reasonable expenses necessary to reestablish a 1975
   displaced farm, nonprofit organization, or small business at its 1976
   new site, but not to exceed ten twenty-five thousand dollars. 1977
- (B) Any displaced person eligible for payments under division 1978

  (A) of this section who is displaced from a dwelling and who 1979

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

- (C) Any displaced person eligible for payments under division 1984 (A) of this section who is displaced from the person's place of 1985 business or from the person's farm operation may qualify for the 1986 payment authorized by this division in lieu of the payment 1987 authorized by division (A) of this section. The payment authorized 1988 by this division shall consist of a fixed payment in an amount to 1989 be determined according to criteria established by the head of the 1990 lead agency, except that such payment shall be not less than one 1991 thousand dollars nor more than twenty forty thousand dollars. A 1992 person whose sole business at the displacement dwelling is the 1993 rental of such property to others does not qualify for a payment 1994 under this division. 1995
- (D)(1) Except as provided in section 5501.51 of the Revised 1996 Code, if a program or project undertaken by a displacing agency 1997 results in the relocation of a utility facility, and the purpose 1998 of the program or project was not to relocate or reconstruct any 1999 utility facility; and if the owner of the utility facility which 2000 is being relocated under such program or project has entered into 2001 a franchise or similar agreement with the state or local 2002 government on whose property, easement, or right-of-way such 2003 facility is located with respect to the use of such property, 2004 easement, or right-of-way; and if the relocation of such facility 2005 results in such owner incurring an extraordinary cost in 2006 connection with such relocation; then the displacing agency may, 2007 in accordance with such rules as the head of the lead agency may 2008 adopt, provide to such owner a relocation payment which may not 2009 exceed the amount of such extraordinary cost, less any increase in 2010 the value of the new utility facility above the value of the old 2011

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utility facility, and less any salvage value derived from the old 2012 utility facility. 2013 (2) As used in division (D) of this section: 2014 (a) "Extraordinary cost in connection with a relocation" 2015 means any cost incurred by the owner of a utility facility in 2016 connection with relocation of such facility that is determined by 2017 the head of the displacing agency, under such rules as the head of 2018 the lead agency shall adopt, to be a nonroutine relocation 2019 expense, to be a cost that owner ordinarily does not include in 2020 its annual budget as an expense of operation, and to meet such 2021 other requirements as the lead agency may prescribe in such rules. 2022 (b) "Utility facility" means any electric, gas, water, steam 2023 power, or materials transmission or distribution system; any 2024 transportation system; any communications system, including cable 2025 television; and any fixture, equipment, or other property 2026 associated with the operation, maintenance, or repair of any such 2027 system; which is located on property owned by a state or local 2028 government or over which a state or local government has an 2029 easement or right-of-way. A utility facility may be publicly, 2030 privately, or cooperatively owned. 2031 Sec. 163.54. (A) In addition to payments otherwise authorized 2032 by sections 163.51 to 163.62 of the Revised Code, the head of the 2033 displacing agency shall make an additional payment not to exceed 2034 twenty-two thirty-one thousand five hundred dollars to any 2035 displaced person who is displaced from a dwelling actually owned 2036 and occupied by him the displaced person for not less than one 2037 hundred eighty ninety days prior to the initiation of negotiations 2038 for the acquisition of the property. Such additional payment shall 2039 include the following elements: 2040

(1) The amount, if any, which when added to the acquisition

cost of the dwelling acquired by the displacing agency, equals the

reasonable cost of a comparable replacement dwelling.	2043
(2) The amount, if any, which will compensate the displaced	2044
person for any increased interest costs and other debt service	2045
costs which the person is required to pay for financing the	2046
acquisition of a comparable replacement dwelling. This amount	2047
shall be paid only if the dwelling acquired by the displacing	2048
agency was encumbered by a bona fide mortgage which was a valid	2049
lien on the dwelling for not less than <del>one hundred eighty</del> <u>ninety</u>	2050
days prior to the initiation of negotiations for the acquisition	2051
of the dwelling.	2052
(3) Reasonable expenses incurred by the displaced person for	2053
evidence of title, recording fees, and other closing costs	2054
incident to the purchase of the replacement dwelling, but not	2055
including prepaid expenses.	2056
(4) A rental assistance payment for a displaced person who is	2057
eligible for a replacement housing payment under this section but	2058
who elects to rent a replacement dwelling. The amount of the	2059
rental assistance payment shall be based on a determination of	2060
market rent for the acquired dwelling compared to a comparable	2061
rental dwelling available on the market in the general area of the	2062
acquired dwelling. The difference, if any, shall be computed in	2063
accordance with division (A) of section 163.55 of the Revised	2064
Code, except the limit of seven thousand two hundred dollars shall	2065
not apply. Under no circumstances shall the rental assistance	2066
payment exceed the amount that the displaced person could have	2067
received under division (A)(1) of this section. A displaced person	2068
who is eligible to receive a replacement housing payment under	2069
this section is not eligible for a down payment assistance payment	2070
described in division (B) of section 163.55 of the Revised Code.	2071
(B) The additional payment authorized by this section shall	2072
be made only to a displaced person who purchases and occupies a	2073

replacement dwelling which is decent, safe, and sanitary not later

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than the end of the one-year period beginning on the date on which	2075
he the displaced person receives from the displacing agency final	2076
payment of all costs of the acquired dwelling, or on the date on	2077
which the displacing agency's obligation under division (B)(3) of	2078
section 163.56 of the Revised Code is met, whichever is later,	2079
except that the displacing agency may extend the period for good	2080
cause. If the period is extended, the payment under this section	2081
shall be based on the costs of relocating the person to a	2082
comparable replacement dwelling within one year after the	2083
displaced person receives from the displacing agency final payment	2084
of all costs of the acquired dwelling.	2085

Sec. 163.55. (A) In addition to amounts otherwise authorized 2086 by sections 163.51 to 163.62 of the Revised Code, the head of a 2087 displacing agency shall make a payment to or for any displaced 2088 person displaced from any dwelling not eligible to receive a 2089 payment under section 163.54 of the Revised Code which dwelling 2090 was actually and lawfully occupied by such displaced person for 2091 not less than ninety days prior to the initiation of negotiations 2092 for acquisition of such dwelling, or in any case in which 2093 displacement is not a direct result of acquisition, not less than 2094 ninety days prior to such other event as the head of the lead 2095 agency shall prescribe. The payment shall consist of the amount 2096 necessary to enable the displaced person to lease or rent for a 2097 period not to exceed forty-two months, a comparable replacement 2098 dwelling, but not to exceed five seven thousand two hundred fifty 2099 dollars. At the discretion of the head of the displacing agency, a 2100 payment under this division may be made in periodic installments. 2101 Computation of a payment under this division to a low-income 2102 displaced person shall take into account the person's income. 2103

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

decent, safe, and sanitary replacement dwelling. The person may,	2107
under criteria established by the head of the displacing agency,	2108
be eligible under this division for the maximum payment allowed	2109
under division (A) of this section <del>, except that, in the case of a</del>	2110
displaced home owner who has owned and occupied the displacement	2111
dwelling for at least ninety days but not more than one hundred	2112
eighty days immediately prior to the initiation of negotiations	2113
for the acquisition of such dwelling, the payment shall not exceed	2114
the payment the person would otherwise have received under section	2115
163.54 of the Revised Code had the person owned and occupied the	2116
displacement dwelling one hundred eighty days immediately prior to	2117
the initiation of the negotiations.	2118

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

The director also shall adopt policies delineating what 2130 constitutes administrative costs for purposes of division (F) of 2131 section 164.27 of the Revised Code. 2132

(B) The Ohio public works commission shall administer 2133 sections 164.20 to 164.27 of the Revised Code and shall exercise 2134 any authority and use any procedures granted or established under 2135 sections 164.02 and 164.05 of the Revised Code that are necessary 2136 for that purpose.

Sec. 164.261. All of the following apply to any repayment of	2138
a grant awarded under sections 164.20 to 164.27 of the Revised	2139
Code:	2140
(A) The Ohio public works commission shall deposit the grant	2141
repayment into the clean Ohio conservation fund created in section	2142
164.27 of the Revised Code.	2143
(B) The commission shall return the grant repayment to the	2144
natural resource assistance council that approved the grant	2145
application.	2146
(C) The grant repayment shall be used for the same purpose as	2147
the grant was originally approved for, as provided in section	2148
164.22 of the Revised Code.	2149
Sec. 175.04. (A) The governor shall appoint a chairperson	2150
from among the members. The agency members shall elect a member as	2151
vice-chairperson. The agency members may appoint other officers,	2152
who need not be members of the agency, as the agency deems	2153
necessary.	2154
(B) Six members of the agency constitute a quorum and the	2155
affirmative vote of six members is necessary for any action the	2156
agency takes. No vacancy in agency membership impairs the right of	2157
a quorum to exercise all of the agency's rights and perform all	2158
the agency's duties. Agency meetings may be held at any place	2159
within the state. Meetings shall comply with section 121.22 of the	2160
Revised Code.	2161
(C) The agency shall maintain accounting records in	2162
accordance with generally accepted accounting principals and other	2163
required accounting standards.	2164
(D) The agency shall develop policies and guidelines for the	2165
administration of its programs and annually shall conduct at least	2166
one public hearing to obtain input from any interested party	2167

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regarding the administration of its programs. The hearing shall be	2168
held at a time and place as the agency determines and when a	2169
quorum of the agency is present.	2170
(E) The agency shall appoint committees and subcommittees	2171
comprised of members of the agency to handle matters it deems	2172
appropriate.	2173
(1) The agency shall adopt an annual plan to address this	2174
state's housing needs. The agency shall appoint an annual plan	2175
committee to develop the plan and present it to the agency for	2176
consideration.	2177
(2) The annual plan committee shall select an advisory board	2178
from a list of interested individuals the executive director	2179
provides or on its own recommendation. The advisory board shall	2180
provide input on the plan at committee meetings prior to the	2181
annual public hearing. At the public hearing, the committee shall	2182
discuss advisory board comments. The advisory board may include,	2183
but is not limited to, persons who represent state agencies, local	2184
governments, public corporations, nonprofit organizations,	2185
community development corporations, housing advocacy organizations	2186
for low- and moderate-income persons, realtors, syndicators,	2187
investors, lending institutions as recommended by a statewide	2188
banking organization, and other entities participating in the	2189
agency's programs.	2190
Each agency program that allows for loans to be made to	2191
finance housing for owner occupancy that benefits other than low-	2192
and moderate-income households, or for loans to be made to	2193
individuals under bonds issued pursuant to division (B) of section	2194
175.08 of the Revised Code, shall be presented to the advisory	2195
board and included in the annual plan as approved by the agency	2196

(F) The agency shall prepare an annual financial report

before the program's implementation.

describing its activities during the reporting year and submit	2199
that report in accordance with division (H) of this section and to	2200
the governor, the speaker of the house of representatives, and the	2201
president of the senate within three months after the end of the	2202
reporting year. The report shall include the agency's audited	2203
financial statements, prepared in accordance with generally	2204
accepted accounting principles and appropriate accounting	2205
standards.	2206
(G) The agency shall prepare an annual report of its programs	2207
describing how the programs have met this state's housing needs.	2208
The agency shall submit the report <u>in accordance with division (H)</u>	2209
of this section and to the governor, the speaker of the house of	2210
representatives, and the president of the senate within three	2211
months after the end of the reporting year.	2212
(H)(1) The agency shall submit, within a time frame agreed to	2213
by the agency and the chairs, the annual financial report	2214
described in division (F) of this section and the annual report of	2215
programs described in division (G) of this section to the chairs	2216
of the committees dealing with housing issues in the house of	2217
representatives and the senate.	2218
(2) Within forty-five days of issuance of the annual	2219
financial report, the agency shall cause the agency's executive	2220
director to appear in person before the committees described in	2221
division (H)(1) of this section to testify in regard to the	2222
financial report and the report of programs. The testimony shall	2223
include each of the following:	2224
(a) An overview of the annual plan adopted pursuant to	2225
division (E)(1) of this section;	2226
(b) An evaluation of whether the objectives in the annual	2227
plan were met through a comparison of the annual plan with the	2228
annual financial report and report of programs;	2229

- (3) Establish an operating budget for the agency and 2251 administer funds appropriated for the agency's use; 2252
- (4) Notwithstanding any other provision of the Revised Code, 2253 hold all moneys, funds, properties, and assets the agency acquires 2254 or that are directly or indirectly within the agency's control, 2255 including proceeds from the sale of bonds, revenues, and 2256 otherwise, in trust for the purpose of exercising its powers and 2257 carrying out its duties pursuant to this chapter. Notwithstanding 2258 any other provision of the Revised Code other than section 175.051 2259

of the Revised Code, at no time shall the agency's moneys, funds,	2260
properties, or assets be considered public moneys, public funds,	2261
public properties, or public assets or subject to Chapters 131.	2262
and 135. of the Revised Code.	2263
(5) Maintain a principal office and other offices within the	2264
state.	2265
(B) The Ohio housing finance agency may do any of the	2266
following related to the agency's operation:	2267
(1) Except as otherwise provided in section 174.04 of the	2268
Revised Code, determine income limits for low- and moderate-income	2269
persons and establish periodic reviews of income limits. In	2270
determining income limits, the agency shall take into	2271
consideration the amount of income available for housing, family	2272
size, the cost and condition of available housing, ability to pay	2273
the amounts the private market charges for decent, safe, and	2274
sanitary housing without federal subsidy or state assistance, and	2275
the income eligibility standards of federal programs. Income	2276
limits may vary from area to area within the state.	2277
(2) Provide technical information, advice, and assistance	2278
related to obtaining federal and state aid to assist in the	2279
planning, construction, rehabilitation, refinancing, and operation	2280
of housing;	2281
(3) Provide information, assistance, or instruction	2282
concerning agency programs, eligibility requirements, application	2283
procedures, and other related matters;	2284
(4) Procure or require the procurement of insurance and pay	2285
the premium against loss in connection with the agency's	2286
operations, to include the repayment of a loan, in amounts and	2287
from insurers, including the federal government, as the agency	2288
determines;	2289

(5) Contract with, retain, or designate financial

consultants, accountants, and other consultants and independent	2291
contractors, other than attorneys, whom the agency determines are	2292
necessary or appropriate;	2293
(6) Charge, alter, and collect interest and other charges for	2294
program services including, but not limited to, the allocation of	2295
loan funds, the purchase of mortgage loans, and the provision of	2296
services that include processing, inspecting, and monitoring of	2297
housing units financed and the financial records for those units;	2298
(7) Conduct or authorize studies and analyses of housing	2299
needs and conditions to the extent that those activities are not	2300
carried out by other agencies in a manner that is satisfactory for	2301
the agency's needs;	2302
(8)(a) Acquire by gift, purchase, foreclosure, investment, or	2303
other means, and hold, assign, pledge, lease, transfer, or	2304
otherwise dispose of real and personal property or any interest in	2305
that property in the exercise of its powers and the performance of	2306
its duties;	2307
(b) Any instrument by which real property is acquired	2308
pursuant to this section shall identify the state agency that has	2309
the use and benefit of the real property as specified in section	2310
5301.012 of the Revised Code.	2311
(9)(a) Borrow money, receive gifts, grants, loans, or other	2312
assistance from any federal, state, local, or other government	2313
source, including the housing development fund and the housing	2314
trust fund, and enter into contracts in connection with those	2315
sources of assistance;	2316
(b) Receive assistance or contributions from any	2317
nongovernment source to include money, property, labor, or things	2318
of value, to be held, used, and applied only for the purposes for	2319
which the grants and contributions are made and within the	2320
purposes of this chapter.	2321

(10) Sue and be sued in its own name with respect to its	2322
contracts, obligations, and covenants, or the enforcement of this	2323
chapter. Any actions against the agency shall be brought in a	2324
court of competent jurisdiction located in Franklin county, Ohio.	2325
(11) Enter into any contract, commitment, or agreement and	2326
execute any instrument necessary or incidental to the performance	2327
of duties and the execution of powers;	2328
(12) Adopt an official seal;	2329
(13)(a) Contract with any private or government entity to	2330
administer programs for which the agency receives sufficient	2331
revenues for its services or the agency supports with uncommitted	2332
agency resources that pay the agency's operating costs;	2333
(b) Administer state and federal programs for which the	2334
governor designates the agency to act as administrator. The agency	2335
may charge administrative fees to the state, the federal	2336
government, or a program recipient.	2337
(14) Notwithstanding any other provision of the Revised Code,	2338
establish, maintain, administer, and close funds and accounts as	2339
convenient or appropriate to the agency's operations;	2340
(15) Establish a policy to permit the investment of agency	2341
funds in securities and obligations;	2342
(16) Establish rules and procedures that the agency	2343
determines are appropriate to appeal the agency's actions and	2344
decisions;	2345
(17) Serve housing needs in instances that the agency	2346
determines necessary as a public purpose;	2347
(18) Provide coverage for its employees under Chapters 145.,	2348
4123., and 4141. of the Revised Code;	2349
(19) Adopt rules pursuant to Chapter 119. of the Revised	2350
Code;	2351

(2) Review the documentation supporting the personnel salary

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(3) Develop and implement policies and procedures to ensure

Sec. 175.06. (A) The Ohio housing finance agency shall do all

(1) Upon the governor's designation, serve as the housing

credit agency for the state and perform all responsibilities of a

housing credit agency pursuant to Section 42 of the Internal

that program managers have access to the budget and expense

decisions concerning their individual programs.

of the following related to carrying out its programs:

information by program during the year that the managers make

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(4) Make financial assistance available;	2441
(5) Guarantee and commit to guarantee the repayment of	2442
financing that a lending institution extends for housing,	2443
guaranteeing that debt with any of the agency's reserve funds not	2444
raised by taxation and not otherwise obligated for debt service,	2445
including the housing development fund established pursuant to	2446
section 175.11 of the Revised Code and any fund created under	2447
division (B)(14) of section 175.05 of the Revised Code;	2448
(6) Make, commit to make, and participate in making financial	2449
assistance, including federally insured mortgage loans, available	2450
to finance the construction and rehabilitation of housing or to	2451
refinance existing housing;	2452
(7) Invest in, purchase, and take from lenders the assignment	2453
of notes or other evidence of debt including federally insured	2454
mortgage loans, or participate with lenders in notes and loans for	2455
homeownership, development, or refinancing of housing;	2456
(8) Sell at public or private sale any mortgage or mortgage	2457
backed securities the agency holds;	2458
(9) Issue bonds to carry out the agency's purposes as set	2459
forth in this chapter;	2460
(10) Extend or otherwise make available housing assistance on	2461
terms the agency determines.	2462
(C) The Ohio housing finance agency may issue bonds and	2463
extend financial assistance from any fund the agency administers	2464
for the prompt replacement, repair, or refinancing of damaged	2465
housing if both of the following apply:	2466
(1) The governor declares that a state of emergency exists	2467
with respect to a county, region, or political subdivision of this	2468
state, or declares that a county, region, or political subdivision	2469
has experienced a disaster as defined in section 5502.21 of the	2470

executive director of the office of health transformation or the	2501
executive director's designee under division (D) of section 191.06	2502
of the Revised Code.	2503
(G) "Participating agency" means a state agency that	2504
participates in a health transformation initiative as specified in	2505
the one or more operating protocols adopted for the initiative	2506
under division (D) of section 191.06 of the Revised Code.	2507
(H) "Personally identifiable information" means information	2508
that meets both of the following criteria:	2509
(1) It identifies an individual or there is a reasonable	2510
basis to believe that it may be used to identify an individual;	2511
(2) It relates to an individual's eligibility for,	2512
application for, or receipt of public benefits from a government	2513
program providing public benefits.	2514
(I) "State agency" means each of the following:	2515
(1) The department of administrative services;	2516
(2) The department of aging;	2517
(3) The development services agency;	2518
(4) The department of developmental disabilities;	2519
(5) The department of education;	2520
(6) The department of health;	2521
(7) The department of insurance;	2522
(8) The department of job and family services;	2523
(9) The department of medicaid;	2524
(10) The department of mental health and addiction services;	2525
(11) The department of rehabilitation and correction;	2526
(12) The department of taxation;	2527

(13) The department of veterans services;	2528
(14) The department of youth services:	2529
(15) The opportunities for Ohioans with disabilities agency.	2530
(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2.	2531
Sec. 306.04. (A) Except as otherwise provided in division (B)	2532
of this section, employees of a county transit board or a board of	2533
county commissioners operating a transit system are employees of	2534
the county. If the system is operated by the board of county	2535
commissioners, the board shall appoint an executive director, who	2536
shall be in the unclassified service.	2537
(B) Any county transit board that established its own civil	2538
service organization and procedure prior to October 25, 1995,	2539
shall continue to operate under that organization. Appointments	2540
and promotions in that system shall be made, as far as	2541
practicable, by competitive examination.	2542
A board that established its own civil service organization	2543
prior to October 25, 1995, shall establish by rule the seniority	2544
provisions relating to street railway and motor bus employees in	2545
effect at the time of the acquisition of the transit system by the	2546
county. The vacation, holiday, and sick leave privileges shall not	2547
be regulated by other provisions of law relating to public	2548
employees of the state or county, except that the transit board,	2549
its officers and employees, shall be subject to the public	2550
employees retirement system of the state and the transit board	2551
shall assume any pension obligations which have been assumed by	2552
any publicly owned transit system which the county may acquire.	2553
(C) A county transit board or board of county commissioners	2554
operating a transit system may:	2555
(1) Acquire in its name by gift, grant, purchase, or	2556

condemnation and hold and operate real estate and interests

therein and personal property suitable for its purposes;	2558
(2) In its name purchase, acquire, construct, enlarge,	2559
improve, equip, repair, maintain, sell, exchange, lease as lessee	2560
or lessor, receive a right of use of, and manage, control, and	2561
operate, in or out of the county, a county transit system	2562
consisting of all real estate and interests therein, personal	2563
property, and a combination thereof, for or related to the	2564
movement of persons including but not limited to street railway,	2565
tramline, subways, rapid transits, monorails, and passenger bus	2566
systems but excluding therefrom trucks, the movement of property	2567
by truck, and facilities designed for use in the movement of	2568
property by truck for hire;	2569
(3) Issue, with the approval of the county commissioners when	2570
the issuance is made by the transit board, revenue bonds of the	2571
county as provided in division (B) of section 306.09 of the	2572
Revised Code, to secure funds to accomplish its purposes. The	2573
principal of and interest on such bonds, together with all other	2574
payments required to be made by the trust agreement or indenture	2575
securing such bonds, shall be paid solely from revenues or other	2576
income accruing to the board from facilities of the county transit	2577
system designated in said agreement or indenture.	2578
(4) Enter into contracts in the exercise of the rights,	2579
powers, and duties conferred upon it, and execute all instruments	2580
necessary in the conduct of its business;	2581
(5) Fix, alter, and charge rates and other charges for the	2582
use of its real estate and interests therein, personal property,	2583
and combinations thereof;	2584
(6) Employ such financial consultants, accountants,	2585
appraisers, consulting engineers, architects, construction	2586
experts, attorneys-at-law, managers and other supervisory	2587
roughers and other officers and courts as it	2500

personnel, and other officers, employees, and agents as it

determines necessary to conduct its business, and fix their	2589
compensation and duties;	2590
(7) Pledge, hypothecate, or otherwise encumber its revenues	2591
and other income as security for its obligations and enter into	2592
trust agreements or indentures for the benefit of revenue	2593
bondholders;	2594
(8) Borrow money or accept or contract to accept advances,	2595
loans, gifts, grants, devises, or bequests from and enter into	2596
contracts or agreements with any federal, state, or other	2597
governmental or private source and hold and apply advances, loans,	2598
gifts, grants, devises, or bequests according to the terms thereof	2599
including provisions which are required by such federal, state, or	2600
other governmental or private source to protect the interest of	2601
employees affected by such advances, loans, gifts, grants,	2602
devises, or bequests. Such advances, loans, gifts, grants, or	2603
devises may be subject to any reasonable reservation and any gift,	2604
grant, or devise or real estate may be in fee simple or any lesser	2605
estate. Any advances or loans received from any federal, state, or	2606
other governmental or private source may be repaid in accordance	2607
with the terms of such advance or loan. A loan accepted by a	2608
county transit board shall not, in any way, obligate the general	2609
fund of a county or a board of county commissioners.	2610
(9) Conduct investigations and surveys into the needs of the	2611
public within or without the county for transportation services to	2612
provide for the movement of persons within, into, or from the area	2613
serviced or to be serviced by the county transit system;	2614
(10) Enter into lawful arrangements with the appropriate	2615
federal or state department or agency, county, township, municipal	2616
corporation, or other political subdivision or public agency for	2617
the planning and installation of any public facilities which are	2618

determined necessary in the conduct of its business;

(11) Purchase fire, extended coverage, and liability 2620 insurance for the real estate and interests therein, personal 2621 property and any combination thereof, used by or in connection 2622 with the county transit system and insurance covering the board 2623 and the county transit system and its officers and employees for 2624 liability for damage or injury to persons or property; 2625 (12) Procure and pay all or any part of the cost of group 2626 hospitalization, surgical, major medical, or sickness and accident 2627 insurance, or a combination thereof, for the officers and 2628 employees of the county transit system and their immediate 2629 dependents, issued by an insurance company, duly authorized to do 2630 business in this state; 2631 (13) Sell, lease, release, or otherwise dispose of real 2632 estate or interests therein or personal property owned by it and 2633 grant such easements across its real estate and interests therein 2634 as will not interfere with its use by the county transit system; 2635 (14) Establish rules for the use and operation of the county 2636 transit system including the real estate or interests therein, 2637 personal property or a combination of the foregoing used by or in 2638 connection with such system; 2639 (15) Exercise the power of eminent domain to appropriate any 2640 real estate or interests therein, personal property, franchises, 2641 or any combination thereof, within or without the county, 2642 necessary or proper in the exercise of its powers provided in 2643 sections 306.01 to 306.13 of the Revised Code, as provided in 2644 sections 163.01 to 163.22 of the Revised Code, and subject to 2645 divisions (15)(a), (b), and (c) of this section, provided that a 2646 county transit board or a board of county commissioners operating 2647 a transit system shall not proceed to so appropriate real property 2648 outside its territorial boundaries, until it has served at the 2649 office of the county commissioners of the county in which it is 2650

proposed to appropriate real property, a notice describing the

real property to be taken and the purpose for which it is proposed

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to be taken, and such county commissioners have entered on their

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journal within thirty days after such service a resolution

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approving such appropriation÷.

- (a) Nothing contained in this division authorizes a county 2656 transit board or a board of county commissioners to appropriate 2657 any land, rights, rights-of-way, franchises, or easements 2658 belonging to the state or to a municipal corporation without the 2659 consent of the state or of the municipal corporation, and no 2660 county transit board or board of county commissioners shall 2661 exercise the right of eminent domain to acquire any certificate of 2662 public convenience and necessity, or any part thereof, issued to a 2663 for-hire motor carrier by the public utilities commission of Ohio 2664 or by the federal motor carrier safety administration of the 2665 United States, or to take or disturb other real estate or 2666 interests therein, personal property, or any combination thereof 2667 belonging to any municipal corporation without the consent of the 2668 legislative authority of such municipal corporation, or take or 2669 disturb real estate or interests therein, personal property, or 2670 any combination thereof belonging to any other political 2671 subdivision, public corporation, public utility, or common 2672 carrier, which is necessary and convenient in the operation of 2673 such political subdivision, public corporation, public utility, or 2674 common carrier unless provision is made for the restoration, 2675 relocation, or duplication of that taken or upon the election of 2676 such political subdivision, public corporation, public utility, or 2677 common carrier for the payment of compensation, if any, at the 2678 sole cost of the county transit system. 2679
- (b) If any restoration or duplication proposed to be made 2680 under this division involves a relocation, the new location shall 2681 have at least comparable utilitarian value and effectiveness, and 2682 such relocation shall not impair the ability of the public utility 2683

or common carrier to compete in its original area of operation.	2684
(c) If such restoration or duplication proposed to be made	2685
under this division involves a relocation, the county transit	2686
board or board of county commissioners shall acquire no interest	2687
or right in or to the appropriated property or facility until the	2688
relocated property or facility is available for use and until	2689
marketable title thereto has been transferred to the political	2690
subdivision, public corporation, public utility, or common	2691
carrier. Nothing in this division shall require any board of	2692
county commissioners or county transit board operating a county	2693
transit system to so restore, relocate, or duplicate, if all of	2694
the real estate and interests therein, personal property, and any	2695
combination of the foregoing which is owned by a public utility or	2696
common carrier and used by it or in connection with the movement	2697
of persons, is acquired by exercise of the power of eminent	2698
domain.	2699
(16) When real property is acquired that is located outside	2700
the county and is removed from the tax duplicate, the county	2701
transit board or board of county commissioners operating a transit	2702
system shall pay annually to the county treasurer of the county in	2703
which that property is located, commencing with the first tax year	2704
in which that property is removed from the tax duplicate, an	2705
amount of money in lieu of taxes equal to the smaller of the	2706
following:	2707
(a) The last annual installment of taxes due from the	2708
acquired property before removal from the tax duplicate;	2709
(b) An amount equal to the difference between the combined	2710
revenue from real estate taxes of all the taxing districts in	2711
which the property is located in the tax year immediately prior to	2712
the removal of the acquired property from the tax duplicate, and	2713
either:	2714

(i) The total revenue which would be produced by the tax rate	2715
of each such taxing district in the tax year immediately prior to	2716
the removal of the acquired property from the tax duplicate,	2717
applied to the real estate tax duplicate of each of such taxing	2718
districts in each tax year subsequent to the year of removal; or	2719
(ii) The combined revenue from real estate taxes of all such	2720
taxing districts in each tax year subsequent to the year of	2721
removal, whichever is the greater.	2722
The county transit board or board of county commissioners may	2723
be exempted from such payment by agreement of the affected taxing	2724
district or districts in the county in which the property is	2725
located.	2726
The county auditor of the county in which that property is	2727
located shall apportion each such annual payment to each taxing	2728
district as if the annual payment had been levied and collected as	2729
a tax.	2730
Those annual payments shall never again be made after they	2731
have ceased.	2732
(17) Sue or be sued, plead or be impleaded, and be held	2733
liable in any court of proper jurisdiction for damages received by	2734
reason of negligence, in the same manner and to the same extent as	2735
if the county transit system were privately operated, provided,	2736
that no funds of a county other than those of the county transit	2737
board or, if the transit system is operated by the board of county	2738
commissioners, other than those in the account for the county	2739
transit system created under division (C) of section 306.01 of the	2740
Revised Code, shall be available for the satisfaction of judgments	2741
rendered against that system;	2742
(18) Annually prepare and make available for public	2743
inspection a report in condensed form showing the financial	2744

results of the operation of the county transit system. For systems

operated by a county transit board, copies of this report shall be	2746
furnished to the county commissioners as well as a monthly summary	2747
statement of revenues and expenses for the preceding month	2748
sufficient to show the exact financial condition of the county	2749
transit system as of the last day of the preceding month.	2750
(19) With the approval of the county commissioners when the	2751
action is taken by the transit board, and without competitive	2752
bidding, sell, lease, or grant the right of use of all or a	2753
portion of the county transit system to any other political	2754
subdivision, taxing district, or other public body or agency	2755
having the power to operate a transit system÷	2756
(20) Enter into and supervise franchise agreements for the	2757
operation of a county transit system;	2758
(21) Accept the assignment of and then supervise an existing	2759
franchise agreement for the operation of a county transit system.	2760
(D)(1) As used in this division:	2761
(a) "Applicant" means any person who responds to a request	2762
for proposals and submits an application for a franchise to	2763
operate a public transit system or portion of a public transit	2764
system;	2765
(b) "Application for certification" means the documents that	2766
are required to be filed by a franchisee to initiate the	2767
proceedings required for certification;	2768
(c) "Application for a franchise" means the documents that	2769
are required to be filed in response to a request for proposals	2770
and that initiate the proceedings required for the award of a	2771
<u>franchise;</u>	2772
(d) "Certification" means the order issued by a board of	2773
county commissioners, after submission of an application for	2774
certification, that approves the operation of a public transit	2775

system, or a portion of a public transit system, by a franchisee,	2776
subject to terms and conditions imposed by the board.	2777
(e) "Franchise" means the document and all accompanying	2778
rights approved by the board of county commissioners that provides	2779
the franchisee with the exclusive right to establish a public	2780
transit system and, subject to certification, the right to operate	2781
a public transit system. A franchise may include the right of a	2782
franchisee to provide transportation services for a county	2783
department of job and family services.	2784
(f) "Franchisee" means the individual, corporation, or other	2785
entity awarded a franchise.	2786
(2) A board of county commissioners, on behalf of a county	2787
transit board, may award a franchise to an applicant subject to	2788
such terms and conditions as the board of county commissioners	2789
considers appropriate and consistent with applicable laws.	2790
Subsequent to awarding the franchise, the board of county	2791
commissioners may issue a certification and, until such issuance,	2792
the franchisee has no right to operate a public transit system or	2793
part of such a system. The board of county commissioners shall not	2794
delete, alter, or amend the terms and conditions of the	2795
certification after its issuance. The board shall include in the	2796
certification performance targets related to the operation of a	2797
public transit system by the franchisee, including cost savings to	2798
the county, gains in efficiency, the safety and security of the	2799
traveling public and franchise employees, service to the traveling	2800
public, return on any investments made by the county, and any	2801
other performance targets as determined by the board. All terms	2802
and conditions of the order of certification are terms and	2803
conditions of the franchise. Unless expressly exempted or granted	2804
a waiver in the certification, the franchisee shall comply with	2805
all applicable rules, regulations, orders, and ordinances.	2806

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

board of county commissioners not later than a date designated by

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the board of county commissioners and in a form prescribed by that	2839
board. The board of county commissioners shall make the report	2840
available on the general web site of the county. The county	2841
transit board shall include in the report a description in detail	2842
of the effects the franchise agreement had during the prior year	2843
on all of the following as they relate to the operation of a	2844
public transit system by the franchisee in that county:	2845
(1) Cost savings to the county;	2846
(2) Efficiency;	2847
(3) Safety and security of the traveling public and franchise	2848
<pre>employees;</pre>	2849
(4) Service to the traveling public;	2850
(5) Return on investment by the county;	2851
(6) Any other aspects the board of county commissioners	2852
determines should be included in the report.	2853
(B) A franchisee that is awarded a franchise by a board of	2854
county commissioners on behalf of a county transit board shall	2855
submit an annual written report to the board of county	2856
commissioners or county transit board not later than a date	2857
designated by the board of county commissioners and in a form	2858
prescribed by that board. The board of county commissioners also	2859
shall direct the franchisee to submit the report to the board of	2860
county commissioners, the county transit board, or both. The board	2861
of county commissioners shall establish the issues to be addressed	2862
in the report with respect to the public transit system that the	2863
franchisee operated during the prior year. The board of county	2864
commissioners shall make the report available on the general web	2865
site of the county.	2866
(C) A board of county commissioners that awards a franchise	2867
to a franchisee on behalf of a county transit board shall conduct	2868

an annual review of the performance of the franchisee. The board	2869
of county commissioners shall include in the review a	2870
determination of the number of performance targets the franchisee	2871
met during the prior year and an evaluation of the franchisee's	2872
compliance with the other terms and conditions of the franchise,	2873
including any breaches of the franchise by the franchisee. The	2874
board shall issue a written report, and shall make the report	2875
available on the general web site of the county.	2876
Sec. 307.678. (A) As used in this section:	2877
(1) "Stadium" means an open-air structure designed and	2878
developed to provide a venue for public entertainment, cultural	2879
activities and recreation, or any combination thereof, including	2880
concerts, athletic and sporting events, and other events and	2881
exhibitions, together with concession, locker room, parking,	2882
restroom, and storage facilities, walkways, and other auxiliary	2883
facilities, whether included within or separate from the	2884
structure, and all real and personal property and interests	2885
therein related to the use of the structure for those purposes.	2886
(2) "Bureau" means a nonprofit corporation that is organized	2887
under the laws of this state that is, or has among its functions	2888
acting as, a convention and visitors' bureau, and that currently	2889
receives revenue from existing lodging taxes.	2890
(3) "Cooperating parties" means the parties to a cooperative	2891
agreement.	2892
(4) "Cooperative agreement" means an agreement entered into	2893
pursuant to division (B) of this section.	2894
(5) "Corporation" means a nonprofit corporation that is	2895
organized under the laws of this state and has corporate authority	2896
under its organizational instruments to acquire, construct,	2897
reconstruct, equip, finance, furnish, otherwise improve, own,	2898

lease, or operate a stadium.	2899
(6) "Debt charges" has the same meaning as in section 133.01	2900
of the Revised Code, except that "obligations" shall be	2901
substituted for "securities" wherever "securities" appears in that	2902
section.	2903
(7) "Eligible county" means a county having a population of	2904
at least three hundred seventy-five thousand, but not more than	2905
four hundred thousand, according to the most recent federal	2906
decennial census.	2907
(8) "Existing lodging taxes" means taxes levied by a board of	2908
county commissioners of an eligible county under division (A) of	2909
section 5739.09 of the Revised Code.	2910
(9) "Financing costs" means all costs and expenses relating	2911
to the authorization, including any required election, issuance,	2912
sale, delivery, authentication, deposit, custody, clearing,	2913
registration, transfer, exchange, fractionalization, replacement,	2914
payment, and servicing, of obligations, including, without	2915
limitation, costs and expenses for or relating to publication and	2916
printing, postage, delivery, preliminary and final official	2917
statements, offering circulars, and informational statements,	2918
travel and transportation, underwriters, placement agents,	2919
investment bankers, paying agents, registrars, authenticating	2920
agents, remarketing agents, custodians, clearing agencies or	2921
corporations, securities depositories, financial advisory	2922
services, certifications, audits, federal or state regulatory	2923
agencies, accounting and computation services, legal services and	2924
obtaining approving legal opinions and other legal opinions,	2925
credit ratings, redemption premiums, and credit enhancement	2926
facilities. Financing costs may be paid from any money available	2927
for the purpose, including, unless otherwise provided in the	2928
proceedings, from the proceeds of the obligations to which they	2929
relate and, as to future financing costs, from the same sources	2930

constructing, reconstructing, rehabilitating, remodeling,

renovating, enlarging, equipping, financing, refinancing,

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furnishing, or otherwise improving a project, including, without	2962
limitation, financing costs; the cost of architectural,	2963
engineering, and other professional services, designs, plans,	2964
specifications, surveys, and estimates of costs; financing or	2965
refinancing obligations issued by, or reimbursing money advanced	2966
by, any cooperating party or any other person, where the proceeds	2967
of the obligations or money advanced was used to pay any other	2968
cost described in this division; inspections and testing; any	2969
indemnity or surety bond or premium related to insurance	2970
pertaining to development of the project; all related direct and	2971
indirect administrative costs; fees and expenses of trustees,	2972
escrow agents, depositories, and paying agents for any	2973
obligations; interest on obligations during the planning, design,	2974
and development of a project and for up to eighteen months	2975
thereafter; funding of reserves for the payment of debt charges on	2976
any obligations; and all other expenses necessary or incident to	2977
planning, or determining the feasibility or practicability of, a	2978
project, including, without limitation, advocating the enactment	2979
of legislation to facilitate the development and financing of a	2980
project.	2981
(B) On or before December 31, 2015, the board of county	2982
commissioners of an eligible county, a host municipal corporation,	2983
the board of education of a host school district, a port	2984
authority, a bureau, and a corporation, or any combination	2985
thereof, may enter into a cooperative agreement under which:	2986
(1) The board of county commissioners and the bureau agree to	2987
make available to a cooperating party or any other person all or a	2988
portion of the proceeds of an existing lodging tax to pay project	2989
costs or debt charges on obligations issued by a cooperating party	2990
to fund, finance, or refinance the payment of project costs;	2991
(2) The cooperating parties agree, subject to any conditions	2992
or limitations provided in the cooperative agreement, to each of	2993

the following:	2994
(a) The conveyance, grant, or transfer to a cooperating party	2995
or any other person of ownership of, property interests in, and	2996
rights to use a stadium, either as the stadium exists at the time	2997
of the agreement or as it may be improved by a project;	2998
(b) The respective responsibilities of each cooperating party	2999
for the management, operation, maintenance, repair, and	3000
replacement of a stadium, including any project undertaken with	3001
respect to the stadium, which may include authorization for a	3002
cooperating party to contract with any other person for any such	3003
purpose;	3004
(c) The respective responsibilities of each cooperating party	3005
for the development and financing of a project, including, without	3006
limitation, the cooperating party or parties that shall be	3007
responsible for contracting for the development of a project and	3008
administering contracts into which the party or parties enter into	3009
for that purpose;	3010
(d) The respective responsibilities of each cooperating party	3011
to provide money, whether by issuing obligations or otherwise, for	3012
the funding, payment, financing, or refinancing, or reimbursement	3013
to a cooperating party or other person for the funding, payment,	3014
financing, or refinancing, of project costs;	3015
(e) The respective responsibilities of each cooperating	3016
party, or any other person, to provide money or other security for	3017
the payment of debt charges on obligations.	3018
(C) Any conveyance, grant, or transfer of ownership of,	3019
property interests in, or rights to use a stadium, and any	3020
contract for the development, management, operation, maintenance,	3021
repair, or replacement of a stadium, including any project	3022
undertaken with respect to an existing stadium, that is	3023
contemplated by a cooperative agreement may be made or entered	3024

into by a cooperating party, in such manner and upon such terms as	3025
the cooperating parties may agree, without any requirement of	3026
bidding and without regard to ownership of the stadium,	3027
notwithstanding any other provision of law that may otherwise	3028
apply. A project constitutes a "port authority facility" within	3029
the meaning of division (D) of section 4582.01 and division (E) of	3030
section 4582.21 of the Revised Code and shall be considered a	3031
permanent improvement for one purpose under Chapter 133. of the	3032
Revised Code.	3033
(D) Notwithstanding any other provision of law, and after	3034
deducting the real and actual costs of administering an existing	3035
lodging tax and any portion of such tax required to be returned to	3036
any municipal corporation or township as provided in division	3037
(A)(1) of section 5739.09 of the Revised Code, the board of county	3038
commissioners of an eligible county and a bureau may agree to make	3039
available, and a cooperating party or other person may use, all or	3040
a portion of the proceeds of an existing lodging tax for the	3041
funding or payment of project costs, including, without	3042
limitation, the payment of debt charges on obligations. Either the	3043
board or the bureau, or both, may pledge all or a portion of the	3044
proceeds of an existing lodging tax to the payment of debt charges	3045
on obligations. The lien of any such pledge shall be effective	3046
against all persons when it is made, without the requirement for	3047
the filing of any notice, and any proceeds of an existing lodging	3048
tax so pledged and required to be used to pay debt charges on	3049
obligations shall be paid by the county or bureau at the times, in	3050
the amounts, and to such payee, including, without limitation, a	3051
corporate trustee or paying agent, required for such obligations.	3052
The board of county commissioners may amend any previously adopted	3053
resolution providing for the levy of an existing lodging tax to	3054
permit the use of the proceeds of the existing lodging tax as	3055
provided in this division.	3056

(E) A board of county commissioners shall not repeal,	3057
rescind, or reduce the levy of an existing lodging tax to the	3058
extent its proceeds are pledged to the payment of debt charges on	3059
obligations, and any such lodging tax shall not be subject to	3060
repeal, rescission, or reduction by initiative, referendum, or	3061
subsequent enactment of legislation by the general assembly, so	3062
long as there remain outstanding any obligations as to which the	3063
payment of debt charges is secured by a pledge of the existing	3064
lodging tax.	3065
(F) A pledge of the proceeds of an existing lodging tax under	3066
division (D) of this section shall not constitute indebtedness of	3067
the eligible county for the purposes of Chapter 133. of the	3068
Revised Code.	3069
(G) The authority provided by this section is supplemental	3070
to, and is not intended to limit in any way, any legal authority	3071
that a cooperating party may have under any other provision of	3072
law.	3073
Sec. 307.6910. (A) A new nonprofit corporation shall be	3074
organized under the laws of this state for the purpose of	3075
operating a veterans memorial and museum to be located within the	3076
city of Columbus at the site described in division (B) of this	3077
section. The veterans memorial and museum shall be designated in	3078
the articles of incorporation and state law as the "Ohio Veterans	3079
Memorial and Museum."	3080
(B) The site of the Ohio Veterans Memorial and Museum, shall	3081
be constructed on the following parcel of real property owned in	3082
fee simple by the board of county commissioners of Franklin	3083
county:	3084
That property located at 300 West Broad Street, Columbus,	3085
Ohio, generally lying north of Broad Street, south of the	3086
right-of-way line of Norfolk and Southern Railway, west of the	3087

<u>Scioto River and its floodwall, and east of the east line of Belle</u>	3088
Street if the same extended north of Broad Street to the railroad	3089
right-of-way.	3090
(C) The bylaws of the new nonprofit corporation shall provide	3091
for the board of directors to consist of fifteen members. The	3092
appointments to the board of directors shall be made in accordance	3093
with the articles of incorporation and bylaws of the nonprofit	3094
corporation. All appointments to the board of directors shall	3095
satisfy any qualifications set forth in the nonprofit	3096
corporation's bylaws. A majority of the members of the board of	3097
directors appointed by each appointing entity shall be veterans of	3098
the armed forces of the United States. The appointments shall be	3099
made as follows:	3100
(1) The board of county commissioners of Franklin county	3101
shall appoint five members.	3102
(2) The governor shall appoint three members.	3103
(3) The speaker of the house of representatives and the	3104
president of the senate each shall appoint one member.	3105
(4) The articles of incorporation shall provide for the	3106
remaining appointments, not to exceed five, the majority of whom	3107
shall be veterans of the armed forces of the United States.	3108
(D) All meetings and records of the new nonprofit corporation	3109
shall be conducted and maintained in accordance with the sunshine	3110
laws of this state, including, but not limited to, sections 121.22	3111
and 149.43 of the Revised Code.	3112
(E) The board of county commissioners of Franklin county may	3113
lease the site described in division (B) of this section together	3114
with any adjacent property, without engaging in competitive	3115
bidding, to an Ohio nonprofit corporation for the construction,	3116
development, and operation of the Ohio Veterans Memorial and	3117
Museum A hoard of county commissioners may appropriate funds to	3118

either the nonprofit corporation established as provided in this	3119
section or the nonprofit corporation with which the county has	3120
leased the property for permanent improvements and operating	3121
expenses of the Ohio Veterans Memorial and Museum.	3122
Sec. 307.863. (A) Notwithstanding section 307.86 of the	3123
Revised Code, a board of county commissioners that awards a	3124
franchise to a franchisee on behalf of a county transit board	3125
pursuant to section 306.04 of the Revised Code to operate a public	3126
transit system shall award the franchise through competitive	3127
bidding as prescribed in this section. The board shall solicit	3128
bids that are not sealed, and shall ensure that all bids the board	3129
receives are open for public inspection. The board shall consider	3130
all bids that are timely received.	3131
(B) The fact that a bid proposes to be the most beneficial to	3132
the county monetarily in and of itself does not confer best bid	3133
status on that bid.	3134
(C) In awarding a franchise to a bidder to operate a public	3135
transit system, the board may consider all of the following:	3136
(1) The proposed monetary benefit to the county;	3137
(2) The bidder's ownership of, or access to, transportation	3138
facilities or transportation equipment such as vehicles, automated	3139
transit systems, or any other applicable equipment;	3140
(3) The bidder's experience in operating public transit	3141
systems;	3142
(4) If the bidder has experience in operating public transit	3143
systems, the record of the bidder in relation to all aspects of	3144
operating a public transit system, including cost savings to a	3145
political subdivision, gains in efficiency, the safety and	3146
security of the traveling public and employees, service to the	3147
traveling public, return on any investments made by a political	3148

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"gambling addiction services," "mental health services," and	3179
"mental illness" have the same meanings as in section 5119.01 of	3180
the Revised Code.	3181
(2) "Medication-assisted treatment" means alcohol and drug	3182
addiction services that are accompanied by medication approved by	3183
the United States food and drug administration for the treatment	3184
of drug addiction, prevention of relapse of drug addiction, or	3185
both.	3186
(3) "Recovery housing" means housing for individuals	3187
recovering from drug addiction that provides an alcohol and	3188
drug-free living environment, peer support, assistance with	3189
obtaining drug addiction services, and other drug addiction	3190
recovery assistance.	3191
(B) An alcohol, drug addiction, and mental health service	3192
district shall be established in any county or combination of	3193
counties having a population of at least fifty thousand to provide	3194
addiction services and mental health services. With the approval	3195
of the director of mental health and addiction services, any	3196
county or combination of counties having a population of less than	3197
fifty thousand may establish such a district. Districts comprising	3198
more than one county shall be known as joint-county districts.	3199
The board of county commissioners of any county participating	3200
in a joint-county district may submit a resolution requesting	3201
withdrawal from the district together with a comprehensive plan or	3202
plans that are in compliance with rules adopted by the director of	3203
mental health and addiction services under section 5119.22 of the	3204
Revised Code, and that provide for the equitable adjustment and	3205
division of all services, assets, property, debts, and	3206
obligations, if any, of the joint-county district to the board of	3207
alcohol, drug addiction, and mental health services, to the boards	3208
of county commissioners of each county in the district and to the	3209

directors director. No county participating in a joint-county

service district may withdraw from the district without the	3211
consent of the director of mental health and addiction services	3212
nor earlier than one year after the submission of such resolution	3213
unless all of the participating counties agree to an earlier	3214
withdrawal. Any county withdrawing from a joint-county district	3215
shall continue to have levied against its tax list and duplicate	3216
any tax levied by the district during the period in which the	3217
county was a member of the district until such time as the levy	3218
expires or is renewed or replaced.	3219

Sec. 340.02. (A) For each alcohol, drug addiction, and mental 3220 health service district, there shall be appointed a board of 3221 alcohol, drug addiction, and mental health services consisting of 3222 eighteen members or fourteen members. Should the board of alcohol, 3223 drug addiction, and mental health services elect to remain at 3224 eighteen members, as provided under section 340.02 of the Revised 3225 Code as it existed immediately prior to the date of this 3226 amendment, the board of alcohol, drug addiction, and mental health 3227 services and the board of county commissioners shall not be 3228 required to take any action. Should the board of alcohol, drug 3229 addiction, and mental health services elect a recommendation to 3230 become a fourteen-member board, that recommendation must be 3231 approved by the board of county commissioners of the county in 3232 which the alcohol, drug addiction, and mental health district is 3233 located in order for the transition to a fourteen-member board to 3234 occur. Not later than September 30, 2013, each board of alcohol, 3235 drug addiction, and mental health services wishing to become a 3236 fourteen-member board shall notify the board of county 3237 commissioners of that recommendation. Failure of the board of 3238 county commissioners to take action within thirty days after 3239 receipt of the recommendation shall be deemed agreement by the 3240 board of county commissioners to transition to a fourteen-member 3241 board of alcohol, drug addiction, and mental health services. 3242

## Am. Sub. H. B. No. 483 As Passed by the House

Should the board of county commissioners reject the	3243
recommendation, the board of county commissioners shall adopt a	3244
resolution stating that rejection within thirty days after receipt	3245
of the recommendation. Upon adoption of the resolution, the board	3246
of county commissioners shall meet with the board of alcohol, drug	3247
addiction, and mental health services to discuss the matter. After	3248
the meeting, the board of county commissioners shall notify the	3249
department of mental health and addiction services of its election	3250
not later than January 1, 2014. In a joint-county district, a	3251
majority of the boards of county commissioners must not reject the	3252
recommendation of a joint-county board to become a fourteen-member	3253
board in order for the transition to a fourteen-member board to	3254
occur. Should the joint-county district have an even number of	3255
counties, and the boards of county commissioners of these counties	3256
tie in terms of whether or not to accept the recommendation of the	3257
alcohol, drug addiction, and mental health services board, the	3258
recommendation of the alcohol, drug addiction, and mental health	3259
service board to become a fourteen-member board shall prevail. The	3260
election shall be final. Failure to provide notice of its election	3261
to the department on or before January 1, 2014, shall constitute	3262
an election to continue to operate as an eighteen-member board,	3263
which election shall also be final. If an existing board provides	3264
timely notice of its election to transition to operate as a	3265
fourteen-member board, the number of board members may decline	3266
from eighteen to fourteen by attrition as current members' terms	3267
expire. However, the composition of the board must reflect the	3268
requirements set forth in this section for fourteen-member boards.	3269
For all boards, half of the members shall be interested in mental	3270
health services and half of the members shall be interested in	3271
alcohol, drug, or gambling addiction services. All members shall	3272
be residents of the service district. The membership shall, as	3273
nearly as possible, reflect the composition of the population of	3274
the service district as to race and sex.	3275

- (B) For boards operating as eighteen-member boards, the 3276 director of mental health and addiction services shall appoint 3277 eight members of the board and the board of county commissioners 3278 shall appoint ten members. For boards operating as fourteen-member 3279 boards, the director of mental health and addiction services shall 3280 appoint six members of the board and the board of county 3281 commissioners shall appoint eight members. In a joint-county 3282 district, the county commissioners of each participating county 3283 shall appoint members in as nearly as possible the same proportion 3284 as that county's population bears to the total population of the 3285 district, except that at least one member shall be appointed from 3286 each participating county. 3287
- (C) The director of mental health and addiction services 3288 shall ensure that at least one member of the board is a clinician 3289 with experience in the delivery of mental health services, at 3290 least one member of the board is a person who has received or is 3291 receiving mental health services paid for by public funds, at 3292 least one member of the board is a parent or other relative of 3293 such a person, at least one member of the board is a clinician 3294 with experience in the delivery of addiction services, at least 3295 one member of the board is a person who has received or is 3296 receiving addiction services paid for by public funds, and at 3297 least one member of the board is a parent or other relative of 3298 such a person. A single member who meets both qualifications may 3299 fulfill the requirement for a clinician with experience in the 3300 delivery of mental health services and a clinician with experience 3301 in the delivery of addiction services. 3302
- (D) No member or employee of a board of alcohol, drug

  3303
  addiction, and mental health services shall serve as a member of
  the board of any provider with which the board of alcohol, drug
  3305
  addiction, and mental health services has entered into a contract
  3306
  for the provision of services or facilities. No member of a board
  3307

of alcohol, drug addiction, and mental health services shall be an	3308
employee of any provider with which the board has entered into a	3309
contract for the provision of services or facilities. No person	3310
shall be an employee of a board and such a provider unless the	3311
board and provider both agree in writing.	3312

- (E) No person shall serve as a member of the board of 3313 alcohol, drug addiction, and mental health services whose spouse, 3314 child, parent, brother, sister, grandchild, stepparent, stepchild, 3315 stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 3316 daughter-in-law, brother-in-law, or sister-in-law serves as a 3317 member of the board of any provider with which the board of 3318 alcohol, drug addiction, and mental health services has entered 3319 into a contract for the provision of services or facilities. No 3320 person shall serve as a member or employee of the board whose 3321 spouse, child, parent, brother, sister, stepparent, stepchild, 3322 stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 3323 daughter-in-law, brother-in-law, or sister-in-law serves as a 3324 county commissioner of a county or counties in the alcohol, drug 3325 addiction, and mental health service district. 3326
- (F) Each year each board member shall attend at least one3327inservice training session provided or approved by the departmentof mental health and addiction services.3329
- (G) For boards operating as eighteen-member boards, each 3330 member shall be appointed for a term of four years, commencing the 3331 first day of July, except that one-third of initial appointments 3332 to a newly established board, and to the extent possible to 3333 expanded boards, shall be for terms of two years, one-third of 3334 initial appointments shall be for terms of three years, and 3335 one-third of initial appointments shall be for terms of four 3336 years. For boards operating as fourteen-member boards, each member 3337 shall be appointed for a term of four years, commencing the first 3338 day of July, except that four of the initial appointments to a 3339

newly established board, and to the extent possible to expanded	3340
boards, shall be for terms of two years, five initial appointments	3341
shall be for terms of three years, and five initial appointments	3342
shall be for terms of four years. No member shall serve more than	3343
two consecutive four-year terms under the same appointing	3344
authority. A member may serve for three consecutive terms under	3345
the same appointing authority only if one of the terms is for less	3346
than two years. A member who has served two consecutive four-year	3347
terms or three consecutive terms totaling less than ten years is	3348
eligible for reappointment by the same appointing authority one	3349
year following the end of the second or third term, respectively.	3350

When a vacancy occurs, appointment for the expired or

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unexpired term shall be made in the same manner as an original
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appointment. The appointing authority shall be notified by
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certified mail of any vacancy and shall fill the vacancy within
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sixty days following that notice.
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Any member of the board may be removed from office by the 3356 appointing authority for neglect of duty, misconduct, or 3357 malfeasance in office, and shall be removed by the appointing 3358 authority if the member is barred by this section from serving as 3359 a board member. The member shall be informed in writing of the 3360 charges and afforded an opportunity for a hearing. Upon the 3361 absence of a member within one year from either four board 3362 meetings or from two board meetings without prior notice, the 3363 board shall notify the appointing authority, which may vacate the 3364 appointment and appoint another person to complete the member's 3365 term. 3366

Members of the board shall serve without compensation, but 3367 shall be reimbursed for actual and necessary expenses incurred in 3368 the performance of their official duties, as defined by rules of 3369 the department of mental health and addiction services. 3370

Sec. 340.021. (A) In an alcohol, drug addiction, and mental	3371
health service district where the board of county commissioners	3372
has established an alcohol and drug addiction services board, the	3373
community mental health board established under former section	3374
340.02 of the Revised Code shall serve as the entity responsible	3375
for providing mental health services in the county. A community	3376
mental health board has all the powers, duties, and obligations of	3377
a board of alcohol, drug addiction, and mental health services	3378
with regard to mental health services. An alcohol and drug	3379
addiction services board has all the powers, duties, and	3380
obligations of a board of alcohol, drug addiction, and mental	3381
health services with regard to addiction services. Any provision	3382
of the Revised Code that refers to a board of alcohol, drug	3383
addiction, and mental health services with regard to mental health	3384
services also refers to a community mental health board and any	3385
provision that refers to a board of alcohol, drug addiction, and	3386
mental health services with regard to alcohol and drug addiction	3387
services also refers to an alcohol and drug addiction services	3388
board.	3389

An alcohol and drug addiction services board shall consist of 3390 eighteen members or fourteen members, at the election of the 3391 board. Not later than January 1, 2014, each alcohol and drug 3392 addiction services board shall notify the department of mental 3393 health and addiction services of its election to operate as an 3394 eighteen-member board or to operate as a fourteen-member board. 3395 The election shall be final. Failure to provide notice of its 3396 election to the department on or before January 1, 2014, shall 3397 constitute an election to continue to operate as an 3398 eighteen-member board. If an existing board provides timely notice 3399 of its election to operate as a fourteen-member board, the number 3400 of board members may decline from eighteen to fourteen by 3401 3402 attrition as current members' terms expire. However, the

composition of the board must reflect the requirements set forth	3403
in this section and in applicable provisions of section 340.02 of	3404
the Revised Code for fourteen-member boards. For boards operating	3405
as eighteen-member boards, six members shall be appointed by the	3406
director of mental health and addiction services and twelve	3407
members shall be appointed by the board of county commissioners.	3408
The director of mental health and addiction services shall ensure	3409
that at least one member of the board is a person who has received	3410
or is receiving services for alcohol, drug, or gambling addiction	3411
<del>paid for with public funds</del> , at least one member is a parent or	3412
relative of such a person, and at least one member is a clinician	3413
with experience in the delivery of addiction services. The	3414
membership of the board shall, as nearly as possible, reflect the	3415
composition of the population of the service district as to race	3416
and sex. Members shall be residents of the service district and	3417
shall be interested in alcohol, drug, or gambling addiction	3418
services. Requirements for membership, including prohibitions	3419
against certain family and business relationships, and terms of	3420
office shall be the same as those for members of boards of	3421
alcohol, drug addiction, and mental health services.	3422

A community mental health board shall consist of eighteen 3423 members or fourteen members, at the election of the board. Not 3424 later than January 1, 2014, each community mental health board 3425 shall notify the department of mental health and addiction 3426 services of its election to operate as an eighteen-member board or 3427 to operate as a fourteen-member board. The election shall be 3428 final. Failure to provide notice of its election to the department 3429 on or before January 1, 2014, shall constitute an election to 3430 continue to operate as an eighteen-member board. If an existing 3431 board provides timely notice of its election to operate as a 3432 fourteen-member board, the number of board members may decline 3433 from eighteen to fourteen by attrition as current members' terms 3434 expire. However, the composition of the board must reflect the 3435

with the following exceptions:

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1	
provisions of section 340.02 of the Revised Code for	3437
fourteen-member boards. For boards operating as eighteen-member	3438
boards, six members shall be appointed by the director of mental	3439
health and addiction services and twelve members shall be	3440
appointed by the board of county commissioners. The director of	3441
mental health and addiction services shall ensure that at least	3442
one member of the board is a person who has received or is	3443
receiving mental health services <del>paid for with public funds</del> , at	3444
least one member is a parent or relative of such a person, and at	3445
least one member is a clinician with experience in the delivery of	3446
mental health services. The membership of the board as nearly as	3447
possible shall reflect the composition of the population of the	3448
service district as to race and sex. Members shall be residents of	3449
the service district and shall be interested in mental health	3450
services. Requirements for membership, including prohibitions	3451
against certain family and business relationships, and terms of	3452
office shall be the same as those for members of boards of	3453
alcohol, drug addiction, and mental health services.	3454
(B)(1) If a board of county commissioners subject to division	3455
(A) of this section did not adopt a final resolution providing for	3456
a board of alcohol, drug addiction, and mental health services on	3457
or before July 1, 2007, the board of county commissioners may	3458
establish a board of alcohol, drug addiction, and mental health	3459
services on or after the effective date of this amendment	3460
September 23, 2008. To establish the board, the board of county	3461
commissioners shall adopt a resolution providing for the board's	3462
establishment. The composition of the board, the procedures for	3463
appointing members, and all other matters related to the board and	3464
its members are subject to section 340.02 of the Revised Code,	3465

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

requirements set forth in this section and in applicable

community mental health board and alcohol and drug addiction	3468
services board shall jointly recommend members of those boards for	3469
reappointment and shall submit the recommendations to the board of	3470
county commissioners and the director of mental health and	3471
addiction services.	3472
(b) To the greatest extent possible, the appointing	3473
authorities shall appoint the initial members from among the	3474
members jointly recommended under division (B)(1)(a) of this	3475
section.	3476
(2) If a board of alcohol, drug addiction, and mental health	3477
services is established pursuant to division (B)(1) of this	3478
section, the board has the same rights, privileges, immunities,	3479
powers, and duties that were possessed by the county's community	3480
mental health board and alcohol and drug addiction services board.	3481
When the board is established, all property and obligations of the	3482
community mental health board and alcohol and drug addiction	3483
services board shall be transferred to the board of alcohol, drug	3484
addiction, and mental health services.	3485
Sec. 340.03. (A) Subject to rules issued by the director of	3486
mental health and addiction services after consultation with	3487
relevant constituencies as required by division (A)(10) of section	3488
5119.21 of the Revised Code, the board of alcohol, drug addiction,	3489
and mental health services shall:	3490
(1) Serve as the community addiction and mental health	3491
services planning agency for the county or counties under its	3492
jurisdiction, and in so doing it shall:	3493
(a) Evaluate the need for facilities and community addiction	3494
and mental health services;	3495
(b) In cooperation with other local and regional planning and	3496

funding bodies and with relevant ethnic organizations, assess the

community addiction and mental health needs, evaluate strengths	3498
and challenges, and set priorities for community addiction and	3499
mental health services, including treatment and prevention. When	3500
the board sets priorities for the operation of addiction services,	3501
the board shall consult with the county commissioners of the	3502
counties in the board's service district regarding the services	3503
described in section 340.15 of the Revised Code and shall give	3504
priority to those services, except that those services shall not	3505
have a priority over services provided to pregnant women under	3506
programs developed in relation to the mandate established in	3507
section 5119.17 of the Revised Code;	3508

(c) In accordance with guidelines issued by the director of 3509 mental health and addiction services after consultation with board 3510 representatives, annually develop and submit to the department of 3511 mental health and addiction services a community addiction and 3512 mental health services plan listing community addiction and mental 3513 health services needs, including the needs of all residents of the 3514 district currently receiving inpatient services in state-operated 3515 hospitals, the needs of other populations as required by state or 3516 federal law or programs, the needs of all children subject to a 3517 determination made pursuant to section 121.38 of the Revised Code, 3518 and priorities for facilities and community addiction and mental 3519 health services during the period for which the plan will be in 3520 effect. 3521

In alcohol, drug addiction, and mental health service 3522 districts that have separate alcohol and drug addiction services 3523 and community mental health boards, the alcohol and drug addiction 3524 services board shall submit a community addiction services plan 3525 and the community mental health board shall submit a community 3526 mental health services plan. Each board shall consult with its 3527 counterpart in developing its plan and address the interaction 3528 between the local addiction services and mental health services 3529

systems	and populations	with	regard	to	needs	and	priorities	in	3530
develop	ing its plan.								3531

The department shall approve or disapprove the plan, in whole 3532 or in part, according to the criteria developed pursuant to 3533 section 5119.22 of the Revised Code. Eligibility for state and 3534 federal funding shall be contingent upon an approved plan or 3535 relevant part of a plan. 3536

If a board determines that it is necessary to amend a plan 3537 that has been approved under this division, the board shall submit 3538 a proposed amendment to the director. The director may approve or 3539 disapprove all or part of the amendment. The director shall inform 3540 the board of the reasons for disapproval of all or part of an 3541 amendment and of the criteria that must be met before the 3542 amendment may be approved. The director shall provide the board an 3543 opportunity to present its case on behalf of the amendment. The 3544 director shall give the board a reasonable time in which to meet 3545 the criteria, and shall offer the board technical assistance to 3546 help it meet the criteria. 3547

The board shall operate in accordance with the plan approved 3548 by the department. 3549

- (d) Promote, arrange, and implement working agreements with 3550 social agencies, both public and private, and with judicial 3551 agencies.
- (2) Investigate, or request another agency to investigate, 3553 any complaint alleging abuse or neglect of any person receiving 3554 services from a community addiction or mental health services 3555 provider certified under section 5119.36 of the Revised Code or 3556 alleging abuse or neglect of a resident receiving addiction 3557 services or with mental illness or severe mental disability 3558 residing in a residential facility licensed under section 5119.34 3559 of the Revised Code. If the investigation substantiates the charge 3560

county in the board's district.

3592

of abuse or neglect, the board shall take whatever action it	3561
determines is necessary to correct the situation, including	3562
notification of the appropriate authorities. Upon request, the	3563
board shall provide information about such investigations to the	3564
department.	3565
(3) For the purpose of section 5119.36 of the Revised Code,	3566
cooperate with the director of mental health and addiction	3567
services in visiting and evaluating whether the services of a	3568
community addiction or mental health services provider satisfy the	3569
certification standards established by rules adopted under that	3570
section;	3571
(4) In accordance with criteria established under division	3572
(E) of section 5119.22 of the Revised Code, conduct program audits	3573
that review and evaluate the quality, effectiveness, and	3574
efficiency of services provided through its community addiction	3575
and mental health contracted services and submit its findings and	3576
recommendations to the department of mental health and addiction	3577
services;	3578
(5) In accordance with section 5119.34 of the Revised Code,	3579
review an application for a residential facility license and	3580
provide to the department of mental health and addiction services	3581
any information about the applicant or facility that the board	3582
would like the department to consider in reviewing the	3583
application;	3584
(6) Audit, in accordance with rules adopted by the auditor of	3585
state pursuant to section 117.20 of the Revised Code, at least	3586
annually all programs and services provided under contract with	3587
the board. In so doing, the board may contract for or employ the	3588
services of private auditors. A copy of the fiscal audit report	3589
shall be provided to the director of mental health and addiction	3590
services, the auditor of state, and the county auditor of each	3591

	(7) Recruit and promote local financial support for addiction	3593
and	mental health services from private and public sources;	3594

(8)(a) Enter into contracts with public and private 3595 facilities for the operation of facility services and enter into 3596 contracts with public and private community addiction and mental 3597 health service providers for the provision of community addiction 3598 and mental health services. The board may not contract with a 3599 residential facility subject to section 5119.34 of the Revised 3600 Code unless the facility is licensed by the director of mental 3601 health and addiction services and may not contract with a 3602 community addiction or mental health services provider to provide 3603 community addiction or mental health services unless the services 3604 are certified by the director of mental health and addiction 3605 services under section 5119.36 of the Revised Code. Section 307.86 3606 of the Revised Code does not apply to contracts entered into under 3607 this division. In contracting with a community addiction or mental 3608 health services provider, a board shall consider the cost 3609 effectiveness of services provided by that provider and the 3610 quality and continuity of care, and may review cost elements, 3611 including salary costs, of the services to be provided. A 3612 utilization review process may be established as part of the 3613 contract for services entered into between a board and a community 3614 addiction or mental health services provider. The board may 3615 establish this process in a way that is most effective and 3616 efficient in meeting local needs. 3617

If either the board or a facility or community addiction or 3618 mental health services provider with which the board contracts 3619 under this division proposes not to renew the contract or proposes 3620 substantial changes in contract terms, the other party shall be 3621 given written notice at least one hundred twenty days before the 3622 expiration date of the contract. During the first sixty days of 3623 this one hundred twenty-day period, both parties shall attempt to 3624

resolve any dispute through good faith collaboration and	3625
negotiation in order to continue to provide services to persons in	3626
need. If the dispute has not been resolved sixty days before the	3627
expiration date of the contract, either party may notify the	3628
department of mental health and addiction services of the	3629
unresolved dispute. The director may require both parties to	3630
submit the dispute to a third party with the cost to be shared by	3631
the board and the facility or provider. The third party shall	3632
issue to the board, the facility or provider, and the department	3633
recommendations on how the dispute may be resolved twenty days	3634
prior to the expiration date of the contract, unless both parties	3635
agree to a time extension. The director shall adopt rules	3636
establishing the procedures of this dispute resolution process.	3637
(b) With the prior approval of the director of mental health	3638
and addiction services, a board may operate a facility or provide	3639
a community addiction or mental health service as follows, if	3640
there is no other qualified private or public facility or	3641
community addiction or mental health services provider that is	3642
immediately available and willing to operate such a facility or	3643
provide the service:	3644
(i) In an emergency situation, any board may operate a	3645
facility or provide a community addiction or mental health service	3646
in order to provide essential services for the duration of the	3647
emergency;	3648
(ii) In a service district with a population of at least one	3649
hundred thousand but less than five hundred thousand, a board may	3650
operate a facility or provide a community addiction or mental	3651
health service for no longer than one year;	3652
(iii) In a service district with a population of less than	3653
one hundred thousand, a board may operate a facility or provide a	3654
community addiction or mental health service for no longer than	3655

one year, except that such a board may operate a facility or

provide a community addiction or mental health service for more	3657
than one year with the prior approval of the director and the	3658
prior approval of the board of county commissioners, or of a	3659
majority of the boards of county commissioners if the district is	3660
a joint-county district.	3661

The director shall not give a board approval to operate a 3662 facility or provide a community addiction or mental health service 3663 under division (A)(8)(b)(ii) or (iii) of this section unless the 3664 director determines that it is not feasible to have the department 3665 operate the facility or provide the service. 3666

The director shall not give a board approval to operate a 3667 facility or provide a community addiction or mental health service 3668 under division (A)(8)(b)(iii) of this section unless the director 3669 determines that the board will provide greater administrative 3670 efficiency and more or better services than would be available if 3671 the board contracted with a private or public facility or 3672 community addiction or mental health services provider. 3673

The director shall not give a board approval to operate a 3674 facility previously operated by a person or other government 3675 entity unless the board has established to the director's 3676 satisfaction that the person or other government entity cannot 3677 effectively operate the facility or that the person or other 3678 government entity has requested the board to take over operation 3679 of the facility. The director shall not give a board approval to 3680 provide a community addiction or mental health service previously 3681 provided by a community addiction or mental health services 3682 provider unless the board has established to the director's 3683 satisfaction that the provider cannot effectively provide the 3684 service or that the provider has requested the board take over 3685 providing the service. 3686

The director shall review and evaluate a board's operation of 3687 a facility and provision of community addiction or mental health 3688

service under division (A)(8)(b) of this section.	3689			
Nothing in division (A)(8)(b) of this section authorizes a	3690			
board to administer or direct the daily operation of any facility	3691			
or community addiction or mental health services provider, but a	3692			
facility or provider may contract with a board to receive	3693			
administrative services or staff direction from the board under	3694			
the direction of the governing body of the facility or provider.	3695			
(9) Approve fee schedules and related charges or adopt a unit	3696			
cost schedule or other methods of payment for contract services	3697			
provided by community addiction or mental health services	3698			
providers in accordance with guidelines issued by the department	3699			
as necessary to comply with state and federal laws pertaining to	3700			
financial assistance;	3701			
(10) Submit to the director and the county commissioners of	3702			
the county or counties served by the board, and make available to	3703			
the public, an annual report of the services under the				
jurisdiction of the board, including a fiscal accounting;	3705			
(11) Establish, to the extent resources are available, a full	3706			
spectrum of care for all levels of treatment services for opioid	3707			
and co-occurring drug addiction and a continuum of care, which	3708			
provides for other services that provide for prevention,	3709			
treatment, support, and rehabilitation services and opportunities.	3710			
The essential elements of the <u>full spectrum and</u> continuum <u>of care</u>	3711			
include, but are not limited to, the following components in	3712			
accordance with section 5119.21 of the Revised Code:	3713			
(a) To locate persons in need of addiction or mental health	3714			
services to inform them of available services and benefits;	3715			
(b) Assistance for persons receiving services to obtain	3716			
services necessary to meet basic human needs for food, clothing,	3717			
shelter, medical care, personal safety, and income;	3718			
(c) Addiction and mental health services, including, but not	3719			

limited to, outpatient, residential, partial hospitalization, and,	3720
where appropriate, inpatient (where appropriate), and any other	3721
type of addiction and mental health care;	3722
(d) Emergency services and crisis intervention;	3723
(e) Assistance for persons receiving services to obtain	3724
vocational services and opportunities for jobs;	3725
(f) The provision of services designed to develop social,	3726
community, and personal living skills;	3727
(g) Access to a wide range of housing and the provision of	3728
residential treatment and support;	3729
(h) Support, assistance, consultation, and education for	3730
families, friends, persons receiving addiction or mental health	3731
services, and others;	3732
(i) Recognition and encouragement of families, friends,	3733
neighborhood networks, especially networks that include racial and	3734
ethnic minorities, churches, community organizations, and	3735
community employment as natural supports for persons receiving	3736
addiction or mental health services;	3737
(j) Grievance procedures and protection of the rights of	3738
persons receiving addiction or mental health services;	3739
(k) Community psychiatric supportive treatment services,	3740
which includes continual individualized assistance and advocacy to	3741
ensure that needed services are offered and procured;	3742
(1) Any additional component the department determines is	3743
necessary to establish a full spectrum of care for all levels of	3744
treatment services for opioid and co-occurring drug addiction and	3745
a continuum of care for other services.	3746
(12) Establish a method for evaluating referrals for	3747
involuntary commitment and affidavits filed pursuant to section	3748
5122.11 of the Revised Code in order to assist the probate	3749

division of the court of common pleas in determining whether there	3750
is probable cause that a respondent is subject to involuntary	3751
hospitalization and what alternative treatment is available and	3752
appropriate, if any;	3753

- (13) Designate the treatment services, provider, facility, or 3754 other placement for each person involuntarily committed to the 3755 board pursuant to Chapter 5122. of the Revised Code. The board 3756 shall provide the least restrictive and most appropriate 3757 alternative that is available for any person involuntarily 3758 committed to it and shall assure that the listed services 3759 submitted and approved in accordance with division (B) of section 3760 340.08 of the Revised Code are available to severely mentally 3761 disabled persons residing within its service district. The board 3762 shall establish the procedure for authorizing payment for 3763 services, which may include prior authorization in appropriate 3764 circumstances. The board may provide for services directly to a 3765 severely mentally disabled person when life or safety is 3766 endangered and when no community mental health services provider 3767 is available to provide the service. 3768
- (14) Ensure that apartments or rooms built, subsidized, 3769 renovated, rented, owned, or leased by the board or a community 3770 addiction or mental health services provider have been approved as 3771 meeting minimum fire safety standards and that persons residing in 3772 the rooms or apartments are receiving appropriate and necessary 3773 services, including culturally relevant services, from a community 3774 addiction or mental health services provider. This division does 3775 not apply to residential facilities licensed pursuant to section 3776 5119.34 of the Revised Code. 3777
- (15) Establish a mechanism for obtaining advice and 3778 involvement of persons receiving publicly funded addiction or 3779 mental health services on matters pertaining to addiction and 3780 mental health services in the alcohol, drug addiction, and mental 3781

health service district;

- (16) Perform the duties required by rules adopted under 3783 section 5119.22 of the Revised Code regarding referrals by the 3784 board or mental health services providers under contract with the 3785 board of individuals with mental illness or severe mental 3786 disability to residential facilities as defined in division 3787 (A)(9)(b)(iii) of section 5119.34 of the Revised Code and 3788 effective arrangements for ongoing mental health services for the 3789 individuals. The board is accountable in the manner specified in 3790 the rules for ensuring that the ongoing mental health services are 3791 effectively arranged for the individuals. 3792
- (B) The board shall establish such rules, operating 3793 procedures, standards, and bylaws, and perform such other duties 3794 as may be necessary or proper to carry out the purposes of this 3795 chapter. 3796
- (C) A board of alcohol, drug addiction, and mental health 3797 services may receive by gift, grant, devise, or bequest any 3798 moneys, lands, or property for the benefit of the purposes for 3799 which the board is established, and may hold and apply it 3800 according to the terms of the gift, grant, or bequest. All money 3801 received, including accrued interest, by gift, grant, or bequest 3802 shall be deposited in the treasury of the county, the treasurer of 3803 which is custodian of the alcohol, drug addiction, and mental 3804 health services funds to the credit of the board and shall be 3805 available for use by the board for purposes stated by the donor or 3806 grantor. 3807
- (D) No board member or employee of a board of alcohol, drug

  addiction, and mental health services shall be liable for injury

  or damages caused by any action or inaction taken within the scope

  of the board member's official duties or the employee's

  employment, whether or not such action or inaction is expressly

  authorized by this section or any other section of the Revised

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  3809

of the Revised Code.

Code, unless such action or inaction constitutes willful or wanton	3814
misconduct. Chapter 2744. of the Revised Code applies to any	3815
action or inaction by a board member or employee of a board taken	3816
within the scope of the board member's official duties or	3817
employee's employment. For the purposes of this division, the	3818
conduct of a board member or employee shall not be considered	3819
willful or wanton misconduct if the board member or employee acted	3820
in good faith and in a manner that the board member or employee	3821
reasonably believed was in or was not opposed to the best	3822
interests of the board and, with respect to any criminal action or	3823
proceeding, had no reasonable cause to believe the conduct was	3824
unlawful.	3825
(E) The meetings held by any committee established by a board	3826
of alcohol, drug addiction, and mental health services shall be	3827
considered to be meetings of a public body subject to section	3828
121.22 of the Revised Code.	3829
Sec. 340.08. In accordance with rules or guidelines issued by	3830
the director of mental health and addiction services, each board	3831
of alcohol, drug addiction, and mental health services shall do	3832
all of the following:	3833
(A) Submit to the department of mental health and addiction	3834
services a report of receipts and expenditures for all federal,	3835
state, and local moneys the board expects to receive $\dot{ au}$ .	3836
(1) The report shall identify funds the board has available	3837
for the full spectrum of care for all levels of treatment services	3838
for opioid and co-occurring drug addiction required by division	3839
(B) of section 340.09 of the Revised Code.	3840
(2) The report shall identify funds the board and public	3841
children services agencies in the board's service district have	3842
available to fund jointly the services described in section 340.15	3843
of the Revised Code.	3844

$\frac{(2)(3)}{(3)}$ The board's proposed budget for expenditures of state	3845
and federal funds distributed to the board by the department shall	3846
be deemed an application for funds, and the department shall	3847
approve or disapprove the budget for these expenditures. The	3848
department shall inform the board of the reasons for disapproval	3849
of the budget for the expenditure of state and federal funds and	3850
of the criteria that must be met before the budget may be	3851
approved. The director shall provide the board an opportunity to	3852
present its case on behalf of the submitted budget. The director	3853
shall give the board a reasonable time in which to meet the	3854
criteria and shall offer the board technical assistance to help it	3855
meet the criteria.	3856

If a board determines that it is necessary to amend a budget 3857 that has been approved under this section, the board shall submit 3858 a proposed amendment to the director. The director may approve or 3859 disapprove all or part of the amendment. The director shall inform 3860 the board of the reasons for disapproval of all or part of the 3861 amendment and of the criteria that must be met before the 3862 amendment may be approved. The director shall provide the board an 3863 opportunity to present its case on behalf of the amendment. The 3864 director shall give the board a reasonable time in which to meet 3865 the criteria and shall offer the board technical assistance to 3866 help it meet the criteria. 3867

 $\frac{(3)(4)}{(3)}$  The director of mental health and addiction services, 3868 in whole or in part, may withhold funds otherwise to be allocated 3869 to a board of alcohol, drug addiction, and mental health services 3870 under Chapter 5119. of the Revised Code if the board's use of 3871 state and federal funds fails to comply with the approved budget, 3872 as it may be amended with the approval of the department. However, 3873 the director shall withhold all such funds from the board if the 3874 board fails to make the full spectrum of care for all levels of 3875 treatment services for opioid and co-occurring drug addiction 3876

<u>available in</u>	the	board's	<u>district</u>	<u>in</u>	accordance	with	division	(B)	38	377
of section 3	40.09	of the	Revised	Code	<u>.</u>				38	378

- (B) Submit to the department a statement identifying the 3879 services described in section 340.09 of the Revised Code the board 3880 intends to make available. The board shall include the full 3881 spectrum of care for all levels of treatment services for opioid 3882 and co-occurring drug addiction required by division (B) of 3883 section 340.09 of the Revised Code, crisis intervention services 3884 for individuals in emergency situations, and services required 3885 pursuant to section 340.15 of the Revised Code, and the. The board 3886 shall explain the manner in which the board intends to make such 3887 services available. The list of services shall be compatible with 3888 the budget submitted pursuant to division (A) of this section. The 3889 department shall approve or disapprove the proposed listing of 3890 services to be made available. The department shall inform the 3891 board of the reasons for disapproval of the listing of proposed 3892 services and of the criteria that must be met before listing of 3893 proposed services may be approved. The director shall provide the 3894 board an opportunity to present its case on behalf of the 3895 submitted listing of proposed services. The director shall give 3896 the board a reasonable time in which to meet the criteria and 3897 shall offer the board technical assistance to help it meet the 3898 criteria. 3899
- (C) Enter into a continuity of care agreement with the state 3900 institution operated by the department of mental health and 3901 addiction services and designated as the institution serving the 3902 district encompassing the board's service district. The continuity 3903 of care agreement shall outline the department's and the board's 3904 responsibilities to plan for and coordinate with each other to 3905 address the needs of board residents who are patients in the 3906 institution, with an emphasis on managing appropriate hospital bed 3907 day use and discharge planning. The continuity of care agreement 3908

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shall not require the board to provide services other than those	3909
on the list of services submitted by the board and approved by the	3910
department pursuant to division (B) of this section.	3911
(D) In conjunction with the department of mental health and	3912
addiction services, operate a coordinated system for tracking and	3913
monitoring persons found not guilty by reason of insanity and	3914
committed pursuant to section 2945.40 of the Revised Code who have	3915
been granted a conditional release and persons found incompetent	3916
to stand trial and committed pursuant to section 2945.39 of the	3917
Revised Code who have been granted a conditional release. The	3918
system shall do all of the following:	3919
(1) Centralize responsibility for the tracking of those	3920
persons;	3921
(2) Provide for uniformity in monitoring those persons;	3922
(3) Provide a mechanism to allow prompt rehospitalization,	3923
reinstitutionalization, or detention when a violation of the	3924
conditional release or decompensation occurs.	3925
(E) Submit to the department a report summarizing complaints	3926
and grievances received by the board concerning the rights of	3927
persons seeking or receiving services, investigations of	3928
complaints and grievances, and outcomes of the investigations.	3929
(F) Provide to the department information to be submitted to	3930
the community addiction and mental health information system or	3931
systems established by the department under Chapter 5119. of the	3932
Revised Code.	3933
(G) Annually, and upon any change in membership, submit to	3934
the department a list of all current members of the board of	3935
alcohol, drug addiction, and mental health services, including the	3936
appointing authority for each member, and the member's specific	3937
qualification for appointment pursuant to section 340.02 or	3938
340.021 of the Revised Code, if applicable.	3939

(H) Submit to the department other information as is	3940
reasonably required for purposes of the department's operations,	3941
service evaluation, reporting activities, research, system	3942
administration, and oversight.	3943
Sec. 340.09. (A) The department of mental health and	3944
addiction services shall provide assistance to any county for the	3945
all of the following from funds the general assembly appropriates	3946
for these purposes:	3947
(1) The operation of boards the board of alcohol, drug	3948
addiction, and mental health services, the provision of services	3949
serving the county;	3950
(2) The full spectrum of care for all levels of treatment	3951
services for opioid and co-occurring drug addiction that are	3952
approved by the department and made available in the county by the	3953
board serving the county;	3954
(3) The continuum of care for other services that are	3955
approved by the department within the continuum of care, the and	3956
made available in the county by the board serving the county;	3957
(4) The provision of approved support functions, and the:	3958
(5) The partnership in, or support for, approved continuum of	3959
care related activities from funds appropriated for that purpose	3960
by the general assembly related to the full spectrum of all levels	3961
of treatment services for opioid and co-occurring drug addiction	3962
and the continuum of care of other services.	3963
(B) The full spectrum of care for all levels of treatment	3964
services for opioid and co-occurring drug addiction shall include	3965
at least ambulatory and sub-acute detoxification, non-intensive	3966
and intensive outpatient services, medication-assisted treatment,	3967
peer mentoring, residential treatment services, recovery housing	3968
pursuant to section 340.092 of the Revised Code, and twelve-step	3969

approaches. The treatment services shall be made available in the	3970
service district of each board, except that a treatment consisting	3971
of sub-acute detoxification or residential treatment services for	3972
opioid and co-occurring drug addiction is not required to be	3973
available in a board's service district if the board has a	3974
contract with one or more providers of sub-acute detoxification or	3975
residential treatment services for opioid and co-occurring drug	3976
addiction located in other service districts. The treatment	3977
services shall be made available in a manner that ensures that	3978
service recipients are able to access the services they need for	3979
opioid and co-occurring drug addiction in an integrated manner and	3980
without delay when changing or obtaining additional treatment	3981
services for such addiction. A treatment service for opioid and	3982
co-occurring drug addiction shall not be excluded from the full	3983
spectrum of care on the basis that the treatment service	3984
previously failed.	3985
(C) Categories in the continuum of care for other services	3986
may include the following:	3987
(1) Inpatient;	3988
(2) <u>Sub-acute detoxification;</u>	3989
(3) Residential;	3990
$\frac{(3)}{(4)}$ Outpatient treatment;	3991
$\frac{(4)}{(5)}$ Intensive and other supports;	3992
(5)(6) Recovery support;	3993
$\frac{(6)}{(7)}$ Prevention and wellness management.	3994
(C)(D) Support functions may include the following:	3995
(1) Consultation;	3996
(2) Research;	3997
(3) Administrative;	3998

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(2) Quality standards;	4028
(3) Policies and procedures, including house rules, for its	4029
residents to which the residents must agree to adhere.	4030
(C) Individuals recovering from opioid or co-occurring drug	4031
addiction shall have priority in admission to the recovery	4032
housing, but an individual recovering from other drug addictions	4033
may be admitted if an available slot is not needed for an	4034
individual recovering from opioid or co-occurring drug addiction.	4035
(D) Family members of the recovery housing's residents may	4036
reside in the recovery housing to the extent the recovery	4037
housing's protocols permit.	4038
(E) The recovery housing shall not limit a resident's	4039
duration of stay to an arbitrary or fixed amount of time. Instead,	4040
each resident's duration of stay shall be determined by the	4041
resident's needs, progress, and willingness to abide by the	4042
recovery housing's protocols, in collaboration with the recovery	4043
housing's owner, and, if appropriate, in consultation and	4044
integration with a community addiction services provider.	4045
(F) The recovery housing's residents may receive	4046
medication-assisted treatment while residing in the recovery	4047
housing.	4048
(G) The recovery housing is not subject to certification by	4049
the department of mental health and addiction services under	4050
section 5119.36 of the Revised Code.	4051
Sec. 340.093. If the amount of funds that a board of alcohol,	4052
drug addiction, and mental health services has for the board's	4053
full spectrum of care for all levels of treatment services for	4054
opioid and co-occurring drug addiction is greater than the amount	4055
needed to provide the treatment services to all eligible	4056
individuals with opioid and co-occurring drug addictions who apply	4057

to the board for the treatment services, the board may use the	4058
excess funds to provide the treatment services to other eligible	4059
individuals with alcohol or other types of drug addictions.	4060

Sec. 340.15. (A) A public children services agency that 4061 identifies a child by a risk assessment conducted pursuant to 4062 section 5153.16 of the Revised Code as being at imminent risk of 4063 being abused or neglected because of an addiction of a parent, 4064 guardian, or custodian of the child to a drug of abuse or alcohol 4065 shall refer the child's addicted parent, guardian, or custodian 4066 and, if the agency determines that the child needs alcohol or 4067 other drug addiction services, the child to a community addiction 4068 services provider certified by the department of mental health and 4069 addiction services under section 5119.36 of the Revised Code. A 4070 public children services agency that is sent a court order issued 4071 pursuant to division (B) of section 2151.3514 of the Revised Code 4072 shall refer the addicted parent or other caregiver of the child 4073 identified in the court order to a community addiction services 4074 provider certified by the department of mental health and 4075 addiction services under section 5119.36 of the Revised Code. On 4076 receipt of a referral under this division and to the extent 4077 funding identified under division (A) $\frac{(1)}{(2)}$  of section 340.08 of 4078 the Revised Code is available, the provider shall provide the 4079 following services to the addicted parent, quardian, custodian, or 4080 caregiver and child in need of addiction services: 4081

- (1) If it is determined pursuant to an initial screening to 4082 be needed, assessment and appropriate treatment; 4083
- (2) Documentation of progress in accordance with a treatment 4084 plan developed for the addicted parent, guardian, custodian, 4085 caregiver, or child; 4086
  - (3) If the referral is based on a court order issued pursuant 4087

to division (B) of section 2151.3514 of the Revised Code and the	4088
order requires the specified parent or other caregiver of the	4089
child to submit to alcohol or other drug testing during, after, or	4090
both during and after, treatment, testing in accordance with the	4091
court order.	4092
(B) The services described in division (A) of this section	4093
shall have a priority as provided in the addiction and mental	4094
health services plan and budget established pursuant to sections	4095
340.03 and 340.08 of the Revised Code. Once a referral has been	4096
received pursuant to this section, the public children services	4097
agency and the addiction services provider shall, in accordance	4098
with 42 C.F.R. Part 2, share with each other any information	4099
concerning the persons and services described in that division	4100
that the agency and provider determine are necessary to share. If	4101
the referral is based on a court order issued pursuant to division	4102
(B) of section 2151.3514 of the Revised Code, the results and	4103
recommendations of the addiction services provider also shall be	4104
provided and used as described in division (D) of that section.	4105
Information obtained or maintained by the agency or provider	4106
pursuant to this section that could enable the identification of	4107
any person described in division (A) of this section is not a	4108
public record subject to inspection or copying under section	4109
149.43 of the Revised Code.	4110
Sec. 340.20. (A) In accordance with the rules adopted under	4111
section 5119.363 of the Revised Code, each board of alcohol, drug	4112
addiction, and mental health services monthly shall do all of the	4113
following:	4114
(1) Compile on an aggregate basis the information the board	4115
receives that month from community addiction services providers	4116
under section 5119.362 of the Revised Code;	4117
(2) Determine the number of applications for a treatment	4118

service included in the full spectrum of care required by division	4119
(B) of section 340.09 of the Revised Code that the board received	4120
in the immediately preceding month and that the board denied that	4121
month, each type of treatment service so denied, and the reasons	4122
for the denials;	4123
(3) Subject to division (B) of this section, report all of	4124
the following to the department of mental health and addiction	4125
services:	4126
(a) The information that the board compiles under division	4127
(A)(1) of this section that month;	4128
(b) The information that the board determines under division	4129
(A)(2) of this section that month;	4130
(c) All other information required by the rules.	4131
(B) Each board shall report the information required by	4132
division (A)(3) of this section as follows:	4133
(1) In an electronic format;	4134
(2) In a manner that maintains the confidentiality of all	4135
individuals for whom information is included in the report;	4136
(3) In a manner that presents the information about the	4137
individuals whose information is included in the report by their	4138
counties of residence.	4139
<b>7.7. 7.7. 02</b>	41.40
Sec. 757.03. As used in sections 757.03 to 757.08 of the	4140
Revised Code, "area arts council" means an arts council or other	4141
organization the purpose of which is to foster and encourage the	4142
development of the arts, including but not limited to, literature,	4143
theater, music, the dance, painting, sculpture, photography,	4144
architecture, and motion pictures.	4145
In any city or county in which there is a symphony	4146
association, area arts council, art museum, or other similar	4147

organization, which is incorporated under sections 1702.01 to	4148
1702.58 of the Revised Code, without purpose of profit to any	4149
private member or individual, but organized for the purpose of the	4150
cultivation and performance of instrumental music, the promotion	4151
of the arts, or to maintain a symphony orchestra, the board of	4152
education of any school district in such city or the educational	4153
service center governing board serving such county, or both, may	4154
pay the symphony association, council, art museum, or other	4155
organization annually, in quarterly installments, in the case of a	4156
school district board of education, a sum of not to exceed one	4157
half of one cent on each one hundred dollars of the taxable	4158
property of the district and, in the case of an educational	4159
service center governing board, a sum of not to exceed one half of	4160
one cent on each one hundred dollars of the taxable property of	4161
the territory of the service center, as valued on the tax	4162
duplicate for the next year before the date of the payment. In	4163
order to qualify for such payments, the symphony association, arts	4164
council, art museum, or other organization shall, by proper	4165
resolution of its board of trustees or other governing body,	4166
accept all applicable provisions of sections 757.03 to 757.08 of	4167
the Revised Code, and file a certified copy of the resolution with	4168
the board of education of such district or with the governing	4169
board of such educational service center prior to the date of any	4170
payment. The first of such payments may be made in the year after	4171
the filing of such certified copy.	4172

Sec. 757.04. No symphony association, area arts council, art

museum, or other similar organization may receive any of the

payments provided for in section 757.03 of the Revised Code until

the symphony association, council, art museum, or organization, by

a proper resolution adopted by its board of trustees or other

governing body, has tendered to the appropriate board of education

or the educational service center governing board the following:

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(A) The right to nominate as trustees or as members of any	4180
other governing body of the symphony association, council, art	4181
museum, or organization three members consisting of the following:	4182
(1) One member of the board of education or the educational	4183
service center governing board;	4184
(2) Either the superintendent of schools of the school	4185
district or an educational service center, or an assistant	4186
superintendent of schools of the district or an educational	4187
service center;	4188
(3) One member of the music department of the schools	4189
maintained by the board of education, to be selected by the	4190
superintendent, all three of whom so nominated shall thereupon be	4191
elected as trustees or as members of any other governing body.	4192
(B) The right to nominate for membership on the executive	4193
committee of the symphony association, council, art museum, or	4194
organization one of the three trustees of the symphony	4195
association, council, art museum, or organization, representing	4196
the board of education or the educational service center governing	4197
board as the trustees pursuant to division (A) of this section,	4198
who shall thereupon be elected a member of the executive	4199
committee;	4200
(C) The right to require the orchestra maintained by the	4201
symphony association or any performing groups maintained by the	4202
council, art museum, or organization to provide such feasible	4203
performances for the public schools or for local school districts	4204
within the educational service center system maintained or	4205
supervised by the educational service center governing board, as	4206
in the joint judgment of the board of trustees of the symphony	4207
association, council, art museum, or organization, the	4208
superintendent, and the board of education of the school district	4209
or the educational service center governing board, will serve the	4210

largest interest of the school children of the school district or	4211
the area served by the educational service center.	4212
A copy of the resolution, certified by the president and	4213
secretary of the symphony association, council, art museum, or	4214
organization, shall be filed in the office of the board of	4215
education or in the office of the educational service center	4216
governing board as a condition precedent to the receipt by the	4217
association, council, art museum, or organization of any payments.	4218
Sec. 757.05. In any city or county in which there is a	4219
symphony association, an area arts council, an art museum, or	4220
other similar organization which is incorporated, organized, and	4221
operated in the manner and for the purposes stated in section	4222
757.03 of the Revised Code, such city or county, or both, may pay	4223
the symphony association, council, art museum, or organization	4224
annually, in quarterly installments, in the case of a city, a sum	4225
not to exceed one half of one cent on each one hundred dollars of	4226
taxable property of the city as value valued on the tax duplicate	4227
of the city or, in the case of a county, a sum not to exceed one	4228
half of one cent on each one hundred dollars of the taxable	4229
property of the county for the year next before the date of each	4230
payment. In order to qualify for such payments, the symphony	4231
association, council, art museum, or organization shall, by a	4232
proper resolution of its board of trustees or other governing	4233
body, accept all applicable provisions of sections 757.03 to	4234
757.08 of the Revised Code and file a certified copy of the	4235
resolution with the controller of the city or the board of county	4236
commissioners prior to the date of any payment. The first of such	4237
payments may be made in the year after the filing of such	4238
certified copy.	4239

Sec. 757.06. No symphony association, area arts council, <u>art</u> 4240 <u>museum,</u> or other similar organization may receive any of the 4241

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payments provided for in section 757.05 of the Revised Code until	4242
the symphony association, council, <u>art museum,</u> or organization, by	4243
a proper resolution adopted by its board of trustees or other	4244
governing body, has tendered to the mayor, or to the legislative	4245
authority of the city if there is no mayor, or to the board of	4246
county commissioners, the following:	4247

- (A) The right to nominate as trustees or as members of any 4248 other governing body of the symphony association, council, art 4249 museum, or organization, three members to be appointed by the 4250 mayor, or by the legislative authority of the city if there is no 4251 mayor, or by the board of county commissioners, one of which 4252 nominees may, in the discretion of such mayor or legislative 4253 authority, or board of county commissioners, be the mayor, or a 4254 member of the legislative authority, or the board of county 4255 commissioners, all three of whom so nominated shall thereupon be 4256 elected as trustees or as members of any other governing body; 4257
- (B) The right to nominate for membership on the executive 4258 committee of the symphony association, council, art museum, or 4259 organization, one of the three trustees of the symphony 4260 association, council, art museum, or organization, representing 4261 the city or county as the trustees pursuant to division (A) of 4262 this section, which nominee may, in the discretion of the mayor or 4263 the legislative authority of the city if there is no mayor, or the 4264 board of county commissioners, be the mayor, or a member of the 4265 legislative authority, or the board of county commissioners, which 4266 nominee shall thereupon be elected a member of the executive 4267 committee; 4268
- (C) The right to require the orchestra maintained by the 4269 symphony association or any performing groups maintained by the 4270 council or organization to provide such feasible popular 4271 performances at low cost, as in the joint judgment of the board of 4272 trustees of the symphony association, council, art museum, or 4273

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several payments as provided in such sections.

Sec. 1321.535. (A) Each applicant for a mortgage loan

originator license shall submit to a written test that is

developed and approved by the nationwide mortgage licensing system	4304
and registry and administered by a test provider approved by the	4305
nationwide mortgage licensing system and registry based upon	4306
reasonable standards.	4307
$\frac{(1)}{(A)}$ The test shall adequately measure the applicant's	4308
knowledge and comprehension in appropriate subject matters,	4309
including ethics and federal and state law related to mortgage	4310
origination, fraud, consumer protection, the nontraditional	4311
mortgage marketplace, and fair lending issues.	4312
$\frac{(2)}{(B)}$ An individual shall not be considered to have passed	4313
the test unless the individual achieves a test score of answers at	4314
least seventy-five per cent <del>correct answers on all</del> <u>of the</u>	4315
questions and at least seventy five per cent correct answers on	4316
all questions relating to Ohio mortgage lending laws and the Ohio	4317
consumer sales practices act, Chapter 1345. of the Revised Code,	4318
as it applies to registrants and licensees correctly.	4319
$\frac{(3)}{(C)}$ An individual may retake the test three consecutive	4320
times provided the period between taking the tests is at least	4321
thirty days.	4322
$\frac{(4)}{(D)}$ After failing three consecutive tests, an individual	4323
shall be required to wait at least six months before taking the	4324
test again.	4325
$\frac{(5)}{(E)}$ If a mortgage loan originator fails to maintain a	4326
valid license for a period of five years or longer, the individual	4327
shall be required to retake the test. For this purpose, any time	4328
during which the individual is a registered mortgage loan	4329
originator shall not be taken into account.	4330
(B) Notwithstanding division (A) of this section, if the	4331
nationwide mortgage licensing system and registry fails to have in	4332
place a testing process that meets the criteria set forth in that	4333

division, the superintendent shall require, until that process is	4334
in place, evidence that the mortgage loan originator applicant	4335
passed a written test acceptable to the superintendent.	4336
Sec. 1321.55. (A) Every registrant shall keep records	4337
pertaining to loans made under sections 1321.51 to 1321.60 of the	4338
Revised Code. Such records shall be segregated from records	4339
pertaining to transactions that are not subject to these sections	4340
of the Revised Code. Every registrant shall preserve records	4341
pertaining to loans made under sections 1321.51 to 1321.60 of the	4342
Revised Code for at least two years after making the final entry	4343
on such records. Accounting systems maintained in whole or in part	4344
by mechanical or electronic data processing methods that provide	4345
information equivalent to that otherwise required are acceptable	4346
for this purpose. At least once each eighteen-month cycle, the	4347
division of financial institutions shall make or cause to be made	4348
an examination of records pertaining to loans made under sections	4349
1321.51 to 1321.60 of the Revised Code, for the purpose of	4350
determining whether the registrant is complying with these	4351
sections and of verifying the registrant's annual report.	4352
(B)(1) As required by the superintendent of financial	4353
institutions, each registrant shall file with the division each	4354
year a an annual report under oath or affirmation, on forms	4355
supplied by the division, concerning the business and operations	4356
for the preceding calendar year. Whenever a registrant operates	4357
two or more registered offices or whenever two or more affiliated	4358
registrants operate registered offices, then a composite report of	4359
the group of registered offices may be filed in lieu of individual	4360
reports. For purposes of compliance with this requirement, the	4361
superintendent may accept call reports or other reports of	4362
condition submitted to the nationwide mortgage licensing system	4363

and registry in lieu of the annual report.

(2) The division superintendent shall publish annually an	4365
analysis of the information required under division divisions	4366
(B)(1) and (3) of this section, but the individual reports,	4367
whether filed with the superintendent or the nationwide mortgage	4368
licensing system and registry, shall not be public records and	4369
shall not be open to public inspection.	4370
(3) Each mortgage licensee shall submit to the nationwide	4371
mortgage licensing system and registry call reports or other	4372
reports of condition, which shall be in such form and shall	4373
contain such information as the nationwide mortgage licensing	4374
system and registry may require.	4375
(C)(1) The following information is confidential:	4376
(a) Examination information, and any information leading to	4377
or arising from an examination;	4378
(b) Investigation information, and any information arising	4379
from or leading to an investigation.	4380
(2) The information described in division (C)(1) of this	4381
section shall remain confidential for all purposes except when it	4382
is necessary for the superintendent to take official action	4383
regarding the affairs of a registrant or licensee, or in	4384
connection with criminal or civil proceedings to be initiated by a	4385
prosecuting attorney or the attorney general. This information may	4386
also be introduced into evidence or disclosed when and in the	4387
manner authorized by section 1181.25 of the Revised Code.	4388
(D) All application information, except social security	4389
numbers, employer identification numbers, financial account	4390
numbers, the identity of the institution where financial accounts	4391
are maintained, personal financial information, fingerprint cards	4392
and the information contained on such cards, and criminal	4393
background information, is a public record as defined in section	4394
149.43 of the Revised Code.	4395

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(E) This section does not prevent the division of financial	4396
institutions from releasing to or exchanging with other financial	4397
institution regulatory authorities information relating to	4398
registrants and licensees. For this purpose, a "financial	4399
institution regulatory authority" includes a regulator of a	4400
business activity in which a registrant or licensee is engaged, or	4401
has applied to engage in, to the extent that the regulator has	4402
jurisdiction over a registrant or licensee engaged in that	4403
business activity. A registrant or licensee is engaged in a	4404
business activity, and a regulator of that business activity has	4405
jurisdiction over the registrant or licensee, whether the	4406
registrant or licensee conducts the activity directly or a	4407
subsidiary or affiliate of the registrant or licensee conducts the	4408
activity.	4409
(1) Any confidentiality or privilege arising under federal or	4410
state law with respect to any information or material provided to	4411
the nationwide mortgage licensing system and registry shall	4412
continue to apply to the information or material after the	4413
information or material has been provided to the nationwide	4414
mortgage licensing system and registry. The information and	4415
material so provided may be shared with all state and federal	4416
regulatory officials with mortgage industry oversight authority	4417
without the loss of confidentiality or privilege protections	4418
provided by federal law or the law of any state. Information or	4419
material described in division (E)(1) of this section to which	4420
confidentiality or privilege applies shall not be subject to any	4421
of the following:	4422
(a) Disclosure under any federal or state law governing	4423
disclosure to the public of information held by an officer or an	4424
agency of the federal government or of the respective state;	4425

(b) Subpoena or discovery, or admission into evidence, in any

private civil action or administrative process, unless the person

section remains confidential.

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to whom such information or material pertains waives, in whole or	4428
in part and at the discretion of the person, any privilege held by	4429
the nationwide mortgage licensing system and registry with respect	4430
to that information or material.	4431
(2) The superintendent, in order to promote more effective	4432
regulation and reduce regulatory burden through supervisory	4433
information sharing, may enter into sharing arrangements with	4434
other governmental agencies, the conference of state bank	4435
supervisors, and the American association of residential mortgage	4436
regulators.	4437
(3) Any state law, including section 149.43 of the Revised	4438
Code, relating to the disclosure of confidential supervisory	4439
information or any information or material described in division	4440
(C)(1) or $(E)(1)$ of this section that is inconsistent with this	4441
section shall be superseded by the requirements of this section.	4442
(F) This section shall not apply with respect to information	4443
or material relating to the employment history of, and publicly	4444
adjudicated disciplinary and enforcement actions against, mortgage	4445
loan originators that is included in the nationwide mortgage	4446
licensing system and registry for access by the public.	4447
(G) This section does not prevent the division from releasing	4448
information relating to registrants and licensees to the attorney	4449
general, to the superintendent of real estate and professional	4450
licensing for purposes relating to the administration of Chapters	4451
4735. and 4763. of the Revised Code, to the superintendent of	4452
insurance for purposes relating to the administration of Chapter	4453
3953. of the Revised Code, to the commissioner of securities for	4454
purposes relating to the administration of Chapter 1707. of the	4455
Revised Code, or to local law enforcement agencies and local	4456
prosecutors. Information the division releases pursuant to this	4457

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(H) The superintendent of financial institutions shall, by	4459
rule adopted in accordance with Chapter 119. of the Revised Code,	4460
establish a process by which mortgage loan originators may	4461
challenge information provided to the nationwide mortgage	4462
licensing system and registry by the superintendent.	4463
(I) No person, in connection with any examination or	4464
investigation conducted by the superintendent under sections	4465
1321.51 to 1321.60 of the Revised Code, shall knowingly do any of	4466
the following:	4467
(1) Circumvent, interfere with, obstruct, or fail to	4468
cooperate, including making a false or misleading statement,	4469
failing to produce records, or intimidating or suborning any	4470
witness;	4471
(2) Withhold, abstract, remove, mutilate, destroy, or secrete	4472
any books, records, computer records, or other information;	4473
(3) Tamper with, alter, or manufacture any evidence.	4474
Sec. 1322.03. (A) An application for a certificate of	4475
registration as a mortgage broker shall be in writing, under oath,	4476
and in the form prescribed by the superintendent of financial	4477
institutions. The application shall be accompanied by a	4478
nonrefundable application fee of five hundred dollars for each	4479
location of an office to be maintained by the applicant in	4480
accordance with division (A) of section 1322.02 of the Revised	4481
Code and any additional fee required by the nationwide mortgage	4482
licensing system and registry. The application shall provide all	4483
of the following:	4484
(1) The location or locations where the business is to be	4485
transacted and whether any location is a residence. If any	4486
location where the business is to be transacted is a residence,	4487
the superintendent may require that the application be accompanied	4488

by a copy of a zoning permit authorizing the use of the residence	4489
for commercial purposes, or by a written opinion or other document	4490
issued by the county or political subdivision where the residence	4491
is located certifying that the use of the residence to transact	4492
business as a mortgage broker is not prohibited by the county or	4493
political subdivision.	4494
(2)(a) In the case of a sole proprietor, the name and address	4495
of the sole proprietor;	4496
	4407
(b) In the case of a partnership, the name and address of	4497
each partner;	4498
(c) In the case of a corporation, the name and address of	4499
each shareholder owning five per cent or more of the corporation;	4500
(d) In the case of any other entity, the name and address of	4501
any person that owns five per cent or more of the entity that will	4502
transact business as a mortgage broker.	4503
(3) Each applicant shall designate an employee or owner of	4504
the applicant as the applicant's operations manager. While acting	4505
as the operations manager, the employee or owner shall be licensed	4506
as a loan originator under sections 1322.01 to 1322.12 of the	4507
Revised Code and shall not be employed by any other mortgage	4508
broker.	4509
(4) Evidence that the person designated on the application	4510
pursuant to division (A)(3) of this section possesses at least	4511
three years of experience in the residential mortgage and lending	4512
field, which experience may include employment with or as a	4513
mortgage broker or with a depository institution, mortgage lending	4514
institution, or other lending institution, or possesses at least	4515
three years of other experience related specifically to the	4516
business of residential mortgage loans that the superintendent	4517
determines meets the requirements of division (A)(4) of this	4518
section;	4519

(5) Evidence that the person designated on the application	4520
pursuant to division (A)(3) of this section has successfully	4521
completed the pre-licensing instruction requirements set forth in	4522
section 1322.031 of the Revised Code;	4523
(6) Evidence of compliance with the surety bond requirements	4524
of section 1322.05 of the Revised Code and with sections 1322.01	4525
to 1322.12 of the Revised Code;	4526
(7) In the case of a foreign business entity, evidence that	4527
it maintains a license or registration pursuant to Chapter 1703.,	4528
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to	4529
transact business in this state;	4530
(8) Evidence that the applicant's operations manager has	4531
successfully completed the written test required under division	4532
(A) of by section 1322.051 of the Revised Code;	4533
(9) Any further information that the superintendent requires.	4534
(B) Upon the filing of the application and payment of the	4535
nonrefundable application fee and any fee required by the	4536
nationwide mortgage licensing system and registry, the	4537
superintendent of financial institutions shall investigate the	4538
applicant, and any individual whose identity is required to be	4539
disclosed in the application, as set forth in division (B) of this	4540
section.	4541
(1)(a) Notwithstanding division (K) of section 121.08 of the	4542
Revised Code, the superintendent shall obtain a criminal history	4543
records check and, as part of that records check, request that	4544
criminal record information from the federal bureau of	4545
investigation be obtained. To fulfill this requirement, the	4546
superintendent shall do either of the following:	4547
(i) Request the superintendent of the bureau of criminal	4548
identification and investigation, or a vendor approved by the	4549
bureau, to conduct a criminal records check based on the	4550

applicant's fingerprints or, if the fingerprints are unreadable,	4551
based on the applicant's social security number, in accordance	4552
with division (A)(12) of section 109.572 of the Revised Code;	4553
(ii) Authorize the nationwide mortgage licensing system and	4554
registry to request a criminal history background check.	4555
(b) Any fee required under division (C)(3) of section 109.572	4556
of the Revised Code or by the nationwide mortgage licensing system	4557
and registry shall be paid by the applicant.	4558
(2) The superintendent shall conduct a civil records check.	4559
(3) If, in order to issue a certificate of registration to an	4560
applicant, additional investigation by the superintendent outside	4561
this state is necessary, the superintendent may require the	4562
applicant to advance sufficient funds to pay the actual expenses	4563
of the investigation, if it appears that these expenses will	4564
exceed five hundred dollars. The superintendent shall provide the	4565
applicant with an itemized statement of the actual expenses that	4566
the applicant is required to pay.	4567
(C) The superintendent shall pay all funds advanced and	4568
application and renewal fees and penalties the superintendent	4569
receives pursuant to this section and section 1322.04 of the	4570
Revised Code to the treasurer of state to the credit of the	4571
consumer finance fund created in section 1321.21 of the Revised	4572
Code.	4573
(D) If an application for a mortgage broker certificate of	4574
registration does not contain all of the information required	4575
under division (A) of this section, and if that information is not	4576
submitted to the superintendent or to the nationwide mortgage	4577
licensing system and registry within ninety days after the	4578
superintendent or the nationwide mortgage licensing system and	4579
registry requests the information in writing, including by	4580

electronic transmission or facsimile, the superintendent may

consider the application withdrawn.	4582
(E) A mortgage broker certificate of registration and the	4583
authority granted under that certificate is not transferable or	4584
assignable and cannot be franchised by contract or any other	4585
means.	4586
(F) The registration requirements of this chapter apply to	4587
any person acting as a mortgage broker, and no person is exempt	4588
from the requirements of this chapter on the basis of prior work	4589
or employment as a mortgage broker.	4590
(G) The superintendent may establish relationships or enter	4591
into contracts with the nationwide mortgage licensing system and	4592
registry, or any entities designated by it, to collect and	4593
maintain records and process transaction fees or other fees	4594
related to mortgage broker certificates of registration or the	4595
persons associated with a mortgage broker.	4596
Sec. 1322.031. (A) An application for a license as a loan	4597
Sec. 1322.031. (A) An application for a license as a loan originator shall be in writing, under oath, and in the form	4597 4598
originator shall be in writing, under oath, and in the form	4598
originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The	4598 4599
originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application	4598 4599 4600
originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and any additional fee required	4598 4599 4600 4601
originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and any additional fee required by the nationwide mortgage licensing system and registry.	4598 4599 4600 4601 4602
originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and any additional fee required by the nationwide mortgage licensing system and registry.  (B)(1) The application shall provide evidence, acceptable to	4598 4599 4600 4601 4602 4603
originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and any additional fee required by the nationwide mortgage licensing system and registry.  (B)(1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed	4598 4599 4600 4601 4602 4603 4604
originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and any additional fee required by the nationwide mortgage licensing system and registry.  (B)(1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed at least twenty-four hours of pre-licensing instruction consisting	4598 4599 4600 4601 4602 4603 4604 4605
originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and any additional fee required by the nationwide mortgage licensing system and registry.  (B)(1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed at least twenty-four hours of pre-licensing instruction consisting of all of the following:	4598 4599 4600 4601 4602 4603 4604 4605 4606
originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and any additional fee required by the nationwide mortgage licensing system and registry.  (B)(1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed at least twenty-four hours of pre-licensing instruction consisting of all of the following:  (a) Twenty hours of instruction in a course or program of	4598 4599 4600 4601 4602 4603 4604 4605 4606
originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and any additional fee required by the nationwide mortgage licensing system and registry.  (B)(1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed at least twenty-four hours of pre-licensing instruction consisting of all of the following:  (a) Twenty hours of instruction in a course or program of study reviewed and approved by the nationwide mortgage licensing	4598 4599 4600 4601 4602 4603 4604 4605 4606 4607 4608

lending laws and the Unio consumer sales practices act, Chapter	4612
1345. of the Revised Code, as it applies to registrants and	4613
licensees.	4614
(2) Notwithstanding division (B)(1) of this section, until	4615
the nationwide mortgage licensing system and registry implements a	4616
review and approval program, the application shall provide	4617
evidence, as determined by the superintendent, that the applicant	4618
has successfully completed at least twenty-four hours of	4619
instruction in a course or program of study approved by the	4620
superintendent that consists of at least all of the following:	4621
(a) Four hours of instruction concerning state and federal	4622
mortgage lending laws, which shall include no less than two hours	4623
on this chapter;	4624
(b) Four hours of instruction concerning the Ohio consumer	4625
sales practices act, Chapter 1345. of the Revised Code, as it	4626
applies to registrants and licensees;	4627
(c) Four hours of instruction concerning the loan application	4628
process;	4629
(d) Two hours of instruction concerning the underwriting	4630
process;	4631
(e) Two hours of instruction concerning the secondary market	4632
for mortgage loans;	4633
(f) Four hours of instruction concerning the loan closing	4634
process;	4635
(g) Two hours of instruction covering basic mortgage	4636
financing concepts and terms;	4637
(h) Two hours of instruction concerning the ethical	4638
responsibilities of a registrant and a licensee, including with	4639
respect to confidentiality, consumer counseling, and the duties	4640
and standards of care created in section 1322.081 of the Revised	4641

Code.	4642
(3) For purposes of division $(B)(1)(a)$ of this section, the	4643
review and approval of a course or program of study includes the	4644
review and approval of the provider of the course or program of	4645
study.	4646
(4) If an applicant held a valid loan originator license	4647
issued by this state at any time during the immediately preceding	4648
five-year period, the applicant shall not be required to complete	4649
any additional pre-licensing instruction. For this purpose, any	4650
time during which the individual is a registered loan originator	4651
shall not be taken into account.	4652
(5) A person having successfully completed the pre-licensing	4653
education requirement reviewed and approved by the nationwide	4654
mortgage licensing system and registry for any state within the	4655
previous five years shall be granted credit toward completion of	4656
the pre-licensing education requirement of this state.	4657
(C) In addition to the information required under division	4658
(B) of this section, the application shall provide both of the	4659
following:	4660
(1) Evidence that the applicant passed a written test that	4661
meets the requirements described in <del>division (B) of</del> section	4662
1322.051 of the Revised Code;	4663
(2) Any further information that the superintendent requires.	4664
(D) Upon the filing of the application and payment of the	4665
application fee and any fee required by the nationwide mortgage	4666
licensing system and registry, the superintendent of financial	4667
institutions shall investigate the applicant as set forth in	4668
division (D) of this section.	4669
(1)(a) Notwithstanding division (K) of section 121.08 of the	4670

Revised Code, the superintendent shall obtain a criminal history

records check and, as part of the records check, request that	4672
criminal record information from the federal bureau of	4673
investigation be obtained. To fulfill this requirement, the	4674
superintendent shall do either of the following:	4675
(i) Request the superintendent of the bureau of criminal	4676
identification and investigation, or a vendor approved by the	4677
bureau, to conduct a criminal records check based on the	4678
applicant's fingerprints or, if the fingerprints are unreadable,	4679
based on the applicant's social security number, in accordance	4680
with division (A)(12) of section 109.572 of the Revised Code;	4681
(ii) Authorize the nationwide mortgage licensing system and	4682
registry to request a criminal history background check.	4683
(b) Any fee required under division (C)(3) of section 109.572	4684
of the Revised Code or by the nationwide mortgage licensing system	4685
and registry shall be paid by the applicant.	4686
(2) The superintendent shall conduct a civil records check.	4687
(3) If, in order to issue a license to an applicant,	4688
additional investigation by the superintendent outside this state	4689
is necessary, the superintendent may require the applicant to	4690
advance sufficient funds to pay the actual expenses of the	4691
investigation, if it appears that these expenses will exceed one	4692
hundred fifty dollars. The superintendent shall provide the	4693
applicant with an itemized statement of the actual expenses that	4694
the applicant is required to pay.	4695
(E)(1) In connection with applying for a loan originator	4696
license, the applicant shall furnish to the nationwide mortgage	4697
licensing system and registry the following information concerning	4698
the applicant's identity:	4699
(a) The applicant's fingerprints for submission to the	4700
federal bureau of investigation, and any other governmental agency	4701

or entity authorized to receive such information, for purposes of

a state, national, and international criminal history background	4703
check;	4704
(b) Personal history and experience in a form prescribed by	4705
the nationwide mortgage licensing system and registry, along with	4706
authorization for the superintendent and the nationwide mortgage	4707
licensing system and registry to obtain the following:	4708
(i) An independent credit report from a consumer reporting	4709
agency;	4710
(ii) Information related to any administrative, civil, or	4711
criminal findings by any governmental jurisdiction.	4712
(2) In order to effectuate the purposes of divisions	4713
(E)(1)(a) and $(E)(1)(b)(ii)$ of this section, the superintendent	4714
may use the conference of state bank supervisors, or a wholly	4715
owned subsidiary, as a channeling agent for requesting information	4716
from and distributing information to the United States department	4717
of justice or any other governmental agency. The superintendent	4718
may also use the nationwide mortgage licensing system and registry	4719
as a channeling agent for requesting information from and	4720
distributing information to any source related to matters subject	4721
to those divisions of this section.	4722
(F) The superintendent shall pay all funds advanced and	4723
application and renewal fees and penalties the superintendent	4724
receives pursuant to this section and section 1322.041 of the	4725
Revised Code to the treasurer of state to the credit of the	4726
consumer finance fund created in section 1321.21 of the Revised	4727
Code.	4728
(G) If an application for a loan originator license does not	4729
contain all of the information required under this section, and if	4730
that information is not submitted to the superintendent or to the	4731
nationwide mortgage licensing system and registry within ninety	4732
days after the superintendent or the nationwide mortgage licensing	4733

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

- (H)(1) The business of a loan originator shall principally be 4737 transacted at an office of the mortgage broker with whom the 4738 licensee is employed or associated, which office is registered in 4739 accordance with division (A) of section 1322.02 of the Revised 4740 Code. Each original loan originator license shall be deposited 4741 with and maintained by the mortgage broker at the mortgage 4742 broker's main office. A copy of the license shall be maintained 4743 and displayed at the office where the loan originator principally 4744 transacts business. 4745
- (2) If a loan originator's employment or association is 4746 terminated for any reason, the mortgage broker shall return the 4747 original loan originator license to the superintendent within five 4748 business days after the termination. The licensee may request the 4749 transfer of the license to another mortgage broker by submitting a 4750 transfer application, along with a fifteen dollar fee and any fee 4751 required by the national mortgage licensing system and registry, 4752 to the superintendent or may request the superintendent in writing 4753 to hold the license in escrow. Any licensee whose license is held 4754 in escrow shall cease activity as a loan originator. A licensee 4755 whose license is held in escrow shall be required to apply for 4756 renewal annually and to comply with the annual continuing 4757 education requirement. 4758
- (3) A mortgage broker may employ or be associated with a loan 4759 originator on a temporary basis pending the transfer of the loan 4760 originator's license to the mortgage broker, if the mortgage 4761 broker receives written confirmation from the superintendent that 4762 the loan originator is licensed under sections 1322.01 to 1322.12 4763 of the Revised Code.
  - (4) Notwithstanding divisions (H)(1) to (3) of this section, 4765

a licensee.

if a licensee is employed by or associated with a person or entity	4766
listed in division (G)(2) of section 1322.01 of the Revised Code,	4767
all of the following apply:	4768
(a) The licensee shall maintain and display the original loan	4769
originator license at the office where the licensee principally	4770
transacts business;	4771
(b) If the loan originator's employment or association is	4772
terminated, the loan originator shall return the original loan	4773
originator license to the superintendent within five business days	4774
after termination. The licensee may request the transfer of the	4775
license to a mortgage broker or another person or entity listed in	4776
division (G)(2) of section 1322.01 of the Revised Code by	4777
submitting a transfer application, along with a fifteen-dollar fee	4778
and any fee required by the national mortgage licensing system and	4779
registry, to the superintendent or may request the superintendent	4780
in writing to hold the license in escrow. A licensee whose license	4781
is held in escrow shall cease activity as a loan originator. A	4782
licensee whose license is held in escrow shall be required to	4783
apply for renewal annually and to comply with the annual	4784
continuing education requirement.	4785
(c) The licensee may seek to be employed or associated with a	4786
mortgage broker or person or entity listed in division (G)(2) of	4787
section 1322.01 of the Revised Code if the mortgage broker or	4788
person or entity receives written confirmation from the	4789
superintendent that the loan originator is licensed under sections	4790
1322.01 to 1322.12 of the Revised Code.	4791
(I) The superintendent may establish relationships or enter	4792
into contracts with the nationwide mortgage licensing system and	4793
registry, or any entities designated by it, to collect and	4794
maintain records and process transaction fees or other fees	4795
related to loan originator licenses or the persons associated with	4796

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(J) A loan originator license, or the authority granted under	4798
that license, is not assignable and cannot be franchised by	4799
contract or any other means.	4800
Sec. 1322.04. (A) Upon the conclusion of the investigation	4801
required under division (B) of section 1322.03 of the Revised	4802
Code, the superintendent of financial institutions shall issue a	4803
certificate of registration to the applicant if the superintendent	4804
finds that the following conditions are met:	4805
(1) The application is accompanied by the application fee and	4806
any fee required by the nationwide mortgage licensing system and	4807
registry.	4808
(a) If a check or other draft instrument is returned to the	4809
superintendent for insufficient funds, the superintendent shall	4810
notify the applicant by certified mail, return receipt requested,	4811
that the application will be withdrawn unless the applicant,	4812
within thirty days after receipt of the notice, submits the	4813
application fee and a one-hundred-dollar penalty to the	4814
superintendent. If the applicant does not submit the application	4815
fee and penalty within that time period, or if any check or other	4816
draft instrument used to pay the fee or penalty is returned to the	4817
superintendent for insufficient funds, the application shall be	4818
withdrawn.	4819
(b) If a check or other draft instrument is returned to the	4820
superintendent for insufficient funds after the certificate of	4821
registration has been issued, the superintendent shall notify the	4822
registrant by certified mail, return receipt requested, that the	4823
certificate of registration issued in reliance on the check or	4824
other draft instrument will be canceled unless the registrant,	4825
within thirty days after receipt of the notice, submits the	4826

application fee and a one-hundred-dollar penalty to the

superintendent. If the registrant does not submit the application

fee and penalty within that time period, or if any check or other	4829
draft instrument used to pay the fee or penalty is returned to the	4830
superintendent for insufficient funds, the certificate of	4831
registration shall be canceled immediately without a hearing, and	4832
the registrant shall cease activity as a mortgage broker.	4833
(2) If the application is for a location that is a residence,	4834
evidence that the use of the residence to transact business as a	4835
mortgage broker is not prohibited.	4836
(3) The person designated on the application pursuant to	4837
division (A)(3) of section 1322.03 of the Revised Code meets the	4838
experience requirements provided in division (A)(4) of section	4839
1322.03 of the Revised Code and the education requirements set	4840
forth in division (A)(5) of section 1322.03 of the Revised Code.	4841
(4) The applicant maintains all necessary filings and	4842
approvals required by the secretary of state.	4843
(5) The applicant complies with the surety bond requirements	4844
of section 1322.05 of the Revised Code.	4845
(6) The applicant complies with sections 1322.01 to 1322.12	4846
of the Revised Code and the rules adopted thereunder.	4847
(7) Neither the applicant nor any person whose identity is	4848
required to be disclosed on an application for a mortgage broker	4849
certificate of registration has had a mortgage broker certificate	4850
of registration or loan originator license, or any comparable	4851
authority, revoked in any governmental jurisdiction or has pleaded	4852
guilty or nolo contendere to or been convicted of any of the	4853
following in a domestic, foreign, or military court:	4854
(a) During the seven-year period immediately preceding the	4855
date of application for the certificate of registration, a	4856
misdemeanor involving theft or any felony;	4857

(b) At any time prior to the date the application for the 4858

certificate of registration is approved, a felony involving an act	4859
of fraud, dishonesty, a breach of trust, theft, or money	4860
laundering.	4861
(8) Based on the totality of the circumstances and	4862
information submitted in the application, the applicant has proven	4863
to the superintendent, by a preponderance of the evidence, that	4864
the applicant is of good business repute, appears qualified to act	4865
as a mortgage broker, has fully complied with sections 1322.01 to	4866
1322.12 of the Revised Code and the rules adopted thereunder, and	4867
meets all of the conditions for issuing a mortgage broker	4868
certificate of registration.	4869
(9) The applicant's operations manager successfully completed	4870
the examination required under division (A) of by section 1322.051	4871
of the Revised Code.	4872
(10) The applicant's financial responsibility, experience,	4873
character, and general fitness command the confidence of the	4874
public and warrant the belief that the business will be operated	4875
honestly and fairly in compliance with the purposes of sections	4876
1322.01 to 1322.12 of the Revised Code and the rules adopted	4877
thereunder. The superintendent shall not use a credit score as the	4878
sole basis for registration denial.	4879
(B) For purposes of determining whether an applicant that is	4880
a partnership, corporation, or other business entity or	4881
association has met the conditions set forth in divisions (A)(7),	4882
(A)(8), and $(A)(10)$ of this section, the superintendent shall	4883
determine which partners, shareholders, or persons named in the	4884
application pursuant to division (A)(2) of section 1322.03 of the	4885
Revised Code must meet the conditions set forth in divisions	4886
(A)(7), $(A)(8)$ , and $(A)(10)$ of this section. This determination	4887
shall be based on the extent and nature of the partner's,	4888
shareholder's, or person's ownership interest in the partnership,	4889

corporation, or other business entity or association that is the

applicant and on whether the person is in a position to direct,	4891
control, or adversely influence the operations of the applicant.	4892
(C) The certificate of registration issued pursuant to	4893
division (A) of this section may be renewed annually on or before	4894
the thirty-first day of December if the superintendent finds that	4895
all of the following conditions are met:	4896
(1) The renewal application is accompanied by a nonrefundable	4897
renewal fee of five hundred dollars for each location of an office	4898
to be maintained by the applicant in accordance with division (A)	4899
of section 1322.02 of the Revised Code and any fee required by the	4900
nationwide mortgage licensing system and registry. If a check or	4901
other draft instrument is returned to the superintendent for	4902
insufficient funds, the superintendent shall notify the registrant	4903
by certified mail, return receipt requested, that the certificate	4904
of registration renewed in reliance on the check or other draft	4905
instrument will be canceled unless the registrant, within thirty	4906
days after receipt of the notice, submits the renewal fee and a	4907
one-hundred-dollar penalty to the superintendent. If the	4908
registrant does not submit the renewal fee and penalty within that	4909
time period, or if any check or other draft instrument used to pay	4910
the fee or penalty is returned to the superintendent for	4911
insufficient funds, the certificate of registration shall be	4912
canceled immediately without a hearing and the registrant shall	4913
cease activity as a mortgage broker.	4914
(2) The operations manager designated under division (A)(3)	4915
of section 1322.03 of the Revised Code has completed, at least	4916
eight hours of continuing education as required under section	4917
1322.052 of the Revised Code.	4918
(3) The applicant meets the conditions set forth in divisions	4919
(A)(2) to $(10)$ of this section.	4920

(4) The applicant's mortgage broker certificate of

registration is not subject to an order of suspension or an unpaid	4922
and past due fine imposed by the superintendent.	4923
(D)(1) Subject to division $(D)(2)$ of this section, if a	4924
renewal fee or additional fee required by the nationwide mortgage	4925
licensing system and registry is received by the superintendent	4926
after the thirty-first day of December, the mortgage broker	4927
certificate of registration shall not be considered renewed, and	4928
the applicant shall cease activity as a mortgage broker.	4929
(2) Division $(D)(1)$ of this section shall not apply if the	4930
applicant, no later than the thirty-first day of January, submits	4931
the renewal fee or additional fee and a one-hundred-dollar penalty	4932
to the superintendent.	4933
(E) If the person designated as the operations manager	4934
pursuant to division (A)(3) of section 1322.03 of the Revised Code	4935
is no longer the operations manager, the registrant shall do all	4936
of the following:	4937
(1) Within ninety days after the departure of the designated	4938
operations manager, designate another person as the operations	4939
manager;	4940
(2) Within ten days after the designation described in	4941
division (E)(1) of this section, notify the superintendent in	4942
writing of the designation;	4943
(3) Submit any additional information that the superintendent	4944
requires to establish that the newly designated operations manager	4945
complies with the requirements set forth in section 1322.03 of the	4946
Revised Code.	4947
(F) The registrant shall cease operations if it is without an	4948
operations manager approved by the superintendent for more than	4949
one hundred eighty days unless otherwise authorized in writing by	4950
the superintendent due to exigent circumstances.	4951

(G) Mortgage broker certificates of registration issued on or	4952
after May 1, 2010, annually expire on the thirty-first day of	4953
December.	4954
Sec. 1322.041. (A) Upon the conclusion of the investigation	4955
required under division (D) of section 1322.031 of the Revised	4956
Code, the superintendent of financial institutions shall issue a	4957
loan originator license to the applicant if the superintendent	4958
finds that the following conditions are met:	4959
(1) The application is accompanied by the application fee and	4960
any fee required by the nationwide mortgage licensing system and	4961
registry.	4962
(a) If a check or other draft instrument is returned to the	4963
superintendent for insufficient funds, the superintendent shall	4964
notify the applicant by certified mail, return receipt requested,	4965
that the application will be withdrawn unless the applicant,	4966
within thirty days after receipt of the notice, submits the	4967
application fee and a one-hundred-dollar penalty to the	4968
superintendent. If the applicant does not submit the application	4969
fee and penalty within that time period, or if any check or other	4970
draft instrument used to pay the fee or penalty is returned to the	4971
superintendent for insufficient funds, the application shall be	4972
withdrawn.	4973
(b) If a check or other draft instrument is returned to the	4974
superintendent for insufficient funds after the license has been	4975
issued, the superintendent shall notify the licensee by certified	4976
mail, return receipt requested, that the license issued in	4977
reliance on the check or other draft instrument will be canceled	4978
unless the licensee, within thirty days after receipt of the	4979
notice, submits the application fee and a one-hundred-dollar	4980
penalty to the superintendent. If the licensee does not submit the	4981

application fee and penalty within that time period, or if any

check or other draft instrument used to pay the fee or penalty is	4983
returned to the superintendent for insufficient funds, the license	4984
shall be canceled immediately without a hearing, and the licensee	4985
shall cease activity as a loan originator.	4986
(2) The applicant complies with sections 1322.01 to 1322.12	4987
of the Revised Code and the rules adopted thereunder.	4988
(3) The applicant has not been convicted of or pleaded guilty	4989
or nolo contendere to any of the following in a domestic, foreign,	4990
or military court:	4991
(a) During the seven-year period immediately preceding the	4992
date of application for the license, a misdemeanor involving theft	4993
or any felony;	4994
(b) At any time prior to the date the application for the	4995
license is approved, a felony involving an act of fraud,	4996
dishonesty, a breach of trust, theft, or money laundering.	4997
(4) Based on the totality of the circumstances and	4998
information submitted in the application, the applicant has proven	4999
to the superintendent, by a preponderance of the evidence, that	5000
the applicant is of good business repute, appears qualified to act	5001
as a loan originator, has fully complied with sections 1322.01 to	5002
1322.12 of the Revised Code and the rules adopted thereunder, and	5003
meets all of the conditions for issuing a loan originator license.	5004
(5) The applicant successfully completed the written test	5005
required under division (B) of by section 1322.051 of the Revised	5006
Code and completed the prelicensing instruction set forth in	5007
division (B) of section 1322.031 of the Revised Code.	5008
(6) The applicant's financial responsibility, character, and	5009
general fitness command the confidence of the public and warrant	5010
the belief that the business will be operated honestly and fairly	5011
in compliance with the purposes of sections 1322.01 to 1322.12 of	5012

the Revised Code. The superintendent shall not use a credit score

as the sole basis for a license denial.	5014
(7) The applicant is in compliance with the surety bond	5015
requirements of section 1322.05 of the Revised Code.	5016
(8) The applicant has not had a loan originator license, or	5017
comparable authority, revoked in any governmental jurisdiction.	5018
(B) The license issued under division (A) of this section may	5019
be renewed annually on or before the thirty-first day of December	5020
if the superintendent finds that all of the following conditions	5021
are met:	5022
(1) The renewal application is accompanied by a nonrefundable	5023
renewal fee of one hundred fifty dollars and any fee required by	5024
the nationwide mortgage licensing system and registry. If a check	5025
or other draft instrument is returned to the superintendent for	5026
insufficient funds, the superintendent shall notify the licensee	5027
by certified mail, return receipt requested, that the license	5028
renewed in reliance on the check or other draft instrument will be	5029
canceled unless the licensee, within thirty days after receipt of	5030
the notice, submits the renewal fee and a one-hundred-dollar	5031
penalty to the superintendent. If the licensee does not submit the	5032
renewal fee and penalty within that time period, or if any check	5033
or other draft instrument used to pay the fee or penalty is	5034
returned to the superintendent for insufficient funds, the license	5035
shall be canceled immediately without a hearing, and the licensee	5036
shall cease activity as a loan originator.	5037
(2) The applicant has completed at least eight hours of	5038
continuing education as required under section 1322.052 of the	5039
Revised Code.	5040
(3) The applicant meets the conditions set forth in divisions	5041
(A)(2) to (8) of this section; provided, however, that an	5042
applicant who was issued a loan officer license prior to January	5043

1, 2010, and has continuously maintained that license shall not be

required to meet the condition described in division (B)(1)(b) of	5045
section 1322.031 of the Revised Code.	5046
(4) The applicant's license is not subject to an order of	5047
suspension or an unpaid and past due fine imposed by the	5048
superintendent.	5049
(C)(1) Subject to division (C)(2) of this section, if a	5050
license renewal application or renewal fee, including any fee	5050
required by the nationwide mortgage licensing system and registry,	5052
is received by the superintendent after the thirty-first day of	5053
December, the license shall not be considered renewed, and the	5054
applicant shall cease activity as a loan originator.	5055
(2) Division (C)(1) of this section shall not apply if the	5056
applicant, no later than the thirty-first day of January, submits	5057
the renewal application and fees and a one-hundred-dollar penalty	5058
to the superintendent.	5059
(D) Loan originator licenses issued on or after May 1, 2010,	5060
annually expire on the thirty-first day of December.	5061
Sec. 1322.051. (A) Each person designated under division	5062
(A)(3) of section 1322.03 of the Revised Code to act as operations	5063
manager for a mortgage broker business shall submit to a written	5064
test approved by the superintendent of financial institutions. An	5065
test approved by the superintendent of financial institutions. An individual shall not be considered to have passed the written test	5065 5066
individual shall not be considered to have passed the written test	5066
individual shall not be considered to have passed the written test unless the individual achieves a test score of at least	5066 5067
individual shall not be considered to have passed the written test unless the individual achieves a test score of at least seventy-five per cent correct answers to all questions.	5066 5067 5068
<pre>individual shall not be considered to have passed the written test unless the individual achieves a test score of at least seventy five per cent correct answers to all questions.  (B) Each and each applicant for a loan originator license</pre>	<ul><li>5066</li><li>5067</li><li>5068</li><li>5069</li></ul>
<pre>individual shall not be considered to have passed the written test unless the individual achieves a test score of at least seventy-five per cent correct answers to all questions.  (B) Each and each applicant for a loan originator license shall submit to a written test that is developed and approved by</pre>	5066 5067 5068 5069 5070
<pre>individual shall not be considered to have passed the written test unless the individual achieves a test score of at least seventy-five per cent correct answers to all questions.  (B) Each and each applicant for a loan originator license shall submit to a written test that is developed and approved by the nationwide mortgage licensing system and registry and</pre>	5066 5067 5068 5069 5070 5071
<pre>individual shall not be considered to have passed the written test unless the individual achieves a test score of at least seventy five per cent correct answers to all questions.  (B) Each and each applicant for a loan originator license shall submit to a written test that is developed and approved by the nationwide mortgage licensing system and registry and administered by a test provider approved by the nationwide</pre>	5066 5067 5068 5069 5070 5071

$\frac{(1)}{(A)}$ The test shall adequately measure the designee's or	5075
applicant's knowledge and comprehension in appropriate subject	5076
areas, including ethics, federal and state law related to mortgage	5077
origination, fraud, consumer protection, and the nontraditional	5078
mortgage marketplace, and fair lending issues.	5079
$\frac{(2)}{(B)}$ An individual shall not be considered to have passed	5080
the written test unless the individual achieves a test score of	5081
answers at least seventy-five per cent <del>correct answers on all</del> of	5082
the questions and at least seventy-five per cent correct answers	5083
on all questions relating to state mortgage lending laws and the	5084
Ohio consumer sales practices act, Chapter 1345. of the Revised	5085
Code, as it applies to registrants and licensees correctly.	5086
$\frac{(3)}{(C)}$ An individual may retake the test three consecutive	5087
times provided the period between taking the tests is at least	5088
thirty days. If an individual fails three consecutive tests, the	5089
individual shall be required to wait at least six months before	5090
taking the test again.	5091
$\frac{(4)(D)}{(D)}$ If a loan originator fails to maintain a valid loan	5092
originator license for a period of five years or longer, the	5093
individual shall be required to retake the test.	5094
For this purpose, any time during which the individual is a	5095
registered loan originator shall not be taken into account.	5096
(C) Notwithstanding division (B) of this section, until the	5097
nationwide mortgage licensing system and registry implements a	5098
testing process that meets the criteria set forth in that	5099
division, the superintendent shall require each applicant to pass	5100
a written test acceptable to the superintendent.	5101
Sec. 1322.06. (A) As often as the superintendent of financial	5102
institutions considers it necessary, the superintendent may	5102
examine the registrant's or licensee's records, including all	5104
commend the regreetant bot recented brecords, incruding arr	2101

the annual report.

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records created or processed by a licensee, pertaining to business	5105
transacted pursuant to sections 1322.01 to 1322.12 of the Revised	5106
Code.	5107
(B) A registrant or licensee shall maintain records	5108
pertaining to business transacted pursuant to sections 1322.01 to	5109
1322.12 of the Revised Code, including copies of all mortgage loan	5110
origination disclosure statements prepared in accordance with	5111
section 1322.062 of the Revised Code, for four years. For purposes	5112
of this division, "registrant or licensee" includes any person	5113
whose certificate of registration or license is cancelled,	5114
surrendered, or revoked or who otherwise ceases to engage in	5115
business as a mortgage broker or loan originator.	5116
No registrant or licensee shall fail to comply with this	5117
division.	5118
(C) Each registrant and licensee shall submit to the	5119
nationwide mortgage licensing system and registry call reports or	5120
other reports of condition, which reports shall be in such form	5121
and shall contain such information as the nationwide mortgage	5122
licensing system and registry may require.	5123
(D)(1) As required by the superintendent, each registrant	5124
shall file with the division of financial institutions an annual	5125
report under oath or affirmation, on forms supplied by the	5126
division, concerning the business and operations of the registrant	5127
for the preceding calendar year. If a registrant operates two or	5128
more registered offices, or two or more affiliated registrants	5129
operate registered offices, a composite report of the group of	5130
registered offices may be filed in lieu of individual reports. For	5131
purposes of compliance with this requirement, the superintendent	5132
may accept call reports or other reports of condition submitted to	5133
the nationwide mortgage licensing system and registry in lieu of	5134

(2) The <del>division</del> <u>superintendent</u> shall publish annually an	5136
analysis of the information required under division (D)(1) of this	5137
section, but the individual reports, whether filed with the	5138
superintendent or the nationwide mortgage licensing system and	5139
registry, shall not be public records and shall not be open to	5140
public inspection or otherwise be subject to section 149.43 of the	5141
Revised Code.	5142

Sec. 1533.10. Except as provided in this section or division 5143 (A)(2) of section 1533.12 or section 1533.73 or 1533.731 of the 5144 Revised Code, no person shall hunt any wild bird or wild quadruped 5145 without a hunting license. Each day that any person hunts within 5146 the state without procuring such a license constitutes a separate 5147 offense. Except as otherwise provided in this section, every 5148 applicant for a hunting license who is a resident of the state and 5149 eighteen years of age or more shall procure a resident hunting 5150 license or an apprentice resident hunting license, the fee for 5151 which shall be eighteen dollars unless the rules adopted under 5152 division (B) of section 1533.12 of the Revised Code provide for 5153 issuance of a resident hunting license to the applicant free of 5154 charge. Except as provided in rules adopted under division (B)(2) 5155 of that section, each applicant who is a resident of this state 5156 and who at the time of application is sixty-six years of age or 5157 older shall procure a special senior hunting license, the fee for 5158 which shall be one-half of the regular hunting license fee. Every 5159 applicant who is under the age of eighteen years shall procure a 5160 special youth hunting license or an apprentice youth hunting 5161 license, the fee for which shall be one-half of the regular 5162 hunting license fee. 5163

A resident of this state who owns lands in the state and the 5164 owner's children of any age and grandchildren under eighteen years 5165 of age may hunt on the lands without a hunting license. A resident 5166 of any other state who owns real property in this state, and the 5167

spouse and children living with the property owner, may hunt on	5168
that property without a license, provided that the state of	5169
residence of the real property owner allows residents of this	5170
state owning real property in that state, and the spouse and	5171
children living with the property owner, to hunt without a	5172
license. If the owner of land in this state is a limited liability	5173
company or a limited liability partnership that consists of three	5174
or fewer individual members or partners, as applicable, an	5175
individual member or partner who is a resident of this state and	5176
the member's or partner's children of any age and grandchildren	5177
under eighteen years of age may hunt on the land owned by the	5178
limited liability company or limited liability partnership without	5179
a hunting license. In addition, if the owner of land in this state	5180
is a trust that has a total of three or fewer trustees and	5181
beneficiaries, an individual who is a trustee or beneficiary and	5182
who is a resident of this state and the individual's children of	5183
any age and grandchildren under eighteen years of age may hunt on	5184
the land owned by the trust without a hunting license. The tenant	5185
and children of the tenant, residing on lands in the state, may	5186
hunt on them without a hunting license.	5187

Except as otherwise provided in division (A)(1) of section 5188 1533.12 of the Revised Code, every applicant for a hunting license 5189 who is a nonresident of the state and who is eighteen years of age 5190 or older shall procure a nonresident hunting license or an 5191 apprentice nonresident hunting license, the fee for which shall be 5192 one hundred twenty four forty-nine dollars unless the applicant is 5193 a resident of a state that is a party to an agreement under 5194 section 1533.91 of the Revised Code, in which case the fee shall 5195 be eighteen dollars. Apprentice resident hunting licenses, 5196 apprentice youth hunting licenses, and apprentice nonresident 5197 hunting licenses are subject to the requirements established under 5198 section 1533.102 of the Revised Code and rules adopted pursuant to 5199 it. 5200

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The chief of the division of wildlife may issue a small game	5201
hunting license expiring three days from the effective date of the	5202
license to a nonresident of the state, the fee for which shall be	5203
thirty-nine dollars. No person shall take or possess deer, wild	5204
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame	5205
animal while possessing only a small game hunting license. A small	5206
game hunting license or an apprentice nonresident hunting license	5207
does not authorize the taking or possessing of ducks, geese, or	5208
brant without having obtained, in addition to the small game	5209
hunting license or the apprentice nonresident hunting license, a	5210
wetlands habitat stamp as provided in section 1533.112 of the	5211
Revised Code. A small game hunting license or an apprentice	5212
nonresident hunting license does not authorize the taking or	5213
possessing of deer, wild turkeys, or fur-bearing animals. A	5214
nonresident of the state who wishes to take or possess deer, wild	5215
turkeys, or fur-bearing animals in this state shall procure,	5216
respectively, a deer or wild turkey permit as provided in section	5217
1533.11 of the Revised Code or a fur taker permit as provided in	5218
section 1533.111 of the Revised Code in addition to a nonresident	5219
hunting license, an apprentice nonresident hunting license, a	5220
special youth hunting license, or an apprentice youth hunting	5221
license, as applicable, as provided in this section.	5222

No person shall procure or attempt to procure a hunting 5223 license by fraud, deceit, misrepresentation, or any false 5224 statement. 5225

This section does not authorize the taking and possessing of 5226 deer or wild turkeys without first having obtained, in addition to 5227 the hunting license required by this section, a deer or wild 5228 turkey permit as provided in section 1533.11 of the Revised Code 5229 or the taking and possessing of ducks, geese, or brant without 5230 first having obtained, in addition to the hunting license required 5231 by this section, a wetlands habitat stamp as provided in section 5232

## 1533.112 of the Revised Code.

This section does not authorize the hunting or trapping of 5234 fur-bearing animals without first having obtained, in addition to 5235 a hunting license required by this section, a fur taker permit as 5236 provided in section 1533.111 of the Revised Code. 5237

No hunting license shall be issued unless it is accompanied 5238 by a written explanation of the law in section 1533.17 of the 5239 Revised Code and the penalty for its violation, including a 5240 description of terms of imprisonment and fines that may be 5241 imposed. 5242

No hunting license, other than an apprentice hunting license, 5243 shall be issued unless the applicant presents to the agent 5244 authorized to issue the license a previously held hunting license 5245 or evidence of having held such a license in content and manner 5246 approved by the chief, a certificate of completion issued upon 5247 completion of a hunter education and conservation course approved 5248 by the chief, or evidence of equivalent training in content and 5249 manner approved by the chief. A previously held apprentice hunting 5250 license does not satisfy the requirement concerning the 5251 presentation of a previously held hunting license or evidence of 5252 it. 5253

No person shall issue a hunting license, except an apprentice 5254 hunting license, to any person who fails to present the evidence 5255 required by this section. No person shall purchase or obtain a 5256 hunting license, other than an apprentice hunting license, without 5257 presenting to the issuing agent the evidence required by this 5258 section. Issuance of a hunting license in violation of the 5259 requirements of this section is an offense by both the purchaser 5260 of the illegally obtained hunting license and the clerk or agent 5261 who issued the hunting license. Any hunting license issued in 5262 violation of this section is void. 5263

The chief, with approval of the wildlife council, shall adopt	5264
rules prescribing a hunter education and conservation course for	5265
first-time hunting license buyers, other than buyers of apprentice	5266
hunting licenses, and for volunteer instructors. The course shall	5267
consist of subjects including, but not limited to, hunter safety	5268
and health, use of hunting implements, hunting tradition and	5269
ethics, the hunter and conservation, the law in section 1533.17 of	5270
the Revised Code along with the penalty for its violation,	5271
including a description of terms of imprisonment and fines that	5272
may be imposed, and other law relating to hunting. Authorized	5273
personnel of the division or volunteer instructors approved by the	5274
chief shall conduct such courses with such frequency and at such	5275
locations throughout the state as to reasonably meet the needs of	5276
license applicants. The chief shall issue a certificate of	5277
completion to each person who successfully completes the course	5278
and passes an examination prescribed by the chief.	5279

Sec. 1533.11. (A)(1) Except as provided in this section or 5280 section 1533.731 of the Revised Code, no person shall hunt deer on 5281 lands of another without first obtaining an annual deer permit. 5282 Except as provided in this section, no person shall hunt wild 5283 turkeys on lands of another without first obtaining an annual wild 5284 turkey permit. Each

(2) Each applicant for a deer or wild turkey permit shall pay 5286 an annual fee of twenty-three dollars for each the permit unless 5287 the rules adopted under division (B) of section 1533.12 of the 5288 Revised Code provide for issuance of a deer or wild turkey permit 5289 to the applicant free of charge. Except as provided in rules 5290 adopted under division (B)(2) of that section, each applicant who 5291 is a resident of this state and who at the time of application is 5292 sixty-six years of age or older shall procure a senior deer or 5293 wild turkey permit, the fee for which shall be one-half of the 5294 regular deer or wild turkey permit fee. Each applicant who is 5295

under the age of eighteen years shall procure a youth deer or wild	5296
turkey permit, the fee for which shall be one-half of the regular	5297
deer or wild turkey permit fee. Except	5298
(3) Each applicant for a deer permit who is a resident of	5299
this state shall procure a resident deer permit, the fee for which	5300
is twenty-three dollars unless the rules adopted under division	5301
(B) of section 1533.12 of the Revised Code provide for issuance of	5302
a deer permit to the applicant free of charge. Each applicant for	5303
a deer permit who is a nonresident of this state shall procure a	5304
nonresident deer permit, the fee for which is ninety-nine dollars	5305
unless the rules adopted under that division provide for issuance	5306
of a deer permit to the applicant free of charge. Except as	5307
provided in rules adopted under division (B)(2) of section 1533.12	5308
of the Revised Code, each applicant who is a resident of this	5309
state and who at the time of application is sixty-six years of age	5310
or older shall procure a senior resident deer permit, the fee for	5311
which is one-half of the regular resident deer permit fee. Each	5312
applicant who is under the age of eighteen years, regardless of	5313
residency, shall procure a youth deer permit, the fee for which is	5314
one-half of the regular resident deer permit fee.	5315
(4) As used in this chapter, "deer permit" includes a	5316
resident deer permit and a nonresident deer permit unless the	5317
context indicates otherwise.	5318
(5) Except as provided in division (A)(2) of section 1533.12	5319
of the Revised Code, a deer or wild turkey permit shall run	5320
concurrently with the hunting license. The money received shall be	5321
paid into the state treasury to the credit of the wildlife fund,	5322
created in section 1531.17 of the Revised Code, exclusively for	5323
the use of the division of wildlife in the acquisition and	5324
development of land for deer or wild turkey management, for	5325
investigating deer or wild turkey problems, and for the stocking,	5326
management, and protection of deer or wild turkey. Every person,	5327

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while hunting deer or wild turkey on lands of another, shall carry	5328
the person's deer or wild turkey permit and exhibit it to any	5329
enforcement officer so requesting. Failure to so carry and exhibit	5330
such a permit constitutes an offense under this section. The chief	5331
of the division of wildlife shall adopt any additional rules the	5332
chief considers necessary to carry out this section and section	5333
1533.10 of the Revised Code.	5334

An owner who is a resident of this state or an owner who is 5335 exempt from obtaining a hunting license under section 1533.10 of 5336 the Revised Code and the children of the owner of lands in this 5337 state may hunt deer or wild turkey thereon without a deer or wild 5338 turkey permit. If the owner of land in this state is a limited 5339 liability company or a limited liability partnership that consists 5340 of three or fewer individual members or partners, as applicable, 5341 an individual member or partner who is a resident of this state 5342 and the member's or partner's children of any age may hunt deer or 5343 wild turkey on the land owned by the limited liability company or 5344 limited liability partnership without a deer or wild turkey 5345 permit. In addition, if the owner of land in this state is a trust 5346 that has a total of three or fewer trustees and beneficiaries, an 5347 individual who is a trustee or beneficiary and who is a resident 5348 of this state and the individual's children of any age may hunt 5349 deer or wild turkey on the land owned by the trust without a deer 5350 or wild turkey permit. The tenant and children of the tenant may 5351 hunt deer or wild turkey on lands where they reside without a deer 5352 or wild turkey permit. 5353

- (B) A deer or wild turkey permit is not transferable. No 5354 person shall carry a deer or wild turkey permit issued in the name 5355 of another person. 5356
- (C) The wildlife refunds fund is hereby created in the state 5357 treasury. The fund shall consist of money received from 5358 application fees for deer permits that are not issued. Money in 5359

the fund shall be used to make refunds of such application fees.

(D) If the division establishes a system for the electronic 5361 submission of information regarding deer or wild turkey that are 5362 taken, the division shall allow the owner and the children of the 5363 owner of lands in this state to use the owner's name or address 5364 for purposes of submitting that information electronically via 5365 that system.

Sec. 1533.12. (A)(1) Except as otherwise provided in division 5367 (A)(2) of this section, every person on active duty in the armed 5368 forces of the United States who is stationed in this state and who 5369 wishes to engage in an activity for which a license, permit, or 5370 stamp is required under this chapter first shall obtain the 5371 requisite license, permit, or stamp. Such a person is eligible to 5372 obtain a resident hunting or fishing license regardless of whether 5373 the person qualifies as a resident of this state. To obtain a 5374 resident hunting or fishing license, the person shall present a 5375 card or other evidence identifying the person as being on active 5376 duty in the armed forces of the United States and as being 5377 stationed in this state. 5378

(2) Every person on active duty in the armed forces of the 5379 United States, while on leave or furlough, may take or catch fish 5380 of the kind lawfully permitted to be taken or caught within the 5381 state, may hunt any wild bird or wild quadruped lawfully permitted 5382 to be hunted within the state, and may trap fur-bearing animals 5383 lawfully permitted to be trapped within the state, without 5384 procuring a fishing license, a hunting license, a fur taker 5385 permit, or a wetlands habitat stamp required by this chapter, 5386 provided that the person shall carry on the person when fishing, 5387 hunting, or trapping, a card or other evidence identifying the 5388 person as being on active duty in the armed forces of the United 5389 States, and provided that the person is not otherwise violating 5390

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any of the hunting, fishing, and trapping laws of this state. 5391

In order to hunt deer or wild turkey, any such person shall

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obtain a resident deer or wild turkey permit, as applicable, under

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section 1533.11 of the Revised Code. Such a person is eligible to

obtain a resident deer permit regardless of whether the person is

a resident of this state. However, the person need not obtain a

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hunting license in order to obtain such a either permit.

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- (B) The chief of the division of wildlife shall provide by rule adopted under section 1531.10 of the Revised Code all of the following:
- (1) Every resident of this state with a disability that has 5401 been determined by the veterans administration to be permanently 5402 and totally disabling, who receives a pension or compensation from 5403 the veterans administration, and who received an honorable 5404 discharge from the armed forces of the United States, and every 5405 veteran to whom the registrar of motor vehicles has issued a set 5406 of license plates under section 4503.41 of the Revised Code, shall 5407 be issued a fishing license, hunting license, fur taker permit, 5408 deer or wild turkey permit, or wetlands habitat stamp, or any 5409 combination of those licenses, permits, and stamp, free of charge 5410 on an annual, multi-year, or lifetime basis as determined 5411 appropriate by the chief when application is made to the chief in 5412 the manner prescribed by and on forms provided by the chief. 5413
- (2) Every resident of the state who was born on or before 5414

  December 31, 1937, shall be issued an annual fishing license, 5415

  hunting license, fur taker permit, deer or wild turkey permit, or 5416

  wetlands habitat stamp, or any combination of those licenses, 5417

  permits, and stamp, free of charge when application is made to the 5418

  chief in the manner prescribed by and on forms provided by the 5419

  chief. 5420
  - (3) Every resident of state or county institutions,

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charitable institutions, and military homes in this state shall be	5422
issued an annual fishing license free of charge when application	5423
is made to the chief in the manner prescribed by and on forms	5424
provided by the chief.	5425

- (4) Any mobility impaired or blind person, as defined in 5426 section 955.011 of the Revised Code, who is a resident of this 5427 state and who is unable to engage in fishing without the 5428 assistance of another person shall be issued an annual fishing 5429 license free of charge when application is made to the chief in 5430 the manner prescribed by and on forms provided by the chief. The 5431 person who is assisting the mobility impaired or blind person may 5432 assist in taking or catching fish of the kind permitted to be 5433 taken or caught without procuring the license required under 5434 section 1533.32 of the Revised Code, provided that only one line 5435 is used by both persons. 5436
- (5) As used in division (B)(5) of this section, "prisoner of 5437 war" means any regularly appointed, enrolled, enlisted, or 5438 inducted member of the military forces of the United States who 5439 was captured, separated, and incarcerated by an enemy of the 5440 United States.

Any person who has been a prisoner of war, was honorably 5442 discharged from the military forces, and is a resident of this 5443 state shall be issued a fishing license, hunting license, fur 5444 taker permit, or wetlands habitat stamp, or any combination of 5445 those licenses, permits, and stamp, free of charge on an annual, 5446 multi-year, or lifetime basis as determined appropriate by the 5447 chief when application is made to the chief in the manner 5448 prescribed by and on forms provided by the chief. 5449

(C) The chief shall adopt rules pursuant to section 1531.08 5450 of the Revised Code designating not more than two days, which need 5451 not be consecutive, in each year as "free sport fishing days" on 5452 which any resident may exercise the privileges accorded the holder 5453

of a fishing license issued under section 1533.32 of the Revised	5454
Code without procuring such a license, provided that the person is	5455
not otherwise violating any of the fishing laws of this state.	5456
Sec. 1711.50. As used in sections 1711.50 to 1711.57 of the	5457
Revised Code:	5458
(A) "Amusement ride" means any mechanical, aquatic, or	5459
inflatable device, or combination of those devices that carries or	5460
conveys passengers on, along, around, over, or through a fixed or	5461
restricted course or within a defined area for the purpose of	5462
providing amusement, pleasure, or excitement. "Amusement ride"	5463
includes carnival rides, bungee jumping facilities, and fair	5464
rides_ but does not include passenger tramways as defined in	5465
section 4169.01 of the Revised Code or amusement rides operated	5466
solely at trade shows for a limited period of time. For purposes	5467
of <u>this</u> division <del>(A) of this section</del> , "trade show" means a place	5468
of exhibition not open to the general public where amusement ride	5469
manufacturers display, promote, operate, and sell amusement rides	5470
to prospective purchasers.	5471
(B) "Temporary amusement ride" means an amusement ride that	5472
is relocated at least once per year with or without disassembly.	5473
(C) "Permanent amusement ride" means an amusement ride that	5474
is erected to remain a lasting part of the premises.	5475
(D) "Owner" means any person who owns or leases and controls	5476
or manages the operation of an amusement ride, and includes	5477
individuals, partnerships, corporations, both profit and	5478
nonprofit, and the state and any of its political subdivisions and	5479
their departments or agencies.	5480
(E) "Operation" means the use or operation, or both, of an	5481
amusement ride with riders.	5482

(F) "Rider" means any person who sits, stands, or is

otherwise conveyed or carried as a passenger on an amusement ride,	5484
but does not include employees or agents of the owner of the	5485
amusement ride.	5486
(G) "Amusement ride operator" means any person causing the	5487
amusement ride to go, stop, or perform its function.	5488
(H) "Reassembly" means the installation, erection, or	5489
reconstruction of the main mechanical, safety, electrical, or	5490
electronic components of an amusement ride following	5491
transportation or storage and prior to operation. Replacement of	5492
mechanical, safety, electrical, or electronic components of an	5493
amusement ride for the purpose of repair or maintenance is not	5494
reassembly.	5495
(I) "Repair" means to restore an amusement ride to a	5496
condition equal to or better than original design specifications.	5497
(J) "Maintenance" means the preservation and upkeep of an	5498
amusement ride for the purpose of maintaining its designed	5499
operational capability.	5500
(K) "Inspection" means a physical examination of an amusement	5501
ride by an inspector for the purpose of approving the application	5502
for a permit. "Inspection" includes a reinspection.	5503
(L) "Accident" means an occurrence during the operation of an	5504
amusement ride which that results in death or injury requiring	5505
immediate hospital admission.	5506
(M) "Serious injury" means an injury that does not require	5507
immediate hospital admission but does require medical treatment,	5508
other than first aid, by a physician.	5509
(N) "First aid" means the one-time treatment or subsequent	5510
observation of scratches, cuts not requiring stitches, burns,	5511
splinters, and contusions or a diagnostic procedure, including	
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agriculture under division (A)(2) of this section. The owner of an

amusement ride, whether the ride is a temporary amusement ride or

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a permanent amusement ride, who desires to operate the amusement	5544
ride within the state shall, prior to the operation of the	5545
amusement ride and annually thereafter, submit to the department	5546
of agriculture an application for a permit, together with the	5547
appropriate permit and inspection fee, on a form to be furnished	5548
by the department. Prior to issuing any permit the department	5549
shall, within thirty days after the date on which it receives the	5550
application, inspect each amusement ride described in the	5551
application. The owner of an amusement ride shall have the	5552
amusement ride ready for inspection not later than two hours after	5553
the time that is requested by the person for the inspection.	5554

- (2) For each amusement ride found to comply with the rules 5555 adopted by the director under division (B) of this section and 5556 division (B) of section 1711.551 of the Revised Code, the director 5557 shall issue an annual permit, provided that evidence of liability 5558 insurance coverage for the amusement ride as required by section 5559 1711.54 of the Revised Code is on file with the department. 5560
- (3) The director shall issue with each permit a decal 5561 indicating that the amusement ride has been issued the permit. The 5562 owner of the amusement ride shall affix the decal on the ride at a 5563 location where the decal is easily visible to the patrons of the 5564 ride. A copy of the permit shall be kept on file at the same 5565 address as the location of the amusement ride identified on the 5566 permit, and shall be made available for inspection, upon 5567 reasonable demand, by any person. An owner may operate an 5568 amusement ride prior to obtaining a permit, provided that the 5569 operation is for the purpose of testing the amusement ride or 5570 training amusement ride operators and other employees of the owner 5571 and the amusement ride is not open to the public. 5572
- (B) The director, in accordance with Chapter 119. of the 5573

  Revised Code, shall adopt rules providing for a schedule of fines, 5574

  with no fine exceeding five thousand dollars, for violations of 5575

sections 1711.50 to 1711.57 of the Revised Code or any rules	5576
adopted under this division and for the classification of	5577
amusement rides and rules for the safe operation and inspection of	5578
all amusement rides as are necessary for amusement ride safety and	5579
for the protection of the general public. Rules adopted by the	5580
director for the safe operation and inspection of amusement rides	5581
shall be reasonable and based upon generally accepted engineering	5582
standards and practices. In adopting rules under this section, the	5583
director may adopt by reference, in whole or in part, the national	5584
fire code or the national electrical code (NEC) prepared by the	5585
national fire protection association, the standards of the	5586
American society for testing and materials (ASTM) or the American	5587
national standards institute (ANSI), or any other principles,	5588
tests, or standards of nationally recognized technical or	5589
scientific authorities. Insofar as is practicable and consistent	5590
with sections 1711.50 to 1711.57 of the Revised Code, rules	5591
adopted under this division shall be consistent with the rules of	5592
other states. The department shall cause sections 1711.50 to	5593
1711.57 of the Revised Code and the rules adopted in accordance	5594
with this division and division (B) of section 1711.551 of the	5595
Revised Code to be published in pamphlet form and a copy to be	5596
furnished without charge to each owner of an amusement ride who	5597
holds a current permit or is an applicant therefor.	5598

(C) With respect to an application for a permit for an 5599 amusement ride, an owner may apply to the director for a waiver or 5600 modification of any rule adopted under division (B) of this 5601 section if there are practical difficulties or unnecessary 5602 hardships for the amusement ride to comply with the rules. Any 5603 application shall set forth the reasons for the request. The 5604 director, with the approval of the advisory council on amusement 5605 ride safety, may waive or modify the application of a rule to any 5606 amusement ride if the public safety is secure. Any authorization 5607 by the director under this division shall be in writing and shall 5608

5640

ride fees:

set forth the conditions under which the waiver or modification is	5609
authorized, and the department shall retain separate records of	5610
all proceedings under this division.	5611
(D)(1) The director shall employ and provide for training of	5612
a chief inspector and additional inspectors and employees as may	5613
be necessary to administer and enforce sections 1711.50 to 1711.57	5614
of the Revised Code. The director may appoint or contract with	5615
other persons to perform inspections of amusement rides, provided	5616
that the persons meet the qualifications for inspectors	5617
established by rules adopted under division (B) of this section	5618
and are not owners, or employees of owners, of any amusement ride	5619
subject to inspection under sections 1711.50 to 1711.57 of the	5620
Revised Code. No person shall inspect an amusement ride who,	5621
within six months prior to the date of inspection, was an employee	5622
of the owner of the ride.	5623
(2) Before the director contracts with other persons to	5624
inspect amusement rides, the director shall seek the advice of the	5625
advisory council on amusement ride safety on whether to contract	5626
with those persons. The advice shall not be binding upon the	5627
director. After having received the advice of the council, the	5628
director may proceed to contract with inspectors in accordance	5629
with the procedures specified in division (E)(2) of section	5630
1711.11 of the Revised Code.	5631
(3) With the advice and consent of the advisory council on	5632
amusement ride safety, the director may employ a special	5633
consultant to conduct an independent investigation of an amusement	5634
ride accident. This consultant need not be in the civil service of	5635
the state, but shall have qualifications to conduct the	5636
investigation acceptable to the council.	5637
(E)(1) Except as otherwise provided in division (E)(1) of	5638

this section, the department shall charge the following amusement

Permit	\$	150	5641
Annual inspection and reinspection per ride:			5642
Kiddie rides	\$	100	5643
Roller coaster	\$	<del>950</del>	5644
		1,200	
Aerial lifts or bungee jumping facilities	\$	450	5645
Go karts <u>, per kart</u>	\$	5	5646
Inflatable rides, kiddie and adult	<u>\$</u>	<u>105</u>	5647
Other rides	\$	160	5648
Midseason operational inspection per ride	\$	25	5649
Expedited inspection per ride	\$	100	5650
Failure to cancel scheduled inspection per ride	\$	100	5651
Failure to have amusement ride ready for inspection			5652
per ride	\$	100	5653
The go kart inspection fee is in addition to the	inspect	ion	5654
fee for the go kart track.			5655
The fees for an expedited inspection, failure to	cancel	a	5656
scheduled inspection, and failure to have an amusement	ride r	ready	5657
for inspection do not apply to go karts.			5658
As used in division (E)(1) of this section, "exped	dited		5659
inspection" means an inspection of an amusement ride by	y the		5660
department not later than ten days after the owner of	the		5661
amusement ride files an application for a permit under	this		5662
section.			5663
(2) All fees and fines collected by the department	under		5664
sections 1711.50 to 1711.57 of the Revised Code shall	oe depo	sited	5665
in the state treasury to the credit of the amusement r	ide		5666
inspection fund, which is hereby created, and shall be	used c	only	5667
for the purpose of administering and enforcing sections	s 1711.	11	5668
and 1711.50 to 1711.57 of the Revised Code.			5669
(3) The owner of an amusement ride shall be requi:	red to	pay a	5670

reinspection fee only if the reinspection was conducted at the

owner's request under division (F) of this section, if the	5672
reinspection is required by division (F) of this section because	5673
of an accident, or if the reinspection is required by division (F)	5674
of section 1711.55 of the Revised Code. If a reinspection is	5675
conducted at the request of the chief officer of a fair, festival,	5676
or event where the ride is operating, the reinspection fee shall	5677
be charged to the fair, festival, or event.	5678

- (4) The rules adopted under division (B) of this section 5679 shall define "kiddie rides," "roller coaster," "aerial lifts," "go 5680 karts," and "other rides" for purposes of determining the fees 5681 under division (E) of this section. The rules shall define "other 5682 rides" to include go kart tracks.
- (F) A reinspection of an amusement ride shall take place if 5684 an accident occurs, if the owner of the ride or the chief officer 5685 of the fair, festival, or event where the ride is operating 5686 requests a reinspection, or if the reinspection is required by 5687 division (F) of section 1711.55 of the Revised Code. 5688
- (G) As a supplement to its annual inspection of a temporary 5689 amusement ride, the department may inspect the ride during each 5690 scheduled event, as listed in the schedule of events provided to 5691 the department by the owner pursuant to division (C) of section 5692 1711.55 of the Revised Code, at which the ride is operated in this 5693 state. These supplemental inspections are in addition to any other 5694 inspection or reinspection of the ride as may be required under 5695 sections 1711.50 to 1711.57 of the Revised Code, and the owner of 5696 the temporary amusement ride is not required to pay an inspection 5697 or reinspection fee for this supplemental inspection. Nothing in 5698 this division shall be construed to prohibit the owner of a 5699 temporary amusement ride having a valid permit to operate in this 5700 state from operating the ride at a scheduled event before the 5701 department conducts a supplemental inspection. 5702
  - (H) The department may annually conduct a midseason

operational inspection of every amusement ride upon which it	5704
conducts an annual inspection pursuant to division (A) of this	5705
section. The midseason operational inspection is in addition to	5706
any other inspection or reinspection of the amusement ride as may	5707
be required pursuant to sections 1711.50 to 1711.57 of the Revised	5708
Code. The owner of an amusement ride shall submit to the	5709
department, at the time determined by the department, the	5710
midseason operational inspection fee specified in division (E) of	5711
this section. The director, in accordance with Chapter 119. of the	5712
Revised Code, shall adopt rules specifying the time period during	5713
which the department will conduct midseason operational	5714
inspections.	5715

Sec. 2151.421. (A)(1)(a) No person described in division 5716 (A)(1)(b) of this section who is acting in an official or 5717 professional capacity and knows, or has reasonable cause to 5718 suspect based on facts that would cause a reasonable person in a 5719 similar position to suspect, that a child under eighteen years of 5720 age or a mentally retarded, developmentally disabled, or 5721 physically impaired child under twenty-one years of age has 5722 suffered or faces a threat of suffering any physical or mental 5723 wound, injury, disability, or condition of a nature that 5724 reasonably indicates abuse or neglect of the child shall fail to 5725 immediately report that knowledge or reasonable cause to suspect 5726 to the entity or persons specified in this division. Except as 5727 provided in section 5120.173 of the Revised Code, the person 5728 making the report shall make it to the public children services 5729 agency or a municipal or county peace officer in the county in 5730 which the child resides or in which the abuse or neglect is 5731 occurring or has occurred. In the circumstances described in 5732 section 5120.173 of the Revised Code, the person making the report 5733 shall make it to the entity specified in that section. 5734

(b) Division (A)(1)(a) of this section applies to any person 5735

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who is an attorney; physician, including a hospital intern or	5736
resident; dentist; podiatrist; practitioner of a limited branch of	5737
medicine as specified in section 4731.15 of the Revised Code;	5738
registered nurse; licensed practical nurse; visiting nurse; other	5739
health care professional; licensed psychologist; licensed school	5740
psychologist; independent marriage and family therapist or	5741
marriage and family therapist; speech pathologist or audiologist;	5742
coroner; administrator or employee of a child day-care center;	5743
administrator or employee of a residential camp or child day camp;	5744
administrator or employee of a certified child care agency or	5745
other public or private children services agency; school teacher;	5746
school employee; school authority; person engaged in social work	5747
or the practice of professional counseling; agent of a county	5748
humane society; person, other than a cleric, rendering spiritual	5749
treatment through prayer in accordance with the tenets of a	5750
well-recognized religion; employee of a county department of job	5751
and family services who is a professional and who works with	5752
children and families; superintendent or regional administrator	5753
employed by the department of youth services; superintendent,	5754
board member, or employee of a county board of developmental	5755
disabilities; investigative agent contracted with by a county	5756
board of developmental disabilities; employee of the department of	5757
developmental disabilities; employee of a facility or home that	5758
provides respite care in accordance with section 5123.171 of the	5759
Revised Code; employee of a home health agency; employee of an	5760
entity that provides homemaker services; a person performing the	5761
duties of an assessor pursuant to Chapter 3107. or 5103. of the	5762
Revised Code; or third party employed by a public children	5763
services agency to assist in providing child or family related	5764
services.	5765

(2) Except as provided in division (A)(3) of this section, an 5766 attorney or a physician is not required to make a report pursuant 5767 to division (A)(1) of this section concerning any communication 5768

2151.85 of the Revised Code.

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the attorney or physician receives from a client or patient in an	5769
attorney-client or physician-patient relationship, if, in	5770
accordance with division (A) or (B) of section 2317.02 of the	5771
Revised Code, the attorney or physician could not testify with	5772
respect to that communication in a civil or criminal proceeding.	5773
(3) The client or patient in an attorney-client or	5774
physician-patient relationship described in division (A)(2) of	5775
this section is deemed to have waived any testimonial privilege	5776
under division (A) or (B) of section 2317.02 of the Revised Code	5777
with respect to any communication the attorney or physician	5778
receives from the client or patient in that attorney-client or	5779
physician-patient relationship, and the attorney or physician	5780
shall make a report pursuant to division (A)(1) of this section	5781
with respect to that communication, if all of the following apply:	5782
(a) The client or patient, at the time of the communication,	5783
is either a child under eighteen years of age or a mentally	5784
retarded, developmentally disabled, or physically impaired person	5785
under twenty-one years of age.	5786
(b) The attorney or physician knows, or has reasonable cause	5787
to suspect based on facts that would cause a reasonable person in	5788
similar position to suspect, as a result of the communication or	5789
any observations made during that communication, that the client	5790
or patient has suffered or faces a threat of suffering any	5791
physical or mental wound, injury, disability, or condition of a	5792
nature that reasonably indicates abuse or neglect of the client or	5793
patient.	5794
(c) The abuse or neglect does not arise out of the client's	5795
or patient's attempt to have an abortion without the notification	5796
of her parents, guardian, or custodian in accordance with section	5797

(4)(a) No cleric and no person, other than a volunteer,

designated by any church, religious society, or faith acting as a	5800
leader, official, or delegate on behalf of the church, religious	5801
society, or faith who is acting in an official or professional	5802
capacity, who knows, or has reasonable cause to believe based on	5803
facts that would cause a reasonable person in a similar position	5804
to believe, that a child under eighteen years of age or a mentally	5805
retarded, developmentally disabled, or physically impaired child	5806
under twenty-one years of age has suffered or faces a threat of	5807
suffering any physical or mental wound, injury, disability, or	5808
condition of a nature that reasonably indicates abuse or neglect	5809
of the child, and who knows, or has reasonable cause to believe	5810
based on facts that would cause a reasonable person in a similar	5811
position to believe, that another cleric or another person, other	5812
than a volunteer, designated by a church, religious society, or	5813
faith acting as a leader, official, or delegate on behalf of the	5814
church, religious society, or faith caused, or poses the threat of	5815
causing, the wound, injury, disability, or condition that	5816
reasonably indicates abuse or neglect shall fail to immediately	5817
report that knowledge or reasonable cause to believe to the entity	5818
or persons specified in this division. Except as provided in	5819
section 5120.173 of the Revised Code, the person making the report	5820
shall make it to the public children services agency or a	5821
municipal or county peace officer in the county in which the child	5822
resides or in which the abuse or neglect is occurring or has	5823
occurred. In the circumstances described in section 5120.173 of	5824
the Revised Code, the person making the report shall make it to	5825
the entity specified in that section.	5826

(b) Except as provided in division (A)(4)(c) of this section, 5827 a cleric is not required to make a report pursuant to division 5828 (A)(4)(a) of this section concerning any communication the cleric 5829 receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised 5831 Code, the cleric could not testify with respect to that 5832

communication in a civil or criminal proceeding.	5833
(c) The penitent in a cleric-penitent relationship described	5834
in division (A)(4)(b) of this section is deemed to have waived any	5835
testimonial privilege under division (C) of section 2317.02 of the	5836
Revised Code with respect to any communication the cleric receives	5837
from the penitent in that cleric-penitent relationship, and the	5838
cleric shall make a report pursuant to division (A)(4)(a) of this	5839
section with respect to that communication, if all of the	5840
following apply:	5841
(i) The penitent, at the time of the communication, is either	5842
a child under eighteen years of age or a mentally retarded,	5843
developmentally disabled, or physically impaired person under	5844
twenty-one years of age.	5845
(ii) The cleric knows, or has reasonable cause to believe	5846
based on facts that would cause a reasonable person in a similar	5847
position to believe, as a result of the communication or any	5848
observations made during that communication, the penitent has	5849
suffered or faces a threat of suffering any physical or mental	5850
wound, injury, disability, or condition of a nature that	5851
reasonably indicates abuse or neglect of the penitent.	5852
(iii) The abuse or neglect does not arise out of the	5853
penitent's attempt to have an abortion performed upon a child	5854
under eighteen years of age or upon a mentally retarded,	5855
developmentally disabled, or physically impaired person under	5856
twenty-one years of age without the notification of her parents,	5857
guardian, or custodian in accordance with section 2151.85 of the	5858
Revised Code.	5859
(d) Divisions $(A)(4)(a)$ and $(c)$ of this section do not apply	5860
in a cleric-penitent relationship when the disclosure of any	5861
communication the cleric receives from the penitent is in	5862
violation of the sacred trust.	5863

- (e) As used in divisions (A)(1) and (4) of this section, 5864
  "cleric" and "sacred trust" have the same meanings as in section 5865
  2317.02 of the Revised Code. 5866
- (B) Anyone who knows, or has reasonable cause to suspect 5867 based on facts that would cause a reasonable person in similar 5868 circumstances to suspect, that a child under eighteen years of age 5869 or a mentally retarded, developmentally disabled, or physically 5870 impaired person under twenty-one years of age has suffered or 5871 faces a threat of suffering any physical or mental wound, injury, 5872 disability, or other condition of a nature that reasonably 5873 indicates abuse or neglect of the child may report or cause 5874 reports to be made of that knowledge or reasonable cause to 5875 suspect to the entity or persons specified in this division. 5876 Except as provided in section 5120.173 of the Revised Code, a 5877 person making a report or causing a report to be made under this 5878 division shall make it or cause it to be made to the public 5879 children services agency or to a municipal or county peace 5880 officer. In the circumstances described in section 5120.173 of the 5881 Revised Code, a person making a report or causing a report to be 5882 made under this division shall make it or cause it to be made to 5883 the entity specified in that section. 5884
- (C) Any report made pursuant to division (A) or (B) of this 5885 section shall be made forthwith either by telephone or in person 5886 and shall be followed by a written report, if requested by the 5887 receiving agency or officer. The written report shall contain: 5888
- (1) The names and addresses of the child and the child's 5889 parents or the person or persons having custody of the child, if 5890 known; 5891
- (2) The child's age and the nature and extent of the child's 5892 injuries, abuse, or neglect that is known or reasonably suspected 5893 or believed, as applicable, to have occurred or of the threat of 5894 injury, abuse, or neglect that is known or reasonably suspected or 5895

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believed, as applicable, to exist, including any evidence of	5896
previous injuries, abuse, or neglect;	5897
(3) Any other information that might be helpful in	5898
establishing the cause of the injury, abuse, or neglect that is	5899
known or reasonably suspected or believed, as applicable, to have	5900
occurred or of the threat of injury, abuse, or neglect that is	5901
known or reasonably suspected or believed, as applicable, to	5902
exist.	5903
Any person, who is required by division (A) of this section	5904
to report child abuse or child neglect that is known or reasonably	5905
suspected or believed to have occurred, may take or cause to be	5906
taken color photographs of areas of trauma visible on a child and,	5907
if medically indicated, cause to be performed radiological	5908
examinations of the child.	5909
(D) As used in this division, "children's advocacy center"	5910
and "sexual abuse of a child" have the same meanings as in section	5911
2151.425 of the Revised Code.	5912
(1) When a municipal or county peace officer receives a	5913
report concerning the possible abuse or neglect of a child or the	5914
possible threat of abuse or neglect of a child, upon receipt of	5915
the report, the municipal or county peace officer who receives the	5916
report shall refer the report to the appropriate public children	5917
services agency.	5918
(2) When a public children services agency receives a report	5919
pursuant to this division or division (A) or (B) of this section,	5920
upon receipt of the report, the public children services agency	5921
shall do both of the following:	5922
(a) Comply with section 2151.422 of the Revised Code;	5923
(b) If the county served by the agency is also served by a	5924

children's advocacy center and the report alleges sexual abuse of

a child or another type of abuse of a child that is specified in

the memorandum of understanding that creates the center as being	5927
within the center's jurisdiction, comply regarding the report with	5928
the protocol and procedures for referrals and investigations, with	5929
the coordinating activities, and with the authority or	5930
responsibility for performing or providing functions, activities,	5931
and services stipulated in the interagency agreement entered into	5932
under section 2151.428 of the Revised Code relative to that	5933
center.	5934

- (E) No township, municipal, or county peace officer shall 5935 remove a child about whom a report is made pursuant to this 5936 section from the child's parents, stepparents, or guardian or any 5937 other persons having custody of the child without consultation 5938 with the public children services agency, unless, in the judgment 5939 of the officer, and, if the report was made by physician, the 5940 physician, immediate removal is considered essential to protect 5941 the child from further abuse or neglect. The agency that must be 5942 consulted shall be the agency conducting the investigation of the 5943 report as determined pursuant to section 2151.422 of the Revised 5944 Code. 5945
- (F)(1) Except as provided in section 2151.422 of the Revised 5946 Code or in an interagency agreement entered into under section 5947 2151.428 of the Revised Code that applies to the particular 5948 report, the public children services agency shall investigate, 5949 within twenty-four hours, each report of child abuse or child 5950 neglect that is known or reasonably suspected or believed to have 5951 occurred and of a threat of child abuse or child neglect that is 5952 known or reasonably suspected or believed to exist that is 5953 referred to it under this section to determine the circumstances 5954 surrounding the injuries, abuse, or neglect or the threat of 5955 injury, abuse, or neglect, the cause of the injuries, abuse, 5956 neglect, or threat, and the person or persons responsible. The 5957 investigation shall be made in cooperation with the law 5958

enforcement agency and in accordance with the memorandum of	5959
understanding prepared under division (J) of this section. A	5960
representative of the public children services agency shall, at	5961
the time of initial contact with the person subject to the	5962
investigation, inform the person of the specific complaints or	5963
allegations made against the person. The information shall be	5964
given in a manner that is consistent with division (H)(1) of this	5965
section and protects the rights of the person making the report	5966
under this section.	5967

A failure to make the investigation in accordance with the 5968 memorandum is not grounds for, and shall not result in, the 5969 dismissal of any charges or complaint arising from the report or 5970 the suppression of any evidence obtained as a result of the report 5971 and does not give, and shall not be construed as giving, any 5972 rights or any grounds for appeal or post-conviction relief to any 5973 person. The public children services agency shall report each case 5974 to the uniform statewide automated child welfare information 5975 system that the department of job and family services shall 5976 maintain in accordance with section 5101.13 of the Revised Code. 5977 The public children services agency shall submit a report of its 5978 investigation, in writing, to the law enforcement agency. 5979

- (2) The public children services agency shall make any 5980 recommendations to the county prosecuting attorney or city 5981 director of law that it considers necessary to protect any 5982 children that are brought to its attention. 5983
- (G)(1)(a) Except as provided in division (H)(3) of this 5984 section, anyone or any hospital, institution, school, health 5985 department, or agency participating in the making of reports under 5986 division (A) of this section, anyone or any hospital, institution, 5987 school, health department, or agency participating in good faith 5988 in the making of reports under division (B) of this section, and 5989 anyone participating in good faith in a judicial proceeding 5990

resulting from the reports, shall be immune from any civil or	5991
criminal liability for injury, death, or loss to person or	5992
property that otherwise might be incurred or imposed as a result	5993
of the making of the reports or the participation in the judicial	5994
proceeding.	5995

- (b) Notwithstanding section 4731.22 of the Revised Code, the 5996 physician-patient privilege shall not be a ground for excluding 5997 evidence regarding a child's injuries, abuse, or neglect, or the 5998 cause of the injuries, abuse, or neglect in any judicial 5999 proceeding resulting from a report submitted pursuant to this 6000 section.
- (2) In any civil or criminal action or proceeding in which it 6002 is alleged and proved that participation in the making of a report 6003 under this section was not in good faith or participation in a 6004 judicial proceeding resulting from a report made under this 6005 section was not in good faith, the court shall award the 6006 prevailing party reasonable attorney's fees and costs and, if a 6007 civil action or proceeding is voluntarily dismissed, may award 6008 reasonable attorney's fees and costs to the party against whom the 6009 civil action or proceeding is brought. 6010
- (H)(1) Except as provided in divisions (H)(4) and (N) of this 6011 section, a report made under this section is confidential. The 6012 information provided in a report made pursuant to this section and 6013 the name of the person who made the report shall not be released 6014 for use, and shall not be used, as evidence in any civil action or 6015 proceeding brought against the person who made the report. Nothing 6016 in this division shall preclude the use of reports of other 6017 incidents of known or suspected abuse or neglect in a civil action 6018 or proceeding brought pursuant to division (M) of this section 6019 against a person who is alleged to have violated division (A)(1) 6020 of this section, provided that any information in a report that 6021 would identify the child who is the subject of the report or the 6022

maker of the report, if the maker of the report is not the 6023 defendant or an agent or employee of the defendant, has been 6024 redacted. In a criminal proceeding, the report is admissible in 6025 evidence in accordance with the Rules of Evidence and is subject 6026 to discovery in accordance with the Rules of Criminal Procedure. 6027

- (2) No person shall permit or encourage the unauthorized 6028 dissemination of the contents of any report made under this 6029 section.
- (3) A person who knowingly makes or causes another person to 6031 make a false report under division (B) of this section that 6032 alleges that any person has committed an act or omission that 6033 resulted in a child being an abused child or a neglected child is 6034 guilty of a violation of section 2921.14 of the Revised Code. 6035
- (4) If a report is made pursuant to division (A) or (B) of 6036 this section and the child who is the subject of the report dies 6037 for any reason at any time after the report is made, but before 6038 the child attains eighteen years of age, the public children 6039 services agency or municipal or county peace officer to which the 6040 report was made or referred, on the request of the child fatality 6041 review board, shall submit a summary sheet of information 6042 providing a summary of the report to the review board of the 6043 county in which the deceased child resided at the time of death. 6044 On the request of the review board, the agency or peace officer 6045 may, at its discretion, make the report available to the review 6046 board. If the county served by the public children services agency 6047 is also served by a children's advocacy center and the report of 6048 alleged sexual abuse of a child or another type of abuse of a 6049 child is specified in the memorandum of understanding that creates 6050 the center as being within the center's jurisdiction, the agency 6051 or center shall perform the duties and functions specified in this 6052 division in accordance with the interagency agreement entered into 6053 under section 2151.428 of the Revised Code relative to that 6054

advocacy center. 6055 (5) A public children services agency shall advise a person 6056 alleged to have inflicted abuse or neglect on a child who is the 6057 subject of a report made pursuant to this section, including a 6058 report alleging sexual abuse of a child or another type of abuse 6059 of a child referred to a children's advocacy center pursuant to an 6060 interagency agreement entered into under section 2151.428 of the 6061 Revised Code, in writing of the disposition of the investigation. 6062 The agency shall not provide to the person any information that 6063 identifies the person who made the report, statements of 6064 witnesses, or police or other investigative reports. 6065 (I) Any report that is required by this section, other than a 6066 report that is made to the state highway patrol as described in 6067 section 5120.173 of the Revised Code, shall result in protective 6068 services and emergency supportive services being made available by 6069 the public children services agency on behalf of the children 6070 about whom the report is made, in an effort to prevent further 6071 neglect or abuse, to enhance their welfare, and, whenever 6072 possible, to preserve the family unit intact. The agency required 6073 to provide the services shall be the agency conducting the 6074 investigation of the report pursuant to section 2151.422 of the 6075 Revised Code. 6076 (J)(1) Each public children services agency shall prepare a 6077 memorandum of understanding that is signed by all of the 6078 following: 6079 (a) If there is only one juvenile judge in the county, the 6080 juvenile judge of the county or the juvenile judge's 6081 representative; 6082 (b) If there is more than one juvenile judge in the county, a 6083 juvenile judge or the juvenile judges' representative selected by 6084

the juvenile judges or, if they are unable to do so for any

reason, the juvenile judge who is senior in point of service or	6086
the senior juvenile judge's representative;	6087
(c) The county peace officer;	6088
(d) All chief municipal peace officers within the county;	6089
(e) Other law enforcement officers handling child abuse and	6090
neglect cases in the county;	6091
(f) The prosecuting attorney of the county;	6092
(g) If the public children services agency is not the county	6093
department of job and family services, the county department of	6094
job and family services;	6095
(h) The county humane society;	6096
(i) If the public children services agency participated in	6097
the execution of a memorandum of understanding under section	6098
2151.426 of the Revised Code establishing a children's advocacy	6099
center, each participating member of the children's advocacy	6100
center established by the memorandum.	6101
(2) A memorandum of understanding shall set forth the normal	6102
operating procedure to be employed by all concerned officials in	6103
the execution of their respective responsibilities under this	6104
section and division (C) of section 2919.21, division (B)(1) of	6105
section 2919.22, division (B) of section 2919.23, and section	6106
2919.24 of the Revised Code and shall have as two of its primary	6107
goals the elimination of all unnecessary interviews of children	6108
who are the subject of reports made pursuant to division (A) or	6109
(B) of this section and, when feasible, providing for only one	6110
interview of a child who is the subject of any report made	6111
pursuant to division (A) or (B) of this section. A failure to	6112
follow the procedure set forth in the memorandum by the concerned	6113
officials is not grounds for, and shall not result in, the	6114
dismissal of any charges or complaint arising from any reported	6115

case of abuse or neglect or the suppression of any evidence	6116
obtained as a result of any reported child abuse or child neglect	6117
and does not give, and shall not be construed as giving, any	6118
rights or any grounds for appeal or post-conviction relief to any	6119
person.	6120
(3) A memorandum of understanding shall include all of the	6121
following:	6122
(a) The roles and responsibilities for handling emergency and	6123
nonemergency cases of abuse and neglect;	6124
(b) Standards and procedures to be used in handling and	6125
coordinating investigations of reported cases of child abuse and	6126
reported cases of child neglect, methods to be used in	6127
interviewing the child who is the subject of the report and who	6128
allegedly was abused or neglected, and standards and procedures	6129
addressing the categories of persons who may interview the child	6130
who is the subject of the report and who allegedly was abused or	6131
neglected.	6132
(4) If a public children services agency participated in the	6133
execution of a memorandum of understanding under section 2151.426	6134
of the Revised Code establishing a children's advocacy center, the	6135
agency shall incorporate the contents of that memorandum in the	6136
memorandum prepared pursuant to this section.	6137
(5) The clerk of the court of common pleas in the county may	6138
sign the memorandum of understanding prepared under division	6139
(J)(1) of this section. If the clerk signs the memorandum of	6140
understanding, the clerk shall execute all relevant	6141
responsibilities as required of officials specified in the	6142
memorandum.	6143
(K)(1) Except as provided in division $(K)(4)$ of this section,	6144
a person who is required to make a report pursuant to division (A)	6145

of this section may make a reasonable number of requests of the

public children services agency that receives or is referred the	6147
report, or of the children's advocacy center that is referred the	6148
report if the report is referred to a children's advocacy center	6149
pursuant to an interagency agreement entered into under section	6150
2151.428 of the Revised Code, to be provided with the following	6151
information:	6152
(a) Whether the agency or center has initiated an	6153
investigation of the report;	6154
(b) Whether the agency or center is continuing to investigate	6155
the report;	6156
(c) Whether the agency or center is otherwise involved with	6157
the child who is the subject of the report;	6158
(d) The general status of the health and safety of the child	6159
who is the subject of the report;	6160
(e) Whether the report has resulted in the filing of a	6161
complaint in juvenile court or of criminal charges in another	6162
court.	6163
(2) A person may request the information specified in	6164
division $(K)(1)$ of this section only if, at the time the report is	6165
made, the person's name, address, and telephone number are	6166
provided to the person who receives the report.	6167
When a municipal or county peace officer or employee of a	6168
public children services agency receives a report pursuant to	6169
division (A) or (B) of this section the recipient of the report	6170
shall inform the person of the right to request the information	6171
described in division (K)(1) of this section. The recipient of the	6172
report shall include in the initial child abuse or child neglect	6173
report that the person making the report was so informed and, if	6174
provided at the time of the making of the report, shall include	6175

the person's name, address, and telephone number in the report.

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Each request is subject to verification of the identity of 6177 the person making the report. If that person's identity is 6178 verified, the agency shall provide the person with the information 6179 described in division (K)(1) of this section a reasonable number 6180 of times, except that the agency shall not disclose any 6181 confidential information regarding the child who is the subject of 6182 the report other than the information described in those 6183 divisions. 6184

- (3) A request made pursuant to division (K)(1) of this 6185 section is not a substitute for any report required to be made 6186 pursuant to division (A) of this section. 6187
- (4) If an agency other than the agency that received or was
  referred the report is conducting the investigation of the report
  pursuant to section 2151.422 of the Revised Code, the agency
  conducting the investigation shall comply with the requirements of
  division (K) of this section.
  6188
  6189
  6189
- (L) The director of job and family services shall adopt rules 6193 in accordance with Chapter 119. of the Revised Code to implement 6194 this section. The department of job and family services may enter 6195 into a plan of cooperation with any other governmental entity to 6196 aid in ensuring that children are protected from abuse and 6197 neglect. The department shall make recommendations to the attorney 6198 general that the department determines are necessary to protect 6199 children from child abuse and child neglect. 6200
- (M) Whoever violates division (A) of this section is liable 6201 for compensatory and exemplary damages to the child who would have 6202 been the subject of the report that was not made. A person who 6203 brings a civil action or proceeding pursuant to this division 6204 against a person who is alleged to have violated division (A)(1) 6205 of this section may use in the action or proceeding reports of 6206 other incidents of known or suspected abuse or neglect, provided 6207 that any information in a report that would identify the child who 6208

is the subject of the report or the maker of the report, if the 6209 maker is not the defendant or an agent or employee of the 6210 defendant, has been redacted. 6211

## (N)(1) As used in this division:

- (a) "Out-of-home care" includes a nonchartered nonpublic 6213 school if the alleged child abuse or child neglect, or alleged 6214 threat of child abuse or child neglect, described in a report 6215 received by a public children services agency allegedly occurred 6216 in or involved the nonchartered nonpublic school and the alleged 6217 perpetrator named in the report holds a certificate, permit, or 6218 license issued by the state board of education under section 6219 3301.071 or Chapter 3319. of the Revised Code. 6220
- (b) "Administrator, director, or other chief administrative 6221 officer" means the superintendent of the school district if the 6222 out-of-home care entity subject to a report made pursuant to this 6223 section is a school operated by the district. 6224
- (2) No later than the end of the day following the day on 6225 which a public children services agency receives a report of 6226 alleged child abuse or child neglect, or a report of an alleged 6227 threat of child abuse or child neglect, that allegedly occurred in 6228 or involved an out-of-home care entity, the agency shall provide 6229 written notice of the allegations contained in and the person 6230 named as the alleged perpetrator in the report to the 6231 administrator, director, or other chief administrative officer of 6232 the out-of-home care entity that is the subject of the report 6233 unless the administrator, director, or other chief administrative 6234 officer is named as an alleged perpetrator in the report. If the 6235 administrator, director, or other chief administrative officer of 6236 an out-of-home care entity is named as an alleged perpetrator in a 6237 report of alleged child abuse or child neglect, or a report of an 6238 alleged threat of child abuse or child neglect, that allegedly 6239 occurred in or involved the out-of-home care entity, the agency 6240

shall provide the written notice to the owner or governing board 6241 of the out-of-home care entity that is the subject of the report. 6242 The agency shall not provide witness statements or police or other 6243 investigative reports. 6244

- (3) No later than three days after the day on which a public 6245 children services agency that conducted the investigation as 6246 determined pursuant to section 2151.422 of the Revised Code makes 6247 a disposition of an investigation involving a report of alleged 6248 child abuse or child neglect, or a report of an alleged threat of 6249 child abuse or child neglect, that allegedly occurred in or 6250 involved an out-of-home care entity, the agency shall send written 6251 notice of the disposition of the investigation to the 6252 administrator, director, or other chief administrative officer and 6253 the owner or governing board of the out-of-home care entity. The 6254 agency shall not provide witness statements or police or other 6255 investigative reports. 6256
- (0) As used in this section, "investigation" means the public 6257 children services agency's response to an accepted report of child 6258 abuse or neglect through either an alternative response or a 6259 traditional response.
- Sec. 2305.11. (A) An action for libel, slander, malicious 6261 prosecution, or false imprisonment, an action for malpractice 6262 other than an action upon a medical, dental, optometric, or 6263 chiropractic claim or against a registered surveyor, or an action 6264 upon a statute for a penalty or forfeiture shall be commenced 6265 within one year after the cause of action accrued, provided that 6266 an action by an employee for the payment of unpaid minimum wages, 6267 unpaid overtime compensation, or liquidated damages by reason of 6268 the nonpayment of minimum wages or overtime compensation shall be 6269 commenced within two years after the cause of action accrued. 6270
  - (B) An action for malpractice against a registered surveyor

shall be commenced within four years after the completion of the	6272
engagement on which the cause of action is based.	6273
(C) A civil action for unlawful abortion pursuant to section	6274
2919.12 of the Revised Code, a civil action authorized by division	6275
(H) of section 2317.56 of the Revised Code, a civil action	6276
pursuant to division $(B)(1)$ or $(2)$ of section 2307.51 of the	6277
Revised Code for performing a dilation and extraction procedure or	6278
attempting to perform a dilation and extraction procedure in	6279
violation of section 2919.15 of the Revised Code, and a civil	6280
action pursuant to division (B) of section 2307.52 of the Revised	6281
Code for terminating or attempting to terminate a human pregnancy	6282
after viability in violation of division (A) of section 2919.17 of	6283
the Revised Code shall be commenced within one year after the	6284
performance or inducement of the abortion, within one year after	6285
the attempt to perform or induce the abortion in violation of	6286
division (A) of section 2919.17 of the Revised Code, within one	6287
year after the performance of the dilation and extraction	6288
procedure, or, in the case of a civil action pursuant to division	6289
(B)(2) of section 2307.51 of the Revised Code, within one year	6290
after the attempt to perform the dilation and extraction	6291
procedure.	6292
(C)(D) As used in this section, "medical claim," "dental	6293
claim, " "optometric claim, " and "chiropractic claim" have the same	6294
meanings as in section 2305.113 of the Revised Code.	6295
Sec. 2915.08. (A)(1) Annually before the first day of	6296
January, a charitable organization that desires to conduct bingo,	6297
instant bingo at a bingo session, or instant bingo other than at a	6298
bingo session shall make out, upon a form to be furnished by the	6299
attorney general for that purpose, an application for a license to	6300
conduct bingo, instant bingo at a bingo session, or instant bingo	6301
other than at a bingo session and deliver that application to the	6302

attorney general together with a license fee as follows:	6303
(a) Except as otherwise provided in this division, for a	6304
license for the conduct of bingo, two hundred dollars;	6305
(b) For a license for the conduct of instant bingo at a bingo	6306
session or instant bingo other than at a bingo session for a	6307
charitable organization that previously has not been licensed	6308
under this chapter to conduct instant bingo at a bingo session or	6309
instant bingo other than at a bingo session, a license fee of five	6310
hundred dollars, and for any other charitable organization, a	6311
license fee that is based upon the gross profits received by the	6312
charitable organization from the operation of instant bingo at a	6313
bingo session or instant bingo other than at a bingo session,	6314
during the one-year period ending on the thirty-first day of	6315
October of the year immediately preceding the year for which the	6316
license is sought, and that is one of the following:	6317
(i) Five hundred dollars, if the total is fifty thousand	6318
dollars or less;	6319
(ii) One thousand two hundred fifty dollars plus one-fourth	6320
per cent of the gross profit, if the total is more than fifty	6321
thousand dollars but less than two hundred fifty thousand one	6322
dollars;	6323
(iii) Two thousand two hundred fifty dollars plus one-half	6324
per cent of the gross profit, if the total is more than two	6325
hundred fifty thousand dollars but less than five hundred thousand	6326
one dollars;	6327
(iv) Three thousand five hundred dollars plus one per cent of	6328
the gross profit, if the total is more than five hundred thousand	6329
dollars but less than one million one dollars;	6330
(v) Five thousand dollars plus one per cent of the gross	6331
profit, if the total is one million one dollars or more;	6332

(c) A reduced license fee established by the attorney general	6333
pursuant to division (G) of this section.	6334
(d) For a license to conduct bingo for a charitable	6335
organization that prior to July 1, 2003, has not been licensed	6336
under this chapter to conduct bingo, instant bingo at a bingo	6337
session, or instant bingo other than at a bingo session, a license	6338
fee established by rule by the attorney general in accordance with	6339
division (H) of this section.	6340
(2) The application shall be in the form prescribed by the	6341
attorney general, shall be signed and sworn to by the applicant,	6342
and shall contain all of the following:	6343
(a) The name and post-office address of the applicant;	6344
(b) A statement that the applicant is a charitable	6345
organization and that it has been in continuous existence as a	6346
charitable organization in this state for two years immediately	6347
preceding the making of the application;	6348
(c) The location at which the organization will conduct	6349
bingo, which location shall be within the county in which the	6350
principal place of business of the applicant is located, the days	6351
of the week and the times on each of those days when bingo will be	6352
conducted, whether the organization owns, leases, or subleases the	6353
premises, and a copy of the rental agreement if it leases or	6354
subleases the premises;	6355
(d) A statement of the applicant's previous history, record,	6356
and association that is sufficient to establish that the applicant	6357
is a charitable organization, and a copy of a determination letter	6358
that is issued by the Internal Revenue Service and states that the	6359
organization is tax exempt under subsection 501(a) and described	6360
in subsection $501(c)(3)$ , $501(c)(4)$ , $501(c)(7)$ , $501(c)(8)$ ,	6361
501(c)(10), or 501(c)(19) of the Internal Revenue Code;	6362

(e) A statement as to whether the applicant has ever had any

previous application refused, whether it previously has had a	6364
license revoked or suspended, and the reason stated by the	6365
attorney general for the refusal, revocation, or suspension;	6366
(f) A statement of the charitable purposes for which the net	6367
profit derived from bingo, other than instant bingo, will be used,	6368
and a statement of how the net profit derived from instant bingo	6369
will be distributed in accordance with section 2915.101 of the	6370
Revised Code;	6371
(g) Other necessary and reasonable information that the	6372
attorney general may require by rule adopted pursuant to section	6373
111.15 of the Revised Code;	6374
(h) If the applicant is a charitable trust as defined in	6375
section 109.23 of the Revised Code, a statement as to whether it	6376
has registered with the attorney general pursuant to section	6377
109.26 of the Revised Code or filed annual reports pursuant to	6378
section 109.31 of the Revised Code, and, if it is not required to	6379
do either, the exemption in section 109.26 or 109.31 of the	6380
Revised Code that applies to it;	6381
(i) If the applicant is a charitable organization as defined	6382
in section 1716.01 of the Revised Code, a statement as to whether	6383
it has filed with the attorney general a registration statement	6384
pursuant to section 1716.02 of the Revised Code and a financial	6385
report pursuant to section 1716.04 of the Revised Code, and, if it	6386
is not required to do both, the exemption in section 1716.03 of	6387
the Revised Code that applies to it;	6388
(j) In the case of an applicant seeking to qualify as a youth	6389
athletic park organization, a statement issued by a board or body	6390
vested with authority under Chapter 755. of the Revised Code for	6391
the supervision and maintenance of recreation facilities in the	6392
territory in which the organization is located, certifying that	6393

the playing fields owned by the organization were used for at

least one hundred days during the year in which the statement is 6395 issued, and were open for use to all residents of that territory, 6396 regardless of race, color, creed, religion, sex, or national 6397 origin, for athletic activities by youth athletic organizations 6398 that do not discriminate on the basis of race, color, creed, 6399 religion, sex, or national origin, and that the fields were not 6400 used for any profit-making activity at any time during the year. 6401 That type of board or body is authorized to issue the statement 6402 upon request and shall issue the statement if it finds that the 6403 applicant's playing fields were so used. 6404

- (3) The attorney general, within thirty days after receiving 6405 a timely filed application from a charitable organization that has 6406 been issued a license under this section that has not expired and 6407 has not been revoked or suspended, shall send a temporary permit 6408 to the applicant specifying the date on which the application was 6409 filed with the attorney general and stating that, pursuant to 6410 section 119.06 of the Revised Code, the applicant may continue to 6411 conduct bingo until a new license is granted or, if the 6412 application is rejected, until fifteen days after notice of the 6413 rejection is mailed to the applicant. The temporary permit does 6414 not affect the validity of the applicant's application and does 6415 not grant any rights to the applicant except those rights 6416 specifically granted in section 119.06 of the Revised Code. The 6417 issuance of a temporary permit by the attorney general pursuant to 6418 this division does not prohibit the attorney general from 6419 rejecting the applicant's application because of acts that the 6420 applicant committed, or actions that the applicant failed to take, 6421 before or after the issuance of the temporary permit. 6422
- (4) Within thirty days after receiving an initial license 6423 application from a charitable organization to conduct bingo, 6424 instant bingo at a bingo session, or instant bingo other than at a 6425 bingo session, the attorney general shall conduct a preliminary 6426

review of the application and notify the applicant regarding any	6427
deficiencies. Once an application is deemed complete, or beginning	6428
on the thirtieth day after the application is filed, if the	6429
attorney general failed to notify the applicant of any	6430
deficiencies, the attorney general shall have an additional sixty	6431
days to conduct an investigation and either grant or deny the	6432
application based on findings established and communicated in	6433
accordance with divisions (B) and (E) of this section. As an	6434
option to granting or denying an initial license application, the	6435
attorney general may grant a temporary license and request	6436
additional time to conduct the investigation if the attorney	6437
general has cause to believe that additional time is necessary to	6438
complete the investigation and has notified the applicant in	6439
writing about the specific concerns raised during the	6440
investigation.	6441

- (B)(1) The attorney general shall adopt rules to enforce 6442 sections 2915.01, 2915.02, and 2915.07 to 2915.13 of the Revised 6443 Code to ensure that bingo or instant bingo is conducted in 6444 accordance with those sections and to maintain proper control over 6445 the conduct of bingo or instant bingo. The rules, except rules 6446 adopted pursuant to divisions (A)(2)(g) and (G) of this section, 6447 shall be adopted pursuant to Chapter 119. of the Revised Code. The 6448 attorney general shall license charitable organizations to conduct 6449 bingo, instant bingo at a bingo session, or instant bingo other 6450 than at a bingo session in conformance with this chapter and with 6451 the licensing provisions of Chapter 119. of the Revised Code. 6452
- (2) The attorney general may refuse to grant a license to any 6453 organization, or revoke or suspend the license of any 6454 organization, that does any of the following or to which any of 6455 the following applies: 6456
- (a) Fails or has failed at any time to meet any requirement 6457 of section 109.26, 109.31, or 1716.02, or sections 2915.07 to 6458

2915.11 of the Revised Code, or violates or has violated any	6459
provision of sections 2915.02 or 2915.07 to 2915.13 of the Revised	6460
Code or any rule adopted by the attorney general pursuant to this	6461
section;	6462
(b) Makes or has made an incorrect or false statement that is	6463
material to the granting of the license in an application filed	6464
pursuant to division (A) of this section;	6465
(c) Submits or has submitted any incorrect or false	6466
information relating to an application if the information is	6467
material to the granting of the license;	6468
(d) Maintains or has maintained any incorrect or false	6469
information that is material to the granting of the license in the	6470
records required to be kept pursuant to divisions (A) and (C) of	6471
section 2915.10 of the Revised Code, if applicable;	6472
(e) The attorney general has good cause to believe that the	6473
organization will not conduct bingo, instant bingo at a bingo	6474
session, or instant bingo other than at a bingo session in	6475
accordance with sections 2915.07 to 2915.13 of the Revised Code or	6476
with any rule adopted by the attorney general pursuant to this	6477
section.	6478
(3) For the purposes of division (B) of this section, any	6479
action of an officer, trustee, agent, representative, or bingo	6480
game operator of an organization is an action of the organization.	6481
(C) The attorney general may grant licenses to charitable	6482
organizations that are branches, lodges, or chapters of national	6483
charitable organizations.	6484
(D) The attorney general shall send notice in writing to the	6485
prosecuting attorney and sheriff of the county in which the	6486
organization will conduct bingo, instant bingo at a bingo session,	6487
or instant bingo other than at a bingo session, as stated in its	6488
application for a license or amended license, and to any other law	6489

enforcement agency in that county that so requests, of all of the	6490
following:	6491
(1) The issuance of the license;	6492
(2) The issuance of the amended license;	6493
(3) The rejection of an application for and refusal to grant	6494
a license;	6495
(4) The revocation of any license previously issued;	6496
(5) The suspension of any license previously issued.	6497
(E) A license issued by the attorney general shall set forth	6498
the information contained on the application of the charitable	6499
organization that the attorney general determines is relevant,	6500
including, but not limited to, the location at which the	6501
organization will conduct bingo, instant bingo at a bingo session,	6502
or instant bingo other than at a bingo session and the days of the	6503
week and the times on each of those days when bingo will be	6504
conducted. If the attorney general refuses to grant or revokes or	6505
suspends a license, the attorney general shall notify the	6506
applicant in writing and specifically identify the reason for the	6507
refusal, revocation, or suspension in narrative form and, if	6508
applicable, by identifying the section of the Revised Code	6509
violated. The failure of the attorney general to give the written	6510
notice of the reasons for the refusal, revocation, or suspension	6511
or a mistake in the written notice does not affect the validity of	6512
the attorney general's refusal to grant, or the revocation or	6513
suspension of, a license. If the attorney general fails to give	6514
the written notice or if there is a mistake in the written notice,	6515
the applicant may bring an action to compel the attorney general	6516
to comply with this division or to correct the mistake, but the	6517
attorney general's order refusing to grant, or revoking or	6518
suspending, a license shall not be enjoined during the pendency of	6519
the action.	6520

(F) A charitable organization that has been issued a license	6521
pursuant to division (B) of this section but that cannot conduct	6522
bingo or instant bingo at the location, or on the day of the week	6523
or at the time, specified on the license due to circumstances that	6524
make it impractical to do so, or that desires to conduct instant	6525
bingo other than at a bingo session at additional locations not	6526
identified on the license, may apply in writing, together with an	6527
application fee of two hundred fifty dollars, to the attorney	6528
general, at least thirty days prior to a change in or addition of	6529
$\underline{a}$ location, day of the week, or time, and request an amended	6530
license. The As applicable, the application shall describe the	6531
causes making it impractical for the organization to conduct bingo	6532
or instant bingo in conformity with its license and shall indicate	6533
the location, days of the week, and times on each of those days	6534
when it desires to conduct bingo or instant bingo and, as	6535
applicable, shall indicate the additional locations at which it	6536
desires to conduct instant bingo other than at a bingo session.	6537
Except as otherwise provided in this division, the attorney	6538
general shall issue the amended license in accordance with	6539
division (E) of this section, and the organization shall surrender	6540
its original license to the attorney general. The attorney general	6541
may refuse to grant an amended license according to the terms of	6542
division (B) of this section.	6543
(G) The attorney general by rule adopted pursuant to section	6544

- (G) The attorney general, by rule adopted pursuant to section 6544
  111.15 of the Revised Code, shall establish a schedule of reduced 6545
  license fees for charitable organizations that desire to conduct 6546
  bingo or instant bingo during fewer than twenty-six weeks in any 6547
  calendar year. 6548
- (H) The attorney general, by rule adopted pursuant to section 6549
  111.15 of the Revised Code, shall establish license fees for the 6550
  conduct of bingo, instant bingo at a bingo session, or instant 6551
  bingo other than at a bingo session for charitable organizations 6552

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that prior to July 1, 2003, have not been licensed to conduct	6553
bingo, instant bingo at a bingo session, or instant bingo other	6554
than at a bingo session under this chapter.	6555
(I) The attorney general may enter into a written contract	6556
with any other state agency to delegate to that state agency the	6557
powers prescribed to the attorney general under Chapter 2915. of	6558
the Revised Code.	6559
(J) The attorney general, by rule adopted pursuant to section	6560
111.15 of the Revised Code, may adopt rules to determine the	6561
requirements for a charitable organization that is exempt from	6562
federal income taxation under subsection 501(a) and described in	6563
subsection 501(c)(3) of the Internal Revenue Code to be in good	6564
standing in the state.	6565
Sec. 2945.402. (A) In approving a conditional release, the	6566
Sec. 2945.402. (A) In approving a conditional release, the trial court may set any conditions on the release with respect to	6566 6567
trial court may set any conditions on the release with respect to	6567
trial court may set any conditions on the release with respect to the treatment, evaluation, counseling, or control of the defendant	6567 6568
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	6567 6568 6569
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	6567 6568 6569 6570
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	6567 6568 6569 6570 6571
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	6567 6568 6569 6570 6571
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,	6567 6568 6569 6570 6571 6572
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	6567 6568 6569 6570 6571 6572 6573
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.	6567 6568 6569 6570 6571 6572 6573 6574
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	6567 6568 6569 6570 6571 6572 6573 6574 6575
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	6567 6568 6569 6570 6571 6572 6573 6574 6575

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 6584 release, the trial court may issue a temporary order of detention 6585 or, if necessary, an arrest warrant for the defendant or person. 6586 Within ten court days after the defendant's or person's detention 6587 or arrest, the trial court shall conduct a hearing to determine 6588 whether the conditional release should be modified or terminated. 6589 At the hearing, the defendant or person shall have the same rights 6590 as are described in division (C) of section 2945.40 of the Revised 6591 Code. The trial court may order a continuance of the ten-court-day 6592 period for no longer than ten days for good cause shown or for any 6593 period on motion of the defendant or person. If the trial court 6594 fails to conduct the hearing within the ten-court-day period and 6595 does not order a continuance in accordance with this division, the 6596 defendant or person shall be restored to the prior conditional 6597 release status. 6598

- (D) The trial court shall give all parties reasonable notice 6599 of a hearing conducted under this section. At the hearing, the 6600 prosecutor shall present the case demonstrating that the defendant 6601 or person violated the terms of the conditional release. If the 6602 court finds by a preponderance of the evidence that the defendant 6603 or person violated the terms of the conditional release, the court 6604 may continue, modify, or terminate the conditional release and 6605 shall enter its order accordingly. 6606
- (E)(1) If a court approves a conditional release, the court 6607 shall report the approval and information pertaining to the 6608 release to the local law enforcement agency. The local law 6609 enforcement agency shall enter the approval and information into 6610 the national crime information center supervised release file 6611 through the law enforcement automated data system. The information 6612 required by divisions (E)(1)(c) and (d) of this section shall be 6613 entered into the file's miscellaneous field. The information 6614 reported and entered shall include all of the following: 6615

(a) The name of the court providing the information;	6616
(b) The offense or offenses with which the defendant or	6617
person was charged;	6618
(c) Whether the person was found not guilty by reason of	6619
insanity or incompetent to stand trial with no substantial	6620
probability of becoming competent even with a course of treatment;	6621
(d) The reason for the conditional release;	6622
(e) Any other information required for the entry of	6623
information into the national crime information center supervised	6624
release file.	6625
(2) Information entered into the national crime information	6626
center supervised release file pursuant to this section shall	6627
remain in the file until the termination of the conditional	6628
release or commitment.	6629
(3) If a defendant or person about whom information is	6630
entered into the national crime information center supervised	6631
release file pursuant to division (E)(1) of this section has	6632
contact with a law enforcement agency after the information is	6633
entered, the agency shall report the contact to the department of	6634
mental health and addiction services and, if the terms of the	6635
release require the defendant or person to receive mental health	6636
treatment, to the person, office, or agency providing the	6637
treatment.	6638
(4) As used in division (E) of this section, "local law	6639
enforcement agency" means the police department of a municipal	6640
corporation in which the offense with which a releasee was charged	6641
allegedly occurred or, if the offense did not allegedly occur in a	6642
municipal corporation, the sheriff of the county in which the	6643
offense allegedly occurred.	6644

Sec. 3123.89. (A) Subject to section 3770.071 of the Revised

Code, a child support enforcement agency that determines that an	6646
obligor who is the recipient of a lottery prize award is subject	6647
to a final and enforceable determination of default made under	6648
sections 3123.01 to 3123.07 of the Revised Code shall issue an	6649
intercept directive to the director of the state lottery	6650
commission. A copy of this intercept directive shall be sent to	6651
the obligor.	6652
(B) The intercept directive shall require the director or the	6653
director's designee to transmit an amount or amounts from the	6654
proceeds of the specified lottery prize award to the office of	6655
child support in the department of job and family services. The	6656
intercept directive also shall contain all of the following	6657
information:	6658
(1) The name, address, and social security number or taxpayer	6659
identification number of the obligor;	6660
(2) A statement that the obligor has been determined to be in	6661
default under a support order;	6662
(3) The amount of the arrearage owed by the obligor as	6663
determined by the agency.	6664
(C) After receipt of an intercept directive and in accordance	6665
with section 3770.071 of the Revised Code, the director or the	6666
director's designee shall deduct the amount or amounts specified	6667
from the proceeds of the lottery prize award referred to in the	6668
directive and transmit the amounts to the office of child support.	6669
(D) The department of job and family services shall develop	6670
and implement a data match program with the state lottery	6671
commission or its lottery sales agents to identify obligors who	6672
are subject to a final and enforceable determination of default	6673
made under sections 3123.01 to 3123.07 of the Revised Code in	6674
accordance with section 3770.071 of the Revised Code.	6675

Sec. 3123.90. (A) As used in this section, "casino facility,"	6676
"casino operator," and "management company" have the meanings	6677
defined in section 3772.01 of the Revised Code.	6678
(B) The department of job and family services shall develop	6679
and implement a data match program with each casino facility's	6680
casino operator or management company to identify obligors who are	6681
subject to a final and enforceable determination of default made	6682
under sections 3123.01 to 3123.07 of the Revised Code.	6683
(C) Upon the data match program's implementation, if a	6684
person's winnings at a casino facility are an amount for which	6685
reporting to the internal revenue service of the amount is	6686
required by section 6041 of the Internal Revenue Code, as amended,	6687
the casino operator or management company shall determine if the	6688
person entitled to the winnings is in default under a support	6689
order. If the casino operator or management company determines	6690
that the person is in default, the casino operator or management	6691
company shall withhold from the person's winnings an amount	6692
sufficient to satisfy any past due support owed by the obligor	6693
identified in the data match up to the amount of the winnings.	6694
(D) Not later than seven days after withholding the amount,	6695
the casino operator or management company shall transmit any	6696
amount withheld to the department as payment on the support	6697
obligation.	6698
(E) The department may adopt rules under Chapter 119. of the	6699
Revised Code as are necessary for implementation of this section.	6700
Sec. 3313.617. (A) A person who meets all of the following	6701
criteria shall be permitted to take the tests of general	6702
educational development:	6703
(1) The person is at least eighteen years of age.	6704
(2) The person is officially withdrawn from school.	6705

(3) The person has not received a high school diploma or	6706
honors diploma awarded under section 3313.61, 3313.611, 3313.612,	6707
or 3325.08 of the Revised Code.	6708
(B) When a person who is at least sixteen years of age but	6709
less than nineteen eighteen years of age applies to the department	6710
of education to take the tests of general educational development,	6711
the person shall submit with the application written approval from	6712
the superintendent of the school district in which the person was	6713
last enrolled, or the superintendent's designee, except that if	6714
the person was last enrolled in a community school established	6715
under Chapter 3314. of the Revised Code or a science, technology,	6716
engineering, and mathematics school established under Chapter	6717
3326. of the Revised Code, the approval shall be from the	6718
principal of the school, or the principal's designee. The	6719
department may require the person also to submit written approval	6720
from the person's parent or guardian or a court official, if the	6721
person is younger than eighteen years of age.	6722
$\frac{(B)(C)}{(C)}$ For the purpose of calculating graduation rates for	6723
the school district and building report cards under section	6724
3302.03 of the Revised Code, the department shall count any person	6725
for whom approval is obtained from the superintendent or	6726
principal, or a designee, person's parent or guardian or a court	6727
$\underline{\text{official}}$ under division $\underline{\text{(A)}}\underline{\text{(B)}}$ of this section as a dropout from	6728
the district or school in which the person was last enrolled prior	6729
to obtaining the approval.	6730
Sec. 3313.902. (A) As used in this section:	6731
(1) "Approved industry credential or certificate" means a	6732
credential or certificate that is approved by the chancellor of	6733
the Ohio board of regents.	6734
(2) "Eligible institution" means any of the following:	6735

(a) A community college established under Chapter 3354. of	6736
the Revised Code;	6737
(b) A technical college established under Chapter 3357. of	6738
the Revised Code;	6739
	0733
(c) A state community college established under Chapter 3358.	6740
of the Revised Code;	6741
(d) An Ohio technical center recognized by the chancellor	6742
that provides post-secondary workforce education.	6743
(3) "Eligible student" means an individual who is at least	6744
twenty-two years of age and has not received a high school diploma	6745
or a certificate of high school equivalence, as defined in section	6746
4109.06 of the Revised Code.	6747
(B) The adult career opportunity pilot program is hereby	6748
established to permit an eligible institution to obtain approval	6749
from the state board of education and the chancellor to develop	6750
and offer a program of study that allows an eligible student to	6751
obtain a high school diploma. A program shall be eligible for this	6752
approval if it satisfies all of the following requirements:	6753
(1) The program allows an eligible student to complete the	6754
requirements for obtaining a high school diploma while completing	6755
requirements for an approved industry credential or certificate.	6756
(2) The program includes career advising and outreach.	6757
(3) The program includes opportunities for students to	6758
receive a competency-based education.	6759
(C) The superintendent of mublic instruction in second-tetion	6760
(C) The superintendent of public instruction, in consultation	6760
with the chancellor, shall adopt rules for the implementation of	6761
the adult career opportunity pilot program, including the	6762
requirements for applying for program approval.	6763
Sec. 3314.08. (A) As used in this section:	6764
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(1)(a) "Category one career-technical education student"	6765
means a student who is receiving the career-technical education	6766
services described in division (A) of section 3317.014 of the	6767
Revised Code.	6768
(b) "Category two career-technical student" means a student	6769
who is receiving the career-technical education services described	6770
in division (B) of section 3317.014 of the Revised Code.	6771
(c) "Category three career-technical student" means a student	6772
who is receiving the career-technical education services described	6773
in division (C) of section 3317.014 of the Revised Code.	6774
(d) "Category four career-technical student" means a student	6775
who is receiving the career-technical education services described	6776
in division (D) of section 3317.014 of the Revised Code.	6777
(e) "Category five career-technical education student" means	6778
a student who is receiving the career-technical education services	6779
described in division (E) of section 3317.014 of the Revised Code.	6780
(2)(a) "Category one limited English proficient student"	6781
means a limited English proficient student described in division	6782
(A) of section 3317.016 of the Revised Code.	6783
(b) "Category two limited English proficient student" means a	6784
limited English proficient student described in division (B) of	6785
section 3317.016 of the Revised Code.	6786
(c) "Category three limited English proficient student" means	6787
a limited English proficient student described in division (C) of	6788
section 3317.016 of the Revised Code.	6789
(3)(a) "Category one special education student" means a	6790
student who is receiving special education services for a	6791
disability specified in division (A) of section 3317.013 of the	6792
Revised Code.	6793
(b) "Category two special education student" means a student	6794

who is receiving special education services for a disability	6795
specified in division (B) of section 3317.013 of the Revised Code.	6796
(c) "Category three special education student" means a	6797
student who is receiving special education services for a	6798
disability specified in division (C) of section 3317.013 of the	6799
Revised Code.	6800
(d) "Category four special education student" means a student	6801
who is receiving special education services for a disability	6802
specified in division (D) of section 3317.013 of the Revised Code.	6803
(e) "Category five special education student" means a student	6804
who is receiving special education services for a disability	6805
specified in division (E) of section 3317.013 of the Revised Code.	6806
(f) "Category six special education student" means a student	6807
who is receiving special education services for a disability	6808
specified in division (F) of section 3317.013 of the Revised Code.	6809
(4) "Formula amount" has the same meaning as in section	6810
3317.02 of the Revised Code.	6811
(5) "IEP" has the same meaning as in section 3323.01 of the	6812
Revised Code.	6813
(6) "Resident district" means the school district in which a	6814
student is entitled to attend school under section 3313.64 or	6815
3313.65 of the Revised Code.	6816
(7) "State education aid" has the same meaning as in section	6817
5751.20 of the Revised Code.	6818
(B) The state board of education shall adopt rules requiring	6819
both of the following:	6820
(1) The board of education of each city, exempted village,	6821
and local school district to annually report the number of	6822
students entitled to attend school in the district who are	6823

enrolled in each grade kindergarten through twelve in a community

school established under this chapter, and for each child, the	6825
community school in which the child is enrolled.	6826
(2) The governing authority of each community school	6827
established under this chapter to annually report all of the	6828
following:	6829
(a) The number of students enrolled in grades one through	6830
twelve and the full-time equivalent number of students enrolled in	6831
kindergarten in the school who are not receiving special education	6832
and related services pursuant to an IEP;	6833
(b) The number of enrolled students in grades one through	6834
twelve and the full-time equivalent number of enrolled students in	6835
kindergarten, who are receiving special education and related	6836
services pursuant to an IEP;	6837
(c) The number of students reported under division (B)(2)(b)	6838
of this section receiving special education and related services	6839
pursuant to an IEP for a disability described in each of divisions	6840
(A) to (F) of section 3317.013 of the Revised Code;	6841
(d) The full-time equivalent number of students reported	6842
under divisions (B)(2)(a) and (b) of this section who are enrolled	6843
in career-technical education programs or classes described in	6844
each of divisions (A) to (E) of section 3317.014 of the Revised	6845
Code that are provided by the community school;	6846
(e) <del>Twenty per cent of the</del> <u>The</u> number of students reported	6847
under divisions (B)(2)(a) and (b) of this section who are not	6848
reported under division (B)(2)(d) of this section but who are	6849
enrolled in career-technical education programs or classes	6850
described in each of divisions (A) to (E) of section 3317.014 of	6851
the Revised Code at a joint vocational school district or another	6852
district in the career-technical planning district to which the	6853
school is assigned;	6854
(f) The number of students reported under divisions (B)(2)(a)	6855

and (b) of this section who are category one to three limited	6856
English proficient students described in each of divisions (A) to	6857
(C) of section 3317.016 of the Revised Code;	6858
(g) The number of students reported under divisions (B)(2)(a)	6859
and (b) who are economically disadvantaged, as defined by the	6860
department. A student shall not be categorically excluded from the	6861
number reported under division (B)(2)(g) of this section based on	6862
anything other than family income.	6863
(h) For each student, the city, exempted village, or local	6864
school district in which the student is entitled to attend school	6865
under section 3313.64 or 3313.65 of the Revised Code.	6866
A school district board and a community school governing	6867
authority shall include in their respective reports under division	6868
(B) of this section any child admitted in accordance with division	6869
(A)(2) of section 3321.01 of the Revised Code.	6870
A governing authority of a community school shall not include	6871
in its report under division (B)(2) of this section any student	6872
for whom tuition is charged under division (F) of this section.	6873
(C)(1) Except as provided in division (C)(2) of this section,	6874
and subject to divisions $(C)(3)$ , $(4)$ , $(5)$ , $(6)$ , and $(7)$ of this	6875
section, on a full-time equivalency basis, for each student	6876
enrolled in a community school established under this chapter, the	6877
department of education annually shall deduct from the state	6878
education aid of a student's resident district and, if necessary,	6879
from the payment made to the district under sections 321.24 and	6880
323.156 of the Revised Code and pay to the community school the	6881
sum of the following:	6882
(a) An opportunity grant in an amount equal to the formula	6883
amount;	6884
(b) The per pupil amount of targeted assistance funds	6885

calculated under division (A) of section 3317.0217 of the Revised

(the resident district's economically disadvantaged index)

(f) Limited English proficiency funds as follows:	6917
(i) If the student is a category one limited English	6918
proficient student, the amount specified in division (A) of	6919
section 3317.016 of the Revised Code;	6920
(ii) If the student is a category two limited English	6921
proficient student, the amount specified in division (B) of	6922
section 3317.016 of the Revised Code;	6923
(iii) If the student is a category three limited English	6924
proficient student, the amount specified in division (C) of	6925
section 3317.016 of the Revised Code.	6926
(g) <del>Career technical</del> <u>If the student is reported under</u>	6927
division (B)(2)(d) of this section, career-technical education	6928
funds as follows:	6929
(i) If the student is a category one career-technical	6930
education student, the amount specified in division (A) of section	6931
3317.014 of the Revised Code;	6932
(ii) If the student is a category two career-technical	6933
education student, the amount specified in division (B) of section	6934
3317.014 of the Revised Code;	6935
(iii) If the student is a category three career-technical	6936
education student, the amount specified in division (C) of section	6937
3317.014 of the Revised Code;	6938
(iv) If the student is a category four career-technical	6939
education student, the amount specified in division (D) of section	6940
3317.014 of the Revised Code;	6941
(v) If the student is a category five career-technical	6942
education student, the amount specified in division (E) of section	6943
3317.014 of the Revised Code.	6944
Deduction and payment of funds under division $(C)(1)(g)$ of	6945
this section is subject to approval by the lead district of a	6946

career-technical planning district or the department of education	6947
under section 3317.161 of the Revised Code.	6948
(2) When deducting from the state education aid of a	6949
student's resident district for students enrolled in an internet-	6950
or computer-based community school and making payments to such	6951
school under this section, the department shall make the	6952
deductions and payments described in only divisions $(C)(1)(a)$ ,	6953
(c), and (g) of this section.	6954
No deductions or payments shall be made for a student	6955
enrolled in such school under division $(C)(1)(b)$ , $(d)$ , $(e)$ , or $(f)$	6956
of this section.	6957
(3)(a) If a community school's costs for a fiscal year for a	6958
student receiving special education and related services pursuant	6959
to an IEP for a disability described in divisions (B) to (F) of	6960
section 3317.013 of the Revised Code exceed the threshold	6961
catastrophic cost for serving the student as specified in division	6962
(B) of section 3317.0214 of the Revised Code, the school may	6963
submit to the superintendent of public instruction documentation,	6964
as prescribed by the superintendent, of all its costs for that	6965
student. Upon submission of documentation for a student of the	6966
type and in the manner prescribed, the department shall pay to the	6967
community school an amount equal to the school's costs for the	6968
student in excess of the threshold catastrophic costs.	6969
(b) The community school shall report under division	6970
(C)(3)(a) of this section, and the department shall pay for, only	6971
the costs of educational expenses and the related services	6972
provided to the student in accordance with the student's	6973
individualized education program. Any legal fees, court costs, or	6974
other costs associated with any cause of action relating to the	6975
student may not be included in the amount.	6976

(4) In any fiscal year, a community school receiving funds

under division $(C)(1)(g)$ of this section shall spend those funds	6978
only for the purposes that the department designates as approved	6979
for career-technical education expenses. Career-technical	6980
educational education expenses approved by the department shall	6981
include only expenses connected to the delivery of	6982
career-technical programming to career-technical students. The	6983
department shall require the school to report data annually so	6984
that the department may monitor the school's compliance with the	6985
requirements regarding the manner in which funding received under	6986
division (C)(1)(g) of this section may be spent.	6987

- (5) All funds received under division (C)(1)(g) of this 6988 section shall be spent in the following manner: 6989
- (a) At least seventy-five per cent of the funds shall be 6990 spent on curriculum development, purchase, and implementation; 6991 instructional resources and supplies; industry-based program 6992 certification; student assessment, credentialing, and placement; 6993 curriculum specific equipment purchases and leases; 6994 career-technical student organization fees and expenses; home and 6995 agency linkages; work-based learning experiences; professional 6996 development; and other costs directly associated with 6997 career-technical education programs including development of new 6998 6999 programs.
- (b) Not more than twenty-five per cent of the funds shall be 7000 used for personnel expenditures. 7001
- (6) A community school shall spend the funds it receives 7002 under division (C)(1)(e) of this section in accordance with 7003 section 3317.25 of the Revised Code. 7004
- (7) If the sum of the payments computed under division 7005

  divisions (C)(1) and (8)(a) of this section for the students 7006
  entitled to attend school in a particular school district under 7007
  sections 3313.64 and 3313.65 of the Revised Code exceeds the sum 7008

of that district's state education aid and its payment under	7009
sections 321.24 and 323.156 of the Revised Code, the department	7010
shall calculate and apply a proration factor to the payments to	7011
all community schools under that division for the students	7012
entitled to attend school in that district.	7013
(8)(a) Subject to division (C)(7) of this section, the	7014
department annually shall pay to each community school, including	7015
each internet- or computer-based community school, an amount equal	7016
to the following:	7017
(The number of students reported by the community school	7018
under division (B)(2)(e) of this section $X$ the formula amount $X$	7019
.20)	7020
(b) For each payment made to a community school under	7021
division (C)(8)(a) of this section, the department shall deduct	7022
from the state education aid of each city, local, and exempted	7023
village school district and, if necessary, from the payment made	7024
to the district under sections 321.24 and 323.156 of the Revised	7025
Code an amount equal to the following:	7026
(The number of the district's students reported by the	7027
community school under division (B)(2)(e) of this section X the	7028
formula amount X .20)	7029
(D) A board of education sponsoring a community school may	7030
utilize local funds to make enhancement grants to the school or	7031
may agree, either as part of the contract or separately, to	7032
provide any specific services to the community school at no cost	7033
to the school.	7034
(E) A community school may not levy taxes or issue bonds	7035
secured by tax revenues.	7036
(F) No community school shall charge tuition for the	7037
enrollment of any student who is a resident of this state. A	7038
community school may charge tuition for the enrollment of any	7039

student who is not a resident of this state.	7040
(G)(1)(a) A community school may borrow money to pay any	7041
necessary and actual expenses of the school in anticipation of the	7042
receipt of any portion of the payments to be received by the	7043
school pursuant to division (C) of this section. The school may	7044
issue notes to evidence such borrowing. The proceeds of the notes	7045
shall be used only for the purposes for which the anticipated	7046
receipts may be lawfully expended by the school.	7047
(b) A school may also borrow money for a term not to exceed	7048
fifteen years for the purpose of acquiring facilities.	7049
(2) Except for any amount guaranteed under section 3318.50 of	7050
the Revised Code, the state is not liable for debt incurred by the	7051
governing authority of a community school.	7052
(H) The department of education shall adjust the amounts	7053
subtracted and paid under division (C) of this section to reflect	7054
any enrollment of students in community schools for less than the	7055
equivalent of a full school year. The state board of education	7056
within ninety days after April 8, 2003, shall adopt in accordance	7057
with Chapter 119. of the Revised Code rules governing the payments	7058
to community schools under this section including initial payments	7059
in a school year and adjustments and reductions made in subsequent	7060
periodic payments to community schools and corresponding	7061
deductions from school district accounts as provided under	7062
division (C) of this section. For purposes of this section:	7063
(1) A student shall be considered enrolled in the community	7064
school for any portion of the school year the student is	7065
participating at a college under Chapter 3365. of the Revised	7066
Code.	7067
(2) A student shall be considered to be enrolled in a	7068
community school for the period of time beginning on the later of	7069

the date on which the school both has received documentation of

the student's enrollment from a parent and the student has	7071
commenced participation in learning opportunities as defined in	7072
the contract with the sponsor, or thirty days prior to the date on	7073
which the student is entered into the education management	7074
information system established under section 3301.0714 of the	7075
Revised Code. For purposes of applying this division and divisions	7076
$(\mathrm{H})(\mathrm{3})$ and $(\mathrm{4})$ of this section to a community school student,	7077
"learning opportunities" shall be defined in the contract, which	7078
shall describe both classroom-based and non-classroom-based	7079
learning opportunities and shall be in compliance with criteria	7080
and documentation requirements for student participation which	7081
shall be established by the department. Any student's instruction	7082
time in non-classroom-based learning opportunities shall be	7083
certified by an employee of the community school. A student's	7084
enrollment shall be considered to cease on the date on which any	7085
of the following occur:	7086

- (a) The community school receives documentation from a parent 7087 terminating enrollment of the student. 7088
- (b) The community school is provided documentation of a 7089 student's enrollment in another public or private school. 7090
- (c) The community school ceases to offer learning 7091 opportunities to the student pursuant to the terms of the contract 7092 with the sponsor or the operation of any provision of this 7093 chapter. 7094

Except as otherwise specified in this paragraph, beginning in 7095 the 2011-2012 school year, any student who completed the prior 7096 school year in an internet- or computer-based community school 7097 shall be considered to be enrolled in the same school in the 7098 subsequent school year until the student's enrollment has ceased 7099 as specified in division (H)(2) of this section. The department 7100 shall continue subtracting and paying amounts for the student 7101 under division (C) of this section without interruption at the 7102

start of the subsequent school year. However, if the student 7103 without a legitimate excuse fails to participate in the first one 7104 hundred five consecutive hours of learning opportunities offered 7105 to the student in that subsequent school year, the student shall 7106 be considered not to have re-enrolled in the school for that 7107 school year and the department shall recalculate the payments to 7108 the school for that school year to account for the fact that the 7109 student is not enrolled. 7110

- (3) The department shall determine each community school 7111 student's percentage of full-time equivalency based on the 7112 percentage of learning opportunities offered by the community 7113 school to that student, reported either as number of hours or 7114 number of days, is of the total learning opportunities offered by 7115 the community school to a student who attends for the school's 7116 entire school year. However, no internet- or computer-based 7117 community school shall be credited for any time a student spends 7118 participating in learning opportunities beyond ten hours within 7119 any period of twenty-four consecutive hours. Whether it reports 7120 hours or days of learning opportunities, each community school 7121 shall offer not less than nine hundred twenty hours of learning 7122 opportunities during the school year. 7123
- (4) With respect to the calculation of full-time equivalency 7124 under division (H)(3) of this section, the department shall waive 7125 the number of hours or days of learning opportunities not offered 7126 to a student because the community school was closed during the 7127 school year due to disease epidemic, hazardous weather conditions, 7128 law enforcement emergencies, inoperability of school buses or 7129 other equipment necessary to the school's operation, damage to a 7130 school building, or other temporary circumstances due to utility 7131 failure rendering the school building unfit for school use, so 7132 long as the school was actually open for instruction with students 7133 in attendance during that school year for not less than the 7134

minimum number of hours required by this chapter. The department	7135
shall treat the school as if it were open for instruction with	7136
students in attendance during the hours or days waived under this	7137
division.	7138
(I) The department of education shall reduce the amounts paid	7139
under this section to reflect payments made to colleges under	7140
division (B) of section 3365.07 of the Revised Code or through	7141
alternative funding agreements entered into under rules adopted	7142
under section 3365.12 of the Revised Code.	7143
(J)(1) No student shall be considered enrolled in any	7144
internet- or computer-based community school or, if applicable to	7145
the student, in any community school that is required to provide	7146
the student with a computer pursuant to division (C) of section	7147
3314.22 of the Revised Code, unless both of the following	7148
conditions are satisfied:	7149
(a) The student possesses or has been provided with all	7150
required hardware and software materials and all such materials	7151
are operational so that the student is capable of fully	7152
participating in the learning opportunities specified in the	7153
contract between the school and the school's sponsor as required	7154
by division (A)(23) of section 3314.03 of the Revised Code;	7155
(b) The school is in compliance with division (A) of section	7156
3314.22 of the Revised Code, relative to such student.	7157
(2) In accordance with policies adopted jointly by the	7158
superintendent of public instruction and the auditor of state, the	7159
department shall reduce the amounts otherwise payable under	7160
division (C) of this section to any community school that includes	7161
in its program the provision of computer hardware and software	7162
materials to any student, if such hardware and software materials	7163
have not been delivered, installed, and activated for each such	7164

student in a timely manner or other educational materials or

services have not been provided according to the contract between	7166
the individual community school and its sponsor.	7167
The superintendent of public instruction and the auditor of	7168
state shall jointly establish a method for auditing any community	7169
school to which this division pertains to ensure compliance with	7170
this section.	7171
The superintendent, auditor of state, and the governor shall	7172
jointly make recommendations to the general assembly for	7173
legislative changes that may be required to assure fiscal and	7174
academic accountability for such schools.	7175
(K)(1) If the department determines that a review of a	7176
community school's enrollment is necessary, such review shall be	7177
completed and written notice of the findings shall be provided to	7178
the governing authority of the community school and its sponsor	7179
within ninety days of the end of the community school's fiscal	7180
year, unless extended for a period not to exceed thirty additional	7181
days for one of the following reasons:	7182
(a) The department and the community school mutually agree to	7183
the extension.	7184
(b) Delays in data submission caused by either a community	7185
school or its sponsor.	7186
(2) If the review results in a finding that additional	7187
funding is owed to the school, such payment shall be made within	7188
thirty days of the written notice. If the review results in a	7189
finding that the community school owes moneys to the state, the	7190
following procedure shall apply:	7191
(a) Within ten business days of the receipt of the notice of	7192
findings, the community school may appeal the department's	7193
determination to the state board of education or its designee.	7194
(b) The board or its designee shall conduct an informal	7195

education.

hearing on the matter within thirty days of receipt of such an	7196
appeal and shall issue a decision within fifteen days of the	7197
conclusion of the hearing.	7198
(c) If the board has enlisted a designee to conduct the	7199
hearing, the designee shall certify its decision to the board. The	7200
board may accept the decision of the designee or may reject the	7201
decision of the designee and issue its own decision on the matter.	7202
(d) Any decision made by the board under this division is	7203
final.	7204
(3) If it is decided that the community school owes moneys to	7205
the state, the department shall deduct such amount from the	7206
school's future payments in accordance with guidelines issued by	7207
the superintendent of public instruction.	7208
(L) The department shall not subtract from a school	7209
district's state aid account and shall not pay to a community	7210
school under division (C) of this section any amount for any of	7211
the following:	7212
(1) Any student who has graduated from the twelfth grade of a	7213
public or nonpublic high school;	7214
(2) Any student who is not a resident of the state;	7215
(3) Any student who was enrolled in the community school	7216
during the previous school year when assessments were administered	7217
under section 3301.0711 of the Revised Code but did not take one	7218
or more of the assessments required by that section and was not	7219
excused pursuant to division (C)(1) or (3) of that section, unless	7220
the superintendent of public instruction grants the student a	7221
waiver from the requirement to take the assessment and a parent is	7222
not paying tuition for the student pursuant to section 3314.26 of	7223
the Revised Code. The superintendent may grant a waiver only for	7224
good cause in accordance with rules adopted by the state board of	7225

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(4) Any student who has attained the age of twenty-two years,	7227
except for veterans of the armed services whose attendance was	7228
interrupted before completing the recognized twelve-year course of	7229
the public schools by reason of induction or enlistment in the	7230
armed forces and who apply for enrollment in a community school	7231
not later than four years after termination of war or their	7232
honorable discharge. If, however, any such veteran elects to	7233
enroll in special courses organized for veterans for whom tuition	7234
is paid under federal law, or otherwise, the department shall not	7235
subtract from a school district's state aid account and shall not	7236
pay to a community school under division (C) of this section any	7237
amount for that veteran.	7238
Sec. 3314.38. (A) An individual who is at least twenty-two	7239
but younger than thirty years of age and who is an eligible	7240
individual as defined in section 3317.23 of the Revised Code may	7241
enroll for up to two cumulative school years in a dropout	7242
prevention and recovery program operated by a community school	7243
that is designed to allow enrollees to earn a high school diploma.	7244
An individual enrolled under this division may elect to satisfy	7245
the requirements to earn a high school diploma by successfully	7246
completing a competency-based instructional program that complies	7247
with the standards adopted by the chancellor of the Ohio board of	7248
regents under division (W) of section 3333.04 of the Revised Code.	7249
The community school shall report that individual's enrollment on	7250
a full-time equivalency basis to the department of education. This	7251
report shall be in addition to the report required under division	7252
(B) of section 3314.08 of the Revised Code. An individual enrolled	7253
under this division shall not be assigned to classes or settings	7254

under division (A) of this section, the department of education annually shall certify the enrollment and attendance, on a

(B)(1) For each community school that enrolls individuals

with students who are younger than eighteen years of age.

full-time equivalency basis, of each individual reported by the	7259
school under that division.	7260
(2) For each individual enrolled in a community school under	7261
division (A) of this section, the department annually shall pay to	7262
the community school an amount equal to the following:	7263
\$5,000 X the individual's enrollment on a full-time equivalency	7264
basis as certified under division (B)(1) of this section X the	7265
portion of the school year in which the individual is enrolled in	7266
the school expressed as a percentage	7267
(C) A community school that enrolls individuals under	7268
division (A) of this section shall be subject to the program	7269
administration standards adopted by the chancellor under division	7270
(W) of section 3333.04 of the Revised Code, as applicable.	7271
Sec. 3317.01. As used in this section, "school district,"	7272
unless otherwise specified, means any city, local, exempted	7273
village, joint vocational, or cooperative education school	7274
district and any educational service center.	7275
This chapter shall be administered by the state board of	7276
education. The superintendent of public instruction shall	7277
calculate the amounts payable to each school district and shall	7278
certify the amounts payable to each eligible district to the	7279
treasurer of the district as provided by this chapter. As soon as	7280
possible after such amounts are calculated, the superintendent	7281
shall certify to the treasurer of each school district the	7282
district's adjusted charge-off increase, as defined in section	7283
5705.211 of the Revised Code. Certification of moneys pursuant to	7284
this section shall include the amounts payable to each school	7285
building, at a frequency determined by the superintendent, for	7286
each subgroup of students, as defined in section 3317.40 of the	7287
Revised Code, receiving services, provided for by state funding,	7288
from the district or school. No moneys shall be distributed	7289

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pursuant to this chapter without the approval of the controlling	7290
board.	7291
The state board of education shall, in accordance with	7292
appropriations made by the general assembly, meet the financial	7293
obligations of this chapter.	7294
Moneys distributed to school districts pursuant to this	7295
chapter shall be calculated based on the annual enrollment	7296
calculated from the three reports required under section sections	7297
3317.03 and 3317.036 of the Revised Code and paid on a fiscal year	7298
basis, beginning with the first day of July and extending through	7299
the thirtieth day of June. The moneys appropriated for each fiscal	7300
year shall be distributed periodically to each school district	7301
unless otherwise provided for. The state board, in June of each	7302
year, shall submit to the controlling board the state board's	7303
year-end distributions pursuant to this chapter.	7304
Except as otherwise provided, payments under this chapter	7305
shall be made only to those school districts in which:	7306
(A) The school district, except for any educational service	7307
center and any joint vocational or cooperative education school	7308
district, levies for current operating expenses at least twenty	7309
mills. Levies for joint vocational or cooperative education school	7310
districts or county school financing districts, limited to or to	7311
the extent apportioned to current expenses, shall be included in	7312
this qualification requirement. School district income tax levies	7313
under Chapter 5748. of the Revised Code, limited to or to the	7314
extent apportioned to current operating expenses, shall be	7315
included in this qualification requirement to the extent	7316
determined by the tax commissioner under division (D) of section	7317
3317.021 of the Revised Code.	7318

(B) The school year next preceding the fiscal year for which

such payments are authorized meets the requirement of section

3313.48 of the Revised Code, with regard to the minimum number of	7321
hours school must be open for instruction with pupils in	7322
attendance, for individualized parent-teacher conference and	7323
reporting periods, and for professional meetings of teachers.	7324
A school district shall not be considered to have failed to	7325
comply with this division because schools were open for	7326
instruction but either twelfth grade students were excused from	7327
attendance for up to the equivalent of three school days or only a	7328
portion of the kindergarten students were in attendance for up to	7329
the equivalent of three school days in order to allow for the	7330
gradual orientation to school of such students.	7331
A board of education or governing board of an educational	7332
service center which has not conformed with other law and the	7333
rules pursuant thereto, shall not participate in the distribution	7334
of funds authorized by this chapter, except for good and	7335
sufficient reason established to the satisfaction of the state	7336
board of education and the state controlling board.	7337
All funds allocated to school districts under this chapter,	7338
except those specifically allocated for other purposes, shall be	7339
used to pay current operating expenses only.	7340
Sec. 3317.02. As used in this chapter:	7341
(A)(1) "Category one career-technical education ADM" means	7342
the enrollment of students during the school year on a full-time	7343
equivalency basis in career-technical education programs described	7344
in division (A) of section 3317.014 of the Revised Code and	7345
certified under division (B)(11) or (D)(2)(h) of section 3317.03	7346
of the Revised Code.	7347
(2) "Category two career-technical education ADM" means the	7348
enrollment of students during the school year on a full-time	7349

equivalency basis in career-technical education programs described 7350

3317.03 of the Revised Code.

in division (B) of section 3317.014 of the Revised Code and	7351
certified under division (B)(12) or (D)(2)(i) of section 3317.03	7352
of the Revised Code.	7353
(3) "Category three career-technical education ADM" means the	7354
enrollment of students during the school year on a full-time	7355
equivalency basis in career-technical education programs described	7356
in division (C) of section 3317.014 of the Revised Code and	7357
certified under division (B)(13) or (D)(2)(j) of section 3317.03	7358
of the Revised Code.	7359
(4) "Category four career-technical education ADM" means the	7360
enrollment of students during the school year on a full-time	7361
equivalency basis in career-technical education programs described	7362
in division (D) of section 3317.014 of the Revised Code and	7363
certified under division (B)(14) or (D)(2)(k) of section 3317.03	7364
of the Revised Code.	7365
(5) "Category five career-technical education ADM" means the	7366
(5) "Category five career-technical education ADM" means the enrollment of students during the school year on a full-time	7366 7367
enrollment of students during the school year on a full-time	7367
enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described	7367 7368
enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and	7367 7368 7369
enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(1) of section 3317.03	7367 7368 7369 7370
enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(1) of section 3317.03 of the Revised Code.	7367 7368 7369 7370 7371
enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(1) of section 3317.03 of the Revised Code.  (B)(1) "Category one limited English proficient ADM" means	7367 7368 7369 7370 7371 7372
enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(1) of section 3317.03 of the Revised Code.  (B)(1) "Category one limited English proficient ADM" means the full-time equivalent number of limited English proficient	7367 7368 7369 7370 7371 7372 7373
enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(1) of section 3317.03 of the Revised Code.  (B)(1) "Category one limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (A) of section 3317.016 of the	7367 7368 7369 7370 7371 7372 7373 7374
enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(1) of section 3317.03 of the Revised Code.  (B)(1) "Category one limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and certified under division (B)(16) or (D)(2)(m) of	7367 7368 7369 7370 7371 7372 7373 7374 7375
enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(1) of section 3317.03 of the Revised Code.  (B)(1) "Category one limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code.	7367 7368 7369 7370 7371 7372 7373 7374 7375 7376
enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(1) of section 3317.03 of the Revised Code.  (B)(1) "Category one limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code.  (2) "Category two limited English proficient ADM" means the	7367 7368 7369 7370 7371 7372 7373 7374 7375 7376
enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (E) of section 3317.014 of the Revised Code and certified under division (B)(15) or (D)(2)(1) of section 3317.03 of the Revised Code.  (B)(1) "Category one limited English proficient ADM" means the full-time equivalent number of limited English proficient students described in division (A) of section 3317.016 of the Revised Code and certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code.  (2) "Category two limited English proficient ADM" means the full-time equivalent number of limited English proficient students	7367 7368 7369 7370 7371 7372 7373 7374 7375 7376 7377

(3) "Category three limited English proficient ADM" means the	7382
full-time equivalent number of limited English proficient students	7383
described in division (C) of section 3317.016 of the Revised Code	7384
and certified under division (B)(18) or (D)(2)(o) of section	7385
3317.03 of the Revised Code.	7386
(C)(1) "Category one special education ADM" means the	7387
full-time equivalent number of children with disabilities	7388
receiving special education services for the disability specified	7389
in division (A) of section 3317.013 of the Revised Code and	7390
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of	7391
the Revised Code.	7392
(2) "Category two special education ADM" means the full-time	7393
equivalent number of children with disabilities receiving special	7394
education services for those disabilities specified in division	7395
(B) of section 3317.013 of the Revised Code and certified under	7396
division (B)(6) or (D)(2)(c) of section $3317.03$ of the Revised	7397
Code.	7398
(3) "Category three special education ADM" means the	7399
full-time equivalent number of students receiving special	7400
education services for those disabilities specified in division	7401
(C) of section 3317.013 of the Revised Code, and certified under	7402
division (B)(7) or (D)(2)(d) of section $3317.03$ of the Revised	7403
Code.	7404
(4) "Category four special education ADM" means the full-time	7405
equivalent number of students receiving special education services	7406
for those disabilities specified in division (D) of section	7407
3317.013 of the Revised Code and certified under division (B)(8)	7408
or (D)(2)(e) of section 3317.03 of the Revised Code.	7409
(5) "Category five special education ADM" means the full-time	7410
equivalent number of students receiving special education services	7411

for the disabilities specified in division (E) of section 3317.013

of the Revised Code and certified under division (B)(9) or	7413
(D)(2)(f) of section 3317.03 of the Revised Code.	7414
(6) "Category six special education ADM" means the full-time	7415
equivalent number of students receiving special education services	7416
for the disabilities specified in division (F) of section 3317.013	7417
of the Revised Code and certified under division (B)(10) or	7418
(D)(2)(g) of section 3317.03 of the Revised Code.	7419
(D) "County DD board" means a county board of developmental	7420
disabilities.	7421
(E) "Economically disadvantaged index for a school district"	7422
means the square of the quotient of that district's percentage of	7423
students in its total ADM who are identified as economically	7424
disadvantaged as defined by the department of education, divided	7425
by the statewide percentage of students identified as economically	7426
disadvantaged.	7427
(F)(1) "Formula ADM" means, for a city, local, or exempted	7428
village school district, the enrollment reported under division	7429
(A) of section 3317.03 of the Revised Code, as verified by the	7430
superintendent of public instruction and adjusted if so ordered	7431
under division (K) of that section, and as further adjusted by	7432
counting the department of education, as follows:	7433
(a) Count only twenty per cent of the number of joint	7434
vocational school district students counted under division (A)(3)	7435
of section 3317.03 of the Revised Code:	7436
(b) Add twenty per cent of the number of students who are	7437
entitled to attend school in the district under section 3313.64 or	7438
3313.65 of the Revised Code and are enrolled in another school	7439
district under a career-technical education compact.	7440
(2) "Formula ADM" means, for a joint vocational school	7441
district, the final number verified by the superintendent of	7442
public instruction, based on the enrollment reported and certified	7443

under division (D) of section 3317.03 of the Revised Code, as	7444
adjusted, if so ordered, under division (K) of that section.	7445
(G) "Formula amount" means \$5,745, for fiscal year 2014, and	7446
\$5,800, for fiscal year 2015.	7447
(H) "FTE basis" means a count of students based on full-time	7448
equivalency, in accordance with rules adopted by the department of	7449
education pursuant to section 3317.03 of the Revised Code. In	7450
adopting its rules under this division, the department shall	7451
provide for counting any student in category one, two, three,	7452
four, five, or six special education ADM or in category one, two,	7453
three, four, or five career technical education ADM in the same	7454
proportion the student is counted in formula ADM.	7455
(I) "Internet- or computer-based community school" has the	7456
same meaning as in section 3314.02 of the Revised Code.	7457
(J) "Medically fragile child" means a child to whom all of	7458
the following apply:	7459
(1) The child requires the services of a doctor of medicine	7460
or osteopathic medicine at least once a week due to the	7461
instability of the child's medical condition.	7462
(2) The child requires the services of a registered nurse on	7463
a daily basis.	7464
(3) The child is at risk of institutionalization in a	7465
hospital, skilled nursing facility, or intermediate care facility	7466
for individuals with intellectual disabilities.	7467
(K)(1) A child may be identified as having an "other health	7468
impairment-major" if the child's condition meets the definition of	7469
"other health impaired" established in rules previously adopted by	7470
the state board of education and if either of the following apply:	7471
(a) The child is identified as having a medical condition	7472
that is among those listed by the superintendent of public	7473

instruction as conditions where a substantial majority of cases	7474
fall within the definition of "medically fragile child."	7475
(b) The child is determined by the superintendent of public	7476
instruction to be a medically fragile child. A school district	7477
superintendent may petition the superintendent of public	7478
instruction for a determination that a child is a medically	7479
fragile child.	7480
(2) A child may be identified as having an "other health	7481
impairment-minor" if the child's condition meets the definition of	7482
"other health impaired" established in rules previously adopted by	7483
the state board of education but the child's condition does not	7484
meet either of the conditions specified in division (K)(1)(a) or	7485
(b) of this section.	7486
(L) "Preschool child with a disability" means a child with a	7487
disability, as defined in section 3323.01 of the Revised Code, who	7488
is at least age three but is not of compulsory school age, as	7489
defined in section 3321.01 of the Revised Code, and who is not	7490
currently enrolled in kindergarten.	7491
(M) "Preschool scholarship ADM" means the number of preschool	7492
children with disabilities certified under division (B)(3)(h) of	7493
section 3317.03 of the Revised Code.	7494
(N) "Related services" includes:	7495
(1) Child study, special education supervisors and	7496
coordinators, speech and hearing services, adaptive physical	7497
development services, occupational or physical therapy, teacher	7498
assistants for children with disabilities whose disabilities are	7499
described in division (B) of section 3317.013 or division (B)(3)	7500
of this section, behavioral intervention, interpreter services,	7501
work study, nursing services, and specialized integrative services	7502
as those terms are defined by the department;	7503
(2) Speech and language services provided to any student with	7504

(U) "Total taxable value" means the sum of the amounts

certified for a city, local, exempted village, or joint vocational

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school district under divisions (A)(1) and (2) of section 3317.021	7535
of the Revised Code.	7536
Sec. 3317.0217. Payment of the amount calculated for a school	7537
district under this section shall be made under division (A) of	7538
section 3317.022 of the Revised Code.	7539
(A) The department of education shall annually compute	7540
targeted assistance funds to school districts, as follows:	7541
(1) Calculate the local wealth per pupil of each school	7542
district, which equals the following sum:	7543
(a) One-half times the quotient of (i) the district's	7544
three-year average valuation divided by (ii) its formula ADM; plus	7545
(b) One-half times the quotient of (i) the average of the	7546
total federal adjusted gross income of the school district's	7547
residents for the three years most recently reported under section	7548
3317.021 of the Revised Code divided by (ii) its formula ADM.	7549
(2) Rank all school districts in order of local wealth per	7550
pupil, from the district with the lowest local wealth per pupil to	7551
the district with the highest local wealth per pupil.	7552
(3) Compute the statewide wealth per pupil, which equals the	7553
following sum:	7554
(a) One-half times the quotient of (i) the sum of the	7555
three-year average valuations for all school districts divided by	7556
(ii) the sum of formula ADM counts for all schools school	7557
districts; plus	7558
(b) One-half times the quotient of (i) the sum of the	7559
three-year average total federal adjusted gross incomes for all	7560
school districts divided by (ii) the sum of formula ADM counts for	7561
all school districts.	7562
(4) Compute each district's wealth index by dividing the	7563

statewide wealth per pupil by the district's local wealth per	7564
pupil.	7565
(5) Compute the per pupil targeted assistance for each	7566
eligible school district in accordance with the following formula:	7567
(Threshold local wealth per pupil - the district's local wealth	7568
per pupil)	7569
X target millage X the district's wealth index	7570
Where:	7571
(a) An "eligible school district" means a school district	7572
with a local wealth per pupil less than that of the school	7573
district with the 490th lowest local wealth per pupil.	7574
(b) "Threshold local wealth per pupil" means the local wealth	7575
per pupil of the school district with the 490th lowest local	7576
wealth per pupil.	7577
(c) "Target millage" means 0.006.	7578
If the result of the calculation for a school district under	7579
division $(A)(5)$ of this section is less than zero, the district's	7580
targeted assistance shall be zero.	7581
(6) Calculate the aggregate amount to be paid as targeted	7582
assistance funds to each school district under division (A) of	7583
section 3317.022 of the Revised Code by multiplying the per pupil	7584
targeted assistance computed under division (A)(5) of this section	7585
by the district's net formula ADM.	7586
As used in this division, a district's "net formula ADM"	7587
means its formula ADM minus the number of community school	7588
students certified under division (B)(3)(d) of section 3317.03 of	7589
the Revised Code X 0.75, the number of internet- and	7590
computer-based community school students certified under division	7591
(B)(3)(e) of that section, the number of science, technology,	7592
engineering, and mathematics school students certified under	7593

division (B)(3)(j) of that section X 0.75, and the number of	7594
scholarship students certified under divisions $(B)(3)(f)$ , $(g)$ , and	7595
(1) of that section.	7596
(B) The department shall annually compute supplemental	7597
targeted assistance funds to school districts, as follows:	7598
(1) Compute each district's agricultural percentage as the	7599
quotient of (a) the three-year average tax valuation of real	7600
property in the district that is classified as agricultural	7601
property divided by (b) the three-year average tax valuation of	7602
all of the real property in the district. For purposes of this	7603
computation, a district's "three-year average tax valuation" means	7604
the average of a district's tax valuation for fiscal years 2012,	7605
2013, and 2014.	7606
(2) Determine each district's agricultural targeted	7607
percentage as follows:	7608
(a) If a district's agricultural percentage is greater than	7609
or equal to 0.10, then the district's agricultural targeted	7610
percentage shall be equal to 0.40.	7611
(b) If a district's agricultural percentage is less than	7612
0.10, then the district's agricultural targeted percentage shall	7613
be equal to 4 X the district's agricultural percentage.	7614
(3) Calculate the aggregate amount to be paid as supplemental	7615
targeted assistance funds to each school district under division	7616
(A) of section 3317.022 of the Revised Code by multiplying the	7617
district's agricultural targeted percentage by the amount	7618
calculated for the district under division $(A)(6)$ of this section.	7619
Sec. 3317.036. (A) The superintendent of each city, local,	7620
and exempted village school district shall report to the state	7621
board of education as of the last day of October, March, and June	7622
of each year the enrollment under section 3317.23 of the Revised	7623

Code, on a full-time equivalency basis, of individuals who are at	7624
least twenty-two but less than thirty years of age. This report	7625
shall be in addition to the district's report of the enrollment of	7626
students entitled to attend school in the district under section	7627
3313.64 or 3313.65 of the Revised Code that is required under	7628
section 3317.03 of the Revised Code.	7629
(B) The superintendent of each joint vocational school	7630
district shall report and certify to the superintendent of public	7631
instruction as of the last day of October, March, and June of each	7632
year the enrollment of individuals receiving services from the	7633
district on a full-time equivalency basis under section 3317.24 of	7634
the Revised Code. This report shall be in addition to the	7635
district's report of the enrollment of students that is required	7636
under section 3317.03 of the Revised Code.	7637
Sec. 3317.23. (A) For purposes of this section, an "eligible	7638
individual" is an individual who satisfies both of the following	7639
<u>criteria:</u>	7640
(1) The individual is at least twenty-two but younger than	7641
thirty years of age.	7642
(2) The individual has not been awarded a high school diploma	7643
or a certificate of high school equivalence, as defined in section	7644
4109.06 of the Revised Code, but has completed at least ten of the	7645
units required for graduation from high school under section	7646
3313.603 of the Revised Code.	7647
(B) An eligible individual may enroll in a city, local, or	7648
exempted village school district that operates a dropout	7649
prevention and recovery program for up to two cumulative school	7650
years for the purpose of earning a high school diploma. An	7651
individual enrolled under this division may elect to satisfy the	7652
requirements to earn a high school diploma by successfully	7653
completing a competency-based instructional program that complies	7654

with the standards adopted by the chancellor of the Ohio board of
regents under division (W) of section 3333.04 of the Revised Code.
The district shall report that individual's enrollment on a
full-time equivalency basis under division (A) of section 3317.036
of the Revised Code and shall not report that individual's
enrollment under section 3317.03 of the Revised Code. An
individual enrolled under this division shall not be assigned to
classes or settings with students who are younger than eighteen
years of age.
(C)(1) For each district that enrolls individuals under
division (B) of this section, the department of education annually
shall certify the enrollment and attendance, on a full-time
equivalency basis, of each individual reported by the district
under division (A) of section 3317.036 of the Revised Code.
(2) For each individual enrolled in a district under division
(B) of this section, the department annually shall pay to the
district an amount equal to the following:
\$5,000 X the individual's enrollment on a full-time equivalency
basis as certified under division (C)(1) of this section X the
portion of the school year in which the individual is enrolled in
the district expressed as a percentage
(D) A district that enrolls individuals under division (B) of
this section shall be subject to the program administration
standards adopted by the chancellor under division (W) of section
3333.04 of the Revised Code, as applicable.
Sec. 3317.24. (A) For purposes of this section, an "eliqible
individual" has the same meaning as in section 3317.23 of the
Revised Code.
(B) An eligible individual may enroll in a joint vocational
school district that operates an adult education program for up to
two cumulative school years for the purpose of completing the

requirements to earn a high school diploma. An individual enrolled	7686
under this division may elect to satisfy these requirements by	7687
successfully completing a competency-based instructional program	7688
that complies with the standards adopted by the chancellor of the	7689
Ohio board of regents under division (W) of section 3333.04 of the	7690
Revised Code. The district shall report an individual's enrollment	7691
under this division on a full-time equivalency basis under	7692
division (B) of section 3317.036 of the Revised Code and shall not	7693
report that individual's enrollment under section 3317.03 of the	7694
Revised Code. An individual enrolled under this division shall not	7695
be assigned to classes or settings with students who are younger	7696
than eighteen years of age.	7697
(C)(1) For each joint vocational school district that enrolls	7698
individuals under division (B) of this section, the department of	7699
education annually shall certify the enrollment and attendance, on	7700
a full-time equivalency basis, of each individual reported by the	7701
district under division (B) of section 3317.036 of the Revised	7702
Code.	7703
(2) For each individual enrolled in a joint vocational school	7704
district under division (B) of this section, the department	7705
annually shall pay to the district an amount equal to the	7706
<pre>following:</pre>	7707
\$5,000 X the individual's enrollment on a full-time equivalency	7708
basis as certified under division (C)(1) of this section X the	7709
portion of the school year in which the individual is enrolled in	7710
the district expressed as a percentage	7711
(D) If an individual enrolled in a joint vocational school	7712
district under division (B) of this section completes the	7713
requirements to earn a high school diploma, the joint vocational	7714
school district shall certify the completion of those requirements	7715
to the city, local, or exempted village school district in which	7716
the individual resides. Upon receiving certification under this	7717

division, the city, local, or exempted village school district in	7718
which the individual resides shall issue a high school diploma to	7719
the individual.	7720
(E) A joint vocational school district that enrolls	7721
individuals under division (B) of this section shall be subject to	7722
the program administration standards adopted by the chancellor	7723
under division (W) of section 3333.04 of the Revised Code, as	7724
applicable.	7725
Sec. 3318.36. (A)(1) As used in this section:	7726
(a) "Ohio school facilities commission," "classroom	7727
facilities," "school district," "school district board," "net	7728
bonded indebtedness," "required percentage of the basic project	7729
costs," "basic project cost," "valuation," and "percentile" have	7730
the same meanings as in section 3318.01 of the Revised Code.	7731
(b) "Required level of indebtedness" means five per cent of	7732
the school district's valuation for the year preceding the year in	7733
which the commission and school district enter into an agreement	7734
under division (B) of this section, plus [two one-hundredths of	7735
one per cent multiplied by (the percentile in which the district	7736
ranks minus one)].	7737
(c) "Local resources" means any moneys generated in any	7738
manner permitted for a school district board to raise the school	7739
district portion of a project undertaken with assistance under	7740
sections 3318.01 to 3318.20 of the Revised Code.	7741
(d) "Tangible personal property phase-out impacted district"	7742
means a school district for which the taxable value of its	7743
tangible personal property certified under division (A)(2) of	7744
section 3317.021 of the Revised Code for tax year 2005, excluding	7745
the taxable value of public utility personal property, made up	7746
eighteen per cent or more of its total taxable value for tax year	7747

<u> 2005</u>	as	certified	under	that	<u>section.</u>

(2) For purposes of determining the required level of 7749 indebtedness, the required percentage of the basic project costs 7750 under division (C)(1) of this section, and priority for assistance 7751 under sections 3318.01 to 3318.20 of the Revised Code, the 7752 percentile ranking of a school district with which the commission 7753 has entered into an agreement under this section between the first 7754 day of July and the thirty-first day of August in each fiscal year 7755 is the percentile ranking calculated for that district for the 7756 immediately preceding fiscal year, and the percentile ranking of a 7757 school district with which the commission has entered into such 7758 agreement between the first day of September and the thirtieth day 7759 of June in each fiscal year is the percentile ranking calculated 7760 for that district for the current fiscal year. However, in the 7761 case of a tangible personal property phase-out impacted district, 7762 the district's priority for assistance under sections 3318.01 to 7763 3318.20 of the Revised Code and its portion of the basic project 7764 cost under those sections shall be determined in the manner 7765 prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 7766 this section. 7767

(B)(1) There is hereby established the school building 7768 assistance expedited local partnership program. Under the program, 7769 the Ohio school facilities commission may enter into an agreement 7770 with the board of any school district under which the board may 7771 proceed with the new construction or major repairs of a part of 7772 the district's classroom facilities needs, as determined under 7773 sections 3318.01 to 3318.20 of the Revised Code, through the 7774 expenditure of local resources prior to the school district's 7775 eligibility for state assistance under those sections, and may 7776 apply that expenditure toward meeting the school district's 7777 portion of the basic project cost of the total of the district's 7778 classroom facilities needs, as recalculated under division (E) of 7779

this section, when the district becomes eligible for state	7780
assistance under sections 3318.01 to 3318.20 or section 3318.364	7781
of the Revised Code. Any school district that is reasonably	7782
expected to receive assistance under sections 3318.01 to 3318.20	7783
of the Revised Code within two fiscal years from the date the	7784
school district adopts its resolution under division (B) of this	7785
section shall not be eligible to participate in the program	7786
established under this section.	7787

(2) To participate in the program, a school district board 7788 shall first adopt a resolution certifying to the commission the 7789 board's intent to participate in the program. 7790

The resolution shall specify the approximate date that the 7791 board intends to seek elector approval of any bond or tax measures 7792 or to apply other local resources to use to pay the cost of 7793 classroom facilities to be constructed under this section. The 7794 resolution may specify the application of local resources or 7795 elector-approved bond or tax measures after the resolution is 7796 adopted by the board, and in such case the board may proceed with 7797 a discrete portion of its project under this section as soon as 7798 the commission and the controlling board have approved the basic 7799 project cost of the district's classroom facilities needs as 7800 specified in division (D) of this section. The board shall submit 7801 its resolution to the commission not later than ten days after the 7802 date the resolution is adopted by the board. 7803

The commission shall not consider any resolution that is 7804 submitted pursuant to division (B)(2) of this section, as amended 7805 by this amendment, sooner than September 14, 2000. 7806

(3) For purposes of determining when a district that enters
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into an agreement under this section becomes eligible for
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assistance under sections 3318.01 to 3318.20 of the Revised Code
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or priority for assistance under section 3318.364 of the Revised
7810
Code, the commission shall use one of the following as applicable:
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(a) Except for a tangible personal property phase-out	7812
impacted district, the district's percentile ranking determined at	7813
the time the district entered into the agreement under this	7814
section, as prescribed by division $(A)(2)$ of this section:	7815
(b) For a tangible personal property phase-out impacted	7816
district, the lesser of (i) the district's percentile ranking	7817
determined at the time the district entered into the agreement	7818
under this section, as prescribed by division (A)(2) of this	7819
section, or (ii) the district's current percentile ranking under	7820
section 3318.011 of the Revised Code.	7821
(4) Any project under this section shall comply with section	7822
3318.03 of the Revised Code and with any specifications for plans	7823
and materials for classroom facilities adopted by the commission	7824
under section 3318.04 of the Revised Code.	7825
(5) If a school district that enters into an agreement under	7826
this section has not begun a project applying local resources as	7827
provided for under that agreement at the time the district is	7828
notified by the commission that it is eligible to receive state	7829
assistance under sections 3318.01 to 3318.20 of the Revised Code,	7830
all assessment and agreement documents entered into under this	7831
section are void.	7832
(6) Only construction of or repairs to classroom facilities	7833
that have been approved by the commission and have been therefore	7834
included as part of a district's basic project cost qualify for	7835
application of local resources under this section.	7836
(C) Based on the results of on-site visits and assessment,	7837
the commission shall determine the basic project cost of the	7838
school district's classroom facilities needs. The commission shall	7839
determine the school district's portion of such basic project	7840
cost, which shall be the greater of:	7841
(1) The required percentage of the basic project costs,	7842

7874

determined based on the school district's percentile ranking;	7843
(2) An amount necessary to raise the school district's net	7844
bonded indebtedness, as of the fiscal year the commission and the	7845
school district enter into the agreement under division (B) of	7846
this section, to within five thousand dollars of the required	7847
level of indebtedness.	7848
(D)(1) When the commission determines the basic project cost	7849
of the classroom facilities needs of a school district and the	7850
school district's portion of that basic project cost under	7851
division (C) of this section, the project shall be conditionally	7852
approved. Such conditional approval shall be submitted to the	7853
controlling board for approval thereof. The controlling board	7854
shall forthwith approve or reject the commission's determination,	7855
conditional approval, and the amount of the state's portion of the	7856
basic project cost; however, no state funds shall be encumbered	7857
under this section. Upon approval by the controlling board, the	7858
school district board may identify a discrete part of its	7859
classroom facilities needs, which shall include only new	7860
construction of or additions or major repairs to a particular	7861
building, to address with local resources. Upon identifying a part	7862
of the school district's basic project cost to address with local	7863
resources, the school district board may allocate any available	7864
school district moneys to pay the cost of that identified part,	7865
including the proceeds of an issuance of bonds if approved by the	7866
electors of the school district.	7867
All local resources utilized under this division shall first	7868
be deposited in the project construction account required under	7869
section 3318.08 of the Revised Code.	7870
(2) Unless the school district board exercises its option	7871
under division (D)(3) of this section, for a school district to	7872
qualify for participation in the program authorized under this	7873

section, one of the following conditions shall be satisfied:

- (a) The electors of the school district by a majority vote 7875 shall approve the levy of taxes outside the ten-mill limitation 7876 for a period of twenty-three years at the rate of not less than 7877 one-half mill for each dollar of valuation to be used to pay the 7878 cost of maintaining the classroom facilities included in the basic 7879 project cost as determined by the commission. The form of the 7880 ballot to be used to submit the question whether to approve the 7881 tax required under this division to the electors of the school 7882 district shall be the form for an additional levy of taxes 7883 prescribed in section 3318.361 of the Revised Code, which may be 7884 combined in a single ballot question with the questions prescribed 7885 under section 5705.218 of the Revised Code. 7886
- (b) As authorized under division (C) of section 3318.05 of 7887 the Revised Code, the school district board shall earmark from the 7888 proceeds of a permanent improvement tax levied under section 7889 5705.21 of the Revised Code, an amount equivalent to the 7890 additional tax otherwise required under division (D)(2)(a) of this 7891 section for the maintenance of the classroom facilities included 7892 in the basic project cost as determined by the commission. 7893
- (c) As authorized under section 3318.051 of the Revised Code, 7894 the school district board shall, if approved by the commission, 7895 annually transfer into the maintenance fund required under section 7896 3318.05 of the Revised Code the amount prescribed in section 7897 3318.051 of the Revised Code in lieu of the tax otherwise required 7898 under division (D)(2)(a) of this section for the maintenance of 7899 the classroom facilities included in the basic project cost as 7900 determined by the commission. 7901
- (d) If the school district board has rescinded the agreement 7902 to make transfers under section 3318.051 of the Revised Code, as 7903 provided under division (F) of that section, the electors of the 7904 school district, in accordance with section 3318.063 of the 7905 Revised Code, first shall approve the levy of taxes outside the 7906

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ten-mill limitation for the period specified in that section at a	7907
rate of not less than one-half mill for each dollar of valuation.	7908
(e) The school district board shall apply the proceeds of a	7909
tax to leverage bonds as authorized under section 3318.052 of the	7910
Revised Code or dedicate a local donated contribution in the	7911
manner described in division (B) of section 3318.084 of the	7912
Revised Code in an amount equivalent to the additional tax	7913
otherwise required under division (D)(2)(a) of this section for	7914
the maintenance of the classroom facilities included in the basic	7915
project cost as determined by the commission.	7916
(3) A school district board may opt to delay taking any of	7917
the actions described in division (D)(2) of this section until the	7918
school district becomes eligible for state assistance under	7919
sections 3318.01 to 3318.20 of the Revised Code. In order to	7920
exercise this option, the board shall certify to the commission a	7921
resolution indicating the board's intent to do so prior to	7922
entering into an agreement under division (B) of this section.	7923
(4) If pursuant to division (D)(3) of this section a district	7924
board opts to delay levying an additional tax until the district	7925
becomes eligible for state assistance, it shall submit the	7926
question of levying that tax to the district electors as follows:	7927
(a) In accordance with section 3318.06 of the Revised Code if	7928
it will also be necessary pursuant to division (E) of this section	7929
to submit a proposal for approval of a bond issue;	7930
(b) In accordance with section 3318.361 of the Revised Code	7931
if it is not necessary to also submit a proposal for approval of a	7932
bond issue pursuant to division (E) of this section.	7933
(5) No state assistance under sections 3318.01 to 3318.20 of	7934
the Revised Code shall be released until a school district board	7935

that adopts and certifies a resolution under division (D) of this

section also demonstrates to the satisfaction of the commission

compliance with the provisions of division $(D)(2)$ of this section.	7938
Any amount required for maintenance under division (D)(2) of	7939
this section shall be deposited into a separate fund as specified	7940
in division (B) of section 3318.05 of the Revised Code.	7941
(E)(1) If the school district becomes eligible for state	7942
assistance under sections 3318.01 to 3318.20 of the Revised Code	7943
based on its percentile ranking under division (B)(3) of this	7944
section or is offered assistance under section 3318.364 of the	7945
Revised Code, the commission shall conduct a new assessment of the	7946
school district's classroom facilities needs and shall recalculate	7947
the basic project cost based on this new assessment. The basic	7948
project cost recalculated under this division shall include the	7949
amount of expenditures made by the school district board under	7950
division (D)(1) of this section. The commission shall then	7951
recalculate the school district's portion of the new basic project	7952
cost, which shall be one of the following as applicable:	7953
(a) Except for a tangible personal property phase-out	7954
impacted district, the percentage of the original basic project	7955
cost assigned to the school district as its portion under division	7956
(C) of this section <u>;</u>	7957
(b) For a tangible personal property phase-out impacted	7958
district, the lesser of (i) the percentage of the original basic	7959
project cost assigned to the school district as its portion under	7960
division (C) of this section, or (ii) the percentage of the new	7961
basic project cost determined under section 3318.032 of the	7962
Revised Code using the district's current percentile ranking under	7963
section 3318.011 of the Revised Code. The	7964
The commission shall deduct the expenditure of school	7965
district moneys made under division (D)(1) of this section from	7966
the school district's portion of the basic project cost as	7967
recalculated under this division. If the amount of school district	7968

resources applied by the school district board to the school	7969
district's portion of the basic project cost under this section is	7970
less than the total amount of such portion as recalculated under	7971
this division, the school district board by a majority vote of all	7972
of its members shall, if it desires to seek state assistance under	7973
sections 3318.01 to 3318.20 of the Revised Code, adopt a	7974
resolution as specified in section 3318.06 of the Revised Code to	7975
submit to the electors of the school district the question of	7976
approval of a bond issue in order to pay any additional amount of	7977
school district portion required for state assistance. Any tax	7978
levy approved under division (D) of this section satisfies the	7979
requirements to levy the additional tax under section 3318.06 of	7980
the Revised Code.	7981

(2) If the amount of school district resources applied by the 7982 school district board to the school district's portion of the 7983 basic project cost under this section is more than the total 7984 amount of such portion as recalculated under this division (E)(1) 7985 of this section, within one year after the school district's 7986 portion is so recalculated under division (E)(1) of this section 7987 the commission may grant to the school district the difference 7988 between the two calculated portions, but at no time shall the 7989 commission expend any state funds on a project in an amount 7990 greater than the state's portion of the basic project cost as 7991 recalculated under this division (E)(1) of this section. 7992

Any reimbursement under this division shall be only for local 7993 resources the school district has applied toward construction cost 7994 expenditures for the classroom facilities approved by the 7995 commission, which shall not include any financing costs associated 7996 with that construction.

The school district board shall use any moneys reimbursed to 7998 the district under this division to pay off any debt service the 7999 district owes for classroom facilities constructed under its 8000

project under this section before such moneys are applied to any	8001
other purpose. However, the district board first may deposit	8002
moneys reimbursed under this division into the district's general	8003
fund or a permanent improvement fund to replace local resources	8004
the district withdrew from those funds, as long as, and to the	8005
extent that, those local resources were used by the district for	8006
constructing classroom facilities included in the district's basic	8007
project cost.	8008
(3) A tangible personal property phase-out impacted district	8009
shall receive credit under division (E) of this section for the	8010
expenditure of local resources pursuant to any prior agreement	8011
authorized by this section, notwithstanding any recalculation of	8012
its average taxable value.	8013
Sec. 3333.04. The chancellor of the Ohio board of regents	8014
shall:	8015
(A) Make studies of state policy in the field of higher	8016
education and formulate a master plan for higher education for the	8017
state, considering the needs of the people, the needs of the	8018
state, and the role of individual public and private institutions	8019
within the state in fulfilling these needs;	8020
(B)(1) Report annually to the governor and the general	8021
assembly on the findings from the chancellor's studies and the	8022
master plan for higher education for the state;	8023
(2) Report at least semiannually to the general assembly and	8024
the governor the enrollment numbers at each state-assisted	8025
institution of higher education.	8026
(C) Approve or disapprove the establishment of new branches	8027
or academic centers of state colleges and universities;	8028
(D) Approve or disapprove the establishment of state	8029

technical colleges or any other state institution of higher

education; 8031

(E) Recommend the nature of the programs, undergraduate, 8032 graduate, professional, state-financed research, and public 8033 services which should be offered by the state colleges, 8034 universities, and other state-assisted institutions of higher 8035 education in order to utilize to the best advantage their 8036 facilities and personnel; 8037

(F) Recommend to the state colleges, universities, and other 8038 state-assisted institutions of higher education graduate or 8039 professional programs, including, but not limited to, doctor of 8040 philosophy, doctor of education, and juris doctor programs, that 8041 could be eliminated because they constitute unnecessary 8042 duplication, as shall be determined using the process developed 8043 pursuant to this division, or for other good and sufficient cause. 8044 Prior to recommending a program for elimination, the chancellor 8045 shall request the board of regents to hold at least one public 8046 hearing on the matter and advise the chancellor on whether the 8047 program should be recommended for elimination. The board shall 8048 provide notice of each hearing within a reasonable amount of time 8049 prior to its scheduled date. Following the hearing, the board 8050 shall issue a recommendation to the chancellor. The chancellor 8051 shall consider the board's recommendation but shall not be 8052 required to accept it. 8053

For purposes of determining the amounts of any state 8054 instructional subsidies paid to state colleges, universities, and 8055 other state-assisted institutions of higher education, the 8056 chancellor may exclude students enrolled in any program that the 8057 chancellor has recommended for elimination pursuant to this 8058 division except that the chancellor shall not exclude any such 8059 student who enrolled in the program prior to the date on which the 8060 chancellor initially commences to exclude students under this 8061 8062 division.

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The chancellor and state colleges, universities, and other 8063 state-assisted institutions of higher education shall jointly 8064 develop a process for determining which existing graduate or 8065 professional programs constitute unnecessary duplication. 8066 (G) Recommend to the state colleges, universities, and other 8067 state-assisted institutions of higher education programs which 8068 should be added to their present programs; 8069 (H) Conduct studies for the state colleges, universities, and 8070 other state-assisted institutions of higher education to assist 8071 them in making the best and most efficient use of their existing 8072 facilities and personnel; 8073 (I) Make recommendations to the governor and general assembly 8074 concerning the development of state-financed capital plans for 8075 higher education; the establishment of new state colleges, 8076 universities, and other state-assisted institutions of higher 8077 education; and the establishment of new programs at the existing 8078 state colleges, universities, and other institutions of higher 8079 education; 8080 (J) Review the appropriation requests of the public community 8081 colleges and the state colleges and universities and submit to the 8082 office of budget and management and to the chairpersons of the 8083 finance committees of the house of representatives and of the 8084 senate the chancellor's recommendations in regard to the biennial 8085 higher education appropriation for the state, including 8086 appropriations for the individual state colleges and universities 8087 and public community colleges. For the purpose of determining the 8088 amounts of instructional subsidies to be paid to state-assisted 8089 colleges and universities, the chancellor shall define "full-time 8090 equivalent student" by program per academic year. The definition 8091

may take into account the establishment of minimum enrollment

allowances will not be paid. Except as otherwise provided in this

levels in technical education programs below which support

8125

section, the chancellor shall make no change in the definition of	8095
"full-time equivalent student" in effect on November 15, 1981,	8096
which would increase or decrease the number of subsidy-eligible	8097
full-time equivalent students, without first submitting a fiscal	8098
impact statement to the president of the senate, the speaker of	8099
the house of representatives, the legislative service commission,	8100
and the director of budget and management. The chancellor shall	8101
work in close cooperation with the director of budget and	8102
management in this respect and in all other matters concerning the	8103
expenditures of appropriated funds by state colleges,	8104
universities, and other institutions of higher education.	8105
(K) Seek the cooperation and advice of the officers and	8106
trustees of both public and private colleges, universities, and	8107
other institutions of higher education in the state in performing	8108
the chancellor's duties and making the chancellor's plans,	8109
studies, and recommendations;	8110
(L) Appoint advisory committees consisting of persons	8111
associated with public or private secondary schools, members of	8112
the state board of education, or personnel of the state department	8113
of education;	8114
(M) Appoint advisory committees consisting of college and	8115
university personnel, or other persons knowledgeable in the field	8116
of higher education, or both, in order to obtain their advice and	8117
assistance in defining and suggesting solutions for the problems	8118
and needs of higher education in this state;	8119
(N) Approve or disapprove all new degrees and new degree	8120
programs at all state colleges, universities, and other	8121
state-assisted institutions of higher education;	8122
(0) Adopt such rules as are necessary to carry out the	8123

chancellor's duties and responsibilities. The rules shall

prescribe procedures for the chancellor to follow when taking

actions associated with the chancellor's duties and	8126
responsibilities and shall indicate which types of actions are	8127
subject to those procedures. The procedures adopted under this	8128
division shall be in addition to any other procedures prescribed	8129
by law for such actions. However, if any other provision of the	8130
Revised Code or rule adopted by the chancellor prescribes	8131
different procedures for such an action, the procedures adopted	8132
under this division shall not apply to that action to the extent	8133
they conflict with the procedures otherwise prescribed by law. The	8134
procedures adopted under this division shall include at least the	8135
following:	8136
(1) Provision for public notice of the proposed action;	8137
(2) An opportunity for public comment on the proposed action,	8138
which may include a public hearing on the action by the board of	8139
regents;	8140
(3) Methods for parties that may be affected by the proposed	8141
action to submit comments during the public comment period;	8142
(4) Submission of recommendations from the board of regents	8143
regarding the proposed action, at the request of the chancellor;	8144
(5) Written publication of the final action taken by the	8145
chancellor and the chancellor's rationale for the action;	8146
(6) A timeline for the process described in divisions (0)(1)	8147
to (5) of this section.	8148
(P) Make recommendations to the governor and the general	8149
assembly regarding the design and funding of the student financial	8150
aid programs specified in sections 3333.12, 3333.122, 3333.21 to	8151
3333.26, and 5910.02 of the Revised Code;	8152
(Q) Participate in education-related state or federal	8153
programs on behalf of the state and assume responsibility for the	8154
administration of such programs in accordance with applicable	8155

state or federal law;	8156
(R) Adopt rules for student financial aid programs as	8157
required by sections 3333.12, 3333.122, 3333.21 to 3333.26,	8158
3333.28, and 5910.02 of the Revised Code, and perform any other	8159
administrative functions assigned to the chancellor by those	8160
sections;	8161
(S) Conduct enrollment audits of state-supported institutions	8162
of higher education;	8163
(T) Appoint consortia of college and university personnel to	8164
advise or participate in the development and operation of	8165
statewide collaborative efforts, including the Ohio supercomputer	8166
center, the Ohio academic resources network, OhioLink, and the	8167
Ohio learning network. For each consortium, the chancellor shall	8168
designate a college or university to serve as that consortium's	8169
fiscal agent, financial officer, and employer. Any funds	8170
appropriated for the consortia shall be distributed to the fiscal	8171
agents for the operation of the consortia. A consortium shall	8172
follow the rules of the college or university that serves as its	8173
fiscal agent. The chancellor may restructure existing consortia,	8174
appointed under this division, in accordance with procedures	8175
adopted under divisions (0)(1) to (6) of this section.	8176
(U) Adopt rules establishing advisory duties and	8177
responsibilities of the board of regents not otherwise prescribed	8178
by law;	8179
(V) Respond to requests for information about higher	8180
education from members of the general assembly and direct staff to	8181
conduct research or analysis as needed for this purpose;	8182
(W)(1) In consultation with the state board of education,	8183
adopt emergency rules in accordance with division (F) of section	8184
119.03 of the Revised Code regarding the administration of	8185
programs that enroll individuals who are at least twenty-two but	2126

younger than thirty years of age under sections 3314.38, 3317.23,	8187
3317.24, and 3345.86 of the Revised Code;	8188
(2) Not later than ninety days after the effective date of	8189
the emergency rules adopted under division (W)(1) of this section,	8190
in consultation with the state board of education, adopt rules	8191
under Chapter 119. of the Revised Code regarding the	8192
administration of programs that enroll individuals who are at	8193
least twenty-two but younger than thirty years of age under	8194
sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised	8195
Code, including data collection, the reporting and certification	8196
of enrollment in the programs, the measurement of the academic	8197
performance of individuals enrolled in the programs and the	8198
standards for competency-based instructional programs.	8199
Sec. 3345.56. Notwithstanding any provision of the Revised	8200
Code to the contrary, a student attending a state university as	8201
defined in section 3345.011 of the Revised Code is not an employee	8202
of the state university based upon the student's participation in	8203
an athletic program offered by the state university.	8204
Sec. 3345.86. (A) As used in this section, an "eligible	8205
institution" means a community college established under Chapter	8206
3354. of the Revised Code, a university branch established under	8207
Chapter 3355. of the Revised Code, a technical college established	8208
under Chapter 3357. of the Revised Code, or a state community	8209
college established under Chapter 3358. of the Revised Code.	8210
(B) An individual who is at least twenty-two but younger than	8211
thirty years of age and who is an eligible individual as defined	8212
in section 3317.23 of the Revised Code may enroll in an eligible	8213
institution for up to two cumulative school years for the purpose	8214
of completing the requirements to earn a high school diploma. An	8215
individual enrolled under this division may elect to satisfy these	8216

requirements by successfully completing a competency-based	8217
instructional program that complies with the standards adopted by	8218
the chancellor of the Ohio board of regents under division (W) of	8219
section 3333.04 of the Revised Code.	8220
The eligible institution in which the individual enrolls	8221
shall report that individual's enrollment on a full-time	8222
equivalency basis to the department of education.	8223
(C)(1) For each eligible institution that enrolls individuals	8224
under division (B) of this section, the department annually shall	8225
certify the enrollment and attendance, on a full-time equivalency	8226
basis, of each individual reported by the institution under that	8227
division.	8228
(2) For each individual enrolled in an eligible institution	8229
under division (B) of this section, the department annually shall	8230
pay to the institution an amount equal to the following:	8231
\$5,000 X the individual's enrollment on a full-time	8232
equivalency basis as certified under division (C)(1) of this	8233
section X the portion of the school year in which the individual	8234
is enrolled in the institution expressed as a percentage	8235
(D) If an individual enrolled in an eligible institution	8236
under division (B) of this section completes the requirements to	8237
earn a high school diploma, the institution shall certify the	8238
completion of those requirements to the city, local, or exempted	8239
village school district in which the individual resides. Upon	8240
receiving certification under this division, the city, local, or	8241
exempted village school district in which the individual resides	8242
shall issue a high school diploma to the individual.	8243
(E) An eligible institution that enrolls individuals under	8244
division (B) of this section shall be subject to the program	8245
administration standards adopted by the chancellor under division	8246
(W) of section 3333.04 of the Revised Code, as applicable.	8247

Sec. 3701.132. The department of health is hereby designated	8248
as the state agency to administer As used in this section, "WIC	8249
program" means the "special supplemental nutrition program for	8250
women, infants, and children" established under the "Child	8251
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.	8252
<del>The</del>	8253
The department of health is hereby designated as the state	8254
agency to administer the WIC program. The director of health may	8255
adopt rules pursuant to Chapter 119. of the Revised Code as	8256
necessary for administering the $\underline{\mathtt{WIC}}$ program. The rules may include	8257
civil money penalties for violations of the rules.	8258
In determining eligibility for services provided under the	8259
<u>WIC</u> program, the department may use the application form	8260
established under section $\frac{5111.013}{5163.40}$ of the Revised Code for	8261
the healthy start program. The department may require applicants	8262
to furnish their social security numbers.	8263
If the department determines that a vendor has committed an	8264
act with respect to the $\underline{\mathtt{WIC}}$ program that federal statutes or	8265
regulations or state statutes or rules prohibit, the department	8266
shall take action against the vendor in the manner required by 7	8267
C.F.R. part 246, including imposition of a civil money penalty in	8268
accordance with 7 C.F.R. 246.12, or rules adopted under this	8269
section.	8270
Sec. 3701.34. (A) The Ohio public health advisory board shall	8271
review and make recommendations to the director of health on all	8271
	8273
of the following:	0413
(1) Developing and adopting proposed rules under Chapters	8274
3701 and 3717 of the Administrative Code;	8275
(2) Prescribing proposed fees for services provided by the	8276

office of vital statistics and the bureau of environmental health;

(3) Any proposed policy changes that pertain to entities	8278
serving or seeking to serve as vendors under the WIC program, as	8279
defined in section 3701.132 of the Revised Code, that are not	8280
addressed pursuant to division (A)(1) of this section.	8281
(4) Issues to improve public health and increase awareness of	8282
public health issues at the state level, local level, or both;	8283
$\frac{(4)}{(5)}$ Any other public health issues that the director	8284
requests the board to consider.	8285
(B) In making recommendations to the director under For	8286
purposes of division (A)(1) of this section, all of the following	8287
apply:	8288
(1) Prior to filing a proposed rule with the joint committee	8289
on agency rule review, the department of health shall provide each	8290
board member with a copy of the proposed rule, copies of public	8291
comments received by the department during the public comment	8292
period, and written evidence of stakeholder involvement.	8293
(2) Prior to board meetings, copies of proposed rules shall	8294
be provided to members. On request of a member, the department	8295
shall ensure that appropriate department employees attend board	8296
meetings to answer questions concerning proposed rules.	8297
(3)(a) Not later than sixty days after receiving a copy of a	8298
proposed rule, the board shall recommend approval or disapproval	8299
of the rule and submit its recommendation by board action to the	8300
director. In making its recommendation, the board may consider	8301
public comments provided to the department or the board.	8302
(b) If the board fails to make a recommendation within sixty	8303
days of receiving a copy of the proposed rule, the director may	8304
file the proposed rule.	8305
(4) Except as provided in division (B)(3)(b) of this section,	8306
the director shall consider the board's recommendation before	8307

filing a proposed rule. On request of the board, the director	8308
shall meet with the board to discuss the board's recommendation.	8309
(5) If the director disagrees with the board's	8310
recommendation, the director shall inform the board in writing of	8311
the director's decision and the reason for the decision prior to	8312
the next quarterly meeting. The director or the director's	8313
designee may meet with the board at the next quarterly meeting to	8314
answer questions regarding why the director disagreed with the	8315
board's recommendation.	8316
$\frac{(C)}{(6)}$ To the extent the board believes that a proposed rule	8317
does not comply with requirements established by the joint	8318
committee on agency rule review or the common sense initiative	8319
office, nothing in this section prohibits the board, in carrying	8320
out its duties under division (A)(1) of this section, from	8321
contacting the joint committee on agency rule review or the common	8322
sense initiative office.	8323
(D) In making recommendations under (C) For purposes of	8324
division (A)(2) of this section for prescribing proposed fees for	8325
services provided by the bureau of environmental health, the board	8326
and the department shall develop a cost methodology_ subject to	8327
approval by the director, regarding proposed fees for services	8328
provided by the department's bureau of environmental health.	8329
(D) For purposes of division (A)(3) of this section, a	8330
proposed WIC program policy change shall be treated as if it were	8331
a proposed rule subject to division (A)(1) of this section and the	8332
board and other entities involved in reviewing and making	8333
recommendations regarding the change may follow all or part of the	8334
procedures described in division (B) of this section.	8335
(E) This section does not apply to the following:	8336
(1) A proposed rule that is to be refiled with the joint	8337
committee on agency rule review solely because of technical or	8338

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technician-intermediate, or emergency medical technician-paramedic	8397
certified under Chapter 4765. of the Revised Code.	8398
(5) "Health care provider" means a hospital, ambulatory care	8399
facility, long-term care facility, pharmacy, emergency facility,	8400
or health care practitioner.	8401
(6) "Hospital" has the same meaning as in section 3727.01 of	8402
the Revised Code.	8403
(7) "Long-term care facility" means a nursing home,	8404
residential care facility, or home for the aging, as those terms	8405
are defined in section 3721.01 of the Revised Code; a residential	8406
facility licensed under section 5119.34 of the Revised Code that	8407
provides accommodations, supervision, and personal care services	8408
for three to sixteen unrelated adults; a nursing facility, as	8409
defined in section 5165.01 of the Revised Code; a skilled nursing	8410
facility, as defined in section 5165.01 of the Revised Code; and	8411
an intermediate care facility for individuals with intellectual	8412
disabilities, as defined in section 5124.01 of the Revised Code.	8413
(8) "Medical record" means data in any form that pertains to	8414
a patient's medical history, diagnosis, prognosis, or medical	8415
condition and that is generated and maintained by a health care	8416
provider in the process of the patient's health care treatment.	8417
(9) "Medical records company" means a person who stores,	8418
locates, or copies medical records for a health care provider, or	8419
is compensated for doing so by a health care provider, and charges	8420
a fee for providing medical records to a patient or patient's	8421
representative.	8422
(10) "Patient" means either of the following:	8423
(a) An individual who received health care treatment from a	8424
health care provider;	8425

(b) A guardian, as defined in section 1337.11 of the Revised

Code, of an individual described in division (A)(10)(a) of this	8427
section.	8428
(11) "Patient's personal representative" means a minor	8429
patient's parent or other person acting in loco parentis, a	8430
court-appointed guardian, or a person with durable power of	8431
attorney for health care for a patient, the executor or	8432
administrator of the patient's estate, or the person responsible	8433
for the patient's estate if it is not to be probated. "Patient's	8434
personal representative" does not include an insurer authorized	8435
under Title XXXIX of the Revised Code to do the business of	8436
sickness and accident insurance in this state, a health insuring	8437
corporation holding a certificate of authority under Chapter 1751.	8438
of the Revised Code, or any other person not named in this	8439
division.	8440
(12) "Pharmacy" has the same meaning as in section 4729.01 of	8441
the Revised Code.	8442
(13) "Physician" means a person authorized under Chapter	8443
4731. of the Revised Code to practice medicine and surgery,	8444
osteopathic medicine and surgery, or podiatric medicine and	8445
surgery.	8446
(14) "Authorized person" means a person to whom a patient has	8447
given written authorization to act on the patient's behalf	8448
regarding the patient's medical record.	8449
(B) A patient, a patient's personal representative, or an	8450
authorized person who wishes to examine or obtain a copy of part	8451
or all of a medical record shall submit to the health care	8452
provider a written request signed by the patient, personal	8453
representative, or authorized person dated not more than one year	8454
before the date on which it is submitted. The request shall	8455
indicate whether the copy is to be sent to the requestor,	8456

physician or chiropractor, or held for the requestor at the office 8457

of the health care provider. Within a reasonable time after	8458
receiving a request that meets the requirements of this division	8459
and includes sufficient information to identify the record	8460
requested, a health care provider that has the patient's medical	8461
records shall permit the patient to examine the record during	8462
regular business hours without charge or, on request, shall	8463
provide a copy of the record in accordance with section 3701.741	8464
of the Revised Code, except that if a physician or chiropractor	8465
who has treated the patient determines for clearly stated	8466
treatment reasons that disclosure of the requested record is	8467
likely to have an adverse effect on the patient, the health care	8468
provider shall provide the record to a physician or chiropractor	8469
designated by the patient. The health care provider shall take	8470
reasonable steps to establish the identity of the person making	8471
the request to examine or obtain a copy of the patient's record.	8472

- (C) If a health care provider fails to furnish a medical 8473 record as required by division (B) of this section, the patient, 8474 personal representative, or authorized person who requested the 8475 record may bring a civil action to enforce the patient's right of 8476 access to the record.
- (D)(1) This section does not apply to medical records whose 8478 release is covered by section 173.20 or 3721.13 of the Revised 8479 Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 8480 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient 8481 Records," or by 42 C.F.R. 483.10.
- (2) Nothing in this section is intended to supersede the 8483 confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 8484 and 2305.252 of the Revised Code. 8485
- Sec. 3701.83. (A) There is hereby created in the state 8486 treasury the general operations fund. Moneys in the fund shall be 8487 used for the purposes specified in sections 3701.04, 3701.344, 8488

3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022,	8489
3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13,	8490
3749.04, 3749.07, 4747.04, and 4769.09 of the Revised Code.	8491
(B) The alcohol testing program fund is hereby created in the	8492
state treasury. The director of health shall use the fund to	8493
administer and enforce the alcohol testing and permit program	8494
authorized by section 3701.143 of the Revised Code.	8495
The fund shall receive transfers from the liquor control fund	8496
created under section 4301.12 of the Revised Code. All investment	8497
earnings of the alcohol testing program fund shall be credited to	8498
the fund.	8499
Sec. 3702.59. (A) The director of health shall accept for	8500
review certificate of need applications as provided in sections	8501
3702.592, 3702.593, and 3702.594, and 3702.595 of the Revised	8502
Code.	8503
(B)(1) The director shall not approve an application for a	8504
certificate of need for the addition of long-term care beds to an	8505
existing long-term care facility or for the development of a new	8506
long-term care facility if any of the following apply:	8507
(a) The existing long-term care facility in which the beds	8508
are being placed has one or more waivers for life safety code	8509
deficiencies, one or more state fire code violations, or one or	8510
more state building code violations, and the project identified in	8511
the application does not propose to correct all life safety code	8512
deficiencies for which a waiver has been granted, all state fire	8513
code violations, and all state building code violations at the	8514
existing long-term care facility in which the beds are being	8515
placed;	8516
(b) During the sixty-month period preceding the filing of the	8517
application, a notice of proposed license revocation was issued	8518

under section 3721.03 of the Revised Code for the existing	8519
long-term care facility in which the beds are being placed or a	8520
nursing home owned or operated by the applicant or a principal	8521
participant.	8522
(c) During the period that precedes the filing of the	8523
application and is encompassed by the three most recent standard	8524
surveys of the existing long-term care facility in which the beds	8525
are being placed, any of the following occurred:	8526
(i) The facility was cited on three or more separate	8527
occasions for final, nonappealable actual harm but not immediate	8528
jeopardy deficiencies.	8529
(ii) The facility was cited on two or more separate occasions	8530
for final, nonappealable immediate jeopardy deficiencies.	8531
(iii) The facility was cited on two separate occasions for	8532
final, nonappealable actual harm but not immediate jeopardy	8533
deficiencies and on one occasion for a final, nonappealable	8534
immediate jeopardy deficiency.	8535
(d) More than two nursing homes owned or operated in this	8536
state by the applicant or a principal participant or, if the	8537
applicant or a principal participant owns or operates more than	8538
twenty nursing homes in this state, more than ten per cent of	8539
those nursing homes, were each cited during the period that	8540
precedes the filing of the application for the certificate of need	8541
and is encompassed by the three most recent standard surveys of	8542
the nursing homes that were so cited in any of the following	8543
manners:	8544
(i) On three or more separate occasions for final,	8545
nonappealable actual harm but not immediate jeopardy deficiencies;	8546
(ii) On two or more separate occasions for final,	8547

nonappealable immediate jeopardy deficiencies;

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(iii) On two separate occasions for final, nonappealable	8549
actual harm but not immediate jeopardy deficiencies and on one	8550
occasion for a final, nonappealable immediate jeopardy deficiency.	8551
(2) In applying divisions $(B)(1)(a)$ to $(d)$ of this section,	8552
the director shall not consider deficiencies or violations cited	8553
before the applicant or a principal participant acquired or began	8554
to own or operate the long-term care facility at which the	8555
deficiencies or violations were cited. The director may disregard	8556
deficiencies and violations cited after the long-term care	8557
facility was acquired or began to be operated by the applicant or	8558
a principal participant if the deficiencies or violations were	8559
attributable to circumstances that arose under the previous owner	8560
or operator and the applicant or principal participant has	8561
implemented measures to alleviate the circumstances. In the case	8562
of an application proposing development of a new long-term care	8563
facility by relocation of beds, the director shall not consider	8564
deficiencies or violations that were solely attributable to the	8565
physical plant of the existing long-term care facility from which	8566
the beds are being relocated.	8567
(C) The director also shall accept for review any application	8568
for the conversion of infirmary beds to long-term care beds if the	8569
infirmary meets all of the following conditions:	8570
(1) Is operated exclusively by a religious order;	8571
(2) Provides care exclusively to members of religious orders	8572
who take vows of celibacy and live by virtue of their vows within	8573
the orders as if related;	8574
(3) Was providing care exclusively to members of such a	8575
religious order on January 1, 1994.	8576
(D) Notwithstanding division (C)(2) of this section, a	8577
facility that has been granted a certificate of need under	8578

division (C) of this section may provide care to any of the

following family members of the individuals described in division	8580
(C)(2) of this section: mothers, fathers, brothers, sisters,	8581
brothers-in-law, sisters-in-law, or children.	8582
The long-term care beds in a facility that have been granted	8583
a certificate of need under division (C) of this section may not	8584
be relocated pursuant to sections 3702.592 to $\frac{3702.594}{2000}$ $\frac{3702.595}{2000}$ of	8585
the Revised Code.	8586
Sec. 3702.595. (A) Subject to division (B) of this section,	8587
the director of health shall accept at any time, for review under	8588
section 3702.52 of the Revised Code, both of the following:	8589
(1) Certificate of need applications for the establishment,	8590
development, or construction of a new long-term care facility if	8591
all of the following apply:	8592
(a) The new long-term care facility is to be licensed as a	8593
nursing home under Chapter 3721. of the Revised Code.	8594
(b) The new long-term care facility is to be located on the	8595
same site as a residential care facility that, on the effective	8596
date of this section, meets both of the following:	8597
(i) The residential care facility is licensed under Chapter	8598
3721. of the Revised Code.	8599
(ii) There is not another nursing home located on the same	8600
site as the residential care facility.	8601
(c) The new long-term care facility is to have a licensed bed	8602
capacity not exceeding twenty nursing home beds.	8603
(d) All of the beds that are to be part of the new long-term	8604
care facility's licensed bed capacity are to be relocated to the	8605
new long-term care facility in accordance with approved	8606
certificate of need applications meeting the requirements of	8607
division (A)(2) of this section.	8608

(2) Certificate of need applications for the relocation of a	8609
total of not more than twenty long-term care beds from one or more	8610
physical facilities or sites to another if all of the following	8611
<pre>apply:</pre>	8612
(a) The beds are part of a nursing home's licensed bed	8613
capacity on the effective date of this section.	8614
(b) The beds are to be relocated to the new long-term care	8615
facility authorized by an approved certificate of need application	8616
meeting the requirements of division (A)(1) of this section.	8617
(c) The long-term care facility from which the beds are to be	8618
relocated is located in a county that is contiguous to the county	8619
in which the new long-term care facility is to be located.	8620
(d) The licensed bed capacity of the long-term care facility	8621
from which the beds are to be relocated is reduced by each bed	8622
that is relocated.	8623
(e) After the beds are relocated, there will still be one or	8624
more nursing homes licensed under Chapter 3721. of the Revised	8625
Code operating in the county from which the beds are relocated.	8626
(B)(1) Once the director approves a certificate of need	8627
application meeting the requirements of division (A)(1) of this	8628
section regarding the establishment, development, or construction	8629
of a new long-term care facility, the director shall not accept or	8630
approve another such application until the expiration of the	8631
period during which the director, under division (E) of section	8632
3702.52 of the Revised Code, monitors the activities of the person	8633
granted the certificate of need.	8634
(2) Once a total of twenty long-term care beds have been	8635
approved for relocation under certificate of need applications	8636
meeting the requirements of division (A)(2) of this section, the	8637
director shall not accept or approve another such application	8638
	8630

gynecology, psychiatry, child and adolescent psychiatry, geriatric

psychiatry, combined internal medicine and pediatrics, geriatrics,

or family practice.

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Sec. 3702.74. (A) A primary care physician who has signed a	8670
letter of intent under section 3702.73 of the Revised Code and the	8671
director of health may enter into a contract for the physician's	8672
participation in the physician loan repayment program. The	8673
physician's employer or other funding source may also be a party	8674
to the contract.	8675
(B) The contract shall include all of the following	8676
obligations:	8677
(1) The primary care physician agrees to provide primary care	8678
services in the health resource shortage area identified in the	8679
letter of intent for at least two years the number of hours and	8680
duration specified in the contract;	8681
(2) When providing primary care services in the health	8682
resource shortage area, the primary care physician agrees to do	8683
all of the following:	8684
(a) Provide primary care services for a minimum of forty	8685
hours per week, of which at least twenty-one hours will be spent	8686
providing patient care in an outpatient or ambulatory setting	8687
approved by the department of health;	8688
(b) Provide primary care services without regard to a	8689
patient's ability to pay;	8690
(c) Meet the requirements for a medicaid provider agreement	8691
and enter into the agreement with the department of medicaid to	8692
provide primary care services to medicaid recipients.	8693
(3) The department of health agrees, as provided in section	8694
3702.75 of the Revised Code, to repay, so long as the primary care	8695
physician performs the service obligation agreed to under division	8696
(B)(1) of this section, all or part of the principal and interest	8697
of a government or other educational loan taken by the primary	8698
care physician for expenses described in section 3702.75 of the	8699

Revised Code;	8700
(4) The primary care physician agrees to pay the department	8701
of health an amount established by rules adopted under section	8702
3702.79 of the Revised Code if the physician fails to complete the	8703
service obligation agreed to under division (B)(1) of this	8704
section.	8705
(C) The contract may include any other terms agreed upon by	8706
the parties shall include the following terms as agreed upon by	8707
the parties:	8708
(1) The primary care physician's required length of service	8709
in the health resource shortage area, which must be at least two	8710
years;	8711
(2) The number of weekly hours the primary care physician	8712
will be engaged in full-time practice or part-time practice in the	8713
health resource shortage area;	8714
(3) The maximum amount that the department will repay on	8715
behalf of the primary care physician;	8716
(4) The extent to which the primary care physician's teaching	8717
activities in the health resource shortage area will be counted	8718
toward the physician's full-time practice or part-time practice	8719
hours under the contract.	8720
Sec. 3702.75. There is hereby created the physician loan	8721
repayment program. Under the program, the department of health, by	8722
means of a contract provision under division (B)(3) of section	8723
3702.74 of the Revised Code, may agree to repay all or part of the	8724
principal and interest of a government or other educational loan	8725
taken by a primary care physician for the following expenses, so	8726
long as the expenses were incurred while the physician was	8727
enrolled in, for up to a maximum of four years, a medical school	8728
or osteopathic medical school in the United States that was,	8729

during the time enrolled, accredited by the liaison committee on	8730
medical education or the American osteopathic association, or a	8731
medical school or osteopathic medical school located outside the	8732
United States that was, during the time enrolled, acknowledged by	8733
the world health organization and verified by a member state of	8734
that organization as operating within the state's jurisdiction:	8735
(A) Tuition;	8736
(B) Other educational expenses, such as fees, books, and	8737
laboratory expenses, for specific purposes and in amounts	8738
determined to be reasonable by the director of health;	8739
(C) Room and board, in an amount determined reasonable by the	8740
director of health.	8741
In the first and second years, no repayment shall exceed	8742
twenty-five thousand dollars in each year. In the third and fourth	8743
years, no repayment shall exceed thirty five thousand dollars in	8744
each year. If, however, a repayment results in an increase in the	8745
primary care physician's federal, state, or local income tax	8746
liability, at the physician's request, the department may	8747
reimburse the physician for the increased tax liability,	8748
regardless of the amount of the repayment made to the physician in	8749
that year.	8750
Not later than the thirty-first day of January each year, the	8751
department shall mail to each physician to whom or on whose behalf	8752
repayment is made under this section a statement showing the	8753
amount repaid by the department pursuant to the contract in the	8754
preceding year. The statement shall be sent by ordinary mail with	8755
address correction and forwarding requested in the manner	8756
prescribed by the United States postal service.	8757
Sec. 3702.91. (A) As used in this section, "full-time	8758
practice and "part-time practice have the same meanings as in	8759

section 3702.71 of the Revised Code.	8760
(B) An individual who has signed a letter of intent under	8761
section 3702.90 of the Revised Code may enter into a contract with	8762
the director of health for participation in the dentist loan	8763
repayment program. The dentist's employer or other funding source	8764
may also be a party to the contract.	8765
$\frac{(B)(C)}{(C)}$ The contract shall include all of the following	8766
obligations:	8767
(1) The individual agrees to provide dental services in the	8768
dental health resource shortage area identified in the letter of	8769
intent for at least two years the number of hours and duration	8770
specified in the contract.	8771
(2) When providing dental services in the dental health	8772
resource shortage area, the individual agrees to do all of the	8773
following:	8774
(a) Provide dental services for a minimum of forty hours per	8775
week in a service site approved by the department of health;	8776
(b) Provide dental services without regard to a patient's	8777
ability to pay;	8778
(c) Meet the requirements for a medicaid provider agreement	8779
and enter into the agreement with the department of medicaid to	8780
provide dental services to medicaid recipients.	8781
(3) The department of health agrees, as provided in section	8782
3702.85 of the Revised Code, to repay, so long as the individual	8783
performs the service obligation agreed to under division $\frac{(B)(C)}{(1)}$	8784
of this section, all or part of the principal and interest of a	8785
government or other educational loan taken by the individual for	8786
expenses described in section 3702.85 of the Revised Code.	8787
(4) The individual agrees to pay the department of health an	8788
amount established by rules adopted under section 3700 86 of the	2720

Revised Code, if the individual fails to complete the service	8790
obligation agreed to under division $\frac{(B)(C)}{(1)}$ of this section.	8791
$\frac{(C)}{(D)}$ The contract $\frac{may}{n}$ shall include $\frac{ny}{n}$ other the following	8792
terms <u>as</u> agreed upon by the parties:	8793
(1) The individual's required length of service in the dental	8794
health resource shortage area, which must be at least two years;	8795
(2) The number of weekly hours the individual will be engaged	8796
in full-time practice or part-time practice;	8797
(3) The maximum amount that the department will repay on	8798
behalf of the individual;	8799
(4) The extent to which the individual's teaching activities	8800
in the dental health resource shortage area will be counted toward	8801
the individual's full-time practice or part-time practice hours	8802
under the contract.	8803
(D) Not later than the thirty first day of January of each	8804
year, the department of health shall mail to each individual to	8805
whom or on whose behalf repayment is made under the dentist loan	8806
repayment program a statement showing the amount of principal and	8807
interest repaid by the department pursuant to the contract in the	8808
preceding year. The statement shall be sent by ordinary mail with	8809
address correction and forwarding requested in the manner	8810
prescribed by the United States postal service.	8811
der 2702 OF The divertor of bealth may arrow wifter of	0.01.0
Sec. 3702.95. The director of health may accept gifts of	8812
money from any source for the implementation and administration of	8813
sections $3702.85$ to $3702.93$ $3702.92$ of the Revised Code.	8814
The director shall pay all gifts accepted under this section	8815
into the state treasury, to the credit of the dental health	8816
resource shortage area fund, which is hereby created, and all	8817
damages collected under division $\frac{(B)(C)}{(4)}$ of section 3702.91 of	8818
the Revised Code, into the state treasury, to the credit of the	8819

dentist loan repayment fund, which is hereby created.	8820
The director shall use the dental health resource shortage	8821
area and dentist loan repayment funds for the implementation and	8822
administration of sections 3702.85 to 3702.95 of the Revised Code.	8823
Sec. 3721.122. Before an individual is admitted as a resident	8824
to a home, the home's administrator shall search for the	8825
individual's name in the internet-based sex offender and	8826
child-victim offender database established under division (A)(11)	8827
of section 2950.13 of the Revised Code. If the search results	8828
identify the individual as a sex offender and the individual is	8829
admitted as a resident to the home, the administrator shall	8830
provide for the home to do all of the following:	8831
(A) Develop a plan of care to protect the other residents'	8832
rights to a safe environment and to be free from abuse;	8833
(B) Notify all of the home's other residents and their	8834
sponsors that a sex offender has been admitted as a resident to	8835
the home and include in the notice a description of the plan of	8836
care developed under division (A) of this section;	8837
(C) Direct the individual in updating the individual's	8838
address under section 2950.05 of the Revised Code and, if the	8839
individual is unable to do so without assistance, provide the	8840
assistance the individual needs to update the individual's address	8841
under that section.	8842
Sec. 3730.09. (A) Each operator of a business that offers	8843
tattooing or body piercing services shall do all of the following:	8844
(1) Maintain procedures for ensuring that the individuals who	8845
perform tattooing or body piercing procedures are adequately	8846
trained to perform the procedures properly;	8847
(2) With respect to tattooing services, maintain written	8848

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
8852

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;
  8860
- (5) Ensure that weekly tests of the business's heat 8861 sterilization devices are performed to determine whether the 8862 devices are functioning properly. In having the devices tested, 8863 the operator of the business shall use a biological monitoring 8864 system that indicates whether the devices are killing 8865 microorganisms. If a test indicates that a device is not 8866 functioning properly, the operator shall take immediate remedial 8867 action to ensure that heat sterilization is being accomplished. 8868 The operator shall maintain documentation that the weekly tests 8869 are being performed. To comply with the documentation requirement, 8870 the documents must consist of a log that indicates the date on 8871 which each test is performed and the name of the person who 8872 performed the test or, if a test was conducted by an independent 8873 testing entity, a copy of the entity's testing report. The 8874 operator shall maintain records of each test performed for at 8875 least two years. 8876
- (B) Each operator of a business that offers ear piercing 8877 services performed with an ear piercing gun shall require the 8878 individuals who perform the ear piercing services to disinfect and 8879 sterilize the ear piercing gun by using chemical solutions that 8880

meet the disinfection and sterilization requirements established	8881
in rules adopted under section 3730.10 of the Revised Code.	8882
Sec. 3737.02. (A) The fire marshal may collect fees to cover	8883
the costs of performing inspections and other duties that the fire	8884
marshal is authorized or required by law to perform. Except as	8885
provided in division (B) of this section, all fees collected by	8886
the fire marshal shall be deposited to the credit of the fire	8887
marshal's fund.	8888
(B) $\underline{(1)}$ All of the following shall be credited to the	8889
underground storage tank administration fund, which is hereby	8890
created in the state treasury:	8891
$\frac{(1)}{(a)}$ Fees collected under sections 3737.88 and 3737.881 of	8892
the Revised Code for operation of the underground storage tank and	8893
underground storage tank installer certification programs;	8894
(2)(b) Moneys recovered under section 3737.89 of the Revised	8895
Code for the state's costs of undertaking corrective or	8896
enforcement actions under that section or section 3737.882 of the	8897
Revised Code;	8898
$\frac{(3)(c)}{(3)}$ Fines and penalties collected under section 3737.882	8899
of the Revised Code÷	8900
(4) Amounts repaid for underground storage tank revolving	8901
loans under section 3737.883 and other moneys, including	8902
corrective action enforcement case settlements or bankruptcy case	8903
awards or settlements, received by the fire marshal under sections	8904
3737.88 to 3737.89 of the Revised Code.	8905
$\frac{(C)}{(2)}$ All interest earned on moneys credited to the	8906
underground storage tank administration fund shall be credited to	8907
the fund. Moneys credited to the underground storage tank	8908
administration fund shall be used by the fire marshal for	8909
implementation and enforcement of underground storage tank,	8910

corrective action, and installer certification programs under	8911
sections 3737.88 to 3737.89 of the Revised Code. Only moneys	8912
described in divisions (B)(3) and (4) of this section may be used	8913
by the fire marshal to make underground storage tank revolving	8914
loans under section 3737.883 of the Revised Code, and no other	8915
moneys may be used to make those loans.	8916
(D)(C) There is hereby created in the state treasury the	8917
underground storage tank revolving loan fund. The fund shall	8918
consist of amounts repaid for underground storage tank revolving	8919
loans under section 3737.883 of the Revised Code and moneys	8920
described in division (B)(1)(c) of this section that are allocated	8921
to the fund in accordance with division (D)(1) of this section.	8922
Moneys in the fund shall be used by the fire marshal to make	8923
underground storage tank revolving loans under section 3737.883 of	8924
the Revised Code.	8925
(D)(1) If the director of commerce determines that the cash	8926
balance in the underground storage tank administration fund is in	8927
excess of the amount needed for implementation and enforcement of	8928
the underground storage tank, corrective action, and installer	8929
certification programs under sections 3737.88 to 3737.89 of the	8930
Revised Code, the director may certify the excess amount to the	8931
director of budget and management. Upon certification, the	8932
director of budget and management may transfer from the	8933
underground storage tank administration fund to the underground	8934
storage tank revolving loan fund any amount up to, but not	8935
exceeding, the amount certified by the director of commerce,	8936
provided the amount transferred consists only of moneys described	8937
in division (B)(1)(c) of this section.	8938
(2) If the director of commerce determines that the cash	8939
balance in the underground storage tank administration fund is	8940
insufficient to implement and enforce the underground storage	8941
tank, corrective action, and installer certification programs	8942

under sections 3737.88 to 3737.89 of the Revised Code, the	8943
director may certify the amount needed to the director of budget	8944
and management. Upon certification, the director of budget and	8945
management may transfer from the underground storage tank	8946
revolving loan fund to the underground storage tank administration	8947
fund any amount up to, but not exceeding, the amount certified by	8948
the director of commerce.	8949
(E) The fire marshal shall take all actions necessary to	8950
obtain any federal funding available to carry out the fire	8951
marshal's responsibilities under sections 3737.88 to 3737.89 of	8952
the Revised Code and federal laws regarding the cleaning up of	8953
releases of petroleum, as "release" is defined in section 3737.87	8954
of the Revised Code, including, without limitation, any federal	8955
funds that are available to reimburse the state for the costs of	8956
undertaking corrective actions for such releases of petroleum. The	8957
state may, when appropriate, return to the United States any	8958
federal funds recovered under sections 3737.882 and 3737.89 of the	8959
Revised Code.	8960
Sec. 3772.02. (A) There is hereby created the Ohio casino	8961
control commission described in Section 6(C)(1) of Article XV,	8962
Ohio Constitution.	8963
(B) The commission shall consist of seven members appointed	8964
within one month of the effective date of this section September	8965
10, 2010, by the governor with the advice and consent of the	8966
senate. The governor shall forward all appointments to the senate	8967
within twenty-four hours.	8968
(1) Each commission member is eligible for reappointment at	8969
the discretion of the governor. No commission member shall be	8970
appointed for more than three terms in total.	8971

(2) Each commission member shall be a resident of Ohio.

(3) At least one commission member shall be experienced in 8973 law enforcement and criminal investigation. 8974 (4) At least one commission member shall be a certified 8975 public accountant experienced in accounting and auditing. 8976 (5) At least one commission member shall be an attorney 8977 admitted to the practice of law in Ohio. 8978 (6) At least one commission member shall be a resident of a 8979 county where one of the casino facilities is located. 8980 (7) Not more than four commission members shall be of the 8981 same political party. 8982 (8) No commission member shall have any affiliation with an 8983 Ohio casino operator or facility. 8984 (C) Commission members shall serve four-year terms, except 8985 that when the governor makes initial appointments to the 8986 commission under this chapter, the governor shall appoint three 8987 members to serve four-year terms with not more than two such 8988 members from the same political party, two members to serve 8989 three-year terms with such members not being from the same 8990 political party, and two members to serve two-year terms with such 8991 members not being from the same political party. 8992 (D) Each commission member shall hold office from the date of 8993 appointment until the end of the term for which the member was 8994 appointed. Any member appointed to fill a vacancy occurring before 8995 the expiration of the term for which the member's predecessor was 8996 appointed shall hold office for the remainder of the unexpired 8997 term. Any member shall continue in office after the expiration 8998 date of the member's term until the member's successor takes 8999 office, or until a period of sixty days has elapsed, whichever 9000 occurs first. A vacancy in the commission membership shall be 9001

filled in the same manner as the original appointment.

- (E) The governor shall select one member to serve as 9003 chairperson and the commission members shall select one member 9004 from a different party than the chairperson to serve as 9005 vice-chairperson. The governor may remove and replace the 9006 chairperson at any time. No such member shall serve as chairperson 9007 for more than six successive years. The vice-chairperson shall 9008 assume the duties of the chairperson in the absence of the 9009 chairperson. The chairperson and vice-chairperson shall perform 9010 but shall not be limited to additional duties as are prescribed by 9011 commission rule. 9012
- (F) A commission member is not required to devote the 9013 member's full time to membership on the commission. Each member of 9014 the commission shall receive compensation of sixty thirty thousand 9015 dollars per year, payable in monthly installments for the first 9016 four years of the commission's existence. Each member shall 9017 receive the member's actual and necessary expenses incurred in the 9018 discharge of the member's official duties. 9019
- (G) The governor shall not appoint an individual to the 9020 commission, and an individual shall not serve on the commission, 9021 if the individual has been convicted of or pleaded guilty or no 9022 contest to a disqualifying offense as defined in section 3772.07 9023 of the Revised Code. Members coming under indictment or bill of 9024 information of a disqualifying offense shall resign from the 9025 commission immediately upon indictment.
- (H) At least five commission members shall be present for the 9027 commission to meet. The concurrence of four members is necessary 9028 for the commission to take any action. All members shall vote on 9029 the adoption of rules, and the approval of, and the suspension or 9030 revocation of, the licenses of casino operators or management 9031 companies, unless a member has a written leave of absence filed 9032 with and approved by the chairperson. 9033
  - (I) A commission member may be removed or suspended from

9065

office in accordance with section 3.04 of the Revised Code.	9035
(J) Each commission member, before entering upon the	9036
discharge of the member's official duties, shall make an oath to	9037
uphold the Ohio Constitution and laws of the state of Ohio and	9038
shall give a bond, payable by the commission, to the treasurer of	9039
state, in the sum of ten thousand dollars with sufficient sureties	9040
to be approved by the treasurer of state, which bond shall be	9041
filed with the secretary of state.	9042
(K) The commission shall hold one regular meeting each month	9043
and shall convene other meetings at the request of the chairperson	9044
or a majority of the members. A member who fails to attend at	9045
least three-fifths of the regular and special meetings of the	9046
commission during any two-year period forfeits membership on the	9047
commission. All meetings of the commission shall be open meetings	9048
under section 121.22 of the Revised Code except as otherwise	9049
allowed by law.	9050
Sec. 4141.01. As used in this chapter, unless the context	9051
otherwise requires:	9052
(A)(1) "Employer" means the state, its instrumentalities, its	9053
political subdivisions and their instrumentalities, Indian tribes,	9054
and any individual or type of organization including any	9055
partnership, limited liability company, association, trust,	9056
estate, joint-stock company, insurance company, or corporation,	9057
whether domestic or foreign, or the receiver, trustee in	9058
bankruptcy, trustee, or the successor thereof, or the legal	9059
representative of a deceased person who subsequent to December 31,	9060
1971, or in the case of political subdivisions or their	9061
instrumentalities, subsequent to December 31, 1973:	9062
(a) Had in employment at least one individual, or in the case	9063

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	9066
current or the preceding calendar year whether or not the same	9067
individual was in employment in each such day; or	9068
(b) Except for a nonprofit organization, had paid for service	9069
in employment wages of fifteen hundred dollars or more in any	9070
calendar quarter in either the current or preceding calendar year;	9071
or	9072
(c) Had paid, subsequent to December 31, 1977, for employment	9073
in domestic service in a local college club, or local chapter of a	9074
college fraternity or sorority, cash remuneration of one thousand	9075
dollars or more in any calendar quarter in the current calendar	9076
year or the preceding calendar year, or had paid subsequent to	9077
December 31, 1977, for employment in domestic service in a private	9078
home cash remuneration of one thousand dollars in any calendar	9079
quarter in the current calendar year or the preceding calendar	9080
year:	9081
(i) For the purposes of divisions (A)(1)(a) and (b) of this	9082
section, there shall not be taken into account any wages paid to,	9083
or employment of, an individual performing domestic service as	9084
described in this division.	9085
(ii) An employer under this division shall not be an employer	9086
with respect to wages paid for any services other than domestic	9087
service unless the employer is also found to be an employer under	9088
division (A)(1)(a), (b), or (d) of this section.	9089
(d) As a farm operator or a crew leader subsequent to	9090
December 31, 1977, had in employment individuals in agricultural	9091
labor; and	9092
(i) During any calendar quarter in the current calendar year	9093
or the preceding calendar year, paid cash remuneration of twenty	9094
thousand dollars or more for the agricultural labor; or	9095
(ii) Had at least ten individuals in employment in	9096

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agricultural labor, not including agricultural workers who are	9097
aliens admitted to the United States to perform agricultural labor	9098
pursuant to sections 1184(c) and 1101(a)(15)(H) of the	9099
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A.	9100
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each	9101
of the twenty different calendar weeks, in either the current or	9102
preceding calendar year whether or not the same individual was in	9103
employment in each day; or	9104
(e) Is not otherwise an employer as defined under division	9105
(A)(1)(a) or (b) of this section; and	9106
(i) For which, within either the current or preceding	9107
calendar year, service, except for domestic service in a private	9108
home not covered under division (A)(1)(c) of this section, is or	9109
was performed with respect to which such employer is liable for	9110
any federal tax against which credit may be taken for	9111
contributions required to be paid into a state unemployment fund;	9112
(ii) Which, as a condition for approval of this chapter for	9113
full tax credit against the tax imposed by the "Federal	9114
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is	9115
required, pursuant to such act to be an employer under this	9116
chapter; or	9117
(iii) Who became an employer by election under division	9118
(A)(4) or (5) of this section and for the duration of such	9119
election; or	9120
(f) In the case of the state, its instrumentalities, its	9121
political subdivisions, and their instrumentalities, and Indian	9122
tribes, had in employment, as defined in divisions (B)(2)(a) and	9123
(B)(2)(1) of this section, at least one individual;	9124
(g) For the purposes of division (A)(1)(a) of this section,	9125
if any week includes both the thirty-first day of December and the	9126

first day of January, the days of that week before the first day 9127

of January shall be considered one calendar week and the days 9128 beginning the first day of January another week. 9129

- (2) Each individual employed to perform or to assist in 9130 performing the work of any agent or employee of an employer is 9131 employed by such employer for all the purposes of this chapter, 9132 whether such individual was hired or paid directly by such 9133 employer or by such agent or employee, provided the employer had 9134 actual or constructive knowledge of the work. All individuals 9135 performing services for an employer of any person in this state 9136 who maintains two or more establishments within this state are 9137 employed by a single employer for the purposes of this chapter. 9138
- (3) An employer subject to this chapter within any calendar 9139 year is subject to this chapter during the whole of such year and 9140 during the next succeeding calendar year. 9141
- (4) An employer not otherwise subject to this chapter who 9142 files with the director of job and family services a written 9143 election to become an employer subject to this chapter for not 9144 less than two calendar years shall, with the written approval of 9145 such election by the director, become an employer subject to this 9146 chapter to the same extent as all other employers as of the date 9147 stated in such approval, and shall cease to be subject to this 9148 chapter as of the first day of January of any calendar year 9149 subsequent to such two calendar years only if at least thirty days 9150 prior to such first day of January the employer has filed with the 9151 director a written notice to that effect. 9152
- (5) Any employer for whom services that do not constitute 9153 employment are performed may file with the director a written 9154 election that all such services performed by individuals in the 9155 employer's employ in one or more distinct establishments or places 9156 of business shall be deemed to constitute employment for all the 9157 purposes of this chapter, for not less than two calendar years. 9158 Upon written approval of the election by the director, such 9159

services shall be deemed to constitute employment subject to this 9160 chapter from and after the date stated in such approval. Such 9161 services shall cease to be employment subject to this chapter as 9162 of the first day of January of any calendar year subsequent to 9163 such two calendar years only if at least thirty days prior to such 9164 first day of January such employer has filed with the director a 9165 written notice to that effect.

- (B)(1) "Employment" means service performed by an individual 9167 for remuneration under any contract of hire, written or oral, 9168 express or implied, including service performed in interstate 9169 commerce and service performed by an officer of a corporation, 9170 without regard to whether such service is executive, managerial, 9171 or manual in nature, and without regard to whether such officer is 9172 a stockholder or a member of the board of directors of the 9173 corporation, unless it is shown to the satisfaction of the 9174 director that such individual has been and will continue to be 9175 free from direction or control over the performance of such 9176 service, both under a contract of service and in fact. The 9177 director shall adopt rules to define "direction or control." 9178
  - (2) "Employment" includes:

(a) Service performed after December 31, 1977, by an 9180 individual in the employ of the state or any of its 9181 instrumentalities, or any political subdivision thereof or any of 9182 its instrumentalities or any instrumentality of more than one of 9183 the foregoing or any instrumentality of any of the foregoing and 9184 one or more other states or political subdivisions and without 9185 regard to divisions (A)(1)(a) and (b) of this section, provided 9186 that such service is excluded from employment as defined in the 9187 "Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 9188 3306(c)(7) and is not excluded under division (B)(3) of this 9189 section; or the services of employees covered by voluntary 9190 election, as provided under divisions (A)(4) and (5) of this 9191

section;	9192
(b) Service performed after December 31, 1971, by an	9193
individual in the employ of a religious, charitable, educational,	9194
or other organization which is excluded from the term "employment"	9195
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26	9196
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A.	9197
3306(c)(8) of that act and is not excluded under division (B)(3)	9198
of this section;	9199
(c) Domestic service performed after December 31, 1977, for	9200
an employer, as provided in division (A)(1)(c) of this section;	9201
(d) Agricultural labor performed after December 31, 1977, for	9202
a farm operator or a crew leader, as provided in division	9203
(A)(1)(d) of this section;	9204
(e) Service not covered under division (B)(1) of this section	9205
which is performed after December 31, 1971:	9206
(i) As an agent-driver or commission-driver engaged in	9207
distributing meat products, vegetable products, fruit products,	9208
bakery products, beverages other than milk, laundry, or	9209
dry-cleaning services, for the individual's employer or principal;	9210
(ii) As a traveling or city salesperson, other than as an	9211
agent-driver or commission-driver, engaged on a full-time basis in	9212
the solicitation on behalf of and in the transmission to the	9213
salesperson's employer or principal except for sideline sales	9214
activities on behalf of some other person of orders from	9215
wholesalers, retailers, contractors, or operators of hotels,	9216
restaurants, or other similar establishments for merchandise for	9217
resale, or supplies for use in their business operations, provided	9218
that for the purposes of division (B)(2)(e)(ii) of this section,	9219
the services shall be deemed employment if the contract of service	9220
contemplates that substantially all of the services are to be	9221
performed personally by the individual and that the individual	9222

does not have a substantial investment in facilities used in	9223
connection with the performance of the services other than in	9224
facilities for transportation, and the services are not in the	9225
nature of a single transaction that is not a part of a continuing	9226
relationship with the person for whom the services are performed.	9227

- (f) An individual's entire service performed within or both 9228 within and without the state if: 9229
  - (i) The service is localized in this state. 9230
- (ii) The service is not localized in any state, but some of 9231 the service is performed in this state and either the base of 9232 operations, or if there is no base of operations then the place 9233 from which such service is directed or controlled, is in this 9234 state or the base of operations or place from which such service 9235 is directed or controlled is not in any state in which some part 9236 of the service is performed but the individual's residence is in 9237 this state. 9238
- (q) Service not covered under division (B)(2)(f)(ii) of this 9239 section and performed entirely without this state, with respect to 9240 no part of which contributions are required and paid under an 9241 unemployment compensation law of any other state, the Virgin 9242 Islands, Canada, or of the United States, if the individual 9243 performing such service is a resident of this state and the 9244 director approves the election of the employer for whom such 9245 services are performed; or, if the individual is not a resident of 9246 this state but the place from which the service is directed or 9247 controlled is in this state, the entire services of such 9248 individual shall be deemed to be employment subject to this 9249 chapter, provided service is deemed to be localized within this 9250 state if the service is performed entirely within this state or if 9251 the service is performed both within and without this state but 9252 the service performed without this state is incidental to the 9253 individual's service within the state, for example, is temporary 9254

or transitory in nature or consists of isolated transactions;	9255
(h) Service of an individual who is a citizen of the United	9256
States, performed outside the United States except in Canada after	9257
December 31, 1971, or the Virgin Islands, after December 31, 1971,	9258
and before the first day of January of the year following that in	9259
which the United States secretary of labor approves the Virgin	9260
Islands law for the first time, in the employ of an American	9261
employer, other than service which is "employment" under divisions	9262
(B)(2)(f) and (g) of this section or similar provisions of another	9263
state's law, if:	9264
(i) The employer's principal place of business in the United	9265
States is located in this state;	9266
(ii) The employer has no place of business in the United	9267
States, but the employer is an individual who is a resident of	9268
this state; or the employer is a corporation which is organized	9269
under the laws of this state, or the employer is a partnership or	9270
a trust and the number of partners or trustees who are residents	9271
of this state is greater than the number who are residents of any	9272
other state; or	9273
(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii)	9274
of this section is met but the employer has elected coverage in	9275
this state or the employer having failed to elect coverage in any	9276
state, the individual has filed a claim for benefits, based on	9277
such service, under this chapter.	9278
(i) For the purposes of division (B)(2)(h) of this section,	9279
the term "American employer" means an employer who is an	9280
individual who is a resident of the United States; or a	9281
partnership, if two-thirds or more of the partners are residents	9282
of the United States; or a trust, if all of the trustees are	9283
residents of the United States; or a corporation organized under	9284
the laws of the United States or of any state, provided the term	9285

"United States" includes the states, the District of Columbia, the	9286
Commonwealth of Puerto Rico, and the Virgin Islands.	9287
(j) Notwithstanding any other provisions of divisions (B)(1)	9288
and (2) of this section, service, except for domestic service in a	9289
private home not covered under division (A)(1)(c) of this section,	9290
with respect to which a tax is required to be paid under any	9291
federal law imposing a tax against which credit may be taken for	9292
contributions required to be paid into a state unemployment fund,	9293
or service, except for domestic service in a private home not	9294
covered under division (A)(1)(c) of this section, which, as a	9295
condition for full tax credit against the tax imposed by the	9296
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to	9297
3311, is required to be covered under this chapter.	9298
(k) Construction services performed by any individual under a	9299
construction contract, as defined in section 4141.39 of the	9300
Revised Code, if the director determines that the employer for	9301
whom services are performed has the right to direct or control the	9302
performance of the services and that the individuals who perform	9303
the services receive remuneration for the services performed. The	9304
director shall presume that the employer for whom services are	9305
performed has the right to direct or control the performance of	9306
the services if ten or more of the following criteria apply:	9307
(i) The employer directs or controls the manner or method by	9308
which instructions are given to the individual performing	9309
services;	9310
(ii) The employer requires particular training for the	9311
individual performing services;	9312
(iii) Services performed by the individual are integrated	9313
into the regular functioning of the employer;	9314
(iv) The employer requires that services be provided by a	9315
particular individual;	9316

(v) The employer hires, supervises, or pays the wages of the	9317
individual performing services;	9318
(vi) A continuing relationship between the employer and the	9319
individual performing services exists which contemplates	9320
continuing or recurring work, even if not full-time work;	9321
(vii) The employer requires the individual to perform	9322
services during established hours;	9323
(viii) The employer requires that the individual performing	9324
services be devoted on a full-time basis to the business of the	9325
employer;	9326
(ix) The employer requires the individual to perform services	9327
on the employer's premises;	9328
(x) The employer requires the individual performing services	9329
to follow the order of work established by the employer;	9330
(xi) The employer requires the individual performing services	9331
to make oral or written reports of progress;	9332
(xii) The employer makes payment to the individual for	9333
services on a regular basis, such as hourly, weekly, or monthly;	9334
(xiii) The employer pays expenses for the individual	9335
performing services;	9336
(xiv) The employer furnishes the tools and materials for use	9337
by the individual to perform services;	9338
(xv) The individual performing services has not invested in	9339
the facilities used to perform services;	9340
(xvi) The individual performing services does not realize a	9341
profit or suffer a loss as a result of the performance of the	9342
services;	9343
(xvii) The individual performing services is not performing	9344
services for more than two employers simultaneously;	9345

(xviii) The individual performing services does not make the	9346
services available to the general public;	9347
(xix) The employer has a right to discharge the individual	9348
performing services;	9349
(xx) The individual performing services has the right to end	9350
the individual's relationship with the employer without incurring	9351
liability pursuant to an employment contract or agreement.	9352
(1) Service performed by an individual in the employ of an	9353
Indian tribe as defined by section 4(e) of the "Indian	9354
Self-Determination and Education Assistance Act," 88 Stat. 2204	9355
(1975), 25 U.S.C.A. 450b(e), including any subdivision,	9356
subsidiary, or business enterprise wholly owned by an Indian tribe	9357
provided that the service is excluded from employment as defined	9358
in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26	9359
U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division	9360
(B)(3) of this section.	9361
(3) "Employment" does not include the following services if	9362
they are found not subject to the "Federal Unemployment Tax Act,"	9363
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services	9364
are not required to be included under division (B)(2)(j) of this	9365
section:	9366
(a) Service performed after December 31, 1977, in	9367
agricultural labor, except as provided in division $(A)(1)(d)$ of	9368
this section;	9369
(b) Domestic service performed after December 31, 1977, in a	9370
private home, local college club, or local chapter of a college	9371
fraternity or sorority except as provided in division (A)(1)(c) of	9372
this section;	9373
(c) Service performed after December 31, 1977, for this state	9374
or a political subdivision as described in division (B)(2)(a) of	9375
this section when performed:	9376

(i) As a publicly elected official;	9377
(ii) As a member of a legislative body, or a member of the	9378
judiciary;	9379
(iii) As a military member of the Ohio national guard;	9380
(iv) As an employee, not in the classified service as defined	9381
in section 124.11 of the Revised Code, serving on a temporary	9382
basis in case of fire, storm, snow, earthquake, flood, or similar	9383
emergency;	9384
(v) In a position which, under or pursuant to law, is	9385
designated as a major nontenured policymaking or advisory	9386
position, not in the classified service of the state, or a	9387
policymaking or advisory position the performance of the duties of	9388
which ordinarily does not require more than eight hours per week.	9389
(d) In the employ of any governmental unit or instrumentality	9390
of the United States;	9391
(e) Service performed after December 31, 1971:	9392
(i) Service in the employ of an educational institution or	9393
institution of higher education, including those operated by the	9394
state or a political subdivision, if such service is performed by	9395
a student who is enrolled and is regularly attending classes at	9396
the educational institution or institution of higher education; or	9397
(ii) By an individual who is enrolled at a nonprofit or	9398
public educational institution which normally maintains a regular	9399
faculty and curriculum and normally has a regularly organized body	9400
of students in attendance at the place where its educational	9401
activities are carried on as a student in a full-time program,	9402
taken for credit at the institution, which combines academic	9403
instruction with work experience, if the service is an integral	9404
part of the program, and the institution has so certified to the	9405
employer, provided that this subdivision shall not apply to	9406

service performed in a program established for or on behalf of an	9407
employer or group of employers.	9408
(f) Service performed by an individual in the employ of the	9409
individual's son, daughter, or spouse and service performed by a	9410
child under the age of eighteen in the employ of the child's	9411
father or mother;	9412
(g) Service performed for one or more principals by an	9413
individual who is compensated on a commission basis, who in the	9414
performance of the work is master of the individual's own time and	9415
efforts, and whose remuneration is wholly dependent on the amount	9416
of effort the individual chooses to expend, and which service is	9417
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183	9418
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December	9419
31, 1971:	9420
(i) By an individual for an employer as an insurance agent or	9421
as an insurance solicitor, if all this service is performed for	9422
remuneration solely by way of commission;	9423
(ii) As a home worker performing work, according to	9424
specifications furnished by the employer for whom the services are	9425
performed, on materials or goods furnished by such employer which	9426
are required to be returned to the employer or to a person	9427
designated for that purpose.	9428
(h) Service performed after December 31, 1971:	9429
(i) In the employ of a church or convention or association of	9430
churches, or in an organization which is operated primarily for	9431
religious purposes and which is operated, supervised, controlled,	9432
or principally supported by a church or convention or association	9433
of churches;	9434
(ii) By a duly ordained, commissioned, or licensed minister	9435
of a church in the exercise of the individual's ministry or by a	9436

member of a religious order in the exercise of duties required by

such order; or	9438
(iii) In a facility conducted for the purpose of carrying out	9439
a program of rehabilitation for individuals whose earning capacity	9440
is impaired by age or physical or mental deficiency or injury, or	9441
providing remunerative work for individuals who because of their	9442
impaired physical or mental capacity cannot be readily absorbed in	9443
the competitive labor market, by an individual receiving such	9444
rehabilitation or remunerative work.	9445
(i) Service performed after June 30, 1939, with respect to	9446
which unemployment compensation is payable under the "Railroad	9447
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;	9448
(j) Service performed by an individual in the employ of any	9449
organization exempt from income tax under section 501 of the	9450
"Internal Revenue Code of 1954," if the remuneration for such	9451
service does not exceed fifty dollars in any calendar quarter, or	9452
if such service is in connection with the collection of dues or	9453
premiums for a fraternal beneficial society, order, or association	9454
and is performed away from the home office or is ritualistic	9455
service in connection with any such society, order, or	9456
association;	9457
(k) Casual labor not in the course of an employer's trade or	9458
business; incidental service performed by an officer, appraiser,	9459
or member of a finance committee of a bank, building and loan	9460
association, savings and loan association, or savings association	9461
when the remuneration for such incidental service exclusive of the	9462
amount paid or allotted for directors' fees does not exceed sixty	9463
dollars per calendar quarter is casual labor;	9464
(1) Service performed in the employ of a voluntary employees'	9465
beneficial association providing for the payment of life,	9466
sickness, accident, or other benefits to the members of such	9467
association or their dependents or their designated beneficiaries,	9468

if admission to a membership in such association is limited to	9469
individuals who are officers or employees of a municipal or public	9470
corporation, of a political subdivision of the state, or of the	9471
United States and no part of the net earnings of such association	9472
inures, other than through such payments, to the benefit of any	9473
private shareholder or individual;	9474
(m) Service performed by an individual in the employ of a	9475
foreign government, including service as a consular or other	9476
officer or employee or of a nondiplomatic representative;	9477
(n) Service performed in the employ of an instrumentality	9478
wholly owned by a foreign government if the service is of a	9479
character similar to that performed in foreign countries by	9480
employees of the United States or of an instrumentality thereof	9481
and if the director finds that the secretary of state of the	9482
United States has certified to the secretary of the treasury of	9483
the United States that the foreign government, with respect to	9484
whose instrumentality exemption is claimed, grants an equivalent	9485
exemption with respect to similar service performed in the foreign	9486
country by employees of the United States and of instrumentalities	9487
thereof;	9488
(o) Service with respect to which unemployment compensation	9489
is payable under an unemployment compensation system established	9490
by an act of congress;	9491
(p) Service performed as a student nurse in the employ of a	9492
hospital or a nurses' training school by an individual who is	9493
enrolled and is regularly attending classes in a nurses' training	9494
school chartered or approved pursuant to state law, and service	9495
performed as an intern in the employ of a hospital by an	9496
individual who has completed a four years' course in a medical	9497
school chartered or approved pursuant to state law;	9498

(q) Service performed by an individual under the age of

performed after December 31, 1971:

9531

eighteen in the delivery or distribution of newspapers or shopping	9500
news, not including delivery or distribution to any point for	9501
subsequent delivery or distribution;	9502
(r) Service performed in the employ of the United States or	9503
an instrumentality of the United States immune under the	9504
Constitution of the United States from the contributions imposed	9505
by this chapter, except that to the extent that congress permits	9506
states to require any instrumentalities of the United States to	9507
make payments into an unemployment fund under a state unemployment	9508
compensation act, this chapter shall be applicable to such	9509
instrumentalities and to services performed for such	9510
instrumentalities in the same manner, to the same extent, and on	9511
the same terms as to all other employers, individuals, and	9512
services, provided that if this state is not certified for any	9513
year by the proper agency of the United States under section 3304	9514
of the "Internal Revenue Code of 1954," the payments required of	9515
such instrumentalities with respect to such year shall be refunded	9516
by the director from the fund in the same manner and within the	9517
same period as is provided in division (E) of section 4141.09 of	9518
the Revised Code with respect to contributions erroneously	9519
collected;	9520
(s) Service performed by an individual as a member of a band	9521
or orchestra, provided such service does not represent the	9522
principal occupation of such individual, and which service is not	9523
subject to or required to be covered for full tax credit against	9524
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat.	9525
183 (1939), 26 U.S.C.A. 3301 to 3311.	9526
(t) Service performed in the employ of a day camp whose	9527
camping season does not exceed twelve weeks in any calendar year,	9528
and which service is not subject to the "Federal Unemployment Tax	9529
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service	9530

(i) In the employ of a hospital, if the service is performed	9532
by a patient of the hospital, as defined in division (W) of this	9533
section;	9534
(ii) For a prison or other correctional institution by an	9535
inmate of the prison or correctional institution;	9536
(iii) Service performed after December 31, 1977, by an inmate	9537
of a custodial institution operated by the state, a political	9538
subdivision, or a nonprofit organization.	9539
(u) Service that is performed by a nonresident alien	9540
individual for the period the individual temporarily is present in	9541
the United States as a nonimmigrant under division (F), (J), (M),	9542
or (Q) of section 101(a)(15) of the "Immigration and Nationality	9543
Act, 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded	9544
under section 3306(c)(19) of the "Federal Unemployment Tax Act,"	9545
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.	9546
(v) Notwithstanding any other provisions of division (B)(3)	9547
of this section, services that are excluded under divisions	9548
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded	9549
from employment when performed for a nonprofit organization, as	9550
defined in division (X) of this section, or for this state or its	9551
instrumentalities, or for a political subdivision or its	9552
instrumentalities or for Indian tribes;	9553
(w) Service that is performed by an individual working as an	9554
election official or election worker if the amount of remuneration	9555
received by the individual during the calendar year for services	9556
as an election official or election worker is less than one	9557
thousand dollars;	9558
(x) Service performed for an elementary or secondary school	9559
that is operated primarily for religious purposes, that is	9560
described in subsection 501(c)(3) and exempt from federal income	9561

taxation under subsection 501(a) of the Internal Revenue Code, 26

pay period by an employee for the person employing that employee

constitute employment, all the services of such employee for such

performed during more than one half of any such pay period by an

period shall be deemed to be employment; but if the services

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employee for the person employing that employee do not constitute	9593
employment, then none of the services of such employee for such	9594
period shall be deemed to be employment. As used in division	9595
(B)(4) of this section, "pay period" means a period, of not more	9596
than thirty-one consecutive days, for which payment of	9597
remuneration is ordinarily made to the employee by the person	9598
employing that employee. Division (B)(4) of this section does not	9599
apply to services performed in a pay period by an employee for the	9600
person employing that employee, if any of such service is excepted	9601
by division (B)(3)(o) of this section.	9602

- (C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's unemployment.
- (D) "Benefit rights" means the weekly benefit amount and the 9606 maximum benefit amount that may become payable to an individual 9607 within the individual's benefit year as determined by the 9608 director.
- (E) "Claim for benefits" means a claim for waiting period or 9610 benefits for a designated week. 9611
- (F) "Additional claim" means the first claim for benefits 9612 filed following any separation from employment during a benefit 9613 year; "continued claim" means any claim other than the first claim 9614 for benefits and other than an additional claim. 9615
- (G)(1) "Wages" means remuneration paid to an employee by each 9616 of the employee's employers with respect to employment; except 9617 that wages shall not include that part of remuneration paid during 9618 any calendar year to an individual by an employer or such 9619 employer's predecessor in interest in the same business or 9620 enterprise, which in any calendar year is in excess of eight 9621 thousand two hundred fifty dollars on and after January 1, 1992; 9622 eight thousand five hundred dollars on and after January 1, 1993; 9623

eight thousand seven hundred fifty dollars on and after January 1,	9624
1994; and nine thousand dollars on and after January 1, 1995.	9625
Remuneration in excess of such amounts shall be deemed wages	9626
subject to contribution to the same extent that such remuneration	9627
is defined as wages under the "Federal Unemployment Tax Act," 84	9628
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The	9629
remuneration paid an employee by an employer with respect to	9630
employment in another state, upon which contributions were	9631
required and paid by such employer under the unemployment	9632
compensation act of such other state, shall be included as a part	9633
of remuneration in computing the amount specified in this	9634
division.	9635

- (2) Notwithstanding division (G)(1) of this section, if, as 9636 of the computation date for any calendar year, the director 9637 determines that the level of the unemployment compensation fund is 9638 sixty per cent or more below the minimum safe level as defined in 9639 section 4141.25 of the Revised Code, then, effective the first day 9640 of January of the following calendar year, wages subject to this 9641 chapter shall not include that part of remuneration paid during 9642 any calendar year to an individual by an employer or such 9643 employer's predecessor in interest in the same business or 9644 enterprise which is in excess of nine thousand dollars. The 9645 increase in the dollar amount of wages subject to this chapter 9646 under this division shall remain in effect from the date of the 9647 director's determination pursuant to division (G)(2) of this 9648 section and thereafter notwithstanding the fact that the level in 9649 the fund may subsequently become less than sixty per cent below 9650 the minimum safe level. 9651
- (H)(1) "Remuneration" means all compensation for personal 9652 services, including commissions and bonuses and the cash value of 9653 all compensation in any medium other than cash, except that in the 9654 case of agricultural or domestic service, "remuneration" includes 9655

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only cash remuneration. Gratuities customarily received by an	9656
individual in the course of the individual's employment from	9657
persons other than the individual's employer and which are	9658
accounted for by such individual to the individual's employer are	9659
taxable wages.	9660
The reasonable cash value of compensation paid in any medium	9661
other than cash shall be estimated and determined in accordance	9662
with rules prescribed by the director, provided that	9663
"remuneration" does not include:	9664
(a) Payments as provided in divisions (b)(2) to (b) $\frac{(16)(20)}{(20)}$	9665
of section 3306 of the "Federal Unemployment Tax Act," 84 Stat.	9666
713, 26 U.S.C.A. 3301 to 3311, as amended;	9667
(b) The payment by an employer, without deduction from the	9668
remuneration of the individual in the employer's employ, of the	9669
tax imposed upon an individual in the employer's employ under	9670
section 3101 of the "Internal Revenue Code of 1954," with respect	9671
to services performed after October 1, 1941.	9672
(2) "Cash remuneration" means all remuneration paid in cash,	9673
including commissions and bonuses, but not including the cash	9674
value of all compensation in any medium other than cash.	9675
(I) "Interested party" means the director and any party to	9676
whom notice of a determination of an application for benefit	9677
rights or a claim for benefits is required to be given under	9678
section 4141.28 of the Revised Code.	9679
(J) "Annual payroll" means the total amount of wages subject	9680
to contributions during a twelve-month period ending with the last	9681
day of the second calendar quarter of any calendar year.	9682
(K) "Average annual payroll" means the average of the last	9683
three annual payrolls of an employer, provided that if, as of any	9684

computation date, the employer has had less than three annual

payrolls in such three-year period, such average shall be based on

the annual payrolls which the employer has had as of such date.	9687
(L)(1) "Contributions" means the money payments to the state	9688
unemployment compensation fund required of employers by section	9689
4141.25 of the Revised Code and of the state and any of its	9690
political subdivisions electing to pay contributions under section	9691
4141.242 of the Revised Code. Employers paying contributions shall	9692
be described as "contributory employers."	9693
(2) "Payments in lieu of contributions" means the money	9694
payments to the state unemployment compensation fund required of	9695
reimbursing employers under sections 4141.241 and 4141.242 of the	9696
Revised Code.	9697
(M) An individual is "totally unemployed" in any week during	9698
which the individual performs no services and with respect to such	9699
week no remuneration is payable to the individual.	9700
(N) An individual is "partially unemployed" in any week if,	9701
due to involuntary loss of work, the total remuneration payable to	9702
the individual for such week is less than the individual's weekly	9703
benefit amount.	9704
(O) "Week" means the calendar week ending at midnight	9705
Saturday unless an equivalent week of seven consecutive calendar	9706
days is prescribed by the director.	9707
(1) "Qualifying week" means any calendar week in an	9708
individual's base period with respect to which the individual	9709
earns or is paid remuneration in employment subject to this	9710
chapter. A calendar week with respect to which an individual earns	9711
remuneration but for which payment was not made within the base	9712
period, when necessary to qualify for benefit rights, may be	9713
considered to be a qualifying week. The number of qualifying weeks	9714
which may be established in a calendar quarter shall not exceed	9715
the number of calendar weeks in the quarter.	9716

(2) "Average weekly wage" means the amount obtained by

weeks during the base period by the number of such qualifying 971	L9
weeks, provided that if the computation results in an amount that 972	20
is not a multiple of one dollar, such amount shall be rounded to 972	21
the next lower multiple of one dollar. 972	22

- (P) "Weekly benefit amount" means the amount of benefits an 9723 individual would be entitled to receive for one week of total 9724 unemployment. 9725
- (Q)(1) "Base period" means the first four of the last five 9726 completed calendar quarters immediately preceding the first day of 9727 an individual's benefit year, except as provided in division 9728 (Q)(2) of this section. 9729
- (2) If an individual does not have sufficient qualifying 9730 weeks and wages in the base period to qualify for benefit rights, 9731 the individual's base period shall be the four most recently 9732 completed calendar quarters preceding the first day of the 9733 individual's benefit year. Such base period shall be known as the 9734 "alternate base period." If information as to weeks and wages for 9735 the most recent quarter of the alternate base period is not 9736 available to the director from the regular quarterly reports of 9737 wage information, which are systematically accessible, the 9738 director may, consistent with the provisions of section 4141.28 of 9739 the Revised Code, base the determination of eligibility for 9740 benefits on the affidavit of the claimant with respect to weeks 9741 and wages for that calendar quarter. The claimant shall furnish 9742 payroll documentation, where available, in support of the 9743 affidavit. The determination based upon the alternate base period 9744 as it relates to the claimant's benefit rights, shall be amended 9745 when the quarterly report of wage information from the employer is 9746 timely received and that information causes a change in the 9747 determination. As provided in division (B) of section 4141.28 of 9748 9749 the Revised Code, any benefits paid and charged to an employer's

account, based upon a claimant's affidavit, shall be adjusted 9750 effective as of the beginning of the claimant's benefit year. No 9751 calendar quarter in a base period or alternate base period shall 9752 be used to establish a subsequent benefit year. 9753

- (3) The "base period" of a combined wage claim, as described 9754 in division (H) of section 4141.43 of the Revised Code, shall be 9755 the base period prescribed by the law of the state in which the 9756 claim is allowed.
- (4) For purposes of determining the weeks that comprise a 9758 completed calendar quarter under this division, only those weeks 9759 ending at midnight Saturday within the calendar quarter shall be 9760 utilized. 9761
- (R)(1) "Benefit year" with respect to an individual means the 9762 fifty-two week period beginning with the first day of that week 9763 with respect to which the individual first files a valid 9764 application for determination of benefit rights, and thereafter 9765 the fifty-two week period beginning with the first day of that 9766 week with respect to which the individual next files a valid 9767 application for determination of benefit rights after the 9768 termination of the individual's last preceding benefit year, 9769 except that the application shall not be considered valid unless 9770 the individual has had employment in six weeks that is subject to 9771 this chapter or the unemployment compensation act of another 9772 state, or the United States, and has, since the beginning of the 9773 individual's previous benefit year, in the employment earned three 9774 times the average weekly wage determined for the previous benefit 9775 year. The "benefit year" of a combined wage claim, as described in 9776 division (H) of section 4141.43 of the Revised Code, shall be the 9777 benefit year prescribed by the law of the state in which the claim 9778 is allowed. Any application for determination of benefit rights 9779 made in accordance with section 4141.28 of the Revised Code is 9780 valid if the individual filing such application is unemployed, has 9781

been employed by an employer or employers subject to this chapter 9782 in at least twenty qualifying weeks within the individual's base 9783 period, and has earned or been paid remuneration at an average 9784 weekly wage of not less than twenty-seven and one-half per cent of 9785 the statewide average weekly wage for such weeks. For purposes of 9786 determining whether an individual has had sufficient employment 9787 since the beginning of the individual's previous benefit year to 9788 file a valid application, "employment" means the performance of 9789 services for which remuneration is payable. 9790

- (2) Effective for benefit years beginning on and after 9791 December 26, 2004, any application for determination of benefit 9792 rights made in accordance with section 4141.28 of the Revised Code 9793 is valid if the individual satisfies the criteria described in 9794 division (R)(1) of this section, and if the reason for the 9795 individual's separation from employment is not disqualifying 9796 pursuant to division (D)(2) of section 4141.29 or section 4141.291 9797 of the Revised Code. A disqualification imposed pursuant to 9798 division (D)(2) of section 4141.29 or section 4141.291 of the 9799 Revised Code must be removed as provided in those sections as a 9800 requirement of establishing a valid application for benefit years 9801 beginning on and after December 26, 2004. 9802
- (3) The statewide average weekly wage shall be calculated by 9803 the director once a year based on the twelve-month period ending 9804 the thirtieth day of June, as set forth in division (B)(3) of 9805 section 4141.30 of the Revised Code, rounded down to the nearest 9806 dollar. Increases or decreases in the amount of remuneration 9807 required to have been earned or paid in order for individuals to 9808 have filed valid applications shall become effective on Sunday of 9809 the calendar week in which the first day of January occurs that 9810 follows the twelve-month period ending the thirtieth day of June 9811 upon which the calculation of the statewide average weekly wage 9812 was based. 9813

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and wildlife;

(4) As used in this division, an individual is "unemployed"	9814
if, with respect to the calendar week in which such application is	9815
filed, the individual is "partially unemployed" or "totally	9816
unemployed" as defined in this section or if, prior to filing the	9817
application, the individual was separated from the individual's	9818
most recent work for any reason which terminated the individual's	9819
employee-employer relationship, or was laid off indefinitely or	9820
for a definite period of seven or more days.	9821
(S) "Calendar quarter" means the period of three consecutive	9822
calendar months ending on the thirty-first day of March, the	9823
thirtieth day of June, the thirtieth day of September, and the	9824
thirty-first day of December, or the equivalent thereof as the	9825
director prescribes by rule.	9826
(T) "Computation date" means the first day of the third	9827
calendar quarter of any calendar year.	9828
(U) "Contribution period" means the calendar year beginning	9829
on the first day of January of any year.	9830
(V) "Agricultural labor," for the purpose of this division,	9831
means any service performed prior to January 1, 1972, which was	9832
agricultural labor as defined in this division prior to that date,	9833
and service performed after December 31, 1971:	9834
(1) On a farm, in the employ of any person, in connection	9835
with cultivating the soil, or in connection with raising or	9836
harvesting any agricultural or horticultural commodity, including	9837

(2) In the employ of the owner or tenant or other operator of 9841 a farm in connection with the operation, management, conservation, 9842 improvement, or maintenance of such farm and its tools and 9843 equipment, or in salvaging timber or clearing land of brush and 9844

the raising, shearing, feeding, caring for, training, and

management of livestock, bees, poultry, and fur-bearing animals

other debris left by hurricane, if the major part of such service	9845
is performed on a farm;	9846
(3) In connection with the production or harvesting of any	9847
commodity defined as an agricultural commodity in section 15 (g)	9848
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12	9849
U.S.C. 1141j, as amended, or in connection with the ginning of	9850
cotton, or in connection with the operation or maintenance of	9851
ditches, canals, reservoirs, or waterways, not owned or operated	9852
for profit, used exclusively for supplying and storing water for	9853
farming purposes;	9854
(4) In the employ of the operator of a farm in handling,	9855
planting, drying, packing, packaging, processing, freezing,	9856
grading, storing, or delivering to storage or to market or to a	9857
carrier for transportation to market, in its unmanufactured state,	9858
any agricultural or horticultural commodity, but only if the	9859
operator produced more than one half of the commodity with respect	9860
to which such service is performed;	9861
(5) In the employ of a group of operators of farms, or a	9862
cooperative organization of which the operators are members, in	9863
the performance of service described in division $(V)(4)$ of this	9864
section, but only if the operators produced more than one-half of	9865
the commodity with respect to which the service is performed;	9866
(6) Divisions $(V)(4)$ and $(5)$ of this section shall not be	9867
deemed to be applicable with respect to service performed:	9868
(a) In connection with commercial canning or commercial	9869
freezing or in connection with any agricultural or horticultural	9870
commodity after its delivery to a terminal market for distribution	9871
for consumption; or	9872
(b) On a farm operated for profit if the service is not in	9873
the course of the employer's trade or business.	9874

As used in division (V) of this section, "farm" includes

stock, dairy, poultry, fruit, fur-bearing animal, and truck farms,	9876
plantations, ranches, nurseries, ranges, greenhouses, or other	9877
similar structures used primarily for the raising of agricultural	9878
or horticultural commodities and orchards.	9879
(W) "Hospital" means an institution which has been registered	9880
or licensed by the Ohio department of health as a hospital.	9881
(X) "Nonprofit organization" means an organization, or group	9882
of organizations, described in section 501(c)(3) of the "Internal	9883
Revenue Code of 1954," and exempt from income tax under section	9884
501(a) of that code.	9885
(Y) "Institution of higher education" means a public or	9886
nonprofit educational institution, including an educational	9887
institution operated by an Indian tribe, which:	9888
(1) Admits as regular students only individuals having a	9889
certificate of graduation from a high school, or the recognized	9890
equivalent;	9891
(2) Is legally authorized in this state or by the Indian	9892
tribe to provide a program of education beyond high school; and	9893
(3) Provides an educational program for which it awards a	9894
bachelor's or higher degree, or provides a program which is	9895
acceptable for full credit toward such a degree, a program of	9896
post-graduate or post-doctoral studies, or a program of training	9897
to prepare students for gainful employment in a recognized	9898
occupation.	9899
For the purposes of this division, all colleges and	9900
universities in this state are institutions of higher education.	9901
(Z) For the purposes of this chapter, "states" includes the	9902
District of Columbia, the Commonwealth of Puerto Rico, and the	9903
Virgin Islands.	9904

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 9905

this section, an individual who is an alien admitted to the United	9906
States to perform service in agricultural labor pursuant to	9907
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and	9908
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.	9909
(BB)(1) "Crew leader" means an individual who furnishes	9910
individuals to perform agricultural labor for any other employer	9911
or farm operator, and:	9912
(a) Pays, either on the individual's own behalf or on behalf	9913
of the other employer or farm operator, the individuals so	9914
furnished by the individual for the service in agricultural labor	9915
performed by them;	9916
(b) Has not entered into a written agreement with the other	9917
employer or farm operator under which the agricultural worker is	9918
designated as in the employ of the other employer or farm	9919
operator.	9920
(2) For the purposes of this chapter, any individual who is a	9921
member of a crew furnished by a crew leader to perform service in	9922
agricultural labor for any other employer or farm operator shall	9923
be treated as an employee of the crew leader if:	9924
(a) The crew leader holds a valid certificate of registration	9925
under the "Farm Labor Contractor Registration Act of 1963," 90	9926
Stat. 2668, 7 U.S.C. 2041; or	9927
(b) Substantially all the members of the crew operate or	9928
maintain tractors, mechanized harvesting or crop-dusting	9929
equipment, or any other mechanized equipment, which is provided by	9930
the crew leader; and	9931
(c) If the individual is not in the employment of the other	9932
employer or farm operator within the meaning of division (B)(1) of	9933
this section.	9934

(3) For the purposes of this division, any individual who is 9935

furnished by a crew leader to perform service in agricultural	9936
labor for any other employer or farm operator and who is not	9937
treated as in the employment of the crew leader under division	9938
(BB)(2) of this section shall be treated as the employee of the	9939
other employer or farm operator and not of the crew leader. The	9940
other employer or farm operator shall be treated as having paid	9941
cash remuneration to the individual in an amount equal to the	9942
amount of cash remuneration paid to the individual by the crew	9943
leader, either on the crew leader's own behalf or on behalf of the	9944
other employer or farm operator, for the service in agricultural	9945
labor performed for the other employer or farm operator.	9946

- (CC) "Educational institution" means an institution other 9947 than an institution of higher education as defined in division (Y) 9948 of this section, including an educational institution operated by 9949 an Indian tribe, which: 9950
- (1) Offers participants, trainees, or students an organized 9951 course of study or training designed to transfer to them 9952 knowledge, skills, information, doctrines, attitudes, or abilities 9953 from, by, or under the guidance of an instructor or teacher; and 9954
- (2) Is approved, chartered, or issued a permit to operate as 9955 a school by the state board of education, other government agency, 9956 or Indian tribe that is authorized within the state to approve, 9957 charter, or issue a permit for the operation of a school. 9958

For the purposes of this division, the courses of study or 9959 training which the institution offers may be academic, technical, 9960 trade, or preparation for gainful employment in a recognized 9961 occupation.

(DD) "Cost savings day" means any unpaid day off from work in 9963 which employees continue to accrue employee benefits which have a 9964 determinable value including, but not limited to, vacation, 9965 pension contribution, sick time, and life and health insurance. 9966

Sec. 4141.09. (A) There is hereby created an unemployment	9967
compensation fund to be administered by the state without	9968
liability on the part of the state beyond the amounts paid into	9969
the fund and earned by the fund. The unemployment compensation	9970
fund shall consist of all contributions, payments in lieu of	9971
contributions described in sections 4141.241 and 4141.242 of the	9972
Revised Code, reimbursements of the federal share of extended	9973
benefits described in section 4141.301 of the Revised Code,	9974
collected under sections 4141.01 to 4141.56 of the Revised Code,	9975
and the amount required under division (A)(4) of section $4141.35$	9976
of the Revised Code, together with all interest earned upon any	9977
moneys deposited with the secretary of the treasury of the United	9978
States to the credit of the account of this state in the	9979
unemployment trust fund established and maintained pursuant to	9980
section 904 of the "Social Security Act," any property or	9981
securities acquired through the use of moneys belonging to the	9982
fund, and all earnings of such property or securities. The	9983
unemployment compensation fund shall be used to pay benefits,	9984
shared work compensation as defined in section 4141.50 of the	9985
Revised Code, and refunds as provided by such sections and for no	9986
other purpose.	9987

(B) The treasurer of state shall be the custodian of the 9988 unemployment compensation fund and shall administer such fund in 9989 accordance with the directions of the director of job and family 9990 services. All disbursements therefrom shall be paid by the 9991 treasurer of state on warrants drawn by the director. Such 9992 warrants may bear the facsimile signature of the director printed 9993 thereon and that of a deputy or other employee of the director 9994 charged with the duty of keeping the account of the unemployment 9995 compensation fund and with the preparation of warrants for the 9996 payment of benefits to the persons entitled thereto. Moneys in the 9997 clearing and benefit accounts shall not be commingled with other 9998

state funds, except as provided in division (C) of this section,	9999
but shall be maintained in separate accounts on the books of the	10000
depositary bank. Such money shall be secured by the depositary	10001
bank to the same extent and in the same manner as required by	10002
sections 135.01 to 135.21 of the Revised Code; and collateral	10003
pledged for this purpose shall be kept separate and distinct from	10004
any collateral pledged to secure other funds of this state. All	10005
sums recovered for losses sustained by the unemployment	10006
compensation fund shall be deposited therein. The treasurer of	10007
state shall be liable on the treasurer's official bond for the	10008
faithful performance of the treasurer's duties in connection with	10009
the unemployment compensation fund, such liability to exist in	10010
addition to any liability upon any separate bond.	10011

(C) The treasurer of state shall maintain within the 10012 unemployment compensation fund three separate accounts which shall 10013 be a clearing account, a trust fund account, and a benefit 10014 account. All moneys payable to the unemployment compensation fund, 10015 upon receipt by the director, shall be forwarded to the treasurer 10016 of state, who shall immediately deposit them in the clearing 10017 account. Refunds of contributions, or payments in lieu of 10018 contributions, payable pursuant to division (E) of this section 10019 may be paid from the clearing account upon warrants signed by a 10020 deputy or other employee of the director charged with the duty of 10021 keeping the record of the clearing account and with the 10022 preparation of warrants for the payment of refunds to persons 10023 entitled thereto. After clearance thereof, all moneys in the 10024 clearing account shall be deposited with the secretary of the 10025 treasury of the United States to the credit of the account of this 10026 state in the unemployment trust fund established and maintained 10027 pursuant to section 904 of the "Social Security Act," in 10028 accordance with requirements of the "Federal Unemployment Tax 10029 Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 10030 in this state relating to the deposit, administration, release, or 10031 disbursement of moneys in the possession or custody of this state 10032 to the contrary notwithstanding. The benefit account shall consist 10033 of all moneys requisitioned from this state's account in the 10034 unemployment trust fund. Federal funds may be deposited, at the 10035 director's discretion, into the benefit account. Any funds 10036 deposited into the benefit account shall be disbursed solely for 10037 payment of benefits under a federal program administered by this 10038 state and for no other purpose. Moneys in the clearing and benefit 10039 accounts may be deposited by the treasurer of state, under the 10040 direction of the director, in any bank or public depositary in 10041 which general funds of the state may be deposited, but no public 10042 deposit insurance charge or premium shall be paid out of the fund. 10043

(D) Moneys shall be requisitioned from this state's account 10044 in the unemployment trust fund solely for the payment of benefits 10045 and in accordance with regulations prescribed by the director. The 10046 director shall requisition from the unemployment trust fund such 10047 amounts, not exceeding the amount standing to this state's account 10048 therein, as are deemed necessary for the payment of benefits for a 10049 reasonable future period. Upon receipt thereof, the treasurer of 10050 state shall deposit such moneys in the benefit account. 10051 Expenditures of such money in the benefit account and refunds from 10052 the clearing account shall not require specific appropriations or 10053 other formal release by state officers of money in their custody. 10054 Any balance of moneys requisitioned from the unemployment trust 10055 fund which remains unclaimed or unpaid in the benefit account 10056 after the expiration of the period for which such sums were 10057 requisitioned shall either be deducted from estimates for and may 10058 be utilized for the payment of benefits during succeeding periods, 10059 or, in the discretion of the director, shall be redeposited with 10060 the secretary of the treasury of the United States to the credit 10061 of this state's account in the unemployment trust fund, as 10062 provided in division (C) of this section. Unclaimed or unpaid 10063 federal funds redeposited with the secretary of the treasury of 10064

the	United	States	shall	be	credited	to	the	appropriate	federal	10065
acc	ount.									10066

(E) No claim for an adjustment or a refund on contribution, 10067 payment in lieu of contributions, interest, or forfeiture alleged 10068 to have been erroneously or illegally assessed or collected, or 10069 alleged to have been collected without authority, and no claim for 10070 an adjustment or a refund of any sum alleged to have been 10071 excessive or in any manner wrongfully collected shall be allowed 10072 unless an application, in writing, therefor is made within four 10073 years from the date on which such payment was made. If the 10074 director determines that such contribution, payment in lieu of 10075 contributions, interest, or forfeiture, or any portion thereof, 10076 was erroneously collected, the director shall allow such employer 10077 to make an adjustment thereof without interest in connection with 10078 subsequent contribution payments, or payments in lieu of 10079 contributions, by the employer, or the director may refund said 10080 amount, without interest, from the clearing account of the 10081 unemployment compensation fund, except as provided in division (B) 10082 of section 4141.11 of the Revised Code. For like cause and within 10083 the same period, adjustment or refund may be so made on the 10084 director's own initiative. An overpayment of contribution, payment 10085 in lieu of contributions, interest, or forfeiture for which an 10086 employer has not made application for refund prior to the date of 10087 sale of the employer's business shall accrue to the employer's 10088 successor in interest. 10089

An application for an adjustment or a refund, or any portion 10090 thereof, that is rejected is binding upon the employer unless, 10091 within thirty days after the mailing of a written notice of 10092 rejection to the employer's last known address, or, in the absence 10093 of mailing of such notice, within thirty days after the delivery 10094 of such notice, the employer files an application for a review and 10095 redetermination setting forth the reasons therefor. The director 10096

shall promptly examine the application for review and	10097
redetermination, and if a review is granted, the employer shall be	10098
promptly notified thereof, and shall be granted an opportunity for	10099
a prompt hearing.	10100

- (F) If the director finds that contributions have been paid 10101 to the director in error, and that such contributions should have 10102 been paid to a department of another state or of the United States 10103 charged with the administration of an unemployment compensation 10104 law, the director may upon request by such department or upon the 10105 director's own initiative transfer to such department the amount 10106 of such contributions, less any benefits paid to claimants whose 10107 wages were the basis for such contributions. The director may 10108 request and receive from such department any contributions or 10109 adjusted contributions paid in error to such department which 10110 should have been paid to the director. 10111
- (G) In accordance with section 303(c)(3) of the Social 10112 Security Act, and section 3304(a)(17) of the Internal Revenue Code 10113 of 1954 for continuing certification of Ohio unemployment 10114 compensation laws for administrative grants and for tax credits, 10115 any interest required to be paid on advances under Title XII of 10116 the Social Security Act shall be paid in a timely manner and shall 10117 not be paid, directly or indirectly, by an equivalent reduction in 10118 the Ohio unemployment taxes or otherwise, by the state from 10119 amounts in the unemployment compensation fund. 10120
- (H) The treasurer of state, under the direction of the 10121 director and in accordance with the "Cash Management Improvement 10122 Act of 1990, " 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 10123 amounts of interest earned by the state on funds in the benefit 10124 account established pursuant to division (C) of this section into 10125 the department of job and family services banking fees fund, which 10126 is hereby created in the state treasury for the purpose of paying 10127 related banking costs incurred by the state for the period for 10128

which the interest is calculated, except that if the deposited	10129
interest exceeds the banking costs incurred by the state for the	10130
period for which the interest is calculated, the treasurer of	10131
state shall deposit the excess interest into the unemployment	10132
trust fund.	10133

(I) The treasurer of state, under the direction of the 10134 director, shall deposit federal funds received by the director for 10135 training and administration and for payment of benefits, job 10136 search, relocation, transportation, and subsistence allowances 10137 pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 10138 2101, as amended; the "North American Free Trade Agreement 10139 Implementation Act, " 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 10140 amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 10141 3801, as amended, into the Trade Act training and administration 10142 account, which is hereby created for the purpose of making 10143 payments specified under those acts. The treasurer of state, under 10144 the direction of the director, may transfer funds from the Trade 10145 Act training and administration account to the benefit account for 10146 the purpose of making any payments directly to claimants for 10147 benefits, job search, relocation, transportation, and subsistence 10148 allowances, as specified by those acts. 10149

Sec. 4141.11. There is hereby created in the state treasury 10150 the unemployment compensation special administrative fund. The 10151 fund shall consist of all interest collected on delinquent 10152 contributions pursuant to this chapter, all fines and forfeitures 10153 collected under this chapter, all money received from the sale of 10154 real property under section 4141.131 of the Revised Code, the 10155 amount required under division (A)(4) of section 4141.35 of the 10156 Revised Code, and all court costs and interest paid or collected 10157 in connection with the repayment of fraudulently obtained benefits 10158 pursuant to section 4141.35 of the Revised Code. All interest 10159 earned on the money in the fund shall be retained in the fund and 10160

except as provided in division (B) of this section. All moneys 1	
except as provided in division (b) of this section. All moneys	0162
which are deposited or paid into this fund may be used by:	0163
(A) The director of job and family services whenever it 1	0164
appears that such use is necessary for:	0165
(1) The proper administration of this chapter and no federal 1	0166
funds are available for the specific purpose for which the 1	0167
expenditure is to be made, provided the moneys are not substituted 1	0168
for appropriations from federal funds, which in the absence of 1	0169
such moneys would be available;	0170
(2) The proper administration of this chapter for which	0171
purpose appropriations from federal funds have been requested and 1	0172
approved but not received, provided the fund would be reimbursed 1	0173
upon receipt of the federal appropriation;	0174
(3) To the extent possible, the repayment to the unemployment 1	0175
compensation administration fund of moneys found by the proper 1	0176
agency of the United States to have been lost or expended for 1	0177
purposes other than, or an amount in excess of, those found 1	0178
necessary by the proper agency of the United States for the 1	0179
administration of this chapter.	0180
(B) The director or the director's deputy whenever it appears 1	0181
that such use is necessary for the payment of refunds or 1	0182
adjustments of interest, fines, forfeitures, or court costs 1	0183
erroneously collected and paid into this fund pursuant to this 1	0184
chapter. 1	0185
(C) The director, to pay state disaster unemployment benefits 1	0186
	0105
pursuant to section 4141.292 of the Revised Code.	0187
	0187

section 4141.131 of the Revised Code.

Whenever the balance in the unemployment compensation special	10191
administrative fund is considered to be excessive by the director,	10192
the director shall request the director of budget and management	10193
to transfer to the unemployment compensation fund the amount	10194
considered to be excessive. Any balance in the unemployment	10195
compensation special administrative fund shall not lapse at any	10196
time, but shall be continuously available to the director of job	10197
and family services for expenditures consistent with this chapter.	10198

Sec. 4141.131. (A) The director of job and family services 10199 may enter into contracts for the sale of real property no longer 10200 needed by the director for the operations of the director under 10201 this title. Any costs attributable to the director that are 10202 associated with the sale of real property under this section shall 10203 be paid out of the unemployment compensation special 10204 administrative fund established pursuant to section 4141.11 of the 10205 Revised Code. The director shall submit a report summarizing the 10206 use of that fund for the purpose of this section at least annually 10207 to the unemployment compensation advisory council as prescribed by 10208 the council. 10209

(B)(1) Earnest moneys from the sale of real property pursuant 10210 to division (A) of this section shall be deposited into the 10211 department of job and family services building consolidation fund, 10212 which is hereby created in the state treasury. The balance of the 10213 purchase price shall be deposited into the department of job and 10214 family services building enhancement fund, which is hereby created 10215 in the state treasury. The building enhancement fund shall retain 10216 its own interest. Upon completion of the sale and the request of 10217 the director, the treasurer of state shall transfer the earnest 10218 moneys in the building consolidation fund into the building 10219 enhancement fund. The director shall use the interest earned on 10220 the moneys in the building enhancement fund only in accordance 10221 with division (C) of this section. 10222

(2) The director shall deposit sufficient moneys from the	10223
sale of real property pursuant to division (A) of this section	10224
into the unemployment compensation special administrative fund to	10225
reimburse the fund for all costs associated with the sale of that	10226
real property.	10227
(C) The director shall use the moneys in the building	10228
enhancement fund from the sale of real property pursuant to	10229
division (A) of this section, less the costs of the sale as	10230
specified in division (B)(2) of this section, in accordance with	10231
the provisions and requirements of the "Social Security Act," 49	10232
Stat. 626 (1935), 52 U.S.C. 502(a) and 1103(c)(2), and the	10233
instructions of the United States department of labor, to improve	10234
buildings owned by or under the control of the director. If the	10235
director determines that there are no buildings for which money in	10236
the building enhancement fund may be used, the money shall be	10237
returned to the United States department of labor.	10238
(D) The auditor of state, with the assistance of the attorney	10239
general, shall prepare a deed to the real property being sold upon	10240
notice from the director that a contract for the sale of that	10241
property has been executed in accordance with this section. The	10242
deed shall state the consideration and any conditions placed upon	10243
the sale. The deed shall be executed by the governor in the name	10244
of the state, countersigned by the secretary of state, sealed with	10245
the great seal of the state, presented in the office of the	10246
auditor of state for recording, and delivered to the buyer upon	10247
payment of the balance of the purchase price.	10248
The buyer shall present the deed for recording in the county	10249
recorder's office of the county in which the real property is	10250
located.	10251
Sec. 4141.20. (A) Every employer, including those not	10252

otherwise subject to this chapter, shall furnish the director of 10253

job and family services upon request all information required by	10254
the director to carry out the requirements of this chapter. Every	10255
employer receiving from the director any blank with direction to	10256
fill it out shall cause it to be properly filled out, in the	10257
manner prescribed by the director, so as to answer fully and	10258
correctly all questions therein propounded, and shall furnish all	10259
the information therein sought, or, if unable to do so, that	10260
employer shall give the director in writing good and sufficient	10261
reason for such failure.	10262

The director may require that such information be verified 10263 under oath and returned to the director within the period fixed by 10264 the director or by law. The director or any person employed by the 10265 director for that purpose may examine under oath any such 10266 employer, or the officer, agent, or employee of that employer, for 10267 the purpose of ascertaining any information that the employer is 10268 required by this chapter to furnish to the director. Any employer 10269 who fails to furnish information as is required by the director 10270 under authority of this section shall forfeit five hundred dollars 10271 to be collected in a civil action brought against the employer in 10272 the name of the state. 10273

(B) Effective with the calendar quarter beginning April 1, 10274 1987, every contributory employer shall file a quarterly 10275 contribution report and a quarterly report of wages. The quarterly 10276 reports shall be filed no later than the last day of the first 10277 month following the close of the calendar quarter for which the 10278 quarterly reports are being filed. The employer shall enter on the 10279 quarterly contribution report the total and taxable remuneration 10280 paid to all employees during the quarter. The employer shall enter 10281 on the quarterly report of wages the name and social security 10282 number of each individual employed during the calendar quarter, 10283 the total remuneration paid the individual, the number of weeks 10284 during the quarter for which the individual was paid remuneration, 10285

and any other information as required by section 1137 of the	10286
"Social Security Act."	10287
Effective until the calendar quarter beginning January 1,	10288
1993, in case of failure to file the quarterly contribution report	10289
or the report of wages containing all the required contribution	10290
and wage information within the time prescribed by this section,	10291
there shall be assessed a forfeiture amounting to ten per cent of	10292
the contributions due; provided such forfeiture shall not be less	10293
than twenty-five nor more than two hundred fifty dollars. The	10294
director may waive the forfeiture only with respect to the report	10295
of wages, and the waiver may be approved only if the employer	10296
shows good cause for failure to file the required information.	10297
Effective with the calendar quarter beginning January 1,	10298
1993, in case of failure to file the quarterly contribution report	10299
containing all the required information within the time prescribed	10300
by this section, there shall be assessed a forfeiture amounting to	10301
twenty-five one-hundredths of one per cent of the total	10302
remuneration paid by the employer, provided such forfeiture shall	10303
not be less than thirty nor more than five hundred dollars per	10304
quarterly contribution report. The director may waive the	10305
forfeiture only if the employer provides to the director a written	10306
statement showing good cause for failure to file the required	10307
quarterly contribution report.	10308
Effective with the calendar quarter beginning January 1,	10309
1993, in case of failure to file the quarterly report of wages	10310
containing all the required information within the time prescribed	10311
by this section, there shall be assessed a forfeiture amounting to	10312
twenty five one hundredths of one per cent of the total	10313
remuneration paid by the employer, provided such forfeiture shall	10314
be not less than thirty nor more than five hundred dollars per	10315
quarterly report of wages. The director may waive the forfeiture	10316
only if the employer provides to the director a written statement	10317

showing good cause for failure to file the required quarterly	10318
report of wages.	10319
(C) Effective with the calendar quarter beginning April 1,	10320
1987, every employer liable for payments in lieu of contributions	10321
shall file a quarterly payroll report and a quarterly report of	10322
wages. The employer shall file the quarterly reports no later than	10323
the last day of the first month following the close of the	10324
calendar quarter for which the quarterly reports are being filed.	10325
The employer shall enter on the quarterly payroll report the total	10326
remuneration paid to all employees during the quarter and the	10327
total wages that would have been taxable had the employer been	10328
subject to contributions. The employer shall enter on the	10329
quarterly report of wages the name and social security number of	10330
each individual employed during the calendar quarter, the total	10331
remuneration paid the individual, the number of weeks during the	10332
quarter for which the individual was paid remuneration, and any	10333
other information as required by section 1137 of the "Social	10334
Security Act."	10335
Effective until the calendar quarter beginning January 1,	10336
1993, in case of failure to file the quarterly payroll report or	10337
the report of wages containing all of the required payroll or wage	10338
information within the time prescribed by this section, the	10339
employer shall be assessed a forfeiture of twenty five dollars per	10340
report. The director may waive the forfeiture only with respect to	10341
the report of wages, and such waiver may be approved only if the	10342
employer shows good cause for failure to file the required	10343
information.	10344
Effective with the calendar quarter beginning January 1,	10345
1993, in case of failure to file the quarterly payroll report	10346
containing all the required wage information within the time	10347
prescribed by this section, the employer shall be assessed a	10348
forfeiture amounting to twenty-five one-hundredths of one per cent	10349

of the total remuneration paid by the employer, provided such	10350
forfeiture shall not be less than thirty nor more than five	10351
hundred dollars per quarterly payroll report. The director may	10352
waive the forfeiture only if the employer provides to the director	10353
a written statement showing good cause for failure to file the	10354
required quarterly payroll report.	10355
Effective with the calendar quarter beginning January 1,	10356
1993, in case of failure to file the quarterly report of wages	10357
containing all the required information within the time prescribed	10358
by this section, there shall be assessed a forfeiture amounting to	10359
twenty-five one-hundredths of one per cent of the total	10360
remuneration paid by the employer, provided such forfeiture shall	10361
be not less than thirty nor more than five hundred dollars per	10362
quarterly report of wages. The director may waive the forfeiture	10363
only if the employer provides to the director a written statement	10364
showing good cause for failure to file the required quarterly	10365
report of wages.	10366
report of wages.  (D) Effective with the calendar quarter beginning January 1,	10366 10367
(D) Effective with the calendar quarter beginning January 1,	10367
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly	10367 10368
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly contribution and wage report. The quarterly report shall be filed	10367 10368 10369
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly contribution and wage report. The quarterly report shall be filed not later than the last day of the first month following the close	10367 10368 10369 10370
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly contribution 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	10367 10368 10369 10370 10371
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly contribution 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	10367 10368 10369 10370 10371 10372
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly contribution 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 and taxable remuneration paid to all employees during the quarter,	10367 10368 10369 10370 10371 10372 10373
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly contribution 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 and taxable remuneration paid to all employees during the quarter, the name and social security number of each individual employed	10367 10368 10369 10370 10371 10372 10373
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly contribution 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 and taxable remuneration paid to all employees during the quarter, the name and social security number of each individual employed during the calendar quarter, the total remuneration paid the	10367 10368 10369 10370 10371 10372 10373 10374
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly contribution 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 and taxable remuneration paid to all employees during the quarter, 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	10367 10368 10369 10370 10371 10372 10373 10374 10375
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly contribution 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 and taxable remuneration paid to all employees during the quarter, 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	10367 10368 10369 10370 10371 10372 10373 10374 10375 10376
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly contribution 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 and taxable remuneration paid to all employees during the quarter, 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."	10367 10368 10369 10370 10371 10372 10373 10374 10375 10376 10377
(D) Effective with the calendar quarter beginning January 1, 2002, every Every contributory employer shall file a quarterly contribution 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 and taxable remuneration paid to all employees during the quarter, 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."	10367 10368 10369 10370 10371 10372 10373 10374 10375 10376 10377 10378

this section, the director shall assess a forfeiture amounting to	10382 10383
<del>-</del>	10383
twenty-five one-hundredths of one per cent of the total	
<del>-</del>	10384
remuneration reported by the employer, provided such forfeiture	10385
shall not be less than fifty nor more than one thousand dollars.	10386
(E) Effective with the calendar quarter beginning January 1,	10387
2002, every (C) Every employer liable for payments in lieu of	10388
contributions shall file a quarterly payroll and wage report. The	10389
quarterly report shall be filed not later than the last day of the	10390
first month following the close of the calendar quarter for which	10391
the quarterly report is being filed. The employer shall enter on	10392
the quarterly report the total remuneration paid to all employees	10393
during the quarter, the total wages that would have been taxable	10394
had the employer been subject to contributions, the name and	10395
social security number of each individual employed during the	10396
calendar quarter, the total remuneration paid the individual, the	10397
number of weeks during the quarter for which the individual was	10398
paid remuneration, and any other information as required by	10399
section 1137 of the "Social Security Act."	10400
Effective with the calendar quarter beginning January 1,	10401
$\frac{2002, in}{2002}$ in case of failure to properly file the quarterly payroll	10402
and wage report containing all the required payroll and wage	10403
information within the time prescribed by this section, the	10404
director shall assess a forfeiture amounting to twenty-five	10405
one-hundredths of one per cent of the total remuneration reported	10406
by the employer, provided such forfeiture shall not be less than	10407
fifty nor more than one thousand dollars.	10408
$\frac{(F)}{(D)}$ The director may waive a forfeiture assessed under	10409
division $\frac{(D)(B)}{(E)}$ or $\frac{(E)(C)}{(E)}$ of this section if the employer provides	10410
to the director, within four years after the date the forfeiture	10411
was assessed, a written statement showing good cause for failure	10412

to properly file the required information.

$\frac{(G)}{(E)}$ The director shall furnish the form or forms on which	10414
quarterly reports required under this section are to be submitted,	10415
or the employer may use other methods of reporting, including	10416
electronic information transmission methods, as approved by the	10417
director.	10418

 $\frac{(H)(F)}{(F)}$  All forfeitures required by this section shall be paid 10419 into the unemployment compensation special administrative fund as 10420 provided in section 4141.11 of the Revised Code. 10421

Sec. 4141.25. (A) The director of job and family services 10422 shall determine as of each computation date the contribution rate 10423 of each contributing employer subject to this chapter for the next 10424 succeeding contribution period. The director shall determine a 10425 standard rate of contribution or an experience rate for each 10426 contributing employer. Once a rate of contribution has been 10427 established under this section for a contribution period, except 10428 as provided in division (D) of section 4141.26 of the Revised 10429 Code, that rate shall remain effective throughout such 10430 contribution period. The rate of contribution shall be determined 10431 in accordance with the following requirements: 10432

(1) An employer whose experience does not meet the terms of 10433 division (A)(2) of this section shall be assigned a standard rate 10434 of contribution. Effective for contribution periods beginning on 10435 and after January 1, 1998, an employer's standard rate of 10436 contribution shall be a rate of two and seven-tenths per cent, 10437 except that the rate for employers engaged in the construction 10438 industry shall be the average contribution rate computed for the 10439 construction industry or a rate of two and seven-tenths per cent, 10440 whichever is greater. The standard rate set forth in this division 10441 shall be applicable to a nonprofit organization whose election to 10442 make payments in lieu of contributions is voluntarily terminated 10443 or canceled by the director under section 4141.241 of the Revised 10444

Code, and thereafter pays contributions as required by this	10445
section. If such nonprofit organization had been a contributory	10446
employer prior to its election to make payments in lieu of	10447
contributions, then any prior balance in the contributory account	10448
shall become part of the reactivated account.	10449
As used in division (A) of this section, "the average	10450

As used in division (A) of this section, "the average 10450 contribution rate computed for the construction industry" means 10451 the most recent annual average rate attributable to the 10452 construction industry as prescribed by the director. 10453

- (2) A contributing employer subject to this chapter shall 10454 qualify for an experience rate only if there have been four 10455 consecutive quarters, ending on the thirtieth day of June 10456 immediately prior to the computation date, throughout which the 10457 employer's account was chargeable with benefits. Upon meeting the 10458 qualifying requirements provided in division (A)(2) of this 10459 section, the director shall calculate the total credits to each 10460 employer's account consisting of the contributions other than 10461 mutualized contributions including all contributions paid prior to 10462 the computation date for all past periods plus: 10463
- (a) The contributions owing on the computation date that are 10464 paid within thirty days after the computation date, and credited 10465 to the employer's account; 10466
- (b) All voluntary contributions paid by an employer pursuant 10467 to division (B) of section 4141.24 of the Revised Code. 10468
- (3) The director also shall determine the benefits which are 10469 chargeable to each employer's account and which were paid prior to 10470 the computation date with respect to weeks of unemployment ending 10471 prior to the computation date. The director then shall determine 10472 the positive or negative balance of each employer's account by 10473 calculating the excess of such contributions and interest over the benefits chargeable, or the excess of such benefits over such 10475

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contributions and interest. Any resulting	g negative balance then	10476
shall be subject to adjustment as provide	ed in division (A)(2) of	10477
section 4141.24 of the Revised Code after	which the positive or	10478
negative balance shall be expressed in te	erms of a percentage of	10479
the employer's average annual payroll. If	the total standing to	10480
the credit of an employer's account excee	eds the total charges, as	10481
provided in this division, the employer h	nas a positive balance and	10482
if such charges exceed such credits the e	employer has a negative	10483
balance. Each employer's contribution rat	te shall then be	10484
determined in accordance with the following	ng schedule:	10485
Contribution Rate Sch	nedule	10486
If, as of the computation date	The employer's	10487
the contribution rate balance of	contribution rate for	10488
an employer's account as a	the next succeeding	10489
percentage of the employer's	contribution period	10490
average annual payroll is	shall be	10491
(a) A negative balance of:		10492
20.0% or more	6.5%	10493
19.0% but less than 20.0%	6.4%	10494
17.0% but less than 19.0%	6.3%	10495
15.0% but less than 17.0%	6.2%	10496
13.0% but less than 15.0%	6.1%	10497
11.0% but less than 13.0%	6.0%	10498
9.0% but less than 11.0%	5.9%	10499
5.0% but less than 9.0%	5.7%	10500
4.0% but less than 5.0%	5.5%	10501
3.0% but less than 4.0%	5.3%	10502
2.0% but less than 3.0%	5.1%	10503
1.0% but less than 2.0%	4.9%	10504
more than 0.0% but less than	4.8%	10505
1.0%		
(b) A 0.0% or a positive		10506
balance of less than 1.0%	4.7%	10507

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(c) A positive balance of:		10508
1.0% or more, but less than 1.5%	4.6%	10509
1.5% or more, but less than 2.0%	4.5%	10510
2.0% or more, but less than 2.5%	4.3%	10511
2.5% or more, but less than 3.0%	4.0%	10512
3.0% or more, but less than 3.5%	3.8%	10513
3.5% or more, but less than 4.0%	3.5%	10514
4.0% or more, but less than 4.5%	3.3%	10515
4.5% or more, but less than 5.0%	3.0%	10516
5.0% or more, but less than 5.5%	2.8%	10517
5.5% or more, but less than 6.0%	2.5%	10518
6.0% or more, but less than 6.5%	2.2%	10519
6.5% or more, but less than 7.0%	2.0%	10520
7.0% or more, but less than 7.5%	1.8%	10521
7.5% or more, but less than 8.0%	1.6%	10522
8.0% or more, but less than 8.5%	1.4%	10523
8.5% or more, but less than 9.0%	1.3%	10524
9.0% or more, but less than 9.5%	1.1%	10525
9.5% or more, but less than	1.0%	10526
10.0%		
10.0% or more, but less than	.9%	10527
10.5%		
10.5% or more, but less than	.7%	10528
11.0%		
11.0% or more, but less than	.6%	10529
11.5%		
11.5% or more, but less than	.5%	10530
12.0%		
12.0% or more, but less than	.4%	10531
12.5%		
12.5% or more, but less than	.3%	10532
13.0%		
13.0% or more, but less than	.2%	10533

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## Am. Sub. H. B. No. 483 As Passed by the House

## 14.0%

14.0% or more	.1%	10534
(d) The contribution rates shall be as spe	ecified in divisions	10535
(a), (b), and (c) of the contribution rate sche	edule except that	10536
notwithstanding the amendments made to division	n (a) of the	10537
contribution rate schedule in this section, if,	as of the	10538
computation date: for 1991, the negative balance	ce is 5.0% or more,	10539
the contribution rate shall be 5.7%; for 1992,	if the negative	10540
balance is 11.0% or more, the contribution rate	e shall be 6.0%; and	10541
for 1993, if the negative balance is 17.0% or m	nore, the	10542
contribution rate shall be 6.3%. Thereafter, th	ne contribution	10543
rates shall be as specified in the contribution	n rate schedule.	10544
(B)(1) The director shall establish and ma	aintain a separate	10545
account to be known as the "mutualized account.	" As of each	10546
computation date there shall be charged to this	s account:	10547
(a) As provided in division (A)(2) of sect	tion 4141.24 of the	10548
Revised Code, an amount equal to the sum of that	at portion of the	10549
negative balances of employer accounts which ex	ceeds the	10550
applicable limitations as such balances are com	mputed under	10551
division (A) of this section as of such date;		10552
(b) An amount equal to the sum of the nega	ative balances	10553
remaining in employer accounts which have been	closed during the	10554
year immediately preceding such computation dat	te pursuant to	10555
division (E) of section 4141.24 of the Revised	Code;	10556
(c) An amount equal to the sum of all bene	efits improperly	10557
paid preceding such computation date which are	not recovered but	10558
which are not charged to an employer's account,	or which after	10559
being charged, are credited back to an employer	s's account;	10560
(d) An amount equal to the sum of any other	er benefits paid	10561
preceding such computation date which, under the	nis chapter, are not	10562
chargeable to an employer's account;		10563

(e) An amount equal to the sum of any refunds made during the year immediately preceding such computation date of erroneously	10564 10565
collected mutualized contributions required by this division which	10566
were previously credited to this account;	10567
(f) An amount equal to the sum of any repayments made to the	10568
federal government during the year immediately preceding such	10569
computation date of amounts which may have been advanced by it to	10570
the unemployment compensation fund under section 1201 of the	10571
"Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301;	10572
(g) Any amounts appropriated by the general assembly out of	10573
funds paid by the federal government, under section 903 of the	10574
"Social Security Act," to the account of this state in the federal	10575
unemployment trust fund.	10576
(2) As of every computation date there shall be credited to	10577
the mutualized account provided for in this division:	10578
(a) The proceeds of the mutualized contributions as provided	10579
in this division;	10580
(b) Any positive balances remaining in employer accounts	10581
which are closed as provided in division (E) of section 4141.24 of	10582
the Revised Code;	10583
(c) Any benefits improperly paid which are recovered but	10584
which cannot be credited to an employer's account;	10585
(d) All amounts which may be paid by the federal government	10586
under section 903 of the "Social Security Act" to the account of	10587
this state in the federal unemployment trust fund;	10588
(e) Amounts advanced by the federal government to the account	10589
of this state in the federal unemployment trust fund under section	10590
1201 of the "Social Security Act" to the extent such advances have	10591
been repaid to or recovered by the federal government;	10592
(f) Interest credited to the Ohio unemployment trust fund as	10593

deposited with the secretary of the treasury of the United States:	10594
(g) Amounts deposited into the unemployment compensation fund	10595
for penalties collected pursuant to division (A)(4) of section	10596
4141.35 of the Revised Code.	10597
(3) Annually, as of the computation date, the director shall	10598
determine the total credits and charges made to the mutualized	10599
account during the preceding twelve months and the overall	10600
condition of the account. The director shall issue an annual	10601
statement containing this information and such other information	10602
as the director deems pertinent, including a report that the sum	10603
of the balances in the mutualized account, employers' accounts,	10603
and any subsidiary accounts equal the balance in the state's	10604
unemployment trust fund maintained under section 904 of the	10606
"Social Security Act."	10607
(4) As used in this division:	10608
(a) "Fund as of the computation date" means as of any	10609
computation date, the aggregate amount of the unemployment	10610
compensation fund, including all contributions owing on the	10611
computation date that are paid within thirty days thereafter, all	10612
payments in lieu of contributions that are paid within sixty days	10613
after the computation date, all reimbursements of the federal	10614
share of extended benefits described in section 4141.301 of the	10615
Revised Code that are owing on the computation date, and all	10616
interest earned by the fund and received on or before the	10617
computation date from the federal government.	10618
(b) "Minimum safe level" means an amount equal to two	10619
standard deviations above the average of the adjusted annual	10620
average unemployment compensation benefit payment from 1970 to the	10621
most recent calendar year prior to the computation date, as	10622
determined by the director pursuant to division (B)(4)(b) of this	10623

section. To determine the adjusted annual payment of unemployment

compensation benefits, the director first shall multiply the	10625
number of weeks compensated during each calendar year beginning	10626
with 1970 by the most recent annual average weekly unemployment	10627
compensation benefit payment and then compute the average and	10628
standard deviation of the resultant products.	10629

- (c) "Annual average weekly unemployment compensation benefit 10630 payment" means the amount resulting from dividing the unemployment 10631 compensation benefits paid from the benefit account maintained 10632 within the unemployment compensation fund pursuant to section 10633 4141.09 of the Revised Code, by the number of weeks compensated 10634 during the same time period.
- (5) If, as of any computation date, the charges to the 10636 mutualized account during the entire period subsequent to the 10637 computation date, July 1, 1966, made in accordance with division 10638 10639 (B)(1) of this section, exceed the credits to such account including mutualized contributions during such period, made in 10640 accordance with division (B)(2) of this section, the amount of 10641 such excess charges shall be recovered during the next 10642 contribution period. To recover such amount, the director shall 10643 compute the percentage ratio of such excess charges to the average 10644 annual payroll of all employers eligible for an experience rate 10645 under division (A) of this section. The percentage so determined 10646 shall be computed to the nearest tenth of one per cent and shall 10647 be an additional contribution rate to be applied to the wages paid 10648 by each employer whose rate is computed under the provisions of 10649 division (A) of this section in the contribution period next 10650 following such computation date, but such percentage shall not 10651 exceed five-tenths of one per cent; however, when there are any 10652 excess charges in the mutualized account, as computed in this 10653 division, then the mutualized contribution rate shall not be less 10654 than one-tenth of one per cent. 10655
  - (6) If the fund as of the computation date is above or below 10656

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minimum safe level, the contribution rates provided for in each	10657
classification in division $(A)(3)$ of this section for the next	10658
contribution period shall be adjusted as follows:	10659
(a) If the fund is thirty per cent or more above minimum safe	10660
level, the contribution rates provided in division (A)(3) of this	10661
section shall be decreased two-tenths of one per cent.	10662
(b) If the fund is more than fifteen per cent but less than	10663
thirty per cent above minimum safe level, the contribution rates	10664
provided in division (A)(3) of this section shall be decreased	10665
one-tenth of one per cent.	10666
(c) If the fund is more than fifteen per cent but less than	10667
thirty per cent below minimum safe level, the contribution rates	10668
of all employers shall be increased twenty-five one-thousandths of	10669
one per cent plus a per cent increase calculated and rounded	10670
pursuant to division (B)(6)(g) of this section.	10671
(d) If the fund is more than thirty per cent but less than	10672
forty-five per cent below minimum safe level, the contribution	10673
rates of all employers shall be increased seventy-five	10674
one-thousandths of one per cent plus a per cent increase	10675
calculated and rounded pursuant to division (B)(6)(g) of this	10676
section.	10677
(e) If the fund is more than forty-five per cent but less	10678
than sixty per cent below minimum safe level, the contribution	10679
rates of all employers shall be increased one-eighth of one per	10680
cent plus a per cent increase calculated and rounded pursuant to	10681
division (B)(6)(g) of this section.	10682
(f) If the fund is sixty per cent or more below minimum safe	10683
level, the contribution rates of all employers shall be increased	10684
two-tenths of one per cent plus a per cent increase calculated and	10685

rounded pursuant to division (B)(6)(g) of this section.

(g) The additional per cent increase in contribution rates

required by divisions (B)(6)(c), (d), (e), and (f) of this section	10688
that is payable by each individual employer shall be calculated in	10689
the following manner. The flat rate increase required by a	10690
particular division shall be multiplied by three and the product	10691
divided by the average experienced-rated contribution rate for all	10692
employers as determined by the director for the most recent	10693
calendar year. The resulting quotient shall be multiplied by an	10694
individual employer's contribution rate determined pursuant to	10695
division (A)(3) of this section. The resulting product shall be	10696
rounded to the nearest tenth of one per cent, added to the flat	10697
rate increase required by division $(B)(6)(c)$ , $(d)$ , $(e)$ , or $(f)$ of	10698
this section, as appropriate, and the total shall be rounded to	10699
the nearest tenth of one per cent. As used in division (B)(6)(g)	10700
of this section, the "average experienced-rated contribution rate"	10701
means the most recent annual average contribution rate reported by	10702
the director contained in report RS 203.2 less the mutualized and	10703
minimum safe level contribution rates included in such rate.	10704

- (h) If any of the increased contribution rates of division 10705 (B)(6)(c), (d), (e), or (f) of this section are imposed, the rate 10706 shall remain in effect for the calendar year in which it is 10707 imposed and for each calendar year thereafter until the director 10708 determines as of the computation date for calendar year 1991 and 10709 as of the computation date for any calendar year thereafter 10710 pursuant to this section, that the level of the unemployment 10711 compensation fund equals or exceeds the minimum safe level as 10712 defined in division (B)(4)(b) of this section. Nothing in division 10713 (B)(6)(h) of this section shall be construed as restricting the 10714 imposition of the increased contribution rates provided in 10715 divisions (B)(6)(c), (d), (e), and (f) of this section if the fund 10716 falls below the percentage of the minimum safe level as specified 10717 in those divisions. 10718
  - (7) The additional contributions required by division (B)(5)

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of this section shall be credited to the mutualized account. The	10720
additional contributions required by division (B)(6) of this	10721
section shall be credited fifty per cent to individual employer	10722
accounts and fifty per cent to the mutualized account.	10723
(C) If an employer makes a payment of contributions which is	10724
less than the full amount required by this section and sections	10725
4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, and	10726
4141.27 of the Revised Code, such partial payment shall be applied	10727
first against the mutualized contributions required under this	10728
chapter. Any remaining partial payment shall be credited to the	10729
employer's individual account.	10730
(D) Whenever there are any increases in contributions	10731
resulting from an increase in wages subject to contributions as	10732
defined in division (G) of section 4141.01 of the Revised Code, or	10733
from an increase in the mutualized rate of contributions provided	10734
in division (B) of this section, or from a revision of the	10735
contribution rate schedule provided in division (A) of this	10736
section, except for that portion of the increase attributable to a	10737
change in the positive or negative balance in an employer's	10738
account, which increases become effective after a contract for the	10739

(E) Effective only for the contribution period beginning on 10748

January 1, 1996, and ending on December 31, 1996, mutualized 10749

contributions collected or received by the director pursuant to 10750

division (B)(5) of this section and amounts credited to the 10751

construction of real property, as defined in section 5701.02 of

the Revised Code, has been entered into, the contractee upon

contractor for all increased contributions paid by the prime

prime contractor, the prime contractor shall reimburse each

subcontractor for the increased contributions.

contractor or by subcontractors upon wages for services performed

under the contract. Upon reimbursement by the contractee to the

written notice by a prime contractor shall reimburse the

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mutualized account pursuant to division (B)(7) of this section	10752
shall be deposited into or credited to the unemployment	10753
compensation benefit reserve fund that is created under division	10754
(F) of this section, except that amounts collected, received, or	10755
credited in excess of two hundred million dollars shall be	10756
deposited into or credited to the unemployment trust fund	10757
established pursuant to section 4141.09 of the Revised Code.	10758
(F) The state unemployment compensation benefit reserve fund	10759
is hereby created as a trust fund in the custody of the treasurer	10760
of state and shall not be part of the state treasury. The fund	10761
shall consist of all moneys collected or received as mutualized	10762
contributions pursuant to division (B)(5) of this section and	10763
amounts credited to the mutualized account pursuant to division	10764
(B)(7) of this section as provided by division (E) of this	10765

(G) The balance in the unemployment compensation benefit 10770 reserve fund remaining at the end of the contribution period 10771 beginning January 1, 2000, and any mutualized contribution amounts 10772 for the contribution period beginning on January 1, 1996, that may 10773 be received after December 31, 2000, shall be deposited into the 10774 unemployment trust fund established pursuant to section 4141.09 of 10775 the Revised Code. Income earned on moneys in the state 10776 unemployment compensation benefit reserve fund shall be available 10777 for use by the director only for the purposes described in 10778 division (I) of this section, and shall not be used for any other 10779 purpose. 10780

unemployment compensation benefits in the event that funds are no

longer available for that purpose from the unemployment trust fund

established pursuant to section 4141.09 of the Revised Code.

(H) The unemployment compensation benefit reserve fund 10781 balance shall be added to the unemployment trust fund balance in 10782 determining the minimum safe level tax to be imposed pursuant to 10783

not available.

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division (B) of this section and shall be included in the	10784
mutualized account balance for the purpose of determining the	10785
mutualized contribution rate pursuant to division (B)(5) of this	10786
section.	10787
(I) All income earned on moneys in the unemployment	10788
compensation benefit reserve fund from the investment of the fund	10789
by the treasurer of state shall accrue to the department of job	10790
and family services automation administration fund, which is	10791
hereby established in the state treasury. Moneys within the	10792
automation administration fund shall be used to meet the costs	10793
related to automation of the department and the administrative	10794
costs related to collecting and accounting for unemployment	10795
compensation benefit reserve fund revenue. Any funds remaining in	10796
the automation administration fund upon completion of the	10797
department's automation projects that are funded by that fund	10798
shall be deposited into the unemployment trust fund established	10799
pursuant to section 4141.09 of the Revised Code.	10800
(J) The director shall prepare and submit monthly reports to	10801
the unemployment compensation advisory commission with respect to	10802
the status of efforts to collect and account for unemployment	10803
compensation benefit reserve fund revenue and the costs related to	10804
collecting and accounting for that revenue. The director shall	10805
obtain approval from the unemployment compensation advisory	10806
commission for expenditure of funds from the department of job and	10807
family services automation administration fund. Funds may be	10808
approved for expenditure for purposes set forth in division (I) of	10809
this section only to the extent that federal or other funds are	10810
not eveilable	10011

Sec. 4141.26. (A) As soon as practicable after the first day
of September but not later than the first day of December of each
year, the director of job and family services shall notify each
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employer of the employer's contribution rate as determined for the	10815
next ensuing contribution period pursuant to section 4141.25 of	10816
the Revised Code provided the employer has furnished the director,	10817
by the first day of September following the computation date, with	10818
the wage information for all past periods necessary for the	10819
computation of the contribution rate.	10820

(B)(1) If an employer has not timely furnished the necessary
wage information as required by division (A) of this section, the
employer's contribution rate for such contribution period shall
not be computed as provided in section 4141.25 of the Revised
Code, but instead the employer shall be assigned a contribution
rate equal to one hundred twenty-five per cent of the maximum rate
provided in that section, with the following exceptions:
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(1)(a) If the employer files the necessary wage information 10828 by the thirty-first day of December of the year immediately 10829 preceding the contribution period for which the rate is to be 10830 effective, the employer's rate shall be computed as provided in 10831 division (A) of section 4141.25 of the Revised Code. 10832

 $\frac{(2)(b)}{(b)}$  The director shall revise the contribution rate of an 10833 employer who has not timely furnished the necessary wage 10834 information as required by division (A) of this section, who has 10835 been assigned a contribution rate pursuant to division (B) of this 10836 section, and who does not meet the requirements of division 10837 (B)(1)(a) of this section, if the employer furnishes the necessary 10838 wage information to the director within eighteen months following 10839 the thirty-first day of December of the year immediately preceding 10840 the contribution period for which the rate is to be effective. The 10841 revised rate under division (B) $\frac{(2)(1)(b)}{(2)}$  of this section shall be 10842 equal to one hundred twenty per cent of the contribution rate that 10843 would have resulted if the employer had timely furnished the 10844 necessary wage information under division (A) of this section. 10845

(c) The director may waive the maximum contribution rate	10846
assigned pursuant to division (B) of this section if the failure	10847
to timely furnish the wage information as required by division (A)	10848
of this section was a result of circumstances beyond the control	10849
of the employer or the employer's agent.	10850
(2) The director shall deny an employer's request for a	10851
revision of the employer's rate as provided in division	10852
$(B)\frac{(2)}{(1)(b)}$ of this section if the director finds that the	10853
employer's failure to timely file the necessary wage information	10854
was due to an attempt to evade payment.	10855
(3) The director shall round the contribution rates the	10856
director determines under division (B) of this section to the	10857
nearest tenth of one per cent.	10858
(4) The director shall adopt rules to prescribe requirements	10859
and procedures for requesting a waiver of the maximum contribution	10860
rate under division (B)(1)(c) of this section.	10861
(C) If, as a result of the computation pursuant to division	10862
(B) of this section, the employer's account shows a negative	10863
balance in excess of the applicable limitations, in that	10864
computation, the excess above applicable limitations shall not be	10865
transferred from the account as provided in division (A)(2) of	10866
section 4141.24 of the Revised Code.	10867
(D) The rate determined pursuant to this section and section	10868
4141.25 of the Revised Code shall become binding upon the employer	10869
unless:	10870
(1) The employer makes a voluntary contribution as provided	10871
in division (B) of section 4141.24 of the Revised Code, whereupon	10872
the director shall issue the employer a revised contribution rate	10873
notice if the contribution changes the employer's rate; or	10874
(2) Within thirty days after the mailing of notice of the	10875
employer's rate or a revision of it to the employer's last known	10876

address or, in the absence of mailing of such notice, within	10877
thirty days after the delivery of such notice, the employer files	10878
an application with the director for reconsideration of the	10879
director's determination of such rate setting forth reasons for	10880
such request. The director shall promptly examine the application	10881
for reconsideration and shall notify the employer of the	10882
director's reconsidered decision, which shall become final unless,	10883
within thirty days after the mailing of such notice by certified	10884
mail, return receipt requested, the employer files an application	10885
for review of such decision with the unemployment compensation	10886
review commission. The commission shall promptly examine the	10887
application for review of the director's decision and shall grant	10888
such employer an opportunity for a fair hearing. The proceeding at	10889
the hearing before the commission shall be recorded in the means	10890
and manner prescribed by the commission. For the purposes of this	10891
division, the review is considered timely filed when it has been	10892
received as provided in division (D)(1) of section 4141.281 of the	10893
Revised Code.	10894

The employer and the director shall be promptly notified of 10895 the commission's decision, which shall become final unless, within 10896 thirty days after the mailing of notice of it to the employer's 10897 last known address by certified mail, return receipt requested, 10898 or, in the absence of mailing, within thirty days after delivery 10899 of such notice, an appeal is taken by the employer or the director 10900 to the court of common pleas of Franklin county. Such appeal shall 10901 be taken by the employer or the director by filing a notice of 10902 appeal with the clerk of such court and with the commission. Such 10903 notice of appeal shall set forth the decision appealed and the 10904 errors in it complained of. Proof of the filing of such notice 10905 with the commission shall be filed with the clerk of such court. 10906

The commission, upon written demand filed by the appellant 10907 and within thirty days after the filing of such demand, shall file 10908

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with the clerk a certified transcript of the record of the	10909
proceedings before the commission pertaining to the determination	10910
or order complained of, and the appeal shall be heard upon such	10911
record certified to the commission. In such appeal, no additional	10912
evidence shall be received by the court, but the court may order	10913
additional evidence to be taken before the commission, and the	10914
commission, after hearing such additional evidence, shall certify	10915
such additional evidence to the court or it may modify its	10916
determination and file such modified determination, together with	10917
the transcript of the additional record, with the court. After an	10918
appeal has been filed in the court, the commission, by petition,	10919
may be made a party to such appeal. Such appeal shall be given	10920
precedence over other civil cases. The court may affirm the	10921
determination or order complained of in the appeal if it finds,	10922
upon consideration of the entire record, that the determination or	10923
order is supported by reliable, probative, and substantial	10924
evidence and is in accordance with law. In the absence of such a	10925
finding, it may reverse, vacate, or modify the determination or	10926
order or make such other ruling as is supported by reliable,	10927
probative, and substantial evidence and is in accordance with law.	10928
The judgment of the court shall be final and conclusive unless	10929
reversed, vacated, or modified on appeal. An appeal may be taken	10930
from the decision of the court of common pleas of Franklin county.	10931
(E) The appeal provisions of division (D) of this section	10932
apply to all other determinations and orders of the director	10933
affecting the liability of an employer to pay contributions or the	10934
amount of such contributions, determinations respecting	10935

application for refunds of contributions, determinations

division (D) of section 4141.24 of the Revised Code.

respecting applications for classification of employment as

to charges of benefits to an employer's account as provided in

seasonal under section 4141.33 of the Revised Code, and exceptions

- (F) The validity of any general order or rule of the director 10941 adopted pursuant to this chapter or of any final order or action 10942 of the unemployment compensation review commission respecting any 10943 such general order or rule may be determined by the court of 10944 common pleas of Franklin county, and such general order, rule, or 10945 action may be sustained or set aside by the court on an appeal to 10946 it which may be taken by any person affected by the order, rule, 10947 or action in the manner provided by law. Such appeal to the court 10948 of common pleas of Franklin county shall be filed within thirty 10949 days after the date such general order, rule, or action was 10950 publicly released by the director or the commission. Either party 10951 to such action may appeal from the court of common pleas of 10952 Franklin county as in ordinary civil cases. 10953
- (G) Notwithstanding any determination made in pursuance of 10954 sections 4141.23 to 4141.26 of the Revised Code, no individual who 10955 files a claim for benefits shall be denied the right to a fair 10956 hearing as provided in section 4141.281 of the Revised Code, or 10957 the right to have a claim determined on the merits of it. 10958
- (H)(1) Notwithstanding division (D) of this section, if the 10959 director finds that an omission or error in the director's records 10960 or employer reporting caused the director to issue an erroneous 10961 determination or order affecting contribution rates, the liability 10962 of an employer to pay contributions or the amount of such 10963 contributions, determinations respecting applications for refunds 10964 of contributions, determinations respecting applications for 10965 classification of seasonal status under section 4141.33 of the 10966 Revised Code, or exceptions to charges of benefits to an 10967 employer's account as provided in division (D) of section 4141.24 10968 of the Revised Code, the director may issue a corrected 10969 determination or order correcting the erroneous determination or 10970 order, except as provided in division (H)(2) of this section. 10971
  - (2) The director may not issue a corrected determination or 10972

order correcting an erroneous determination or order if both of	10973
the following apply:	10974
(a) The erroneous determination or order was caused solely by	10975
an omission or error of the director;	10976
(b) A correction of the erroneous determination or order	10977
would adversely affect the employer or any of the employers that	10978
were parties in interest to the erroneous determination or order.	10979
A corrected determination or order issued under this division	10980
takes precedence over and renders void the erroneous determination	10981
or order and is appealable as provided in division (D) of this	10982
section.	10983
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Sec. 4141.35. (A) If the director of job and family services	10984
finds that any fraudulent misrepresentation has been made by an	10985
applicant for or a recipient of benefits with the object of	10986
obtaining benefits to which the applicant or recipient was not	10987
entitled, and in addition to any other penalty or forfeiture under	10988
this chapter, then the director:	10989
(1) Shall within four years after the end of the benefit year	10990
in which the fraudulent misrepresentation was made reject or	10991
cancel such person's entire weekly claim for benefits that was	10992
fraudulently claimed, or the person's entire benefit rights if the	10993
misrepresentation was in connection with the filing of the	10994
claimant's application for determination of benefit rights;	10995
(2) Shall by order declare that, for each application for	10996
benefit rights and for each weekly claim canceled, such person	10997
shall be ineligible for two otherwise valid weekly claims for	10998
benefits, claimed within six years subsequent to the discovery of	10999
such misrepresentation;	11000
(3) By order shall require that the total amount of benefits	11001

rejected or canceled under division (A)(1) of this section be

repaid to the director before such person may become eligible for	11003
further benefits, and shall withhold such unpaid sums from future	11004
benefit payments accruing and otherwise payable to such claimant.	11005
Effective with orders issued on or after January 1, 1993, if such	11006
benefits are not repaid within thirty days after the director's	11007
order becomes final, interest on the amount remaining unpaid shall	11008
be charged to the person at a rate and calculated in the same	11009
manner as provided under section 4141.23 of the Revised Code. When	11010
a person ordered to repay benefits has repaid all overpaid	11011
benefits according to a plan approved by the director, the	11012
director may cancel the amount of interest that accrued during the	11013
period of the repayment plan. The director may take action in any	11014
court of competent jurisdiction to collect benefits and interest	11015
as provided in sections 4141.23 and 4141.27 of the Revised Code,	11016
in regard to the collection of unpaid contributions, using the	11017
final repayment order as the basis for such action. Except as	11018
otherwise provided in this division, no administrative or legal	11019
proceedings for the collection of such benefits or interest due,	11020
or for the collection of a penalty under division (A)(4) of this	11021
section, shall be initiated after the expiration of six years from	11022
the date on which the director's order requiring repayment became	11023
final and the amount of any benefits, penalty, or interest not	11024
recovered at that time, and any liens thereon, shall be canceled	11025
as uncollectible. The time limit for instituting proceedings shall	11026
be extended by the period of any stay to the collection or by any	11027
other time period to which the parties mutually agree.	11028

(4) Shall, for findings made on or after October 21, 2013, by 11029 order assess a mandatory penalty on such a person in an amount 11030 equal to twenty-five per cent of the total amount of benefits 11031 rejected or canceled under division (A)(1) of this section. The 11032 first sixty per cent of each penalty collected under division 11033 (A)(4) of this section shall be deposited into the unemployment 11034 compensation fund created under section 4141.09 of the Revised 11035

Code, and the and shall be credited to the mutualized account, as	11036
provided in division (B)(2)(g) of section 4141.25 of the Revised	11037
Code. The remainder of each penalty collected shall be deposited	11038
into the unemployment compensation special administrative fund	11039
created under section 4141.11 of the Revised Code.	11040
(5) May take action to collect benefits fraudulently obtained	11041
under the unemployment compensation law of any other state or the	11042
United States or Canada. Such action may be initiated in the	11043
courts of this state in the same manner as provided for unpaid	11044
contributions in section 4141.41 of the Revised Code.	11045
(6) May take action to collect benefits that have been	11046
fraudulently obtained from the director, interest pursuant to	11047
division (A)(3) of this section, and court costs, through	11048
attachment proceedings under Chapter 2715. of the Revised Code and	11049
garnishment proceedings under Chapter 2716. of the Revised Code.	11050
(B) If the director finds that an applicant for benefits has	11051
(B) If the director finds that an applicant for benefits has been credited with a waiting period or paid benefits to which the	11051 11052
been credited with a waiting period or paid benefits to which the	11052
been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent	11052 11053
been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:	11052 11053 11054
been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:  (1)(a) Within six months after the determination under which	11052 11053 11054 11055
been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:  (1)(a) Within six months after the determination under which the claimant was credited with that waiting period or paid	11052 11053 11054 11055 11056
been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:  (1)(a) Within six months after the determination under which the claimant was credited with that waiting period or paid benefits becomes final pursuant to section 4141.28 of the Revised	11052 11053 11054 11055 11056 11057
been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:  (1)(a) Within six months after the determination under which the claimant was credited with that waiting period or paid benefits becomes final pursuant to section 4141.28 of the Revised Code, or within three years after the end of the benefit year in	11052 11053 11054 11055 11056 11057 11058
been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:  (1)(a) Within six months after the determination under which the claimant was credited with that waiting period or paid benefits becomes final pursuant to section 4141.28 of the Revised Code, or within three years after the end of the benefit year in which such benefits were claimed, whichever is later, by order	11052 11053 11054 11055 11056 11057 11058 11059
been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:  (1)(a) Within six months after the determination under which the claimant was credited with that waiting period or paid benefits becomes final pursuant to section 4141.28 of the Revised Code, or within three years after the end of the benefit year in which such benefits were claimed, whichever is later, by order cancel such waiting period and require that such benefits be	11052 11053 11054 11055 11056 11057 11058 11059 11060
been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:  (1)(a) Within six months after the determination under which the claimant was credited with that waiting period or paid benefits becomes final pursuant to section 4141.28 of the Revised Code, or within three years after the end of the benefit year in which such benefits were claimed, whichever is later, by order cancel such waiting period and require that such benefits be repaid to the director or be withheld from any benefits to which	11052 11053 11054 11055 11056 11057 11058 11059 11060
been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:  (1)(a) Within six months after the determination under which the claimant was credited with that waiting period or paid benefits becomes final pursuant to section 4141.28 of the Revised Code, or within three years after the end of the benefit year in which such benefits were claimed, whichever is later, by order cancel such waiting period and require that such benefits be repaid to the director or be withheld from any benefits to which such applicant is or may become entitled before any additional	11052 11053 11054 11055 11056 11057 11058 11059 11060 11061
been credited with a waiting period or paid benefits to which the applicant was not entitled for reasons other than fraudulent misrepresentation, the director shall:  (1)(a) Within six months after the determination under which the claimant was credited with that waiting period or paid benefits becomes final pursuant to section 4141.28 of the Revised Code, or within three years after the end of the benefit year in which such benefits were claimed, whichever is later, by order cancel such waiting period and require that such benefits be repaid to the director or be withheld from any benefits to which such applicant is or may become entitled before any additional benefits are paid, provided that the repayment or withholding	11052 11053 11054 11055 11056 11057 11058 11059 11060 11061 11062 11063

employer's report under division (G) of section 4141.28 of the

Revised Code.	11068
(b) The limitation specified in division (B)(1)(a) of this	11069
section shall not apply to cases involving the retroactive payment	11070
of remuneration covering periods for which benefits were	11071
previously paid to the claimant. However, in such cases, the	11072
director's order requiring repayment shall not be issued unless	11073
the director is notified of such retroactive payment within six	11074
months from the date the retroactive payment was made to the	11075
claimant.	11076
(2) The director may, by reciprocal agreement with the United	11077
States secretary of labor or another state, recover overpayment	11078
amounts from unemployment benefits otherwise payable to an	11079
individual under Chapter 4141. of the Revised Code. Any	11080
overpayments made to the individual that have not previously been	11081
recovered under an unemployment benefit program of the United	11082
States may be recovered in accordance with section 303(g) of the	11083
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the	11084
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A.	11085
3301 to 3311.	11086
(3) If the amounts required to be repaid under division (B)	11087
of this section are not recovered within three years from the date	11088
the director's order requiring payment became final, initiate no	11089
further action to collect such benefits and the amount of any	11090
benefits not recovered at that time shall be canceled as	11091
uncollectible, provided that the time limit for collection shall	11092
be extended by the period of any stay to the collection or by any	11093
other time period to which the parties mutually agree.	11094
(C) The appeal provisions of sections 4141.281 and 4141.282	11095
of the Revised Code shall apply to all orders and determinations	11096
issued under this section, except that an individual's right of	11097
appeal under division (B)(2) of this section shall be limited to	11098
this state's authority to recover overpayment of benefits.	11099

(D) If an individual makes a full repayment or a repayment	11100
that is less than the full amount required by this section, the	11101
director shall apply the repayment to the mutualized account under	11102
division (B) of section 4141.25 of the Revised Code, except that	11103
the director shall credit the repayment to the accounts of the	11104
individual's base period employers that previously have not been	11105
credited for the amount of improperly paid benefits charged	11106
against their accounts based on the proportion of benefits charged	11107
against the accounts as determined pursuant to division (D) of	11108
section 4141.24 of the Revised Code.	11109
The director shall deposit any repayment collected under this	11110
section that the director determines to be payment of interest or	11111
court costs into the unemployment compensation special	11112
administrative fund established pursuant to section 4141.11 of the	11113
Revised Code.	11114
This division does not apply to federal any of the following:	11115
(1) Federal tax refund offsets under 31 C.F.R. 285.8;	11116
(2) Unclaimed fund recoveries under section 131.024 of the	11117
Revised Code;	11118
(3) Lottery award offsets under section 3770.073 of the	11119
Revised Code;	11120
(4) State tax refund offsets under section 5747.12 of the	11121
Revised Code.	11122
dec 4511 101 (A)(1) he wood in this continue	11100
<b>Sec. 4511.191.</b> (A)(1) As used in this section:	11123
(a) "Physical control" has the same meaning as in section	11124
4511.194 of the Revised Code.	11125
(b) "Alcohol monitoring device" means any device that	11126
provides for continuous alcohol monitoring, any ignition interlock	11127
device, any immobilizing or disabling device other than an	11128
ignition interlock device that is constantly available to monitor	11129

11160

the concentration of alcohol in a person's system, or any other	11130
device that provides for the automatic testing and periodic	11131
reporting of alcohol consumption by a person and that a court	11132
orders a person to use as a sanction imposed as a result of the	11133
person's conviction of or plea of guilty to an offense.	11134
(2) Any person who operates a vehicle, streetcar, or	11135
trackless trolley upon a highway or any public or private property	11136
used by the public for vehicular travel or parking within this	11137
state or who is in physical control of a vehicle, streetcar, or	11138
trackless trolley shall be deemed to have given consent to a	11139
chemical test or tests of the person's whole blood, blood serum or	11140
plasma, breath, or urine to determine the alcohol, drug of abuse,	11141
controlled substance, metabolite of a controlled substance, or	11142
combination content of the person's whole blood, blood serum or	11143
plasma, breath, or urine if arrested for a violation of division	11144
(A) or (B) of section 4511.19 of the Revised Code, section	11145
4511.194 of the Revised Code or a substantially equivalent	11146
municipal ordinance, or a municipal OVI ordinance.	11147
(3) The chemical test or tests under division $(A)(2)$ of this	11148
section shall be administered at the request of a law enforcement	11149
officer having reasonable grounds to believe the person was	11150
operating or in physical control of a vehicle, streetcar, or	11151
trackless trolley in violation of a division, section, or	11152
ordinance identified in division (A)(2) of this section. The law	11153
enforcement agency by which the officer is employed shall	11154
designate which of the tests shall be administered.	11155
(4) Any person who is dead or unconscious, or who otherwise	11156
is in a condition rendering the person incapable of refusal, shall	11157
be deemed to have consented as provided in division (A)(2) of this	11158

(5)(a) If a law enforcement officer arrests a person for a 11161

section, and the test or tests may be administered, subject to

sections 313.12 to 313.16 of the Revised Code.

violation of division (A) or (B) of section 4511.19 of the Revised	11162
Code, section 4511.194 of the Revised Code or a substantially	11163
equivalent municipal ordinance, or a municipal OVI ordinance and	11164
if the person if convicted would be required to be sentenced under	11165
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised	11166
Code, the law enforcement officer shall request the person to	11167
submit, and the person shall submit, to a chemical test or tests	11168
of the person's whole blood, blood serum or plasma, breath, or	11169
urine for the purpose of determining the alcohol, drug of abuse,	11170
controlled substance, metabolite of a controlled substance, or	11171
combination content of the person's whole blood, blood serum or	11172
plasma, breath, or urine. A law enforcement officer who makes a	11173
request pursuant to this division that a person submit to a	11174
chemical test or tests is not required to advise the person of the	11175
consequences of submitting to, or refusing to submit to, the test	11176
or tests and is not required to give the person the form described	11177
in division (B) of section 4511.192 of the Revised Code, but the	11178
officer shall advise the person at the time of the arrest that if	11179
the person refuses to take a chemical test the officer may employ	11180
whatever reasonable means are necessary to ensure that the person	11181
submits to a chemical test of the person's whole blood or blood	11182
serum or plasma. The officer shall also advise the person at the	11183
time of the arrest that the person may have an independent	11184
chemical test taken at the person's own expense. Divisions (A)(3)	11185
and (4) of this section apply to the administration of a chemical	11186
test or tests pursuant to this division.	11187

(b) If a person refuses to submit to a chemical test upon a 11188 request made pursuant to division (A)(5)(a) of this section, the 11189 law enforcement officer who made the request may employ whatever 11190 reasonable means are necessary to ensure that the person submits 11191 to a chemical test of the person's whole blood or blood serum or 11192 plasma. A law enforcement officer who acts pursuant to this 11193 division to ensure that a person submits to a chemical test of the 11194

person's whole blood or blood serum or plasma is immune from	11195
criminal and civil liability based upon a claim for assault and	11196
battery or any other claim for the acts, unless the officer so	11197
acted with malicious purpose, in bad faith, or in a wanton or	11198
reckless manner.	11199
(B)(1) Upon receipt of the sworn report of a law enforcement	11200
officer who arrested a person for a violation of division (A) or	11201
(B) of section 4511.19 of the Revised Code, section 4511.194 of	11202
the Revised Code or a substantially equivalent municipal	11203
ordinance, or a municipal OVI ordinance that was completed and	11204
sent to the registrar of motor vehicles and a court pursuant to	11205
section 4511.192 of the Revised Code in regard to a person who	11206
refused to take the designated chemical test, the registrar shall	11207
enter into the registrar's records the fact that the person's	11208
driver's or commercial driver's license or permit or nonresident	11209
operating privilege was suspended by the arresting officer under	11210
this division and that section and the period of the suspension,	11211
as determined under this section. The suspension shall be subject	11212
to appeal as provided in section 4511.197 of the Revised Code. The	11213
suspension shall be for whichever of the following periods	11214
applies:	11215
(a) Except when division (B)(1)(b), (c), or (d) of this	11216
section applies and specifies a different class or length of	11217
suspension, the suspension shall be a class C suspension for the	11218
period of time specified in division (B)(3) of section 4510.02 of	11219
the Revised Code.	11220
(b) If the arrested person, within six years of the date on	11221
which the person refused the request to consent to the chemical	11222
test, had refused one previous request to consent to a chemical	11223
test or had been convicted of or pleaded guilty to one violation	11224
of division (A) or (B) of section 4511.19 of the Revised Code or	11225

one other equivalent offense, the suspension shall be a class B

suspension imposed for the period of time specified in division 11227 (B)(2) of section 4510.02 of the Revised Code. 11228

- (c) If the arrested person, within six years of the date on 11229 which the person refused the request to consent to the chemical 11230 test, had refused two previous requests to consent to a chemical 11231 test, had been convicted of or pleaded guilty to two violations of 11232 division (A) or (B) of section 4511.19 of the Revised Code or 11233 other equivalent offenses, or had refused one previous request to 11234 consent to a chemical test and also had been convicted of or 11235 pleaded quilty to one violation of division (A) or (B) of section 11236 4511.19 of the Revised Code or other equivalent offenses, which 11237 violation or offense arose from an incident other than the 11238 incident that led to the refusal, the suspension shall be a class 11239 A suspension imposed for the period of time specified in division 11240 (B)(1) of section 4510.02 of the Revised Code. 11241
- (d) If the arrested person, within six years of the date on 11242 which the person refused the request to consent to the chemical 11243 test, had refused three or more previous requests to consent to a 11244 chemical test, had been convicted of or pleaded guilty to three or 11245 more violations of division (A) or (B) of section 4511.19 of the 11246 Revised Code or other equivalent offenses, or had refused a number 11247 of previous requests to consent to a chemical test and also had 11248 been convicted of or pleaded guilty to a number of violations of 11249 division (A) or (B) of section 4511.19 of the Revised Code or 11250 other equivalent offenses that cumulatively total three or more 11251 such refusals, convictions, and guilty pleas, the suspension shall 11252 be for five years. 11253
- (2) The registrar shall terminate a suspension of the 11254 driver's or commercial driver's license or permit of a resident or 11255 of the operating privilege of a nonresident, or a denial of a 11256 driver's or commercial driver's license or permit, imposed 11257 pursuant to division (B)(1) of this section upon receipt of notice 11258

that the person has entered a plea of guilty to, or that the	11259
person has been convicted after entering a plea of no contest to,	11260
operating a vehicle in violation of section 4511.19 of the Revised	11261
Code or in violation of a municipal OVI ordinance, if the offense	11262
for which the conviction is had or the plea is entered arose from	11263
the same incident that led to the suspension or denial.	11264

The registrar shall credit against any judicial suspension of 11265 a person's driver's or commercial driver's license or permit or 11266 nonresident operating privilege imposed pursuant to section 11267 4511.19 of the Revised Code, or pursuant to section 4510.07 of the 11268 Revised Code for a violation of a municipal OVI ordinance, any 11269 time during which the person serves a related suspension imposed 11270 pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law 11272 enforcement officer who arrested a person for a violation of 11273 division (A) or (B) of section 4511.19 of the Revised Code or a 11274 municipal OVI ordinance that was completed and sent to the 11275 registrar and a court pursuant to section 4511.192 of the Revised 11276 Code in regard to a person whose test results indicate that the 11277 person's whole blood, blood serum or plasma, breath, or urine 11278 contained at least the concentration of alcohol specified in 11279 division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 11280 Revised Code or at least the concentration of a listed controlled 11281 substance or a listed metabolite of a controlled substance 11282 specified in division (A)(1)(j) of section 4511.19 of the Revised 11283 Code, the registrar shall enter into the registrar's records the 11284 fact that the person's driver's or commercial driver's license or 11285 permit or nonresident operating privilege was suspended by the 11286 arresting officer under this division and section 4511.192 of the 11287 Revised Code and the period of the suspension, as determined under 11288 divisions (C)(1)(a) to (d) of this section. The suspension shall 11289 be subject to appeal as provided in section 4511.197 of the 11290

Revised Code. The suspension described in this division does not	11291
apply to, and shall not be imposed upon, a person arrested for a	11292
violation of section 4511.194 of the Revised Code or a	11293
substantially equivalent municipal ordinance who submits to a	11294
designated chemical test. The suspension shall be for whichever of	11295
the following periods applies:	11296
(a) Except when division $(C)(1)(b)$ , $(c)$ , or $(d)$ of this	11297
section applies and specifies a different period, the suspension	11298
shall be a class E suspension imposed for the period of time	11299
specified in division (B)(5) of section 4510.02 of the Revised	11300
Code.	11301
(b) The suspension shall be a class C suspension for the	11302
period of time specified in division (B)(3) of section 4510.02 of	11303
the Revised Code if the person has been convicted of or pleaded	11304
guilty to, within six years of the date the test was conducted,	11305
one violation of division (A) or (B) of section 4511.19 of the	11306
Revised Code or one other equivalent offense.	11307
(c) If, within six years of the date the test was conducted,	11308
the person has been convicted of or pleaded guilty to two	11309
violations of a statute or ordinance described in division	11310
(C)(1)(b) of this section, the suspension shall be a class B	11311
suspension imposed for the period of time specified in division	11312
(B)(2) of section 4510.02 of the Revised Code.	11313
(d) If, within six years of the date the test was conducted,	11314
the person has been convicted of or pleaded guilty to more than	11315
two violations of a statute or ordinance described in division	11316
(C)(1)(b) of this section, the suspension shall be a class A	11317
suspension imposed for the period of time specified in division	11318
(B)(1) of section 4510.02 of the Revised Code.	11319

(2) The registrar shall terminate a suspension of the

driver's or commercial driver's license or permit of a resident or 11321

of the operating privilege of a nonresident, or a denial of a	11322
driver's or commercial driver's license or permit, imposed	11323
pursuant to division (C)(1) of this section upon receipt of notice	11324
that the person has entered a plea of guilty to, or that the	11325
person has been convicted after entering a plea of no contest to,	11326
operating a vehicle in violation of section 4511.19 of the Revised	11327
Code or in violation of a municipal OVI ordinance, if the offense	11328
for which the conviction is had or the plea is entered arose from	11329
the same incident that led to the suspension or denial.	11330

The registrar shall credit against any judicial suspension of 11331 a person's driver's or commercial driver's license or permit or 11332 nonresident operating privilege imposed pursuant to section 11333 4511.19 of the Revised Code, or pursuant to section 4510.07 of the 11334 Revised Code for a violation of a municipal OVI ordinance, any 11335 time during which the person serves a related suspension imposed 11336 pursuant to division (C)(1) of this section.

- (D)(1) A suspension of a person's driver's or commercial 11338 driver's license or permit or nonresident operating privilege 11339 under this section for the time described in division (B) or (C) 11340 of this section is effective immediately from the time at which 11341 the arresting officer serves the notice of suspension upon the 11342 arrested person. Any subsequent finding that the person is not 11343 guilty of the charge that resulted in the person being requested 11344 to take the chemical test or tests under division (A) of this 11345 section does not affect the suspension. 11346
- (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

  11349

  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

  ordinance, regardless of whether the person's driver's or

  11353

commercial driver's license or permit or nonresident operating	11354
privilege is or is not suspended under division (B) or (C) of this	11355
section or Chapter 4510. of the Revised Code, the person's initial	11356
appearance on the charge resulting from the arrest shall be held	11357
within five days of the person's arrest or the issuance of the	11358
citation to the person, subject to any continuance granted by the	11359
court pursuant to section 4511.197 of the Revised Code regarding	11360
the issues specified in that division.	11361

- (E) When it finally has been determined under the procedures 11362 of this section and sections 4511.192 to 4511.197 of the Revised 11363 Code that a nonresident's privilege to operate a vehicle within 11364 this state has been suspended, the registrar shall give 11365 information in writing of the action taken to the motor vehicle 11366 administrator of the state of the person's residence and of any 11367 state in which the person has a license. 11368
- (F) At the end of a suspension period under this section, 11369 under section 4511.194, section 4511.196, or division (G) of 11370 section 4511.19 of the Revised Code, or under section 4510.07 of 11371 the Revised Code for a violation of a municipal OVI ordinance and 11372 upon the request of the person whose driver's or commercial 11373 driver's license or permit was suspended and who is not otherwise 11374 subject to suspension, cancellation, or disqualification, the 11375 registrar shall return the driver's or commercial driver's license 11376 or permit to the person upon the occurrence of all of the 11377 conditions specified in divisions (F)(1) and (2) of this section: 11378
- (1) A showing that the person has proof of financial

  responsibility, a policy of liability insurance in effect that

  11380

  meets the minimum standards set forth in section 4509.51 of the

  Revised Code, or proof, to the satisfaction of the registrar, that

  the person is able to respond in damages in an amount at least

  equal to the minimum amounts specified in section 4509.51 of the

  Revised Code.

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(2) Subject to the limitation contained in division $(F)(3)$ of	11386
this section, payment by the person to the registrar or an	11387
eligible deputy registrar of a license reinstatement fee of four	11388
hundred seventy-five dollars, which fee. The registrar or deputy	11389
registrar shall be deposited deposit the fee in the state treasury	11390
and to be credited as follows:	11391

- (a) One hundred twelve dollars and fifty cents shall be 11392 credited to the statewide treatment and prevention fund created by 11393 section 4301.30 of the Revised Code. Money credited to the fund 11394 under this section shall be used for purposes identified under 11395 section 5119.22 of the Revised Code. 11396
- (b) Seventy-five dollars shall be credited to the reparations 11397 fund created by section 2743.191 of the Revised Code. 11398
- (c) Thirty-seven dollars and fifty cents shall be credited to 11399 the indigent drivers alcohol treatment fund, which is hereby 11400 established in the state treasury. Except as otherwise provided in 11401 division (F)(2)(c) of this section, moneys in the fund shall be 11402 distributed by the The department of mental health and addiction 11403 services shall distribute the moneys in that fund to the county 11404 indigent drivers alcohol treatment funds, the county juvenile 11405 indigent drivers alcohol treatment funds, and the municipal 11406 indigent drivers alcohol treatment funds that are required to be 11407 established by counties and municipal corporations pursuant to 11408 division (H) of this section<del>, and shall</del> to be used only <del>to pay the</del> 11409 cost of an alcohol and drug addiction treatment program attended 11410 by an offender or juvenile traffic offender who is ordered to 11411 attend an alcohol and drug addiction treatment program by a 11412 county, juvenile, or municipal court judge and who is determined 11413 by the county, juvenile, or municipal court judge not to have the 11414 means to pay for the person's attendance at the program or to pay 11415 the costs specified in division (H)(4) of this section in 11416 accordance with that division. In addition, a county, juvenile, or 11417

11442

municipal court judge may use moneys in the county indigent	11418
drivers alcohol treatment fund, county juvenile indigent drivers	11419
alcohol treatment fund, or municipal indigent drivers alcohol	11420
treatment fund to pay for the cost of the continued use of an	11421
alcohol monitoring device as described in divisions (H)(3) and (4)	11422
of this section as provided in division (H)(3) of this section.	11423
Moneys in the fund that are not distributed to a county indigent	11424
drivers alcohol treatment fund, a county juvenile indigent drivers	11425
alcohol treatment fund, or a municipal indigent drivers alcohol	11426
treatment fund under division (H) of this section because the	11427
director of mental health and addiction services does not have the	11428
information necessary to identify the county or municipal	11429
corporation where the offender or juvenile offender was arrested	11430
may be transferred by the director of budget and management to the	11431
statewide treatment and prevention fund created by section 4301.30	11432
of the Revised Code, upon certification of the amount by the	11433
director of mental health and addiction services.	11434
(d) Seventy-five dollars shall be credited to the	11435
opportunities for Ohioans with disabilities agency established by	11436
section 3304.15 of the Revised Code, to the services for	11437
rehabilitation fund, which is hereby established. The fund shall	11438
be used to match available federal matching funds where	11439
appropriate, and for any other purpose or program of the agency to	11440

(e) Seventy-five dollars shall be deposited into the state 11443 treasury and credited to the drug abuse resistance education 11444 programs fund, which is hereby established, to be used by the 11445 attorney general for the purposes specified in division (F)(4) of 11446 this section.

rehabilitate persons with disabilities to help them become

employed and independent.

(f) Thirty dollars shall be credited to the state bureau of 11448 motor vehicles fund created by section 4501.25 of the Revised 11449

Code. 11450

(g) Twenty dollars shall be credited to the trauma and 11451 emergency medical services fund created by section 4513.263 of the 11452 Revised Code.

- (h) Fifty dollars shall be credited to the indigent drivers 11454 interlock and alcohol monitoring fund, which is hereby established 11455 in the state treasury. Moneys in the fund shall be distributed by 11456 the department of public safety to the county indigent drivers 11457 interlock and alcohol monitoring funds, the county juvenile 11458 indigent drivers interlock and alcohol monitoring funds, and the 11459 municipal indigent drivers interlock and alcohol monitoring funds 11460 that are required to be established by counties and municipal 11461 corporations pursuant to this section, and shall be used only to 11462 pay the cost of an immobilizing or disabling device, including a 11463 certified ignition interlock device, or an alcohol monitoring 11464 device used by an offender or juvenile offender who is ordered to 11465 use the device by a county, juvenile, or municipal court judge and 11466 who is determined by the county, juvenile, or municipal court 11467 judge not to have the means to pay for the person's use of the 11468 device. 11469
- (3) If a person's driver's or commercial driver's license or 11470 permit is suspended under this section, under section 4511.196 or 11471 division (G) of section 4511.19 of the Revised Code, under section 11472 4510.07 of the Revised Code for a violation of a municipal OVI 11473 ordinance or under any combination of the suspensions described in 11474 division (F)(3) of this section, and if the suspensions arise from 11475 a single incident or a single set of facts and circumstances, the 11476 person is liable for payment of, and shall be required to pay to 11477 the registrar or an eligible deputy registrar, only one 11478 reinstatement fee of four hundred seventy-five dollars. The 11479 reinstatement fee shall be distributed by the bureau in accordance 11480 with division (F)(2) of this section. 11481

(4) The attorney general shall use amounts in the drug abuse	11482
resistance education programs fund to award grants to law	11483
enforcement agencies to establish and implement drug abuse	11484
resistance education programs in public schools. Grants awarded to	11485
a law enforcement agency under this section shall be used by the	11486
agency to pay for not more than fifty per cent of the amount of	11487
the salaries of law enforcement officers who conduct drug abuse	11488
resistance education programs in public schools. The attorney	11489
general shall not use more than six per cent of the amounts the	11490
attorney general's office receives under division (F)(2)(e) of	11491
this section to pay the costs it incurs in administering the grant	11492
program established by division $(F)(2)(e)$ of this section and in	11493
providing training and materials relating to drug abuse resistance	11494
education programs.	11495

The attorney general shall report to the governor and the 11496 general assembly each fiscal year on the progress made in 11497 establishing and implementing drug abuse resistance education 11498 programs. These reports shall include an evaluation of the 11499 effectiveness of these programs.

- (5) In addition to the reinstatement fee under this section, 11501 if the person pays the reinstatement fee to a deputy registrar, 11502 the deputy registrar shall collect a service fee of ten dollars to 11503 compensate the deputy registrar for services performed under this 11504 section. The deputy registrar shall retain eight dollars of the 11505 service fee and shall transmit the reinstatement fee, plus two 11506 dollars of the service fee, to the registrar in the manner the 11507 registrar shall determine. 11508
- (G) Suspension of a commercial driver's license under 11509 division (B) or (C) of this section shall be concurrent with any 11510 period of disqualification under section 3123.611 or 4506.16 of 11511 the Revised Code or any period of suspension under section 3123.58 11512 of the Revised Code. No person who is disqualified for life from 11513

holding a commercial driver's license under section 4506.16 of the	11514
Revised Code shall be issued a driver's license under Chapter	11515
4507. of the Revised Code during the period for which the	11516
commercial driver's license was suspended under division (B) or	11517
(C) of this section. No person whose commercial driver's license	11518
is suspended under division (B) or (C) of this section shall be	11519
issued a driver's license under Chapter 4507. of the Revised Code	11520
during the period of the suspension.	11521
(H)(1) Each county shall establish an indigent drivers	11522
alcohol treatment fund, each county shall establish and a juvenile	11523
indigent drivers alcohol treatment fund, and each. Each municipal	11524
corporation in which there is a municipal court shall establish an	11525
indigent drivers alcohol treatment fund. All revenue that the	11526
general assembly appropriates to the indigent drivers alcohol	11527
treatment fund for transfer to a county indigent drivers alcohol	11528
treatment fund, a county juvenile indigent drivers alcohol	11529
treatment fund, or a municipal indigent drivers alcohol treatment	11530
fund, all portions of fees that are paid under division (F) of	11531
this section and that are credited under that division to the	11532
indigent drivers alcohol treatment fund in the state treasury for	11533
a county indigent drivers alcohol treatment fund, a county	11534
juvenile indigent drivers alcohol treatment fund, or a municipal	11535
indigent drivers alcohol treatment fund, all portions of	11536
additional costs imposed under section 2949.094 of the Revised	11537
Code that are specified for deposit into a county, county	11538
juvenile, or municipal indigent drivers alcohol treatment fund by	11539
that section, and all portions of fines that are specified for	11540
deposit into a county or municipal indigent drivers alcohol	11541
treatment fund by section 4511.193 of the Revised Code shall be	11542
deposited into that county indigent drivers alcohol treatment	11543
fund, county juvenile indigent drivers alcohol treatment fund, or	11544
municipal indigent drivers alcohol treatment fund. The portions of	11545
the fees paid under division (F) of this section that are to be so	11546

deposited shall be determined in accordance with division (H)(2)	11547
of this section. Additionally, all portions of fines that are paid	11548
for a violation of section 4511.19 of the Revised Code or of any	11549
prohibition contained in Chapter 4510. of the Revised Code, and	11550
that are required under section 4511.19 or any provision of	11551
Chapter 4510. of the Revised Code to be deposited into a county	11552
indigent drivers alcohol treatment fund or municipal indigent	11553
drivers alcohol treatment fund shall be deposited into the	11554
appropriate fund in accordance with the applicable division of the	11555
section or provision.	11556
The treasurer of state or other appropriate official, as	11557
applicable, shall transfer the following into each county indigent	11558
drivers alcohol treatment fund, county juvenile indigent drivers	11559
alcohol treatment fund, or municipal indigent drivers alcohol	11560
treatment fund, as applicable:	11561
(a) All revenue the general assembly appropriates to the	11562
indigent drivers alcohol treatment fund for transfer into such a	11563
fund;	11564
(b) All portions of fees paid under division (F) of this	11565
(b) All portions of fees paid under division (F) of this section that, in accordance with division (H)(2) of this section,	11565 11566
section that, in accordance with division (H)(2) of this section,	11566
section that, in accordance with division (H)(2) of this section, are credited to the indigent drivers alcohol treatment fund for	11566 11567
section that, in accordance with division (H)(2) of this section, are credited to the indigent drivers alcohol treatment fund for deposit into such a fund;	11566 11567 11568
section that, in accordance with division (H)(2) of this section, are credited to the indigent drivers alcohol treatment fund for deposit into such a fund;  (c) All portions of additional costs imposed under section	11566 11567 11568 11569
section that, in accordance with division (H)(2) of this section, are credited to the indigent drivers alcohol treatment fund for deposit into such a fund;  (c) All portions of additional costs imposed under section 2949.094 of the Revised Code that are required to be deposited	11566 11567 11568 11569 11570
section that, in accordance with division (H)(2) of this section, are credited to the indigent drivers alcohol treatment fund for deposit into such a fund;  (c) All portions of additional costs imposed under section 2949.094 of the Revised Code that are required to be deposited into such a fund;	11566 11567 11568 11569 11570 11571
section that, in accordance with division (H)(2) of this section, are credited to the indigent drivers alcohol treatment fund for deposit into such a fund;  (c) All portions of additional costs imposed under section 2949.094 of the Revised Code that are required to be deposited into such a fund;  (d) All portions of fines that are required to be deposited	11566 11567 11568 11569 11570 11571
section that, in accordance with division (H)(2) of this section, are credited to the indigent drivers alcohol treatment fund for deposit into such a fund;  (c) All portions of additional costs imposed under section 2949.094 of the Revised Code that are required to be deposited into such a fund;  (d) All portions of fines that are required to be deposited into such a fund under section 4511.193 of the Revised Code;	11566 11567 11568 11569 11570 11571 11572 11573
section that, in accordance with division (H)(2) of this section, are credited to the indigent drivers alcohol treatment fund for deposit into such a fund;  (c) All portions of additional costs imposed under section 2949.094 of the Revised Code that are required to be deposited into such a fund;  (d) All portions of fines that are required to be deposited into such a fund under section 4511.193 of the Revised Code;  (e) All portions of fines paid under section 4511.19 of the	11566 11567 11568 11569 11570 11571 11572 11573

paid under division (F) of this section and that is credited under	11578
that division to the indigent drivers alcohol treatment fund shall	11579
be deposited into a county indigent drivers alcohol treatment	11580
fund, a county juvenile indigent drivers alcohol treatment fund,	11581
or a municipal indigent drivers alcohol treatment fund as follows:	11582
(a) Regarding a suspension imposed under this section, that	11583
portion of the fee shall be deposited as follows:	11584
(i) If the fee is paid by a person who was charged in a	11585
county court with the violation that resulted in the suspension or	11586
in the imposition of the court costs, the portion shall be	11587
deposited into the county indigent drivers alcohol treatment fund	11588
under the control of that court;	11589
(ii) If the fee is paid by a person who was charged in a	11590
juvenile court with the violation that resulted in the suspension	11591
or in the imposition of the court costs, the portion shall be	11592
deposited into the county juvenile indigent drivers alcohol	11593
treatment fund established in the county served by the court;	11594
(iii) If the fee is paid by a person who was charged in a	11595
municipal court with the violation that resulted in the suspension	11596
or in the imposition of the court costs, the portion shall be	11597
deposited into the municipal indigent drivers alcohol treatment	11598
fund under the control of that court.	11599
(b) Regarding a suspension imposed under section 4511.19 of	11600
the Revised Code or under section 4510.07 of the Revised Code for	11601
a violation of a municipal OVI ordinance, that portion of the fee	11602
shall be deposited as follows:	11603
(i) If the fee is paid by a person whose license or permit	11604
was suspended by a county court, the portion shall be deposited	11605
into the county indigent drivers alcohol treatment fund under the	11606
control of that court;	11607

(ii) If the fee is paid by a person whose license or permit

was suspended by a municipal court, the portion shall be deposited	11609
into the municipal indigent drivers alcohol treatment fund under	11610
the control of that court.	11611
(3) Expenditures (a) As used in division (H)(3) of this	11612
section, "indigent person" means a person who is convicted of, or	11613
found to be a juvenile traffic offender by reason of, a violation	11614
of division (A) of section 4511.19 of the Revised Code or a	11615
substantially similar municipal ordinance, who is ordered by the	11616
court to attend an alcohol and drug addiction treatment program,	11617
and who is determined by the court under division (H)(5) of this	11618
section to be unable to pay the cost of the assessment or the cost	11619
of attendance at the treatment program.	11620
(b) A county, juvenile, or municipal court judge, by order,	11621
may make expenditures from a county indigent drivers alcohol	11622
treatment fund, a county juvenile indigent drivers alcohol	11623
treatment fund, or a municipal indigent drivers alcohol treatment	11624
fund shall be made only upon the order of a county, juvenile, or	11625
municipal court judge and only for payment of the cost of an	11626
assessment or the cost of the attendance at an alcohol and drug	11627
addiction treatment program of a with respect to an indigent	11628
person who is convicted of, or found to be a juvenile traffic	11629
offender by reason of, a violation of division (A) of section	11630
4511.19 of the Revised Code or a substantially similar municipal	11631
ordinance, who is ordered by the court to attend the alcohol and	11632
drug addiction treatment program, and who is determined by the	11633
court to be unable to pay the cost of the assessment or the cost	11634
of attendance at the treatment program or for payment of the costs	11635
specified in division (H)(4) of this section in accordance with	11636
that division. The for any of the following:	11637
(i) To pay the cost of an assessment that is conducted by an	11638
appropriately licensed clinician at either a driver intervention	11639
program that is certified under section 5119.38 of the Revised	11640

Code or at a community addiction services provider that is	11641
certified under section 5119.36 of the Revised Code;	11642
(ii) To pay the cost of alcohol addiction services, drug	11643
addiction services, or integrated alcohol and drug addiction	11644
services at a community addiction services provider that is	11645
certified under section 5119.36 of the Revised Code;	11646
(iii) To pay the cost of transportation to attend an	11647
assessment as provided under division (H)(3)(b)(i) of this section	11648
or addiction services as provided under division (H)(3)(b)(ii) of	11649
this section.	11650
The alcohol and drug addiction services board or the board of	11651
alcohol, drug addiction, and mental health services established	11652
pursuant to section 340.02 or 340.021 of the Revised Code and	11653
serving the alcohol, drug addiction, and mental health service	11654
district in which the court is located shall administer the	11655
indigent drivers alcohol treatment program of the court. When a	11656
court orders an offender or juvenile traffic offender to obtain an	11657
assessment or attend an alcohol and drug addiction treatment	11658
program, the board shall determine which program is suitable to	11659
meet the needs of the offender or juvenile traffic offender, and	11660
when a suitable program is located and space is available at the	11661
program, the offender or juvenile traffic offender shall attend	11662
the program designated by the board. A reasonable amount not to	11663
exceed five per cent of the amounts credited to and deposited into	11664
the county indigent drivers alcohol treatment fund, the county	11665
juvenile indigent drivers alcohol treatment fund, or the municipal	11666
indigent drivers alcohol treatment fund serving every court whose	11667
program is administered by that board shall be paid to the board	11668
to cover the costs it incurs in administering those indigent	11669
drivers alcohol treatment programs.	11670
In addition, upon (c) Upon exhaustion of moneys in the	11671
	11656

indigent drivers interlock and alcohol monitoring fund for the use

of an alcohol monitoring device, a county, juvenile, or municipal	11673
court judge may use moneys in the county indigent drivers alcohol	11674
treatment fund, county juvenile indigent drivers alcohol treatment	11675
fund, or municipal indigent drivers alcohol treatment fund in	11676
<pre>either of the following manners:</pre>	11677

(a)(i) If the source of the moneys was an appropriation of 11678 the general assembly, a portion of a fee that was paid under 11679 division (F) of this section, a portion of a fine that was 11680 specified for deposit into the fund by section 4511.193 of the 11681 Revised Code, or a portion of a fine that was paid for a violation 11682 of section 4511.19 of the Revised Code or of a provision contained 11683 in Chapter 4510. of the Revised Code that was required to be 11684 deposited into the fund, to pay for the continued use of an 11685 alcohol monitoring device by an offender or juvenile traffic 11686 offender, in conjunction with a treatment program approved by the 11687 department of mental health and addiction services, when such use 11688 is determined clinically necessary by the treatment program and 11689 when the court determines that the offender or juvenile traffic 11690 offender is unable to pay all or part of the daily monitoring or 11691 cost of the device; 11692

(b)(ii) If the source of the moneys was a portion of an 11693 additional court cost imposed under section 2949.094 of the 11694 Revised Code, to pay for the continued use of an alcohol 11695 monitoring device by an offender or juvenile traffic offender when 11696 the court determines that the offender or juvenile traffic 11697 offender is unable to pay all or part of the daily monitoring or 11698 cost of the device. The moneys may be used for a device as 11699 described in this division if the use of the device is in 11700 conjunction with a treatment program approved by the department of 11701 mental health and addiction services, when the use of the device 11702 is determined clinically necessary by the treatment program, but 11703 the use of a device is not required to be in conjunction with a 11704

treatment program approved by the department in order for the	11705
moneys to be used for the device as described in this division.	11706
(4) If a county, juvenile, or municipal court determines, in	11707
consultation with the alcohol and drug addiction services board or	11708
the board of alcohol, drug addiction, and mental health services	11709
established pursuant to section 340.02 or 340.021 of the Revised	11710
Code and serving the alcohol, drug addiction, and mental health	11711
district in which the court is located, that the funds in the	11712
county indigent drivers alcohol treatment fund, the county	11713
juvenile indigent drivers alcohol treatment fund, or the municipal	11714
indigent drivers alcohol treatment fund under the control of the	11715
court are more than sufficient to satisfy the purpose for which	11716
the fund was established, as specified in divisions $(H)(1)$ to $(3)$	11717
of this section, the court may declare a surplus in the fund. If	11718
the court declares a surplus in the fund, the court may <del>expend</del>	11719
take any of the following actions with regard to the amount of the	11720
surplus in the fund <del>for</del> :	11721
(a) Alcohol Expend any of the surplus amount for alcohol and	11722
drug abuse assessment and treatment, and for the cost of	11723
transportation related to assessment and treatment, of persons who	11724
are charged in the court with committing a criminal offense or	11725
with being a delinquent child or juvenile traffic offender and in	11726
relation to whom both of the following apply:	11727
(i) The court determines that substance abuse was a	11728
contributing factor leading to the criminal or delinquent activity	11729
or the juvenile traffic offense with which the person is charged.	11730
(ii) The court determines that the person is unable to pay	11731
the cost of the alcohol and drug abuse assessment and treatment	11732
for which the surplus money will be used.	11733
(b) All Expend any of the surplus amount to pay all or part	11734

of the cost of purchasing alcohol monitoring devices to be used in

conjunction with division $(H)(3)(c)$ of this section, upon	11736
exhaustion of moneys in the indigent drivers interlock and alcohol	11737
monitoring fund for the use of an alcohol monitoring device.	11738
(c) Transfer to another court in the same county any of the	11739
surplus amount to be utilized in a manner consistent with division	11740
(H)(3) of this section. If surplus funds are transferred to	11741
another court, the court that transfers the funds shall notify the	11742
alcohol and drug addiction services board or the board of alcohol,	11743
drug addiction, and mental health services that serves the	11744
alcohol, drug addiction, and mental health service district in	11745
which that court is located.	11746
(d) Transfer to the alcohol and drug addiction services board	11747
or the board of alcohol, drug addiction, and mental health	11748
services that serves the alcohol, drug addiction, and mental	11749
health service district in which the court is located any of the	11750
surplus amount to be utilized in a manner consistent with division	11751
(H)(3) of this section or for board contracted recovery support	11752
services.	11753
(5) For the purpose of determining as described in division	11754
(F)(2)(c) of this section whether In order to determine if an	11755
offender does not have the means to pay for the offender's	11756
attendance at an alcohol and drug addiction treatment program <u>for</u>	11757
purposes of division (H)(3) of this section or whether if an	11758
alleged offender or delinquent child is unable to pay the costs	11759
specified in division $(H)(4)$ of this section, the court shall use	11760
the indigent client eligibility guidelines and the standards of	11761
indigency established by the state public defender to make the	11762
determination.	11763
(6) The court shall identify and refer any community	11764
addiction services provider that is not certified under section	11765
5119.36 of the Revised Code and that is interested in receiving	11766
amounts from the surplus in the fund declared under division	11767

(H)(4) of this section to the department of mental health and	11768
addiction services in order for the services provider to become a	11769
certified community addiction services provider. The department	11770
shall keep a record of applicant referrals received pursuant to	11771
this division and shall submit a report on the referrals each year	11772
to the general assembly. If a services provider interested in	11773
becoming certified makes an application to become certified	11774
pursuant to section 5119.36 of the Revised Code, the services	11775
provider is eligible to receive surplus funds as long as the	11776
application is pending with the department. The department of	11777
mental health and addiction services must offer technical	11778
assistance to the applicant. If the interested services provider	11779
withdraws the certification application, the department must	11780
notify the court, and the court shall not provide the interested	11781
services provider with any further surplus funds.	11782

- (7)(a) Each alcohol and drug addiction services board and 11783 board of alcohol, drug addiction, and mental health services 11784 established pursuant to section 340.02 or 340.021 of the Revised 11785 Code shall submit to the department of mental health and addiction 11786 services an annual report for each indigent drivers alcohol 11787 treatment fund in that board's area.
- (b) The report, which shall be submitted not later than sixty 11789 days after the end of the state fiscal year, shall provide the 11790 total payment that was made from the fund, including the number of 11791 indigent consumers that received treatment services and the number 11792 of indigent consumers that received an alcohol monitoring device. 11793 The report shall identify the treatment program and expenditure 11794 for an alcohol monitoring device for which that payment was made. 11795 The report shall include the fiscal year balance of each indigent 11796 drivers alcohol treatment fund located in that board's area. In 11797 the event that a surplus is declared in the fund pursuant to 11798 division (H)(4) of this section, the report also shall provide the 11799

	11000
total payment that was made from the surplus moneys and identify	11800
the treatment program and expenditure for an alcohol monitoring	11801
device authorized purpose for which that payment was made.	11802
(c) If a board is unable to obtain adequate information to	11803
develop the report to submit to the department for a particular	11804
indigent drivers alcohol treatment fund, the board shall submit a	11805
report detailing the effort made in obtaining the information.	11806
(I)(1) Each county shall establish an indigent drivers	11807
interlock and alcohol monitoring fund and a juvenile indigent	11808
drivers interlock and alcohol treatment fund, and each. Each	11809
municipal corporation in which there is a municipal court shall	11810
establish an indigent drivers interlock and alcohol monitoring	11811
fund. All revenue that the general assembly appropriates to the	11812
indigent drivers interlock and alcohol monitoring fund for	11813
transfer to a county indigent drivers interlock and alcohol	11814
monitoring fund, a county juvenile indigent drivers interlock and	11815
alcohol monitoring fund, or a municipal indigent drivers interlock	11816
and alcohol monitoring fund, all portions of license reinstatement	11817
fees that are paid under division (F)(2) of this section and that	11818
are credited under that division to the indigent drivers interlock	11819
and alcohol monitoring fund in the state treasury, and all	11820
portions of fines that are paid under division (G) of section	11821
4511.19 of the Revised Code and that are credited by division	11822
(G)(5)(e) of that section to the indigent drivers interlock and	11823
alcohol monitoring fund in the state treasury shall be deposited	11824
in the appropriate fund in accordance with division (I)(2) of this	11825
section.	11826
The treasurer of state shall transfer the following into each	11827
county indigent drivers interlock and alcohol monitoring fund,	11828
county juvenile indigent drivers interlock and alcohol monitoring	11829
fund, or municipal indigent drivers interlock and alcohol	11830
monitoring fund, as applicable:	11831

(a) All revenue the general assembly appropriates to the	11832
indigent drivers interlock and alcohol monitoring fund for	11833
transfer into such a fund;	11834
(b) All portions of license reinstatement fees paid under	11835
division (F)(2) of this section that, in accordance with division	11836
(I)(2) of this section, are credited to the indigent drivers	11837
interlock and alcohol monitoring fund for deposit into a such	11838
fund;	11839
(c) All portions of fines that are paid under division (G) of	11840
section 4511.19 of the Revised Code and are credited by division	11841
(G)(5)(e) of that section to the indigent drivers interlock and	11842
alcohol monitoring fund for deposit into such a fund in accordance	11843
with division (I)(2) of this section.	11844
(2) That portion of the license reinstatement fee that is	11845
paid under division (F) of this section and that portion of the	11846
fine paid under division (G) of section 4511.19 of the Revised	11847
Code and that is credited under either division to the indigent	11848
drivers interlock and alcohol monitoring fund shall be deposited	11849
into a county indigent drivers interlock and alcohol monitoring	11850
fund, a county juvenile indigent drivers interlock and alcohol	11851
monitoring fund, or a municipal indigent drivers interlock and	11852
alcohol monitoring fund as follows:	11853
(a) If the fee or fine is paid by a person who was charged in	11854
a county court with the violation that resulted in the suspension	11855
or fine, the portion shall be deposited into the county indigent	11856
drivers interlock and alcohol monitoring fund under the control of	11857
that court.	11858
(b) If the fee or fine is paid by a person who was charged in	11859
a juvenile court with the violation that resulted in the	11860
suspension or fine, the portion shall be deposited into the county	11861
juvenile indigent drivers interlock and alcohol monitoring fund	11862

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established in the county served by the court.	11863
(c) If the fee or fine is paid by a person who was charged in	11864
a municipal court with the violation that resulted in the	11865
suspension, the portion shall be deposited into the municipal	11866
indigent drivers interlock and alcohol monitoring fund under the	11867
control of that court.	11868
(3) If a county, juvenile, or municipal court determines that	11869
the funds in the county indigent drivers interlock and alcohol	11870
monitoring fund, the county juvenile indigent drivers interlock	11871
and alcohol monitoring fund, or the municipal indigent drivers	11872
interlock and alcohol monitoring fund under the control of that	11873
court are more than sufficient to satisfy the purpose for which	11874
the fund was established as specified in division (F)(2)(h) of	11875
this section, the court may declare a surplus in the fund. The	11876
court then may order the transfer of a specified amount into the	11877
county indigent drivers alcohol treatment fund, the county	11878
juvenile indigent drivers alcohol treatment fund, or the municipal	11879
indigent drivers alcohol treatment fund under the control of that	11880
court to be utilized in accordance with division (H) of this	11881
section.	11882
Sec. 4715.15. When a dentist orders a test for the presence	11883
of Lyme disease in a patient, the dentist or dentist's delegate	11884
shall provide to the patient or patient's representative a written	11885
notice with the following information:	11886
"Your health care provider has ordered a test for the	11887
presence of Lyme disease. Current testing for Lyme disease can be	11888
problematic and may lead to false results. If you are tested for	11889
Lyme disease and the results are positive, this does not	11890
necessarily mean that you have contracted Lyme disease. In the	11891
alternative, if the results are negative, this does not	11892
necessarily mean that you have not contracted Lyme disease. If you	11893

continue to experience symptoms or have other health concerns, you	11894
should contact your health care provider and inquire about the	11895
appropriateness of additional testing or treatment."	11896
The dentist or dentist's delegate shall obtain a signature	11897
from the patient or patient's representative indicating receipt of	11898
the notice. The document containing the signature shall be kept in	11899
the patient's record.	11900
Sec. 4723.433. When an advanced practice registered nurse	11901
orders a test for the presence of Lyme disease in a patient, the	11902
nurse or nurse's delegate shall provide to the patient or	11903
patient's representative a written notice with the following	11904
<u>information:</u>	11905
"Your health care provider has ordered a test for the	11906
presence of Lyme disease. Current testing for Lyme disease can be	11907
problematic and may lead to false results. If you are tested for	11908
Lyme disease and the results are positive, this does not	11909
necessarily mean that you have contracted Lyme disease. In the	11910
alternative, if the results are negative, this does not	11911
necessarily mean that you have not contracted Lyme disease. If you	11912
continue to experience symptoms or have other health concerns, you	11913
should contact your health care provider and inquire about the	11914
appropriateness of additional testing or treatment."	11915
The nurse or nurse's delegate shall obtain a signature from	11916
the patient or patient's representative indicating receipt of the	11917
notice. The document containing the signature shall be kept in the	11918
<pre>patient's record.</pre>	11919
Sec. 4729.03. The state board of pharmacy shall organize by	11920
electing a president and a vice-president who are members of the	11921
board. The president shall preside over the meetings of the board,	11922
but shall not vote upon matters determined by the board, except in	11923

·	
the event of a tie vote, in which case the president shall vote.	11924
The board shall also employ an executive director who is a	11925
licensed pharmacist in good standing in the practice of pharmacy	11926
in this state. The person employed shall not be a member of the	11927
board. Each of the officers elected shall serve for a term of one	11928
year. The members of the board shall receive an amount fixed	11929
pursuant to division (J) of section 124.15 of the Revised Code for	11930
each day employed in the discharge of their official duties and	11931
their necessary expenses while engaged therein.	11932
Sec. 4729.54. (A) As used in this section and section	11933
4729.541 of the Revised Code:	11934
(1) "Category I" means single-dose injections of intravenous	11935
fluids, including saline, Ringer's lactate, five per cent dextrose	11936
and distilled water, and other intravenous fluids or parenteral	11937
solutions included in this category by rule of the state board of	11938
pharmacy, that have a volume of one hundred milliliters or more	11939
and that contain no added substances, or single-dose injections of	11940
epinephrine to be administered pursuant to sections 4765.38 and	11941
4765.39 of the Revised Code.	11942
(2) "Category II" means any dangerous drug that is not	11943
included in category I or III.	11944
(3) "Category III" means any controlled substance that is	11945

(4) "Emergency medical service organization" has the same 11947 meaning as in section 4765.01 of the Revised Code. 11948

contained in schedule I, II, III, IV, or V.

- (5) "Person" includes an emergency medical service 11949 organization.
- (6) "Schedule I, schedule II, schedule III, schedule IV, and 11951
  schedule V" mean controlled substance schedules I, II, III, IV, 11952
  and V, respectively, as established pursuant to section 3719.41 of 11953

the Revised Code and as amended.	11954
(B)(1) A person who desires to be licensed as a terminal	11955
distributor of dangerous drugs shall file with the executive	11956
director of the state board of pharmacy a verified application.	11957
After it is filed, the application may not be withdrawn without	11958
approval of the board.	11959
(2) An application shall contain all the following that apply	11960
in the applicant's case:	11961
(a) Information that the board requires relative to the	11962
qualifications of a terminal distributor of dangerous drugs set	11963
forth in section 4729.55 of the Revised Code;	11964
(b) A statement that the person wishes to be licensed as a	11965
category I, category II, category III, limited category I, limited	11966
category II, or limited category III terminal distributor of	11967
dangerous drugs;	11968
(c) If the person wishes to be licensed as a limited category	11969
I, limited category II, or limited category III terminal	11970
distributor of dangerous drugs, a notarized list of the dangerous	11971
drugs that the person wishes to possess, have custody or control	11972
of, and distribute, which list shall also specify the purpose for	11973
which those drugs will be used and their source;	11974
(d) If the person is an emergency medical service	11975
organization, the information that is specified in division $(C)(1)$	11976
of this section;	11977
(e) Except for an emergency medical service organization, the	11978
identity of the one establishment or place at which the person	11979
intends to engage in the sale or other distribution of dangerous	11980
drugs at retail, and maintain possession, custody, or control of	11981
dangerous drugs for purposes other than the person's own use or	11982
consumption;	11983

(f) If the application pertains to a pain management clinic,	11984
information that demonstrates, to the satisfaction of the board,	11985
compliance with division (A) of section 4729.552 of the Revised	11986
Code.	11987
(C)(1) An emergency medical service organization that wishes	11988
to be licensed as a terminal distributor of dangerous drugs shall	11989
list in its application for licensure the following additional	11990
information:	11991
(a) The units under its control that the organization	11992
determines will possess dangerous drugs for the purpose of	11993
administering emergency medical services in accordance with	11994
Chapter 4765. of the Revised Code;	11995
(b) With respect to each such unit, whether the dangerous	11996
drugs that the organization determines the unit will possess are	11997
in category I, II, or III.	11998
(2) An emergency medical service organization that is	11999
(2) An emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall file a	11999 12000
licensed as a terminal distributor of dangerous drugs shall file a	12000
licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the	12000 12001
licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the	12000 12001 12002
licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.	12000 12001 12002 12003
licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.  (3) A unit listed in an application for licensure pursuant to	12000 12001 12002 12003 12004
licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.  (3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it	12000 12001 12002 12003 12004 12005
licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.  (3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service	12000 12001 12002 12003 12004 12005 12006
licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.  (3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy.	12000 12001 12002 12003 12004 12005 12006 12007
licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.  (3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy. If units will obtain dangerous drugs from a hospital pharmacy, the	12000 12001 12002 12003 12004 12005 12006 12007 12008
licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.  (3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy. If units will obtain dangerous drugs from a hospital pharmacy, the organization shall file, and maintain in current form, the	12000 12001 12002 12003 12004 12005 12006 12007 12008 12009
licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.  (3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy. If units will obtain dangerous drugs from a hospital pharmacy, the organization shall file, and maintain in current form, the following items with the pharmacist who is responsible for the	12000 12001 12002 12003 12004 12005 12006 12007 12008 12009 12010
licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.  (3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy. If units will obtain dangerous drugs from a hospital pharmacy, the organization shall file, and maintain in current form, the following items with the pharmacist who is responsible for the hospital's terminal distributor of dangerous drugs license:	12000 12001 12002 12003 12004 12005 12006 12007 12008 12009 12010 12011

organization to provide emergency medical services in accordance

with Chapter 4765. of the Revised Code, who are authorized to	12015
possess the drugs, which list also shall indicate the personnel	12016
who are authorized to administer the drugs.	12017
(D) Each emergency medical service organization that applies	12018
for a terminal distributor of dangerous drugs license shall submit	12019
with its application the following:	12020
(1) A notarized copy of its standing orders or protocol,	12021
which orders or protocol shall be signed by a physician and	12022
specify the dangerous drugs that its units may carry, expressed in	12023
standard dose units;	12024
(2) A list of the personnel employed or used by the	12025
organization to provide emergency medical services in accordance	12026
with Chapter 4765. of the Revised Code.	12027
An emergency medical service organization that is licensed as	12028
a terminal distributor shall notify the board immediately of any	12029
changes in its standing orders or protocol.	12030
(E) There shall be six categories of terminal distributor of	12031
dangerous drugs licenses, which categories shall be as follows:	12032
(1) Category I license. A person who obtains this license may	12033
possess, have custody or control of, and distribute only the	12033
dangerous drugs described in category I.	12035
(2) Limited category I license. A person who obtains this	12036
license may possess, have custody or control of, and distribute	12037
only the dangerous drugs described in category I that were listed	12038
in the application for licensure.	12039
(3) Category II license. A person who obtains this license	12040
may possess, have custody or control of, and distribute only the	12041
dangerous drugs described in category I and category II.	12042

license may possess, have custody or control of, and distribute

only	the	dangerou	ıs (	drugs	described	in	category	Ι	or	category	II	12045
that	were	e listed	in	the	application	fc	or licensu	ıre	≘.			12046

- (5) Category III license, which may include a pain management 12047 clinic classification issued under section 4729.552 of the Revised 12048 Code. A person who obtains this license may possess, have custody 12049 or control of, and distribute the dangerous drugs described in 12050 category I, category II, and category III. If the license includes 12051 a pain management clinic classification, the person may operate a 12052 pain management clinic. 12053
- (6) Limited category III license. A person who obtains this 12054 license may possess, have custody or control of, and distribute 12055 only the dangerous drugs described in category I, category II, or 12056 category III that were listed in the application for licensure. 12057
- (F) Except for an application made on behalf of an animal 12058 shelter, if an applicant for licensure as a limited category I, 12059 II, or III terminal distributor of dangerous drugs intends to 12060 administer dangerous drugs to a person or animal, the applicant 12061 shall submit, with the application, a notarized copy of its 12062 protocol or standing orders, which protocol or orders shall be 12063 signed by a licensed health professional authorized to prescribe 12064 drugs, specify the dangerous drugs to be administered, and list 12065 personnel who are authorized to administer the dangerous drugs in 12066 accordance with federal law or the law of this state. An 12067 application made on behalf of an animal shelter shall include a 12068 notarized list of the dangerous drugs to be administered to 12069 animals and the personnel who are authorized to administer the 12070 drugs to animals in accordance with section 4729.532 of the 12071 Revised Code. After obtaining a terminal distributor license, a 12072 licensee shall notify the board immediately of any changes in its 12073 protocol or standing orders, or in such personnel. 12074
- (G)(1) Except as provided in division (G)(2) of this section, 12075 each applicant for licensure as a terminal distributor of 12076

dangerous drugs shall submit, with the application, a license fee determined as follows:	12077 12078
<pre>(a) For a category I or limited category I license, forty-five dollars;</pre>	12079 12080
(b) For a category II or limited category II license, one hundred twelve dollars and fifty cents;	12081 12082
(c) For a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a limited category III license, one hundred fifty dollars.	12083 12084 12085 12086
(2) For a professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine, the fee shall be forty dollars.	12087 12088 12089
(3) Fees assessed under divisions $(G)(1)$ and $(2)$ of this section shall not be returned if the applicant fails to qualify for registration.	12090 12091 12092
(H)(1) The board shall issue a terminal distributor of dangerous drugs license to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other applicable requirements of this section.	12093 12094 12095 12096 12097 12098
(2) The license of a person other than an emergency medical service organization shall describe the one establishment or place at which the licensee may 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 licensee's own use or consumption. The one establishment or place shall be that which is described in the application for licensure.	12099 12100 12101 12102 12103 12104 12105
No such license shall authorize or permit the terminal	12106

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distributor of dangerous drugs named in it to engage in the sale 12107 or other distribution of dangerous drugs at retail or to maintain 12108 possession, custody, or control of dangerous drugs for any purpose 12109 other than the distributor's own use or consumption, at any 12110 establishment or place other than that described in the license, 12111 except that an agent or employee of an animal shelter may possess 12112 and use dangerous drugs in the course of business as provided in 12113 division (D) of section 4729.532 of the Revised Code. 12114

- (3) The license of an emergency medical service organization 12115
   shall cover and describe all the units of the organization listed 12116
   in its application for licensure. 12117
- (4) The license of every terminal distributor of dangerous 12118 drugs shall indicate, on its face, the category of licensure. If 12119 the license is a limited category I, II, or III license, it shall 12120 specify, and shall authorize the licensee to possess, have custody 12121 or control of, and distribute only, the dangerous drugs that were 12122 listed in the application for licensure. 12123
- (I) All licenses issued pursuant to this section shall be 12124 effective for a period of twelve months from the first day of 12125 January April of each year. A license shall be renewed by the 12126 board for a like period, annually, according to the provisions of 12127 this section, and the standard renewal procedure of Chapter 4745. 12128 of the Revised Code. A person who desires to renew a license shall 12129 submit an application for renewal and pay the required fee on or 12130 before the thirty-first day of December March each year. The fee 12131 required for the renewal of a license shall be the same as the fee 12132 paid for the license being renewed, and shall accompany the 12133 application for renewal. 12134

A license that has not been renewed during December March in 12135 any year and by the first day of February May of the following 12136 same year may be reinstated only upon payment of the required 12137 renewal fee and a penalty fee of fifty-five dollars. 12138

(J)(1) No emergency medical service organization that is	12139
licensed as a terminal distributor of dangerous drugs shall fail	12140
to comply with division $(C)(2)$ or $(3)$ of this section.	12141
(2) No emergency medical service organization that is	12142
licensed as a terminal distributor of dangerous drugs shall fail	12143
to comply with division (D) of this section.	12144
(3) No licensed terminal distributor of dangerous drugs shall	12145
possess, have custody or control of, or distribute dangerous drugs	12146
that the terminal distributor is not entitled to possess, have	12147
custody or control of, or distribute by virtue of its category of	12148
licensure.	12149
(4) No licensee that is required by division (F) of this	12150
section to notify the board of changes in its protocol or standing	12151
orders, or in personnel, shall fail to comply with that division.	12152
God 4720 E41 (A) Evgent og provided in division divisions	10150
Sec. 4729.541. (A) Except as provided in division divisions  (B) and (C) of this section, a business entity described in	12153 12154
division (B)(1)(j) or (k) of section 4729.51 of the Revised Code	12154
may possess, have custody or control of, and distribute the	12156
dangerous drugs in category I, category II, and category III of,	12150
as defined in section 4729.54 of the Revised Code, without holding	12158
a terminal distributor of dangerous drugs license issued under	12159
that section.	12160
(B) If a business entity described in division $(B)(1)(j)$ or	12161
(k) of section 4729.51 of the Revised Code is a pain management	12162
clinic or is operating a pain management clinic, the entity shall	12163
hold a license as a terminal distributor of dangerous drugs with a	12164
pain management clinic classification issued under section	12165
4729.552 of the Revised Code.	12166
(C) Beginning April 1, 2015, a business entity described in	12167
division (B)(1)(j) or (k) of section 4729.51 of the Revised Code	12168

shall hold a license as a terminal distributor of dangerous drugs	12169
in order to possess, have custody or control of, and distribute	12170
dangerous drugs that are compounded or used for the purpose of	12171
compounding.	12172

Sec. 4729.65. (A) Except as provided in division (B) of this 12173 section, all receipts of the state board of pharmacy, from any 12174 source, shall be deposited into the state treasury to the credit 12175 of the occupational licensing and regulatory fund. All vouchers of 12176 the board shall be approved by the president or executive director 12177 of the board, or both, as authorized by the board. All initial 12178 issuance fees and renewal fees required by sections 4729.01 to 12179 4729.54 of the Revised Code shall be payable by the applicant at 12180 the time of making application. 12181

- (B)(1) There is hereby created in the state treasury the 12182 board of pharmacy drug law enforcement fund. All moneys that are 12183 derived from any fines, mandatory fines, or forfeited bail to 12184 which the board may be entitled under Chapter 2925., division (C) 12185 of section 2923.42, or division (B) of section 2925.42 of the 12186 Revised Code and all moneys that are derived from forfeitures of 12187 property to which the board may be entitled pursuant to Chapter 12188 2925. or 2981. of the Revised Code, any other provision of the 12189 Revised Code, or federal law shall be deposited into the fund. 12190 Subject to division (B)(2) of this section, division (B) of 12191 section 2923.44, and divisions (B), (C), and (D) of section 12192 2981.13 of the Revised Code, the moneys in the fund shall be used 12193 solely to subsidize the drug law enforcement efforts of the board. 12194
- (2) Notwithstanding any contrary provision in the Revised 12195

  Code, moneys that are derived from forfeitures of property 12196

  pursuant to federal law and that are deposited into the board of 12197

  pharmacy drug law enforcement fund in accordance with division 12198

  (B)(1) of this section shall be used and accounted for in 12199

accordance with the applicable federal law, and the board	12200
otherwise shall comply with that law in connection with the	12201
moneys.	12202
(C) All fines and forfeited bonds assessed and collected	12203
under prosecution or prosecution commenced in the enforcement of	12204
this chapter shall be paid to the executive director of the board	12205
within thirty days and by the executive director paid into the	12206
state treasury to the credit of the occupational licensing and	12207
regulatory fund. The	12208
(D)(1) Except as provided in divisions (D)(2) and (3) of this	12209
section, the board, subject to the approval of the controlling	12210
board and except for fees required to be established by the board	12211
at amounts "adequate" to cover designated expenses, may establish	12212
fees in excess of the amounts provided by this chapter, provided	12213
that such fees do not exceed the amounts permitted by this chapter	12214
by more than fifty per cent.	12215
(2) Division (D)(1) of this section does not apply to fees	12216
required by this chapter to be established at amounts adequate to	12217
cover designated expenses.	12218
(3) Fees established under division (D)(1) of this section or	12219
described in division (D)(2) of this section are subject to the	12220
limitation on fee increases specified in division (A) of section	12221
4729.83 of the Revised Code.	12222
Sec. 4729.83. (A) If the state board of pharmacy establishes	12223
	12223
and maintains a drug database pursuant to section 4729.75 of the	
Revised Code, the <u>board may use</u> , for the <u>purpose of establishing</u>	12225
or maintaining the database, any portion of the fees collected	12226
under section 4729.15, 4729.52, or 4729.54 of the Revised Code for	12227
the licensing or registration of pharmacists, pharmacy interns,	12228
wholesale distributors of dangerous drugs, or terminal	12229
distributors of dangerous drugs. The board shall not increase the	12230

amount of any of those fees solely for the purpose of establishing	12231
or maintaining the database.	12232
The board shall not impose any charge on a terminal	12233
distributor of dangerous drugs, pharmacist, or prescriber for the	12234
establishment or maintenance of the database. The board shall not	12235
charge any fees for the transmission of data to the database or	12236
for the receipt of information from the database, except that the	12237
board may charge a fee in accordance with rules adopted under	12238
section 4729.84 of the Revised Code to an individual who requests	12239
the individual's own database information under section 4729.80 of	12240
the Revised Code.	12241
(B) The board may accept grants, gifts, or donations for	12242
purposes of the drug database. Any money received shall be	12243
deposited into the state treasury to the credit of the drug	12244
database fund, which is hereby created. Money in the fund shall be	12245
used solely for purposes of the drug database.	12246
Sec. 4730.093. When a physician assistant orders a test for	12247
the presence of Lyme disease in a patient, the physician assistant	12248
or physician assistant's delegate shall provide to the patient or	12249
patient's representative a written notice with the following	12250
<pre>information:</pre>	12251
"Your health care provider has ordered a test for the	12252
presence of Lyme disease. Current testing for Lyme disease can be	12253
problematic and may lead to false results. If you are tested for	12254
Lyme disease and the results are positive, this does not	12255
necessarily mean that you have contracted Lyme disease. In the	12256
alternative, if the results are negative, this does not	12257
necessarily mean that you have not contracted Lyme disease. If you	12258
continue to experience symptoms or have other health concerns, you	12259
should contact your health care provider and inquire about the	12260
appropriateness of additional testing or treatment."	12261

	10060
The physician assistant or physician assistant's delegate	12262
shall obtain a signature from the patient or patient's	12263
representative indicating receipt of the notice. The document	12264
containing the signature shall be kept in the patient's record.	12265
Sec. 4731.15. (A)(1) The state medical board also shall	12266
regulate the following limited branches of medicine: massage	12267
therapy and cosmetic therapy, and to the extent specified in	12268
section 4731.151 of the Revised Code, naprapathy and	12269
mechanotherapy. The board shall adopt rules governing the limited	12270
branches of medicine under its jurisdiction. The rules shall be	12271
adopted in accordance with Chapter 119. of the Revised Code.	12272
(2) As used in this chapter, "cosmetic:	12273
(a) "Cosmetic therapy" means the permanent removal of hair	12274
from the human body through the use of electric modalities	12275
approved by the board for use in cosmetic therapy, and	12276
additionally may include the systematic friction, stroking,	12277
slapping, and kneading or tapping of the face, neck, scalp, or	12278
shoulders.	12279
(b) "Massage therapy" means the treatment of disorders of the	12280
human body by the manipulation of soft tissue through the	12281
systematic external application of massage techniques including	12282
touch, stroking, friction, vibration, percussion, kneading,	12283
stretching, compression, and joint movements within the normal	12284
physiologic range of motion; and adjunctive thereto, the external	12285
application of water, heat, cold, topical preparations, and	12286
mechanical devices.	12287
(B) A certificate to practice a limited branch of medicine	12288
issued by the state medical board is valid for a two-year period,	12289
except when an initial certificate is issued for a shorter period	12290
or when division (C)(2) of this section is applicable. The	12291
certificate may be renewed in accordance with division (C) of this	12292

section.	12293
(C)(1) Except as provided in division (C)(2) of this section,	12294
all of the following apply with respect to the renewal of	12295
certificates to practice a limited branch of medicine:	12296
(a) Each person seeking to renew a certificate to practice a	12297
limited branch of medicine shall apply for biennial registration	12298
with the state medical board on a renewal application form	12299
prescribed by the board. An applicant for renewal shall pay a	12300
biennial registration fee of one hundred dollars.	12301
(b) At least six months before a certificate expires, the	12302
board shall mail or cause to be mailed a renewal notice to the	12303
certificate holder's last known address.	12304
(c) At least three months before a certificate expires, the	12305
certificate holder shall submit the renewal application and	12306
biennial registration fee to the board.	12307
(2) Beginning with the 2009 registration period, the board	12308
shall implement a staggered renewal system that is substantially	12309
similar to the staggered renewal system the board uses under	12310
division (B) of section 4731.281 of the Revised Code.	12311
(D) All persons who hold a certificate to practice a limited	12312
branch of medicine issued by the state medical board shall provide	12313
the board written notice of any change of address. The notice	12314
shall be submitted to the board not later than thirty days after	12315
the change of address.	12316
(E) A certificate to practice a limited branch of medicine	12317
shall be automatically suspended if the certificate holder fails	12318
to renew the certificate in accordance with division (C) of this	12319
section. Continued practice after the suspension of the	12320
certificate to practice shall be considered as practicing in	12321
violation of sections 4731.34 and 4731.41 of the Revised Code.	12322

If a certificate to practice has been suspended pursuant to	12323
this division for two years or less, it may be reinstated. The	12324
board shall reinstate the certificate upon an applicant's	12325
submission of a renewal application and payment of the biennial	12326
registration fee and the applicable monetary penalty. With regard	12327
to reinstatement of a certificate to practice cosmetic therapy,	12328
the applicant also shall submit with the application a	12329
certification that the number of hours of continuing education	12330
necessary to have a suspended certificate reinstated have been	12331
completed, as specified in rules the board shall adopt in	12332
accordance with Chapter 119. of the Revised Code. The penalty for	12333
reinstatement shall be twenty-five dollars.	12334

If a certificate has been suspended pursuant to this division 12335 for more than two years, it may be restored. Subject to section 12336 4731.222 of the Revised Code, the board may restore the 12337 certificate upon an applicant's submission of a restoration 12338 application, the biennial registration fee, and the applicable 12339 monetary penalty and compliance with sections 4776.01 to 4776.04 12340 of the Revised Code. The board shall not restore to an applicant a 12341 certificate to practice unless the board, in its discretion, 12342 decides that the results of the criminal records check do not make 12343 the applicant ineligible for a certificate issued pursuant to 12344 section 4731.17 of the Revised Code. The penalty for restoration 12345 is fifty dollars. 12346

sec. 4731.155. (A) Except as provided in division (D) of this
section, each person holding a certificate to practice cosmetic
therapy shall complete biennially not less than twenty-five hours
of continuing cosmetic therapy education.
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Cosmetic therapists shall earn continuing education credits

at the rate of one-half credit hour for each twenty-five to thirty

minutes of instruction and one credit hour for each fifty to sixty

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Sec. 4731.24. Except as provided in sections 4731.281 and

4731.40 of the Revised Code, all receipts of the state medical

board, from any source, shall be deposited in the state treasury.

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12382

Until July 1, 1998, the funds shall be deposited to the credit of	12384
the occupational licensing and regulatory fund. On and after July	12385
1, 1998, the funds shall be deposited to the credit of the state	12386
medical board operating fund, which is hereby created on July 1,	12387
1998. All Except as provided in section 4731.24 of the Revised	12388
<pre>Code, all funds deposited into the state treasury under this</pre>	12389
section shall be used solely for the administration and	12390
enforcement of this chapter and Chapters 4730., 4760., 4762.,	12391
4774., and 4778. of the Revised Code by the board.	12392
Sec. 4731.241. (A) The state medical board may solicit and	12393

sec. 4731.241. (A) The state medical board may solicit and 12393 accept grants and services from public and private sources for the 12394 purpose of developing and maintaining programs that address 12395 patient safety and education, supply and demand of health care 12396 professionals, and information sharing with the public and the 12397 individuals regulated by the board. The board shall not solicit or 12398 accept a grant or service that would interfere with the board's 12399 independence or objectivity, as determined by the board.

Money received by the board under this section division shall 12401 be deposited into the state treasury to the credit of the medical 12402 board education and patient safety fund, which is hereby created. 12403 The money shall be used solely in accordance with this section. 12404

(B) The board may accept from the state, a political
subdivision of the state, or the federal government money that
12406
results from a fine, civil penalty, or seizure or forfeiture of
property. Money received by the board under this division shall be
deposited in accordance with section 4731.24 of the Revised Code.
The money shall be used solely to further the investigation,
enforcement, and compliance activities of the board.
12411

Sec. 4731.77. When a physician orders a test for the presence of Lyme disease in a patient, the physician or physician's 12413

delegate shall provide to the patient or patient's representative	12414
a written notice with the following information:	12415
"Your health care provider has ordered a test for the	12416
presence of Lyme disease. Current testing for Lyme disease can be	12417
problematic and may lead to false results. If you are tested for	12418
Lyme disease and the results are positive, this does not	12419
necessarily mean that you have contracted Lyme disease. In the	12420
alternative, if the results are negative, this does not	12421
necessarily mean that you have not contracted Lyme disease. If you	12422
continue to experience symptoms or have other health concerns, you	12423
should contact your health care provider and inquire about the	12424
appropriateness of additional testing or treatment."	12425
The physician or physician's delegate shall obtain a	12426
signature from the patient or patient's representative indicating	12427
receipt of the notice. The document containing the signature shall	12428
be kept in the patient's record.	12429
Sec. 4737.045. (A) To register as a scrap metal dealer or a	12430
bulk merchandise container dealer with the director of public	12431
safety as required by division (B) of section 4737.04 of the	12432
Revised Code, a person shall do all of the following:	12433
(1) Provide the name and street address of the dealer's place	12434
of business;	12435
(2) Provide the name of the primary owner of the business,	12436
and of the manager of the business, if the manager is not the	12437
primary owner;	12438
(3) Provide the electronic mail address of the business;	12439
(4) Provide confirmation that the dealer has the capabilities	12440
to electronically connect with the department of public safety for	12441
the purpose of sending and receiving information;	12442
(5) Provide any other information required by the director in	12443

rules the director adopts pursuant to sections 4737.01 to 4737.045	12444
of the Revised Code;	12445
(6) Pay an initial registration fee of two hundred dollars.	12446
(B) A person engaging in the business of a scrap metal dealer	12447
or a bulk merchandise container dealer in this state on or before	12448
the effective date of this section September 28, 2012, shall	12449
register with the director not later than January 1, 2013. With	12450
respect to a person who commences engaging in the business of a	12451
scrap metal dealer or a bulk merchandise container dealer after	12452
the effective date of this section September 28, 2012, the person	12453
shall register with the director pursuant to this section prior to	12454
commencing business as a scrap metal dealer or a bulk merchandise	12455
container dealer.	12456
(C) A registration issued to a scrap metal dealer or a bulk	12457
merchandise container dealer pursuant to this section is valid for	12458
a period of one year. A dealer shall renew the registration in	12459
accordance with the rules adopted by the director and pay a	12460
renewal fee of one hundred fifty dollars to cover the costs of	12461
operating and maintaining the registry created pursuant to	12462
division (E) of this section.	12463
(D) A scrap metal dealer or a bulk merchandise container	12464
dealer registered under this section shall prominently display a	12465
copy of the annual registration certificate received from the	12466
director pursuant to division $(E)(2)$ of this section.	12467
(E) The director shall do all of the following:	12468
(1) Develop and implement, by January 1, 2014, and maintain	12469
as a registry a secure database for use by law enforcement	12470
agencies that is capable of all of the following:	12471
(a) Receiving and securely storing all of the information	12472
required by division (A) of this section and the daily transaction	12473

data that scrap metal dealers and bulk merchandise dealers are

required to send pursuant to division (E)(1) of section 4737.04 of	12475
the Revised Code;	12476
(b) Providing secure search capabilities to law enforcement	12477
agencies for enforcement purposes;	12478
(c) Creating a link and retransmission capability for receipt	12479
of routine scrap theft alerts published by the institute of scrap	12480
recycling industries for transmission to dealers and law	12481
enforcement agencies in the state;	12482
(d) Making the electronic lists prepared pursuant to division	12483
(F)(2) of section 4737.04 of the Revised Code available through an	12484
electronic searchable format for individual law enforcement	12485
agencies and for dealers in the state;	12486
(e) Providing, without charge, interlink programming enabling	12487
the transfer of information to dealers.	12488
(2) Issue, reissue, or deny registration to dealers;	12489
(3) Adopt rules to enforce sections 4737.01 to 4737.045 of	12490
the Revised Code, rules establishing procedures to renew a	12491
registration issued under this section, rules for the format and	12492
maintenance for the records required under division (A) of section	12493
4737.012 of the Revised Code or division (C) of section 4737.04 of	12494
the Revised Code, and rules regarding the delivery of the report	12495
required by division (E)(1) of section 4737.04 of the Revised Code	12496
to the registry, which shall be used exclusively by law	12497
enforcement agencies.	12498
(F) A scrap metal dealer or bulk merchandise container dealer	12499
may search, modify, or update only the dealer's own business data	12500
contained within the registry established in division (E) of this	12501
section.	12502
(G) All fees received by the director pursuant to this	12503
section and division (F) of section 4737.99 of the Revised Code	12504

shall be used to develop and maintain the registry required under	12505
this section. The fees shall be deposited into the security,	12506
investigations, and policing infrastructure protection fund which	12507
is hereby created in section 4501.11 of the Revised Code the state	12508
treasury.	12509
Sec. 4741.49. (A) A person holding a license, limited	12510
license, or temporary permit to practice veterinary medicine who	12511
orders a test for the presence of Lyme disease in an animal under	12512
the person's care may report to the department of health any test	12513
result indicating the presence of the disease.	12514
(B) The director of health may adopt rules regarding the	12515
submission of reports described in this section. If rules are	12516
adopted, the rules shall be adopted in accordance with Chapter	12517
119. of the Revised Code.	12518
Sec. 4758.01. As used in this chapter:	12519
(A) "Accredited educational institution" means an educational	12520
institution accredited by an accrediting agency accepted by the	12521
Ohio board of regents.	12522
(B)(1) "Alcohol and other drug clinical counseling	12523
principles, methods, or procedures" means an approach to chemical	12524
dependency counseling that emphasizes the chemical dependency	12525
counselor's role in systematically assisting clients through all	12526
of the following:	12527
(a) Analyzing background and current information;	12528
(b) Exploring possible solutions;	12529
(c) Developing and providing a treatment plan;	12530
(d) In the case of an independent chemical dependency	12531
counselor-clinical supervisor, independent chemical dependency	12532
counselor, or chemical dependency counselor III only, diagnosing	12533

·	
chemical dependency conditions.	12534
(2) "Alcohol and other drug clinical counseling principles,	12535
methods, or procedures" includes counseling, assessing,	12536
consulting, and referral as they relate to chemical dependency	12537
conditions.	12538
(C) "Alcohol and other drug prevention services" means a	12539
planned process of strategies and activities designed to preclude	12540
the onset of the use of alcohol and other drugs, reduce	12541
problematic use of alcohol and other drugs, or both.	12542
(D) "Chemical dependency conditions" means those conditions	12543
relating to the abuse of or dependency on alcohol or other drugs	12544
that are classified in accepted nosologies, including the	12545
diagnostic and statistical manual of mental disorders and the	12546
international classification of diseases, and in editions of those	12547
nosologies published after December 23, 2002.	12548
(E) "Chemical dependency counseling" means rendering or	12549
offering to render to individuals, groups, or the public a	12550
counseling service involving the application of alcohol and other	12551
drug clinical counseling principles, methods, or procedures to	12552
assist individuals who are abusing or dependent on alcohol or	12553
other drugs.	12554
(F) "Pathological and problem gambling" means a persistent	12555
and recurring maladaptive gambling behavior that is classified in	12556
accepted nosologies, including the diagnostic and statistical	12557
manual of mental disorders and the international classification of	12558
diseases, and in editions of those nosologies published after the	12559
effective date of this section.	12560
(G) Unless the context provides otherwise, "scope of	12561
practice" means the services, methods, and techniques in which and	12562
the areas for which a person who holds a license $\frac{\partial F}{\partial r}$ certificate,	12563

or endorsement under this chapter is trained and qualified.

$\frac{(G)}{(H)}$ "Substance abuse professional" has the same meaning as	12565
in 49 C.F.R. 40.3.	12566
$\frac{(H)(I)}{(I)}$ "U.S. department of transportation drug and alcohol	12567
testing program" means a transportation workplace drug and alcohol	12568
testing program governed by 49 C.F.R. part 40.	12569
Sec. 4758.02. (A) Except as provided in section 4758.03 of	12570
the Revised Code, no person shall do any of the following:	12571
(1) Engage in or represent to the public that the person	12572
engages in chemical dependency counseling for a fee, salary, or	12573
other consideration unless the person holds a valid independent	12574
chemical dependency counselor-clinical supervisor license,	12575
independent chemical dependency counselor license, chemical	12576
dependency counselor III license, chemical dependency counselor II	12577
license, or chemical dependency counselor assistant certificate	12578
issued under this chapter;	12579
(2) Use the title "licensed independent chemical dependency	12580
counselor-clinical supervisor, " "LICDC-CS, " "licensed independent	12581
chemical dependency counselor, " "LICDC, " "licensed chemical	12582
dependency counselor III, " "LCDC III, " "licensed chemical	12583
dependency counselor II, " "LCDC II, " "chemical dependency	12584
counselor assistant," "CDCA," or any other title or description	12585
incorporating the word "chemical dependency counselor" or any	12586
other initials used to identify persons acting in those capacities	12587
unless currently authorized under this chapter to act in the	12588
capacity indicated by the title or initials;	12589
(3) Represent to the public that the person holds a	12590
pathological and problem gambling endorsement unless the person	12591
holds a valid pathological and problem gambling endorsement issued	12592
under this chapter;	12593
(4) Represent to the public that the person is a registered	12594

applicant unless the person holds a valid registered applicant	12595
certificate issued under this chapter;	12596
$\frac{(4)}{(5)}$ Use the title "certified prevention specialist II,"	12597
"CPS II," "certified prevention specialist I," "CPS I," "certified	12598
prevention specialist assistant," "CPSA," "registered applicant,"	12599
"RA," or any other title, description, or initials used to	12600
identify persons acting in those capacities unless currently	12601
authorized under this chapter to act in the capacity indicated by	12602
the title or initials.	12603
(B) No person shall engage in or represent to the public that	12604
the person engages in chemical dependency counseling as a chemical	12605
dependency counselor I.	12606
Sec. 4758.06. No individual who holds or has held a license	12607
or, certificate, or endorsement issued under this chapter shall	12608
disclose any information regarding the identity, diagnosis, or	12609
treatment of any of the individual's clients or consumers except	12610
for the purposes and under the circumstances expressly authorized	12611
by 42 U.S.C.A. 290dd-2, regulations promulgated pursuant to that	12612
federal law, other federal law enacted after the effective date of	12613
this section December 23, 2002, to replace 42 U.S.C.A. 290dd-2, or	12614
regulations promulgated under the replacement federal law. The	12615
prohibition of this section applies whether or not the information	12616
is recorded.	12617
Sec. 4758.16. The chemical dependency professionals board	12618
shall not discriminate against any licensee, certificate holder,	12619
endorsement holder, or applicant for a license or, certificate, or	12620
endorsement under this chapter because of the individual's race,	12621
color, religion, gender, national origin, disability as defined in	12622
section 4112.01 of the Revised Code, or age. The board shall	12623
afford a hearing to any individual who files with the board a	12624

statement alleging discrimination based on any of those reasons.	12625
Sec. 4758.20. (A) The chemical dependency professionals board	12626
shall adopt rules to establish, specify, or provide for all of the	12627
following:	12628
(1) Fees for the purposes authorized by section 4758.21 of	12629
the Revised Code;	12630
(2) If the board, pursuant to section 4758.221 of the Revised	12631
Code, elects to administer examinations for individuals seeking to	12632
act as substance abuse professionals in a U.S. department of	12633
transportation drug and alcohol testing program, the board's	12634
administration of the examinations;	12635
(3) For the purpose of section 4758.23 of the Revised Code,	12636
codes of ethical practice and professional conduct for individuals	12637
who hold a license or, certificate, or endorsement issued under	12638
this chapter;	12639
(4) For the purpose of section 4758.24 of the Revised Code,	12640
(1) for the purpose of section 1/30.21 of the nevised code,	12040
all of the following:	12641
all of the following:	12641
all of the following:  (a) Good moral character requirements for an individual who	12641 12642
all of the following:  (a) Good moral character requirements for an individual who seeks or holds a license <del>or</del> , certificate, or endorsement issued	12641 12642 12643
all of the following:  (a) Good moral character requirements for an individual who seeks or holds a license ex, certificate, or endorsement issued under this chapter;	12641 12642 12643 12644
all of the following:  (a) Good moral character requirements for an individual who seeks or holds a license ex, certificate, or endorsement issued under this chapter;  (b) The documents that an individual seeking such a license	12641 12642 12643 12644 12645
all of the following:  (a) Good moral character requirements for an individual who seeks or holds a license of certificate, or endorsement issued under this chapter;  (b) The documents that an individual seeking such a license of certificate, or endorsement must submit to the board;	12641 12642 12643 12644 12645 12646
all of the following:  (a) Good moral character requirements for an individual who seeks or holds a license ex, certificate, or endorsement issued under this chapter;  (b) The documents that an individual seeking such a license ex, certificate, or endorsement must submit to the board;  (c) Requirements to obtain the license ex, certificate, or	12641 12642 12643 12644 12645 12646
all of the following:  (a) Good moral character requirements for an individual who seeks or holds a license ex, certificate, or endorsement issued under this chapter;  (b) The documents that an individual seeking such a license ex, certificate, or endorsement must submit to the board;  (c) Requirements to obtain the license ex, certificate, or endorsement that are in addition to the requirements established	12641 12642 12643 12644 12645 12646 12647 12648
(a) Good moral character requirements for an individual who seeks or holds a license of, certificate, or endorsement issued under this chapter;  (b) The documents that an individual seeking such a license of, certificate, or endorsement must submit to the board;  (c) Requirements to obtain the license of, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43,	12641 12642 12643 12644 12645 12646 12647 12648 12649
(a) Good moral character requirements for an individual who seeks or holds a license er, certificate, or endorsement issued under this chapter;  (b) The documents that an individual seeking such a license er, certificate, or endorsement must submit to the board;  (c) Requirements to obtain the license er, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, and 4758.47, and 4758.48 of the Revised	12641 12642 12643 12644 12645 12646 12647 12648 12649 12650
(a) Good moral character requirements for an individual who seeks or holds a license ex, certificate, or endorsement issued under this chapter;  (b) The documents that an individual seeking such a license ex, certificate, or endorsement must submit to the board;  (c) Requirements to obtain the license ex, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, and 4758.47, and 4758.48 of the Revised Code. The additional requirements may include preceptorships.	12641 12642 12643 12644 12645 12646 12647 12648 12649 12650 12651

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(5) For the purpose of section 4758.28 of the Revised Code,	12655
requirements for approval of continuing education courses of study	12656
for individuals who hold a license or, certificate, or endorsement	12657
issued under this chapter;	12658
(6) For the purpose of section 4758.30 of the Revised Code,	12659
the intervention for and treatment of an individual holding a	12660
license <del>or</del> , certificate, or endorsement issued under this chapter	12661
whose abilities to practice are impaired due to abuse of or	12662
dependency on alcohol or other drugs or other physical or mental	12663
condition;	12664
(7) Requirements governing reinstatement of a suspended or	12665
revoked license ex, certificate, or endorsement under division (B)	12666
of section 4758.30 of the Revised Code, including requirements for	12667
determining the amount of time an individual must wait to apply	12668
for reinstatement;	12669
(8) For the purpose of section 4758.31 of the Revised Code,	12670
methods of ensuring that all records the board holds pertaining to	12671
an investigation remain confidential during the investigation;	12672
(9) Criteria for employees of the board to follow when	12673
performing their duties under division (B) of section 4758.35 of	12674
the Revised Code;	12675
(10) For the purpose of division (A)(1) of section 4758.39	12676
and division (A)(1) of section 4758.40 of the Revised Code, course	12677
requirements for a degree in a behavioral science or nursing that	12678
shall, at a minimum, include at least forty semester hours in all	12679
of the following courses:	12680
(a) Theories of counseling and psychotherapy;	12681
(b) Counseling procedures;	12682
(c) Group process and techniques;	12683
(d) Relationship therapy;	12684

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is current at the time of the training, including the number of	12713
the clock hours that must be on substance-related disorders, the	12714
number of the clock hours that must be on chemical dependency	12715
conditions, and the number of the clock hours that must be on	12716
awareness of other mental and emotional disorders;	12717
(13) For the purpose of division (A)(1) of section 4758.41 of	12718
the Revised Code, course requirements for a degree in a behavioral	12719
science or nursing;	12720
(14) For the purpose of division (A) of section 4758.43 of	12721
the Revised Code, training requirements for chemical dependency	12722
counseling that shall, at a minimum, include qualifications for	12723
the individuals who provide the training and instruction in one or	12724
more of the courses listed in division (A)(10) of this section as	12725
selected by the individual seeking the chemical dependency	12726
counselor assistant certificate;	12727
(15) For the purpose of division (A)(2) of section 4758.44 of	12728
the Revised Code, the field of study in which an individual must	12729
obtain at least a bachelor's degree;	12730
(16) For the purpose of division (A)(3) of section 4758.44,	12731
division (A)(3) of section $4758.45$ , and division (D) of section	12732
4758.46 of the Revised Code, requirements for prevention-related	12733
education;	12734
(17) For the purpose of division (A)(4) of section 4758.44 of	12735
the Revised Code, the number of hours of administrative or	12736
supervisory education that an individual must have;	12737
(18) For the purpose of division (A)(2) of section 4758.45 of	12738
the Revised Code, the field of study in which an individual must	12739
obtain at least an associate's degree;	12740
(19) Standards for the one hundred hours of compensated work	12741
or supervised internship in pathological and problem gambling	12742
direct clinical experience required by division (B)(2) of section	12743

4758.48 of the Revised Code;	12744
(20) For the purpose of section 4758.51 of the Revised Code,	12745
continuing education requirements for individuals who hold a	12746
license or, certificate, or endorsement issued under this chapter;	12747
$\frac{(20)}{(21)}$ For the purpose of section 4758.51 of the Revised	12748
Code, the number of hours of continuing education that an	12749
individual must complete to have an expired license $\frac{\partial \mathbf{r}_{\perp}}{\partial \mathbf{r}}$	12750
certificate, or endorsement restored under section 4758.26 of the	12751
Revised Code;	12752
$\frac{(21)}{(22)}$ For the purpose of divisions (A) and (B) of section	12753
4758.52 of the Revised Code, training requirements for chemical	12754
dependency counseling;	12755
$\frac{(22)}{(23)}$ The duties, which may differ, of all of the	12756
following:	12757
(a) An independent chemical dependency counselor-clinical	12758
supervisor licensed under this chapter who supervises a chemical	12759
dependency counselor III under section 4758.56 of the Revised	12760
Code;	12761
(b) An independent chemical dependency counselor-clinical	12762
supervisor, independent chemical dependency counselor, or chemical	12763
dependency counselor III licensed under this chapter who	12764
supervises a chemical dependency counselor assistant under section	12765
4758.59 of the Revised Code;	12766
(c) A prevention specialist II or prevention specialist I	12767
certified under this chapter or independent chemical dependency	12768
counselor-clinical supervisor, independent chemical dependency	12769
counselor, or chemical dependency counselor III licensed under	12770
this chapter who supervises a prevention specialist assistant or	12771
registered applicant under section 4758.61 of the Revised Code.	12772
(23)(24) The duties of an independent chemical dependency	12773

counselor licensed under this chapter who holds the pathological	12774
and problem gambling endorsement who supervises a chemical	12775
dependency counselor III with the pathological and problem	12776
gambling endorsement under section 4758.62 of the Revised Code.	12777
(25) Anything else necessary to administer this chapter.	12778
(B) All rules adopted under this section shall be adopted in	12779
accordance with Chapter 119. of the Revised Code and any	12780
applicable federal laws and regulations.	12781
(C) When it adopts rules under this section, the board may	12782
consider standards established by any national association or	12783
other organization representing the interests of those involved in	12784
chemical dependency counseling or alcohol and other drug	12785
prevention services.	12786
Sec. 4758.21. (A) In accordance with rules adopted under	12787
section 4758.20 of the Revised Code and subject to division (B) of	12788
this section, the chemical dependency professionals board shall	12789
establish, and may from time to time adjust, fees to be charged	12790
for the following:	12791
(1) Admitting an individual to an examination administered	12792
pursuant to section 4758.22 of the Revised Code;	12793
(2) Issuing an initial independent chemical dependency	12794
counselor-clinical supervisor license, independent chemical	12795
dependency counselor license, chemical dependency counselor III	12796
license, chemical dependency counselor II license, chemical	12797
dependency counselor assistant certificate, prevention specialist	12798
II certificate, prevention specialist I certificate, prevention	12799
specialist assistant certificate, or registered applicant	12800
certificate;	12801
(3) <u>Issuing an initial pathological and problem gambling</u>	12802
<pre>endorsement;</pre>	12803

(4) Renewing an independent chemical dependency	12804
counselor-clinical supervisor license, independent chemical	12805
dependency counselor license, chemical dependency counselor III	12806
license, chemical dependency counselor II license, chemical	12807
dependency counselor assistant certificate, prevention specialist	12808
II certificate, prevention specialist I certificate, or prevention	12809
specialist assistant certificate;	12810
(4)(5) Renewing a pathological and problem gambling	12811
<pre>endorsement;</pre>	12812
(6) Approving continuing education courses under section	12813
4758.28 of the Revised Code;	12814
$\frac{(5)}{(7)}$ Doing anything else the board determines necessary to	12815
administer this chapter.	12816
(B) The fees established under division (A) of this section	12817
are nonrefundable. They shall be in amounts sufficient to cover	12818
the necessary expenses of the board in administering this chapter	12819
and rules adopted under it. The fees for a license $\frac{\partial \mathbf{r}_{\perp}}{\partial \mathbf{r}}$	12820
certificate, or endorsement and the renewal of a license or,	12821
certificate, or endorsement may differ for the various types of	12822
licenses and, certificates, or endorsements, but shall not exceed	12823
one hundred seventy-five dollars each, unless the board determines	12824
that amounts in excess of one hundred seventy-five dollars are	12825
needed to cover its necessary expenses in administering this	12826
chapter and rules adopted under it and the amounts in excess of	12827
one hundred seventy-five dollars are approved by the controlling	12828
board.	12829
(C) All vouchers of the board shall be approved by the	12830
chairperson or executive director of the board, or both, as	12831
authorized by the board.	12832

**Sec. 4758.23.** (A) In rules adopted under section 4758.20 of 12833

the Revised Code, the chemical dependency professionals board	12834
shall establish codes of ethical practice and professional conduct	12835
for the following:	12836
(1) Individuals who hold a valid independent chemical	12837
dependency counselor-clinical supervisor license, independent	12838
chemical dependency counselor license, chemical dependency	12839
counselor III license, chemical dependency counselor II license,	12840
or chemical dependency counselor assistant certificate issued	12841
under this chapter;	12842
(2) Individuals who hold a valid prevention specialist II	12843
certificate, prevention specialist I certificate, prevention	12844
specialist assistant certificate, or registered applicant	12845
certificate issued under this chapter:	12846
(3) Individuals who hold a valid pathological and problem	12847
gambling endorsement.	12848
(B) The codes for individuals identified under division	12849
(A)(1) of this section shall define unprofessional conduct, which	12850
shall include engaging in a dual relationship with a client,	12851
former client, consumer, or former consumer; committing an act of	12852
sexual abuse, misconduct, or exploitation of a client, former	12853
client, consumer, or former consumer; and, except as permitted by	12854
law, violating client or consumer confidentiality.	12855
(C) The codes for individuals identified under division	12856
(A)(1) of this section may be based on any codes of ethical	12857
practice and professional conduct developed by national	12858
associations or other organizations representing the interests of	12859
those involved in chemical dependency counseling. The codes for	12860
individuals identified under division (A)(2) of this section may	12861
be based on any codes of ethical practice and professional conduct	12862
developed by national associations or other organizations	12863
representing the interests of those involved in alcohol and other	12864

drug prevention services. The board may establish standards in the	12865
codes that are more stringent than those established by the	12866
national associations or other organizations.	12867
Sec. 4758.24. (A) The chemical dependency professionals board	12868
shall issue a license <del>or</del> , certificate, or endorsement under this	12869
chapter to an individual who meets all of the following	12870
requirements:	12871
(1) Is of good moral character as determined in accordance	12872
with rules adopted under section 4758.20 of the Revised Code;	12873
(2) Except as provided in section 4758.241 of the Revised	12874
Code, submits a properly completed application and all other	12875
documentation specified in rules adopted under section 4758.20 of	12876
the Revised Code;	12877
(3) Except as provided in section 4758.241 of the Revised	12878
Code, pays the fee established under section 4758.21 of the	12879
Revised Code for the license $\frac{\partial \mathbf{r}}{\partial t}$ certificate, or endorsement that	12880
the individual seeks;	12881
(4) Meets the requirements to obtain the license $or$ .	12882
certificate, or endorsement that the individual seeks as specified	12883
in section 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44,	12884
4758.45, 4758.46, <del>or</del> 4758.47 <u>, or 4758.48</u> of the Revised Code;	12885
(5) Meets any additional requirements specified in rules	12886
adopted under section 4758.20 of the Revised Code to obtain the	12887
license or, certificate, or endorsement that the individual seeks.	12888
(B) The board shall not do either of the following:	12889
(1) Issue a certificate to practice as a chemical dependency	12890
counselor I;	12891
(2) Issue a new registered applicant certificate to an	12892
individual whose previous registered applicant certificate has	12893
been expired for less than the period of time specified in rules	12894

adopted under section 4758.20 of the Revised Code.	12895
Sec. 4758.26. (A) Subject to section 4758.30 of the Revised	12896
Code, a license or, certificate, or endorsement issued under this	12897
chapter expires the following period of time after it is issued:	12898
(1) In the case of an initial chemical dependency counselor	12899
assistant certificate, thirteen months;	12900
(2) In the case of any other license or, certificate, or	12901
<pre>endorsement, two years.</pre>	12902
(B) Subject to section 4758.30 of the Revised Code and except	12903
as provided in section 4758.27 of the Revised Code, the chemical	12904
dependency professionals board shall renew a license or,	12905
certificate, or endorsement issued under this chapter in	12906
accordance with the standard renewal procedure established under	12907
Chapter 4745. of the Revised Code if the individual seeking the	12908
renewal pays the renewal fee established under section 4758.21 of	12909
the Revised Code and does the following:	12910
(1) In the case of an individual seeking renewal of an	12911
initial chemical dependency counselor assistant certificate,	12912
satisfies the additional training requirement established under	12913
section 4758.52 of the Revised Code;	12914
(2) In the case of any other individual, satisfies the	12915
continuing education requirements established under section	12916
4758.51 of the Revised Code.	12917
(C) Subject to section 4758.30 of the Revised Code and except	12918
as provided in section 4758.27 of the Revised Code, a license $\frac{\Theta r}{L}$	12919
certificate, or endorsement issued under this chapter that has	12920
expired may be restored if the individual seeking the restoration,	12921
not later than two years after the license or, certificate, or	12922
$\underline{\text{endorsement}}$ expires, applies for restoration of the license $\underline{\text{or}}_{\boldsymbol{L}}$	12923
certificate, or endorsement. The board shall issue a restored	12924

refuse to issue a license or, certificate, or endorsement applied

for under this chapter; refuse to renew or restore a license or_	12954
certificate, or endorsement issued under this chapter; suspend,	12955
revoke, or otherwise restrict a license or certificate, or	12956
endorsement issued under this chapter; or reprimand an individual	12957
holding a license or certificate, or endorsement issued under	12958
this chapter. These actions may be taken by the board regarding	12959
the applicant for a license <del>or</del> , certificate, or endorsement or the	12960
individual holding a license er certificate, or endorsement for	12961
one or more of the following reasons:	12962
(1) Violation of any provision of this chapter or rules	12963
adopted under it;	12964
(2) Knowingly making a false statement on an application for	12965
a license or certificate, or endorsement or for renewal,	12966
restoration, or reinstatement of a license or certificate, or	12967
and argament.	12968
<pre>endorsement;</pre>	12700
(3) Acceptance of a commission or rebate for referring an	12969
(3) Acceptance of a commission or rebate for referring an	12969
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued	12969 12970
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government,	12969 12970 12971
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling,	12969 12970 12971 12972
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, pathological and	12969 12970 12971 12972 12973
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, pathological and problem gambling counseling, or fields related to chemical	12969 12970 12971 12972 12973 12974
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, pathological and problem gambling counseling, or fields related to chemical dependency counseling, pathological and problem gambling	12969 12970 12971 12972 12973 12974 12975
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, pathological and problem gambling counseling, or fields related to chemical dependency counseling, pathological and problem gambling counseling, or alcohol and other drug prevention services;	12969 12970 12971 12972 12973 12974 12975 12976
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, pathological and problem gambling counseling, or fields related to chemical dependency counseling, pathological and problem gambling counseling, or alcohol and other drug prevention services;  (4) Conviction in this or any other state of any crime that	12969 12970 12971 12972 12973 12974 12975 12976
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, pathological and problem gambling counseling, or fields related to chemical dependency counseling, pathological and problem gambling counseling, or alcohol and other drug prevention services;  (4) Conviction in this or any other state of any crime that is a felony in this state;	12969 12970 12971 12972 12973 12974 12975 12976 12977 12978
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, pathological and problem gambling counseling, or fields related to chemical dependency counseling, pathological and problem gambling counseling, or alcohol and other drug prevention services;  (4) Conviction in this or any other state of any crime that is a felony in this state;  (5) Conviction in this or any other state of a misdemeanor	12969 12970 12971 12972 12973 12974 12975 12976 12977 12978
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, pathological and problem gambling counseling, or fields related to chemical dependency counseling, pathological and problem gambling counseling, or alcohol and other drug prevention services; (4) Conviction in this or any other state of any crime that is a felony in this state; (5) Conviction in this or any other state of a misdemeanor committed in the course of practice as an independent chemical	12969 12970 12971 12972 12973 12974 12975 12976 12977 12978 12979 12980
(3) Acceptance of a commission or rebate for referring an individual to a person who holds a license or certificate issued by, or who is registered with, an entity of state government, including persons practicing chemical dependency counseling, alcohol and other drug prevention services, pathological and problem gambling counseling, or fields related to chemical dependency counseling, pathological and problem gambling counseling, or alcohol and other drug prevention services; (4) Conviction in this or any other state of any crime that is a felony in this state; (5) Conviction in this or any other state of a misdemeanor committed in the course of practice as an independent chemical dependency counselor-clinical supervisor, independent chemical	12969 12970 12971 12972 12973 12974 12975 12976 12977 12978 12979 12980 12981

prevention specialist II, pathological and problem gambling

endorsee, prevention specialist I, prevention specialist	12985
assistant, or registered applicant;	12986
(6) Inability to practice as an independent chemical	12987
dependency counselor-clinical supervisor, independent chemical	12988
dependency counselor, chemical dependency counselor III, chemical	12989
dependency counselor II, chemical dependency counselor assistant,	12990
pathological and problem gambling endorsee, prevention specialist	12991
II, prevention specialist I, prevention specialist assistant, or	12992
registered applicant due to abuse of or dependency on alcohol or	12993
other drugs or other physical or mental condition;	12994
(7) Practicing outside the individual's scope of practice;	12995
(8) Practicing without complying with the supervision	12996
requirements specified under section 4758.56, 4758.59, or 4758.61_	12997
or 4758.62 of the Revised Code;	12998
(9) Violation of the code of ethical practice and	12999
professional conduct for chemical dependency counseling or_	13000
alcohol and other drug prevention, or pathological and problem	13001
gambling counseling services adopted by the board pursuant to	13002
section 4758.23 of the Revised Code;	13003
(10) Revocation of a license or, certificate, or endorsement	13004
or voluntary surrender of a license or, certificate, or	13005
endorsement in another state or jurisdiction for an offense that	13006
would be a violation of this chapter.	13007
(B) An individual whose license <del>or</del> , certificate, or	13008
endorsement has been suspended or revoked under this section may	13009
apply to the board for reinstatement after an amount of time the	13010
board shall determine in accordance with rules adopted under	13011
section 4758.20 of the Revised Code. The board may accept or	13012
refuse an application for reinstatement. The board may require an	13013
examination for reinstatement of a license or, certificate, or	13014
endorsement that has been suspended or revoked.	13015

Sec. 4758.31. The chemical dependency professionals board	13016
shall investigate alleged violations of this chapter or the rules	13017
adopted under it and alleged irregularities in the delivery of	13018
chemical dependency counseling services, pathological and problem	13019
gambling counseling services, or alcohol and other drug prevention	13020
services by individuals who hold a license $\frac{\partial \mathbf{r}_{i}}{\partial \mathbf{r}_{i}}$ certificate, or	13021
endorsement issued under this chapter. As part of an	13022
investigation, the board may issue subpoenas, examine witnesses,	13023
and administer oaths.	13024

The board may receive any information necessary to conduct an 13025 investigation under this section that has been obtained in 13026 accordance with federal laws and regulations. If the board is 13027 investigating the provision of chemical dependency counseling 13028 services or pathological and problem gambling counseling services 13029 to a couple or group, it is not necessary for both members of the 13030 couple or all members of the group to consent to the release of 13031 information relevant to the investigation. 13032

The board shall ensure, in accordance with rules adopted 13033 under section 4758.20 of the Revised Code, that all records it 13034 holds pertaining to an investigation remain confidential during 13035 the investigation. After the investigation, the records are public 13036 records except as otherwise provided by federal or state law. 13037

sec. 4758.35. (A) An individual seeking a license er, 13038 certificate, or endorsement issued under this chapter shall file 13039 with the chemical dependency professionals board a written 13040 application on a form prescribed by the board. Each form shall 13041 state that a false statement made on the form is the crime of 13042 falsification under section 2921.13 of the Revised Code. 13043

(B) The board shall require an individual or individuals 13044 employed by the board under section 4758.15 of the Revised Code to 13045

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and problem gambling endorsement without having complied with

division (B)(2) of this section, but the independent chemical

chemical dependency counselor II shall comply with division (B)(2)

dependency counselor, chemical dependency counselor III, or

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13103

under section 4758.20 of the Revised Code as a condition of

receiving a restored license or, certificate, or endorsement.

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(C) The chemical dependency professionals board may waive the	13135
continuing education requirements established under this section	13136
for individuals who are unable to fulfill them because of military	13137
service, illness, residence outside the United States, or any	13138
other reason the board considers acceptable.	13139
Sec. 4758.60. An individual who holds a valid prevention	13140
specialist II certificate or prevention specialist I certificate	13141
issued under this chapter may engage in the practice of alcohol	13142
and other drug prevention services as specified in rules adopted	13143
under section 4758.20 of the Revised Code.	13144
Sec. 4758.62. An individual who holds an independent chemical	13145
dependency counselor license and a pathological and problem	13146
gambling treatment endorsement may do all of the following:	13147
	13148
(A) Diagnose and treat pathological and problem gambling	13149
conditions;	13150
(B) Perform treatment planning, assessment, crisis	13151
intervention, individual and group counseling, case management,	13152
and educational services insofar as those functions relate to	13153
pathological and problem gambling;	13154
(C) Supervise pathological and problem gambling treatment	13155
counseling; and	13156
(D) Refer individuals with nonpathological and nonproblem	13157
gambling conditions to appropriate sources of help.	13158
Sec. 4758.63. An individual who holds a chemical dependency	13159
counselor III license and a pathological and problem gambling	13160
endorsement may do all of the following:	13161
(A) Treat pathological and problem gambling conditions;	13162

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otherwise changed;

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(d) The wall thickness of the pipeline;

(e) The material that the pipeline will be made of;

by hearse or ambulance;

(7) The transportation of compost (a combination of manure	13280
and sand or shredded bark mulch) or shredded bark mulch;	13281
(8) The transportation of persons in a ridesharing	13282
arrangement when any fee charged each person so transported is in	13283
such amount as to recover only the person's share of the costs of	13284
operating the motor vehicle for such purpose;	13285
(9) The operation of motor vehicles for contractors on public	13286
road work.	13287
(B) The public utilities commission may grant a motor carrier	13288
operating in intrastate commerce a temporary exemption from some	13289
or all of the provisions of this chapter and the rules adopted	13290
under it, when either of the following applies:	13291
(1) The governor of this state has declared an emergency.	13292
(2) The chairperson of the commission or the chairperson's	13293
designee has declared a transportation-specific emergency.	13294
(C) The commission may adopt rules not incompatible with the	13295
requirements of the United States department of transportation to	13296
provide exemptions to motor carriers operating in intrastate	13297
commerce not otherwise identified in divisions (A) and (B) of this	13298
section.	13299
(D) Divisions (A) to (C) of this section shall not be	13300
construed to relieve a person from compliance with either of the	13301
following:	13302
(1) Rules adopted under division (A)(2) of section 4923.04 of	13303
the Revised Code, division (E) of section 4923.06 of the Revised	13304
Code, division (B) of section 4923.07 of the Revised Code, and	13305
section 4923.11 of the Revised Code;	13306
(2) Rules regarding commercial driver's licenses adopted	13307
under division (A)(1) of section $4923.04$ of the Revised Code:	13308
(3) Rules adopted under section 4921.15 of the Revised Code	13309

(e) Any advanced energy resource or renewable energy resource

of the mercantile customer that can be utilized effectively as

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part of any advanced energy resource plan of an electric	13340
distribution utility and would otherwise qualify as an alternative	13341
energy resource if it were utilized directly by an electric	13342
distribution utility.	13343

- (2) For the purpose of this section and as it considers

  13344
  appropriate, the public utilities commission may classify any new
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  technology as such an advanced energy resource or a renewable
  13346
  energy resource.
- (B) By 2025 and thereafter, an electric distribution utility 13348 shall provide from alternative energy resources, including, at its 13349 discretion, alternative energy resources obtained pursuant to an 13350 electricity supply contract, a portion of the electricity supply 13351 required for its standard service offer under section 4928.141 of 13352 the Revised Code, and an electric services company shall provide a 13353 portion of its electricity supply for retail consumers in this 13354 state from alternative energy resources, including, at its 13355 discretion, alternative energy resources obtained pursuant to an 13356 electricity supply contract. That portion shall equal twenty-five 13357 per cent of the total number of kilowatt hours of electricity sold 13358 by the subject utility or company to any and all retail electric 13359 consumers whose electric load centers are served by that utility 13360 and are located within the utility's certified territory or, in 13361 the case of an electric services company, are served by the 13362 company and are located within this state. However, nothing in 13363 this section precludes a utility or company from providing a 13364 greater percentage. The baseline for a utility's or company's 13365 compliance with the alternative energy resource requirements of 13366 this section shall be the average of such total kilowatt hours it 13367 sold in the preceding three calendar years, except that the 13368 commission may reduce a utility's or company's baseline to adjust 13369 for new economic growth in the utility's certified territory or, 13370 in the case of an electric services company, in the company's 13371

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distribution utility's or electric services company's compliance	13401
with the most recent applicable benchmark under division (B)(2) of	13402
this section and, in the course of that review, shall identify any	13403
undercompliance or noncompliance of the utility or company that it	13404
determines is weather-related, related to equipment or resource	13405
shortages for advanced energy or renewable energy resources as	13406
applicable, or is otherwise outside the utility's or company's	13407
control.	13408

- (2) Subject to the cost cap provisions of division (C)(3) of 13409 this section, if the commission determines, after notice and 13410 opportunity for hearing, and based upon its findings in that 13411 review regarding avoidable undercompliance or noncompliance, but 13412 subject to division (C)(4) of this section, that the utility or 13413 company has failed to comply with any such benchmark, the 13414 commission shall impose a renewable energy compliance payment on 13415 the utility or company. 13416
- (a) The compliance payment pertaining to the solar energy 13417 resource benchmarks under division (B)(2) of this section shall be 13418 an amount per megawatt hour of undercompliance or noncompliance in 13419 the period under review, starting at four hundred fifty dollars 13420 for 2009, four hundred dollars for 2010 and 2011, and similarly 13421 reduced every two years thereafter through 2024 by fifty dollars, 13422 to a minimum of fifty dollars.
- (b) The compliance payment pertaining to the renewable energy 13424 resource benchmarks under division (B)(2) of this section shall 13425 equal the number of additional renewable energy credits that the 13426 electric distribution utility or electric services company would 13427 have needed to comply with the applicable benchmark in the period 13428 under review times an amount that shall begin at forty-five 13429 dollars and shall be adjusted annually by the commission to 13430 reflect any change in the consumer price index as defined in 13431 section 101.27 of the Revised Code, but shall not be less than 13432

forty-five dollars. 13433 (c) The compliance payment shall not be passed through by the 13434 electric distribution utility or electric services company to 13435 consumers. The compliance payment shall be remitted to the 13436 commission, for deposit to the credit of the advanced energy fund 13437 created under section 4928.61 of the Revised Code. Payment of the 13438 compliance payment shall be subject to such collection and 13439 enforcement procedures as apply to the collection of a forfeiture 13440 under sections 4905.55 to 4905.60 and 4905.64 of the Revised Code. 13441 (3) An electric distribution utility or an electric services 13442 company need not comply with a benchmark under division (B)(1) or 13443 (2) of this section to the extent that its reasonably expected 13444 cost of that compliance exceeds its reasonably expected cost of 13445 otherwise producing or acquiring the requisite electricity by 13446 three per cent or more. The cost of compliance shall be calculated 13447 as though any exemption from taxes and assessments had not been 13448 granted under section 5727.75 of the Revised Code. 13449 (4)(a) An electric distribution utility or electric services 13450 company may request the commission to make a force majeure 13451 determination pursuant to this division regarding all or part of 13452 the utility's or company's compliance with any minimum benchmark 13453 under division (B)(2) of this section during the period of review 13454 occurring pursuant to division (C)(2) of this section. The 13455 commission may require the electric distribution utility or 13456 electric services company to make solicitations for renewable 13457 energy resource credits as part of its default service before the 13458 utility's or company's request of force majeure under this 13459 division can be made. 13460 (b) Within ninety days after the filing of a request by an 13461 electric distribution utility or electric services company under 13462 division (C)(4)(a) of this section, the commission shall determine 13463

if renewable energy resources are reasonably available in the

marketplace in sufficient quantities for the utility or company to	13465
comply with the subject minimum benchmark during the review	13466
period. In making this determination, the commission shall	13467
consider whether the electric distribution utility or electric	13468
services company has made a good faith effort to acquire	13469
sufficient renewable energy or, as applicable, solar energy	13470
resources to so comply, including, but not limited to, by banking	13471
or seeking renewable energy resource credits or by seeking the	13472
resources through long-term contracts. Additionally, the	13473
commission shall consider the availability of renewable energy or	13474
solar energy resources in this state and other jurisdictions in	13475
the PJM interconnection regional transmission organization or its	13476
successor and the midwest system operator or its successor.	13477
(c) If, pursuant to division $(C)(4)(b)$ of this section, the	13478
commission determines that renewable energy or solar energy	13479
resources are not reasonably available to permit the electric	13480
distribution utility or electric services company to comply,	13481
during the period of review, with the subject minimum benchmark	13482
prescribed under division (B)(2) of this section, the commission	13483
shall modify that compliance obligation of the utility or company	13484
as it determines appropriate to accommodate the finding.	13485
Commission modification shall not automatically reduce the	13486
obligation for the electric distribution utility's or electric	13487
services company's compliance in subsequent years. If it modifies	13488
the electric distribution utility or electric services company	13489
obligation under division $(C)(4)(c)$ of this section, the	13490
commission may require the utility or company, if sufficient	13491
renewable energy resource credits exist in the marketplace, to	13492
acquire additional renewable energy resource credits in subsequent	13493
years equivalent to the utility's or company's modified obligation	13494
under division $(C)(4)(c)$ of this section.	13495

(5) The commission shall establish a process to provide for

at least an annual review of the alternative energy resource	13497
market in this state and in the service territories of the	13498
regional transmission organizations that manage transmission	13499
systems located in this state. The commission shall use the	13500
results of this study to identify any needed changes to the amount	13501
of the renewable energy compliance payment specified under	13502
divisions $(C)(2)(a)$ and $(b)$ of this section. Specifically, the	13503
commission may increase the amount to ensure that payment of	13504
compliance payments is not used to achieve compliance with this	13505
section in lieu of actually acquiring or realizing energy derived	13506
from renewable energy resources. However, if the commission finds	13507
that the amount of the compliance payment should be otherwise	13508
changed, the commission shall present this finding to the general	13509
assembly for legislative enactment.	13510
(D)(1) The commission annually shall submit to the general	13511
assembly in accordance with section 101.68 of the Revised Code a	13512
report describing all of the following:	13513
(a) The compliance of electric distribution utilities and	13514
electric services companies with division (B) of this section;	13515
(b) The average annual cost of renewable energy credits	13516
purchased by utilities and companies for the year covered in the	13517
report;	13518
(c) Any strategy for utility and company compliance or for	13519
encouraging the use of alternative energy resources in supplying	13520
this state's electricity needs in a manner that considers	13521
available technology, costs, job creation, and economic impacts.	13522
The commission shall begin providing the information	13523
described in division (D)(1)(b) of this section in each report	13524
submitted after the effective date of the amendment of this	13525
section by S.B. 315 of the 129th general assembly September 10,	13526

2012. The commission shall allow and consider public comments on 13527

the report prior to its submission to the general assembly.	13528
Nothing in the report shall be binding on any person, including	13529
any utility or company for the purpose of its compliance with any	13530
benchmark under division (B) of this section, or the enforcement	13531
of that provision under division (C) of this section.	13532
(2) The governor, in consultation with the commission	13533
chairperson, shall appoint an alternative energy advisory	13534
committee. The committee shall examine available technology for	13535
and related timetables, goals, and costs of the alternative energy	13536
resource requirements under division (B) of this section and shall	13537
submit to the commission a semiannual report of its	13538
recommendations.	13539
(E) All costs incurred by an electric distribution utility in	13540
complying with the requirements of this section shall be	13541
bypassable by any consumer that has exercised choice of supplier	13542
under section 4928.03 of the Revised Code.	13543
under section 4928.03 of the Revised Code.	13543
under section 4928.03 of the Revised Code.  Sec. 4928.641. (A) Except as provided in division (B) of this	13543 13544
Sec. 4928.641. (A) Except as provided in division (B) of this	13544
Sec. 4928.641. (A) Except as provided in division (B) of this section and section 4928.642 of the Revised Code, the baseline for	13544 13545
Sec. 4928.641. (A) Except as provided in division (B) of this section and section 4928.642 of the Revised Code, the baseline for an electric distribution utility's or an electric services	13544 13545 13546
Sec. 4928.641. (A) Except as provided in division (B) of this section and section 4928.642 of the Revised Code, the baseline for an electric distribution utility's or an electric services company's compliance with the alternative energy resource	13544 13545 13546 13547
Sec. 4928.641. (A) Except as provided in division (B) of this section and section 4928.642 of the Revised Code, the baseline for an electric distribution utility's or an electric services company's compliance with the alternative energy resource requirements of section 4928.64 of the Revised Code shall be the	13544 13545 13546 13547 13548
Sec. 4928.641. (A) Except as provided in division (B) of this section and section 4928.642 of the Revised Code, the baseline for an electric distribution utility's or an electric services company's compliance with the alternative energy resource requirements of section 4928.64 of the Revised Code shall be the average of total kilowatt hours sold by the utility or company in	13544 13545 13546 13547 13548 13549
Sec. 4928.641. (A) Except as provided in division (B) of this section and section 4928.642 of the Revised Code, the baseline for an electric distribution utility's or an electric services company's compliance with the alternative energy resource requirements of section 4928.64 of the Revised Code shall be the average of total kilowatt hours sold by the utility or company in the preceding three calendar years to the following:	13544 13545 13546 13547 13548 13549 13550
Sec. 4928.641. (A) Except as provided in division (B) of this section and section 4928.642 of the Revised Code, the baseline for an electric distribution utility's or an electric services company's compliance with the alternative energy resource requirements of section 4928.64 of the Revised Code shall be the average of total kilowatt hours sold by the utility or company in the preceding three calendar years to the following:  (1) In the case of an electric distribution utility, any and	13544 13545 13546 13547 13548 13549 13550
Sec. 4928.641. (A) Except as provided in division (B) of this section and section 4928.642 of the Revised Code, the baseline for an electric distribution utility's or an electric services company's compliance with the alternative energy resource requirements of section 4928.64 of the Revised Code shall be the average of total kilowatt hours sold by the utility or company in the preceding three calendar years to the following:  (1) In the case of an electric distribution utility, any and all retail electric consumers whose electric load centers are	13544 13545 13546 13547 13548 13549 13550 13551 13552
Sec. 4928.641. (A) Except as provided in division (B) of this section and section 4928.642 of the Revised Code, the baseline for an electric distribution utility's or an electric services company's compliance with the alternative energy resource requirements of section 4928.64 of the Revised Code shall be the average of total kilowatt hours sold by the utility or company in the preceding three calendar years to the following:  (1) In the case of an electric distribution utility, any and all retail electric consumers whose electric load centers are served by that utility and are located within the utility's	13544 13545 13546 13547 13548 13549 13550 13551 13552 13553
Sec. 4928.641. (A) Except as provided in division (B) of this section and section 4928.642 of the Revised Code, the baseline for an electric distribution utility's or an electric services company's compliance with the alternative energy resource requirements of section 4928.64 of the Revised Code shall be the average of total kilowatt hours sold by the utility or company in the preceding three calendar years to the following:  (1) In the case of an electric distribution utility, any and all retail electric consumers whose electric load centers are served by that utility and are located within the utility's certified territory;	13544 13545 13546 13547 13548 13549 13550 13551 13552 13553 13554

(B)(1) Beginning with compliance in calendar year 2017, a	13558
utility or company may choose for its baseline for compliance with	13559
the alternative energy resource requirements of section 4928.64 of	13560
the Revised Code to be the total kilowatt hours sold to the	13561
applicable consumers, as described in division (A)(1) or (2) of	13562
this section, in the preceding calendar year.	13563
(2) A utility or company choosing the baseline permitted	13564
under division (B)(1) of this section shall inform the public	13565
utilities commission by the first of October of the compliance	13566
year for which the baseline is to apply. The notice requirement of	13567
this division does not apply if the utility or company used the	13568
baseline under division (B)(1) of this section in the preceding	13569
compliance year.	13570
(C) A utility or company that uses the baseline permitted	13571
under division (B)(1) of this section may use the baseline	13572
described in division (A) of this section in any subsequent	13573
compliance year. A utility or company may make this switch only	13574
after informing the commission by the first of October of the	13575
compliance year for which the baseline described in division (A)	13576
of this section is to apply. A utility or company that makes this	13577
switch shall use the baseline described in division (A) of this	13578
section for at least three consecutive compliance years before	13579
again using the baseline permitted under division (B)(1) of this	13580
section.	13581
Sec. 4928.642. The public utilities commission may reduce	13582
either baseline described in section 4928.641 of the Revised Code	13583
to adjust for new economic growth in the electric distribution	13584
utility's certified territory or in the electric services	13585
company's service area in this state.	13586

Sec. 5104.03. (A) Any person, firm, organization,

institution, or agency seeking to establish a child day-care	13588
center, type A family day-care home, or licensed type B family	13589
day-care home shall apply for a license to the director of job and	13590
family services on such form as the director prescribes. The	13591
director shall provide at no charge to each applicant for	13592
licensure a copy of the child care license requirements in this	13593
chapter and a copy of the rules adopted pursuant to this chapter.	13594
The copies may be provided in paper or electronic form.	13595

Fees shall be set by the director pursuant to sections 13596 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 13597 paid at the time of application for a license to operate a center, 13598 type A home, or type B home. Fees collected under this section 13599 shall be paid into the state treasury to the credit of the general 13600 revenue fund.

- (B)(1) Upon filing of the application for a license, the 13602 director shall investigate and inspect the center, type A home, or 13603 type B home to determine the license capacity for each age 13604 category of children of the center, type A home, or type B home 13605 and to determine whether the center, type A home, or type B home 13606 complies with this chapter and rules adopted pursuant to this 13607 chapter. When, after investigation and inspection, the director is 13608 satisfied that this chapter and rules adopted pursuant to it are 13609 complied with, subject to division (H) of this section, a license 13610 shall be issued as soon as practicable in such form and manner as 13611 prescribed by the director. The license shall be designated as 13612 provisional and shall be valid for twelve months from the date of 13613 issuance unless revoked. 13614
- (2) The director may contract with a government entity or a 13615 private nonprofit entity for the entity to inspect and license 13616 type B family day-care homes pursuant to this section. If the 13617 director contracts with a government entity or private nonprofit 13618 entity for that purpose, the entity may contract with another 13619

government entity or private nonprofit entity for the other entity	13620
to inspect type B homes pursuant to this section. The department	13621
director, government entity, or private nonprofit entity shall	13622
conduct $\frac{1}{2}$ the $\frac{1}{2}$ inspection prior to the issuance of a license for	13623
$\frac{1}{2}$ type B home and, as part of that inspection, ensure that the	13624
type B home is safe and sanitary.	13625

- (C)(1) On receipt of an application for licensure as a type B 13626 family day-care home to provide publicly funded child care, the 13627 department director shall search the uniform statewide automated 13628 child welfare information system for information concerning any 13629 abuse or neglect report made pursuant to section 2151.421 of the 13630 Revised Code of which the applicant, any other adult residing in 13631 13632 the applicant's home, or a person designated by the applicant to be an emergency or substitute caregiver for the applicant is the 13633 subject. 13634
- (2) The department director shall consider any information it 13635 discovers discovered pursuant to division (C)(1) of this section 13636 or that is provided by a public children services agency pursuant 13637 to section 5153.175 of the Revised Code. If the department 13638 director determines that the information, when viewed within the 13639 totality of the circumstances, reasonably leads to the conclusion 13640 that the applicant may directly or indirectly endanger the health, 13641 safety, or welfare of children, the department director shall deny 13642 the application for licensure or revoke the license of a type B 13643 family day-care home. 13644
- (D) The director shall investigate and inspect the center, 13645 type A home, or type B home at least once during operation under a 13646 license designated as provisional. If after the investigation and 13647 inspection the director determines that the requirements of this 13648 chapter and rules adopted pursuant to this chapter are met, 13649 subject to division (H) of this section, the director shall issue 13650 a new license to the center or home.

(E) Each license shall state the name of the licensee, the	13652
name of the administrator, the address of the center, type A home,	13653
or licensed type B home, and the license capacity for each age	13654
category of children. The license shall include thereon, in	13655
accordance with sections 5104.015, 5104.017, and 5104.018 of the	13656
Revised Code, the toll-free telephone number to be used by persons	13657
suspecting that the center, type A home, or licensed type B home	13658
has violated a provision of this chapter or rules adopted pursuant	13659
to this chapter. A license is valid only for the licensee,	13660
administrator, address, and license capacity for each age category	13661
of children designated on the license. The license capacity	13662
specified on the license is the maximum number of children in each	13663
age category that may be cared for in the center, type A home, or	13664
licensed type B home at one time.	13665

The center or type A home licensee shall notify the director 13666 when the administrator of the center or home changes. The director 13667 shall amend the current license to reflect a change in an 13668 administrator, if the administrator meets the requirements of this 13669 chapter and rules adopted pursuant to this chapter, or a change in 13670 license capacity for any age category of children as determined by 13671 the director of job and family services.

(F) If the director revokes the license of a center, a type A 13673 home, or a type B home, the director shall not issue another 13674 license to the owner of the center, type A home, or type B home 13675 until five years have elapsed from the date the license is 13676 revoked.

If the director denies an application for a license, the 13678 director shall not accept another application from the applicant 13679 until five years have elapsed from the date the application is 13680 denied.

(G) If during the application for licensure process the 13682 director determines that the license of the owner has been 13683

Revised Code.

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revoked, the investigation of the center, type A home, or type B	13684
home shall cease. This action does not constitute denial of the	13685
application and may not be appealed under division (H) of this	13686
section.	13687
(H) All actions of the director with respect to licensing	13688
centers, type A homes, or type B homes, refusal to license, and	13689
revocation of a license shall be in accordance with Chapter 119.	13690
of the Revised Code. Any applicant who is denied a license or any	13691
owner whose license is revoked may appeal in accordance with	13692
section 119.12 of the Revised Code.	13693
(I) In no case shall the director issue a license under this	13694
section for a center, type A home, or type B home if the director,	13695
based on documentation provided by the appropriate county	13696
department of job and family services, determines that the	13697
applicant had been certified as a type B family day-care home when	13698
such certifications were issued by county departments prior to	13699
January 1, 2014, that the county department revoked that	13700
certification within the immediately preceding five years, that	13701
the revocation was based on the applicant's refusal or inability	13702
to comply with the criteria for certification, and that the	13703
refusal or inability resulted in a risk to the health or safety of	13704
children.	13705
(J)(1) Except as provided in division (J)(2) of this section,	13706
an administrator of a type B family day-care home that receives a	13707
license pursuant to this section to provide publicly funded child	13708
care is an independent contractor and is not an employee of the	13709
department of job and family services.	13710
(2) For purposes of Chapter 4141. of the Revised Code,	13711
determinations concerning the employment of an administrator of a	13712
type B family day-care home that receives a license pursuant to	13713
this section shall be determined under Chapter 4141. of the	13714

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To the extent permitted by federal law, the county department 13729 may make all determinations of eligibility for publicly funded 13730 child care, may contract with child care providers or child care 13731 resource and referral service organizations for the providers or 13732 resource and referral service organizations to make all or any 13733 part of the determinations, and may contract with child care 13734 providers or child care resource and referral service 13735 organizations for the providers or resource and referral service 13736 organizations to collect specified information for use by the 13737 county department in making determinations. If a county department 13738 contracts with a child care provider or a child care resource and 13739 referral service organization for eligibility determinations or 13740 for the collection of information, the contract shall require the 13741 provider or resource and referral service organization to make 13742 each eligibility determination no later than thirty calendar days 13743 from the date the provider or resource and referral organization 13744 receives a completed application that is the basis of the 13745 determination and to collect and transmit all necessary 13746 information to the county department within a period of time that 13747

enables the county department to make each eligibility	13748
determination no later than thirty days after the filing of the	13749
application that is the basis of the determination.	13750

The county department may station employees of the department 13751 in various locations throughout the county to collect information 13752 relevant to applications for publicly funded child care and to 13753 make eligibility determinations. The county department, child care 13754 provider, and child care resource and referral service 13755 organization shall make each determination of eligibility for 13756 publicly funded child care no later than thirty days after the 13757 filing of the application that is the basis of the determination, 13758 shall make each determination in accordance with any relevant 13759 rules adopted pursuant to section 5104.38 of the Revised Code, and 13760 shall notify promptly each applicant for publicly funded child 13761 care of the results of the determination of the applicant's 13762 eligibility. 13763

The director of job and family services shall adopt rules in 13764 accordance with Chapter 119. of the Revised Code for monitoring 13765 the eligibility determination process. In accordance with those 13766 rules, the state department shall monitor eligibility 13767 determinations made by county departments of job and family 13768 services and shall direct any entity that is not in compliance 13769 with this division or any rule adopted under this division to 13770 implement corrective action specified by the department. 13771

(2)(a) All eligibility determinations for publicly funded 13772 child care shall be made in accordance with rules adopted pursuant 13773 to division (A) of section 5104.38 of the Revised Code and, if a 13774 county department of job and family services specifies, pursuant 13775 to rules adopted under division (B) of that section, a maximum 13776 amount of income a family may have to be eligible for publicly 13777 funded child care, the income maximum specified by the county 13778 department. Publicly Except as otherwise provided in this section, 13779

both of the following apply:	13780
(i) Publicly funded child care may be provided only to	13781
eligible infants, toddlers, preschool-age children, and school-age	13782
children under age thirteen. <del>For</del>	13783
(ii) For an applicant to be eligible for publicly funded	13784
child care, the caretaker parent must be employed or participating	13785
in a program of education or training for an amount of time	13786
reasonably related to the time that the parent's children are	13787
receiving publicly funded child care. This restriction does not	13788
apply to families whose children are eligible for protective child	13789
care.	13790
(b) An applicant seeking publicly funded child care may be	13791
presumed eligible while the county department determines	13792
eligibility. If the county department determines that an applicant	13793
is not eligible for publicly funded child care, the applicant may	13794
continue to receive publicly funded child care for up to five days	13795
after that determination.	13796
(c) If a caretaker parent who has been determined eligible to	13797
receive publicly funded child care no longer meets the	13798
requirements of division (A)(2)(a)(ii) of this section, the	13799
caretaker parent may continue to receive publicly funded child	13800
care for a period of up to thirteen weeks until the caretaker	13801
parent meets those requirements. Such authorization may be given	13802
only once during a twelve-month period.	13803
Subject to available funds, a county the department of job	13804
and family services shall allow a family to receive publicly	13805
funded child care unless the family's income exceeds the maximum	13806
income eligibility limit. Initial and continued eligibility for	13807
publicly funded child care is subject to available funds unless	13808
the family is receiving child care pursuant to division $(A)(1)$ ,	13809
(2), $(3)$ , or $(4)$ of section $5104.30$ of the Revised Code. If the	13810

county department must limit eligibility due to lack of available	13811
funds, it shall give first priority for publicly funded child care	13812
to an assistance group whose income is not more than the maximum	13813
income eligibility limit that received transitional child care in	13814
the previous month but is no longer eligible because the	13815
twelve-month period has expired. Such an assistance group shall	13816
continue to receive priority for publicly funded child care until	13817
its income exceeds the maximum income eligibility limit.	13818

- (3) An assistance group that ceases to participate in the 13819
  Ohio works first program established under Chapter 5107. of the 13820
  Revised Code is eligible for transitional child care at any time 13821
  during the immediately following twelve-month period that both of 13822
  the following apply: 13823
- (a) The assistance group requires child care due to 13824 employment;
- (b) The assistance group's income is not more than one 13826 hundred fifty per cent of the federal poverty line. 13827

An assistance group ineligible to participate in the Ohio 13828 works first program pursuant to section 5101.83 or section 5107.16 13829 of the Revised Code is not eligible for transitional child care. 13830

- (B) To the extent permitted by federal law, a county the 13831 department of job and family services may require a caretaker 13832 parent determined to be eligible for publicly funded child care to 13833 pay a fee according to the schedule of fees established in rules 13834 adopted under section 5104.38 of the Revised Code. Each county The 13835 department shall make protective child care services available to 13836 children without regard to the income or assets of the caretaker 13837 parent of the child. 13838
- (C) A caretaker parent receiving publicly funded child care 13839 shall report to the entity that determined eligibility any changes 13840 in status with respect to employment or participation in a program 13841

one year $\div$ 

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of education or training not later than ten calendar days after	13842
the change occurs.	13843
(D) If a county the department of job and family services	13844
determines that available resources are not sufficient to provide	13845
publicly funded child care to all eligible families who request	13846
it, the $\frac{1}{1}$ department may establish a waiting list. A $\frac{1}{1}$	13847
The department may establish separate waiting lists within the	13848
waiting list based on income. When resources become available to	13849
provide publicly funded child care to families on the waiting	13850
list, a county department that establishes a waiting list shall	13851
assess the needs of the next family scheduled to receive publicly	13852
funded child care. If the assessment demonstrates that the family	13853
continues to need and is eligible for publicly funded child care,	13854
the county department shall offer it to the family. If the county	13855
department determines that the family is no longer eligible or no	13856
longer needs publicly funded child care, the county department	13857
shall remove the family from the waiting list.	13858
(E) A caretaker parent shall not receive full-time publicly	13859
funded child care from more than one child care provider per child	13860
during any period.	13861
(F) As used in this section, "maximum income eligibility	13862
limit" means the amount of income specified in rules adopted under	13863
division (A) of section 5104.38 of the Revised Code $\frac{1}{2}$	13864
county department of job and family services specifies a higher	13865
amount pursuant to rules adopted under division (B) of that	13866
section, the amount the county department specifies.	13867
Sec. 5104.341. (A) Except as provided in division (B) of this	13868
section, both of the following apply:	13869
(1) An eligibility determination made under section 5104.34	13870
of the Revised Code for publicly funded child care is valid for	13871

<del>(2)</del> .	13873
(B) The county department of job and family services shall	13874
adjust the appropriate level of a fee charged under division (B)	13875
of section 5104.34 of the Revised Code if a caretaker parent	13876
reports changes in income, family size, or both.	13877
(B) Division (A) of this section does not apply if the	13878
recipient of the publicly funded child care ceases to be eligible	13879
for publicly funded child care.	13880
Sec. 5104.38. In addition to any other rules adopted under	13881
this chapter, the director of job and family services shall adopt	13882
rules in accordance with Chapter 119. of the Revised Code	13883
governing financial and administrative requirements for publicly	13884
funded child care and establishing all of the following:	13885
(A) Procedures and criteria to be used in making	13886
determinations of eligibility for publicly funded child care that	13887
give priority to children of families with lower incomes and	13888
procedures and criteria for eligibility for publicly funded	13889
protective child care. The rules shall specify the maximum amount	13890
of income a family may have for initial and continued eligibility.	13891
The maximum amount shall not exceed two hundred per cent of the	13892
federal poverty line. The rules may specify exceptions to the	13893
eligibility requirements in the case of a family that previously	13894
received publicly funded child care and is seeking to have the	13895
child care reinstated after the family's eligibility was	13896
terminated.	13897
(B) Procedures under which a county department of job and	13898
family services may, if the department, under division (A) of this	13899
section, specifies a maximum amount of income a family may have	13900
for eligibility for publicly funded child care that is less than	13901
the maximum amount specified in that division, specify a maximum	13902
amount of income a family residing in the county the county	13903

department serves may have for initial and continued eligibility	13904
for publicly funded child care that is higher than the amount	13905
specified by the department but does not exceed the maximum amount	13906
specified in division (A) of this section;	13907
(C) A schedule of fees requiring all eligible caretaker	13908
parents to pay a fee for publicly funded child care according to	13909
income and family size, which shall be uniform for all types of	13910
publicly funded child care, except as authorized by rule, and, to	13911
the extent permitted by federal law, shall permit the use of state	13912
and federal funds to pay the customary deposits and other advance	13913
payments that a provider charges all children who receive child	13914
care from that provider. The schedule of fees may not provide for	13915
a caretaker parent to pay a fee that exceeds ten per cent of the	13916
parent's family income.	13917
$\frac{(D)(C)}{(D)}$ A formula for determining the amount of state and	13918
federal funds appropriated for publicly funded child care that may	13919
be allocated to a county department to use for administrative	13920
purposes;	13921
$\frac{(E)(D)}{(D)}$ Procedures to be followed by the department and county	13922
departments in recruiting individuals and groups to become	13923
providers of child care;	13924
$\frac{(F)(E)}{E}$ Procedures to be followed in establishing state or	13925
local programs designed to assist individuals who are eligible for	13926
publicly funded child care in identifying the resources available	13927
to them and to refer the individuals to appropriate sources to	13928
obtain child care;	13929
$\frac{(G)}{(F)}$ Procedures to deal with fraud and abuse committed by	13930
either recipients or providers of publicly funded child care;	13931
$\frac{(H)(G)}{(G)}$ Procedures for establishing a child care grant or loan	13932
program in accordance with the child care block grant act;	13933
$\frac{(I)(H)}{(H)}$ Standards and procedures for applicants to apply for	13934

grants and loans, and for the department to make grants and loans;	13935
$\frac{(J)}{(I)}$ A definition of "person who stands in loco parentis"	13936
for the purposes of division (KK)(1) of section 5104.01 of the	13937
Revised Code;	13938
$\frac{(K)}{(J)}$ Procedures for a county department of job and family	13939
services to follow in making eligibility determinations and	13940
redeterminations for publicly funded child care available through	13941
telephone, computer, and other means at locations other than the	13942
county department;	13943
$\frac{(L)}{(K)}$ If the director establishes a different reimbursement	13944
ceiling under division (E)(3)(d) of section 5104.30 of the Revised	13945
Code, standards and procedures for determining the amount of the	13946
higher payment that is to be issued to a child care provider based	13947
on the special needs of the child being served;	13948
$\frac{(M)}{(L)}$ To the extent permitted by federal law, procedures for	13949
paying for up to thirty days of child care for a child whose	13950
caretaker parent is seeking employment, taking part in employment	13951
orientation activities, or taking part in activities in	13952
anticipation of enrolling in or attending an education or training	13953
program or activity, if the employment or the education or	13954
training program or activity is expected to begin within the	13955
thirty-day period;	13956
$\frac{(N)}{(M)}$ Any other rules necessary to carry out sections	13957
5104.30 to 5104.43 of the Revised Code.	13958
Sec. 5119.21. (A) The department of mental health and	13959
addiction services shall:	13960
addiction services sharr.	13900
(1) To the extent the department has available resources and	13961
in consultation with boards of alcohol, drug addiction, and mental	13962
health services, support <u>a full spectrum of care for all levels of</u>	13963
treatment services for opioid and co-occurring drug addiction and	13964

a continuum of care <u>for other services</u> in accordance with Chapter	13965
340. of the Revised Code on a district or multi-district basis.	13966
The department shall define the essential elements of $\underline{a}$ full	13967
spectrum of care for all levels of treatment services for opioid	13968
and co-occurring drug addiction and a continuum of care for other	13969
services, shall assist in identifying resources, and may	13970
prioritize support for one or more of the elements of the	13971
continuum of care. The essential elements of a full spectrum of	13972
care for all levels of treatment services for opioid and	13973
co-occurring drug addiction shall include the services required by	13974
division (B) of section 340.09 of the Revised Code.	13975
(2) Provide training, consultation, and technical assistance	13976

- (2) Provide training, consultation, and technical assistance 13976 regarding mental health and addiction services and appropriate 13977 prevention, recovery, and mental health promotion activities, 13978 including those that are culturally competent, to employees of the 13979 department, community mental health and addiction services 13980 providers, boards of alcohol, drug addiction, and mental health 13981 services, and other agencies providing mental health and addiction 13982 services; 13983
- (3) To the extent the department has available resources, 13984 promote and support a full range of mental health and addiction 13985 services that are available and accessible to all residents of 13986 this state, especially for severely mentally disabled children, 13987 adolescents, adults, pregnant women, parents, guardians or 13988 custodians of children at risk of abuse or neglect, and other 13989 special target populations, including racial and ethnic 13990 minorities, as determined by the department; 13991
- (4) Develop standards and measures for evaluating the 13992 effectiveness of mental health and addiction services, including 13993 services that use methadone treatment, of gambling addiction 13994 services, and for increasing the accountability of mental health 13995 and alcohol and addiction services providers and of gambling 13996

addiction services providers;	13997
(5) Design and set criteria for the determination of priority	13998
populations;	13999
(6) Promote, direct, conduct, and coordinate scientific	14000
research, taking ethnic and racial differences into consideration,	14001
concerning the causes and prevention of mental illness and	14002
addiction, methods of providing effective services and treatment,	14003
and means of enhancing the mental health of and recovery from	14004
addiction of all residents of this state;	14005
(7) Foster the establishment and availability of vocational	14006
rehabilitation services and the creation of employment	14007
opportunities for consumers of mental health and addiction	14008
services, including members of racial and ethnic minorities;	14009
(8) Establish a program to protect and promote the rights of	14010
persons receiving mental health and addiction services, including	14011
the issuance of guidelines on informed consent and other rights;	14012
(9) Promote the involvement of persons who are receiving or	14013
have received mental health or addiction services, including	14014
families and other persons having a close relationship to a person	14015
receiving those services, in the planning, evaluation, delivery,	14016
and operation of mental health and addiction services;	14017
(10) Notify and consult with the relevant constituencies that	14018
may be affected by rules, standards, and guidelines issued by the	14019
department of mental health and addiction services. These	14020
constituencies shall include consumers of mental health and	14021
addiction services and their families, and may include public and	14022
private providers, employee organizations, and others when	14023
appropriate. Whenever the department proposes the adoption,	14024
amendment, or rescission of rules under Chapter 119. of the	14025
Revised Code, the notification and consultation required by this	14026
division shall occur prior to the commencement of proceedings	14027

under Chapter 119. The department shall adopt rules under Chapter	14028
119. of the Revised Code that establish procedures for the	14029
notification and consultation required by this division.	14030
(11) Provide consultation to the department of rehabilitation	14031
and correction concerning the delivery of mental health and	14032
addiction services in state correctional institutions.	14033
(12) Promote and coordinate efforts in the provision of	14034
alcohol and drug addiction services and of gambling addiction	14035
services by other state agencies, as defined in section 1.60 of	14036
the Revised Code; courts; hospitals; clinics; physicians in	14037
private practice; public health authorities; boards of alcohol,	14038
drug addiction, and mental health services; alcohol and drug	14039
addiction services providers; law enforcement agencies; gambling	14040
addiction services providers; and related groups;	14041
(13) Provide to each court of record, and biennially update,	14042
a list of the treatment and education programs within that court's	14043
jurisdiction that the court may require an offender, sentenced	14044
pursuant to section 4511.19 of the Revised Code, to attend;	14045
(14) Make the warning sign described in sections 3313.752,	14046
3345.41, and 3707.50 of the Revised Code available on the	14047
department's internet web site;	14048
(15) Provide a program of gambling addiction services on	14049
behalf of the state lottery commission, pursuant to an agreement	14050
entered into with the director of the commission under division	14051
(K) of section 3770.02 of the Revised Code, and provide a program	14052
of gambling addiction services on behalf of the Ohio casino	14053
control commission, under an agreement entered into with the	14054
executive director of the commission under section 3772.062 of the	14055
Revised Code. Under Section 6(C)(3) of Article XV, Ohio	14056
Constitution, the department may enter into agreements with boards	14057
of alcohol, drug addiction, and mental health services, including	14058

boards with districts in which a casino facility is not located,	14059
and nonprofit organizations to provide gambling addiction services	14060
and substance abuse services, and with state institutions of	14061
higher education or private nonprofit institutions that possess a	14062
certificate of authorization issued under Chapter 1713. of the	14063
Revised Code to perform related research.	14064
(B) The department may accept and administer grants from	14065
public or private sources for carrying out any of the duties	14066
enumerated in this section.	14067
(C) Pursuant to Chapter 119. of the Revised Code, the	14068
department shall adopt a rule defining the term "intervention" as	14069
it is used in this chapter in connection with alcohol and drug	14070
addiction services and in connection with gambling addiction	14071
services. The department may adopt other rules as necessary to	14072
implement the requirements of this chapter.	14073
Sec. 5119.22. The director of mental health and addiction	14074
Sec. 5119.22. The director of mental health and addiction services with respect to all mental health and addiction	14074 14075
services with respect to all mental health and addiction	14075
services with respect to all mental health and addiction facilities and services established and operated or provided under	14075 14076
services with respect to all mental health and addiction facilities and services established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:	14075 14076 14077
services with respect to all mental health and addiction facilities and services established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:  (A) Adopt rules pursuant to Chapter 119. of the Revised Code	14075 14076 14077 14078
services with respect to all mental health and addiction facilities and services established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:  (A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter	14075 14076 14077 14078 14079
services with respect to all mental health and addiction facilities and services established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:  (A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.	14075 14076 14077 14078 14079 14080
services with respect to all mental health and addiction facilities and services established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:  (A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.  (B) Review and evaluate the full spectrum of care for all	14075 14076 14077 14078 14079 14080
services with respect to all mental health and addiction facilities and services established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:  (A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.  (B) Review and evaluate the full spectrum of care for all levels of treatment services for opioid and co-occurring drug	14075 14076 14077 14078 14079 14080 14081 14082
services with respect to all mental health and addiction facilities and services established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:  (A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.  (B) Review and evaluate the full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction and the continuum of care for other services in each	14075 14076 14077 14078 14079 14080 14081 14082 14083
services with respect to all mental health and addiction facilities and services established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:  (A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.  (B) Review and evaluate the full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction and the continuum of care for other services in each service district, taking into account the findings and	14075 14076 14077 14078 14079 14080 14081 14082 14083 14084
services with respect to all mental health and addiction facilities and services established and operated or provided under Chapter 340. of the Revised Code, shall do all of the following:  (A) Adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340. and 5122. of the Revised Code.  (B) Review and evaluate the full spectrum of care for all levels of treatment services for opioid and co-occurring drug addiction and the continuum of care for other services in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and	14075 14076 14077 14078 14079 14080 14081 14082 14083 14084 14085

services, including the needs of residents of the district

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currently receiving services in state-operated hospitals, and make	14090
recommendations for needed improvements to boards of alcohol, drug	14091
addiction, and mental health services;	14092
(C) At the director's discretion, provide to boards of	14093
alcohol, drug addiction, and mental health services state or	14094
federal funds, in addition to those allocated under section	14095
5119.23 of the Revised Code, for special programs or projects the	14096
director considers necessary but for which local funds are not	14097
available;	14098
(D) Establish, in consultation with board of alcohol, drug	14099
addiction, and mental health service representatives and after	14100
consideration of the recommendations of the medical director,	14101
guidelines for the development of community mental health and	14102
addiction services plans and the review and approval or	14103
disapproval of such plans submitted pursuant to section 340.03 of	14104
the Revised Code.	14105
(E) Establish criteria by which a board of alcohol, drug	14106
addiction, and mental health services reviews and evaluates the	14107
quality, effectiveness, and efficiency of its contracted services.	14108
The criteria shall include requirements ensuring appropriate	14109
service utilization. The department shall assess a board's	14110
evaluation of services and the compliance of each board with this	14111
section, Chapter 340. of the Revised Code, and other state or	14112
federal law and regulations. The department, in cooperation with	14113
the board, periodically shall review and evaluate the quality,	14114
effectiveness, and efficiency of services provided through each	14115
board. The department shall collect information that is necessary	14116
to perform these functions.	14117
(F) To the extent the director determines necessary and after	14118
consulting with boards of alcohol, drug addiction, and mental	14119
health services and community addiction and mental health services	14120

providers, develop and operate, or contract for the operation of,

a community behavioral health information system or systems. The	14122
department shall specify the information that must be provided by	14123
boards of alcohol, drug addiction, and mental health services and	14124
by community addiction and mental health services providers for	14125
inclusion in the system or systems.	14126
Boards of alcohol, drug addiction, and mental health services	14127
and community addiction and mental health services providers shall	14128
submit information requested by the department in the form and	14129
manner and in accordance with time frames prescribed by the	14130
department. Information collected by the department may include	14131
all of the following:	14132
(1) Information on services provided;	14133
(2) Financial information regarding expenditures of federal,	14134
state, or local funds;	14135
(3) Information about persons served.	14136
The department shall not collect any personal information	14137
from the boards except as required or permitted by state or	14138
federal law for purposes related to payment, health care	14139
operations, program and service evaluation, reporting activities,	14140
research, system administration, and oversight.	14141
(G)(1) Review each board's community mental health and	14142
addiction services plan, budget, and statement of services to be	14143
made available submitted pursuant to sections 340.03 and 340.08 of	14144
the Revised Code and approve or disapprove the plan, the budget,	14145
and the statement of services in whole or in part.	14146
The department may withhold all or part of the funds	14147
allocated to a board if it disapproves all or part of a plan,	14148
budget, or statement of services, except that the department shall	14149
withhold all of the funds allocated to the board if the department	14150
disapproves the budget because the budget does not comply with	14151

division (A)(1) of section 340.08 of the Revised Code. Prior to a

final decision to disapprove a plan, budget, or statement of	14153
services, or to withhold funds from a board, a representative of	14154
the director of mental health and addiction services shall meet	14155
with the board and discuss the reason for the action the	14156
department proposes to take and any corrective action that should	14157
be taken to make the plan, budget, or statement of services	14158
acceptable to the department. In addition, the department shall	14159
offer technical assistance to the board to assist it to make the	14160
plan, budget, or statement of services acceptable. The department	14161
shall give the board a reasonable time in which to revise the	14162
plan, budget, or statement of services. The board thereafter shall	14163
submit a revised plan, budget, or statement of services, or a new	14164
plan, budget, or statement of services.	14165

- (2) If a board determines that it is necessary to amend the 14166 plan, budget, or statement of services that has been approved 14167 under this section, the board shall submit the proposed amendment 14168 to the department. The department may approve or disapprove all or 14169 part of the amendment.
- (3) If the director disapproves of all or part of any 14171 proposed amendment, the director shall provide the board an 14172 opportunity to present its position. The director shall inform the 14173 board of the reasons for the disapproval and of the criteria that 14174 must be met before the proposed amendment may be approved. The 14175 director shall give the board a reasonable time within which to 14176 meet the criteria and shall offer technical assistance to the 14177 board to help it meet the criteria. 14178
- (4) The department shall establish procedures for the review 14179 of plans, budgets, and statements of services, and a timetable for 14180 submission and review of plans, budgets, and statements of 14181 services and for corrective action and submission of new or 14182 revised plans, budgets, and statements of services. 14183

Sec. 5119.23. (A) The department of mental health and	14184
addiction services shall establish a methodology for allocating to	14185
boards of alcohol, drug addiction, and mental health services the	14186
funds appropriated by the general assembly to the department for	14187
the purpose of the full spectrum of care for all levels of	14188
treatment services for opioid and co-occurring drug addiction and	14189
the continuum of care for other services to be provided as local	14190
mental health and addiction services continuums of care. The	14191
department shall establish the methodology after notifying and	14192
consulting with relevant constituencies as required by division	14193
(A)(10) of section 5119.21 of the Revised Code. The methodology	14194
may provide for the funds to be allocated to boards on a district	14195
or multi-district basis.	14196
(B) Subject to section 5119.25 of the Revised Code, and to	14197
required submissions and approvals under section 340.08 of the	14198
Revised Code, the department shall allocate the funds to the	14199
boards in a manner consistent with the methodology, this section,	14200
other state and federal laws, rules, and regulations.	14201
(C) In consultation with boards, community mental health and	14202
addiction services providers, and persons receiving services, the	14203
department shall establish guidelines for the use of funds	14204
allocated and distributed under this section.	14205
Sec. 5119.25. (A) The director of mental health and addiction	14206

Sec. 5119.25. (A) The director of mental health and addiction 14206 services, in whole or in part, may withhold funds otherwise to be 14207 allocated to a board of alcohol, drug addiction, and mental health 14208 services under section 5119.23 of the Revised Code if the board 14209 fails to comply with Chapter 340. or section 5119.22, 5119.24, 14210 5119.36, or 5119.371 of the Revised Code or rules of the 14211 department of mental health and addiction services. However, the 14212 director shall withhold all such funds from the board when 14213 required to do so under division (A)(4) of section 340.08 of the 14214

Revised Code or division (G)(1) of section 5119.22 of the Revised	14215
Code.	14216
(B) The director of mental health and addiction services may	14217
withhold funds otherwise to be allocated to a board of alcohol,	14218
drug addiction, and mental health services under section 5119.23	14219
of the Revised Code if the board denies available service on the	14220
basis of race, color, religion, creed, sex, age, national origin,	14221
disability as defined in section 4112.01 of the Revised Code, or	14222
developmental disability.	14223
(C) The director shall issue a notice identifying the areas	14224
of noncompliance and the action necessary to achieve compliance.	14225
The director may offer technical assistance to the board to	14226
achieve compliance. The board shall have ten thirty days from	14227
receipt of the notice of noncompliance to present its position	14228
that it is in compliance or to submit to the director evidence of	14229
corrective action the board took to achieve compliance. Before	14230
withholding funds, the director or the director's designee shall	14231
hold a hearing within ten thirty days of receipt of the board's	14232
position or evidence to determine if there are continuing	14233
violations and that either assistance is rejected or the board is	14234
unable, or has failed, to achieve compliance. The director may	14235
appoint a representative from another board of alcohol, drug	14236
addiction, and mental health services to serve as a mentor for the	14237
board in developing and executing a plan of corrective action to	14238
achieve compliance. Any such representative shall be from a board	14239
that is in compliance with Chapter 340. of the Revised Code,	14240
sections 5119.22, 5119.24, 5119.36, and 5119.371 of the Revised	14241
Code, and the department's rules. Subsequent to the hearing	14242
process, if it is determined that compliance has not been	14243
achieved, the director may allocate all or part of the withheld	14244
funds to a public or private agency one or more community mental	14245

health services providers or community addiction services

<pre>providers to provide the community mental health or community</pre>	14247
addiction service for which the board is not in compliance until	14248
the time that there is compliance. The director <code>may shall</code> adopt	14249
rules in accordance with Chapter 119. of the Revised Code to	14250
implement this section.	14251
Sec. 5119.362. (A) In accordance with rules adopted under	14252
section 5119.363 of the Revised Code, each community addiction	14253
services provider shall do all of the following:	14254
(1) Maintain, in an aggregate form, a waiting list of	14255
individuals to whom all of the following apply:	14256
(a) The individual has been documented as having a clinical	14257
need for alcohol and drug addiction services due to an opioid or	14258
co-occurring drug addiction.	14259
(b) The individual has applied to the provider for a	14260
clinically necessary treatment service included in the full	14261
spectrum of care required by division (B) of section 340.09 of the	14262
Revised Code.	14263
(c) The individual has not begun to receive the clinically	14264
necessary treatment service within five days of the individual's	14265
application for the service because the provider lacks an	14266
available slot for the individual.	14267
(2) Notify an individual included on the provider's waiting	14268
list when the provider has a slot available for the individual	14269
and, if the individual does not contact the provider about the	14270
slot within a period of time specified in the rules, contact the	14271
individual to determine why the individual did not contact the	14272
provider and to assess whether the individual still needs the	14273
treatment service;	14274
(3) Subject to divisions (B) and (C) of this section, report	14275
all of the following information each month to the board of	14276

alcohol, drug addiction, and mental health services that serves	14277
the county or counties in which the provider provides alcohol and	14278
drug addiction services:	14279
(a) An unduplicated count of all individuals who reside in a	14280
county that the board serves and were included on the provider's	14281
waiting list as of the last day of the immediately preceding month	14282
and each type of treatment service for which they were waiting;	14283
(b) The total number of days all such individuals had been on	14284
the provider's waiting list as of the last day of the immediately	14285
<pre>preceding month;</pre>	14286
(c) The last known types of residential settings in which all	14287
such individuals resided as of the last day of the immediately	14288
<pre>preceding month;</pre>	14289
(d) The number of all such individuals who did not contact	14290
the provider after receiving, during the immediately preceding	14291
month, the notices under division (A)(2) of this section about the	14292
provider having slots available for the individuals, and the	14293
reasons the contacts were not made;	14294
(e) The number of all such individuals who withdrew, in the	14295
immediately preceding month, their applications for the treatment	14296
services, each type of treatment service for which those	14297
individuals had applied, and the reasons the applications were	14298
withdrawn;	14299
(f) All other information specified in the rules.	14300
(B) If a community addiction services provider provides	14301
alcohol and drug addiction services in more than one county and	14302
those counties are served by different boards of alcohol, drug	14303
addiction, and mental health services, the provider shall provide	14304
separate reports under division (C)(3) of this section to each of	14305
the boards serving the counties in which the provider provides the	14306
services. The report provided to a board shall be specific to the	14307

Sec. 5119.363. The director of mental health and addiction

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services shall adopt rules governing the duties of boards of

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alcohol, drug addiction, and mental health services under section

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340.20 of the Revised Code and the duties of community addiction

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services providers under section 5119.362 of the Revised Code. The

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rules shall be adopted in accordance with Chapter 119. of the

Revised Code.

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Sec. 5119.364. The department of mental health and addiction

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Sec. 5119.364. The department of mental health and addiction 14330 services shall make the reports it receives under section 340.20 14331 of the Revised Code from boards of alcohol, drug addiction, and 14332 mental health services available on the department's internet web 14333 site. The information contained in the reports shall be presented 14334 on the web site on both a statewide basis and county-level basis. 14335 The information on the web site shall be updated monthly after the 14336 boards submit new reports to the department. 14337

Sec. 5119.365. (A) The director of mental health and	14338
addiction services shall adopt rules in accordance with Chapter	14339
119. of the Revised Code to do both of the following:	14340
(1) Streamline the intake procedures used by a community	14341
addiction services provider accepting and beginning to serve a new	14342
patient, including procedures regarding intake forms and	14343
<u>questionnaires;</u>	14344
(2) Enable a community addiction services provider to retain	14345
a patient as an active patient even though the patient last	14346
received services from the provider more than thirty days before	14347
resumption of services so that the patient and provider do not	14348
have to repeat the intake procedures.	14349
(B) The rules adopted under this section shall do both of the	14350
<pre>following:</pre>	14351
(1) Model the intake and resumption of service procedures on	14352
such procedures used by primary care physicians;	14353
(2) Facilitate the exchange of information about patients	14354
between community addiction services providers and primary care	14355
physicians.	14356
Sec. 5123.01. As used in this chapter:	14357
<u>-</u>	
(A) "Chief medical officer" means the licensed physician	14358
appointed by the managing officer of an institution for the	14359
mentally retarded with the approval of the director of	14360
developmental disabilities to provide medical treatment for	14361
residents of the institution.	14362
(B) "Chief program director" means a person with special	14363
training and experience in the diagnosis and management of the	14364
mentally retarded, certified according to division (C) of this	14365
section in at least one of the designated fields, and appointed by	14366

the managing officer of an institution for the mentally retarded	14367
with the approval of the director to provide habilitation and care	14368
for residents of the institution.	14369
(C) "Comprehensive evaluation" means a study, including a	14370
sequence of observations and examinations, of a person leading to	14371
conclusions and recommendations formulated jointly, with	14372
dissenting opinions if any, by a group of persons with special	14373
training and experience in the diagnosis and management of persons	14374
with mental retardation or a developmental disability, which group	14375
shall include individuals who are professionally qualified in the	14376
fields of medicine, psychology, and social work, together with	14377
such other specialists as the individual case may require.	14378
(D) "Education" means the process of formal training and	14379
instruction to facilitate the intellectual and emotional	14380
development of residents.	14381
<u>-</u>	
(E) "Habilitation" means the process by which the staff of	14382
(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining	14382 14383
(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more	14382 14383 14384
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(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of	14382 14383 14384 14385
(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the	14382 14383 14384 14385 14386
(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the resident's physical, mental, social, and vocational efficiency.	14382 14383 14384 14385 14386 14387
(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the resident's physical, mental, social, and vocational efficiency. Habilitation includes but is not limited to programs of formal,	14382 14383 14384 14385 14386 14387 14388
(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the resident's physical, mental, social, and vocational efficiency. Habilitation includes but is not limited to programs of formal, structured education and training.	14382 14383 14384 14385 14386 14387 14388 14389
(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the resident's physical, mental, social, and vocational efficiency. Habilitation includes but is not limited to programs of formal, structured education and training.  (F) "Health officer" means any public health physician,	14382 14383 14384 14385 14386 14387 14388 14389
(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the resident's physical, mental, social, and vocational efficiency. Habilitation includes but is not limited to programs of formal, structured education and training.  (F) "Health officer" means any public health physician, public health nurse, or other person authorized or designated by a	14382 14383 14384 14385 14386 14387 14388 14389 14390 14391
(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the resident's physical, mental, social, and vocational efficiency. Habilitation includes but is not limited to programs of formal, structured education and training.  (F) "Health officer" means any public health physician, public health nurse, or other person authorized or designated by a city or general health district.	14382 14383 14384 14385 14386 14387 14388 14389 14390 14391 14392
<pre>(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the resident's physical, mental, social, and vocational efficiency. Habilitation includes but is not limited to programs of formal, structured education and training.  (F) "Health officer" means any public health physician, public health nurse, or other person authorized or designated by a city or general health district.  (G) "Home and community-based services" means medicaid-funded</pre>	14382 14383 14384 14385 14386 14387 14388 14389 14390 14391 14392 14393
(E) "Habilitation" means the process by which the staff of the institution assists the resident in acquiring and maintaining those life skills that enable the resident to cope more effectively with the demands of the resident's own person and of the resident's environment and in raising the level of the resident's physical, mental, social, and vocational efficiency. Habilitation includes but is not limited to programs of formal, structured education and training.  (F) "Health officer" means any public health physician, public health nurse, or other person authorized or designated by a city or general health district.  (G) "Home and community-based services" means medicaid-funded home and community-based services specified in division (A)(1) of	14382 14383 14384 14385 14386 14387 14388 14389 14390 14391 14392 14393 14394

administers pursuant to section 5166.21 of the Revised Code. 14397

Except as provided in section 5123.0412 of the Revised Code, home	14398
and community-based services provided under the medicaid waiver	14399
component known as the transitions developmental disabilities	14400
waiver are to be considered to be home and community-based	14401
services for the purposes of this chapter, and Chapters 5124. and	14402
5126. of the Revised Code, only to the extent, if any, provided by	14403
the contract required by section 5166.21 of the Revised Code	14404
regarding the waiver.	14405
(H) "ICF/IID" has the same meaning as in section 5124.01 of	14406
the Revised Code.	14407
(I) "Indigent person" means a person who is unable, without	14408
substantial financial hardship, to provide for the payment of an	14409
attorney and for other necessary expenses of legal representation,	14410
including expert testimony.	14411
(J) "Institution" means a public or private facility, or a	14412
part of a public or private facility, that is licensed by the	14413
appropriate state department and is equipped to provide	14414
residential habilitation, care, and treatment for the mentally	14415
retarded.	14416
(K) "Licensed physician" means a person who holds a valid	14417
certificate issued under Chapter 4731. of the Revised Code	14418
authorizing the person to practice medicine and surgery or	14419
osteopathic medicine and surgery, or a medical officer of the	14420
government of the United States while in the performance of the	14421
officer's official duties.	14422
(L) "Managing officer" means a person who is appointed by the	14423
director of developmental disabilities to be in executive control	14424
of an institution for the mentally retarded under the jurisdiction	14425
of the department.	14426

(M) "Medicaid case management services" means case management 14427

services provided to an individual with mental retardation or

has the meanings meaning established pursuant to section 5123.011

"Developmental disability" means a severe, chronic disability

of the Revised Code.

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that is characterized by all of the following:	14460
(1) It is attributable to a mental or physical impairment or	14461
a combination of mental and physical impairments, other than a	14462
mental or physical impairment solely caused by mental illness as	14463
defined in division (A) of section 5122.01 of the Revised Code.	14464
(2) It is manifested before age twenty-two.	14465
(3) It is likely to continue indefinitely.	14466
(4) It results in one of the following:	14467
(a) In the case of a person under three years of age, at	14468
least one developmental delay or an established risk a diagnosed	14469
physical or mental condition that has a high probability of	14470
resulting in a developmental delay;	14471
(b) In the case of a person at least three years of age but	14472
under six years of age, at least two developmental delays <del>or an</del>	14473
established risk;	14474
(c) In the case of a person six years of age or older, a	14475
substantial functional limitation in at least three of the	14476
following areas of major life activity, as appropriate for the	14477
person's age: self-care, receptive and expressive language,	14478
learning, mobility, self-direction, capacity for independent	14479
living, and, if the person is at least sixteen years of age,	14480
capacity for economic self-sufficiency.	14481
(5) It causes the person to need a combination and sequence	14482
of special, interdisciplinary, or other type of care, treatment,	14483
or provision of services for an extended period of time that is	14484
individually planned and coordinated for the person.	14485
(R) "Developmentally disabled person" means a person with a	14486
developmental disability.	14487
(S) "State institution" means an institution that is	14488
tax-supported and under the jurisdiction of the department.	14489

(T) "Residence" and "legal residence" have the same meaning	14490
as "legal settlement," which is acquired by residing in Ohio for a	14491
period of one year without receiving general assistance prior to	14492
July 17, 1995, under former Chapter 5113. of the Revised Code,	14493
financial assistance under Chapter 5115. of the Revised Code, or	14494
assistance from a private agency that maintains records of	14495
assistance given. A person having a legal settlement in the state	14496
shall be considered as having legal settlement in the assistance	14497
area in which the person resides. No adult person coming into this	14498
state and having a spouse or minor children residing in another	14499
state shall obtain a legal settlement in this state as long as the	14500
spouse or minor children are receiving public assistance, care, or	14501
support at the expense of the other state or its subdivisions. For	14502
the purpose of determining the legal settlement of a person who is	14503
living in a public or private institution or in a home subject to	14504
licensing by the department of job and family services, the	14505
department of mental health and addiction services, or the	14506
department of developmental disabilities, the residence of the	14507
person shall be considered as though the person were residing in	14508
the county in which the person was living prior to the person's	14509
entrance into the institution or home. Settlement once acquired	14510
shall continue until a person has been continuously absent from	14511
Ohio for a period of one year or has acquired a legal residence in	14512
another state. A woman who marries a man with legal settlement in	14513
any county immediately acquires the settlement of her husband. The	14514
legal settlement of a minor is that of the parents, surviving	14515
parent, sole parent, parent who is designated the residential	14516
parent and legal custodian by a court, other adult having	14517
permanent custody awarded by a court, or guardian of the person of	14518
the minor, provided that:	14519

(1) A minor female who marries shall be considered to have 14520 the legal settlement of her husband and, in the case of death of 14521 her husband or divorce, she shall not thereby lose her legal 14522

settlement obtained by the marriage.	14523
(2) A minor male who marries, establishes a home, and who has	14524
resided in this state for one year without receiving general	14525
assistance prior to July 17, 1995, under former Chapter 5113. of	14526
the Revised Code, financial assistance under Chapter 5115. of the	14527
Revised Code, or assistance from a private agency that maintains	14528
records of assistance given shall be considered to have obtained a	14529
legal settlement in this state.	14530
(3) The legal settlement of a child under eighteen years of	14531
age who is in the care or custody of a public or private child	14532
caring agency shall not change if the legal settlement of the	14533
parent changes until after the child has been in the home of the	14534
parent for a period of one year.	14535
No person, adult or minor, may establish a legal settlement	14536
in this state for the purpose of gaining admission to any state	14537
institution.	14538
$(\mathrm{U})(1)$ "Resident" means, subject to division $(\mathrm{U})(2)$ of this	14539
section, a person who is admitted either voluntarily or	14540
involuntarily to an institution or other facility pursuant to	14541
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised	14542
Code subsequent to a finding of not guilty by reason of insanity	14543
or incompetence to stand trial or under this chapter who is under	14544
observation or receiving habilitation and care in an institution.	14545
(2) "Resident" does not include a person admitted to an	14546
institution or other facility under section 2945.39, 2945.40,	14547
2945.401, or 2945.402 of the Revised Code to the extent that the	14548
reference in this chapter to resident, or the context in which the	14549
reference occurs, is in conflict with any provision of sections	14550
2945.37 to 2945.402 of the Revised Code.	14551
(V) "Respondent" means the person whose detention,	14552

commitment, or continued commitment is being sought in any

proceeding under this chapter.	14554
(W) "Working day" and "court day" mean Monday, Tuesday,	14555
Wednesday, Thursday, and Friday, except when such day is a legal	14556
holiday.	14557
(X) "Prosecutor" means the prosecuting attorney, village	14558
solicitor, city director of law, or similar chief legal officer	14559
who prosecuted a criminal case in which a person was found not	14560
guilty by reason of insanity, who would have had the authority to	14561
prosecute a criminal case against a person if the person had not	14562
been found incompetent to stand trial, or who prosecuted a case in	14563
which a person was found guilty.	14564
(Y) "Court" means the probate division of the court of common	14565
pleas.	14566
(Z) "Supported living" and "residential services" have the	14567
same meanings as in section 5126.01 of the Revised Code.	14568
Sec. 5123.011. The director of developmental disabilities	14569
shall adopt rules in accordance with Chapter 119. of the Revised	14570
shall adopt rules in accordance with Chapter 119. of the Revised Code that establish definitions of "substantial functional	14570 14571
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shall adopt rules in accordance with Chapter 119. of the Revised Code that establish definitions of "substantial functional limitation," to do both of the following:	14570 14571 14572
shall adopt rules in accordance with Chapter 119. of the Revised  Code that establish definitions of "substantial functional  limitation," to do both of the following:  (A) Define "developmental delay," "established risk,"	14570 14571 14572 14573
shall adopt rules in accordance with Chapter 119. of the Revised  Code that establish definitions of "substantial functional  limitation," to do both of the following:  (A) Define "developmental delay," "established risk,"  "biological risk," and "environmental risk.";	14570 14571 14572 14573 14574
shall adopt rules in accordance with Chapter 119. of the Revised  Code that establish definitions of "substantial functional  limitation," to do both of the following:  (A) Define "developmental delay," "established risk,"  "biological risk," and "environmental risk.";  (B) For the purpose of division (Q)(4)(c) of section 5123.01	14570 14571 14572 14573 14574
shall adopt rules in accordance with Chapter 119. of the Revised  Code that establish definitions of "substantial functional  limitation," to do both of the following:  (A) Define "developmental delay," "established risk,"  "biological risk," and "environmental risk.";  (B) For the purpose of division (O)(4)(c) of section 5123.01  and division (F)(4)(c) of section 5126.01 of the Revised Code,	14570 14571 14572 14573 14574 14575 14576
shall adopt rules in accordance with Chapter 119. of the Revised  Code that establish definitions of "substantial functional  limitation," to do both of the following:  (A) Define "developmental delay," "established risk,"  "biological risk," and "environmental risk.";  (B) For the purpose of division (0)(4)(c) of section 5123.01  and division (F)(4)(c) of section 5126.01 of the Revised Code,  specify how to determine whether a person six years of age or	14570 14571 14572 14573 14574 14575 14576 14577
shall adopt rules in accordance with Chapter 119. of the Revised Code that establish definitions of "substantial functional limitation," to do both of the following:  (A) Define "developmental delay," "established risk," "biological risk," and "environmental risk.";  (B) For the purpose of division (O)(4)(C) of section 5123.01 and division (F)(4)(C) of section 5126.01 of the Revised Code, specify how to determine whether a person six years of age or older has a substantial functional limitation in a major life activity as appropriate for the person's age.	14570 14571 14572 14573 14574 14575 14576 14577
shall adopt rules in accordance with Chapter 119. of the Revised  Code that establish definitions of "substantial functional  limitation," to do both of the following:  (A) Define "developmental delay," "established risk,"  "biological risk," and "environmental risk.";  (B) For the purpose of division (O)(4)(c) of section 5123.01  and division (F)(4)(c) of section 5126.01 of the Revised Code,  specify how to determine whether a person six years of age or  older has a substantial functional limitation in a major life	14570 14571 14572 14573 14574 14575 14576 14577
shall adopt rules in accordance with Chapter 119. of the Revised Code that establish definitions of "substantial functional limitation," to do both of the following:  (A) Define "developmental delay," "established risk," "biological risk," and "environmental risk.";  (B) For the purpose of division (O)(4)(C) of section 5123.01 and division (F)(4)(C) of section 5126.01 of the Revised Code, specify how to determine whether a person six years of age or older has a substantial functional limitation in a major life activity as appropriate for the person's age.	14570 14571 14572 14573 14574 14575 14576 14577 14578 14579

<del>Code.</del>	14583
(2) "Preschool, "preschool child with a disability" has the	14584
same meaning as in section 3323.01 of the Revised Code.	14585
(B) Except as provided in division (C) of this section, the	14586
department of developmental disabilities shall make eligibility	14587
determinations in accordance with the definition of "developmental	14588
disability" in section 5123.01 of the Revised Code. The department	14589
may adopt rules in accordance with Chapter 119. of the Revised	14590
Code establishing eligibility for programs and services for either	14591
of the following:	14592
(1) Individuals under age six who have a biological risk or	14593
environmental risk of a developmental delay;	14594
(2) Any any preschool child with a disability eligible for	14595
services under section 3323.02 of the Revised Code whose	14596
disability is not attributable solely to mental illness as defined	14597
in section 5122.01 of the Revised Code.	14598
(C)(1) The department shall make determinations of	14599
eligibility for protective services in accordance with sections	14600
5123.55 to 5123.59 of the Revised Code.	14601
(2) Determinations of whether a mentally retarded person is	14602
subject to institutionalization by court order shall be made in	14603
accordance with sections 5123.71 to 5123.76 of the Revised Code	14604
and shall be based on the definition of "mentally retarded person	14605
subject to institutionalization by court order" in section 5123.01	14606
of the Revised Code.	14607
(3) All persons who were eligible for services and enrolled	14608
in programs offered by the department of developmental	14609
disabilities pursuant to this chapter on July 1, 1991, shall	14610
continue to be eligible for those services and to be enrolled in	14611
those programs as long as they are in need of services.	14612

Sec. 5123.0420. As used in this section, "evidence-based	14613
intervention" means a prevention or treatment service that has	14614
been demonstrated through scientific evaluation to produce a	14615
positive outcome.	14616
The department of developmental disabilities shall establish	14617
a voluntary training and certification program for individuals who	14618
provide evidence-based interventions to individuals with an autism	14619
spectrum disorder. The department shall administer the program or	14620
contract with a person or other government entity to administer	14621
the program. The program shall not conflict with or duplicate any	14622
other certification or licensure process administered by the	14623
state.	14624
The director of developmental disabilities may adopt rules as	14625
necessary to implement this section. If the director adopts rules,	14626
the rules shall be adopted in accordance with Chapter 119. of the	14627
Revised Code.	14628
Sec. 5123.16. (A) As used in sections 5123.16 to 5123.1610 of	14629
the Revised Code:	14630
(1) "Applicant" means any of the following:	14631
(a) The chief executive officer of a business that applies	14632
under section 5123.161 of the Revised Code for a certificate to	14633
provide supported living;	14634
(b) The chief executive officer of a business that seeks	14635
renewal of the business's supported living certificate under	14636
section 5123.164 of the Revised Code;	14637
(c) An individual who applies under section 5123.161 of the	14638
Revised Code for a certificate to provide supported living as an	14639
independent provider;	14640
(d) An independent provider who seeks renewal of the	14641

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independent provider's supported living certificate under section	14642
5123.164 of the Revised Code.	14643
(2) <del>(a)</del> "Business" means <del>either of the following:</del>	14644
(i) An an association, corporation, nonprofit organization,	14645
partnership, trust, or other group of persons $\div$	14646
(ii) An individual who employs, directly or through contract,	14647
one or more other individuals to provide supported living.	14648
(b). "Business" does not mean an independent provider.	14649
(3) "Criminal records check" has the same meaning as in	14650
section 109.572 of the Revised Code.	14651
(4) "Disqualifying offense" means any of the offenses listed	14652
or described in divisions (A)(3)(a) to (e) of section 109.572 of	14653
the Revised Code.	14654
(5) "Independent provider" means a provider who provides	14655
supported living on a self-employed basis and does not employ,	14656
directly or through contract, another <u>individual person</u> to provide	14657
the supported living.	14658
(6) "Provider" means a person or government entity certified	14659
by the director of developmental disabilities to provide supported	14660
living. For the purpose of division (A)(8) of this section,	14661
"provider" includes a person or government entity that seeks or	14662
previously held a certificate to provide supported living.	14663
(7) "Minor drug possession offense" has the same meaning as	14664
in section 2925.01 of the Revised Code.	14665
(8) "Related party" means any of the following:	14666
(a) In the case of a provider who is an individual, any of	14667
the following:	14668
(i) The spouse of the provider;	14669
(ii) A parent or stepparent of the provider or provider's	14670

(vi) A person or government entity that has control over the

14698

14699

<del>provider;</del>

Sec. 5123.162. (A) The director of developmental disabilities	14729
may conduct surveys of persons and government entities that seek a	14730
supported living certificate to determine whether the persons and	14731
government entities meet the certification standards. The director	14732
may also conduct surveys of providers to determine whether the	14733
providers continue to meet the certification standards. The	14734
director shall conduct the surveys in accordance with rules	14735
adopted under section 5123.1610 of the Revised Code.	14736
(B) Following each survey of a provider, the director shall	14737
issue a report listing the date of the survey and any citations	14738
issued as a result of the survey. Except when the director	14739
initiates a proceeding to revoke a provider's certification, the	14740
director shall do all of the following:	14741
(1) Specify a date by which the provider may appeal any of	14742
the citations;	14743
(2) Specify a timetable within which the provider must submit	14744
a plan of correction describing how the problems specified in the	14745
citations will be corrected;	14746
(3) When appropriate, specify a timetable within which the	14747
provider must correct the problems specified in the citations.	14748
(C) If the director initiates a proceeding to revoke a	14749
provider's certification, the director shall include the report	14750
required by division (B) of this section with the notice of the	14751
proposed revocation the director sends the provider. In this	14752
circumstance, the provider may not appeal the citations or submit	14753
a plan of correction.	14754
(D) After a plan of correction is submitted, the director	14755
shall approve or disapprove the plan. If the plan of correction is	14756
approved, a copy of the approved plan shall be provided, not later	14757
than five business days after it is approved, to any person or	14758

government entity that requests it and made available on the	14759
internet web site maintained by the department of developmental	14760
disabilities. If the plan of correction is not approved and the	14761
director initiates a proceeding to revoke the provider's	14762
certification, a copy of the survey report shall be provided to	14763
any person or government entity that requests it and made	14764
available on the internet web site maintained by the department.	14765
The (E) In addition to survey reports described in this	14766
section, all other records of associated with surveys conducted	14767
under this section are public records for the purpose of section	14768
149.43 of the Revised Code and shall be made available on the	14769
request of any person or government entity.	14770
Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of	14771
the Revised Code:	14772
(1) "Independent living arrangement" means an arrangement in	14773
(1) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person	14773 14774
which a mentally retarded or developmentally disabled person	14774
which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the	14774 14775
which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the	14774 14775 14776
which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or	14774 14775 14776 14777
which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial	14774 14775 14776 14777 14778
which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any	14774 14775 14776 14777 14778 14779
which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.	14774 14775 14776 14777 14778 14779
which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.  (2) "Licensee" means the person or government agency that has	14774 14775 14776 14777 14778 14779 14780
which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.  (2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.	14774 14775 14776 14777 14778 14779 14780 14781 14782 14783
which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.  (2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.  (3) "Political subdivision" means a municipal corporation,	14774 14775 14776 14777 14778 14779 14780 14781 14782 14783
which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.  (2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.  (3) "Political subdivision" means a municipal corporation, county, or township.	14774 14775 14776 14777 14778 14779 14780 14781 14782 14783 14784 14785
which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.  (2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.  (3) "Political subdivision" means a municipal corporation,	14774 14775 14776 14777 14778 14779 14780 14781 14782 14783

definition of "related party" means a person or government entity

that held or applied for a license to operate a residential	14789
facility, rather than a person or government entity certified to	14790
provide supported living.	14791
(5)(a) Except as provided in division (A)(5)(b) of this	14792
section, "residential facility" means a home or facility,	14793
including an ICF/IID, in which an individual with mental	14794
retardation or a developmental disability resides.	14795
(b) "Residential facility" does not mean any of the	14796
following:	14797
(i) The home of a relative or legal guardian in which an	14798
individual with mental retardation or a developmental disability	14799
resides;	14800
(ii) A respite care home certified under section 5126.05 of	14801
the Revised Code;	14802
(iii) A county home or district home operated pursuant to	14803
Chapter 5155. of the Revised Code;	14804
(iv) A dwelling in which the only residents with mental	14805
retardation or developmental disabilities are in independent	14806
living arrangements or are being provided supported living.	14807
(B) Every person or government agency desiring to operate a	14808
residential facility shall apply for licensure of the facility to	14809
the director of developmental disabilities unless the residential	14810
facility is subject to section 3721.02, 5103.03, 5119.33, or	14811
division (A)(9)(b) of section 5119.34 of the Revised Code.	14812
(C) Subject to section 5123.196 of the Revised Code, the	14813
director of developmental disabilities shall license the operation	14814
of residential facilities. An initial license shall be issued for	14815
a period that does not exceed one year, unless the director denies	14816
the license under division (D) of this section. A license shall be	14817
renewed for a period that does not exceed three years, unless the	14818

director refuses to renew the license under division (D) of this	14819
section. The director, when issuing or renewing a license, shall	14820
specify the period for which the license is being issued or	14821
renewed. A license remains valid for the length of the licensing	14822
period specified by the director, unless the license is	14823
terminated, revoked, or voluntarily surrendered.	14824

- (D) If it is determined that an applicant or licensee is not 14825 in compliance with a provision of this chapter that applies to 14826 residential facilities or the rules adopted under such a 14827 provision, the director may deny issuance of a license, refuse to 14828 renew a license, terminate a license, revoke a license, issue an 14829 order for the suspension of admissions to a facility, issue an 14830 order for the placement of a monitor at a facility, issue an order 14831 for the immediate removal of residents, or take any other action 14832 the director considers necessary consistent with the director's 14833 authority under this chapter regarding residential facilities. In 14834 the director's selection and administration of the sanction to be 14835 imposed, all of the following apply: 14836
- (1) The director may deny, refuse to renew, or revoke a 14837 license, if the director determines that the applicant or licensee 14838 has demonstrated a pattern of serious noncompliance or that a 14839 violation creates a substantial risk to the health and safety of 14840 residents of a residential facility. 14841
- (2) The director may terminate a license if more than twelve 14842 consecutive months have elapsed since the residential facility was 14843 last occupied by a resident or a notice required by division (K) 14844 of this section is not given.
- (3) The director may issue an order for the suspension of 14846 admissions to a facility for any violation that may result in 14847 sanctions under division (D)(1) of this section and for any other 14848 violation specified in rules adopted under division (H)(2) of this 14849 section. If the suspension of admissions is imposed for a 14850

violation that may result in sanctions under division (D)(1) of 14851 this section, the director may impose the suspension before 14852 providing an opportunity for an adjudication under Chapter 119. of 14853 the Revised Code. The director shall lift an order for the 14854 suspension of admissions when the director determines that the 14855 violation that formed the basis for the order has been corrected. 14856

- (4) The director may order the placement of a monitor at a 14857 residential facility for any violation specified in rules adopted 14858 under division (H)(2) of this section. The director shall lift the 14859 order when the director determines that the violation that formed 14860 the basis for the order has been corrected. 14861
- (5) If the director determines that two or more residential 14862 facilities owned or operated by the same person or government 14863 entity are not being operated in compliance with a provision of 14864 this chapter that applies to residential facilities or the rules 14865 adopted under such a provision, and the director's findings are 14866 based on the same or a substantially similar action, practice, 14867 circumstance, or incident that creates a substantial risk to the 14868 health and safety of the residents, the director shall conduct a 14869 survey as soon as practicable at each residential facility owned 14870 or operated by that person or government entity. The director may 14871 take any action authorized by this section with respect to any 14872 facility found to be operating in violation of a provision of this 14873 chapter that applies to residential facilities or the rules 14874 adopted under such a provision. 14875
- (6) When the director initiates license revocation 14876 proceedings, no opportunity for submitting a plan of correction 14877 shall be given. The director shall notify the licensee by letter 14878 of the initiation of the proceedings. The letter shall list the 14879 deficiencies of the residential facility and inform the licensee 14880 that no plan of correction will be accepted. The director shall 14881 also send a copy of the letter to the county board of 14882

developmental disabilities. The county board shall send a copy of	14883
the letter to each of the following:	14884
(a) Each resident who receives services from the licensee;	14885
(b) The guardian of each resident who receives services from	14886
the licensee if the resident has a guardian;	14887
(c) The parent or guardian of each resident who receives	14888
services from the licensee if the resident is a minor.	14889
(7) Pursuant to rules which shall be adopted in accordance	14890
with Chapter 119. of the Revised Code, the director may order the	14891
immediate removal of residents from a residential facility	14892
whenever conditions at the facility present an immediate danger of	14893
physical or psychological harm to the residents.	14894
(8) In determining whether a residential facility is being	14895
operated in compliance with a provision of this chapter that	14896
applies to residential facilities or the rules adopted under such	14897
a provision, or whether conditions at a residential facility	14898
present an immediate danger of physical or psychological harm to	14899
the residents, the director may rely on information obtained by a	14900
county board of developmental disabilities or other governmental	14901
agencies.	14902
(9) In proceedings initiated to deny, refuse to renew, or	14903
revoke licenses, the director may deny, refuse to renew, or revoke	14904
a license regardless of whether some or all of the deficiencies	14905
that prompted the proceedings have been corrected at the time of	14906
the hearing.	14907
(E) The director shall establish a program under which public	14908
notification may be made when the director has initiated license	14909
revocation proceedings or has issued an order for the suspension	14910
of admissions, placement of a monitor, or removal of residents.	14911
The director shall adopt rules in accordance with Chapter 119. of	14912
the Revised Code to implement this division. The rules shall	14913

director.

establish the procedures by which the public notification will be	14914
made and specify the circumstances for which the notification must	14915
be made. The rules shall require that public notification be made	14916
if the director has taken action against the facility in the	14917
eighteen-month period immediately preceding the director's latest	14918
action against the facility and the latest action is being taken	14919
for the same or a substantially similar violation of a provision	14920
of this chapter that applies to residential facilities or the	14921
rules adopted under such a provision. The rules shall specify a	14922
method for removing or amending the public notification if the	14923
director's action is found to have been unjustified or the	14924
violation at the residential facility has been corrected.	14925
(F)(1) Except as provided in division $(F)(2)$ of this section,	14926
appeals from proceedings initiated to impose a sanction under	14927
division (D) of this section shall be conducted in accordance with	14928
Chapter 119. of the Revised Code.	14929
(2) Appeals from proceedings initiated to order the	14930
suspension of admissions to a facility shall be conducted in	14931
accordance with Chapter 119. of the Revised Code, unless the order	14932
was issued before providing an opportunity for an adjudication, in	14933
which case all of the following apply:	14934
(a) The licensee may request a hearing not later than ten	14935
days after receiving the notice specified in section 119.07 of the	14936
Revised Code.	14937
(b) If a timely request for a hearing that includes the	14938
licensee's current address is made, the hearing shall commence not	14939
later than thirty days after the department receives the request.	14940
(c) After commencing, the hearing shall continue	14941
uninterrupted, except for Saturdays, Sundays, and legal holidays,	14942
unless other interruptions are agreed to by the licensee and the	14943

(d) If the hearing is conducted by a hearing examiner, the	14945
hearing examiner shall file a report and recommendations not later	14946
than ten days after the last of the following:	14947
(i) The close of the hearing;	14948
(ii) If a transcript of the proceedings is ordered, the	14949
hearing examiner receives the transcript;	14950
(iii) If post-hearing briefs are timely filed, the hearing	14951
examiner receives the briefs.	14952
(e) A copy of the written report and recommendation of the	14953
hearing examiner shall be sent, by certified mail, to the licensee	14954
and the licensee's attorney, if applicable, not later than five	14955
days after the report is filed.	14956
(f) Not later than five days after the hearing examiner files	14957
the report and recommendations, the licensee may file objections	14958
to the report and recommendations.	14959
(g) Not later than fifteen days after the hearing examiner	14960
files the report and recommendations, the director shall issue an	14961
order approving, modifying, or disapproving the report and	14962
recommendations.	14963
(h) Notwithstanding the pendency of the hearing, the director	14964
shall lift the order for the suspension of admissions when the	14965
director determines that the violation that formed the basis for	14966
the order has been corrected.	14967
(G) Neither a person or government agency whose application	14968
for a license to operate a residential facility is denied nor a	14969
related party of the person or government agency may apply for a	14970
license to operate a residential facility before the date that is	14971
one year after the date of the denial. Neither a licensee whose	14972
residential facility license is revoked nor a related party of the	14973
licensee may apply for a residential facility license before the	14974

date that is five years after the date of the revocation.	14975
(H) In accordance with Chapter 119. of the Revised Code, the	14976
director shall adopt and may amend and rescind rules for licensing	14977
and regulating the operation of residential facilities. The rules	14978
for residential facilities that are ICFs/IID may differ from those	14979
for other residential facilities. The rules shall establish and	14980
specify the following:	14981
(1) Procedures and criteria for issuing and renewing	14982
licenses, including procedures and criteria for determining the	14983
length of the licensing period that the director must specify for	14984
each license when it is issued or renewed;	14985
(2) Procedures and criteria for denying, refusing to renew,	14986
terminating, and revoking licenses and for ordering the suspension	14987
of admissions to a facility, placement of a monitor at a facility,	14988
and the immediate removal of residents from a facility;	14989
(3) Fees for issuing and renewing licenses, which shall be	14990
deposited into the program fee fund created under section 5123.033	14991
of the Revised Code;	14992
(4) Procedures for surveying residential facilities;	14993
(5) Requirements for the training of residential facility	14994
personnel;	14995
(6) Classifications for the various types of residential	14996
facilities;	14997
(7) Certification procedures for licensees and management	14998
contractors that the director determines are necessary to ensure	14999
that they have the skills and qualifications to properly operate	15000
or manage residential facilities;	15001
(8) The maximum number of persons who may be served in a	15002
particular type of residential facility;	15003
(9) Uniform procedures for admission of persons to and	15004

transfers and discharges of persons from residential facilities;	15005
(10) Other standards for the operation of residential	15006
facilities and the services provided at residential facilities;	15007
(11) Procedures for waiving any provision of any rule adopted	15008
under this section.	15009
(I)(1) Before issuing a license, the director of the	15010
department or the director's designee shall conduct a survey of	15011
the residential facility for which application is made. The	15012
director or the director's designee shall conduct a survey of each	15013
licensed residential facility at least once during the period the	15014
license is valid and may conduct additional inspections as needed.	15015
A survey includes but is not limited to an on-site examination and	15016
evaluation of the residential facility, its personnel, and the	15017
services provided there.	15018
(2) In conducting surveys, the director or the director's	15019
designee shall be given access to the residential facility; all	15020
records, accounts, and any other documents related to the	15021
operation of the facility; the licensee; the residents of the	15022
facility; and all persons acting on behalf of, under the control	15023
of, or in connection with the licensee. The licensee and all	15024
persons on behalf of, under the control of, or in connection with	15025
the licensee shall cooperate with the director or the director's	15026
designee in conducting the survey.	15027
(3) Following each survey, unless the director initiates a	15028
license revocation proceeding, the director or the director's	15029
designee shall provide the licensee with a report listing the date	15030
of the survey and any deficiencies, specifying citations issued as	15031
a result of the survey. Except when the director initiates a	15032
proceeding to revoke a license, the director shall do all of the	15033
following:	15034
(a) Specify a date by which the licensee may appeal any of	15035

the citations;	15036
(b) Specify a timetable within which the licensee shall must	15037
submit a plan of correction describing how the deficiencies	15038
problems specified in the citations will be corrected, and, when;	15039
(c) When appropriate, specifying specify a timetable within	15040
which the licensee must correct the deficiencies problems	15041
specified in the citations. After	15042
(4) If the director initiates a proceeding to revoke a	15043
license, the director shall include the report required by	15044
division (I)(3) of this section with the notice of the proposed	15045
revocation the director sends the licensee. In this circumstance,	15046
the licensee may not appeal the citations or submit a plan of	15047
correction.	15048
$(5)$ After a plan of correction is submitted, the director $\frac{1}{2}$	15049
the director's designee shall approve or disapprove the plan. A $\underline{\text{If}}$	15050
the plan of correction is approved, a copy of the report and any	15051
approved plan of correction shall be provided, not later than five	15052
business days after it is approved, to any person or government	15053
entity who requests it and made available on the internet web site	15054
maintained by the department of developmental disabilities. If the	15055
plan of correction is not approved and the director initiates a	15056
proceeding to revoke the license, a copy of the survey report	15057
shall be provided to any person or government entity that requests	15058
it and made available on the internet web site maintained by the	15059
<u>department</u> .	15060
(6) The director shall initiate disciplinary action against	15061
any department employee who notifies or causes the notification to	15062
any unauthorized person of an unannounced survey of a residential	15063
facility by an authorized representative of the department.	15064
(J) In addition to any other information which may be	15065
required of applicants for a license pursuant to this section, the	15066

director shall require each applicant to provide a copy of an	15067
approved plan for a proposed residential facility pursuant to	15068
section 5123.042 of the Revised Code. This division does not apply	15069
to renewal of a license or to an applicant for an initial or	15070
modified license who meets the requirements of section 5123.197 of	15071
the Revised Code.	15072

(K) A licensee shall notify the owner of the building in 15073 which the licensee's residential facility is located of any 15074 significant change in the identity of the licensee or management 15075 contractor before the effective date of the change if the licensee 15076 is not the owner of the building.

Pursuant to rules which shall be adopted in accordance with 15078 Chapter 119. of the Revised Code, the director may require 15079 notification to the department of any significant change in the 15080 ownership of a residential facility or in the identity of the 15081 licensee or management contractor. If the director determines that 15082 a significant change of ownership is proposed, the director shall 15083 consider the proposed change to be an application for development 15084 by a new operator pursuant to section 5123.042 of the Revised Code 15085 and shall advise the applicant within sixty days of the 15086 notification that the current license shall continue in effect or 15087 a new license will be required pursuant to this section. If the 15088 director requires a new license, the director shall permit the 15089 facility to continue to operate under the current license until 15090 the new license is issued, unless the current license is revoked, 15091 refused to be renewed, or terminated in accordance with Chapter 15092 119. of the Revised Code. 15093

(L) A county board of developmental disabilities and any 15094 interested person may file complaints alleging violations of 15095 statute or department rule relating to residential facilities with 15096 the department. All complaints shall be in writing and shall state 15097 the facts constituting the basis of the allegation. The department 15098

Any legislative authority of a municipal corporation, board

receives notice under this division of the proposed issuance of a

license for a residential facility may comment on it in writing to

of county commissioners, or board of township trustees that

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the director within ten days after the director mailed the notice, 15130 excluding Saturdays, Sundays, and legal holidays. If the director 15131 receives written comments from any notified officials within the 15132 specified time, the director shall make written findings 15133 concerning the comments and the director's decision on the 15134 issuance of the license. If the director does not receive written 15135 comments from any notified local officials within the specified 15136 time, the director shall continue the process for issuance of the 15137 license. 15138

- (O) Any person may operate a licensed residential facility 15139 that provides room and board, personal care, habilitation 15140 services, and supervision in a family setting for at least six but 15141 not more than eight persons with mental retardation or a 15142 developmental disability as a permitted use in any residential 15143 district or zone, including any single-family residential district 15144 or zone, of any political subdivision. These residential 15145 facilities may be required to comply with area, height, yard, and 15146 architectural compatibility requirements that are uniformly 15147 imposed upon all single-family residences within the district or 15148 15149 zone.
- (P) Any person may operate a licensed residential facility 15150 that provides room and board, personal care, habilitation 15151 services, and supervision in a family setting for at least nine 15152 but not more than sixteen persons with mental retardation or a 15153 developmental disability as a permitted use in any multiple-family 15154 residential district or zone of any political subdivision, except 15155 that a political subdivision that has enacted a zoning ordinance 15156 or resolution establishing planned unit development districts may 15157 exclude these residential facilities from those districts, and a 15158 political subdivision that has enacted a zoning ordinance or 15159 resolution may regulate these residential facilities in 15160 multiple-family residential districts or zones as a conditionally 15161

permitted use or special exception, in either case, under	15162
reasonable and specific standards and conditions set out in the	15163
zoning ordinance or resolution to:	15164
(1) Require the architectural design and site layout of the	15165
residential facility and the location, nature, and height of any	15166
walls, screens, and fences to be compatible with adjoining land	15167
uses and the residential character of the neighborhood;	15168
(2) Require compliance with yard, parking, and sign	15169
regulation;	15170
(3) Limit excessive concentration of these residential	15171
facilities.	15172
(Q) This section does not prohibit a political subdivision	15173
from applying to residential facilities nondiscriminatory	15174
regulations requiring compliance with health, fire, and safety	15175
regulations and building standards and regulations.	15176
(R) Divisions (O) and (P) of this section are not applicable	15177
to municipal corporations that had in effect on June 15, 1977, an	15178
ordinance specifically permitting in residential zones licensed	15179
residential facilities by means of permitted uses, conditional	15180
uses, or special exception, so long as such ordinance remains in	15181
effect without any substantive modification.	15182
(S)(1) The director may issue an interim license to operate a	15183
residential facility to an applicant for a license under this	15184
section if either of the following is the case:	15185
(a) The director determines that an emergency exists	15186
requiring immediate placement of persons in a residential	15187
facility, that insufficient licensed beds are available, and that	15188
the residential facility is likely to receive a permanent license	15189
under this section within thirty days after issuance of the	15190
interim license.	15191

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(b) The director determines that the issuance of an interim 15192 license is necessary to meet a temporary need for a residential 15193 facility. 15194 (2) To be eligible to receive an interim license, an 15195 applicant must meet the same criteria that must be met to receive 15196 a permanent license under this section, except for any differing 15197 procedures and time frames that may apply to issuance of a 15198 permanent license. 15199 (3) An interim license shall be valid for thirty days and may 15200 be renewed by the director for a period not to exceed one hundred 15201 fifty days. 15202 (4) The director shall adopt rules in accordance with Chapter 15203 119. of the Revised Code as the director considers necessary to 15204 administer the issuance of interim licenses. 15205 (T) Notwithstanding rules adopted pursuant to this section 15206 establishing the maximum number of persons who may be served in a 15207 particular type of residential facility, a residential facility 15208 shall be permitted to serve the same number of persons being 15209 served by the facility on the effective date of the rules or the 15210 number of persons for which the facility is authorized pursuant to 15211 a current application for a certificate of need with a letter of 15212 support from the department of developmental disabilities and 15213 which is in the review process prior to April 4, 1986. 15214 (U) The director or the director's designee may enter at any 15215 time, for purposes of investigation, any home, facility, or other 15216 structure that has been reported to the director or that the 15217 director has reasonable cause to believe is being operated as a 15218 residential facility without a license issued under this section. 15219 The director may petition the court of common pleas of the 15220

county in which an unlicensed residential facility is located for

an order enjoining the person or governmental agency operating the

facility from continuing to operate without a license. The court	15223
may grant the injunction on a showing that the person or	15224
governmental agency named in the petition is operating a	15225
residential facility without a license. The court may grant the	15226
injunction, regardless of whether the residential facility meets	15227
the requirements for receiving a license under this section.	15228
Sec. 5123.191. (A) The court of common pleas or a judge	15229
thereof in the judge's county, or the probate court, may appoint a	15230
receiver to take possession of and operate a residential facility	15231
licensed by the department of developmental disabilities, in	15232
causes pending in such courts respectively, when conditions	15233
existing at the facility present a substantial risk of physical or	15234
mental harm to residents and no other remedies at law are adequate	15235
to protect the health, safety, and welfare of the residents.	15236
Conditions at the facility that may present such risk of harm	15237
include, but are not limited to, instances when any of the	15238
following occur:	15239
(1) The residential facility is in violation of state or	15240
federal law or regulations.	15241
(2) The facility has had its license revoked or procedures	15242
for revocation have been initiated, or the facility is closing or	15243
intends to cease operations.	15244
(3) Arrangements for relocating residents need to be made.	15245
(4) Insolvency of the operator, licensee, or landowner	15246
threatens the operation of the facility.	15247
(5) The facility or operator has demonstrated a pattern and	15248
practice of repeated violations of state or federal laws or	15249
regulations.	15250
(B) A court in which a petition is filed pursuant to this	15251

section shall notify the person holding the license for the 15252

facility and the department of developmental disabilities of the	15253
filing. The court shall order the department to notify the	15254
facility owner, facility operator, county board of developmental	15255
disabilities, facility residents, and residents' parents and	15256
guardians of the filing of the petition.	15257

The court shall provide a hearing on the petition within five 15258 court days of the time it was filed, except that the court may 15259 appoint a receiver prior to that time if it determines that the 15260 circumstances necessitate such action. Following a hearing on the 15261 petition, and upon a determination that the appointment of a 15262 receiver is warranted, the court shall appoint a receiver and 15263 notify the department of developmental disabilities and 15264 appropriate persons of this action. 15265

- (C) A residential facility for which a receiver has been 15266 named is deemed to be in compliance with section 5123.19 and 15267 Chapter 3721. of the Revised Code for the duration of the 15268 receivership.
- (D) When the operating revenue of a residential facility in 15270 receivership is insufficient to meet its operating expenses, 15271 including the cost of bringing the facility into compliance with 15272 state or federal laws or regulations, the court may order the 15273 state to provide necessary funding, except as provided in division 15274 (K) of this section. The state shall provide such funding, subject 15275 to the approval of the controlling board. The court may also order 15276 the appropriate authorities to expedite all inspections necessary 15277 for the issuance of licenses or the certification of a facility, 15278 and order a facility to be closed if it determines that reasonable 15279 efforts cannot bring the facility into substantial compliance with 15280 the law. 15281
- (E) In establishing a receivership, the court shall set forth the powers and duties of the receiver. The court may generally 15283 authorize the receiver to do all that is prudent and necessary to 15284

safely and efficiently operate the residential facility within the	15285
requirements of state and federal law, but shall require the	15286
receiver to obtain court approval prior to making any single	15287
expenditure of more than five thousand dollars to correct	15288
deficiencies in the structure or furnishings of a facility. The	15289
court shall closely review the conduct of the receiver it has	15290
appointed and shall require regular and detailed reports. The	15291
receivership shall be reviewed at least every sixty days.	15292
(F) A receivership established pursuant to this section shall	15293
be terminated, following notification of the appropriate parties	15294
and a hearing, if the court determines either of the following:	15295
(1) The residential facility has been closed and the former	15296
residents have been relocated to an appropriate facility.	15297
(2) Circumstances no longer exist at the facility that	15298
present a substantial risk of physical or mental harm to	15299
residents, and there is no deficiency in the facility that is	15300
likely to create a future risk of harm.	15301
Notwithstanding division (F)(2) of this section, the court	15302
shall not terminate a receivership for a residential facility that	15303
has previously operated under another receivership unless the	15304
responsibility for the operation of the facility is transferred to	15305
an operator approved by the court and the department of	15306
developmental disabilities.	15307

(G) The department of developmental disabilities may, upon 15308 its own initiative or at the request of an owner, operator, or 15309 resident of a residential facility, or at the request of a 15310 resident's guardian or relative or a county board of developmental 15311 disabilities, petition the court to appoint a receiver to take 15312 possession of and operate a residential facility. When the 15313 department has been requested to file a petition by any of the 15314 parties listed above, it shall, within forty-eight hours of such 15315

request, either file such a petition or notify the requesting	15316
party of its decision not to file. If the department refuses to	15317
file, the requesting party may file a petition with the court	15318
requesting the appointment of a receiver to take possession of and	15319
operate a residential facility.	15320
Petitions filed pursuant to this division shall include the	15321
following:	15322
(1) A description of the specific conditions existing at the	15323
facility which present a substantial risk of physical or mental	15324
harm to residents;	15325
(2) A statement of the absence of other adequate remedies at	15326
law;	15327
(3) The number of individuals residing at the facility;	15328
(4) A statement that the facts have been brought to the	15329
attention of the owner or licensee and that conditions have not	15330
been remedied within a reasonable period of time or that the	15331
conditions, though remedied periodically, habitually exist at the	15332
facility as a pattern or practice;	15333
(5) The name and address of the person holding the license	15334
for the facility and the address of the department of	15335
developmental disabilities.	15336
The court may award to an operator appropriate costs and	15337
expenses, including reasonable attorney's fees, if it determines	15338
that a petitioner has initiated a proceeding in bad faith or	15339
merely for the purpose of harassing or embarrassing the operator.	15340
(H) Except for the department of developmental disabilities	15341
or a county board of developmental disabilities, no party or	15342
person interested in an action shall be appointed a receiver	15343
pursuant to this section.	15344
To assist the court in identifying persons qualified to be	15345

named as receivers, the director of developmental disabilities $\frac{\partial \mathbf{r}}{\partial \mathbf{r}}$	15346
the director's designee shall maintain a list of the names of such	15347
persons. The director shall, in accordance with Chapter 119. of	15348
the Revised Code, establish standards for evaluating persons	15349
desiring to be included on such a list.	15350
(I) Before a receiver enters upon the duties of that person,	15351
the receiver must be sworn to perform the duties of receiver	15352
faithfully, and, with surety approved by the court, judge, or	15353
clerk, execute a bond to such person, and in such sum as the court	15354
or judge directs, to the effect that such receiver will faithfully	15355
discharge the duties of receiver in the action, and obey the	15356
orders of the court therein.	15357
(J) Under the control of the appointing court, a receiver may	15358
bring and defend actions in the receiver's own name as receiver	15359
and take and keep possession of property.	15360
The court shall authorize the receiver to do the following:	15361
(1) Collect payment for all goods and services provided to	15362
the residents or others during the period of the receivership at	15363
the same rate as was charged by the licensee at the time the	15364
petition for receivership was filed, unless a different rate is	15365
set by the court;	15366
(2) Honor all leases, mortgages, and secured transactions	15367
governing all buildings, goods, and fixtures of which the receiver	15368
has taken possession and continues to use, subject to the	15369
following conditions:	15370
(a) In the case of a rental agreement, only to the extent of	15371
payments that are for the use of the property during the period of	15372
the receivership;	15373
(b) In the case of a purchase agreement only to the extent of	15374

payments that come due during the period of the receivership.

(3) If transfer of residents is necessary, provide for the	15376
orderly transfer of residents by doing the following:	15377
(a) Cooperating with all appropriate state and local agencies	15378
in carrying out the transfer of residents to alternative community	15379
placements;	15380
pracements,	13360
(b) Providing for the transportation of residents' belongings	15381
and records;	15382
(c) Helping to locate alternative placements and develop	15383
discharge plans;	15384
	15205
(d) Preparing residents for the trauma of discharge;	15385
(e) Permitting residents or guardians to participate in	15386
transfer or discharge planning except when an emergency exists and	15387
immediate transfer is necessary.	15388
(4) Make periodic reports on the status of the residential	15389
program to the appropriate state agency, county board of	15390
developmental disabilities, parents, guardians, and residents;	15391
(5) Compromise demands or claims;	15392
(6) Generally do such acts respecting the residential	15393
facility as the court authorizes.	15394
(K) Neither the receiver nor the department of developmental	15395
disabilities is liable for debts incurred by the owner or operator	15396
of a residential facility for which a receiver has been appointed.	15397
(L) The department of developmental disabilities may contract	15398
for the operation of a residential facility in receivership. The	15399
department shall establish the conditions of a contract.	15400
Notwithstanding any other provision of law, contracts that are	15401
necessary to carry out the powers and duties of the receiver need	15402
not be competitively bid.	15403
(M) The department of developmental disabilities, the	15404
department of job and family services, and the department of	15405

health shall	provide	technical	assistance	to any	receiver	15406
appointed pu	rsuant to	this sect	tion.			15407

Sec. 5123.21. The director of developmental disabilities or 15408 the director's designee may transfer or authorize the transfer of 15409 an involuntary resident or a consenting voluntary resident from 15410 one public institution to another or to an institution other than 15411 a public institution or other facility, if the director determines 15412 that it would be consistent with the habilitation needs of the 15413 resident to do so.

Before an involuntary resident may be transferred to a more 15415 restrictive setting, the managing officer of the institution shall 15416 file a motion with the court requesting the court to amend its 15417 order of placement issued under section 5123.76 of the Revised 15418 Code. At the resident's request, the court shall hold a hearing on 15419 the motion at which the resident has the same rights as at a full 15420 hearing under section 5123.76 of the Revised Code. 15421

Whenever a resident is transferred, the director shall give 15422 written notice of the transfer to the resident's legal quardian, 15423 parents, spouse, and counsel, or, if none is known, to the 15424 resident's nearest known relative or friend. If the resident is a 15425 minor, the department director before making such a transfer shall 15426 make a minute of the order for the transfer and the reason for it 15427 upon its record and shall send a certified copy at least seven 15428 days prior to the transfer to the person shown by its record to 15429 have had the care or custody of the minor immediately prior to the 15430 minor's commitment. Whenever a consenting voluntary resident is 15431 transferred, the notification shall be given only at the 15432 resident's request. The managing officer shall advise a voluntary 15433 resident who is being transferred that the patient may decide if 15434 such a notification shall be given. In all such transfers, due 15435 consideration shall be given to the relationship of the resident 15436

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to the resident's family, legal guardian, or friends, so as to	15437	
maintain relationships and encourage visits beneficial to the		
resident.	15439	
Sec. 5123.61. (A) As used in this section:	15440	
(1) "Law enforcement agency" means the state highway patrol,	15441	
the police department of a municipal corporation, or a county	15442	
sheriff.	15443	
(2) "Abuse" has the same meaning as in section 5123.50 of the	15444	
Revised Code, except that it includes a misappropriation, as	15445	
defined in that section.	15446	
(3) "Neglect" has the same meaning as in section 5123.50 of	15447	
the Revised Code.	15448	
(B) The department of developmental disabilities shall	15449	
establish a registry office for the purpose of maintaining reports	15450	
of abuse, neglect, and other major unusual incidents made to the	15451	
department under this section and reports received from county	15452	
boards of developmental disabilities under section 5126.31 of the	15453	
Revised Code. The department shall establish committees to review	15454	
reports of abuse, neglect, and other major unusual incidents.	15455	
(C)(1) Any person listed in division $(C)(2)$ of this section,	15456	
having reason to believe that a person with mental retardation or	15457	
a developmental disability has suffered or faces a substantial	15458	
risk of suffering any wound, injury, disability, or condition of	15459	
such a nature as to reasonably indicate abuse or neglect of that	15460	
person, shall immediately report or cause reports to be made of	15461	
such information to the entity specified in this division. Except	15462	
as provided in section 5120.173 of the Revised Code or as	15463	
otherwise provided in this division, the person making the report	15464	
shall make it to a law enforcement agency or to the county board	15465	

of developmental disabilities. If the report concerns a resident

of the Revised Code;

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of a facility operated by the department of developmental	15467
disabilities the report shall be made either to a law enforcement	15468
agency or to the department. If the report concerns any act or	15469
omission of an employee of a county board of developmental	15470
disabilities, the report immediately shall be made to the	15471
department and to the county board.	15472
(2) All of the following persons are required to make a	15473
report under division (C)(1) of this section:	15474
(a) Any physician, including a hospital intern or resident,	15475
any dentist, podiatrist, chiropractor, practitioner of a limited	15476
branch of medicine as specified in section 4731.15 of the Revised	15477
Code, hospital administrator or employee of a hospital, nurse	15478
licensed under Chapter 4723. of the Revised Code, employee of an	15479
ambulatory health facility as defined in section 5101.61 of the	15480
Revised Code, employee of a home health agency, employee of a	15481
residential facility licensed under section 5119.34 of the Revised	15482
Code that provides accommodations, supervision, and person care	15483
services for three to sixteen unrelated adults, or employee of a	15484
community mental health facility;	15485
(b) Any school teacher or school authority, social worker,	15486
psychologist, attorney, peace officer, coroner, or residents'	15487
rights advocate as defined in section 3721.10 of the Revised Code;	15488
(c) A superintendent, board member, or employee of a county	15400
	15489
board of developmental disabilities; an administrator, board	15490
member, or employee of a residential facility licensed under	15491
section 5123.19 of the Revised Code; an administrator, board	15492
member, or employee of any other public or private provider of	15493
services to a person with mental retardation or a developmental	15494
disability, or any MR/DD employee, as defined in section 5123.50	15495

(d) A member of a citizen's advisory council established at

an institution or branch institution of the department of	15498
developmental disabilities under section 5123.092 of the Revised	15499
Code;	15500
(e) A member of the clergy who is employed in a position that	15501
includes providing specialized services to an individual with	15502
mental retardation or another developmental disability, while	15503
acting in an official or professional capacity in that position,	15504
or a person who is employed in a position that includes providing	15505
specialized services to an individual with mental retardation or	15506
another developmental disability and who, while acting in an	15507
official or professional capacity, renders spiritual treatment	15508
through prayer in accordance with the tenets of an organized	15509
religion.	15510
(3)(a) The reporting requirements of this division do not	15511
apply to employees of the Ohio protection and advocacy system.	15512
(b) An attorney or physician is not required to make a report	15513
pursuant to division (C)(1) of this section concerning any	15514
communication the attorney or physician receives from a client or	15515
patient in an attorney-client or physician-patient relationship,	15516
if, in accordance with division (A) or (B) of section 2317.02 of	15517
the Revised Code, the attorney or physician could not testify with	15518
respect to that communication in a civil or criminal proceeding,	15519
except that the client or patient is deemed to have waived any	15520
testimonial privilege under division (A) or (B) of section 2317.02	15521
of the Revised Code with respect to that communication and the	15522
attorney or physician shall make a report pursuant to division	15523
(C)(1) of this section, if both of the following apply:	15524
(i) The client or patient, at the time of the communication,	15525
is a person with mental retardation or a developmental disability.	15526
(ii) The attorney or physician knows or suspects, as a result	15527

of the communication or any observations made during that

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communication, that the client or patient has suffered or faces a	15529
substantial risk of suffering any wound, injury, disability, or	15530
condition of a nature that reasonably indicates abuse or neglect	15531
of the client or patient.	15532
(4) Any person who fails to make a report required under	15533
division (C) of this section and who is an MR/DD employee, as	15534
defined in section 5123.50 of the Revised Code, shall be eligible	15535
to be included in the registry regarding misappropriation, abuse,	15536
neglect, or other specified misconduct by MR/DD employees	15537
established under section 5123.52 of the Revised Code.	15538
(D) The reports required under division (C) of this section	15539
shall be made forthwith by telephone or in person and shall be	15540
followed by a written report. The reports shall contain the	15541
following:	15542
(1) The names and addresses of the person with mental	15543
retardation or a developmental disability and the person's	15544
custodian, if known;	15545
(2) The age of the person with mental retardation or a	15546
developmental disability;	15547
(3) Any other information that would assist in the	15548
investigation of the report.	15549
(E) When a physician performing services as a member of the	15550
staff of a hospital or similar institution has reason to believe	15551
that a person with mental retardation or a developmental	15552
disability has suffered injury, abuse, or physical neglect, the	15553
physician shall notify the person in charge of the institution or	15554
that person's designated delegate, who shall make the necessary	15555
reports.	15556
(F) Any person having reasonable cause to believe that a	15557

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	15560
entity specified in this division. Except as provided in section	15561
5120.173 of the Revised Code or as otherwise provided in this	15562
division, the person making the report shall make it to a law	15563
enforcement agency or the county board of developmental	15564
disabilities. If the person is a resident of a facility operated	15565
by the department of developmental disabilities, the report shall	15566
be made to a law enforcement agency or to the department. If the	15567
report concerns any act or omission of an employee of a county	15568
board of developmental disabilities, the report immediately shall	15569
be made to the department and to the county board.	15570

- (G)(1) Upon the receipt of a report concerning the possible 15571 abuse or neglect of a person with mental retardation or a 15572 developmental disability, the law enforcement agency shall inform 15573 the county board of developmental disabilities or, if the person 15574 is a resident of a facility operated by the department of 15575 developmental disabilities, the director of the department or 15576 director's designee.
- (2) On receipt of a report under this section that includes 15578 an allegation of action or inaction that may constitute a crime 15579 under federal law or the law of this state, the department of 15580 developmental disabilities shall notify the law enforcement 15581 agency.
- (3) When a county board of developmental disabilities 15583 receives a report under this section that includes an allegation 15584 of action or inaction that may constitute a crime under federal 15585 law or the law of this state, the superintendent of the board or 15586 an individual the superintendent designates under division (H) of 15587 this section shall notify the law enforcement agency. The 15588 superintendent or individual shall notify the department of 15589 developmental disabilities when it receives any report under this 15590 section. 15591

- (4) When a county board of developmental disabilities 15592 receives a report under this section and believes that the degree 15593 of risk to the person is such that the report is an emergency, the 15594 superintendent of the board or an employee of the board the 15595 superintendent designates shall attempt a face-to-face contact 15596 with the person with mental retardation or a developmental 15597 disability who allegedly is the victim within one hour of the 15598 board's receipt of the report. 15599
- (H) The superintendent of the board may designate an 15600 individual to be responsible for notifying the law enforcement 15601 agency and the department when the county board receives a report 15602 under this section.
- (I) An adult with mental retardation or a developmental 15604 disability about whom a report is made may be removed from the 15605 adult's place of residence only by law enforcement officers who 15606 consider that the adult's immediate removal is essential to 15607 protect the adult from further injury or abuse or in accordance 15608 with the order of a court made pursuant to section 5126.33 of the 15609 Revised Code.
- (J) A law enforcement agency shall investigate each report of 15611 abuse or neglect it receives under this section. In addition, the 15612 department, in cooperation with law enforcement officials, shall 15613 investigate each report regarding a resident of a facility 15614 operated by the department to determine the circumstances 15615 surrounding the injury, the cause of the injury, and the person 15616 responsible. The investigation shall be in accordance with the 15617 memorandum of understanding prepared under section 5126.058 of the 15618 Revised Code. The department shall determine, with the registry 15619 office which shall be maintained by the department, whether prior 15620 reports have been made concerning an adult with mental retardation 15621 or a developmental disability or other principals in the case. If 15622 the department finds that the report involves action or inaction 15623

that may constitute a crime under federal law or the law of this	15624
state, it shall submit a report of its investigation, in writing,	15625
to the law enforcement agency. If the person with mental	15626
retardation or a developmental disability is an adult, with the	15627
consent of the adult, the department shall provide such protective	15628
services as are necessary to protect the adult. The law	15629
enforcement agency shall make a written report of its findings to	15630
the department.	15631

If the person is an adult and is not a resident of a facility 15632 operated by the department, the county board of developmental 15633 disabilities shall review the report of abuse or neglect in 15634 accordance with sections 5126.30 to 5126.33 of the Revised Code 15635 and the law enforcement agency shall make the written report of 15636 its findings to the county board.

- (K) Any person or any hospital, institution, school, health 15638 department, or agency participating in the making of reports 15639 pursuant to this section, any person participating as a witness in 15640 an administrative or judicial proceeding resulting from the 15641 reports, or any person or governmental entity that discharges 15642 responsibilities under sections 5126.31 to 5126.33 of the Revised 15643 Code shall be immune from any civil or criminal liability that 15644 might otherwise be incurred or imposed as a result of such actions 15645 except liability for perjury, unless the person or governmental 15646 entity has acted in bad faith or with malicious purpose. 15647
- (L) No employer or any person with the authority to do so 15648 shall discharge, demote, transfer, prepare a negative work 15649 performance evaluation, reduce pay or benefits, terminate work 15650 privileges, or take any other action detrimental to an employee or 15651 retaliate against an employee as a result of the employee's having 15652 made a report under this section. This division does not preclude 15653 an employer or person with authority from taking action with 15654 regard to an employee who has made a report under this section if 15655

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there is another reasonable basis for the action. 15656 (M) Reports made under this section are not public records as 15657 defined in section 149.43 of the Revised Code. Information 15658 contained in the reports on request shall be made available to the 15659 person who is the subject of the report, to the person's legal 15660 counsel, and to agencies authorized to receive information in the 15661 report by the department or by a county board of developmental 15662 disabilities. 15663 (N) Notwithstanding section 4731.22 of the Revised Code, the 15664 15665 physician-patient privilege shall not be a ground for excluding evidence regarding the injuries or physical neglect of a person 15666 with mental retardation or a developmental disability or the cause 15667 thereof in any judicial proceeding resulting from a report 15668 submitted pursuant to this section. 15669 Sec. 5123.75. A respondent who is involuntarily placed in an 15670 institution or other place as designated in section 5123.77 of the 15671 Revised Code or with respect to whom proceedings have been 15672 instituted under section 5123.71 of the Revised Code shall, on 15673 request of the respondent, the respondent's guardian, or the 15674 respondent's counsel, or upon the court's own motion, be afforded 15675 a hearing to determine whether there is probable cause to believe 15676 that the respondent is a mentally retarded person subject to 15677 institutionalization by court order. 15678 (A) The probable cause hearing shall be conducted within two 15679 court days from the day on which the request is made. Failure to 15680 conduct the probable cause hearing within this time shall effect 15681 an immediate discharge of the respondent. If the proceedings are 15682 not reinstituted within thirty days, records of the proceedings 15683 shall be expunged. 15684

(B) The respondent shall be informed that the respondent may

retain counsel and have independent expert evaluation and, if the

respondent is an indigent person, be represented by court	15687
appointed counsel and have independent expert evaluation at court	15688
expense.	15689
(C) The probable cause hearing shall be conducted in a manner	15690
consistent with the procedures set forth in division (A) of	15691
section 5123.76 of the Revised Code, except divisions (A)(10) and	15692
(14) of that section, and the designee of the director of	15693
developmental disabilities under section 5123.72 of the Revised	15694
<u>Code</u> shall present evidence for the state.	15695
(D) If the court does not find probable cause to believe that	15696
the respondent is a mentally retarded person subject to	15697
institutionalization by court order, it shall order immediate	15698
release of the respondent and dismiss and expunge all record of	15699
the proceedings under this chapter.	15700
(E) On motion of the respondent or the respondent's counsel	15701
and for good cause shown, the court may order a continuance of the	15702
hearing.	15703
(F) If the court finds probable cause to believe that the	15704
respondent is a mentally retarded person subject to	15705
institutionalization by court order, the court may issue an	15706
interim order of placement and, where proceedings under section	15707
5123.71 of the Revised Code have been instituted, shall order a	15708
full hearing as provided in section 5123.76 of the Revised Code to	15709
be held on the question of whether the respondent is a mentally	15710
retarded person subject to institutionalization by court order.	15711
Unless specifically waived by the respondent or the respondent's	15712
counsel, the court shall schedule said hearing to be held as soon	15713
as possible within ten days from the probable cause hearing. A	15714
waiver of such full hearing at this point shall not preclude the	15715
respondent from asserting the respondent's right to such hearing	15716
under section 5123.76 of the Revised Code at any time prior to the	

mandatory hearing provided in division (H) of section 5123.76 of

the Revised Code. In any case, if the respondent has waived the	15719
right to the full hearing, a mandatory hearing shall be held under	15720
division (H) of section 5123.76 of the Revised Code between the	15721
ninetieth and the one hundredth day after the original involuntary	15722
detention of the person unless the respondent has been discharged.	15723
(G) Whenever possible, the probable cause hearing shall be	15724
held before the respondent is taken into custody.	15725
Sec. 5123.76. (A) The full hearing shall be conducted in a	15726
manner consistent with the procedures outlined in this chapter and	15727
with due process of law. The hearing shall be held by a judge of	15728
the probate division or, upon transfer by the judge of the probate	15729
division, by another judge of the court of common pleas, or a	15730
referee designated by the judge of the probate division. Any	15731
referee designated by the judge of the probate division must be an	15732
attorney.	15733
(1) The following shall be made available to counsel for the	15734
respondent:	15735
(a) All relevant documents, information, and evidence in the	15736
custody or control of the state or prosecutor;	15737
(b) All relevant documents, information, and evidence in the	15738
custody or control of the institution, facility, or program in	15739
which the respondent currently is held or in which the respondent	15740
has been held pursuant to these proceedings;	15741
(c) With the consent of the respondent, all relevant	15742
documents, information, and evidence in the custody or control of	15743
any institution or person other than the state.	15744
(2) The respondent has the right to be represented by counsel	15745
of the respondent's choice and has the right to attend the hearing	15746
except if unusual circumstances of compelling medical necessity	15747

exist that render the respondent unable to attend and the

respondent has not expressed a desire to attend.	15749
(3) If the respondent is not represented by counsel and the	15750
court determines that the conditions specified in division (A)(2)	15751
of this section justify the respondent's absence and the right to	15752
counsel has not been validly waived, the court shall appoint	15753
counsel forthwith to represent the respondent at the hearing,	15754
reserving the right to tax costs of appointed counsel to the	15755
respondent unless it is shown that the respondent is indigent. If	15756
the court appoints counsel, or if the court determines that the	15757
evidence relevant to the respondent's absence does not justify the	15758
absence, the court shall continue the case.	15759
(4) The respondent shall be informed of the right to retain	15760
counsel, to have independent expert evaluation, and, if an	15761
indigent person, to be represented by court appointed counsel and	15762
have expert independent evaluation at court expense.	15763
(5) The hearing may be closed to the public unless counsel	15764
for the respondent requests that the hearing be open to the	15765
public.	15766
(6) Unless objected to by the respondent, the respondent's	15767
counsel, or the designee of the director of developmental	15768
disabilities under section 5123.72 of the Revised Code, the court,	15769
for good cause shown, may admit persons having a legitimate	15770
interest in the proceedings.	15771
(7) The affiant under section 5123.71 of the Revised Code	15772
shall be subject to subpoena by either party.	15773
(8) The court shall examine the sufficiency of all documents	15774
filed and shall inform the respondent, if present, and the	15775
respondent's counsel of the nature of the content of the documents	15776
and the reason for which the respondent is being held or for which	15777
the respondent's placement is being sought.	15778
(O) mb	1

(9) The court shall receive only relevant, competent, and

material evidence. 15780 (10) The In accordance with section 5123.72 of the Revised 15781 Code, the designee of the director shall present the evidence for 15782 the state. In proceedings under this chapter, the attorney general 15783 shall present the comprehensive evaluation, assessment, diagnosis, 15784 prognosis, record of habilitation and care, if any, and less 15785 restrictive habilitation plans, if any. The attorney general does 15786 not have a similar presentation responsibility in connection with 15787 a person who has been found not guilty by reason of insanity and 15788 who is the subject of a hearing under section 2945.40 of the 15789 Revised Code to determine whether the person is a mentally 15790 retarded person subject to institutionalization by court order. 15791 (11) The respondent has the right to testify and the 15792 respondent or the respondent's counsel has the right to subpoena 15793 witnesses and documents and to present and cross-examine 15794 witnesses. 15795 (12) The respondent shall not be compelled to testify and 15796 shall be so advised by the court. 15797 (13) On motion of the respondent or the respondent's counsel 15798 for good cause shown, or upon the court's own motion, the court 15799 may order a continuance of the hearing. 15800 (14) To an extent not inconsistent with this chapter, the 15801 Rules of Civil Procedure shall be applicable. 15802 (B) Unless, upon completion of the hearing, the court finds 15803 by clear and convincing evidence that the respondent named in the 15804 affidavit is a mentally retarded person subject to 15805 institutionalization by court order, it shall order the 15806 respondent's discharge forthwith. 15807 (C) If, upon completion of the hearing, the court finds by 15808 clear and convincing evidence that the respondent is a mentally 15809

retarded person subject to institutionalization by court order,

the court may order the respondent's discharge or order the	15811
respondent, for a period not to exceed ninety days, to any of the	15812
following:	15813
(1) A public institution, provided that commitment of the	15814
respondent to the institution will not cause the institution to	15815
exceed its licensed capacity determined in accordance with section	15816
5123.19 of the Revised Code and provided that such a placement is	15817
indicated by the comprehensive evaluation report filed pursuant to	15818
section 5123.71 of the Revised Code;	15819
(2) A private institution;	15820
(3) A county mental retardation program;	15821
(4) Receive private habilitation and care;	15822
(5) Any other suitable facility, program, or the care of any	15823
person consistent with the comprehensive evaluation, assessment,	15824
diagnosis, prognosis, and habilitation needs of the respondent.	15825
(D) Any order made pursuant to division (C)(2), (4), or (5)	15826
of this section shall be conditional upon the receipt by the court	15827
of consent by the facility, program, or person to accept the	15828
respondent.	15829
(E) In determining the place to which, or the person with	15830
whom, the respondent is to be committed, the court shall consider	15831
the comprehensive evaluation, assessment, diagnosis, and projected	15832
habilitation plan for the respondent, and shall order the	15833
implementation of the least restrictive alternative available and	15834
consistent with habilitation goals.	15835
(F) If, at any time it is determined by the director of the	15836
facility or program to which, or the person to whom, the	15837
respondent is committed that the respondent could be equally well	15838
habilitated in a less restrictive environment that is available,	15839
the following shall occur:	15840

(1) The respondent shall be released by the director of the	15841
facility or program or by the person forthwith and referred to the	15842
court together with a report of the findings and recommendations	15843
of the facility, program, or person.	15844
(2) The director of the facility or program or the person	15845
shall notify the respondent's counsel and the designee of the	15846
director of developmental disabilities.	15847
(3) The court shall dismiss the case or order placement in	15848
the less restrictive environment.	15849
(G)(1) Except as provided in divisions $(G)(2)$ and $(3)$ of this	15850
section, any person who has been committed under this section may	15851
apply at any time during the ninety-day period for voluntary	15852
admission to an institution under section 5123.69 of the Revised	15853
Code. Upon admission of a voluntary resident, the managing officer	15854
immediately shall notify the court, the respondent's counsel, and	15855
the designee of the director in writing of that fact by mail or	15856
otherwise, and, upon receipt of the notice, the court shall	15857
dismiss the case.	15858
(2) A person who is found incompetent to stand trial or not	15859
guilty by reason of insanity and who is committed pursuant to	15860
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised	15861
Code shall not be voluntarily admitted to an institution pursuant	15862
to division $(G)(1)$ of this section until after the termination of	15863
the commitment, as described in division (J) of section 2945.401	15864
of the Revised Code.	15865
(H) If, at the end of any commitment period, the respondent	15866
has not already been discharged or has not requested voluntary	15867
admission status, the director of the facility or program, or the	15868
person to whose care the respondent has been committed, shall	15869
discharge the respondent forthwith, unless at least ten days	15870

before the expiration of that period the designee of the director 15871

of developmental	disabilities	or the prosecutor	files an	15872
application with	the court req	questing continued	commitment.	15873

- (1) An application for continued commitment shall include a 15874 written report containing a current comprehensive evaluation and 15875 assessment, a diagnosis, a prognosis, an account of progress and 15876 past habilitation, and a description of alternative habilitation 15877 settings and plans, including a habilitation setting that is the 15878 least restrictive setting consistent with the need for 15879 habilitation. A copy of the application shall be provided to 15880 respondent's counsel. The requirements for notice under section 15881 5123.73 of the Revised Code and the provisions of divisions (A) to 15882 (E) of this section apply to all hearings on such applications. 15883
- (2) A hearing on the first application for continued
   commitment shall be held at the expiration of the first ninety-day
   period. The hearing shall be mandatory and may not be waived.
- (3) Subsequent periods of commitment not to exceed one 15887 hundred eighty days each may be ordered by the court if the 15888 designee of the director of developmental disabilities files an 15889 application for continued commitment, after a hearing is held on 15890 the application or without a hearing if no hearing is requested 15891 and no hearing required under division (H)(4) of this section is 15892 waived. Upon the application of a person involuntarily committed 15893 under this section, supported by an affidavit of a licensed 15894 physician alleging that the person is no longer a mentally 15895 retarded person subject to institutionalization by court order, 15896 the court for good cause shown may hold a full hearing on the 15897 person's continued commitment prior to the expiration of any 15898 subsequent period of commitment set by the court. 15899
- (4) A mandatory hearing shall be held at least every two 15900 years after the initial commitment. 15901
  - (5) If the court, after a hearing upon a request to continue 15902

commitment, finds that the respondent is a mentally retarded	15903
person subject to institutionalization by court order, the court	15904
may make an order pursuant to divisions (C), (D), and (E) of this	15905
section.	15906
(I) Notwithstanding the provisions of division (H) of this	15907
section, no person who is found to be a mentally retarded person	15908
subject to institutionalization by court order pursuant to	15909
division (0)(2) of section 5123.01 of the Revised Code shall be	15910
held under involuntary commitment for more than five years.	15911
(J) The managing officer admitting a person pursuant to a	15912
judicial proceeding, within ten working days of the admission,	15913
shall make a report of the admission to the department.	15914
Sec. 5123.89. (A) As used in this section:	15915
(1) "Family" means a parent, brother, sister, spouse, son,	15916
daughter, grandparent, aunt, uncle, or cousin.	15917
(2) "Payment" means activities undertaken by a service	15918
provider or government entity to obtain or provide reimbursement	15919
for services provided to a person.	15920
(3) "Treatment" means the provision of services to a person,	15921
including the coordination or management of services provided to	15922
the person.	15923
(B) All certificates, applications, records, and reports made	15924
for the purpose of this chapter, other than court journal entries	15925
or court docket entries, which directly or indirectly identify a	15926
resident or former resident of an institution for the mentally	15927
retarded or person whose institutionalization has been sought	15928
under this chapter shall be kept confidential and shall not be	15929
disclosed by any person except in the following situations:	15930
(1) It is the judgment of the court for judicial records, and	15931
the managing officer for institution records, that disclosure is	15932

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in the best interest of the person identified, and that person or	15933
that person's guardian or, if that person is a minor, that	15934
person's parent or guardian consents.	15935
(2) Disclosure is provided for in other sections of this	15936
chapter.	15937
(3) It is the judgment of the managing officer for	15938
institution records that disclosure to a mental health facility is	15939
in the best interest of the person identified.	15940
(4) Disclosure is of a record deposited with the Ohio	15941
historical society pursuant to division (C) of section 5123.31 of	15942
the Revised Code and the disclosure is made to the closest living	15943
relative of the person identified, on the relative's request.	15944
(B)(5) Disclosure is needed for the treatment of a person who	15945
is a resident or former resident of an institution for the	15946
mentally retarded or a person whose institutionalization has been	15947
sought under this chapter or is needed for the payment of services	15948
provided to the person.	15949
(C) The department of developmental disabilities shall adopt	15950
rules with respect to the systematic and periodic destruction of	15951
residents' records.	15952
(C)(1) As used in this division, "family" means a parent,	15953
brother, sister, spouse, son, daughter, grandparent, aunt, uncle,	15954
or cousin.	15955
$\frac{(2)}{(D)}$ Upon the death of a resident or former resident of an	15956
institution for the mentally retarded or a person whose	15957
institutionalization was sought under this chapter, the managing	15958
officer of an institution shall provide access to the	15959
certificates, applications, records, and reports made for the	15960
purposes of this chapter to the resident's, former resident's, or	15961
person's guardian if the guardian makes a written request. If a	15962
deceased resident, former resident, or person whose	
deceased resident, rormer resident, or person whose	15963

institutionalization was sought under this chapter did not have a	15964
guardian at the time of death, the managing officer shall provide	15965
access to the certificates, applications, records, and reports	15966
made for purposes of this chapter to a member of the person's	15967
family, upon that family member's written request.	15968
$\frac{(D)(E)}{(E)}$ No person shall reveal the contents of a record of a	15969
resident except as authorized by this chapter.	15970
Sec. 5124.01. As used in this chapter:	15971
(A) "Affiliated operator" means an operator affiliated with	15972
either of the following:	15973
(1) The exiting operator for whom the affiliated operator is	15974
to assume liability for the entire amount of the exiting	15975
operator's debt under the medicaid program or the portion of the	15976
debt that represents the franchise permit fee the exiting operator	15977
owes;	15978
(2) The entering operator involved in the change of operator	15979
with the exiting operator specified in division (A)(1) of this	15980
section.	15981
(B) "Allowable costs" means an ICF/IID's costs that the	15982
department of developmental disabilities determines are	15983
reasonable. Fines paid under section 5124.99 of the Revised Code	15984
are not allowable costs.	15985
(C) "Capital costs" means an ICF/IID's costs of ownership and	15986
costs of nonextensive renovation.	15987
(D) "Case-mix score" means the measure determined under	15988
section 5124.192 of the Revised Code of the relative direct-care	15989
resources needed to provide care and habilitation to an ICF/IID	15990
resident.	15991
(E) "Change of operator" means an entering operator becoming	15992

the operator of an ICF/IID in the place of the exiting operator.

(1) Actions that constitute a change of operator include the	15994
following:	15995
(a) A change in an exiting operator's form of legal	15996
organization, including the formation of a partnership or	15997
corporation from a sole proprietorship;	15998
(b) A transfer of all the exiting operator's ownership	15999
interest in the operation of the ICF/IID to the entering operator,	16000
regardless of whether ownership of any or all of the real property	16001
or personal property associated with the ICF/IID is also	16002
transferred;	16003
(c) A lease of the ICF/IID to the entering operator or the	16004
exiting operator's termination of the exiting operator's lease;	16005
(d) If the exiting operator is a partnership, dissolution of	16006
the partnership;	16007
(e) If the exiting operator is a partnership, a change in	16008
composition of the partnership unless both of the following apply:	16009
(i) The change in composition does not cause the	16010
partnership's dissolution under state law.	16011
(ii) The partners agree that the change in composition does	16012
not constitute a change in operator.	16013
(f) If the operator is a corporation, dissolution of the	16014
corporation, a merger of the corporation into another corporation	16015
that is the survivor of the merger, or a consolidation of one or	16016
more other corporations to form a new corporation.	16017
(2) The following, alone, do not constitute a change of	16018
operator:	16019
(a) A contract for an entity to manage an ICF/IID as the	16020
operator's agent, subject to the operator's approval of daily	16021
operating and management decisions;	16022
(b) A change of ownership, lease, or termination of a lease	16023

of real property or personal property associated with an ICF/IID	16024
if an entering operator does not become the operator in place of	16025
an exiting operator;	16026
(c) If the operator is a corporation, a change of one or more	16027
members of the corporation's governing body or transfer of	16028
ownership of one or more shares of the corporation's stock, if the	16029
same corporation continues to be the operator.	16030
(F) "Cost center" means the following:	16031
(1) Capital costs;	16032
(2) Direct care costs;	16033
(3) Indirect care costs;	16034
(4) Other protected costs.	16035
(G) "Costs of nonextensive renovations" means the actual	16036
expense incurred by an ICF/IID for depreciation or amortization	16037
and interest on renovations that are not extensive renovations.	16038
(H)(1) "Costs of ownership" means the actual expenses	16039
incurred by an ICF/IID for all of the following:	16040
(a) Subject to division $(H)(2)$ of this section, depreciation	16041
and interest on any capital assets that cost five hundred dollars	16042
or more per item, including the following:	16043
(i) Buildings;	16044
(ii) Building improvements that are not approved as	16045
nonextensive renovations under section 5124.17 of the Revised	16046
Code;	16047
(iii) Equipment;	16048
(iv) Extensive renovations;	16049
(v) Transportation equipment.	16050
(b) Amortization and interest on land improvements and	16051

leasehold improvements;	16052
(c) Amortization of financing costs;	16053
(d) Except as provided in division (Z) of this section, lease	16054
and rent of land, building, and equipment.	16055
(2) The costs of capital assets of less than five hundred	16056
dollars per item may be considered costs of ownership in	16057
accordance with an ICF/IID provider's practice.	16058
(I)(1) "Date of licensure" means the following:	16059
(a) In the case of an ICF/IID that was originally licensed as	16060
a nursing home under Chapter 3721. of the Revised Code, the date	16061
that it was originally so licensed, regardless that it was	16062
subsequently licensed as a residential facility under section	16063
5123.19 of the Revised Code;	16064
(b) In the case of an ICF/IID that was originally licensed as	16065
a residential facility under section 5123.19 of the Revised Code,	16066
the date it was originally so licensed;	16067
(c) In the case of an ICF/IID that was not required by law to	16068
be licensed as a nursing home or residential facility when it was	16069
originally operated as a residential facility, the date it first	16070
was operated as a residential facility, regardless of the date the	16071
ICF/IID was first licensed as a nursing home or residential	16072
facility.	16073
(2) If, after an ICF/IID's original date of licensure, more	16074
residential facility beds are added to the ICF/IID or all or part	16075
of the ICF/IID undergoes an extensive renovation, the ICF/IID has	16076
a different date of licensure for the additional beds or	16077
extensively renovated portion of the ICF/IID. This does not apply,	16078
however, to additional beds when both of the following apply:	16079
(a) The additional beds are located in a part of the ICF/IID	16080
that was constructed at the same time as the continuing beds	16081

already located in that part of the ICF/IID $\div$ .	16082
(b) The part of the ICF/IID in which the additional beds are	16083
located was constructed as part of the ICF/IID at a time when the	16084
ICF/IID was not required by law to be licensed as a nursing home	16085
or residential facility.	16086
(3) The definition of "date of licensure" in this section	16087
applies in determinations of ICFs/IID's medicaid payment rates but	16088
does not apply in determinations of ICFs/IID's franchise permit	16089
fees under sections 5168.60 to 5168.71 of the Revised Code.	16090
(J) "Desk-reviewed" means that an ICF/IID's costs as reported	16091
on a cost report filed under section 5124.10 or 5124.101 of the	16092
Revised Code have been subjected to a desk review under section	16093
5124.108 of the Revised Code and preliminarily determined to be	16094
allowable costs.	16095
(K) "Developmental center" means a residential facility that	16096
is maintained and operated by the department of developmental	16097
disabilities.	16098
(L) "Direct care costs" means all of the following costs	16099
incurred by an ICF/IID:	16100
(1) Costs for registered nurses, licensed practical nurses,	16101
and nurse aides employed by the ICF/IID;	16102
(2) Costs for direct care staff, administrative nursing	16103
staff, medical directors, respiratory therapists, physical	16104
therapists, physical therapy assistants, occupational therapists,	16105
occupational therapy assistants, speech therapists, audiologists,	16106
habilitation staff (including habilitation supervisors), qualified	16107
intellectual disability professionals, program directors, social	16108
services staff, activities staff, off-site day programming,	16109
psychologists, psychology assistants, social workers, counselors,	16110
and other persons holding degrees qualifying them to provide	16111
therapy;	16112

(3) Costs of purchased nursing services;	16113
(4) Costs of training and staff development, employee	16114
benefits, payroll taxes, and workers' compensation premiums or	16115
costs for self-insurance claims and related costs as specified in	16116
rules adopted under section 5124.03 of the Revised Code, for	16117
personnel listed in divisions $(L)(1)$ , $(2)$ , and $(3)$ of this	16118
section;	16119
(5) Costs of quality assurance;	16120
(6) Costs of consulting and management fees related to direct	16121
care;	16122
(7) Allocated direct care home office costs;	16123
(8) Costs of other direct-care resources that are specified	16124
as direct care costs in rules adopted under section 5124.03 of the	16125
Revised Code.	16126
(M) "Downsized ICF/IID" means an ICF/IID that permanently	16127
reduced its medicaid-certified capacity pursuant to a plan	16128
approved by the department of developmental disabilities under	16129
section 5123.042 of the Revised Code.	16130
(N) "Effective date of a change of operator" means the day	16131
the entering operator becomes the operator of the ICF/IID.	16132
(0) "Effective date of a facility closure" means the last day	16133
that the last of the residents of the ICF/IID resides in the	16134
<pre>ICF/IID.</pre>	16135
(P) "Effective date of an involuntary termination" means the	16136
date the department of medicaid terminates the operator's provider	16137
agreement for the ICF/IID or the last day that such a provider	16138
agreement is in effect when the department cancels or refuses to	16139
revalidate it.	16140
(Q) "Effective date of a voluntary termination" means the day	16141
the ICF/IID ceases to accept medicaid recipients.	16142

(R) "Entering operator" means the person or government entity	16143
that will become the operator of an ICF/IID when a change of	16144
operator occurs or following an involuntary termination.	16145
(S) "Exiting operator" means any of the following:	16146
(1) An operator that will cease to be the operator of an	16147
ICF/IID on the effective date of a change of operator;	16148
(2) An operator that will cease to be the operator of an	16149
ICF/IID on the effective date of a facility closure;	16150
(3) An operator of an ICF/IID that is undergoing or has	16151
undergone a voluntary termination;	16152
(4) An operator of an ICF/IID that is undergoing or has	16153
undergone an involuntary termination.	16154
(T)(1) "Extensive renovation" means the following:	16155
(a) An ICF/IID's betterment, improvement, or restoration to	16156
which both of the following apply:	16157
(i) It was started before July 1, 1993÷.	16158
(ii) It meets the definition of "extensive renovation"	16159
established in rules that were adopted by the director of job and	16160
family services and in effect on December 22, 1992.	16161
(b) An ICF/IID's betterment, improvement, or restoration to	16162
which all of the following apply:	16163
(i) It was started on or after July 1, 1993 $\div$ .	16164
(ii) Except as provided in division (T)(2) of this section,	16165
it costs more than sixty-five per cent and not more than	16166
eighty-five per cent of the cost of constructing a new bed $\dot{\tau}$ .	16167
(iii) It extends the useful life of the assets for at least	16168
ten years.	16169
(2) The department of developmental disabilities may treat a	16170
renovation that costs more than eighty-five per cent of the cost	16171

of constructing new beds as an extensive renovation if the	16172
department determines that the renovation is more prudent than	16173
construction of new beds.	16174
(3) For the purpose of division (T)(1)(b)(ii) of this	16175
section, the cost of constructing a new bed shall be considered to	16176
be forty thousand dollars, adjusted for the estimated rate of	16177
inflation from January 1, 1993, to the end of the calendar year	16178
during which the extensive renovation is completed, using the	16179
consumer price index for shelter costs for all urban consumers for	16180
the north central region, as published by the United States bureau	16181
of labor statistics.	16182
$(\mathrm{U})(1)$ Subject to divisions $(\mathrm{U})(2)$ and $(3)$ of this section,	16183
"facility closure" means either of the following:	16184
(a) Discontinuance of the use of the building, or part of the	16185
building, that houses the facility as an ICF/IID that results in	16186
the relocation of all of the facility's residents;	16187
(b) Conversion of the building, or part of the building, that	16188
houses an ICF/IID to a different use with any necessary license or	16189
other approval needed for that use being obtained and one or more	16190
of the facility's residents remaining in the facility to receive	16191
services under the new use.	16192
(2) A facility closure occurs regardless of any of the	16193
following:	16194
(a) The operator completely or partially replacing the	16195
ICF/IID by constructing a new ICF/IID or transferring the	16196
<pre>ICF/IID's license to another ICF/IID;</pre>	16197
(b) The ICF/IID's residents relocating to another of the	16198
operator's ICFs/IID;	16199
(c) Any action the department of health takes regarding the	16200
ICF/IID's medicaid certification that may result in the transfer	16201

of part of the ICF/IID's survey findings to another of the	16202
operator's ICFs/IID;	16203
(d) Any action the department of developmental disabilities	16204
takes regarding the ICF/IID's license under section 5123.19 of the	16205
Revised Code.	16206
(3) A facility closure does not occur if all of the ICF/IID's	16207
residents are relocated due to an emergency evacuation and one or	16208
more of the residents return to a medicaid-certified bed in the	16209
ICF/IID not later than thirty days after the evacuation occurs.	16210
(V) "Fiscal year" means the fiscal year of this state, as	16211
specified in section 9.34 of the Revised Code.	16212
(W) "Franchise permit fee" means the fee imposed by sections	16213
5168.60 to 5168.71 of the Revised Code.	16214
(X) "Home and community-based services" has the same meaning	16215
as in section 5123.01 of the Revised Code.	16216
(Y) "ICF/IID services" has the same meaning as in 42 C.F.R.	16217
(Y) "ICF/IID services" has the same meaning as in 42 C.F.R. $440.150. \  \  $	16217 16218
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440.150.	16218
440.150.  (Z)(1) "Indirect care costs" means all reasonable costs	16218 16219
440.150. $ (Z)(1) \mbox{"Indirect care costs" means all reasonable costs } \\ \mbox{incurred by an ICF/IID other than capital costs, direct care } \\ $	16218 16219 16220
440.150.  (Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes	16218 16219 16220 16221
440.150.  (Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and	16218 16219 16220 16221 16222
440.150.  (Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies,	16218 16219 16220 16221 16222 16223
(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry,	16218 16219 16220 16221 16222 16223 16224
(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance,	16218 16219 16220 16221 16222 16223 16224 16225
(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources,	16218 16219 16220 16221 16222 16223 16224 16225 16226
(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home	16218 16219 16220 16221 16222 16223 16224 16225 16226 16227
(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting	16218 16219 16220 16221 16222 16223 16224 16225 16226 16227 16228
(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repair expenses,	16218 16219 16220 16221 16222 16223 16224 16225 16226 16227 16228 16229

benefits, payroll taxes, and workers' compensation premiums or	16233
costs for self-insurance claims and related costs, as specified in	16234
rules adopted under section 5124.03 of the Revised Code, for	16235
personnel listed in this division. Notwithstanding division (H) of	16236
this section, "indirect care costs" also means the cost of	16237
equipment, including vehicles, acquired by operating lease	16238
executed before December 1, 1992, if the costs are reported as	16239
administrative and general costs on the ICF/IID's cost report for	16240
the cost reporting period ending December 31, 1992.	16241
(2) For the purpose of division $(Z)(1)$ of this section, an	16242
operating lease shall be construed in accordance with generally	16243
accepted accounting principles.	16244
(AA) "Inpatient days" means both of the following:	16245
(1) All days during which a resident, regardless of payment	16246
source, occupies a bed in an ICF/IID that is included in the	16247
<pre>ICF/IID's medicaid-certified capacity;</pre>	16248
(2) All days for which payment is made under section 5124.34	16249
of the Revised Code.	16250
(BB) "Intermediate care facility for individuals with	16251
<pre>intellectual disabilities" and "ICF/IID" mean an intermediate care</pre>	16252
facility for the mentally retarded as defined in the "Social	16253
Security Act, " section 1905(d), 42 U.S.C. 1396d(d).	16254
(CC) "Involuntary termination" means the department of	16255
medicaid's termination of, cancellation of, or refusal to	16256
revalidate the operator's provider agreement for the ICF/IID when	16257
such action is not taken at the operator's request.	16258
(DD) "Maintenance and repair expenses" means, except as	16259
provided in division (TT)(2)(b) of this section, expenditures that	16260
are necessary and proper to maintain an asset in a normally	16261
efficient working condition and that do not extend the useful life	16262
Control of the contro	1.000

of the asset two years or more. "Maintenance and repair expenses"

(JJ) "Other protected costs" means costs incurred by an

ICF/IID for medical supplies; real estate, franchise, and property

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taxes; natural gas, fuel oil, water, electricity, sewage, and	16294
refuse and hazardous medical waste collection; allocated other	16295
protected home office costs; and any additional costs defined as	16296
other protected costs in rules adopted under section 5124.03 of	16297
the Revised Code.	16298
(KK)(1) "Owner" means any person or government entity that	16299
has at least five per cent ownership or interest, either directly,	16300
indirectly, or in any combination, in any of the following	16301
regarding an ICF/IID:	16302
(a) The land on which the ICF/IID is located;	16303
(b) The structure in which the ICF/IID is located;	16304
(c) Any mortgage, contract for deed, or other obligation	16305
secured in whole or in part by the land or structure on or in	16306
which the ICF/IID is located;	16307
(d) Any lease or sublease of the land or structure on or in	16308
which the ICF/IID is located.	16309
(2) "Owner" does not mean a holder of a debenture or bond	16310
related to an ICF/IID and purchased at public issue or a regulated	16311
lender that has made a loan related to the ICF/IID unless the	16312
holder or lender operates the ICF/IID directly or through a	16313
subsidiary.	16314
(LL) "Partially converted ICF/IID" means an ICF/IID that	16315
converted some, but not all, of its beds to providing home and	16316
community-based services under the individual options waiver	16317
pursuant to section 5124.60 or 5124.61 of the Revised Code.	16318
(MM)(1) Except as provided in divisions (MM)(2) and (3) of	16319
this section, "per diem" means an ICF/IID's desk-reviewed, actual,	16320
allowable costs in a given cost center in a cost reporting period,	16321
divided by the facility's inpatient days for that cost reporting	16322
period.	16323

(2) When determining capital costs for the purpose of section	16324
5124.17 of the Revised Code, "per diem" means an ICF/IID's actual,	16325
allowable capital costs in a <del>cost-reporting</del> cost reporting period	16326
divided by the greater of the facility's inpatient days for that	16327
period or the number of inpatient days the ICF/IID would have had	16328
during that period if its occupancy rate had been ninety-five per	16329
cent.	16330
(3) When determining indirect care costs for the purpose of	16331
section 5124.21 of the Revised Code, "per diem" means an ICF/IID's	16332
actual, allowable indirect care costs in a <del>cost reporting</del> cost	16333
reporting period divided by the greater of the ICF/IID's inpatient	16334
days for that period or the number of inpatient days the ICF/IID	16335
would have had during that period if its occupancy rate had been	16336
eighty-five per cent.	16337
(NN) "Provider" means an operator with a valid provider	16338
agreement.	16339
(00) "Provider agreement" means a provider agreement, as	16340
defined in section 5164.01 of the Revised Code, that is between	16341
the department of medicaid and the operator of an ICF/IID for the	16342
provision of ICF/IID services under the medicaid program.	16343
(PP) "Purchased nursing services" means services that are	16344
provided in an ICF/IID by registered nurses, licensed practical	16345
nurses, or nurse aides who are not employees of the ICF/IID.	16346
(QQ) "Reasonable" means that a cost is an actual cost that is	16347
appropriate and helpful to develop and maintain the operation of	16348
resident care facilities and activities, including normal standby	16349
costs, and that does not exceed what a prudent buyer pays for a	16350
given item or services. Reasonable costs may vary from provider to	16351
provider and from time to time for the same provider.	16352
(RR) "Related party" means an individual or organization	16353

that, to a significant extent, has common ownership with, is

associated or affiliated with, has control of, or is controlled	16355
by, a provider.	16356
(1) An individual who is a relative of an owner is a related	16357
party.	16358
(2) Common ownership exists when an individual or individuals	16359
possess significant ownership or equity in both the provider and	16360
the other organization. Significant ownership or equity exists	16361
when an individual or individuals possess five per cent ownership	16362
or equity in both the provider and a supplier. Significant	16363
ownership or equity is presumed to exist when an individual or	16364
individuals possess ten per cent ownership or equity in both the	16365
provider and another organization from which the provider	16366
purchases or leases real property.	16367
(3) Control exists when an individual or organization has the	16368
power, directly or indirectly, to significantly influence or	16369
direct the actions or policies of an organization.	16370
(4) An individual or organization that supplies goods or	16371
services to a provider shall not be considered a related party if	16372
all of the following conditions are met:	16373
(a) The supplier is a separate bona fide organization.	16374
(b) A substantial part of the supplier's business activity of	16375
the type carried on with the provider is transacted with others	16376
than the provider and there is an open, competitive market for the	16377
types of goods or services the supplier furnishes.	16378
(c) The types of goods or services are commonly obtained by	16379
other ICFs/IID from outside organizations and are not a basic	16380
element of resident care ordinarily furnished directly to	16381
residents by the ICFs/IID.	16382
(d) The charge to the provider is in line with the charge for	16383
the provided to the provided to the order of	16004

the goods or services in the open market and no more than the

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charge made under comparable circumstances to others by the supplier.	16385 16386
(SS) "Relative of owner" means an individual who is related	16387
to an owner of an ICF/IID by one of the following relationships:	16388
(1) Spouse;	16389
(2) Natural parent, child, or sibling;	16390
(3) Adopted parent, child, or sibling;	16391
(4) Stepparent, stepchild, stepbrother, or stepsister;	16392
(5) Father-in-law, mother-in-law, son-in-law,	16393
daughter-in-law, brother-in-law, or sister-in-law;	16394
(6) Grandparent or grandchild;	16395
(7) Foster caregiver, foster child, foster brother, or foster	16396
sister.	16397
(TT)(1) "Renovation" means the following:	16398
(a) An ICF/IID's betterment, improvement, or restoration to	16399
which both of the following apply:	16400
(i) It was started before July 1, 1993÷.	16401
(ii) It meets the definition of "renovation" established in	16402
rules that were adopted by the director of job and family services	16403
and in effect on December 22, 1992.	16404
(b) An ICF/IID's betterment, improvement, or restoration to	16405
which both of the following apply:	16406
(i) It was started on or after July 1, 1993 $\div$ .	16407
(ii) It betters, improves, or restores the ICF/IID beyond its	16408
current functional capacity through a structural change that costs	16409
at least five hundred dollars per bed.	16410
(2) A renovation started on or after July 1, 1993, may	16411
include both of the following:	16412

(a) A betterment, improvement, restoration, or replacement of	16413
assets that are affixed to a building and have a useful life of at	16414
least five years;	16415
(b) Costs that otherwise would be considered maintenance and	16416
repair expenses if they are an integral part of the structural	16417
change that makes up the renovation project.	16418
(3) "Renovation" does not mean construction of additional	16419
space for beds that will be added to an ICF/IID's licensed	16420
capacity or medicaid-certified capacity.	16421
(UU) "Residential facility" has the same meaning as in	16422
section 5123.19 of the Revised Code.	16423
(VV) "Sponsor" means an adult relative, friend, or guardian	16424
of an ICF/IID resident who has an interest or responsibility in	16425
the resident's welfare.	16426
(WW) "Title XIX" means Title XIX of the "Social Security	16427
Act," 42 U.S.C. 1396, et seq.	16428
(XX) "Title XVIII" means Title XVIII of the "Social Security	16429
Act," 42 U.S.C. 1395, et seq.	16430
(YY) "Voluntary termination" means an operator's voluntary	16431
election to terminate the participation of an ICF/IID in the	16432
medicaid program but to continue to provide service of the type	16433
provided by a residential facility as defined in section 5123.19	16434
of the Revised Code.	16435
Sec. 5124.106. (A) If an ICF/IID provider required by section	16436
5124.10 of the Revised Code to file a cost report for the ICF/IID	16437
fails to file the cost report by the date it is due or the date,	16438
if any, to which the due date is extended pursuant to division (E)	16439
of that section, or files an incomplete or inadequate report for	16440
the ICF/IID under that section, the department of developmental	16441
disabilities shall provide immediate do both of the following:	16442

	16443
(1) Give written notice to the provider that the provider	16444
agreement for the ICF/IID will be terminated in thirty days unless	16445
the provider submits a complete and adequate cost report for the	16446
ICF/IID within thirty days. During the thirty day termination	16447
period or any additional time allowed for an appeal of the	16448
proposed termination of a provider agreement, the provider shall	16449
be paid the ICF/IID's then current per medicaid day payment rate,	16450
minus the dollar amount by which ICFs/IID's per medicaid day	16451
payment rates are reduced during fiscal year 2013 in accordance	16452
with division (A)(2) of section 5111.26 of the Revised Code	16453
(renumbered as section 5165.10 of the Revised Code by H.B. 59 of	16454
the 130th general assembly) as that section existed on the day	16455
immediately preceding the effective date of this section. On the	16456
first day of each July, the department shall adjust the amount of	16457
the reduction in effect during the previous twelve months to	16458
reflect the rate of inflation during the preceding twelve months:	16459
(2) Reduce the per medicaid day payment rate for the	16460
provider's ICF/IID by the amount specified in division (B) of this	16461
section for the period of time specified in division (C) of this	16462
section.	16463
(B) For the purpose of division (A)(2) of this section, an	16464
ICF/IID's per medicaid day payment rate shall be reduced by the	16465
following amount:	16466
(1) In the case of a reduction made during the period	16467
beginning on the effective date of this amendment and ending on	16468
the first day of the first fiscal year beginning after the	16469
effective date of this amendment, two dollars;	16470
(2) In the case of a reduction made during the first fiscal	16471
year beginning after the effective date of this amendment and each	16472
fiscal year thereafter, the amount of the reduction in effect on	16473

the last day of the fiscal year immediately preceding the fiscal	16474
year in which the reduction is made adjusted by the rate of	16475
inflation during that immediately preceding fiscal year, as shown	16476
in the consumer price index for all items for all urban consumers	16477
for the midwest region, published by the United States bureau of	16478
labor statistics.	16479
(C) The period of time that an ICF/IID's per medicaid day	16480
payment rate is reduced under this section shall begin and end as	16481
<u>follows:</u>	16482
(1) The period shall begin on the following date:	16483
(a) The day immediately following the date the cost report is	16484
due or to which the due date is extended, as applicable, if the	16485
reduction is made because the provider fails to file a cost report	16486
by that date;	16487
(b) The day the department gives the provider written notice	16488
under division (A)(1) of this section of the proposed provider	16489
agreement termination, if the reduction is made because the	16490
provider files an incomplete or inadequate cost report.	16491
(2) The period shall end on the last day of the thirty-day	16492
period specified in the notice given under division (A)(1) of this	16493
section or any additional period allowed for an appeal of the	16494
proposed provider agreement termination.	16495
Sec. 5124.21. (A) For each fiscal year, the department of	16496
developmental disabilities shall determine each ICF/IID's per	16497
medicaid day payment rate for indirect care costs. Except as	16498
otherwise provided in this chapter, an ICF/IID's rate shall be	16499
determined prospectively. Subject to section 5124.28 of the	16500
Revised Code, an ICF/IID's rate shall be the lesser of the	16501
individual rate determined under division (B) of this section and	16502
the maximum rate determined for the ICF/IID's peer group under	16503

division (C) of this section.	16504
(B) An ICF/IID's individual rate is the sum of the following:	16505
(1) The ICF/IID's desk-reviewed, actual, allowable, per diem	16506
indirect care costs from the calendar year immediately preceding	16507
the fiscal year in which the rate will be paid, adjusted for the	16508
inflation rate estimated under division $\frac{(D)}{(E)}(1)$ of this section;	16509
(2) If the ICF/IID has more than eight beds Subject to	16510
division (D) of this section, an efficiency incentive in the	16511
following amount:	16512
(a) For fiscal year 2014, seven and one tenth per cent of the	16513
maximum rate established for the ICF/IID's peer group under	16514
division (C) of this section;	16515
(b) For fiscal year 2015, the following amount:	16516
(i) The amount calculated for fiscal year 2014 under division	16517
(B)(2)(a) of this section if the provider of the ICF/IID obtains	16518
the department's approval to become a downsized ICF/IID and the	16519
approval is conditioned on the downsizing being completed not	16520
later than July 1, 2018;	16521
(ii) One-half of the amount calculated for fiscal year 2014	16522
under division (B)(2)(a) of this section if division (B)(2)(b)(i)	16523
of this section does not apply to the ICF/IID equal to the	16524
difference between the amount of the per diem indirect care costs	16525
determined for the ICF/IID under division (B)(1) of this section	16526
for the fiscal year in which the rate will be paid and the maximum	16527
rate established for the ICF/IID's peer group under division (C)	16528
of this section for that fiscal year.	16529
(c) For fiscal year 2016 and each fiscal year thereafter	16530
ending in an even numbered calendar year, the following	16531
percentages of the maximum rate established for the ICF/IID's peer	16532
group under division (C) of this section:	16533

(i) Seven and one-tenth per cent if the provider of the	16534
ICF/IID obtains the department's approval to become a downsized	16535
ICF/IID and the approval is conditioned on the downsizing being	16536
completed not later than July 1, 2018;	16537
(ii) Three and fifty five hundredths per cent if division	16538
(B)(2)(c)(i) of this section does not apply to the ICF/IID.	16539
(d) For fiscal year 2017 and each fiscal year thereafter	16540
ending in an odd-numbered calendar year, the amount calculated for	16541
the immediately preceding fiscal year under division (B)(2)(c) of	16542
this section.	16543
(3) If the ICF/IID has eight or fewer beds, an efficiency	16544
incentive in the following amount:	16545
(a) For each fiscal year ending in an even-numbered calendar	16546
year, seven per cent of the maximum rate established for the	16547
ICF/IID's peer group under division (C) of this section;	16548
(b) For each fiscal year ending in an odd-numbered calendar	16549
year, the amount calculated for the immediately preceding fiscal	16550
year under division (B)(3)(a) of this section.	16551
(C)(1) The maximum rate for indirect care costs for each peer	16552
group of ICFs/IID with more than eight beds shall be determined as	16553
follows:	16554
(a) For each fiscal year ending in an even-numbered calendar	16555
year, the maximum rate for each such peer group shall be the rate	16556
that is no less than twelve and four-tenths per cent above the	16557
median desk-reviewed, actual, allowable, per diem indirect care	16558
cost for all ICFs/IID in the peer group (excluding ICFs/IID in the	16559
peer group whose indirect care costs for that period are more than	16560
three standard deviations from the mean desk-reviewed, actual,	16561
allowable, per diem indirect care cost for all ICFs/IID with more	16562
than eight beds) for the calendar year immediately preceding the	16563
fiscal year in which the rate will be paid, adjusted by the	16564

inflation rate estimated under division $\frac{(D)(E)}{(E)}(1)$ of this section.	16565
(b) For each fiscal year ending in an odd-numbered calendar	16566
year, the maximum rate for each such peer group is the peer	16567
group's maximum rate for the previous fiscal year, adjusted for	16568
the inflation rate estimated under division $\frac{(D)(E)}{(2)}$ of this	16569
section.	16570
(2) The maximum rate for indirect care costs for each peer	16571
group of ICFs/IID with eight or fewer beds shall be determined as	16572
follows:	16573
(a) For each fiscal year ending in an even-numbered calendar	16574
year, the maximum rate for each such peer group shall be the rate	16575
that is no less than ten and three-tenths per cent above the	16576
median desk-reviewed, actual, allowable, per diem indirect care	16577
cost for all ICFs/IID in the peer group (excluding ICFs/IID in the	16578
peer group whose indirect care costs are more than three standard	16579
deviations from the mean desk-reviewed, actual, allowable, per	16580
diem indirect care cost for all ICFs/IID with eight or fewer beds)	16581
for the calendar year immediately preceding the fiscal year in	16582
which the rate will be paid, adjusted by the inflation rate	16583
estimated under division $\frac{(D)(E)}{(1)}$ of this section.	16584
(b) For each fiscal year ending in an odd-numbered calendar	16585
year, the maximum rate for each such peer group is the peer	16586
group's maximum rate for the previous fiscal year, adjusted for	16587
the inflation rate estimated under division $\frac{(D)(E)}{(2)}$ of this	16588
section.	16589
(3) The department shall not redetermine a maximum rate for	16590
indirect care costs under division (C)(1) or (2) of this section	16591
based on additional information that it receives after the maximum	16592
rate is set. The department shall redetermine the maximum rate for	16593
indirect care costs only if it made an error in computing the	16594

 ${\tt maximum}$  rate based on the information available to the department

at the time of the original calculation.	16596
(D)(1) The efficiency incentive for an ICF/IID with more than	16597
eight beds shall not exceed the following:	16598
(a) For fiscal year 2014, seven and one-tenth per cent of the	16599
maximum rate established for the ICF/IID's peer group under	16600
division (C) of this section;	16601
(b) For fiscal year 2015, the following amount:	16602
(i) The amount calculated for fiscal year 2014 under division	16603
(D)(1)(a) of this section if the provider of the ICF/IID obtains	16604
the department's approval to become a downsized ICF/IID and the	16605
approval is conditioned on the downsizing being completed not	16606
later than July 1, 2018;	16607
(ii) One-half of the amount calculated for fiscal year 2014	16608
under division (D)(1)(a) of this section if division (D)(1)(b)(i)	16609
of this section does not apply to the ICF/IID.	16610
(c) For fiscal year 2016 and each fiscal year thereafter	16611
ending in an even-numbered calendar year, the following	16612
percentages of the maximum rate established for the ICF/IID's peer	16613
group under division (C) of this section:	16614
(i) Seven and one-tenth per cent if the provider of the	16615
ICF/IID obtains the department's approval to become a downsized	16616
ICF/IID and the approval is conditioned on the downsizing being	16617
completed not later than July 1, 2018;	16618
(ii) Three and fifty-five hundredths per cent if division	16619
(D)(1)(c)(i) of this section does not apply to the ICF/IID.	16620
(d) For fiscal year 2017 and each fiscal year thereafter	16621
ending in an odd-numbered calendar year, the amount calculated for	16622
the immediately preceding fiscal year under division (D)(1)(c) of	16623
this section.	16624
(2) The efficiency incentive for an ICF/IID with eight or	16625

fewer beds shall not exceed the following:	16626
(a) For each fiscal year ending in an even-numbered calendar	16627
year, seven per cent of the maximum rate established for the	16628
<pre>ICF/IID's peer group under division (C) of this section;</pre>	16629
(b) For each fiscal year ending in an odd-numbered calendar	16630
year, the amount calculated for the immediately preceding fiscal	16631
year under division (D)(2)(a) of this section.	16632
(E)(1) When adjusting rates for inflation under divisions	16633
(B)(1), $(C)(1)(a)$ , and $(C)(2)(a)$ of this section, the department	16634
shall estimate the rate of inflation for the eighteen-month period	16635
beginning on the first day of July of the calendar year	16636
immediately preceding the fiscal year in which the rate will be	16637
paid and ending on the thirty-first day of December of the fiscal	16638
year in which the rate will be paid. To estimate the rate of	16639
inflation, the department shall use the following:	16640
(a) Subject to division $\frac{(D)}{(E)}(1)(b)$ of this section, the	16641
consumer price index for all items for all urban consumers for the	16642
midwest region, published by the United States bureau of labor	16643
statistics;	16644
(b) If the United States bureau of labor statistics ceases to	16645
publish the index specified in division $\frac{(D)(E)}{(1)}(1)(a)$ of this	16646
section, a comparable index that the bureau publishes and the	16647
department determines is appropriate.	16648
(2) When adjusting rates for inflation under divisions	16649
(C)(1)(b) and $(C)(2)(b)$ of this section, the department shall	16650
estimate the rate of inflation for the twelve-month period	16651
beginning on the first day of January of the fiscal year	16652
immediately preceding the fiscal year in which the rate will be	16653
paid and ending on the thirty-first day of December of the fiscal	16654
year in which the rate will be paid. To estimate the rate of	16655
inflation, the department shall use the following:	16656

(a) Subject to division $\frac{(D)(E)}{(2)}(2)(b)$ of this section, the	16657
consumer price index for all items for all urban consumers for the	16658
midwest region, published by the United States bureau of labor	16659
statistics;	16660
(b) If the United States bureau of labor statistics ceases to	16661
publish the index specified in division $\frac{(D)(E)}{(2)}(2)(a)$ of this	16662
section, a comparable index that the bureau publishes and the	16663
department determines is appropriate.	16664
(3) If an inflation rate estimated under division $\frac{(D)(E)}{(E)}$	16665
or (2) of this section is different from the actual inflation rate	16666
for the relevant time period, as measured using the same index,	16667
the difference shall be added to or subtracted from the inflation	16668
rate estimated pursuant to this division for the following fiscal	16669
year.	16670
$\frac{(E)(F)}{(F)}$ The director of developmental disabilities shall adopt	16671
rules under section 5124.03 of the Revised Code that specify peer	16672
groups of ICFs/IID with more than eight beds and peer groups of	16673
ICFs/IID with eight or fewer beds, based on findings of	16674
significant per diem indirect care cost differences due to	16675
geography and bed-size. The rules also may specify peer groups	16676
based on findings of significant per diem indirect care cost	16677
differences due to other factors, including case-mix.	16678
Sec. 5124.60. (A) For the purpose of increasing the number of	16679
slots available for home and community-based services and subject	16680
to sections 5124.63 and 5124.64 of the Revised Code, the operator	16681
of an ICF/IID may convert some or all of the beds in the ICF/IID	16682
from providing ICF/IID services to providing home and	16683
community-based services if all of the following requirements are	16684
met:	16685
(1) The operator provides the directors of health and	16686

developmental disabilities at least ninety days' notice of the

operator's intent to make the conversion.	16688
(2) The operator complies with the requirements of sections	16689
5124.50 to 5124.53 of the Revised Code regarding a voluntary	16690
termination if those requirements are applicable.	16691
(3) If the operator intends to convert all of the ICF/IID's	16692
beds, the operator notifies each of the ICF/IID's residents that	16693
the ICF/IID is to cease providing ICF/IID services and inform each	16694
resident that the resident may do either of the following:	16695
(a) Continue to receive ICF/IID services by transferring to	16696
another ICF/IID that is willing and able to accept the resident if	16697
the resident continues to qualify for ICF/IID services;	16698
(b) Begin to receive home and community-based services	16699
instead of ICF/IID services from any provider of home and	16700
community-based services that is willing and able to provide the	16701
services to the resident if the resident is eligible for the	16702
services and a slot for the services is available to the resident.	16703
(4) If the operator intends to convert some but not all of	16704
the ICF/IID's beds, the operator notifies each of the ICF/IID's	16705
residents that the ICF/IID is to convert some of its beds from	16706
providing ICF/IID services to providing home and community-based	16707
services and inform each resident that the resident may do either	16708
of the following:	16709
(a) Continue to receive ICF/IID services from any ICF/IID	16710
that is willing and able to provide the services to the resident	16711
if the resident continues to qualify for ICF/IID services;	16712
(b) Begin to receive home and community-based services	16713
instead of ICF/IID services from any provider of home and	16714
community-based services that is willing and able to provide the	16715
services to the resident if the resident is eligible for the	16716
services and a slot for the services is available to the resident.	16717

(5) The operator meets the requirements for providing home	16718
and community-based services, including the following:	16719
(a) Such requirements applicable to a residential facility if	16720
the operator maintains the facility's license as a residential	16721
facility;	16722
(b) Such requirements applicable to a facility that is not	16723
licensed as a residential facility if the operator surrenders the	16724
facility's license as a residential facility under section 5123.19	16725
of the Revised Code.	16726
(6) The director of developmental disabilities approves the	16727
conversion.	16728
(B) A decision by the director of developmental disabilities	16729
to approve or refuse to approve a proposed conversion of beds is	16730
final. In making a decision, the director shall consider all of	16731
the following:	16732
(1) The fiscal impact on the ICF/IID if some but not all of	16733
the beds are converted;	16734
(2) The fiscal impact on the medicaid program;	16735
(3) The availability of home and community-based services.	16736
(C) The notice provided to the directors under division	16737
(A)(1) of this section shall specify whether some or all of the	16738
ICF/IID's beds are to be converted. If some but not all of the	16739
beds are to be converted, the notice shall specify how many of the	16740
ICF/IID's beds are to be converted and how many of the beds are to	16741
continue to provide ICF/IID services. The notice to the director	16742
of developmental disabilities shall specify whether the operator	16743
wishes to surrender the ICF/IID's license as a residential	16744
facility under section 5123.19 of the Revised Code.	16745
(D)(1) If the director of developmental disabilities approves	16746
a conversion under division (B) of this section, the director of	16747

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following requirements are met:

(1) The person provides the directors of health and

developmental disabilities and medicaid director at least ninety	16778
days' notice of the person's intent to make the conversion.	16779
(2) The person complies with the requirements of sections	16780
5124.50 to 5124.53 of the Revised Code regarding a voluntary	16781
termination if those requirements are applicable.	16782
(3) If the person intends to convert all of the ICF/IID's	16783
beds, the person notifies each of the ICF/IID's residents that the	16784
ICF/IID is to cease providing ICF/IID services and informs each	16785
resident that the resident may do either of the following:	16786
(a) Continue to receive ICF/IID services by transferring to	16787
another ICF/IID willing and able to accept the resident if the	16788
resident continues to qualify for ICF/IID services;	16789
(b) Begin to receive home and community-based services	16790
instead of ICF/IID services from any provider of home and	16791
community-based services that is willing and able to provide the	16792
services to the resident if the resident is eligible for the	16793
services and a slot for the services is available to the resident.	16794
(4) If the person intends to convert some but not all of the	16795
ICF/IID's beds, the person notifies each of the ICF/IID's	16796
residents that the ICF/IID is to convert some of its beds from	16797
providing ICF/IID services to providing home and community-based	16798
services and inform each resident that the resident may do either	16799
of the following:	16800
(a) Continue to receive ICF/IID services from any that is	16801
willing and able to provide the services to the resident if the	16802
resident continues to qualify for ICF/IID services;	16803
(b) Begin to receive home and community-based services	16804
instead of ICF/IID services from any provider of home and	16805
community-based services that is willing and able to provide the	16806
services to the resident if the resident is eligible for the	16807
services and a slot for the services is available to the resident.	16808

(5) The person meets the requirements for providing home and	16809
community-based services at a residential facility.	16810
(B) The notice provided to the directors under division	16811
(A)(1) of this section shall specify whether some or all of the	16812
ICF/IID's beds are to be converted. If some but not all of the	16813
beds are to be converted, the notice shall specify how many of the	16814
ICF/IID's beds are to be converted and how many of the beds are to	16815
continue to provide ICF/IID services.	16816
(C) On receipt of a notice under division (A)(1) of this	16817
section, the director of health shall do the following:	16818
(1) Terminate the ICF/IID's medicaid certification if the	16819
notice specifies that all of the facility's beds are to be	16820
converted;	16821
(2) Reduce the ICF/IID's medicaid-certified capacity by the	16822
number of beds being converted if the notice specifies that some	16823
but not all of the beds are to be converted.	16824
(D) The director of health shall notify the medicaid director	16825
of the termination or reduction under division (C) of this	16826
section. On receipt of the director of health's notice, the	16827
medicaid director shall do the following:	16828
(1) Terminate the person's medicaid provider agreement that	16829
authorizes the person to provide ICF/IID services at the ICF/IID	16830
if the ICF/IID's medicaid certification was terminated;	16831
(2) Amend the person's medicaid provider agreement to reflect	16832
the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's	16833
medicaid-certified capacity is reduced.	16834
The person is not entitled to notice or a hearing under	16835
Chapter 119. of the Revised Code before the medicaid director	16836
terminates or amends the medicaid provider agreement.	16837

the <u>The</u> director of developmental disabilities may request that	16839
the medicaid director seek the approval of the United States	16840
secretary of health and human services to increase the number of	16841
slots available for home and community-based services by a number	16842
not exceeding the number of beds that were part of the licensed	16843
capacity of a residential facility that had its license revoked or	16844
surrendered under section 5123.19 of the Revised Code if the	16845
residential facility was an ICF/IID at the time of the license	16846
revocation or surrender. The revocation or surrender may have	16847
occurred before, or may occur on or after, June 24, 2008. The	16848
request may include beds the director of developmental	16849
disabilities removed from such a residential facility's licensed	16850
capacity before transferring ownership or operation of the	16851
residential facility pursuant to a request for proposals.	16852
<b>Sec. 5124.67.</b> (A) $\underline{(1)}$ The department of developmental	16853
disabilities shall strive to achieve, not later than July 1, 2018,	16854
the following statewide reductions in ICF/IID beds:	16855
(1)(a) At least five hundred and not more than six hundred	16856
beds in ICFs/IID that, before becoming downsized ICFs/IID, have	16857
sixteen or more beds;	16858
(2)(b) At least five hundred and not more than six hundred	16859
beds in ICFs/IID with any number of beds that convert some or all	16860
of their beds from providing ICF/IID services to providing home	16861
and community-based services pursuant to section 5124.60 or	16862
5124.61 of the Revised Code.	16863
(2) The department shall strive to achieve a reduction of at	16864
least one thousand two hundred ICF/IID beds through a combination	16865
of the methods specified in divisions (A)(1)(a) and (b) of this	16866
section.	16867

(B) In its efforts to achieve the reductions under division

(A) of this section, the department shall collaborate with the	16869
Ohio association of county boards serving people with	16870
developmental disabilities, the Ohio provider resource	16871
association, the Ohio centers for intellectual disabilities formed	16872
by the Ohio health care association, and the values and faith	16873
alliance. The collaboration efforts may include the following:	16874
(1) Identifying ICFs/IID that may reduce the number of their	16875
beds to help achieve the reductions under division (A) of this	16876
section;	16877
(2) Encouraging ICF/IID providers to reduce the number of	16878
their ICFs/IID's beds;	16879
(3) Establishing interim time frames for making progress in	16880
achieving the reductions;	16881
(4) Creating incentives for, and removing impediments to, the	16882
reductions;	16883
(5) In the case of ICF/IID beds that are converted to	16884
providing home and community-based services, developing a	16885
mechanism to compensate providers for beds that permanently cease	16886
to provide ICF/IID services.	16887
(C) The department shall meet not less than twice each year	16888
with the organizations specified in division (B) of this section	16889
to do all of the following:	16890
(1) Review the progress being made in achieving the	16891
reductions under division (A) of this section;	16892
(2) Prepare written reports on the progress;	16893
(3) Identify additional measures needed to achieve the	16894
reductions.	16895
Sec. 5126.01. As used in this chapter:	16896
(A) As used in this division, "adult" means an individual who	16897

is eighteen years of age or over and not enrolled in a program or	16898
service under Chapter 3323. of the Revised Code and an individual	16899
sixteen or seventeen years of age who is eligible for adult	16900
services under rules adopted by the director of developmental	16901
disabilities pursuant to Chapter 119. of the Revised Code.	16902
(1) "Adult services" means services provided to an adult	16903
outside the home, except when they are provided within the home	16904
according to an individual's assessed needs and identified in an	16905
individual service plan, that support learning and assistance in	16906
the area of self-care, sensory and motor development,	16907
socialization, daily living skills, communication, community	16908
living, social skills, or vocational skills.	16909
(2) "Adult services" includes all of the following:	16910
(a) Adult day habilitation services;	16911
(b) Adult day care;	16912
(c) Prevocational Employment services;	16913
	10913
(d) Sheltered employment;	16914
(d) Sheltered employment;	16914
(d) Sheltered employment; (e)(c) Educational experiences and training obtained through	16914 16915
(d) Sheltered employment;  (e)(c) Educational experiences and training obtained through entities and activities that are not expressly intended for	16914 16915 16916
(d) Sheltered employment;  (e)(c) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental	16914 16915 16916 16917
(d) Sheltered employment;  (e)(c) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical	16914 16915 16916 16917 16918
(d) Sheltered employment;  (e)(c) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid	16914 16915 16916 16917 16918 16919
(d) Sheltered employment;  (e)(c) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and	16914 16915 16916 16917 16918 16919
(d) Sheltered employment;  (e)(c) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;	16914 16915 16916 16917 16918 16919 16920 16921
(d) Sheltered employment;  (e)(c) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;  (f) Community employment services and supported employment	16914 16915 16916 16917 16918 16919 16920 16921
(d) Sheltered employment;  (e)(c) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;  (f) Community employment services and supported employment services.	16914 16915 16916 16917 16918 16919 16920 16921 16922 16923

and functions of community life that are desired and chosen by the

general population, including such activities and functions as	16928
opportunities to experience and participate in community	16929
exploration, companionship with friends and peers, leisure	16930
activities, hobbies, maintaining family contacts, community	16931
events, and activities where individuals without disabilities are	16932
involved;	16933
(b) Provide supports or a combination of training and	16934
supports that afford an individual a wide variety of opportunities	16935
to facilitate and build relationships and social supports in the	16936
community.	16937
(2) "Adult day habilitation services" includes all of the	16938
following:	16939
(a) Personal care services needed to ensure an individual's	16940
ability to experience and participate in vocational services,	16941
educational services, community activities, and any other adult	16942
day habilitation services;	16943
(b) Skilled services provided while receiving adult day	16944
habilitation services, including such skilled services as behavior	16945
management intervention, occupational therapy, speech and language	16946
therapy, physical therapy, and nursing services;	16947
(c) Training and education in self-determination designed to	16948
help the individual do one or more of the following: develop	16949
self-advocacy skills, exercise the individual's civil rights,	16950
acquire skills that enable the individual to exercise control and	16951
responsibility over the services received, and acquire skills that	16952
enable the individual to become more independent, integrated, or	16953
productive in the community;	16954
(d) Recreational and leisure activities identified in the	16955
individual's service plan as therapeutic in nature or assistive in	16956
developing or maintaining social supports;	16957

(e)(d) Counseling and assistance provided to obtain housing,

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including such counseling as identifying options for either rental	16959
or purchase, identifying financial resources, assessing needs for	16960
environmental modifications, locating housing, and planning for	16961
ongoing management and maintenance of the housing selected;	16962
(f)(e) Transportation necessary to access adult day	16963
habilitation services;	16964
$\frac{(g)}{(f)}$ Habilitation management, as described in section	16965
5126.14 of the Revised Code.	16966
(3) "Adult day habilitation services" does not include	16967
activities that are components of the provision of residential	16968
services, family support services, or supported living services.	16969
(C) "Appointing authority" means the following:	16970
(1) In the case of a member of a county board of	16971
developmental disabilities appointed by, or to be appointed by, a	16972
board of county commissioners, the board of county commissioners;	16973
(2) In the case of a member of a county board appointed by,	16974
or to be appointed by, a senior probate judge, the senior probate	16975
judge.	16976
(D) "Community employment," "competitive employment," and	16977
"integrated setting" have the same meanings as in section 5123.022	16978
of the Revised Code.	16979
(E) "Supported employment services" means vocational	16980
assessment, job training and coaching, job development and	16981
placement, worksite accessibility, and other services related to	16982
employment outside a sheltered workshop. "Supported employment	16983
services" includes both of the following:	16984
(1) Job training resulting in the attainment of community	16985
employment, supported work in a typical work environment, or	16986
self-employment;	16987
(2) Support for ongoing community employment, supported work	16988

at community-based sites, or self-employment.	16989
(F) As used in this division, "substantial functional	16990
limitation," "developmental delay," and "established risk" have	16991
has the meanings meaning established pursuant to section 5123.011	16992
of the Revised Code.	16993
"Developmental disability" means a severe, chronic disability	16994
that is characterized by all of the following:	16995
(1) It is attributable to a mental or physical impairment or	16996
a combination of mental and physical impairments, other than a	16997
mental or physical impairment solely caused by mental illness as	16998
defined in division (A) of section 5122.01 of the Revised Code;	16999
(2) It is manifested before age twenty-two;	17000
(3) It is likely to continue indefinitely;	17001
(4) It results in one of the following:	17002
(a) In the case of a person under age three, at least one	17003
developmental delay or <del>an established risk</del> <u>a diagnosed physical or</u>	17004
mental condition that has a high probability of resulting in a	17005
developmental delay;	17006
(b) In the case of a person at least age three but under age	17007
six, at least two developmental delays or an established risk;	17008
(c) In the case of a person age six or older, a substantial	17009
functional limitation in at least three of the following areas of	17010
major life activity, as appropriate for the person's age:	17011
self-care, receptive and expressive language, learning, mobility,	17012
self-direction, capacity for independent living, and, if the	17013
person is at least age sixteen, capacity for economic	17014
self-sufficiency.	17015
(5) It causes the person to need a combination and sequence	17016
of special, interdisciplinary, or other type of care, treatment,	17017
or provision of services for an extended period of time that is	17018

individually planned and coordinated for the person.	17019
(G) "Early childhood services" means a planned program of	17020
habilitation designed to meet the needs of individuals with mental	17021
retardation or other developmental disabilities who have not	17022
attained compulsory school age.	17023
(H) "Employment services" means prevocational services or	17024
supported employment services.	17025
(I)(1) "Environmental modifications" means the physical	17026
adaptations to an individual's home, specified in the individual's	17027
service plan, that are necessary to ensure the individual's	17028
health, safety, and welfare or that enable the individual to	17029
function with greater independence in the home, and without which	17030
the individual would require institutionalization.	17031
(2) "Environmental modifications" includes such adaptations	17032
as installation of ramps and grab-bars, widening of doorways,	17033
modification of bathroom facilities, and installation of	17034
specialized electric and plumbing systems necessary to accommodate	17035
the individual's medical equipment and supplies.	17036
(3) "Environmental modifications" does not include physical	17037
adaptations or improvements to the home that are of general	17038
utility or not of direct medical or remedial benefit to the	17039
individual, including such adaptations or improvements as	17040
carpeting, roof repair, and central air conditioning.	17041
(J) "Family support services" means the services provided	17042
under a family support services program operated under section	17043
5126.11 of the Revised Code.	17044
(K) "Habilitation" means the process by which the staff of	17045
the facility or agency assists an individual with mental	17046
retardation or other developmental disability in acquiring and	17047
maintaining those life skills that enable the individual to cope	17048
more effectively with the demands of the individual's own person	17049

and environment, and in raising the level of the individual's	17050
personal, physical, mental, social, and vocational efficiency.	17051
Habilitation includes, but is not limited to, programs of formal,	17052
structured education and training.	17053
(L) "Home and community-based services" has the same meaning	17054
as in section 5123.01 of the Revised Code.	17055
(M) "ICF/IID" has the same meaning as in section 5124.01 of	17056
the Revised Code.	17057
(N) "Immediate femily" means perents swendperents brothers	17058
(N) "Immediate family" means parents, grandparents, brothers,	
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law,	17059
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and	17060
daughters-in-law.	17061
(O) "Medicaid case management services" means case management	17062
services provided to an individual with mental retardation or	17063
other developmental disability that the state medicaid plan	17064
requires.	17065
(P) "Mental retardation" means a mental impairment manifested	17066
during the developmental period characterized by significantly	17067
subaverage general intellectual functioning existing concurrently	17068
with deficiencies in the effectiveness or degree with which an	17069
individual meets the standards of personal independence and social	17070
responsibility expected of the individual's age and cultural	17071
group.	17072
(Q) "Prevocational services" means services, including	17073
services as a volunteer, that provide learning and work	17074
experiences, including volunteer work experiences, from which an	17075
individual can develop general strengths and skills that are not	17076
specific to a particular task or job but contribute to	17077
employability in community employment, supported work at	17078
community-based sites, or self-employment.	17079

(R) "Residential services" means services to individuals with

mental retardation or other developmental disabilities to provide	17081
housing, food, clothing, habilitation, staff support, and related	17082
support services necessary for the health, safety, and welfare of	17083
the individuals and the advancement of their quality of life.	17084
"Residential services" includes program management, as described	17085
in section 5126.14 of the Revised Code.	17086
(S) "Resources" means available capital and other assets,	17087
including moneys received from the federal, state, and local	17088
governments, private grants, and donations; appropriately	17089
qualified personnel; and appropriate capital facilities and	17090
equipment.	17091
(T) "Senior probate judge" means the current probate judge of	17092
a county who has served as probate judge of that county longer	17093
than any of the other current probate judges of that county. If a	17094
county has only one probate judge, "senior probate judge" means	17095
that probate judge.	17096
(U) "Service and support administration" means the duties	17097
performed by a service and support administrator pursuant to	17098
section 5126.15 of the Revised Code.	17099
(V)(1) "Specialized medical, adaptive, and assistive	17100
equipment, supplies, and supports" means equipment, supplies, and	17101
supports that enable an individual to increase the ability to	17102
perform activities of daily living or to perceive, control, or	17103
communicate within the environment.	17104
(2) "Specialized medical, adaptive, and assistive equipment,	17105
supplies, and supports" includes the following:	17106
(a) Eating utensils, adaptive feeding dishes, plate guards,	17107
mylatex straps, hand splints, reaches, feeder seats, adjustable	17108
pointer sticks, interpreter services, telecommunication devices	17109
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communication devices, support animals, veterinary care for 17111

support animals, adaptive beds, supine boards, prone boards,	17112
wedges, sand bags, sidelayers, bolsters, adaptive electrical	17113
switches, hand-held shower heads, air conditioners, humidifiers,	17114
emergency response systems, folding shopping carts, vehicle lifts,	17115
vehicle hand controls, other adaptations of vehicles for	17116
accessibility, and repair of the equipment received.	17117
(b) Nondisposable items not covered by medicaid that are	17118
intended to assist an individual in activities of daily living or	17119
instrumental activities of daily living.	17120
(W) "Supportive home services" means a range of services to	17121
families of individuals with mental retardation or other	17122
developmental disabilities to develop and maintain increased	17123
acceptance and understanding of such persons, increased ability of	17124
family members to teach the person, better coordination between	17125
school and home, skills in performing specific therapeutic and	17126
management techniques, and ability to cope with specific	17127
situations.	17128
(X)(1) "Supported living" means services provided for as long	17129
as twenty-four hours a day to an individual with mental	17130
retardation or other developmental disability through any public	17131
or private resources, including moneys from the individual, that	17132
enhance the individual's reputation in community life and advance	17133
the individual's quality of life by doing the following:	17134
(a) Providing the support necessary to enable an individual	17135
to live in a residence of the individual's choice, with any number	17136
of individuals who are not disabled, or with not more than three	17137
individuals with mental retardation and developmental disabilities	17138
unless the individuals are related by blood or marriage;	17139
(b) Encouraging the individual's participation in the	17140
community;	17141

(c) Promoting the individual's rights and autonomy;

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(d) Assisting the individual in acquiring, retaining, and	17143
improving the skills and competence necessary to live successfully	17144
in the individual's residence.	17145
(2) "Supported living" includes the provision of all of the	17146
following:	17147
(a) Housing, food, clothing, habilitation, staff support,	17148
professional services, and any related support services necessary	17149
to ensure the health, safety, and welfare of the individual	17150
receiving the services;	17151
(b) A combination of lifelong or extended-duration	17152
supervision, training, and other services essential to daily	17153
living, including assessment and evaluation and assistance with	17154
the cost of training materials, transportation, fees, and	17155
supplies;	17156
(c) Personal care services and homemaker services;	17157
(d) Household maintenance that does not include modifications	17158
to the physical structure of the residence;	17159
(e) Respite care services;	17160
(f) Program management, as described in section 5126.14 of	17161
the Revised Code.	17162
Sec. 5126.02. (A) Each county shall have its own county board	17163
of developmental disabilities. Subject to division (B) of this	17164
section:	17165
Section.	1/103
(1) A county board shall be operated as a separate	17166
administrative and service entity.	17167
(2) The functions of a county board shall not be combined	17168
with the functions of any other entity of county government.	17169
(B) Division (A) of this section does not prohibit or	17170
restrict any county board from sharing administrative functions or	17171

personnel with one or more other county boards, including entering	17172
into an arrangement authorized by division (B) of section	17173
5126.0219 of the Revised Code or an agreement with one or more	17174
other county boards to share the services of any employee.	17175
Sec. 5126.0219. (A) Each county board of developmental	17176
disabilities shall either employ a superintendent or obtain the	17177
services of the superintendent of another county board of	17178
developmental disabilities. The board shall provide for a	17179
superintendent who is qualified, as specified in rules adopted by	17180
the department of developmental disabilities in accordance with	17181
Chapter 119. of the Revised Code. The superintendent shall have no	17182
voting privileges on the board.	17183
If the superintendent position becomes vacant, the county	17184
board first shall consider entering into an agreement with another	17185
county board for the sharing of a superintendent under division	17186
(B) of this section. If the county board determines there are no	17187
significant efficiencies or it is impractical to share a	17188
superintendent, the county board may employ a superintendent in	17189
accordance with this section to fill the vacancy.	17190
The board shall prescribe the duties of its superintendent	17191
and review the superintendent's performance. The superintendent	17192
may be removed, suspended, or demoted for cause pursuant to	17193
section 5126.23 of the Revised Code. The board shall fix the	17194
superintendent's compensation and reimburse the superintendent for	17195
actual and necessary expenses.	17196
Each county board that employs its own superintendent shall	17197
employ the superintendent under a contract. To enter into a	17198
contract, the board shall adopt a resolution agreeing to the	17199
contract. Each contract for employment or re-employment of a	17200
superintendent shall be for a term of not less than one and not	17201

more than five years. At the expiration of a superintendent's

current term of employment, the superintendent may be re-employed.	17203
If the board intends not to re-employ the superintendent, the	17204
board shall give the superintendent written notification of its	17205
intention. The notice shall be given not less than ninety days	17206
prior to the expiration of the superintendent's contract.	17207
(B) Two or more county boards may enter into an arrangement	17208
under which the superintendent of one county board acts as the	17209
superintendent of another county board. To enter into such an	17210
arrangement, each board shall adopt a resolution agreeing to the	17211
arrangement. The resolutions shall specify the duration of the	17212
arrangement and the contribution each board is to make to the	17213
superintendent's compensation and reimbursement for expenses.	17214
(C) If a vacancy occurs in the position of superintendent, a	17215
county board may appoint a person who holds a valid	17216
superintendent's certificate issued under the rules of the	17217
department to work under a contract for an interim period not to	17218
exceed one hundred eighty days until a permanent superintendent	17219
can be employed or arranged for under division (A) or (B) of this	17220
section. The director of the department may approve additional	17221
periods of time for these types of interim appointments when so	17222
requested by a resolution adopted by a county board, if the	17223
director determines that the additional periods are warranted and	17224
the services of a permanent superintendent are not available.	17225
Sec. 5126.041. (A) As used in this section:	17226
(1) "Biological risk" and "environmental risk" have the	17227
meanings established pursuant to section 5123.011 of the Revised	17228
Code.	17229
(2) "Preschool child with a disability" has the same meaning	17230
as in section 3323.01 of the Revised Code.	17231
$\frac{(3)}{(2)}$ "State institution" means all or part of an	17232

institution under the control of the department of developmental	17233
disabilities pursuant to section 5123.03 of the Revised Code and	17234
maintained for the care, treatment, and training of the mentally	17235
retarded.	17236
(B) Except as provided in division (C) of this section, each	17237
county board of developmental disabilities shall make eligibility	17238
determinations in accordance with the definition of "developmental	17239
disability" in section 5126.01 of the Revised Code. Pursuant to	17240
rules the department of developmental disabilities shall adopt in	17241
accordance with Chapter 119. adopted under section 5123.012 of the	17242
Revised Code, a county board may establish eligibility for	17243
programs and services for either of the following:	17244
(1) Individuals under age six who have a biological risk or	17245
environmental risk of a developmental delay;	17246
(2) Any any preschool child with a disability eligible for	17247
services under section 3323.02 of the Revised Code whose	17248
disability is not attributable solely to mental illness as defined	17249
in section 5122.01 of the Revised Code.	17250
(C)(1) A county board shall make determinations of	17251
eligibility for service and support administration in accordance	17252
with rules adopted under section 5126.08 of the Revised Code.	17253
(2) All persons who were eligible for services and enrolled	17254
in programs offered by a county board of developmental	17255
disabilities pursuant to this chapter on July 1, 1991, shall	17256
continue to be eligible for those services and to be enrolled in	17257
those programs as long as they are in need of services.	17258
(3) A person who resided in a state institution on or before	17259
October 29, 1993, is eligible for programs and services offered by	17260
a county board of developmental disabilities, unless the person is	17261
determined by the county board not to be in need of those programs	17262
and services.	17263

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(D) A county board shall refer a person who requests but is	17264
not eligible for programs and services offered by the board to	17265
other entities of state and local government or appropriate	17266
private entities that provide services.	17267
(E) Membership of a person on, or employment of a person by,	17268
a county board of developmental disabilities does not affect the	17269
eligibility of any member of that person's family for services	17270
provided by the board or by any entity under contract with the	17271
board.	17272
Sec. 5126.046. (A) Except as otherwise provided by 42 C.F.R.	17273
431.51, an individual with mental retardation or other	17274
developmental disability who is eligible for home and	17275
community-based services has the right to obtain the services from	17276
any provider of the services that is qualified to furnish the	17277
services and is willing to furnish the services to the individual.	17278
A county board of developmental disabilities that has medicaid	17279
local administrative authority under division (A) of section	17280
5126.055 of the Revised Code for home and community-based services	17281
and refuses to permit an individual to obtain home and	17282
community-based services from a qualified and willing provider	17283
shall provide the individual timely notice that the individual may	17284
request a hearing appeal under section 5101.35 5160.31 of the	17285
Revised Code.	17286
(B) An individual with mental retardation or other	17287
developmental disability who is eligible for nonmedicaid	17288
residential services or nonmedicaid supported living has the right	17289
to obtain the services from any provider of the residential	17290
services or supported living that is qualified to furnish the	17291
residential services or supported living and is willing to furnish	17292
the residential services or supported living to the individual.	17293

(C) The department of developmental disabilities shall make

available to the public on its internet web site an up-to-date 17	7295
list of all providers of home and community-based services, 17	7296
nonmedicaid residential services, and nonmedicaid supported 17	7297
living. County boards shall assist individuals with mental 17	7298
retardation or other developmental disabilities and the families 17	7299
of such individuals access the list on the department's internet 17	7300
web site.	7301
(D) The director of developmental disabilities shall adopt 17	7302
	7303
	7304

rules in accordance with Chapter 119. of the Revised Code 17303
governing the implementation of this section. The rules shall 17304
include procedures for individuals to choose their providers. The 17305
rules shall not be limited by a provider selection system 17306
established under section 5126.42 of the Revised Code, including 17307
any pool of providers created pursuant to a provider selection 17308
system.

sec. 5126.051. (A) To the extent that resources are
available, a county board of developmental disabilities shall
provide for or arrange residential services and supported living
for individuals with mental retardation and developmental
disabilities.
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A county board may acquire, convey, lease, or sell property 17315 for residential services and supported living and enter into loan 17316 agreements, including mortgages, for the acquisition of such 17317 property. A county board is not required to comply with provisions 17318 of Chapter 307. of the Revised Code providing for competitive 17319 bidding or sheriff sales in the acquisition, lease, conveyance, or 17320 sale of property under this division, but the acquisition, lease, 17321 conveyance, or sale must be at fair market value determined by 17322 appraisal of one or more disinterested persons appointed by the 17323 board. 17324

Any action taken by a county board under this division that

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will incur debt on the part of the county shall be taken in	17326
accordance with Chapter 133. of the Revised Code. A county board	17327
shall not incur any debt on the part of the county without the	17328
prior approval of the board of county commissioners.	17329
(B)(1) To the extent that resources are available, a county	17330
board shall provide or arrange for the provision of adult services	17331
to individuals who are age eighteen and older and not enrolled in	17332
a program or service under Chapter 3323. of the Revised Code or	17333
age sixteen or seventeen and eligible for adult services under	17334
rules adopted by the director of developmental disabilities under	17335
Chapter 119. of the Revised Code. These services shall be provided	17336
in accordance with the individual's individual service plan and	17337
shall include support services specified in the plan.	17338
(2) Any prevocational services shall be provided in	17339
accordance with the individual's individual service plan and occur	17340
over a specified period of time with specific outcomes sought to	17341
be achieved.	17342
(3) A county board may, in cooperation with the opportunities	17343
for Ohioans with disabilities agency, seek federal funds for job	17344
training or other services directly directed at helping	17345
individuals obtain community employment.	17346
(4) A county board may contract with any agency, board, or	17347
other entity that is accredited by the commission on accreditation	17348
of rehabilitation facilities to provide services. A county board	17349
that is accredited by the commission on accreditation of	17350
rehabilitation facilities may provide services for which it is	17351
certified by the commission.	17352
(C) To the extent that resources are available, a county	17353
board may provide services to an individual with mental	17354
retardation or other developmental disability in addition to those	17355

provided pursuant to this section, section 5126.05 of the Revised

Code, or any other section of this chapter. The services shall be	17357
provided in accordance with the individual's individual service	17358
plan and may be provided in collaboration with other entities of	17359
state or local government.	17360
Sec. 5126.08. (A) The director of developmental disabilities	17361
shall adopt rules in accordance with Chapter 119. of the Revised	17362
Code for all programs and services offered by a county board of	17363
developmental disabilities. Such rules shall include, but are not	17364
limited to, the following:	17365
(1) Determination of what constitutes a program or service;	17366
(2) Standards to be followed by a board in administering,	17367
providing, arranging, or operating programs and services;	17368
(3) Standards for determining the nature and degree of mental	17369
retardation, including mild mental retardation, or developmental	17370
disability;	17371
(4) Standards and procedures for determining making	17372
eligibility <u>determinations</u> for <u>the</u> programs and services <del>under</del>	17373
section 5126.15 of the Revised Code;	17374
(5) Procedures for obtaining consent for the arrangement of	17375
services under section 5126.31 of the Revised Code and for	17376
obtaining signatures on individual service plans under that	17377
section;	17378
(6) Specification of the service and support administration	17379
to be provided by a county board and standards for resolving	17380
grievances in connection with service and support administration.	17381
(B) The director shall be the final authority in determining	17382
the nature and degree of mental retardation or developmental	17383
disability.	17384

Sec. 5126.21. As used in this section, "management employee"

does not include the superintendent of a county board of	17386
developmental disabilities.	17387
(A)(1) Each management employee of a county board of	17388
developmental disabilities shall hold a limited contract for a	17389
period of not less than one year and not more than five years,	17390
except that a management employee hired after the beginning of a	17391
program year may be employed under a limited contract expiring at	17392
the end of the program year. The board shall approve all contracts	17393
of employment for management employees that are for a term of more	17394
than one year. A management employee shall receive notice of the	17395
superintendent's intention not to rehire the employee at least	17396
ninety days prior to the expiration of the contract.	17397
(2) During the term of a contract a management employee's	17398
salary may be increased, but shall not be reduced unless the	17399
reduction is part of a uniform plan affecting all employees of the	17400
board.	17401
(B) All management employees may be removed, suspended, or	17402
(B) All management employees may be removed, suspended, or demoted for cause pursuant to section 5126.23 of the Revised Code.	17402 17403
demoted for cause pursuant to section 5126.23 of the Revised Code.	17403
demoted for cause pursuant to section 5126.23 of the Revised Code.  (C) All management employees shall receive employee benefits	17403 17404
demoted for cause pursuant to section 5126.23 of the Revised Code.  (C) All management employees shall receive employee benefits as established by the board. Sections 124.38 and 325.19 of the	17403 17404 17405
demoted for cause pursuant to section 5126.23 of the Revised Code.  (C) All management employees shall receive employee benefits as established by the board. Sections 124.38 and 325.19 of the Revised Code do not apply to management employees.	17403 17404 17405 17406
demoted for cause pursuant to section 5126.23 of the Revised Code.  (C) All management employees shall receive employee benefits as established by the board. Sections 124.38 and 325.19 of the Revised Code do not apply to management employees.  (D) The superintendent of a county board of developmental	17403 17404 17405 17406
demoted for cause pursuant to section 5126.23 of the Revised Code.  (C) All management employees shall receive employee benefits as established by the board. Sections 124.38 and 325.19 of the Revised Code do not apply to management employees.  (D) The superintendent of a county board of developmental disabilities shall notify all management employees of the board of	17403 17404 17405 17406 17407 17408
demoted for cause pursuant to section 5126.23 of the Revised Code.  (C) All management employees shall receive employee benefits as established by the board. Sections 124.38 and 325.19 of the Revised Code do not apply to management employees.  (D) The superintendent of a county board of developmental disabilities shall notify all management employees of the board of their salary no later than thirty days before the first day of the	17403 17404 17405 17406 17407 17408 17409
demoted for cause pursuant to section 5126.23 of the Revised Code.  (C) All management employees shall receive employee benefits as established by the board. Sections 124.38 and 325.19 of the Revised Code do not apply to management employees.  (D) The superintendent of a county board of developmental disabilities shall notify all management employees of the board of their salary no later than thirty days before the first day of the new contract year.	17403 17404 17405 17406 17407 17408 17409 17410
demoted for cause pursuant to section 5126.23 of the Revised Code.  (C) All management employees shall receive employee benefits as established by the board. Sections 124.38 and 325.19 of the Revised Code do not apply to management employees.  (D) The superintendent of a county board of developmental disabilities shall notify all management employees of the board of their salary no later than thirty days before the first day of the new contract year.  (E) Each county board of developmental disabilities shall	17403 17404 17405 17406 17407 17408 17409 17410
demoted for cause pursuant to section 5126.23 of the Revised Code.  (C) All management employees shall receive employee benefits as established by the board. Sections 124.38 and 325.19 of the Revised Code do not apply to management employees.  (D) The superintendent of a county board of developmental disabilities shall notify all management employees of the board of their salary no later than thirty days before the first day of the new contract year.  (E) Each county board of developmental disabilities shall establish a lay-off policy to be followed if it determines a	17403 17404 17405 17406 17407 17408 17409 17410 17411 17412
demoted for cause pursuant to section 5126.23 of the Revised Code.  (C) All management employees shall receive employee benefits as established by the board. Sections 124.38 and 325.19 of the Revised Code do not apply to management employees.  (D) The superintendent of a county board of developmental disabilities shall notify all management employees of the board of their salary no later than thirty days before the first day of the new contract year.  (E) Each county board of developmental disabilities shall establish a lay-off policy to be followed if it determines a reduction in the number of management employees is necessary.	17403 17404 17405 17406 17407 17408 17409 17410 17411 17412 17413

certification or registration required to be employed in a	17447
particular position, including standards regarding education,	17448
specialized training, and experience, taking into account the	17449
needs of individuals with mental retardation or developmental	17450
disabilities and the specialized techniques needed to serve them,	17451
except that the rules shall not require a person designated as a	17452
service employee under section 5126.22 of the Revised Code to have	17453
or obtain a bachelor's or higher degree;	17454
(3) Procedures to be followed in applying for initial	17455
certification or registration and for renewing the certification	17456
or registration.	17457
(4) Requirements that must be met for renewal of	17458
certification or registration, which may include continuing	17459
education and professional training requirements;	17460
(5) Subject to section 5126.23 of the Revised Code, grounds	17461
for which certification or registration may be denied, suspended,	17462
or revoked and procedures for appealing the denial, suspension, or	17463
revocation.	17464
(D) Each person seeking certification or registration for	17465
employment shall apply in the manner established in rules adopted	17466
under this section.	17467
(E)(1) Except as provided in division $(E)(2)$ of this section,	17468
the superintendent of each county board is responsible for taking	17469
all actions regarding certification and registration of employees,	17470
other than the position of superintendent, early intervention	17471
supervisor, early intervention specialist, or investigative agent.	17472
For the position of superintendent, early intervention supervisor,	17473
early intervention specialist, or investigative agent, the	17474
director of developmental disabilities is responsible for taking	17475
all such actions.	17476

Actions that may be taken by the superintendent or director

include issuing, renewing, denying, suspending, and revoking	17478
certification and registration. All actions shall be taken in	17479
accordance with the rules adopted under this section.	17480
The superintendent may charge a fee to persons applying for	17481
certification or registration. The superintendent shall establish	17482
the amount of the fee according to the costs the county board	17483
incurs in administering its program for certification and	17484
registration of employees.	17485
A person subject to the denial, suspension, or revocation of	17486
certification or registration may appeal the decision. The appeal	17487
shall be made in accordance with the rules adopted under this	17488
section.	17489
(2) Pursuant to division (C) of section 5126.05 of the	17490
Revised Code, the superintendent may enter into a contract with	17491
any other entity under which the entity is given authority to	17492
carry out all or part of the superintendent's responsibilities	17493
under division (E)(1) of this section.	17494
(F) A person with valid certification or registration under	17495
this section on the effective date of any rules adopted under this	17496
section that increase the standards applicable to the	17497
certification or registration shall have such period as the rules	17498
prescribe, but not less than one year after the effective date of	17499
the rules, to meet the new certification or registration	17500
standards.	17501
(G) A person with valid certification or registration is	17502
qualified to be employed according to that certification or	17503
registration by any county board or entity contracting with a	17504
county board.	17505
(H) The director shall monitor county boards to ensure that	17506
their employees and the employees of their contracting entities	17507

have the applicable certification or registration required under

this section and that the employees are performing only those	17509
functions they are authorized to perform under the certification	17510
or registration. The superintendent of each county board or the	17511
superintendent's designee shall maintain in appropriate personnel	17512
files evidence acceptable to the director that the employees have	17513
met the requirements. On request, representatives of the	17514
department of developmental disabilities shall be given access to	17515
the evidence.	17516
(I) The certification and registration requirements of this	17517
section and the rules adopted under it do not apply to either of	17518
the following:	17519
(1) A person who holds a valid license issued or certificate	17520
issued under Chapter 3319. of the Revised Code and performs no	17521
duties other than teaching or supervision of a teaching program;	17522
(2) A person who holds a valid license or certificate issued	17523
under Title XLVII of the Revised Code and performs only those	17524
duties governed by the license or certificate.	17525
Sec. 5126.42. (A) A Each county board of developmental	17526
disabilities shall establish an advisory council composed of board	17527
members or employees of the board, providers, individuals	17528
receiving supported living, and advocates for individuals	17529
receiving supported living to provide on-going communication among	17530
all persons concerned with supported living.	17531
(B) The board shall develop procedures for the resolution of	17532
grievances between the <a href="following:">following:</a>	17533
(A) The board and providers or between the;	17534
(B) The board and an entity with which it has a shared	17535
funding agreement.	17536
(C) The board shall develop and implement a provider	17537
selection system. Each system shall enable an individual to choose	17538

to continue receiving supported living from the same providers, to	17539
select additional providers, or to choose alternative providers.	17540
Annually, the board shall review its provider selection system to	17541
determine whether it has been implemented in a manner that allows	17542
individuals fair and equitable access to providers.	17543
In developing a provider selection system, the county board	17544
shall create a pool of providers for individuals to use in	17545
choosing their providers of supported living. The pool shall be	17546
created by placing in the pool all providers on record with the	17547
board or by placing in the pool all providers approved by the	17548
board through soliciting requests for proposals for supported	17549
living contracts. In either case, only providers that are	17550
certified by the director of developmental disabilities may be	17551
placed in the pool.	17552
If the board places all providers on record in the pool, the	17553
board shall review the pool at least annually to determine whether	17554
each provider has continued interest in being a provider and has	17555
maintained its certification by the department. At any time, an	17556
interested and certified provider may make a request to the board	17557
that it be added to the pool, and the board shall add the provider	17558
to the pool not later than seven days after receiving the request.	17559
If the board solicits requests for proposals for inclusion of	17560
providers in the pool, the board shall develop standards for	17561
selecting the providers to be included. Requests for proposals	17562
shall be solicited at least annually. When requests are solicited,	17563
the board shall cause legal notices to be published once each week	17564
for two consecutive weeks in a newspaper of general circulation	17565
within the county or as provided in section 7.16 of the Revised	17566
Code. The board's formal request for proposals shall include a	17567
description of any applicable contract terms, the standards that	17568
are used to select providers for inclusion in the pool, and the	17569

process the board uses to resolve disputes arising from the

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selection process. The board shall accept requests from any entity	17571
interested in being a provider of supported living for individuals	17572
served by the board. Requests shall be approved or denied	17573
according to the standards developed by the board. Providers that	17574
previously have been placed in the pool are not required to	17575
resubmit a request for proposal to be included in the pool, unless	17576
the board's standards have been changed.	17577
In assisting an individual in choosing a provider, the county	17578
board shall provide the individual with uniform and consistent	17579
information pertaining to each provider in the pool. An individual	17580
may choose to receive supported living from a provider that is not	17581
included in the pool, if the provider is certified by the director	17582
of developmental disabilities.	17583
Sec. 5126.43. (A) After receiving notice from the department	17584
of developmental disabilities of the amount of state funds to be	17585
distributed to it for planning, developing, contracting for, and	17586
providing supported living, the county board of developmental	17587
disabilities shall arrange for supported living on behalf of and	17588
with the consent of individuals based on their individual service	17589
plans developed under section 5126.41 of the Revised Code. With	17590
the state distribution and any other money designated by the board	17591
for supported living, the board shall arrange for supported living	17592
in one or more of the following ways:	17593
(1) By contracting under section 5126.45 of the Revised Code	17594
with providers selected by the individual to be served;	17595
(2) By entering into shared funding agreements with state	17596
agencies, local public agencies, or political subdivisions at	17597
rates negotiated by the board;	17598
(3) By providing direct payment or vouchers to be used to	17599

purchase supported living, pursuant to a written contract in an

amount determined by the board, to the individual or a person

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contract is not renewed and shall reconcile expenditures and	17662
payments in accordance with these procedures.	17663
(E) A provider or an entity with which the county board has	17664
entered into a shared funding agreement may appeal a negotiated	17665
contract or proposed shared funding rate to seek resolution of	17666
grievances with the county board using the procedures established	17667
by the county board under section 5126.42 of the Revised Code.	17668
Sec. 5139.12. Any person who is required, pursuant to	17669
division (A) of section 2151.421 of the Revised Code, to report	17670
the person's knowledge of or reasonable cause to suspect abuse or	17671
neglect or threat of abuse or neglect of a child under eighteen	17672
years of age or a mentally retarded, developmentally disabled, or	17673
physically impaired child under twenty-one years of age or any	17674
person who is permitted, pursuant to division (B) of that section,	17675
to report, or cause such a report to be made and who makes or	17676
causes the report to be made, shall direct that report to the	17677
state highway patrol if the child is a delinquent child in the	17678
custody of an institution. If the state highway patrol determines	17679
after receipt of the report that there is probable cause that	17680
abuse or neglect or threat of abuse or neglect of the delinquent	17681
child occurred, the highway patrol shall report its findings to	17682
the department of youth services, to the court that ordered the	17683
disposition of the delinquent child for the act that would have	17684
been an offense if committed by an adult and for which the	17685
delinquent child is in the custody of the department, to the	17686
public children services agency in the county in which the child	17687
resides or in which the abuse or neglect or threat of abuse or	17688
neglect occurred, and to the chairperson and vice-chairperson of	17689
the correctional institution inspection committee established by	17690
section 103.71 of the Revised Code.	17691

(1) "Institution" means a state facility that is created by	17693
the general assembly and that is under the management and control	17694
of the department of youth services or a private entity with which	17695
the department has contracted for the institutional care and	17696
custody of felony delinquents.	17697
(2) "Quality assurance program" means a comprehensive program	17698
within the department of youth services to systematically review	17699
and improve the quality of programming, operations, education,	17700
medical and mental health services within the department and the	17701
department's institutions, the safety and security of persons	17702
receiving care and services within the department and the	17703
department's institutions, and the efficiency and effectiveness of	17704
the utilization of staff and resources in the delivery of services	17705
within the department and the department's institutions.	17706
(3) "Quality assurance program activities" means the	17707
activities of the institution and the office of quality assurance	17708
and improvement, of persons who provide, collect, or compile	17709
information and reports required by the office of quality	17710
assurance and improvement, and of persons who receive, review, or	17711
implement the recommendations made by the office of quality	17712
assurance and improvement. "Quality assurance program activities"	17713
include credentialing, infection control, utilization review	17714
including access to patient care, patient care assessments,	17715
medical and mental health records, medical and mental health	17716
resource management, mortality and morbidity review, and	17717
identification and prevention of medical or mental health	17718
incidents and risks, whether performed by the office of quality	17719
assurance and improvement or by persons who are directed by the	17720
office of quality assurance and improvement.	17721
(4) "Quality assurance record" means the proceedings,	17722
records, minutes, and reports that result from quality assurance	17723
program activities. "Quality assurance record" does not include	17724

aggregate statistical information that does not disclose the	17725
identity of persons receiving or providing services in	17726
<u>institutions.</u>	17727
(B) The office of quality assurance and improvement is hereby	17728
created as an office in the department of youth services. The	17729
director of youth services shall appoint a managing officer to	17730
carry out quality assurance program activities.	17731
(C)(1) Except as otherwise provided in division (F) of this	17732
section, quality assurance records are confidential and are not	17733
public records under section 149.43 of the Revised Code and shall	17734
be used only in the course of the proper functions of a quality	17735
assurance program.	17736
(2) Except as provided in division (F) of this section, no	17737
person who possesses or has access to quality assurance records	17738
and who knows that the records are quality assurance records shall	17739
willfully disclose the contents of the records to any person or	17740
entity.	17741
(D)(1) Except as otherwise provided in division (F) of this	17742
section, a quality assurance record is not subject to discovery	17743
and is not admissible as evidence in any judicial or	17744
administrative proceeding.	17745
(2) Except as provided in division (F) of this section, no	17746
employee of the office of quality assurance and improvement or a	17747
person who is performing a function that is part of a quality	17748
assurance program shall be permitted or required to testify in a	17749
judicial or administrative proceeding with respect to a quality	17750
assurance record or with respect to any finding, recommendation,	17751
evaluation, opinion, or other action taken by the office or	17752
program or by the person within the scope of the quality assurance	17753
program.	17754
(3) Information documents or records otherwise available	17755

from original sources shall not be unavailable for discovery or	17756
inadmissible as evidence in a judicial or administrative	17757
proceeding under division (D)(1) of this section merely because	17758
they were presented to the office of quality assurance and	17759
improvement. No person who is an employee of the office of quality	17760
assurance and improvement shall be prohibited from testifying as	17761
to matters within the person's knowledge, but the person shall not	17762
be asked about an opinion formed by the person as a result of the	17763
person's quality assurance program activities.	17764
(E)(1) A person who, without malice and in the reasonable	17765
belief that the information is warranted by the facts known to the	17766
person, provides information to a person engaged in quality	17767
assurance program activities is not liable for damages in a civil	17768
action for injury, death, or loss to person or property as a	17769
result of providing the information.	17770
(2) An employee of the office of quality assurance and	17771
improvement, a person engaged in quality assurance program	17772
activities, or an employee of the department of youth services	17773
shall not be liable in damages in a civil action for injury,	17774
death, or loss to person or property for any acts, omissions,	17775
decisions, or other conduct within the scope of the functions of	17776
the quality assurance program.	17777
(3) Nothing in this section shall relieve any institution	17778
from liability arising from the treatment of a patient.	17779
(F) Quality assurance records may be disclosed, and testimony	17780
may be provided concerning quality assurance records, only to the	17781
following persons or entities or under the following	17782
circumstances:	17783
(1) Persons who are employed or retained by the department of	17784
youth services and who have the authority to evaluate or implement	17785
the recommendations of an institution or the office of quality	17786

	17707
assurance and improvement;	17787
(2) Public or private agencies or organizations if needed to	17788
perform a licensing or accreditation function related to	17789
institutions or to perform monitoring of institutions as required	17790
by law;	17791
(3) A governmental board or agency, a professional health	17792
care society or organization, or a professional standards review	17793
organization, if the records or testimony are needed to perform	17794
licensing, credentialing, or monitoring of professional standards	17795
with respect to medical or mental health professionals employed or	17796
retained by the department;	17797
(4) A criminal or civil law enforcement agency or public	17798
health agency charged by law with the protection of public health	17799
or safety, if a qualified representative of the agency makes a	17800
written request stating that the records or testimony are	17801
necessary for a purpose authorized by law;	17802
(5) In a judicial or administrative proceeding commenced by	17803
an entity described in division (F)(3) or (4) of this section for	17804
a purpose described in that division but only with respect to the	17805
subject of the proceedings.	17806
(G) A disclosure of quality assurance records pursuant to	17807
division (F) of this section does not otherwise waive the	17808
confidential and privileged status of the disclosed quality	17809
assurance records. The names and other identifying information	17810
regarding individual patients or employees of the office of	17811
quality assurance and improvement contained in a quality assurance	17812
record shall be redacted from the record prior to the disclosure	17813
of the record unless the identity of an individual is necessary	17814
for the purpose for which the disclosure is being made and does	17815
not constitute a clearly unwarranted invasion of personal privacy.	17816

Sec. 5513.01. (A) All The director of transportation shall	17817
<pre>make all purchases of machinery, materials, supplies, or other</pre>	17818
articles that the director of transportation makes shall be in the	17819
manner provided in this section. In all cases except those in	17820
which the director provides written authorization for purchases by	17821
district deputy directors of transportation, the director shall	17822
<pre>make all such purchases shall be made at the central office of the</pre>	17823
department of transportation in Columbus. Before making any	17824
purchase at that office, the director, as provided in this	17825
section, shall give notice to bidders of the director's intention	17826
to purchase. Where the expenditure does not exceed the amount	17827
applicable to the purchase of supplies specified in division (B)	17828
of section 125.05 of the Revised Code, as adjusted pursuant to	17829
division (D) of that section, the director shall give such notice	17830
as the director considers proper, or the director may make the	17831
purchase without notice. Where the expenditure exceeds the amount	17832
applicable to the purchase of supplies specified in division (B)	17833
of section 125.05 of the Revised Code, as adjusted pursuant to	17834
division (D) of that section, the director shall give notice by	17835
posting for not less than ten days a written, typed, or printed	17836
invitation to bidders on a bulletin board, which. The director	17837
shall be located locate the notice in a place in the offices	17838
assigned to the department and open to the public during business	17839
hours. <del>Producers</del>	17840

Producers or distributors of any product may notify the 17841 director, in writing, of the class of articles for the furnishing 17842 of which they desire to bid and their post-office addresses, in 17843 which case. In that circumstance, the director shall mail copies 17844 of all invitations to bidders relating to the purchase of such 17845 articles shall be mailed to such persons by the director by 17846 regular first class mail at least ten days prior to the time fixed 17847 for taking bids. The director also may mail copies of all 17848

invitations to bidders to news agencies or other agencies or	17849
organizations distributing information of this character. Requests	17850
for invitations <del>shall</del> <u>are</u> not <del>be</del> valid <del>nor</del> <u>and do not</u> require	17851
action by the director unless renewed by the director, either	17852
annually or after such shorter period as the director may	17853
prescribe by a general rule. <del>The</del>	17854

The director shall include in an invitation to bidders shall 17855 contain a brief statement of the general character of the article 17856 that it is intended to purchase, the approximate quantity desired, 17857 and a statement of the time and place where bids will be received, 17858 and may relate to and describe as many different articles as the 17859 director thinks proper, it being the intent and purpose of this 17860 section to authorize the inclusion in a single invitation of as 17861 many different articles as the director desires to invite bids 17862 upon at any given time. <del>Invitations</del> The director shall give 17863 invitations issued during each calendar year shall be given 17864 consecutive numbers, and ensure that the number assigned to each 17865 invitation shall appear appears on all copies thereof. In all 17866 cases where notice is required by this section, the director shall 17867 <u>require</u> sealed bids <del>shall be taken</del>, on forms prescribed and 17868 furnished by the director, and. The director shall not permit the 17869 modification of bids after they have been opened shall not be 17870 permitted. 17871

(B) The director may permit the Ohio turnpike and 17872 infrastructure commission, any political subdivision, and any 17873 state university or college to participate in contracts into which 17874 the director has entered for the purchase of machinery, materials, 17875 supplies, or other articles. The turnpike and infrastructure 17876 commission and any political subdivision or state university or 17877 college desiring to participate in such purchase contracts shall 17878 file with the director a certified copy of the bylaws or rules of 17879 the turnpike and infrastructure commission or the ordinance or 17880

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resolution of the legislative authority, board of trustees, or	17881
other governing board requesting authorization to participate in	17882
such contracts and agreeing to be bound by such terms and	17883
conditions as the director prescribes. Purchases made by the	17884
turnpike and infrastructure commission, political subdivisions, or	17885
state universities or colleges under this division are exempt from	17886
any competitive bidding required by law for the purchase of	17887
machinery, materials, supplies, or other articles.	17888

- (C) As used in this section:
- (1) "Political subdivision" means any county, township, 17890 municipal corporation, conservancy district, township park 17891 district, park district created under Chapter 1545. of the Revised 17892 Code, port authority, regional transit authority, regional airport 17893 authority, regional water and sewer district, county transit 17894 board, or school district as defined in section 5513.04 of the 17895 Revised Code, regional planning commission formed under section 17896 713.21 of the Revised Code, regional council of government formed 17897 under section 167.01 of the Revised Code, or other association of 17898 local governments established pursuant to an agreement under 17899 sections 307.14 to 307.19 of the Revised Code. 17900
- (2) "State university or college" has the same meaning as in division (A)(1) of section 3345.32 of the Revised Code.
- (3) "Ohio turnpike and infrastructure commission" means the 17903 commission created by section 5537.02 of the Revised Code. 17904

## Sec. 5531.10. (A) As used in this chapter:

(1) "Bond proceedings" means the resolution, order, trust 17906 agreement, indenture, lease, lease-purchase agreements, and other 17907 agreements, amendments and supplements to the foregoing, or any 17908 one or more or combination thereof, authorizing or providing for 17909 the terms and conditions applicable to, or providing for the 17910

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security or liquidity of, obligations issued pursuant to this	17911
section, and the provisions contained in such obligations.	17912
(2) "Bond service charges" means principal, including	17913
mandatory sinking fund requirements for retirement of obligations,	17914
and interest, and redemption premium, if any, required to be paid	17915
by the state on obligations.	17916
(3) "Bond service fund" means the applicable fund and	17917
accounts therein created for and pledged to the payment of bond	17918
service charges, which may be, or may be part of, the state	17919
infrastructure bank revenue bond service fund created by division	17920
(R) of this section including all moneys and investments, and	17921
earnings from investments, credited and to be credited thereto.	17922
(4) "Issuing authority" means the treasurer of state, or the	17923
officer who by law performs the functions of the treasurer of	17924
state.	17925
(5) "Obligations" means bonds, notes, or other evidence of	17925 17926
(5) "Obligations" means bonds, notes, or other evidence of	17926
(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued	17926 17927
(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.	17926 17927 17928
<pre>(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.  (6) "Pledged receipts" means moneys accruing to the state</pre>	17926 17927 17928 17929
<pre>(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.  (6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or</pre>	17926 17927 17928 17929 17930
<pre>(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.  (6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including</pre>	17926 17927 17928 17929 17930 17931
<pre>(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.  (6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of</pre>	17926 17927 17928 17929 17930 17931 17932
<pre>(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.  (6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of</pre>	17926 17927 17928 17929 17930 17931 17932 17933
(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section. (6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; any	17926 17927 17928 17929 17930 17931 17932 17933
<pre>(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.  (6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; any gifts, grants, donations, and pledges, and receipts therefrom,</pre>	17926 17927 17928 17929 17930 17931 17932 17933 17934
(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.  (6) "Pledged receipts" means moneys accruing to the state from the lease, lease-purchase, sale, or other disposition, or use, of qualified projects, and from the repayment, including interest, of loans made from proceeds received from the sale of obligations; accrued interest received from the sale of obligations; income from the investment of the special funds; any gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service charges; and any amounts	17926 17927 17928 17929 17930 17931 17932 17933 17934 17935

also means moneys that are apportioned by the United States

secretary of transportation under United States Code, Title XXIII,

as amended, or any successor legislation, or under any other	17942
federal law relating to aid for highways, and that are to be	17943
received as a grant by the state, to the extent the state is not	17944
prohibited by state or federal law from using such moneys and the	17945
moneys are pledged to the payment of such bond service charges.	17946

- (7) "Special funds" or "funds" means, except where the 17947 context does not permit, the bond service fund, and any other 17948 funds, including reserve funds, created under the bond 17949 proceedings, and the state infrastructure bank revenue bond 17950 service fund created by division (R) of this section to the extent 17951 provided in the bond proceedings, including all moneys and 17952 investments, and earnings from investment, credited and to be 17953 credited thereto. 17954
- (8) "State infrastructure project" means any public 17955
  transportation project undertaken by the state, including, but not 17956
  limited to, all components of any such project, as described in 17957
  division (D) of section 5531.09 of the Revised Code. 17958
- (9) "District obligations" means bonds, notes, or other 17959 evidence of obligation including interest coupons pertaining 17960 thereto, issued to finance a qualified project by a transportation 17961 improvement district created pursuant to section 5540.02 of the 17962 Revised Code, of which the principal, including mandatory sinking 17963 fund requirements for retirement of such obligations, and interest 17964 and redemption premium, if any, are payable by the department of 17965 transportation. 17966
- (B) The issuing authority, after giving written notice to the director of budget and management and upon the certification by 17968 the director of transportation to the issuing authority of the 17969 amount of moneys or additional moneys needed either for state 17970 infrastructure projects or to provide financial assistance for any 17971 of the purposes for which the state infrastructure bank may be 17972 used under section 5531.09 of the Revised Code, or needed for 17973

capitalized interest, funding reserves, and paying costs and	17974
expenses incurred in connection with the issuance, carrying,	17975
securing, paying, redeeming, or retirement of the obligations or	17976
any obligations refunded thereby, including payment of costs and	17977
expenses relating to letters of credit, lines of credit,	17978
insurance, put agreements, standby purchase agreements, indexing,	17979
marketing, remarketing and administrative arrangements, interest	17980
swap or hedging agreements, and any other credit enhancement,	17981
liquidity, remarketing, renewal, or refunding arrangements, all of	17982
which are authorized by this section, shall issue obligations of	17983
the state under this section in the required amount. The proceeds	17984
of such obligations, except for the portion to be deposited in	17985
special funds, including reserve funds, as may be provided in the	17986
bond proceedings, shall as provided in the bond proceedings be	17987
credited to the infrastructure bank obligations fund of the state	17988
infrastructure bank created by section 5531.09 of the Revised Code	17989
and disbursed as provided in the bond proceedings for such	17990
obligations. The issuing authority may appoint trustees, paying	17991
agents, transfer agents, and authenticating agents, and may retain	17992
the services of financial advisors, accounting experts, and	17993
attorneys, and retain or contract for the services of marketing,	17994
remarketing, indexing, and administrative agents, other	17995
consultants, and independent contractors, including printing	17996
services, as are necessary in the issuing authority's judgment to	17997
carry out this section. The costs of such services are payable	17998
from funds of the state infrastructure bank <u>unless otherwise</u>	17999
provided in the bond proceedings.	18000

(C) The holders or owners of such obligations shall have no 18001 right to have moneys raised by taxation by the state of Ohio 18002 obligated or pledged, and moneys so raised shall not be obligated 18003 or pledged, for the payment of bond service charges. The right of 18004 such holders and owners to the payment of bond service charges is 18005 limited to all or that portion of the pledged receipts and those 18006

special funds pledged thereto pursuant to the bond proceedings for	18007
such obligations in accordance with this section, and each such	18008
obligation shall bear on its face a statement to that effect.	18009
Moneys received as repayment of loans made by the state	18010
infrastructure bank pursuant to section 5531.09 of the Revised	18011
Code shall not be considered moneys raised by taxation by the	18012
state of Ohio regardless of the source of the moneys.	18013

(D) Obligations shall be authorized by order of the issuing 18014 authority and the bond proceedings shall provide for the purpose 18015 thereof and the principal amount or amounts, and shall provide for 18016 or authorize the manner or agency for determining the principal 18017 maturity or maturities, not exceeding twenty-five years from the 18018 date of issuance or, with respect to obligations the debt service 18019 on which is to be directly or indirectly provided for by payments 18020 a private entity has contracted in the bond proceedings to make, 18021 not exceeding forty-five years from the date of issuance, the 18022 interest rate or rates or the maximum interest rate, the date of 18023 the obligations and the dates of payment of interest thereon, 18024 their denomination, and the establishment within or without the 18025 state of a place or places of payment of bond service charges. 18026 Sections 9.98 to 9.983 of the Revised Code are applicable to 18027 obligations issued under this section. The purpose of such 18028 obligations may be stated in the bond proceedings in terms 18029 describing the general purpose or purposes to be served. The bond 18030 proceedings also shall provide, subject to the provisions of any 18031 other applicable bond proceedings, for the pledge of all, or such 18032 part as the issuing authority may determine, of the pledged 18033 receipts and the applicable special fund or funds to the payment 18034 of bond service charges, which pledges may be made either prior or 18035 subordinate to other expenses, claims, or payments, and may be 18036 made to secure the obligations on a parity with obligations 18037 theretofore or thereafter issued, if and to the extent provided in 18038 the bond proceedings. The pledged receipts and special funds so 18039

pledged and thereafter received by the state immediately are	18040
subject to the lien of such pledge without any physical delivery	18041
thereof or further act, and the lien of any such pledges is valid	18042
and binding against all parties having claims of any kind against	18043
the state or any governmental agency of the state, irrespective of	18044
whether such parties have notice thereof, and shall create a	18045
perfected security interest for all purposes of Chapter 1309. of	18046
the Revised Code, without the necessity for separation or delivery	18047
of funds or for the filing or recording of the bond proceedings by	18048
which such pledge is created or any certificate, statement, or	18049
other document with respect thereto; and the pledge of such	18050
pledged receipts and special funds is effective and the money	18051
therefrom and thereof may be applied to the purposes for which	18052
pledged without necessity for any act of appropriation. Every	18053
pledge, and every covenant and agreement made with respect	18054
thereto, made in the bond proceedings may therein be extended to	18055
the benefit of the owners and holders of obligations authorized by	18056
this section, and to any trustee therefor, for the further	18057
security of the payment of the bond service charges.	18058
For purposes of this division, "private entity" has the same	18059
meaning as in section 5501.70 of the Revised Code.	18060
(E) The bond proceedings may contain additional provisions as	18061
to:	18062
(1) The redemption of obligations prior to maturity at the	18063
option of the issuing authority at such price or prices and under	18064
such terms and conditions as are provided in the bond proceedings;	18065
(2) Other terms of the obligations;	18066
(3) Limitations on the issuance of additional obligations;	18067
(4) The terms of any trust agreement or indenture securing	18068
the obligations or under which the same may be issued;	18069

(5) The deposit, investment, and application of special

funds, and the safeguarding of moneys on hand or on deposit,	18071
without regard to Chapter 131. or 135. of the Revised Code, but	18072
subject to any special provisions of this section with respect to	18073
particular funds or moneys, provided that any bank or trust	18074
company which acts as depository of any moneys in the special	18075
funds may furnish such indemnifying bonds or may pledge such	18076
securities as required by the issuing authority;	18077

- (6) Any or every provision of the bond proceedings being 18078 binding upon such officer, board, commission, authority, agency, 18079 department, or other person or body as may from time to time have 18080 the authority under law to take such actions as may be necessary 18081 to perform all or any part of the duty required by such provision; 18082
- (7) Any provision that may be made in a trust agreement or 18083 indenture;
- (8) Any other or additional agreements with the holders of 18085 the obligations, or the trustee therefor, relating to the 18086 obligations or the security therefor, including the assignment of 18087 mortgages or other security relating to financial assistance for 18088 qualified projects under section 5531.09 of the Revised Code. 18089
- (F) The obligations may have the great seal of the state or a 18090 facsimile thereof affixed thereto or printed thereon. The 18091 obligations and any coupons pertaining to obligations shall be 18092 signed or bear the facsimile signature of the issuing authority. 18093 Any obligations or coupons may be executed by the person who, on 18094 the date of execution, is the proper issuing authority although on 18095 the date of such bonds or coupons such person was not the issuing 18096 authority. In case the issuing authority whose signature or a 18097 facsimile of whose signature appears on any such obligation or 18098 coupon ceases to be the issuing authority before delivery thereof, 18099 such signature or facsimile nevertheless is valid and sufficient 18100 for all purposes as if the former issuing authority had remained 18101 the issuing authority until such delivery; and in case the seal to 18102

be affixed to obligations has been changed after a facsimile of	18103
the seal has been imprinted on such obligations, such facsimile	18104
seal shall continue to be sufficient as to such obligations and	18105
obligations issued in substitution or exchange therefor.	18106

- (G) All obligations are negotiable instruments and securities 18107 under Chapter 1308. of the Revised Code, subject to the provisions 18108 of the bond proceedings as to registration. The obligations may be 18109 issued in coupon or in registered form, or both, as the issuing 18110 authority determines. Provision may be made for the registration 18111 of any obligations with coupons attached thereto as to principal 18112 alone or as to both principal and interest, their exchange for 18113 obligations so registered, and for the conversion or reconversion 18114 into obligations with coupons attached thereto of any obligations 18115 registered as to both principal and interest, and for reasonable 18116 charges for such registration, exchange, conversion, and 18117 reconversion. 18118
- (H) Obligations may be sold at public sale or at private 18119 sale, as determined in the bond proceedings. 18120
- (I) Pending preparation of definitive obligations, the 18121 issuing authority may issue interim receipts or certificates which 18122 shall be exchanged for such definitive obligations. 18123
- (J) In the discretion of the issuing authority, obligations 18124 may be secured additionally by a trust agreement or indenture 18125 between the issuing authority and a corporate trustee which may be 18126 any trust company or bank having possessing trust powers that has 18127 a place of business within the state. Any such agreement or 18128 indenture may contain the order authorizing the issuance of the 18129 obligations, any provisions that may be contained in any bond 18130 proceedings, and other provisions which are customary or 18131 appropriate in an agreement or indenture of such type, including, 18132 but not limited to: 18133

(1) Maintenance of each pledge, trust agreement, indenture,	18134
or other instrument comprising part of the bond proceedings until	18135
the state has fully paid the bond service charges on the	18136
obligations secured thereby, or provision therefor has been made;	18137
(2) In the event of default in any payments required to be	18138
made by the bond proceedings, or any other agreement of the	18139
issuing authority made as a part of the contract under which the	18140
obligations were issued, enforcement of such payments or agreement	18141
by mandamus, the appointment of a receiver, suit in equity, action	18142
at law, or any combination of the foregoing;	18143
(3) The rights and remedies of the holders of obligations and	18144
of the trustee, and provisions for protecting and enforcing them,	18145
including limitations on the rights of individual holders of	18146
obligations;	18147
(4) The replacement of any obligations that become mutilated	18148
or are destroyed, lost, or stolen;	18149
(5) Such other provisions as the trustee and the issuing	18150
authority agree upon, including limitations, conditions, or	18151
qualifications relating to any of the foregoing.	18152
(K) Any holder of obligations or a trustee under the bond	18153
proceedings, except to the extent that the holder's or trustee's	18154
rights are restricted by the bond proceedings, may by any suitable	18155
form of legal proceedings, protect and enforce any rights under	18156
the laws of this state or granted by such bond proceedings. Such	18157
rights include the right to compel the performance of all duties	18158
of the issuing authority and the director of transportation	18159
required by the bond proceedings or sections 5531.09 and 5531.10	18160
of the Revised Code; to enjoin unlawful activities; and in the	18161
event of default with respect to the payment of any bond service	18162
charges on any obligations or in the performance of any covenant	18163
or agreement on the part of the issuing authority or the director	18164

of transportation in the bond proceedings, to apply to a court	18165
having jurisdiction of the cause to appoint a receiver to receive	18166
and administer the pledged receipts and special funds, other than	18167
those in the custody of the treasurer of state, which are pledged	18168
to the payment of the bond service charges on such obligations or	18169
which are the subject of the covenant or agreement, with full	18170
power to pay, and to provide for payment of bond service charges	18171
on, such obligations, and with such powers, subject to the	18172
direction of the court, as are accorded receivers in general	18173
equity cases, excluding any power to pledge additional revenues or	18174
receipts or other income or moneys of the state or local	18175
governmental entities, or agencies thereof, to the payment of such	18176
principal and interest and excluding the power to take possession	18177
of, mortgage, or cause the sale or otherwise dispose of any	18178
project facilities.	18179

Each duty of the issuing authority and the issuing 18180 authority's officers and employees, and of each state or local 18181 governmental agency and its officers, members, or employees, 18182 undertaken pursuant to the bond proceedings or any loan, loan 18183 guarantee, lease, lease-purchase agreement, or other agreement 18184 made under authority of section 5531.09 of the Revised Code, and 18185 in every agreement by or with the issuing authority, is hereby 18186 established as a duty of the issuing authority, and of each such 18187 officer, member, or employee having authority to perform such 18188 duty, specifically enjoined by the law resulting from an office, 18189 trust, or station within the meaning of section 2731.01 of the 18190 Revised Code. 18191

The person who is at the time the issuing authority, or the 18192 issuing authority's officers or employees, are not liable in their 18193 personal capacities on any obligations issued by the issuing 18194 authority or any agreements of or with the issuing authority. 18195

(L) The issuing authority may authorize and issue obligations 18196

for the refunding, including funding and retirement, and advance	18197
refunding with or without payment or redemption prior to maturity,	18198
of any obligations previously issued by the issuing authority or	18199
district obligations. Such refunding obligations may be issued in	18200
amounts sufficient for payment of the principal amount of the	18201
prior obligations or district obligations, any redemption premiums	18202
thereon, principal maturities of any such obligations or district	18203
obligations maturing prior to the redemption of the remaining	18204
obligations or district obligations on a parity therewith,	18205
interest accrued or to accrue to the maturity dates or dates of	18206
redemption of such obligations or district obligations, and any	18207
expenses incurred or to be incurred in connection with such	18208
issuance and such refunding, funding, and retirement. Subject to	18209
the bond proceedings therefor, the portion of proceeds of the sale	18210
of refunding obligations issued under this division to be applied	18211
to bond service charges on the prior obligations or district	18212
obligations shall be credited to an appropriate account held by	18213
the trustee for such prior or new obligations or to the	18214
appropriate account in the bond service fund for such obligations	18215
or district obligations. Obligations authorized under this	18216
division shall be deemed to be issued for those purposes for which	18217
such prior obligations or district obligations were issued and are	18218
subject to the provisions of this section pertaining to other	18219
obligations, except as otherwise provided in this section. The	18220
last maturity of obligations authorized under this division shall	18221
not be later than <del>twenty five years from the date of issuance</del> <u>the</u>	18222
<u>last maturity</u> of the original securities issued for the original	18223
purpose.	18224

(M) The authority to issue obligations under this section 18225 includes authority to issue obligations in the form of bond 18226 anticipation notes and to renew the same from time to time by the 18227 issuance of new notes. The holders of such notes or interest 18228 coupons pertaining thereto shall have a right to be paid solely 18229

from the pledged receipts and special funds that may be pledged to	18230
the payment of the bonds anticipated, or from the proceeds of such	18231
bonds or renewal notes, or both, as the issuing authority provides	18232
in the order authorizing such notes. Such notes may be	18233
additionally secured by covenants of the issuing authority to the	18234
effect that the issuing authority and the state will do such or	18235
all things necessary for the issuance of such bonds or renewal	18236
notes in the appropriate amount, and apply the proceeds thereof to	18237
the extent necessary, to make full payment of the principal of and	18238
interest on such notes at the time or times contemplated, as	18239
provided in such order. For such purpose, the issuing authority	18240
may issue bonds or renewal notes in such principal amount and upon	18241
such terms as may be necessary to provide funds to pay when	18242
required the principal of and interest on such notes,	18243
notwithstanding any limitations prescribed by or for purposes of	18244
this section. Subject to this division, all provisions for and	18245
references to obligations in this section are applicable to notes	18246
authorized under this division.	18247

The issuing authority in the bond proceedings authorizing the 18248 issuance of bond anticipation notes shall set forth for such bonds 18249 an estimated interest rate and a schedule of principal payments 18250 for such bonds and the annual maturity dates thereof. 18251

(N) Obligations issued under this section are lawful 18252 investments for banks, societies for savings, savings and loan 18253 associations, deposit guarantee associations, trust companies, 18254 trustees, fiduciaries, insurance companies, including domestic for 18255 life and domestic not for life, trustees or other officers having 18256 charge of sinking and bond retirement or other special funds of 18257 political subdivisions and taxing districts of this state, the 18258 commissioners of the sinking fund of the state, the administrator 18259 of workers' compensation, the state teachers retirement system, 18260 the public employees retirement system, the school employees 18261

adopted pursuant thereto by any agency of the state with respect to investments by them, and are also acceptable as security for 1826	retirement system, and the Ohio police and fire pension fund,	18262
to investments by them, and are also acceptable as security for 1826	notwithstanding any other provisions of the Revised Code or rules	18263
	adopted pursuant thereto by any agency of the state with respect	18264
1006	to investments by them, and are also acceptable as security for	18265
the deposit of public moneys.	the deposit of public moneys.	18266

- (0) Unless otherwise provided in any applicable bond 18267 proceedings, moneys to the credit of or in the special funds 18268 established by or pursuant to this section may be invested by or 18269 on behalf of the issuing authority only in notes, bonds, or other 18270 obligations of the United States, or of any agency or 18271 instrumentality of the United States, obligations guaranteed as to 18272 principal and interest by the United States, obligations of this 18273 state or any political subdivision of this state, and certificates 18274 of deposit of any national bank located in this state and any 18275 bank, as defined in section 1101.01 of the Revised Code, subject 18276 to inspection by the superintendent of financial institutions. If 18277 the law or the instrument creating a trust pursuant to division 18278 (J) of this section expressly permits investment in direct 18279 obligations of the United States or an agency of the United 18280 States, unless expressly prohibited by the instrument, such moneys 18281 also may be invested in no-front-end-load money market mutual 18282 funds consisting exclusively of obligations of the United States 18283 or an agency of the United States and in repurchase agreements, 18284 including those issued by the fiduciary itself, secured by 18285 obligations of the United States or an agency of the United 18286 States; and in collective investment funds as defined in division 18287 (A) of section 1111.01 of the Revised Code and consisting 18288 exclusively of any such securities. The income from such 18289 investments shall be credited to such funds as the issuing 18290 authority determines, and such investments may be sold at such 18291 times as the issuing authority determines or authorizes. 18292
  - (P) Provision may be made in the applicable bond proceedings 18293

for the establishment of separate accounts in the bond service 18294 fund and for the application of such accounts only to the 18295 specified bond service charges on obligations pertinent to such 18296 accounts and bond service fund and for other accounts therein 18297 within the general purposes of such fund. Unless otherwise 18298 provided in any applicable bond proceedings, moneys to the credit 18299 of or in the several special funds established pursuant to this 18300 section shall be disbursed on the order of the treasurer of state, 18301 provided that no such order is required for the payment from the 18302 bond service fund when due of bond service charges on obligations. 18303

- (Q)(1) The issuing authority may pledge all, or such portion 18304 as the issuing authority determines, of the pledged receipts to 18305 the payment of bond service charges on obligations issued under 18306 this section, and for the establishment and maintenance of any 18307 reserves, as provided in the bond proceedings, and make other 18308 provisions therein with respect to pledged receipts as authorized 18309 by this chapter, which provisions are controlling notwithstanding 18310 any other provisions of law pertaining thereto. 18311
- (2) An action taken under division (Q)(2) of this section 18312 does not limit the generality of division (Q)(1) of this section, 18313 and is subject to division (C) of this section and, if and to the 18314 extent otherwise applicable, Section 13 of Article VIII, Ohio 18315 Constitution. The bond proceedings may contain a covenant that, in 18316 the event the pledged receipts primarily pledged and required to 18317 be used for the payment of bond service charges on obligations 18318 issued under this section, and for the establishment and 18319 maintenance of any reserves, as provided in the bond proceedings, 18320 18321 are insufficient to make any such payment in full when due, or to maintain any such reserve, the director of transportation shall so 18322 notify the governor, and shall determine to what extent, if any, 18323 the payment may be made or moneys may be restored to the reserves 18324 from lawfully available moneys previously appropriated for that 18325

purpose to the department of transportation. The covenant also may	18326
provide that if the payments are not made or the moneys are not	18327
immediately and fully restored to the reserves from such moneys,	18328
the director shall promptly submit to the governor and to the	18329
director of budget and management a written request for either or	18330
both of the following:	18331

- (a) That the next biennial budget submitted by the governor 18332 to the general assembly include an amount to be appropriated from 18333 lawfully available moneys to the department for the purpose of and 18334 sufficient for the payment in full of bond service charges 18335 previously due and for the full replenishment of the reserves; 18336
- (b) That the general assembly be requested to increase 18337 appropriations from lawfully available moneys for the department 18338 in the current biennium sufficient for the purpose of and for the 18339 payment in full of bond service charges previously due and to come 18340 due in the biennium and for the full replenishment of the 18341 reserves.

The director of transportation shall include with such 18343 requests a recommendation that the payment of the bond service 18344 charges and the replenishment of the reserves be made in the 18345 interest of maximizing the benefits of the state infrastructure 18346 bank. Any such covenant shall not obligate or purport to obligate 18347 the state to pay the bond service charges on such bonds or notes 18348 or to deposit moneys in a reserve established for such payments 18349 other than from moneys that may be lawfully available and 18350 appropriated for that purpose during the then-current biennium. 18351

(R) There is hereby created the state infrastructure bank 18352 revenue bond service fund, which shall be in the custody of the 18353 treasurer of state but shall not be a part of the state treasury. 18354 All moneys received by or on account of the issuing authority or 18355 state agencies and required by the applicable bond proceedings, 18356 consistent with this section, to be deposited, transferred, or 18357

credited to the bond service fund, and all other moneys	18358
transferred or allocated to or received for the purposes of the	18359
fund, shall be deposited and credited to such fund and to any	18360
separate accounts therein, subject to applicable provisions of the	18361
bond proceedings, but without necessity for any act of	18362
appropriation. The state infrastructure bank revenue bond service	18363
fund is a trust fund and is hereby pledged to the payment of bond	18364
service charges to the extent provided in the applicable bond	18365
proceedings, and payment thereof from such fund shall be made or	18366
provided for by the treasurer of state in accordance with such	18367
bond proceedings without necessity for any act of appropriation.	18368
(S) The obligations issued pursuant to this section, the	18369
transfer thereof, and the income therefrom, including any profit	18370
made on the sale thereof, shall at all times be free from taxation	18371
within this state.	18372
Sec. 5533.051. In addition to the designations of the road	18373
Sec. 5533.051. In addition to the designations of the road known as United States route twenty-three in section 5533.05 of	18373 18374
known as United States route twenty-three in section 5533.05 of	18374
known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and	18374 18375
known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and south direction, commencing at the boundary of Franklin and	18374 18375 18376
known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and south direction, commencing at the boundary of Franklin and Delaware counties and extending to the municipal corporation of	18374 18375 18376 18377
known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and south direction, commencing at the boundary of Franklin and Delaware counties and extending to the municipal corporation of Delaware, and also the portion of that road located in Scioto	18374 18375 18376 18377 18378
known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and south direction, commencing at the boundary of Franklin and Delaware counties and extending to the municipal corporation of Delaware, and also the portion of that road located in Scioto county, from mile marker number three to mile marker number ten,	18374 18375 18376 18377 18378 18379
known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and south direction, commencing at the boundary of Franklin and Delaware counties and extending to the municipal corporation of Delaware, and also the portion of that road located in Scioto county, from mile marker number three to mile marker number ten, shall be known as the "Branch Rickey Memorial Highway."	18374 18375 18376 18377 18378 18379 18380
known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and south direction, commencing at the boundary of Franklin and Delaware counties and extending to the municipal corporation of Delaware, and also the portion of that road located in Scioto county, from mile marker number three to mile marker number ten, shall be known as the "Branch Rickey Memorial Highway."  The director of transportation may erect suitable markers	18374 18375 18376 18377 18378 18379 18380
known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and south direction, commencing at the boundary of Franklin and Delaware counties and extending to the municipal corporation of Delaware, and also the portion of that road located in Scioto county, from mile marker number three to mile marker number ten, shall be known as the "Branch Rickey Memorial Highway."  The director of transportation may erect suitable markers	18374 18375 18376 18377 18378 18379 18380
known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and south direction, commencing at the boundary of Franklin and Delaware counties and extending to the municipal corporation of Delaware, and also the portion of that road located in Scioto county, from mile marker number three to mile marker number ten, shall be known as the "Branch Rickey Memorial Highway."  The director of transportation may erect suitable markers along each designated portion of the highway indicating its name.	18374 18375 18376 18377 18378 18379 18380 18381 18382
known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and south direction, commencing at the boundary of Franklin and Delaware counties and extending to the municipal corporation of Delaware, and also the portion of that road located in Scioto county, from mile marker number three to mile marker number ten, shall be known as the "Branch Rickey Memorial Highway."  The director of transportation may erect suitable markers along each designated portion of the highway indicating its name.  Sec. 5533.831. That portion of state route fifty-two located	18374 18375 18376 18377 18378 18379 18380 18381 18382
known as United States route twenty-three in section 5533.05 of the Revised Code, the portion of that road running in a north and south direction, commencing at the boundary of Franklin and Delaware counties and extending to the municipal corporation of Delaware, and also the portion of that road located in Scioto county, from mile marker number three to mile marker number ten, shall be known as the "Branch Rickey Memorial Highway."  The director of transportation may erect suitable markers along each designated portion of the highway indicating its name.  Sec. 5533.831. That portion of state route fifty-two located in southern Scioto county between mile marker number seventeen and	18374 18375 18376 18377 18378 18379 18380 18381 18382

The director of transportation may erect suitable markers

7.6 . 4.6.6.4	
along the highway indicating its name.	18388
Sec. 5709.17. The following property shall be exempted from	18389
taxation:	18390
	10201
(A) Real estate held or occupied by an association or	18391
corporation, organized or incorporated under the laws of this	18392
state relative to soldiers' memorial associations, monumental	18393
building associations, or cemetery associations or corporations,	18394
which in the opinion of the trustees, directors, or managers	18395
thereof is necessary and proper to carry out the object intended	18396
for such association or corporation;	18397
(B) Real estate and tangible personal property held or	18398
occupied by a veterans' organization that qualifies for exemption	18399
from taxation under section 501(c)(19) or 501(c)(23) of the	18400
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as	18401
amended, and is incorporated under the laws of this state or the	18402
United States, except real estate held by such an organization for	18403
the production of rental income in excess of thirty-six thousand	18404
dollars in a tax year, before accounting for any cost or expense	18405
incurred in the production of such income. For the purposes of	18406
this division, rental income includes only income arising directly	18407
from renting the real estate to others for consideration.	18408
(C) Tangible personal property held by a corporation	18409
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in	18410
section 501(c)(3) of the Internal Revenue Code, and exempt from	18411
taxation under section 501(a) of the Internal Revenue Code shall	18412
be exempt from taxation if it is property obtained as described in	18413
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407.	18414
(D) Real estate held or occupied by a fraternal organization	18415
and used primarily for meetings of and the administration of the	18416
fraternal organization, except real estate held by such an	18417

organization for the production of rental income in excess of

thirty-six thousand dollars in a tax year, before accounting for	18419
any cost or expense incurred in the production of such income. As	18420
used in this division, "rental income" has the same meaning as in	18421
division (B) of this section, and "fraternal organization" means a	18422
domestic fraternal society, order, or association operating under	18423
the lodge, council, or grange system that qualifies for exemption	18424
from taxation under section $501(c)(5)$ , $501(c)(8)$ , or $501(c)(10)$ of	18425
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1,	18426
as amended; that provides financial support for charitable	18427
purposes, as defined in division (B)(12) of section 5739.02 of the	18428
Revised Code; and that has been operating in this state with a	18429
state governing body for at least one hundred eighty-five years.	18430
Sec. 5709.40. (A) As used in this section:	18431
(1) "Blighted area" and "impacted city" have the same	18432
meanings as in section 1728.01 of the Revised Code.	18433
(2) "Business day" means a day of the week excluding	18434
Saturday, Sunday, and a legal holiday as defined under section	18435
1.14 of the Revised Code.	18436
(3) "Housing renovation" means a project carried out for	18437
residential purposes.	18438
(4) "Improvement" means the increase in the assessed value of	18439
any real property that would first appear on the tax list and	18440
duplicate of real and public utility property after the effective	18441
date of an ordinance adopted under this section were it not for	18442
the exemption granted by that ordinance.	18443
(5) "Incentive district" means an area not more than three	18444
hundred acres in size enclosed by a continuous boundary in which a	18445
project is being, or will be, undertaken and having one or more of	18446

(a) At least fifty-one per cent of the residents of the 18448

the following distress characteristics:

that results from those activities.

18479

district have incomes of less than eighty per cent of the median	18449
income of residents of the political subdivision in which the	18450
district is located, as determined in the same manner specified	18451
under section 119(b) of the "Housing and Community Development Act	18452
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;	18453
(b) The average rate of unemployment in the district during	18454
the most recent twelve-month period for which data are available	18455
is equal to at least one hundred fifty per cent of the average	18456
rate of unemployment for this state for the same period.	18457
(c) At least twenty per cent of the people residing in the	18458
district live at or below the poverty level as defined in the	18459
federal Housing and Community Development Act of 1974, 42 U.S.C.	18460
5301, as amended, and regulations adopted pursuant to that act.	18461
(d) The district is a blighted area.	18462
(e) The district is in a situational distress area as	18463
designated by the director of development <u>services</u> under division	18464
(F) of section 122.23 of the Revised Code.	18465
(f) As certified by the engineer for the political	18466
subdivision, the public infrastructure serving the district is	18467
inadequate to meet the development needs of the district as	18468
evidenced by a written economic development plan or urban renewal	18469
plan for the district that has been adopted by the legislative	18470
authority of the subdivision.	18471
(g) The district is comprised entirely of unimproved land	18472
that is located in a distressed area as defined in section 122.23	18473
of the Revised Code.	18474
(6) "Project" means development activities undertaken on one	18475
or more parcels, including, but not limited to, construction,	18476
expansion, and alteration of buildings or structures, demolition,	18477
remediation, and site development, and any building or structure	18478

(7) "Public infrastructure improvement" includes, but is not	18480
limited to, public roads and highways; water and sewer lines;	18481
environmental remediation; land acquisition, including acquisition	18482
in aid of industry, commerce, distribution, or research;	18483
demolition, including demolition on private property when	18484
determined to be necessary for economic development purposes;	18485
stormwater and flood remediation projects, including such projects	18486
on private property when determined to be necessary for public	18487
health, safety, and welfare; the provision of gas, electric, and	18488
communications service facilities, including the provision of gas	18489
or electric service facilities owned by nongovernmental entities	18490
when such improvements are determined to be necessary for economic	18491
development purposes; and the enhancement of public waterways	18492
through improvements that allow for greater public access.	18493

(B) The legislative authority of a municipal corporation, by 18494 ordinance, may declare improvements to certain parcels of real 18495 property located in the municipal corporation to be a public 18496 purpose. Improvements with respect to a parcel that is used or to 18497 be used for residential purposes may be declared a public purpose 18498 under this division only if the parcel is located in a blighted 18499 area of an impacted city. For this purpose, "parcel that is used 18500 or to be used for residential purposes" means a parcel that, as 18501 improved, is used or to be used for purposes that would cause the 18502 tax commissioner to classify the parcel as residential property in 18503 accordance with rules adopted by the commissioner under section 18504 5713.041 of the Revised Code. Except with the approval under 18505 division (D) of this section of the board of education of each 18506 city, local, or exempted village school district within which the 18507 improvements are located, not more than seventy-five per cent of 18508 an improvement thus declared to be a public purpose may be 18509 exempted from real property taxation for a period of not more than 18510 ten years. The ordinance shall specify the percentage of the 18511 improvement to be exempted from taxation and the life of the 18512 exemption. 18513

An ordinance adopted or amended under this division shall 18514 designate the specific public infrastructure improvements made, to 18515 be made, or in the process of being made by the municipal 18516 corporation that directly benefit, or that once made will directly 18517 benefit, the parcels for which improvements are declared to be a 18518 public purpose. The service payments provided for in section 18519 5709.42 of the Revised Code shall be used to finance the public 18520 infrastructure improvements designated in the ordinance, for the 18521 purpose described in division (D)(1) of this section or as 18522 provided in section 5709.43 of the Revised Code. 18523

(C)(1) The legislative authority of a municipal corporation 18524 may adopt an ordinance creating an incentive district and 18525 declaring improvements to parcels within the district to be a 18526 public purpose and, except as provided in division (F) of this 18527 section, exempt from taxation as provided in this section, but no 18528 legislative authority of a municipal corporation that has a 18529 population that exceeds twenty-five thousand, as shown by the most 18530 recent federal decennial census, shall adopt an ordinance that 18531 creates an incentive district if the sum of the taxable value of 18532 real property in the proposed district for the preceding tax year 18533 and the taxable value of all real property in the municipal 18534 corporation that would have been taxable in the preceding year 18535 were it not for the fact that the property was in an existing 18536 incentive district and therefore exempt from taxation exceeds 18537 twenty-five per cent of the taxable value of real property in the 18538 municipal corporation for the preceding tax year. The ordinance 18539 shall delineate the boundary of the district and specifically 18540 identify each parcel within the district. A district may not 18541 include any parcel that is or has been exempted from taxation 18542 under division (B) of this section or that is or has been within 18543 another district created under this division. An ordinance may 18544 create more than one such district, and more than one ordinance 18545 may be adopted under division (C)(1) of this section. 18546

- (2) Not later than thirty days prior to adopting an ordinance 18547 under division (C)(1) of this section, if the municipal 18548 corporation intends to apply for exemptions from taxation under 18549 section 5709.911 of the Revised Code on behalf of owners of real 18550 property located within the proposed incentive district, the 18551 legislative authority of a municipal corporation shall conduct a 18552 public hearing on the proposed ordinance. Not later than thirty 18553 days prior to the public hearing, the legislative authority shall 18554 give notice of the public hearing and the proposed ordinance by 18555 first class mail to every real property owner whose property is 18556 located within the boundaries of the proposed incentive district 18557 that is the subject of the proposed ordinance. 18558
- (3)(a) An ordinance adopted under division (C)(1) of this 18559 section shall specify the life of the incentive district and the 18560 percentage of the improvements to be exempted, shall designate the 18561 public infrastructure improvements made, to be made, or in the 18562 process of being made, that benefit or serve, or, once made, will 18563 benefit or serve parcels in the district. The ordinance also shall 18564 identify one or more specific projects being, or to be, undertaken 18565 in the district that place additional demand on the public 18566 infrastructure improvements designated in the ordinance. The 18567 project identified may, but need not be, the project under 18568 division (C)(3)(b) of this section that places real property in 18569 use for commercial or industrial purposes. Except as otherwise 18570 permitted under that division, the service payments provided for 18571 in section 5709.42 of the Revised Code shall be used to finance 18572 the designated public infrastructure improvements, for the purpose 18573 described in division (D)(1) or (E) of this section, or as 18574 provided in section 5709.43 of the Revised Code. 18575

An ordinance adopted under division (C)(1) of this section on 18576

or after March 30, 2006, shall not designate police or fire	18577
equipment as public infrastructure improvements, and no service	18578
payment provided for in section 5709.42 of the Revised Code and	18579
received by the municipal corporation under the ordinance shall be	18580
used for police or fire equipment.	18581

- (b) An ordinance adopted under division (C)(1) of this 18582 section may authorize the use of service payments provided for in 18583 section 5709.42 of the Revised Code for the purpose of housing 18584 renovations within the incentive district, provided that the 18585 ordinance also designates public infrastructure improvements that 18586 benefit or serve the district, and that a project within the 18587 district places real property in use for commercial or industrial 18588 purposes. Service payments may be used to finance or support 18589 loans, deferred loans, and grants to persons for the purpose of 18590 housing renovations within the district. The ordinance shall 18591 designate the parcels within the district that are eligible for 18592 housing renovation. The ordinance shall state separately the 18593 amounts or the percentages of the expected aggregate service 18594 payments that are designated for each public infrastructure 18595 improvement and for the general purpose of housing renovations. 18596
- (4) Except with the approval of the board of education of 18597 each city, local, or exempted village school district within the 18598 territory of which the incentive district is or will be located, 18599 and subject to division (E) of this section, the life of an 18600 incentive district shall not exceed ten years, and the percentage 18601 of improvements to be exempted shall not exceed seventy-five per 18602 cent. With approval of the board of education, the life of a 18603 district may be not more than thirty years, and the percentage of 18604 improvements to be exempted may be not more than one hundred per 18605 cent. The approval of a board of education shall be obtained in 18606 the manner provided in division (D) of this section. 18607
  - (D)(1) If the ordinance declaring improvements to a parcel to 18608

be a public purpose or creating an incentive district specifies 18609 that payments in lieu of taxes provided for in section 5709.42 of 18610 the Revised Code shall be paid to the city, local, or exempted 18611 village, and joint vocational school district in which the parcel 18612 or incentive district is located in the amount of the taxes that 18613 would have been payable to the school district if the improvements 18614 had not been exempted from taxation, the percentage of the 18615 improvement that may be exempted from taxation may exceed 18616 seventy-five per cent, and the exemption may be granted for up to 18617 thirty years, without the approval of the board of education as 18618 otherwise required under division (D)(2) of this section. 18619

(2) Improvements with respect to a parcel may be exempted 18620 from taxation under division (B) of this section, and improvements 18621 to parcels within an incentive district may be exempted from 18622 taxation under division (C) of this section, for up to ten years 18623 or, with the approval under this paragraph of the board of 18624 education of the city, local, or exempted village school district 18625 within which the parcel or district is located, for up to thirty 18626 years. The percentage of the improvement exempted from taxation 18627 may, with such approval, exceed seventy-five per cent, but shall 18628 not exceed one hundred per cent. Not later than forty-five 18629 business days prior to adopting an ordinance under this section 18630 declaring improvements to be a public purpose that is subject to 18631 approval by a board of education under this division, the 18632 legislative authority shall deliver to the board of education a 18633 notice stating its intent to adopt an ordinance making that 18634 declaration. The notice regarding improvements with respect to a 18635 parcel under division (B) of this section shall identify the 18636 parcels for which improvements are to be exempted from taxation, 18637 provide an estimate of the true value in money of the 18638 improvements, specify the period for which the improvements would 18639 be exempted from taxation and the percentage of the improvement 18640 that would be exempted, and indicate the date on which the 18641

legislative authority intends to adopt the ordinance. The notice	18642
regarding improvements to parcels within an incentive district	18643
under division (C) of this section shall delineate the boundaries	18644
of the district, specifically identify each parcel within the	18645
district, identify each anticipated improvement in the district,	18646
provide an estimate of the true value in money of each such	18647
improvement, specify the life of the district and the percentage	18648
of improvements that would be exempted, and indicate the date on	18649
which the legislative authority intends to adopt the ordinance.	18650
The board of education, by resolution adopted by a majority of the	18651
board, may approve the exemption for the period or for the	18652
exemption percentage specified in the notice; may disapprove the	18653
exemption for the number of years in excess of ten, may disapprove	18654
the exemption for the percentage of the improvement to be exempted	18655
in excess of seventy-five per cent, or both; or may approve the	18656
exemption on the condition that the legislative authority and the	18657
board negotiate an agreement providing for compensation to the	18658
school district equal in value to a percentage of the amount of	18659
taxes exempted in the eleventh and subsequent years of the	18660
exemption period or, in the case of exemption percentages in	18661
excess of seventy-five per cent, compensation equal in value to a	18662
percentage of the taxes that would be payable on the portion of	18663
the improvement in excess of seventy-five per cent were that	18664
portion to be subject to taxation, or other mutually agreeable	18665
compensation. If an agreement is negotiated between the	18666
legislative authority and the board to compensate the school	18667
district for all or part of the taxes exempted, including	18668
agreements for payments in lieu of taxes under section 5709.42 of	18669
the Revised Code, the legislative authority shall compensate the	18670
joint vocational school district within which the parcel or	18671
district is located at the same rate and under the same terms	18672
received by the city, local, or exempted village school district.	18673

(3) The board of education shall certify its resolution to

the legislative authority not later than fourteen days prior to 18675 the date the legislative authority intends to adopt the ordinance 18676 as indicated in the notice. If the board of education and the 18677 legislative authority negotiate a mutually acceptable compensation 18678 agreement, the ordinance may declare the improvements a public 18679 purpose for the number of years specified in the ordinance or, in 18680 the case of exemption percentages in excess of seventy-five per 18681 cent, for the exemption percentage specified in the ordinance. In 18682 either case, if the board and the legislative authority fail to 18683 negotiate a mutually acceptable compensation agreement, the 18684 ordinance may declare the improvements a public purpose for not 18685 more than ten years, and shall not exempt more than seventy-five 18686 per cent of the improvements from taxation. If the board fails to 18687 certify a resolution to the legislative authority within the time 18688 prescribed by this division, the legislative authority thereupon 18689 may adopt the ordinance and may declare the improvements a public 18690 purpose for up to thirty years, or, in the case of exemption 18691 percentages proposed in excess of seventy-five per cent, for the 18692 exemption percentage specified in the ordinance. The legislative 18693 authority may adopt the ordinance at any time after the board of 18694 education certifies its resolution approving the exemption to the 18695 legislative authority, or, if the board approves the exemption on 18696 the condition that a mutually acceptable compensation agreement be 18697 negotiated, at any time after the compensation agreement is agreed 18698 to by the board and the legislative authority. 18699

(4) If a board of education has adopted a resolution waiving 18700 its right to approve exemptions from taxation under this section 18701 and the resolution remains in effect, approval of exemptions by 18702 the board is not required under division (D) of this section. If a 18703 board of education has adopted a resolution allowing a legislative 18704 authority to deliver the notice required under division (D) of 18705 this section fewer than forty-five business days prior to the 18706 legislative authority's adoption of the ordinance, the legislative 18707

authority shall deliver the notice to the board not later than the 18708 number of days prior to such adoption as prescribed by the board 18709 in its resolution. If a board of education adopts a resolution 18710 waiving its right to approve agreements or shortening the 18711 notification period, the board shall certify a copy of the 18712 resolution to the legislative authority. If the board of education 18713 rescinds such a resolution, it shall certify notice of the 18714 rescission to the legislative authority. 18715

- (5) If the legislative authority is not required by division 18716
  (D) of this section to notify the board of education of the 18717
  legislative authority's intent to declare improvements to be a 18718
  public purpose, the legislative authority shall comply with the 18719
  notice requirements imposed under section 5709.83 of the Revised 18720
  Code, unless the board has adopted a resolution under that section 18721
  waiving its right to receive such a notice. 18722
- (E)(1) If a proposed ordinance under division (C)(1) of this 18723 section exempts improvements with respect to a parcel within an 18724 incentive district for more than ten years, or the percentage of 18725 the improvement exempted from taxation exceeds seventy-five per 18726 cent, not later than forty-five business days prior to adopting 18727 the ordinance the legislative authority of the municipal 18728 corporation shall deliver to the board of county commissioners of 18729 the county within which the incentive district will be located a 18730 notice that states its intent to adopt an ordinance creating an 18731 incentive district. The notice shall include a copy of the 18732 proposed ordinance, identify the parcels for which improvements 18733 are to be exempted from taxation, provide an estimate of the true 18734 value in money of the improvements, specify the period of time for 18735 which the improvements would be exempted from taxation, specify 18736 the percentage of the improvements that would be exempted from 18737 taxation, and indicate the date on which the legislative authority 18738 intends to adopt the ordinance. 18739

- (2) The board of county commissioners, by resolution adopted 18740 by a majority of the board, may object to the exemption for the 18741 number of years in excess of ten, may object to the exemption for 18742 the percentage of the improvement to be exempted in excess of 18743 seventy-five per cent, or both. If the board of county 18744 commissioners objects, the board may negotiate a mutually 18745 acceptable compensation agreement with the legislative authority. 18746 In no case shall the compensation provided to the board exceed the 18747 property taxes forgone due to the exemption. If the board of 18748 county commissioners objects, and the board and legislative 18749 authority fail to negotiate a mutually acceptable compensation 18750 agreement, the ordinance adopted under division (C)(1) of this 18751 section shall provide to the board compensation in the eleventh 18752 and subsequent years of the exemption period equal in value to not 18753 more than fifty per cent of the taxes that would be payable to the 18754 county or, if the board's objection includes an objection to an 18755 exemption percentage in excess of seventy-five per cent, 18756 compensation equal in value to not more than fifty per cent of the 18757 taxes that would be payable to the county, on the portion of the 18758 improvement in excess of seventy-five per cent, were that portion 18759 to be subject to taxation. The board of county commissioners shall 18760 certify its resolution to the legislative authority not later than 18761 thirty days after receipt of the notice. 18762
- (3) If the board of county commissioners does not object or 18763 fails to certify its resolution objecting to an exemption within 18764 thirty days after receipt of the notice, the legislative authority 18765 may adopt the ordinance, and no compensation shall be provided to 18766 the board of county commissioners. If the board timely certifies 18767 its resolution objecting to the ordinance, the legislative 18768 authority may adopt the ordinance at any time after a mutually 18769 acceptable compensation agreement is agreed to by the board and 18770 the legislative authority, or, if no compensation agreement is 18771 negotiated, at any time after the legislative authority agrees in 18772

for county hospitals;

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18803

the proposed ordinance to provide compensation to the board of	18773
fifty per cent of the taxes that would be payable to the county in	18774
the eleventh and subsequent years of the exemption period or on	18775
the portion of the improvement in excess of seventy-five per cent,	18776
were that portion to be subject to taxation.	18777
(F) Service payments in lieu of taxes that are attributable	18778
to any amount by which the effective tax rate of either a renewal	18779
levy with an increase or a replacement levy exceeds the effective	18780
tax rate of the levy renewed or replaced, or that are attributable	18781
to an additional levy, for a levy authorized by the voters for any	18782
of the following purposes on or after January 1, 2006, and which	18783
are provided pursuant to an ordinance creating an incentive	18784
district under division (C)(1) of this section that is adopted on	18785
or after January 1, 2006, shall be distributed to the appropriate	18786
taxing authority as required under division (C) of section 5709.42	18787
of the Revised Code in an amount equal to the amount of taxes from	18788
that additional levy or from the increase in the effective tax	18789
rate of such renewal or replacement levy that would have been	18790
payable to that taxing authority from the following levies were it	18791
not for the exemption authorized under division (C) of this	18792
section:	18793
(1) A tax levied under division (L) of section 5705.19 or	18794
section 5705.191 of the Revised Code for community mental	18795
retardation and developmental disabilities programs and services	18796
pursuant to Chapter 5126. of the Revised Code;	18797
(2) A tax levied under division (Y) of section 5705.19 of the	18798
Revised Code for providing or maintaining senior citizens services	18799
or facilities;	18800
(3) A tax levied under section 5705.22 of the Revised Code	18801
	10000

(4) A tax levied by a joint-county district or by a county

under section 5705.19, 5705.191, or 5705.221 of the Revised Code	18804
for alcohol, drug addiction, and mental health services or	18805
facilities;	18806
(5) A tax levied under section 5705.23 of the Revised Code	18807
for library purposes;	18808
(6) A tax levied under section 5705.24 of the Revised Code	18809
for the support of children services and the placement and care of	18810
children;	18811
(7) A tax levied under division (Z) of section 5705.19 of the	18812
Revised Code for the provision and maintenance of zoological park	18813
services and facilities under section 307.76 of the Revised Code;	18814
(8) A tax levied under section 511.27 or division (H) of	18815
section 5705.19 of the Revised Code for the support of township	18816
park districts;	18817
(9) A tax levied under division (A), (F), or (H) of section	18818
5705.19 of the Revised Code for parks and recreational purposes of	18819
a joint recreation district organized pursuant to division (B) of	18820
section 755.14 of the Revised Code;	18821
(10) A tax levied under section 1545.20 or 1545.21 of the	18822
Revised Code for park district purposes;	18823
(11) A tax levied under section 5705.191 of the Revised Code	18824
for the purpose of making appropriations for public assistance;	18825
human or social services; public relief; public welfare; public	18826
health and hospitalization; and support of general hospitals;	18827
(12) A tax levied under section 3709.29 of the Revised Code	18828
for a general health district program.	18829
(G) An exemption from taxation granted under this section	18830
commences with the tax year specified in the ordinance so long as	18831
the year specified in the ordinance commences after the effective	18832
date of the ordinance. If the ordinance specifies a year	18833

commencing before the effective date of the resolution or	18834
specifies no year whatsoever, the exemption commences with the tax	18835
specifies no year whatsoever, the exemption commences with the tax	10033
year in which an exempted improvement first appears on the tax	18836
list and duplicate of real and public utility property and that	18837
commences after the effective date of the ordinance. In lieu of	18838
stating a specific year, the ordinance may provide that the	18839
exemption commences in the tax year in which the value of an	18840
improvement exceeds a specified amount or in which the	18841
construction of one or more improvements is completed, provided	18842
that such tax year commences after the effective date of the	18843
ordinance. With respect to the exemption of improvements to	18844
parcels under division (B) of this section, the ordinance may	18845
allow for the exemption to commence in different tax years on a	18846
parcel-by-parcel basis, with a separate exemption term specified	18847
for each parcel.	18848

Except as otherwise provided in this division, the exemption 18849 ends on the date specified in the ordinance as the date the 18850 improvement ceases to be a public purpose or the incentive 18851 district expires, or ends on the date on which the public 18852 infrastructure improvements and housing renovations are paid in 18853 full from the municipal public improvement tax increment 18854 equivalent fund established under division (A) of section 5709.43 18855 of the Revised Code, whichever occurs first. The exemption of an 18856 improvement with respect to a parcel or within an incentive 18857 district may end on a later date, as specified in the ordinance, 18858 if the legislative authority and the board of education of the 18859 city, local, or exempted village school district within which the 18860 parcel or district is located have entered into a compensation 18861 agreement under section 5709.82 of the Revised Code with respect 18862 to the improvement, and the board of education has approved the 18863 term of the exemption under division (D)(2) of this section, but 18864 in no case shall the improvement be exempted from taxation for 18865 more than thirty years. Exemptions shall be claimed and allowed in 18866

the same manner as in the case of other real property exemptions.	18867
If an exemption status changes during a year, the procedure for	18868
the apportionment of the taxes for that year is the same as in the	18869
case of other changes in tax exemption status during the year.	18870

- (H) Additional municipal financing of public infrastructure 18871 improvements and housing renovations may be provided by any 18872 methods that the municipal corporation may otherwise use for 18873 financing such improvements or renovations. If the municipal 18874 corporation issues bonds or notes to finance the public 18875 infrastructure improvements and housing renovations and pledges 18876 money from the municipal public improvement tax increment 18877 equivalent fund to pay the interest on and principal of the bonds 18878 or notes, the bonds or notes are not subject to Chapter 133. of 18879 the Revised Code. 18880
- (I) The municipal corporation, not later than fifteen days 18881 after the adoption of an ordinance under this section, shall 18882 submit to the director of development services a copy of the 18883 ordinance. On or before the thirty-first day of March of each 18884 year, the municipal corporation shall submit a status report to 18885 the director of development services. The report shall indicate, 18886 in the manner prescribed by the director, the progress of the 18887 project during each year that an exemption remains in effect, 18888 including a summary of the receipts from service payments in lieu 18889 of taxes; expenditures of money from the funds created under 18890 section 5709.43 of the Revised Code; a description of the public 18891 infrastructure improvements and housing renovations financed with 18892 such expenditures; and a quantitative summary of changes in 18893 employment and private investment resulting from each project. 18894
- (J) Nothing in this section shall be construed to prohibit a 18895 legislative authority from declaring to be a public purpose 18896 improvements with respect to more than one parcel. 18897
  - (K) If a parcel is located in a new community district in

18928

which the new community authority imposes a community development	18899
charge on the basis of rentals received from leases of real	18900
property as described in division (L)(2) of section 349.01 of the	18901
Revised Code, the parcel may not be exempted from taxation under	18902
this section.	18903
Sec. 5713.012. (A) For purposes of this section:	18904
(1) "Mass appraisal project" means any sexennial reappraisal,	18905
triennial update, or other revaluation of all real property or the	18906
valuation of newly constructed real property in accordance with	18907
section 5713.01 of the Revised Code.	18908
(2) "Qualified project manager" means a person who plans,	18909
manages, coordinates, and controls the execution of a mass	18910
appraisal project under the direction of the county auditor and	18911
who has all of the following qualifications:	18912
(a) Has passed a comprehensive final examination that	18913
corresponds to a course, approved by the superintendent of real	18914
estate and professional licensing, that consists of at least	18915
thirty hours of instruction, quizzes, and learning aids. The	18916
superintendent shall not approve a course under this division that	18917
does not address the following topics in both the instruction and	18918
the examination:	18919
(i) Concepts and principles of mass appraisal as they relate	18920
to the assessment of real property for the purposes of ad valorem	18921
taxation;	18922
(ii) Methods of data collection and data management relative	18923
to parcels of real property, including modern alternative data	18924
collection methods and currently utilized computer-assisted mass	18925
appraisal systems;	18926

(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	18929
advantages and disadvantages of various analysis techniques;	18930
(iv) Traditional approaches of property valuation, including	18931
the cost approach, the sales comparison approach, and the income	18932
approach, as they are implemented in a mass appraisal project;	18933
(v) Methods and systems for model building and model	18934
calibration as related to mass appraisal of real property;	18935
(vi) Methods of production management and project analysis	18936
such as Gantt charts, program evaluation and review technique	18937
(PERT) charts, frequency distribution charts, line graphs, bar	18938
charts, and scatter diagrams, as they are utilized in the mass	18939
appraisal area.	18940
(b) Has completed at least seven hours of continuing	18941
education courses in mass appraisal during the two-year period	18942
immediately succeeding the year in which the person passed the	18943
examination required in division $(A)(2)(a)$ of this section, and	18944
during each two-year period thereafter.	18945
(B)(1) The county auditor, in acting as the assessor of all	18946
real property in the auditor's county for taxation purposes in	18947
accordance with section 5713.01 of the Revised Code, shall involve	18948
at least one qualified project manager in each mass assessment	18949
appraisal project that originates more than two years after the	18950
effective date of the enactment of this section by H.B. 487 of the	18951
129th general assembly, September 10, 2012.	18952
(2) The tax commissioner, beginning two years after the	18953
effective date of the enactment of this section by H.B. 487 of the	18954
129th general assembly, September 10, 2012, shall not approve any	18955
contract entered into by the auditor under division (E) of section	18956
5713.01 of the Revised Code $_{7}$ with a person to do all or any part	18957
of the work necessary to the performance of the auditor's duties	18958
as assessor unless that person designates an officer or employee	18959

of that person, with the appropriate credentials, to act as a	18960
qualified project manager.	18961
(3) The tax commissioner, beginning two years after the	18962
effective date of the enactment of this section by H.B. 487 of the	18963
129th general assembly, September 10, 2012, shall not include any	18964
person that has not designated an officer or employee, with the	18965
appropriate credentials, to act as a qualified project manager on	18966
a list generated by the commissioner for either of the following	18967
purposes:	18968
(a) To assist county auditors in selecting a person to do all	18969
or any part of the work necessary to the performance of the	18970
auditor's duties as assessor of all real property under section	18971
5713.01 of the Revised Code;	18972
(b) To assist the commissioner in the consideration of	18973
whether to approve or disapprove the auditor's application	18974
requesting authority to employ an appraisal firm or individual	18975
appraiser.	18976
(C) The superintendent of real estate and professional	18977
licensing shall adopt reasonable rules in accordance with Chapter	18978
119. of the Revised Code necessary for the implementation of this	18979
section, including rules establishing all of the following:	18980
(1) The form and manner by which persons may apply to the	18981
superintendent to offer a thirty-hour course or continuing	18982
education course as described in division (A)(2) of this section;	18983
(2) Standards to be used by the superintendent in approving a	18984
thirty-hour course or continuing education course described in	18985
division (A)(2) of this section;	18986
(3) Standards to be used in determining whether a person has	18987
successfully completed the examination and continuing education	18988
requirements described in division (A)(2) of this section;	18989

(4) The method and deadlines for transmitting to the tax	18990
commissioner all information necessary for the commissioner to	18991
determine a person's eligibility for inclusion on the	18992
commissioner's list of qualified project managers.	18993

Sec. 5739.09. (A)(1) A board of county commissioners may, by 18994 resolution adopted by a majority of the members of the board, levy 18995 an excise tax not to exceed three per cent on transactions by 18996 which lodging by a hotel is or is to be furnished to transient 18997 guests. The board shall establish all regulations necessary to 18998 provide for the administration and allocation of the tax. The 18999 regulations may prescribe the time for payment of the tax, and may 19000 provide for the imposition of a penalty or interest, or both, for 19001 late payments, provided that the penalty does not exceed ten per 19002 cent of the amount of tax due, and the rate at which interest 19003 accrues does not exceed the rate per annum prescribed pursuant to 19004 section 5703.47 of the Revised Code. Except as provided in 19005 divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 19006 regulations shall provide, after deducting the real and actual 19007 costs of administering the tax, for the return to each municipal 19008 corporation or township that does not levy an excise tax on the 19009 transactions, a uniform percentage of the tax collected in the 19010 municipal corporation or in the unincorporated portion of the 19011 township from each transaction, not to exceed thirty-three and 19012 one-third per cent. The remainder of the revenue arising from the 19013 19014 tax shall be deposited in a separate fund and shall be spent solely to make contributions to the convention and visitors' 19015 bureau operating within the county, including a pledge and 19016 contribution of any portion of the remainder pursuant to an 19017 agreement authorized by section 307.678 or 307.695 of the Revised 19018 Code, provided that if the board of county commissioners of an 19019 eligible county as defined in section 307.678 or 307.695 of the 19020 Revised Code adopts a resolution amending a resolution levying a 19021

tax under this division to provide that <u>all or a portion of</u> the	19022
revenue from the tax shall be used by the board as described in	19023
either division (D) of section 307.678 or division (H) of section	19024
307.695 of the Revised Code, the remainder of the revenue shall be	19025
used as described in the resolution making that amendment. Except	19026
as provided in division $(A)(2)$ , $(3)$ , $(4)$ , $(5)$ , $(6)$ , or $(7)$ or $(H)$	19027
of this section, on and after May 10, 1994, a board of county	19028
commissioners may not levy an excise tax pursuant to this division	19029
in any municipal corporation or township located wholly or partly	19030
within the county that has in effect an ordinance or resolution	19031
levying an excise tax pursuant to division (B) of this section.	19032
The board of a county that has levied a tax under division (C) of	19033
this section may, by resolution adopted within ninety days after	19034
July 15, 1985, by a majority of the members of the board, amend	19035
the resolution levying a tax under this division to provide for a	19036
portion of that tax to be pledged and contributed in accordance	19037
with an agreement entered into under section 307.695 of the	19038
Revised Code. A tax, any revenue from which is pledged pursuant to	19039
such an agreement, shall remain in effect at the rate at which it	19040
is imposed for the duration of the period for which the revenue	19041
from the tax has been so pledged.	19042

The board of county commissioners of an eligible county as 19043 defined in section 307.695 of the Revised Code may, by resolution 19044 adopted by a majority of the members of the board, amend a 19045 resolution levying a tax under this division to provide that the 19046 revenue from the tax shall be used by the board as described in 19047 division (H) of section 307.695 of the Revised Code, in which case 19048 the tax shall remain in effect at the rate at which it was imposed 19049 for the duration of any agreement entered into by the board under 19050 section 307.695 of the Revised Code, the duration during which any 19051 securities issued by the board under that section are outstanding, 19052 or the duration of the period during which the board owns a 19053 project as defined in section 307.695 of the Revised Code, 19054 whichever duration is longest.

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The board of county commissioners of an eligible county as

defined in section 307.678 of the Revised Code may, by resolution,

amend a resolution levying a tax under this division to provide

that revenue from the tax may be used for the purposes described

in division (D) of section 307.678 of the Revised Code.

19056

(2) A board of county commissioners that levies an excise tax 19061 19062 under division (A)(1) of this section on June 30, 1997, at a rate of three per cent, and that has pledged revenue from the tax to an 19063 agreement entered into under section 307.695 of the Revised Code 19064 or, in the case of the board of county commissioners of an 19065 eligible county as defined in section 307.695 of the Revised Code, 19066 has amended a resolution levying a tax under division (C) of this 19067 section to provide that proceeds from the tax shall be used by the 19068 board as described in division (H) of section 307.695 of the 19069 Revised Code, may, at any time by a resolution adopted by a 19070 majority of the members of the board, amend the resolution levying 19071 a tax under division (A)(1) of this section to provide for an 19072 increase in the rate of that tax up to seven per cent on each 19073 transaction; to provide that revenue from the increase in the rate 19074 shall be used as described in division (H) of section 307.695 of 19075 the Revised Code or be spent solely to make contributions to the 19076 convention and visitors' bureau operating within the county to be 19077 used specifically for promotion, advertising, and marketing of the 19078 region in which the county is located; and to provide that the 19079 19080 rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is 19081 imposed for the duration of the period during which any agreement 19082 is in effect that was entered into under section 307.695 of the 19083 Revised Code by the board of county commissioners levying a tax 19084 under division (A)(1) of this section, the duration of the period 19085 during which any securities issued by the board under division (I) 19086

of section 307.695 of the Revised Code are outstanding, or the	19087
duration of the period during which the board owns a project as	19088
defined in section 307.695 of the Revised Code, whichever duration	19089
is longest. The amendment also shall provide that no portion of	19090
that revenue need be returned to townships or municipal	19091
corporations as would otherwise be required under division (A)(1)	19092
of this section.	19093
(3) A board of county commissioners that levies a tax under	19094
division (A)(1) of this section on March 18, 1999, at a rate of	19095
three per cent may, by resolution adopted not later than	19096
forty-five days after March 18, 1999, amend the resolution levying	19097
the tax to provide for all of the following:	19098
(a) That the rate of the tax shall be increased by not more	19099
than an additional four per cent on each transaction;	19100
(b) That all of the revenue from the increase in the rate	19101
shall be pledged and contributed to a convention facilities	19102
authority established by the board of county commissioners under	19103
Chapter 351. of the Revised Code on or before November 15, 1998,	19104
and used to pay costs of constructing, maintaining, operating, and	19105
promoting a facility in the county, including paying bonds, or	19106
notes issued in anticipation of bonds, as provided by that	19107
chapter;	19108
(c) That no portion of the revenue arising from the increase	19109
in rate need be returned to municipal corporations or townships as	19110
otherwise required under division (A)(1) of this section;	19111
(d) That the increase in rate shall not be subject to	19112
diminution by initiative or referendum or by law while any bonds,	19113
or notes in anticipation of bonds, issued by the authority under	19114
Chapter 351. of the Revised Code to which the revenue is pledged,	19115
remain outstanding in accordance with their terms, unless	19116

provision is made by law or by the board of county commissioners 19117

for an adequate substitute therefor that is satisfactory to the	19118
trustee if a trust agreement secures the bonds.	19119
Division (A)(3) of this section does not apply to the board	19120
of county commissioners of any county in which a convention center	19121
or facility exists or is being constructed on November 15, 1998,	19122
or of any county in which a convention facilities authority levies	19123
a tax pursuant to section 351.021 of the Revised Code on that	19124
date.	19125
As used in division (A)(3) of this section, "cost" and	19126
"facility" have the same meanings as in section 351.01 of the	19127
Revised Code, and "convention center" has the same meaning as in	19128
section 307.695 of the Revised Code.	19129
(4)(a) A board of county commissioners that levies a tax	19130
under division (A)(1) of this section on June 30, 2002, at a rate	19131
of three per cent may, by resolution adopted not later than	19132
September 30, 2002, amend the resolution levying the tax to	19133
provide for all of the following:	19134
(i) That the rate of the tax shall be increased by not more	19135
than an additional three and one-half per cent on each	19136
transaction;	19137
(ii) That all of the revenue from the increase in rate shall	19138
be pledged and contributed to a convention facilities authority	19139
established by the board of county commissioners under Chapter	19140
351. of the Revised Code on or before May 15, 2002, and be used to	19141
pay costs of constructing, expanding, maintaining, operating, or	19142
promoting a convention center in the county, including paying	19143
bonds, or notes issued in anticipation of bonds, as provided by	19144
that chapter;	19145
(iii) That no portion of the revenue arising from the	19146
increase in rate need be returned to municipal corporations or	19147
townships as otherwise required under division (A)(1) of this	19148

section;	19149
(iv) That the increase in rate shall not be subject to	19150
diminution by initiative or referendum or by law while any bonds,	19151
or notes in anticipation of bonds, issued by the authority under	19152
Chapter 351. of the Revised Code to which the revenue is pledged,	19153
remain outstanding in accordance with their terms, unless	19154
provision is made by law or by the board of county commissioners	19155
for an adequate substitute therefor that is satisfactory to the	19156
trustee if a trust agreement secures the bonds.	19157
(b) Any board of county commissioners that, pursuant to	19158
division $(A)(4)(a)$ of this section, has amended a resolution	19159
levying the tax authorized by division (A)(1) of this section may	19160
further amend the resolution to provide that the revenue referred	19161
to in division $(A)(4)(a)(ii)$ of this section shall be pledged and	19162
contributed both to a convention facilities authority to pay the	19163
costs of constructing, expanding, maintaining, or operating one or	19164
more convention centers in the county, including paying bonds, or	19165
notes issued in anticipation of bonds, as provided in Chapter 351.	19166
of the Revised Code, and to a convention and visitors' bureau to	19167
pay the costs of promoting one or more convention centers in the	19168
county.	19169
As used in division (A)(4) of this section, "cost" has the	19170
same meaning as in section 351.01 of the Revised Code, and	19171
"convention center" has the same meaning as in section 307.695 of	19172
the Revised Code.	19173
(5)(a) As used in division (A)(5) of this section:	19174
(i) "Port authority" means a port authority created under	19175
Chapter 4582. of the Revised Code.	19176
(ii) "Port authority military-use facility" means port	19177
authority facilities on which or adjacent to which is located an	19178
installation of the armed forces of the United States, a reserve	19179

component thereof, or the national guard and at least part of	19180
which is made available for use, for consideration, by the armed	19181
forces of the United States, a reserve component thereof, or the	19182
national guard.	19183
(b) For the purpose of contributing revenue to pay operating	19184
expenses of a port authority that operates a port authority	19185
military-use facility, the board of county commissioners of a	19186
county that created, participated in the creation of, or has	19187
joined such a port authority may do one or both of the following:	19188
(i) Amend a resolution previously adopted under division	19189
(A)(1) of this section to designate some or all of the revenue	19190
from the tax levied under the resolution to be used for that	19191
purpose, notwithstanding that division;	19192
(ii) Amend a resolution previously adopted under division	19193
(A)(1) of this section to increase the rate of the tax by not more	19194
than an additional two per cent and use the revenue from the	19195
increase exclusively for that purpose.	19196
(c) If a board of county commissioners amends a resolution to	19197
increase the rate of a tax as authorized in division (A)(5)(b)(ii)	19198
of this section, the board also may amend the resolution to	19199
specify that the increase in rate of the tax does not apply to	19200
"hotels," as otherwise defined in section 5739.01 of the Revised	19201
Code, having fewer rooms used for the accommodation of guests than	19202
a number of rooms specified by the board.	19203
(6) A board of county commissioners of a county organized	19204
under a county charter adopted pursuant to Article X, Section 3,	19205
Ohio Constitution, and that levies an excise tax under division	19206
(A)(1) of this section at a rate of three per cent and levies an	19207
additional excise tax under division (E) of this section at a rate	19208
of one and one-half per cent may, by resolution adopted not later	19209

than January 1, 2008, by a majority of the members of the board,

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(7) Division (A)(7) of this section applies only to a county 19228 with a population greater than sixty-five thousand and less than 19229 seventy thousand according to the most recent federal decennial 19230 census and in which, on December 31, 2006, an excise tax is levied 19231 under division (A)(1) of this section at a rate not less than and 19232 not greater than three per cent, and in which the most recent 19233 increase in the rate of that tax was enacted or took effect in 19234 November 1984. 19235

The board of county commissioners of a county to which this

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division applies, by resolution adopted by a majority of the

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members of the board, may increase the rate of the tax by not more

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than one per cent on transactions by which lodging by a hotel is

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or is to be furnished to transient guests. The increase in rate

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shall be for the purpose of paying expenses deemed necessary by

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the convention and visitors' bureau operating in the county to

promote travel and tourism. The increase in rate shall remain in 19243 effect for the period specified in the resolution, not to exceed 19244 twenty years, provided that the increase in rate may not continue 19245 beyond the time when the purpose for which the increase is levied 19246 ceases to exist. If revenue from the increase in rate is pledged 19247 to the payment of debt charges on securities, the increase in rate 19248 is not subject to diminution by initiative or referendum or by law 19249 for so long as the securities are outstanding, unless provision is 19250 made by law or by the board of county commissioners for an 19251 adequate substitute for that revenue that is satisfactory to the 19252 trustee if a trust agreement secures payment of the debt charges. 19253 The increase in rate shall be subject to the regulations adopted 19254 under division (A)(1) of this section, except that the resolution 19255 may provide that no portion of the revenue from the increase in 19256 the rate shall be returned to townships or municipal corporations 19257 as would otherwise be required under division (A)(1) of this 19258 section. A resolution adopted under division (A)(7) of this 19259 section is subject to referendum under sections 305.31 to 305.99 19260 of the Revised Code. 19261

(B)(1) The legislative authority of a municipal corporation 19262 or the board of trustees of a township that is not wholly or 19263 partly located in a county that has in effect a resolution levying 19264 an excise tax pursuant to division (A)(1) of this section may, by 19265 ordinance or resolution, levy an excise tax not to exceed three 19266 per cent on transactions by which lodging by a hotel is or is to 19267 be furnished to transient guests. The legislative authority of the 19268 municipal corporation or the board of trustees of the township 19269 shall deposit at least fifty per cent of the revenue from the tax 19270 levied pursuant to this division into a separate fund, which shall 19271 be spent solely to make contributions to convention and visitors' 19272 bureaus operating within the county in which the municipal 19273 corporation or township is wholly or partly located, and the 19274 balance of that revenue shall be deposited in the general fund. 19275

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The municipal corporation or township shall establish all	19276
regulations necessary to provide for the administration and	19277
allocation of the tax. The regulations may prescribe the time for	19278
payment of the tax, and may provide for the imposition of a	19279
penalty or interest, or both, for late payments, provided that the	19280
penalty does not exceed ten per cent of the amount of tax due, and	19281
the rate at which interest accrues does not exceed the rate per	19282
annum prescribed pursuant to section 5703.47 of the Revised Code.	19283
The levy of a tax under this division is in addition to any tax	19284
imposed on the same transaction by a municipal corporation or a	19285
township as authorized by division (A) of section 5739.08 of the	19286
Revised Code.	19287
(2)(a) The legislative authority of the most populous	19288
municipal corporation located wholly or partly in a county in	19289
which the board of county commissioners has levied a tax under	19290
division $(A)(4)$ of this section may amend, on or before September	19291
30, 2002, that municipal corporation's ordinance or resolution	19292
that levies an excise tax on transactions by which lodging by a	19293
hotel is or is to be furnished to transient guests, to provide for	19294
all of the following:	19295
(i) That the rate of the tax shall be increased by not more	19296
than an additional one per cent on each transaction;	19297
(ii) That all of the revenue from the increase in rate shall	19298
be pledged and contributed to a convention facilities authority	19299
established by the board of county commissioners under Chapter	19300
351. of the Revised Code on or before May 15, 2002, and be used to	19301
pay costs of constructing, expanding, maintaining, operating, or	19302
promoting a convention center in the county, including paying	19303
bonds, or notes issued in anticipation of bonds, as provided by	19304
that chapter;	19305

(iii) That the increase in rate shall not be subject to

diminution by initiative or referendum or by law while any bonds,

or notes in anticipation of bonds, issued by the authority under	19308
Chapter 351. of the Revised Code to which the revenue is pledged,	19309
remain outstanding in accordance with their terms, unless	19310
provision is made by law, by the board of county commissioners, or	19311
by the legislative authority, for an adequate substitute therefor	19312
that is satisfactory to the trustee if a trust agreement secures	19313
the bonds.	19314

(b) The legislative authority of a municipal corporation 19315 that, pursuant to division (B)(2)(a) of this section, has amended 19316 its ordinance or resolution to increase the rate of the tax 19317 authorized by division (B)(1) of this section may further amend 19318 the ordinance or resolution to provide that the revenue referred 19319 to in division (B)(2)(a)(ii) of this section shall be pledged and 19320 contributed both to a convention facilities authority to pay the 19321 costs of constructing, expanding, maintaining, or operating one or 19322 more convention centers in the county, including paying bonds, or 19323 notes issued in anticipation of bonds, as provided in Chapter 351. 19324 of the Revised Code, and to a convention and visitors' bureau to 19325 pay the costs of promoting one or more convention centers in the 19326 19327 county.

As used in division (B)(2) of this section, "cost" has the 19328 same meaning as in section 351.01 of the Revised Code, and 19329 "convention center" has the same meaning as in section 307.695 of 19330 the Revised Code.

(C) For the purposes described in section 307.695 of the 19332 Revised Code and to cover the costs of administering the tax, a 19333 board of county commissioners of a county where a tax imposed 19334 under division (A)(1) of this section is in effect may, by 19335 resolution adopted within ninety days after July 15, 1985, by a 19336 majority of the members of the board, levy an additional excise 19337 tax not to exceed three per cent on transactions by which lodging 19338 by a hotel is or is to be furnished to transient guests. The tax 19339

authorized by this division shall be in addition to any tax that	19340
is levied pursuant to division (A) of this section, but it shall	19341
not apply to transactions subject to a tax levied by a municipal	19342
corporation or township pursuant to the authorization granted by	19343
division (A) of section 5739.08 of the Revised Code. The board	19344
shall establish all regulations necessary to provide for the	19345
administration and allocation of the tax. The regulations may	19346
prescribe the time for payment of the tax, and may provide for the	19347
imposition of a penalty or interest, or both, for late payments,	19348
provided that the penalty does not exceed ten per cent of the	19349
amount of tax due, and the rate at which interest accrues does not	19350
exceed the rate per annum prescribed pursuant to section 5703.47	19351
of the Revised Code. All revenues arising from the tax shall be	19352
expended in accordance with section 307.695 of the Revised Code.	19353
The board of county commissioners of an eligible county as defined	19354
in section 307.695 of the Revised Code may, by resolution adopted	19355
by a majority of the members of the board, amend the resolution	19356
levying a tax under this division to provide that the revenue from	19357
the tax shall be used by the board as described in division (H) of	19358
section 307.695 of the Revised Code. A tax imposed under this	19359
division shall remain in effect at the rate at which it is imposed	19360
for the duration of the period during which any agreement entered	19361
into by the board under section 307.695 of the Revised Code is in	19362
effect, the duration of the period during which any securities	19363
issued by the board under division (I) of section 307.695 of the	19364
Revised Code are outstanding, or the duration of the period during	19365
which the board owns a project as defined in section 307.695 of	19366
the Revised Code, whichever duration is longest.	19367

(D) For the purpose of providing contributions under division 19368
(B)(1) of section 307.671 of the Revised Code to enable the 19369
acquisition, construction, and equipping of a port authority 19370
educational and cultural facility in the county and, to the extent 19371
provided for in the cooperative agreement authorized by that 19372

section, for the purpose of paying debt service charges on bonds,	19373
or notes in anticipation of bonds, described in division (B)(1)(b)	19374
of that section, a board of county commissioners, by resolution	19375
adopted within ninety days after December 22, 1992, by a majority	19376
of the members of the board, may levy an additional excise tax not	19377
to exceed one and one-half per cent on transactions by which	19378
lodging by a hotel is or is to be furnished to transient guests.	19379
The excise tax authorized by this division shall be in addition to	19380
any tax that is levied pursuant to divisions (A), (B), and (C) of	19381
this section, to any excise tax levied pursuant to section 5739.08	19382
of the Revised Code, and to any excise tax levied pursuant to	19383
section 351.021 of the Revised Code. The board of county	19384
commissioners shall establish all regulations necessary to provide	19385
for the administration and allocation of the tax that are not	19386
inconsistent with this section or section 307.671 of the Revised	19387
Code. The regulations may prescribe the time for payment of the	19388
tax, and may provide for the imposition of a penalty or interest,	19389
or both, for late payments, provided that the penalty does not	19390
exceed ten per cent of the amount of tax due, and the rate at	19391
which interest accrues does not exceed the rate per annum	19392
prescribed pursuant to section 5703.47 of the Revised Code. All	19393
revenues arising from the tax shall be expended in accordance with	19394
section 307.671 of the Revised Code and division (D) of this	19395
section. The levy of a tax imposed under this division may not	19396
commence prior to the first day of the month next following the	19397
execution of the cooperative agreement authorized by section	19398
307.671 of the Revised Code by all parties to that agreement. The	19399
tax shall remain in effect at the rate at which it is imposed for	19400
the period of time described in division (C) of section 307.671 of	19401
the Revised Code for which the revenue from the tax has been	19402
pledged by the county to the corporation pursuant to that section,	19403
but, to any extent provided for in the cooperative agreement, for	19404
no lesser period than the period of time required for payment of	19405

the debt service charges on bonds, or notes in anticipation of 19406 bonds, described in division (B)(1)(b) of that section. 19407

(E) For the purpose of paying the costs of acquiring, 19408 constructing, equipping, and improving a municipal educational and 19409 cultural facility, including debt service charges on bonds 19410 provided for in division (B) of section 307.672 of the Revised 19411 Code, and for any additional purposes determined by the county in 19412 the resolution levying the tax or amendments to the resolution, 19413 including subsequent amendments providing for paying costs of 19414 acquiring, constructing, renovating, rehabilitating, equipping, 19415 and improving a port authority educational and cultural performing 19416 arts facility, as defined in section 307.674 of the Revised Code, 19417 and including debt service charges on bonds provided for in 19418 division (B) of section 307.674 of the Revised Code, the 19419 legislative authority of a county, by resolution adopted within 19420 ninety days after June 30, 1993, by a majority of the members of 19421 the legislative authority, may levy an additional excise tax not 19422 to exceed one and one-half per cent on transactions by which 19423 lodging by a hotel is or is to be furnished to transient guests. 19424 The excise tax authorized by this division shall be in addition to 19425 any tax that is levied pursuant to divisions (A), (B), (C), and 19426 (D) of this section, to any excise tax levied pursuant to section 19427 5739.08 of the Revised Code, and to any excise tax levied pursuant 19428 to section 351.021 of the Revised Code. The legislative authority 19429 of the county shall establish all regulations necessary to provide 19430 for the administration and allocation of the tax. The regulations 19431 may prescribe the time for payment of the tax, and may provide for 19432 the imposition of a penalty or interest, or both, for late 19433 payments, provided that the penalty does not exceed ten per cent 19434 of the amount of tax due, and the rate at which interest accrues 19435 does not exceed the rate per annum prescribed pursuant to section 19436 5703.47 of the Revised Code. All revenues arising from the tax 19437 shall be expended in accordance with section 307.672 of the 19438 Revised Code and this division. The levy of a tax imposed under 19439 this division shall not commence prior to the first day of the 19440 month next following the execution of the cooperative agreement 19441 authorized by section 307.672 of the Revised Code by all parties 19442 to that agreement. The tax shall remain in effect at the rate at 19443 which it is imposed for the period of time determined by the 19444 legislative authority of the county. That period of time shall not 19445 exceed fifteen years, except that the legislative authority of a 19446 county with a population of less than two hundred fifty thousand 19447 according to the most recent federal decennial census, by 19448 resolution adopted by a majority of its members before the 19449 original tax expires, may extend the duration of the tax for an 19450 additional period of time. The additional period of time by which 19451 a legislative authority extends a tax levied under this division 19452 shall not exceed fifteen years. 19453

(F) The legislative authority of a county that has levied a 19454 tax under division (E) of this section may, by resolution adopted 19455 within one hundred eighty days after January 4, 2001, by a 19456 majority of the members of the legislative authority, amend the 19457 resolution levying a tax under that division to provide for the 19458 use of the proceeds of that tax, to the extent that it is no 19459 longer needed for its original purpose as determined by the 19460 parties to a cooperative agreement amendment pursuant to division 19461 (D) of section 307.672 of the Revised Code, to pay costs of 19462 acquiring, constructing, renovating, rehabilitating, equipping, 19463 and improving a port authority educational and cultural performing 19464 arts facility, including debt service charges on bonds provided 19465 for in division (B) of section 307.674 of the Revised Code, and to 19466 pay all obligations under any guaranty agreements, reimbursement 19467 agreements, or other credit enhancement agreements described in 19468 division (C) of section 307.674 of the Revised Code. The 19469 resolution may also provide for the extension of the tax at the 19470 same rate for the longer of the period of time determined by the 19471

legislative authority of the county, but not to exceed an	19472
additional twenty-five years, or the period of time required to	19473
pay all debt service charges on bonds provided for in division (B)	19474
of section 307.672 of the Revised Code and on port authority	19475
revenue bonds provided for in division (B) of section 307.674 of	19476
the Revised Code. All revenues arising from the amendment and	19477
extension of the tax shall be expended in accordance with section	19478
307.674 of the Revised Code, this division, and division (E) of	19479
this section.	19480

- (G) For purposes of a tax levied by a county, township, or 19481 municipal corporation under this section or section 5739.08 of the 19482 Revised Code, a board of county commissioners, board of township 19483 trustees, or the legislative authority of a municipal corporation 19484 may adopt a resolution or ordinance at any time specifying that 19485 "hotel," as otherwise defined in section 5739.01 of the Revised 19486 Code, includes the following:
- (1) Establishments in which fewer than five rooms are used 19488 for the accommodation of guests. 19489
- (2) Establishments at which rooms are used for the 19490 accommodation of guests regardless of whether each room is 19491 accessible through its own keyed entry or several rooms are 19492 accessible through the same keyed entry; and, in determining the 19493 number of rooms, all rooms are included regardless of the number 19494 of structures in which the rooms are situated or the number of 19495 parcels of land on which the structures are located if the 19496 structures are under the same ownership and the structures are not 19497 identified in advertisements of the accommodations as distinct 19498 establishments. For the purposes of division (G)(2) of this 19499 section, two or more structures are under the same ownership if 19500 they are owned by the same person, or if they are owned by two or 19501 more persons the majority of the ownership interests of which are 19502 owned by the same person. 19503

The resolution or ordinance may apply to a tax imposed	19504
pursuant to this section prior to the adoption of the resolution	19505
or ordinance if the resolution or ordinance so states, but the tax	19506
shall not apply to transactions by which lodging by such an	19507
establishment is provided to transient guests prior to the	19508
adoption of the resolution or ordinance.	19509
(H)(1) As used in this division:	19510
(a) "Convention facilities authority" has the same meaning as	19511
in section 351.01 of the Revised Code.	19512
(b) "Convention center" has the same meaning as in section	19513
307.695 of the Revised Code.	19514
(2) Notwithstanding any contrary provision of division (D) of	19515
this section, the legislative authority of a county with a	19516
population of one million or more according to the most recent	19517
federal decennial census that has levied a tax under division (D)	19518
of this section may, by resolution adopted by a majority of the	19519
members of the legislative authority, provide for the extension of	19520

such levy and may provide that the proceeds of that tax, to the 19521 extent that they are no longer needed for their original purpose 19522 as defined by a cooperative agreement entered into under section 19523 307.671 of the Revised Code, shall be deposited into the county 19524 general revenue fund. The resolution shall provide for the 19525 extension of the tax at a rate not to exceed the rate specified in 19526 division (D) of this section for a period of time determined by 19527 the legislative authority of the county, but not to exceed an 19528 additional forty years. 19529

(3) The legislative authority of a county with a population 19530 of one million or more that has levied a tax under division (A)(1) 19531 of this section may, by resolution adopted by a majority of the 19532 members of the legislative authority, increase the rate of the tax 19533 levied by such county under division (A)(1) of this section to a 19534

rate not to exceed five per cent on transactions by which lodging 19535 by a hotel is or is to be furnished to transient guests. 19536 Notwithstanding any contrary provision of division (A)(1) of this 19537 section, the resolution may provide that all collections resulting 19538 from the rate levied in excess of three per cent, after deducting 19539 the real and actual costs of administering the tax, shall be 19540 deposited in the county general fund.

- (4) The legislative authority of a county with a population 19542 of one million or more that has levied a tax under division (A)(1) 19543 of this section may, by resolution adopted on or before August 30, 19544 2004, by a majority of the members of the legislative authority, 19545 provide that all or a portion of the proceeds of the tax levied 19546 under division (A)(1) of this section, after deducting the real 19547 and actual costs of administering the tax and the amounts required 19548 to be returned to townships and municipal corporations with 19549 respect to the first three per cent levied under division (A)(1) 19550 of this section, shall be deposited in the county general fund, 19551 provided that such proceeds shall be used to satisfy any pledges 19552 made in connection with an agreement entered into under section 19553 307.695 of the Revised Code. 19554
- (5) No amount collected from a tax levied, extended, or 19555 required to be deposited in the county general fund under division 19556 (H) of this section shall be contributed to a convention 19557 facilities authority, corporation, or other entity created after 19558 July 1, 2003, for the principal purpose of constructing, 19559 improving, expanding, equipping, financing, or operating a 19560 convention center unless the mayor of the municipal corporation in 19561 which the convention center is to be operated by that convention 19562 facilities authority, corporation, or other entity has consented 19563 to the creation of that convention facilities authority, 19564 corporation, or entity. Notwithstanding any contrary provision of 19565 section 351.04 of the Revised Code, if a tax is levied by a county 19566

under division (H) of this section, the board of county	19567
commissioners of that county may determine the manner of	19568
selection, the qualifications, the number, and terms of office of	19569
the members of the board of directors of any convention facilities	19570
authority, corporation, or other entity described in division	19571
(H)(5) of this section.	19572

- (6)(a) No amount collected from a tax levied, extended, or 19573 required to be deposited in the county general fund under division 19574 (H) of this section may be used for any purpose other than paying 19575 the direct and indirect costs of constructing, improving, 19576 expanding, equipping, financing, or operating a convention center 19577 and for the real and actual costs of administering the tax, 19578 unless, prior to the adoption of the resolution of the legislative 19579 authority of the county authorizing the levy, extension, increase, 19580 or deposit, the county and the mayor of the most populous 19581 municipal corporation in that county have entered into an 19582 agreement as to the use of such amounts, provided that such 19583 agreement has been approved by a majority of the mayors of the 19584 other municipal corporations in that county. The agreement shall 19585 provide that the amounts to be used for purposes other than paying 19586 the convention center or administrative costs described in 19587 division (H)(6)(a) of this section be used only for the direct and 19588 indirect costs of capital improvements, including the financing of 19589 capital improvements. 19590
- (b) If the county in which the tax is levied has an 19591 association of mayors and city managers, the approval of that 19592 association of an agreement described in division (H)(6)(a) of 19593 this section shall be considered to be the approval of the 19594 majority of the mayors of the other municipal corporations for 19595 purposes of that division.
- (7) Each year, the auditor of state shall conduct an audit of 19597 the uses of any amounts collected from taxes levied, extended, or 19598

deposited under division (H) of this section and shall prepare a 19599 report of the auditor of state's findings. The auditor of state 19600 shall submit the report to the legislative authority of the county 19601 that has levied, extended, or deposited the tax, the speaker of 19602 the house of representatives, the president of the senate, and the 19603 leaders of the minority parties of the house of representatives 19604 and the senate.

- (I)(1) As used in this division:
- (a) "Convention facilities authority" has the same meaning as 19607 in section 351.01 of the Revised Code.
- (b) "Convention center" has the same meaning as in section 19609 307.695 of the Revised Code.
- (2) Notwithstanding any contrary provision of division (D) of 19611 this section, the legislative authority of a county with a 19612 population of one million two hundred thousand or more according 19613 to the most recent federal decennial census or the most recent 19614 annual population estimate published or released by the United 19615 States census bureau at the time the resolution is adopted placing 19616 the levy on the ballot, that has levied a tax under division (D) 19617 of this section may, by resolution adopted by a majority of the 19618 members of the legislative authority, provide for the extension of 19619 such levy and may provide that the proceeds of that tax, to the 19620 extent that the proceeds are no longer needed for their original 19621 purpose as defined by a cooperative agreement entered into under 19622 section 307.671 of the Revised Code and after deducting the real 19623 and actual costs of administering the tax, shall be used for 19624 paying the direct and indirect costs of constructing, improving, 19625 expanding, equipping, financing, or operating a convention center. 19626 The resolution shall provide for the extension of the tax at a 19627 rate not to exceed the rate specified in division (D) of this 19628 section for a period of time determined by the legislative 19629 authority of the county, but not to exceed an additional forty 19630

years. 19631

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution shall provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. 

- (4) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted on or before July 1, 2008, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A)(1) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A)(1) of this section, shall be used to satisfy any pledges made in connection with an agreement entered into under section 307.695 of the Revised Code or shall otherwise be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.
- (5) Any amount collected from a tax levied or extended under division (I) of this section may be contributed to a convention facilities authority created before July 1, 2005, but no amount

collected from a tax levied or extended under division (I) of this	19663
section may be contributed to a convention facilities authority,	19664
corporation, or other entity created after July 1, 2005, unless	19665
the mayor of the municipal corporation in which the convention	19666
center is to be operated by that convention facilities authority,	19667
corporation, or other entity has consented to the creation of that	19668
convention facilities authority, corporation, or entity.	19669

- (J) All (1) Except as provided in division (J)(2) of this 19670 section, money collected by a county and distributed under this 19671 section to a convention and visitors' bureau in existence as of 19672 June 30, 2013, the effective date of H.B. 59 of the 130th general 19673 assembly, except for any such money pledged, as of that effective 19674 date, to the payment of debt service charges on bonds, notes, 19675 securities, or lease agreements, shall be used solely for tourism 19676 sales, marketing and promotion, and their associated costs, 19677 including, but not limited to, operational and administrative 19678 costs of the bureau, sales and marketing, and maintenance of the 19679 physical bureau structure. 19680
- (2) A convention and visitors' bureau that has entered into

  an agreement under section 307.678 of the Revised Code may use

  19682

  revenue it receives from a tax levied under division (A)(1) of

  this section for the purposes described in division (D) of section

  307.678 of the Revised Code.

  19685
- (K) The board of county commissioners of a county with a 19686 population between one hundred three thousand and one hundred 19687 seven thousand according to the most recent federal decennial 19688 census, by resolution adopted by a majority of the members of the 19689 board within six months after the effective date of H.B. 483 of 19690 the 130th general assembly, may levy a tax not to exceed three per 19691 cent on transactions by which a hotel is or is to be furnished to 19692 transient quests. The purpose of the tax shall be to pay the costs 19693 of expanding, maintaining, or operating a soldiers' memorial and 19694

the costs of administering the tax. All revenue arising from the	19695
tax shall be credited to one or more special funds in the county	19696
treasury and shall be spent solely for the purposes of paying	19697
those costs. The board of county commissioners shall adopt all	19698
rules necessary to provide for the administration of the tax	19699
subject to the same limitations on imposing penalty or interest	19700
under division (A)(1) of this section.	19701
As used in this division "soldiers' memorial" means a	19702
memorial constructed and funded under Chapter 345. of the Revised	19703
Code.	19704
Section 101.02. That existing sections 9.37, 9.482, 9.90,	19705
9.91, 103.63, 121.084, 122.12, 122.121, 122.861, 124.32, 124.82,	19706
125.13, 126.21, 126.25, 133.07, 149.30, 149.311, 149.38, 150.05,	19707
150.07, 153.56, 163.15, 163.53, 163.54, 163.55, 164.26, 175.04,	19708
175.05, 175.06, 191.01, 306.04, 307.982, 340.01, 340.02, 340.021,	19709
340.03, 340.08, 340.09, 340.15, 757.03, 757.04, 757.05, 757.06,	19710
757.07, 757.08, 1321.535, 1321.55, 1322.03, 1322.031, 1322.04,	19711
1322.041, 1322.051, 1322.06, 1533.10, 1533.11, 1533.12, 1711.50,	19712
1711.53, 2151.421, 2305.11, 2915.08, 2945.402, 3123.89, 3313.617,	19713
3314.08, 3317.01, 3317.02, 3317.0217, 3318.36, 3333.04, 3701.132,	19714
3701.34, 3701.74, 3701.83, 3702.59, 3702.71, 3702.74, 3702.75,	19715
3702.91, 3702.95, 3730.09, 3737.02, 3772.02, 4141.01, 4141.09,	19716
4141.11, 4141.131, 4141.20, 4141.25, 4141.26, 4141.35, 4511.191,	19717
4729.03, 4729.54, 4729.541, 4729.65, 4729.83, 4731.15, 4731.155,	19718
4731.24, 4731.241, 4737.045, 4758.01, 4758.02, 4758.06, 4758.16,	19719
4758.20, 4758.21, 4758.23, 4758.24, 4758.26, 4758.28, 4758.29,	19720
4758.30, 4758.31, 4758.35, 4758.36, 4758.50, 4758.51, 4758.60,	19721
4758.71, 4905.911, 4923.02, 4928.64, 5104.03, 5104.34, 5104.341,	19722
5104.38, 5119.21, 5119.22, 5119.23, 5119.25, 5123.01, 5123.011,	19723
5123.012, 5123.16, 5123.162, 5123.19, 5123.191, 5123.21, 5123.61,	19724
5123.75, 5123.76, 5123.89, 5124.01, 5124.106, 5124.21, 5124.60,	19725

5124.61, 5124.62, 5124.67, 5126.01, 5126.02, 5126.0219, 5126.041,

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authority of this section until the Director of Natural Resources

has certified in writing to the Director of the Office of Budget

of Ohio's state parks and natural resources.

and Management that the project will enhance the use and enjoyment

19781

19782

19783

19784

Section 512.10. On July 1, 2014, or as soon as possible	19785
thereafter, the Director of Budget and Management shall transfer	19786
the cash balance in the Education Endowment Fund (Fund P087) to	19787
the Education Facilities Trust Fund (Fund N087). Upon completion	19788
of the transfer, Fund P087 is abolished.	19789
Section 512.20. On July 1, 2014, or as soon as possible	19790
thereafter, the Director of Budget and Management shall transfer	19791
the cash balance in the Healthcare Services Fund (Fund 3W50),	19792
Healthy Ohioans Initiatives Fund (Fund 5BLO), Alcohol Testing	19793
Program Fund (Fund 5C00), TANF Family Planning Fund (Fund 5C10),	19794
Poison Control Fund (Fund 5CBO), Sewage Treatment System	19795
Innovation Fund (Fund 5CJ0), and the Health Emergency Fund (Fund	19796
5EC0) to the General Revenue Fund. Upon the completion of these	19797
transfers, Fund 3W50, Fund 5BL0, Fund 5C00, Fund 5C10, Fund 5CB0,	19798
Fund 5CJ0, and Fund 5EC0 are abolished.	19799
Tana Seet, and Tana Seet are appreciate.	
Tana Seet, and Tana Seet are appreciate.	
Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE	19800
Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE	19800
Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE DEPARTMENT OF JOB AND FAMILY SERVICES	19800 19801
Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE DEPARTMENT OF JOB AND FAMILY SERVICES Within ninety days of the effective date of this section, or	19800 19801 19802
Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE DEPARTMENT OF JOB AND FAMILY SERVICES  Within ninety days of the effective date of this section, or as soon as possible thereafter, the Director of Budget and	19800 19801 19802 19803
Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE DEPARTMENT OF JOB AND FAMILY SERVICES  Within ninety days of the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer all cash in the following funds to the	19800 19801 19802 19803 19804
Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE DEPARTMENT OF JOB AND FAMILY SERVICES  Within ninety days of the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer all cash in the following funds to the Administration and Operating Fund (Fund 5DMO) used by the	19800 19801 19802 19803 19804 19805
Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE DEPARTMENT OF JOB AND FAMILY SERVICES  Within ninety days of the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer all cash in the following funds to the Administration and Operating Fund (Fund 5DMO) used by the Department of Job and Family Services:	19800 19801 19802 19803 19804 19805 19806
Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE DEPARTMENT OF JOB AND FAMILY SERVICES  Within ninety days of the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer all cash in the following funds to the Administration and Operating Fund (Fund 5DMO) used by the Department of Job and Family Services:  The State and Local Training Fund (Fund 3160),	19800 19801 19802 19803 19804 19805 19806
Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE DEPARTMENT OF JOB AND FAMILY SERVICES  Within ninety days of the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer all cash in the following funds to the Administration and Operating Fund (Fund 5DMO) used by the Department of Job and Family Services:  The State and Local Training Fund (Fund 3160), The Job Training Program Fund (Fund 3650),	19800 19801 19802 19803 19804 19805 19806 19807
Section 512.30. ABOLISHMENT OF INACTIVE FUNDS USED BY THE DEPARTMENT OF JOB AND FAMILY SERVICES  Within ninety days of the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer all cash in the following funds to the Administration and Operating Fund (Fund 5DMO) used by the Department of Job and Family Services:  The State and Local Training Fund (Fund 3160),  The Job Training Program Fund (Fund 3650),  The Income Maintenance Reimbursement Fund (Fund 3A10),	19800 19801 19802 19803 19804 19805 19806 19807 19808

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The TANF - Employment & Training Fund (Fund 3S90),	19813
The HIPPY Program Fund (Fund 3W80),	19814
The Adoption Connection Fund (Fund 3W90),	19815
The Interagency Programs Fund (Fund 4G10),	19816
The Welfare Overpayment Intercept Fund (Fund 4K70),	19817
The Wellness Block Grant Fund (Fund 4N70),	19818
The Banking Fees Fund (Fund 4R30),	19819
The BCII Service Fees Fund (Fund 4R40),	19820
The Child Support Activities Fund (Fund 4V20),	19821
The BES Automation Administration Fund (Fund 5A50),	19822
The Public Assistance Reconciliation Fund (Fund 5AX0),	19823
The Child Support Operating Fund (Fund 5BE0),	19824
The ABD Managed Care - State Fund (Fund 5BZ0),	19825
The Private Child Care Agencies Training Fund (Fund 5E40),	19826
The EBT Contracted Services Fund (Fund 5E50),	19827
The State Option Food Stamp Program Fund (Fund 5E60),	19828
The BES Building Consolidation Fund (Fund 5F20),	19829
The BES Building Enhancement Fund (Fund 5F30),	19830
The Commission on Fatherhood Fund (Fund 5G30),	19831
The Child & Adult Protective Services Fund (Fund 5GV0),	19832
The Child Support Supplement Fund (Fund 5K60),	19833
The OhioWorks Supplement Fund (Fund 5L40),	19834
The County Technologies Fund (Fund 5N10),	19835
The TANF Child Welfare Fund (Fund 5P40),	19836

The Medicaid Admin Reimbursement Fund (Fund 5P60),

19837

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 be amended to read as follows:

19863

19864

19865

	Sec. 20	7.10. DAS DEPARTMENT OF	ADM	INISTRATIVE S	SER'	VICES	19866
Gene	ral Reve	nue Fund					19867
GRF	100403	Public Employees	\$	309,600	\$	309,600	19868
		Health Care Program					
GRF	100414	MARCS Lease Rental	\$	5,133,700	\$	5,135,800	19869
		Payments					
GRF	100415	OAKS Lease Rental	\$	22,998,500	\$	22,982,500	19870
		Payments					
GRF	100416	STARS Lease Rental	\$	4,976,500	\$	4,973,200	19871
		Payments					
GRF	100447	Administrative	\$	85,847,800	\$	91,059,600	19872
		Building Lease Rental		83,847,800			
		Payments					
GRF	100448	Office Building	\$	20,000,000	\$	20,000,000	19873
		Operating Payments					
GRF	100449	DAS - Building	\$	7,551,571	\$	7,551,571	19874
		Operating Payments					
GRF	100452	Lean Ohio	\$	1,059,624	\$	1,059,624	19875
GRF	100456	State IT Services	\$	1,739,038	\$	1,739,038	19876
GRF	100457	Equal Opportunity	\$	1,910,516	\$	1,910,516	19877
		Services					
GRF	100459	Ohio Business Gateway	\$	4,049,094	\$	4,049,094	19878
GRF	130321	State Agency Support	\$	2,477,008	\$	2,477,008	19879
		Services					
TOTA	L GRF Ge	neral Revenue Fund	\$	<del>158,052,951</del>	\$	163,247,551	19880
				156,052,951			
Gene	ral Serv	ices Fund Group					19881
1120	100616	DAS Administration	\$	6,127,659	\$	6,147,659	19882
1150	100632	Central Service Agency	\$	911,580	\$	927,699	19883
1170	100644	General Services	\$	12,993,870	\$	12,993,870	19884
		Division - Operating					

1220 100637	Fleet Management	\$ 4,200,000	\$ 4,200,000	19885
1250 100622	Human Resources	\$ 17,749,839	\$ 17,749,839	19886
	Division - Operating			
1250 100657	Benefits Communication	\$ 712,316	\$ 712,316	19887
1280 100620	Office of Collective	\$ 3,329,507	\$ 3,329,507	19888
	Bargaining			
1300 100606	Risk Management	\$ 6,635,784	\$ 6,635,784	19889
	Reserve			
1320 100631	DAS Building	\$ 19,343,170	\$ 19,343,170	19890
	Management			
1330 100607	IT Services Delivery	\$ 57,521,975	\$ 57,521,975	19891
1880 100649	Equal Opportunity	\$ 863,013	\$ 863,013	19892
	Division - Operating			
2100 100612	State Printing	\$ 20,459,526	\$ 20,459,526	19893
2290 100630	IT Governance	\$ 16,446,474	\$ 16,446,474	19894
2290 100640	Leveraged Enterprise	\$ 7,065,639	\$ 7,065,639	19895
	Purchases			
4270 100602	Investment Recovery	\$ 1,618,062	\$ 1,638,515	19896
4N60 100617	Major IT Purchases	\$ 56,888,635	\$ 56,888,635	19897
4P30 100603	DAS Information	\$ 6,400,070	\$ 6,400,070	19898
	Services			
5C20 100605	MARCS Administration	\$ 14,292,596	\$ 14,512,028	19899
5C30 100608	Minor Construction	\$ 1,004,375	\$ 1,004,375	19900
	Project Management			
5EB0 100635	OAKS Support	\$ 25,813,077	\$ 19,813,077	19901
	Organization			
5EB0 100656	OAKS Updates and	\$ 9,886,923	\$ 2,636,923	19902
	Developments			
5HU0 100655	Construction Reform	\$ 150,000	\$ 150,000	19903
	Demo Compliance			
5KZ0 100659	Building Improvement	\$ 500,000	\$ 500,000	19904
5L70 100610	Professional	\$ 2,100,000	\$ 2,100,000	19905
	Development			

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5LA0 100660	Building Operation	\$	26,600,767	\$	26,814,648	19906
5LJ0 100661	IT Development	\$	13,200,000	\$	13,200,000	19907
5V60 100619	Employee Educational	\$	800,000	\$	800,000	19908
	Development					
TOTAL GSF Ge	neral Services Fund					19909
Group		\$	333,614,857	\$	320,854,742	19910
Federal Spec	cial Revenue Fund Group					19911
3AJ0 100654	ARRA Broadband Mapping	\$	1,723,009	\$	1,723,009	19912
	Grant					
TOTAL FED Fe	deral Special Revenue					19913
Fund Group		\$	1,723,009	\$	1,723,009	19914
State Specia	al Revenue Fund Group					19915
5JQ0 100658	Professionals	\$	3,028,366	\$	990,000	19916
	Licensing System					
5MV0 100662	Theater Equipment	\$	80,891	\$	80,891	19917
	Maintenance					
5NM0 100663	911 Program	\$	290,000	\$	290,000	19918
TOTAL SSR St	ate Special Revenue					19919
Fund Group		\$	3,399,257	\$	1,360,891	19920
TOTAL ALL BU	DGET FUND GROUPS	\$	496,790,074	\$	487,186,193	19921
			494,790,074			
g 20	NO 20 I ONG EEDW GADE OM		13.673.3T			10003
Sec. 20	99.30. LONG-TERM CARE OME	3005	BMAIN			19923
	regoing appropriation ite					19924
	shall be used to fund omb					19925
	n sections 173.14 to 173	3.27	and section	17	3.99 of the	19926
Revised Code	2.					19927
The Sta	ate Ombudsman may explore	e th	ne design of a	a pa	ayment	19928
method for t	the Ombudsman Program tha	at i	ncludes a			19929
pay-for-perf	formance incentive compor	nent	that is ear	ned	by	19930
designated r	regional long-term care o	ombu	ıdsman program	ns.		19931
MYCARE	OHIO					19932

The foregoing appropriation items 490410, Long-Term Care	19933
Ombudsman, 490618, Federal Aging Grants, 490612, Federal	19934
Independence Services, 490609, Regional Long-Term Care Ombudsman	19935
Program, and 490620, Ombudsman Support, may be used by the Office	19936
of the State Long-Term Care Ombudsman to provide ombudsman program	19937
activities as described in sections 173.14 to 173.27 and section	19938
173.99 of the Revised Code to consumers participating in MyCare	19939
Ohio.	19940
SENIOR COMMUNITY SERVICES	19941
The foregoing appropriation item 490411, Senior Community	19942
Services, shall be used for services designated by the Department	19943
of Aging, including, but not limited to, home-delivered and	19944
congregate meals, transportation services, personal care services,	19945
respite services, adult day services, home repair, care	19946
coordination, prevention and disease self-management, and decision	19947
support systems. Service priority shall be given to low income,	19948
frail, and cognitively impaired persons 60 years of age and over.	19949
The department shall promote cost sharing by service recipients	19950
for those services funded with senior community services funds,	19951
including, when possible, sliding-fee scale payment systems based	19952
on the income of service recipients.	19953
ALZHEIMER'S RESPITE	19954
The foregoing appropriation item 490414, Alzheimer's Respite,	19955
shall be used to fund only Alzheimer's disease services under	19956
section 173.04 of the Revised Code.	19957
NATIONAL SENIOR SERVICE CORPS	19958
The foregoing appropriation item 490506, National Senior	19959
Service Corps, shall be used by the Department of Aging to fund	19960
grants for three Corporation for National and Community	19961
Service/Senior Corps programs: the Foster Grandparents Program,	19962

the Senior Companion Program, and the Retired Senior Volunteer

Program. A recipient of these grant funds shall use the funds to	19964
support priorities established by the Department and the Ohio	19965
State Office of the Corporation for National and Community	19966
Service. The expenditure of these funds by any grant recipient	19967
shall be in accordance with Senior Corps policies and procedures,	19968
as stated in the Domestic Volunteer Service Act of 1973, as	19969
amended. Neither the Department nor any area agencies on aging	19970
that are involved in the distribution of these funds to	19971
lower-tiered grant recipients may use any portion of these funds	19972
to cover administrative costs.	19973
SENIOR COMMUNITY OUTREACH AND EDUCATION	19974
The foregoing appropriation item 490606, Senior Community	19975
Outreach and Education, may be used to provide training to workers	19976
in the field of aging pursuant to division (G) of section 173.02	19977
of the Revised Code.	19978
TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES	19979
AND FEDERAL AGING GRANTS	19980
At the request of the Director of Aging, the Director of	19981
Budget and Management may transfer appropriation between	19982
appropriation items 490612, Federal Independence Services, and	19983
490618, Federal Aging Grants. The amounts transferred shall not	19984
exceed 30 per cent of the appropriation from which the transfer is	19985
made. Any transfers shall be reported by the Department of Aging	19986
to the Controlling Board at the next scheduled meeting of the	19987
board.	19988
REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM	19989
The foregoing appropriation item 490609, Regional Long-Term	19990
Care Ombudsman Program, shall be used to pay the costs of	19991
operating the regional long-term care ombudsman programs	19992
designated by the State Long-Term Care Ombudsman.	19993

TRANSFER OF RESIDENT PROTECTION FUNDS

20001

20002

20003

In each fiscal year, the Director of Budget and Management	19995
may transfer up to \$1,250,000 cash from the Resident Protection	19996
Fund (Fund 4E30), which is used by the Department of Medicaid, to	19997
the Ombudsman Support Fund (Fund 5BAO), which is used by the	19998
Department of Aging.	19999

The Director of Aging and the Office of the State Long-Term
Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund
5BA0) to implement a nursing home quality initiative as specified
in section 173.60 of the Revised Code.

## LONG-TERM CARE CONSUMERS GUIDE 20004

The foregoing appropriation item 490613, Long-Term Care 20005

Consumers Guide, shall be used to conduct annual consumer 20006

satisfaction surveys and to pay for other administrative expenses 20007

related to the publication of the Ohio Long-Term Care Consumer 20008

Guide. 20009

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE BOARD 20010
OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS FUND 20011

On July 1, 2013, or as soon as possible thereafter, the 20012 Director of Health shall certify to the Director of Budget and 20013 Management the cash balance relating to the Board of Examiners of 20014 Nursing Home Administrators in the General Operations Fund (Fund 20015 4700), used by the Department of Health. Upon receiving this 20016 certification, the Director of Budget and Management may transfer 20017 this cash from the General Operations Fund (Fund 4700) to the 20018 Board of Executives of Long-Term Services and Supports Fund (Fund 20019 5MTO), used by the Department of Aging. If this transfer occurs, 20020 the Director of Budget and Management shall cancel any existing 20021 encumbrances pertaining to the Board of Examiners of Nursing Home 20022 Administrators against appropriation item 440647, Fee Supported 20023 Programs, and re-establish them against appropriation item 490627, 20024 Board of Executives of LTSS. The re-established encumbrance 20025

amounts are hereby appropriated.						20026	
	Sec. 21	L1.10. AGR DEPARTMENT OF	AGR]	ICULTURE			20027
Gene	eral Reve	enue Fund					20028
GRF	700401	Animal Disease Control	\$	3,936,687	\$	3,936,687	20029
GRF	700403	Dairy Division	\$	1,088,115	\$	1,088,115	20030
GRF	700404	Ohio Proud	\$	50,000	\$	50,000	20031
GRF	700406	Consumer Analytical	\$	1,287,556	\$	1,287,556	20032
		Lab					
GRF	700407	Food Safety	\$	848,792	\$	848,792	20033
GRF	700409	Farmland Preservation	\$	72,750	\$	72,750	20034
GRF	700412	Weights and Measures	\$	600,000	\$	600,000	20035
GRF	700415	Poultry Inspection	\$	592,978	\$	592,978	20036
GRF	700418	Livestock Regulation	\$	1,108,071	\$	1,108,071	20037
		Program				1,259,484	
GRF	700424	Livestock Testing and	\$	102,770	\$	102,770	20038
		Inspections					
GRF	700426	Dangerous and	\$	800,000	\$	800,000	20039
		Restricted Animals					
GRF	700427	High Volume Breeder	\$	400,000	\$	200,000	20040
		Kennel Control					
GRF	700499	Meat Inspection	\$	4,175,097	\$	4,175,097	20041
		Program - State Share					
GRF	700501	County Agricultural	\$	391,415	\$	391,415	20042
		Societies					
TOTA	L GRF Ge	eneral Revenue Fund	\$	15,454,231	\$	<del>15,254,231</del>	20043
						15,405,644	
Gene	eral Serv	vices Fund Group					20044
5DA0	700644	Laboratory	\$	1,115,000	\$	1,115,000	20045
		Administration					
		Support					
5GH0	700655	Central Support	\$	4,368,013	\$	4,404,073	20046

	Indirect Cost			
TOTAL GSF G	eneral Services Fund	\$ 5,483,013	\$ 5,519,073	20047
Group				
Federal Spe	cial Revenue Fund Group			20048
3260 700618	Meat Inspection	\$ 4,450,000	\$ 4,450,000	20049
	Program - Federal			
	Share			
3360 700617	Ohio Farm Loan	\$ 150,000	\$ 150,000	20050
	Revolving Fund			
3820 700601	Cooperative Contracts	\$ 4,500,000	\$ 4,500,000	20051
3AB0 700641	Agricultural Easement	\$ 1,000,000	\$ 1,000,000	20052
3J40 700607	Indirect Cost	\$ 1,100,000	\$ 1,100,000	20053
3R20 700614	Federal Plant	\$ 1,606,000	\$ 1,606,000	20054
	Industry			
TOTAL FED F	ederal Special Revenue			20055
Fund Group		\$ 12,806,000	\$ 12,806,000	20056
State Specia	al Revenue Fund Group			20057
4900 700651	License Plates -	\$ 10,000	\$ 10,000	20058
	Sustainable			
	Agriculture			
4940 700612	Agricultural	\$ 218,000	\$ 213,000	20059
	Commodity Marketing			
	Program			
4960 700626	Ohio Grape Industries	\$ 970,000	\$ 970,000	20060
4970 700627	Commodity Handlers	\$ 482,672	\$ 482,672	20061
	Regulatory Program			
4090 700605	Commercial Feed and	\$ 1,760,000	\$ 1,760,000	20062
	Seed			
4D20 700609	Auction Education	\$ 35,000	\$ 35,000	20063
4E40 700606	Utility Radiological	\$ 130,000	\$ 130,000	20064
	Safety			
4P70 700610	Food Safety	\$ 1,017,328	\$ 1,017,328	20065

		Inspection			
4R00	700636	Ohio Proud Marketing	\$ 45,500	\$ 45,500	20066
4R20	700637	Dairy Industry	\$ 1,738,247	\$	20067
		Inspection			
4T60	700611	Poultry and Meat	\$ 120,000	\$ 120,000	20068
		Inspection			
5780	700620	Ride Inspection Fees	\$ 1,175,142	\$ 1,175,142	20069
5880	700633	Brand Registration	\$ 5,000	\$ 5,000	20070
5B80	700629	Auctioneers	\$ 340,000	\$ 340,000	20071
5CP0	700652	License Plate	\$ 10,000	\$ 10,000	20072
		Scholarships			
5FC0	700648	Plant Pest Program	\$ 1,190,000	\$ 1,190,000	20073
5Н2О	700608	Metrology Lab and	\$ 552,000	\$ 552,000	20074
		Scale Certification			
5L80	700604	Livestock Management	\$ 145,000	\$ 145,000	20075
		Program			
5MA0	700657	Dangerous and	\$ 195,000	\$ 195,000	20076
		Restricted Animals			
6520	700634	Animal and Consumer	\$ 4,966,383	\$ 4,966,383	20077
		Analytical Laboratory			
6690	700635	Pesticide,	\$ 3,418,041	\$ 3,418,041	20078
		Fertilizer, and Lime			
		Inspection Program			
TOTAI	SSR Sta	ate Special Revenue			20079
Fund	Group		\$ 18,523,313	\$ 18,518,313	20080
Clear	n Ohio Co	onservation Fund Group			20081
7057	700632	Clean Ohio	\$ 310,000	\$ 310,000	20082
		Agricultural Easement			
TOTAI	L CLF Cle	ean Ohio Conservation	\$ 310,000	\$ 310,000	20083
Fund	Group				
TOTAI	L ALL BUI	OGET FUND GROUPS	\$ 52,576,557	\$ <del>52,407,617</del>	20084
				<u>52,559,030</u>	

DANGEROUS AND RESTRICTED WILD ANIMALS

The for	egoing GRF appropriation	n it	em 700426, Da	ange	erous and	20086
Restricted A	nimals, shall be used to	o ad	minister the	Daı	ngerous and	20087
Restricted W	ild Animal Permitting Pı	rogr	am.			20088
COUNTY	AGRICULTURAL SOCIETIES					20089
The for	egoing appropriation ite	em 7	00501, County	7 Aç	gricultural	20090
Societies, shall be used to reimburse county and independent						
agricultural societies for expenses related to Junior Fair						20092
activities.						20093
CLEAN O	HIO AGRICULTURAL EASEMEN	NT				20094
The for	egoing appropriation ite	em 7	00632, Clean	Oh:	io	20095
Agricultural	Easement, shall be used	d by	the Departme	ent	of	20096
Agriculture	in administering Ohio Ag	gric	ultural Easem	nent	Fund (Fund	20097
7057) projec	ts pursuant to sections	901	.21, 901.22,	and	d 5301.67 to	20098
5301.70 of the	he Revised Code.					20099
Sec. 22	1.10. AGO ATTORNEY GENER	RAL				20100
General Reve	nue Fund					20101
GRF 055321	Operating Expenses	\$	42,514,169	\$	43,114,169	20102
GRF 055405	Law-Related Education	\$	100,000	\$	100,000	20103
GRF 055407	Tobacco Settlement	\$	1,500,000	\$	<del>1,500,000</del> <u>0</u>	20104
	Enforcement					
GRF 055411	County Sheriffs' Pay	\$	757,921	\$	757,921	20105
	Supplement					
GRF 055415	County Prosecutors'	\$	831,499	\$	831,499	20106
	Pay Supplement					
GRF 055501	Rape Crisis Centers	\$	1,000,000	\$	1,000,000	20107
TOTAL GRF Ger	neral Revenue Fund	\$	46,703,589	\$	<del>47,303,589</del>	20108
					45,803,589	
General Serv	ices Fund Group					20109
1060 055612	General Reimbursement	\$	54,806,192	\$	55,820,716	20110
	Attorney General					

		<u>Operating</u>			
1950	055660	Workers' Compensation	\$ 8,415,504	\$ 8,415,504	20111
		Section			
4180	055615	Charitable	\$ 8,286,000	\$ 8,286,000	20112
		Foundations			
4200	055603	Attorney General	\$ 1,839,074	\$ 1,839,074	20113
		Antitrust			
4210	055617	Police Officers'	\$ 500,000	\$ 500,000	20114
		Training Academy Fee			
4Z20	055609	BCI Asset Forfeiture	\$ 1,000,000	\$ 1,000,000	20115
		and Cost			
		Reimbursement			
5900	055633	Peace Officer Private	\$ 79,438	\$ 95,325	20116
		Security Fund			
5A90	055618	Telemarketing Fraud	\$ 45,000	\$ 10,000	20117
		Enforcement			
5L50	055619	Law Enforcement	\$ 375,255	\$ 187,627	20118
		Assistance Program			
5LR0	055655	Peace Officer	\$ 4,629,409	\$ 4,629,409	20119
		Training - Casino			
5MP0	055657	Peace Officer	\$ 25,000	\$ 25,000	20120
		Training Commission			
6310	055637	Consumer Protection	\$ 6,700,000	\$ 6,834,000	20121
		Enforcement			
TOTAI	L GSF Ger	neral Services Fund			20122
Group	Ō		\$ 86,700,872	\$ 87,642,655	20123
Fede	ral Speci	lal Revenue Fund Group			20124
3060	055620	Medicaid Fraud	\$ 4,537,408	\$ 4,628,156	20125
		Control			
3810	055611	Civil Rights Legal	\$ 75,000	\$ 35,574	20126
		Service			
3830	055634	Crime Victims	\$ 15,000,000	\$ 15,000,000	20127
		Assistance			

Oversight, <u>2,000,000</u>	
Administration, and	
Enforcement	
TOTAL TSF Tobacco Master Settlement \$ 500,000 \$ 500,000	20151
Agreement Fund Group 2,000,000	
TOTAL ALL BUDGET FUND GROUPS \$ 245,260,008 \$ 247,776,836	20152
OHIO BCI FORENSIC RESEARCH AND PROFESSIONAL TRAINING CENTER	20153
Of the foregoing appropriation item 055321, Operating	20154
Expenses, \$600,000 in fiscal year 2015 shall be used to create the	20155
Ohio BCI Forensic Research and Professional Training Center at	20156
Bowling Green State University. The purpose of the Center shall be	20157
to foster forensic science research techniques (BCI Eminent	20158
Scholar) and to create professional training opportunities to	20159
students (BCI Scholars) in the forensic science fields.	20160
COUNTY SHERIFFS' PAY SUPPLEMENT	20161
The foregoing appropriation item 055411, County Sheriffs' Pay	20162
Supplement, shall be used for the purpose of supplementing the	20163
annual compensation of county sheriffs as required by section	20164
325.06 of the Revised Code.	20165
At the request of the Attorney General, the Director of	20166
Budget and Management may transfer appropriation from	20167
appropriation item 055321, Operating Expenses, to appropriation	20168
item 055411, County Sheriffs' Pay Supplement. Any appropriation so	20169
transferred shall be used to supplement the annual compensation of	20170
county sheriffs as required by section 325.06 of the Revised Code.	20171
COUNTY PROSECUTORS' PAY SUPPLEMENT	20172
The foregoing appropriation item 055415, County Prosecutors'	20173
Pay Supplement, shall be used for the purpose of supplementing the	20174
annual compensation of certain county prosecutors as required by	20175
section 325.111 of the Revised Code.	20176
At the request of the Attorney General, the Director of	20177

Budget and Management may transfer appropriation from	20178
appropriation item 055321, Operating Expenses, to appropriation	20179
item 055415, County Prosecutors' Pay Supplement. Any appropriation	20180
so transferred shall be used to supplement the annual compensation	20181
of county prosecutors as required by section 325.111 of the	20182
Revised Code.	20183
CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL	20184
REIMBURSEMENT FUND	20185
Notwithstanding any other provision of law to the contrary,	20186
on July 1, 2013, or as soon as possible thereafter, the Director	20187
of Budget and Management shall transfer \$80,000 cash from the	20188
General Revenue Fund to the General Reimbursement Fund (Fund	20189
1060).	20190
WORKERS' COMPENSATION SECTION	20191
The Workers' Compensation Fund (Fund 1950) is entitled to	20192
receive payments from the Bureau of Workers' Compensation and the	20193
Ohio Industrial Commission at the beginning of each quarter of	20194
each fiscal year to fund legal services to be provided to the	20195
Bureau of Workers' Compensation and the Ohio Industrial Commission	20196
during the ensuing quarter. The advance payment shall be subject	20197
to adjustment.	20198
In addition, the Bureau of Workers' Compensation shall	20199
transfer payments at the beginning of each quarter for the support	20200
of the Workers' Compensation Fraud Unit.	20201
All amounts shall be mutually agreed upon by the Attorney	20202
General, the Bureau of Workers' Compensation, and the Ohio	20203
Industrial Commission.	20204
ATTORNEY GENERAL PASS-THROUGH FUNDS	20205
The foregoing appropriation item 055638, Attorney General	20206
Pass-Through Funds, shall be used to receive federal grant funds	20207

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provided to the Attorney General by other state agencies,	20208
including, but not limited to, the Department of Youth Services	20209
and the Department of Public Safety.	20210
GENERAL HOLDING ACCOUNT	20211
The foregoing appropriation item 055631, General Holding	20212
Account, shall be used to distribute moneys under the terms of	20213
relevant court orders or other settlements received in a variety	20214
of cases involving the Office of the Attorney General. If it is	20215
determined that additional amounts are necessary for this purpose,	20216
the amounts are hereby appropriated.	20217
ANTITRUST SETTLEMENTS	20218
The foregoing appropriation item 055632, Antitrust	20219
Settlements, shall be used to distribute moneys under the terms of	20220
relevant court orders or other out of court settlements in	20221
antitrust cases or antitrust matters involving the Office of the	20222
Attorney General. If it is determined that additional amounts are	20223
necessary for this purpose, the amounts are hereby appropriated.	20224
CONSUMER FRAUDS	20225
The foregoing appropriation item 055630, Consumer Frauds,	20226
shall be used for distribution of moneys from court-ordered	20227
judgments against sellers in actions brought by the Office of	20228
Attorney General under sections 1334.08 and 4549.48 and division	20229
(B) of section 1345.07 of the Revised Code. These moneys shall be	20230
used to provide restitution to consumers victimized by the fraud	20231
that generated the court-ordered judgments. If it is determined	20232
that additional amounts are necessary for this purpose, the	20233
amounts are hereby appropriated.	20234
ORGANIZED CRIME COMMISSION DISTRIBUTIONS	20235
The foregoing appropriation item 055601, Organized Crime	20236

Commission Distributions, shall be used by the Organized Crime 20237

Investigations Commission, as provided by section 177.011 of the	20238
Revised Code, to reimburse political subdivisions for the expenses	20239
the political subdivisions incur when their law enforcement	20240
officers participate in an organized crime task force. If it is	20241
determined that additional amounts are necessary for this purpose,	20242
the amounts are hereby appropriated.	20243
COLLECTION PAYMENT REDISTRIBUTION	20244
The foregoing appropriation item 055650, Collection Payment	20245
Redistribution, shall be used for the purpose of allocating the	20246
revenue where debtors mistakenly paid the client agencies instead	20247
of the Attorney General's Collections Enforcement Section. If it	20248
is determined that additional amounts are necessary for this	20249
purpose, the amounts are hereby appropriated.	20250
OHIO LAW ENFORCEMENT TRAINING FUND RECOMMENDATIONS	20251
By September 1, 2013, the Attorney General, in consultation	20252
with state and local law enforcement agencies, shall submit to the	20253
President and Minority Leader of the Senate and the Speaker and	20254
Minority Leader of the House of Representatives a report	20255
recommending how to best use moneys collected from the gross	20256
casino revenue tax, pursuant to Section 6(C)(3)(f) of Article XV,	20257
Ohio Constitution, and how to best distribute such money for the	20258
purposes of enhancing public safety and providing additional	20259
training opportunities to the law enforcement community. The	20260
report shall expressly include a recommendation for sharing a	20261
portion of such moneys with local law enforcement agencies	20262
beginning in fiscal year 2015.	20263
CASH TRANSFERS FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS	20264
<u>FUND</u>	20265
Notwithstanding section 512.20 of Am. Sub. H.B. 487 of the	20266
129th General Assembly, on July 1, 2014, or as soon as possible	20267

thereafter, the Director of Budget and Management may transfer up

\$

2,198,802 \$

2,198,802

20293

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5460 800639

Fire Department Grants

					5,198,802	
5470 800603	Real Estate	\$	69,655	\$	69,655	20294
	Education/Research					
5480 800611	Real Estate Recovery	\$	50,000	\$	50,000	20295
5490 800614	Real Estate	\$	3,310,412	\$	3,310,412	20296
5500 800617	Securities	\$	4,238,814	\$	4,238,814	20297
5520 800604	Credit Union	\$	3,297,888	\$	3,297,888	20298
5530 800607	Consumer Finance	\$	3,481,692	\$	3,481,692	20299
5560 800615	Industrial Compliance	\$	26,612,520	\$	27,104,205	20300
5FW0 800616	Financial Literacy	\$	200,000	\$	200,000	20301
	Education					
5GK0 800609	Securities Investor	\$	432,150	\$	432,150	20302
	Education/Enforcement					
5HV0 800641	Cigarette Enforcement	\$	118,800	\$	118,800	20303
5LP0 800646	Liquor Regulatory	\$	7,988,921	\$	7,844,537	20304
	Operating Expenses					
<u>5PA0</u> 800647	Bustr Revolving Loan	<u>\$</u>	<u>0</u>	<u>\$</u>	3,000,000	20305
	<u>Program</u>					
5X60800623	Video Service	\$	337,224	\$	337,224	20306
6530 800629	UST Registration/Permit	\$	3,831,888	\$	3,612,588	20307
	Fee		2,331,888		2,112,588	
6A40800630	Real Estate	\$	672,973	\$	672,973	20308
	Appraiser-Operating					
TOTAL SSR St	ate Special Revenue					20309
Fund Group		\$	85,430,840	\$	<del>84,198,259</del>	20310
			83,930,840		88,698,259	
Liquor Contr	col Fund Group					20311
5LC0 800644	Liquor JobsOhio	\$	557,974	\$	372,661	20312
	Extraordinary					
	Allowance					
5LN0 800645	Liquor Operating	\$	13,949,342	\$	9,316,535	20313
	Services					
TOTAL LCF Li	quor Control					20314

Fund Group	\$ 14,507,316 \$ 9,689,19	20315
TOTAL ALL BUDGET FUND GROUPS	\$ <del>186,873,408</del> \$ <del>180,822,70</del>	) <del>7</del> 20316
	185,373,408 185,322,70	<u>17</u>
ADMINISTRATIVE ASSESSMENTS		20317
Notwithstanding any other prov	vision of law to the contrary,	20318
the Division of Administration Fund	d (Fund 1630) is entitled to	20319
receive assessments from all operation	ing funds of the Department in	20320
accordance with procedures prescrib	ped by the Director of Commerce	20321
and approved by the Director of Bud	dget and Management.	20322
UNCLAIMED FUNDS PAYMENTS		20323
The foregoing appropriation is	em 800625, Unclaimed	20324
Funds-Claims, shall be used to pay	claims under section 169.08 of	20325
the Revised Code. If it is determine	ned that additional amounts are	20326
necessary, the amounts are appropri	ated.	20327
FIRE DEPARTMENT GRANTS		20328
Of the foregoing appropriation	n item 800639, Fire Department	20329
Of the foregoing appropriation Grants, up to \$2,198,802 in each fi	_	20329 20330
	scal year <u>2014 and \$5,198,802</u>	
Grants, up to \$2,198,802 in each f	scal year 2014 and \$5,198,802 to make annual grants to the	20330
Grants, up to \$2,198,802 in each fin fiscal year 2015 shall be used	scal year 2014 and \$5,198,802 to make annual grants to the anteer fire departments, fire	20330 20331
Grants, up to \$2,198,802 in each fin fiscal year 2015 shall be used following eligible recipients: volume	scal year 2014 and \$5,198,802 to make annual grants to the anteer fire departments, fire small municipalities or small	20330 20331 20332 20333
Grants, up to \$2,198,802 in each find fiscal year 2015 shall be used following eligible recipients: voludepartments that serve one or more	scal year 2014 and \$5,198,802 to make annual grants to the anteer fire departments, fire small municipalities or small aprised of fire departments that	20330 20331 20332 20333
Grants, up to \$2,198,802 in each find fiscal year 2015 shall be used to following eligible recipients: voludepartments that serve one or more townships, joint fire districts contains	scal year 2014 and \$5,198,802 to make annual grants to the anteer fire departments, fire small municipalities or small aprised of fire departments that es or small townships, local	20330 20331 20332 20333 20334
Grants, up to \$2,198,802 in each find fiscal year 2015 shall be used to following eligible recipients: voludepartments that serve one or more townships, joint fire districts comprimarily serve small municipalities.	scal year 2014 and \$5,198,802 to make annual grants to the anteer fire departments, fire small municipalities or small aprised of fire departments that as or small townships, local such fire departments, and	20330 20331 20332 20333 20334 20335
Grants, up to \$2,198,802 in each find fiscal year 2015 shall be used to following eligible recipients: voludepartments that serve one or more townships, joint fire districts comprimarily serve small municipalities units of government responsible for	ascal year 2014 and \$5,198,802 to make annual grants to the anteer fire departments, fire small municipalities or small aprised of fire departments that as or small townships, local such fire departments, and only for the provision of fire	20330 20331 20332 20333 20334 20335 20336
Grants, up to \$2,198,802 in each find fiscal year 2015 shall be used following eligible recipients: volude partments that serve one or more townships, joint fire districts comprimarily serve small municipalities units of government responsible for local units of government responsible	scal year 2014 and \$5,198,802 to make annual grants to the anteer fire departments, fire small municipalities or small mprised of fire departments that as or small townships, local such fire departments, and ole for the provision of fire cipalities or small townships.	20330 20331 20332 20333 20334 20335 20336 20337
Grants, up to \$2,198,802 in each find fiscal year 2015 shall be used following eligible recipients: volude departments that serve one or more townships, joint fire districts comprimarily serve small municipalities units of government responsible for local units of government responsible protection services for small municipalities.	scal year 2014 and \$5,198,802 to make annual grants to the anteer fire departments, fire small municipalities or small mprised of fire departments that as or small townships, local such fire departments, and ole for the provision of fire cipalities or small townships.	20330 20331 20332 20333 20334 20335 20336 20337 20338
Grants, up to \$2,198,802 in each find fiscal year 2015 shall be used following eligible recipients: voludepartments that serve one or more townships, joint fire districts comprimarily serve small municipalities units of government responsible for local units of government responsible protection services for small municipalities for the purposes of these grants, as	scal year 2014 and \$5,198,802 to make annual grants to the anteer fire departments, fire small municipalities or small mprised of fire departments that as or small townships, local such fire departments, and ole for the provision of fire cipalities or small townships.  A private fire company, as that of the Revised Code, that is	20330 20331 20332 20333 20334 20335 20336 20337 20338 20339 20340
Grants, up to \$2,198,802 in each find fiscal year 2015 shall be used following eligible recipients: volude departments that serve one or more townships, joint fire districts comprimarily serve small municipalities units of government responsible for local units of government responsible protection services for small municipalities for the purposes of these grants, aphrase is defined in section 9.60 of	scal year 2014 and \$5,198,802 to make annual grants to the anteer fire departments, fire small municipalities or small mprised of fire departments that as or small townships, local such fire departments, and ole for the provision of fire cipalities or small townships. A private fire company, as that of the Revised Code, that is under a contract to a political	20330 20331 20332 20333 20334 20335 20336 20337 20338 20339 20340
Grants, up to \$2,198,802 in each find fiscal year 2015 shall be used following eligible recipients: volude departments that serve one or more townships, joint fire districts comprimarily serve small municipalities units of government responsible for local units of government responsible protection services for small municipalities for the purposes of these grants, aphrase is defined in section 9.60 or providing fire protection services	scal year 2014 and \$5,198,802 to make annual grants to the anteer fire departments, fire small municipalities or small mprised of fire departments that as or small townships, local such fire departments, and ole for the provision of fire cipalities or small townships. A private fire company, as that of the Revised Code, that is under a contract to a political	20330 20331 20332 20333 20334 20335 20336 20337 20338 20339 20340

small townships that all intend to contract with the same fire	20345
department or private fire company for fire protection services	20346
may jointly apply and be considered for a grant. If a joint	20347
applicant is awarded a grant, the State Fire Marshal shall, if	20348
feasible, proportionately award the grant and any equipment	20349
purchased with grant funds to each of the joint applicants based	20350
upon each applicant's contribution to and demonstrated need for	20351
fire protection services.	20352

If the grant awarded to joint applicants is an equipment 20353 grant and the equipment to be purchased cannot be readily 20354 distributed or possessed by multiple recipients, each of the joint 20355 applicants shall be awarded by the State Fire Marshal an ownership 20356 interest in the equipment so purchased in proportion to each 20357 applicant's contribution to and demonstrated need for fire 20358 protection services. The joint applicants shall then mutually 20359 agree on how the equipment is to be maintained, operated, stored, 20360 or disposed of. If, for any reason, the joint applicants cannot 20361 agree as to how jointly owned equipment is to be maintained, 20362 operated, stored, or disposed of or any of the joint applicants no 20363 longer maintain a contract with the same fire protection service 20364 provider as the other applicants, then the joint applicants shall, 20365 with the assistance of the State Fire Marshal, mutually agree as 20366 to how the jointly owned equipment is to be maintained, operated, 20367 stored, disposed of, or owned. If the joint applicants cannot 20368 agree how the grant equipment is to be maintained, operated, 20369 stored, disposed of, or owned, the State Fire Marshal may, in its 20370 discretion, require all of the equipment acquired by the joint 20371 applicants with grant funds to be returned to the State Fire 20372 Marshal. The State Fire Marshal may then award the returned 20373 equipment to any eligible recipients. For this paragraph only, an 20374 "equipment grant" also includes a MARCS Grant. 20375

Except as otherwise provided in this section, the grants

shall be used by recipients to purchase firefighting or rescue	20377
equipment or gear or similar items, to provide full or partial	20378
reimbursement for the documented costs of firefighter training,	20379
or, at the discretion of the State Fire Marshal, to cover fire	20380
department costs for providing fire protection services in that	20381
grant recipient's jurisdiction.	20382
Of the foregoing appropriation item 800639, Fire Department	20383
<pre>Grants, up to \$500,000 per fiscal year may be used to pay for the</pre>	20384
State Fire Marshal's costs of providing firefighter I	20385
certification classes or other firefighter classes approved by the	20386
Department of Public Safety in accordance with section 4765.55 of	20387
the Revised Code at no cost to selected students attending the	20388
Ohio Fire Academy or other class providers approved by the State	20389
Fire Marshal. The State Fire Marshal may establish the	20390
qualifications and selection processes for students to attend such	20391
classes by written policy, and such students shall be considered	20392
eligible recipients of fire department grants for the purposes of	20393
this portion of the grant program.	20394
For purposes of this section, a MARCS Grant is a grant for	20395
systems, equipment, or services that are a part of, integrated	20396
into, or otherwise interoperable with the Multi-Agency Radio	20397
Communication System (MARCS) operated by the state.	20398
Of the foregoing appropriation item 800639, Fire Department	20399
Grants, up to \$3,000,000 in fiscal year 2015 may be used for MARCS	20400
Grants. MARCS Grants may be used for the payment of user access	20401
fees by the eligible recipient to access MARCS.	20402
MARCS Grant awards may be up to \$50,000 in fiscal year 2015	20403
per eligible recipient. Each eligible recipient may only apply, as	20404
a separate entity or as a part of a joint application, for one	20405
MARCS Grant per fiscal year. Eligible recipients that are or were	20406
awarded fire department grants that are not MARCS Grants may also	20407

apply for and receive MARCS Grants in accordance with criteria for

20408

Grant awards for firefighting or rescue equipment or gear or 20410 for fire department costs of providing fire protection services 20411 shall be up to \$15,000 per fiscal year, or up to \$25,000 per 20412 fiscal year if an eligible entity serves a jurisdiction in which 20413 the Governor declared a natural disaster during the preceding or 20414 current fiscal year in which the grant was awarded. In addition to 20415 any grant funds awarded for rescue equipment or gear, or for fire 20416 department costs associated with the provision of fire protection 20417 services, an eligible entity may receive a grant for up to \$15,000 20418 per fiscal year for full or partial reimbursement of the 20419 documented costs of firefighter training. For each fiscal year, 20420 the State Fire Marshal shall determine the total amounts to be 20421 allocated for each eligible purpose. 20422

The grant program shall be administered by the State Fire 20423 Marshal in accordance with rules the State Fire Marshal adopts as 20424 part of the state fire code adopted pursuant to section 3737.82 of 20425 the Revised Code that are necessary for the administration and 20426 operation of the grant program. The rules may further define the 20427 entities eligible to receive grants and establish criteria for the 20428 awarding and expenditure of grant funds, including methods the 20429 State Fire Marshal may use to verify the proper use of grant funds 20430 or to obtain reimbursement for or the return of equipment for 20431 improperly used grant funds. To the extent consistent with this 20432 section and until such time as the rules are updated, the existing 20433 rules in the state fire code adopted pursuant to section 3737.82 20434 of the Revised Code for fire department grants under this section 20435 apply to MARCS Grants. Any amounts in appropriation item 800639, 20436 Fire Department Grants, in excess of the amount allocated for 20437 these grants may be used for the administration of the grant 20438 program. 20439

	The Dire	ector of Budget and Mana	aceme	nt upon the	re	aniest of	20441	
the i				_		_	20442	
the Director of Commerce, may transfer up to \$500,000 in cash from the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in								
	cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to							
		of Real Estate Operatin		_			20444	
		_	ig ru	iid (Fuiid 54)	, ,	during the	20446	
biennium ending June 30, 2015.								
	Sec. 25	7.10. DEV DEVELOPMENT SH	ERVIC	ES AGENCY			20447	
Gene:	ral Rever	nue Fund					20448	
GRF	195402	Coal Research	\$	261,205	\$	261,405	20449	
		Operating						
GRF	195405	Minority Business	\$	1,693,691	\$	1,693,691	20450	
		Development						
GRF	195407	Travel and Tourism	\$	1,300,000	\$	0	20451	
GRF	195415	Business Development	\$	2,413,387	\$	2,413,387	20452	
		Services						
GRF	195426	Redevelopment	\$	1,968,365	\$	468,365	20453	
		Assistance						
GRF	195497	CDBG Operating Match	\$	1,015,000	\$	1,015,000	20454	
GRF	195501	Appalachian Local	\$	440,000	\$	440,000	20455	
		Development Districts						
<u>GRF</u>	<u>195530</u>	Economic Gardening	<u>\$</u>	<u>0</u>	<u>\$</u>	500,000	20456	
		Pilot Program						
GRF	195532	Technology Programs	\$	13,547,341	\$	13,547,341	20457	
		and Grants				15,837,841		
GRF	195533	Business Assistance	\$	4,205,774	\$	4,205,774	20458	
GRF	195535	Appalachia Assistance	\$	3,846,482	\$	3,846,482	20459	
GRF	195537	Ohio-Israel	\$	150,000	\$	150,000	20460	
		Agricultural						
		Initiative						
GRF	195901	Coal Research &	\$	2,858,900	\$	4,327,200	20461	
		Development General						

		Obligation Debt					
GRF	195905	Third Frontier	\$	66,511,600	\$	<del>83,783,000</del>	20462
		Research &	·	61,911,600	•	<u>78,483,000</u>	
		Development General					
		Obligation Debt					
		Service					
GRF	195912	Job Ready Site	\$	15,498,400	\$	19,124,500	20463
		Development General		13,198,400			
		Obligation Debt					
		Service					
TOTA	L GRF Ger	neral Revenue Fund	\$	115,710,145	\$	135,276,145	20464
				108,810,145		132,766,645	
Gene	ral Serv	ices Fund Group					20465
	195684	Development Services	\$	10,800,000	\$	10,800,000	20466
		Operations	Ċ	.,	•	.,,	
4W10	195646	Minority Business	\$	2,500,000	\$	2,500,000	20467
		Enterprise Loan					
5KN0	195640	Local Government	\$	20,730,986	\$	21,900,000	20468
		Innovation					
5MB0	195623	Business Incentive	\$	15,000,000	\$	0	20469
		Grants					
5MK0	195600	Vacant Facilities	\$	1,000,000	\$	1,000,000	20470
		Grant					
5W50	195690	Travel and Tourism	\$	150,000	\$	150,000	20471
		Cooperative Projects					
6850	195636	Development Services	\$	700,000	\$	700,000	20472
		Reimbursable					
		Expenditures					
TOTA	L GSF Ger	neral Services Fund					20473
Grou]	р		\$	50,880,986	\$	37,050,000	20474
Federal Special Revenue Fund Group							20475

		Assistance Block			
		Grant			
3K90	195614	HEAP Weatherization	\$ 22,000,000	\$ 22,000,000	20492
3L00	195612	Community Services	\$ 27,240,217	\$ 27,240,217	20493
		Block Grant			
3V10	195601	HOME Program	\$ 30,000,000	\$ 30,000,000	20494
TOTAI	L FED Fed	leral Special Revenue			20495
Fund	Group		\$ 417,389,090	\$ 375,260,494	20496
State	e Special	Revenue Fund Group			20497
4500	195624	Minority Business	\$ 74,868	\$ 74,905	20498
		Bonding Program			
		Administration			
4510	195649	Business Assistance	\$ 6,300,800	\$ 6,700,800	20499
		Programs			
4F20	195639	State Special Projects	\$ 102,145	\$ 102,104	20500
4F20	195699	Utility Community	\$ 500,000	\$ 500,000	20501
		Assistance			
5CG0	195679	Alternative Fuel	\$ 750,000	\$ 750,000	20502
		Transportation			
5HR0	195526	Incumbent Workforce	\$ 30,000,000	\$ 30,000,000	20503
		Training Vouchers			
5HR0	195622	Defense Development	\$ 5,000,000	\$ 5,000,000	20504
		Assistance			
5JR0	195635	Redevelopment Program	\$ 100,000	\$ 100,000	20505
		Support			
5KP0	195645	Historic Rehab	\$ 650,000	\$ 650,000	20506
		Operating			
5LU0	195673	Racetrack Facility	\$ 12,000,000	\$ 0	20507
		Community Economic			
		Redevelopment Fund			
5M40	195659	Low Income Energy	\$ 350,000,000	\$ 350,000,000	20508
		Assistance (USF)			
5M50	195660	Advanced Energy Loan	\$ 8,000,000	\$ 8,000,000	20509

		Programs				
5MH0	195644	SiteOhio	\$	100,000	\$ 100,000	20510
		Administration				
5MJ0	195683	TourismOhio	\$	8,000,000	\$ 8,000,000	20511
		Administration			9,628,321	
5W60	195691	International Trade	\$	18,000	\$ 18,000	20512
		Cooperative Projects				
6170	195654	Volume Cap	\$	32,562	\$ 32,562	20513
		Administration				
6460	195638	Low- and Moderate-	\$	53,000,000	\$ 53,000,000	20514
		Income Housing Trust				
		Fund				
TOTAL	SSR Sta	ite Special Revenue				20515
Fund	Group		\$	474,628,375	\$ 463,028,371	20516
					464,656,692	
Facil	ities Es	stablishment Fund Group				20517
5S90	195628	Capital Access Loan	\$	3,000,000	\$ 3,000,000	20518
		Program				
7009	195664	Innovation Ohio	\$	15,000,000	\$ 15,000,000	20519
7010	195665	Research and	\$	22,000,000	\$ 22,000,000	20520
		Development				
7037	195615	Facilities	\$	50,000,000	\$ 50,000,000	20521
		Establishment				
TOTAL	037 Fac	zilities				20522
Estab	lishment	: Fund Group	\$	90,000,000	\$ 90,000,000	20523
Clean	Ohio Re	evitalization Fund				20524
7003	195663	Clean Ohio Program	\$	950,000	\$ 950,000	20525
TOTAL	7003 Cl	ean Ohio	\$	950,000	\$ 950,000	20526
Revit	alizatio	n Fund				
Third	l Frontie	er Research & Developmer	nt Fu	nd Group		20527
7011	195686	Third Frontier	\$	1,149,750	\$ 1,149,750	20528
		Operating				

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7011 195687	Third Frontier	\$	90,850,250	\$	90,850,250	20529
	Research &					
	Development Projects					
7014 195620	Third Frontier	\$	1,700,000	\$	1,700,000	20530
	Operating - Tax					
7014 195692	Research &	\$	38,300,000	\$	38,300,000	20531
	Development Taxable					
	Bond Projects					
TOTAL 011 Thi	ird Frontier Research &	\$	132,000,000	\$	132,000,000	20532
Development B	Fund Group					
Job Ready Sit	te Development Fund Grou	ıp				20533
7012 195688	Job Ready Site	\$	800,000	\$	800,000	20534
	Development					
TOTAL 012 Jok	o Ready Site	\$	800,000	\$	800,000	20535
Development B	Fund Group					
Tobacco Maste	er Settlement Agreement	Fur	nd Group			20536
M087 195435	Biomedical Research	\$	1,896,595	\$	1,906,025	20537
	and Technology					
	Transfer					
TOTAL TSF Tol	oacco Master Settlement	\$	1,896,595	\$	1,906,025	20538
Agreement Fur	nd Group					
TOTAL ALL BUI	OGET FUND GROUPS	\$ =	1,284,255,191	\$	<del>1,236,271,035</del>	20539
		=	1,277,355,191		1,235,389,856	
Sec. 25	7.20. COAL RESEARCH OPER	RATI	ING			20541
The fore	egoing appropriation ite	em 1	195402, Coal F	Res	earch	20542
Operating, sh	nall be used for the ope	erat	ing expenses	of	the	20543
Community Ser	rvices Division in suppo	ort	of the Ohio (	Coa	1	20544
Development (	Office.					20545
TRAVEL A	AND TOURISM					20546
The fore	egoing appropriation ite	em 1	[95407, Trave]	La	nd Tourism,	20547
shall be used	d for marketing the stat	ce d	of Ohio as a t	cou	rism	20548

destination and to support administrative expenses and contracts	20549
necessary to market Ohio.	20550
BUSINESS DEVELOPMENT SERVICES	20551
The foregoing appropriation item 195415, Business Development	20552
Services, shall be used for the operating expenses of the Business	20553
Services Division and the regional economic development offices	20554
and for grants for cooperative economic development ventures.	20555
REDEVELOPMENT ASSISTANCE	20556
The foregoing appropriation item 195426, Redevelopment	20557
Assistance, shall be used to fund the costs of administering the	20558
Clean Ohio Revitalization program and other urban revitalization	20559
programs that may be implemented by the Development Services	20560
Agency. Of the foregoing appropriation item 195426, Redevelopment	20561
Assistance, \$1,500,000 in fiscal year 2014 shall be used for the	20562
Famicos Foundation.	20563
CDDC ODEDATING MATCH	
CDBG OPERATING MATCH	20564
The foregoing appropriation item 195497, CDBG Operating	20564 20565
The foregoing appropriation item 195497, CDBG Operating	20565
The foregoing appropriation item 195497, CDBG Operating  Match, shall be used as matching funds for grants from the United	20565 20566
The foregoing appropriation item 195497, CDBG Operating  Match, shall be used as matching funds for grants from the United  States Department of Housing and Urban Development pursuant to the	20565 20566 20567
The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and	20565 20566 20567 20568
The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.	20565 20566 20567 20568 20569
The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.  APPALACHIAN LOCAL DEVELOPMENT DISTRICTS	20565 20566 20567 20568 20569 20570
The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.  APPALACHIAN LOCAL DEVELOPMENT DISTRICTS  The foregoing appropriation item 195501, Appalachian Local	20565 20566 20567 20568 20569 20570
The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.  APPALACHIAN LOCAL DEVELOPMENT DISTRICTS  The foregoing appropriation item 195501, Appalachian Local Development Districts, shall be used to support four local	20565 20566 20567 20568 20569 20570 20571 20572
The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.  APPALACHIAN LOCAL DEVELOPMENT DISTRICTS  The foregoing appropriation item 195501, Appalachian Local Development Districts, shall be used to support four local development districts. Of the foregoing appropriation amount in	20565 20566 20567 20568 20569 20570 20571 20572 20573
The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.  APPALACHIAN LOCAL DEVELOPMENT DISTRICTS  The foregoing appropriation item 195501, Appalachian Local Development Districts, shall be used to support four local development districts. Of the foregoing appropriation amount in each fiscal year, up to \$135,000 shall be allocated to the Ohio	20565 20566 20567 20568 20569 20570 20571 20572 20573 20574
The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.  APPALACHIAN LOCAL DEVELOPMENT DISTRICTS  The foregoing appropriation item 195501, Appalachian Local Development Districts, shall be used to support four local development districts. Of the foregoing appropriation amount in each fiscal year, up to \$135,000 shall be allocated to the Ohio Valley Regional Development Commission, up to \$135,000 shall be	20565 20566 20567 20568 20569 20570 20571 20572 20573 20574 20575

allocated to the Eastgate Regional Council of Governments. Local	20579
development districts receiving funding under this section shall	20580
use the funds for the implementation and administration of	20581
programs and duties under section 107.21 of the Revised Code.	20582
ECONOMIC GARDENING TECHNICAL ASSISTANCE PILOT PROGRAM	20583
The foregoing appropriation item 195530, Economic Gardening	20584
Pilot Program, shall be used for the Economic Gardening Technical	20585
Assistance Pilot Program established in Section 757.30 of this	20586
act.	20587
TECHNOLOGY PROGRAMS AND GRANTS	20588
Of the foregoing appropriation item 195532, Technology	20589
Programs and Grants, up to \$547,341 in each fiscal year shall be	20590
used for operating expenses incurred in administering the Ohio	20591
Third Frontier pursuant to sections 184.10 to 184.20 of the	20592
Revised Code; up to \$13,000,000 in each fiscal year shall be used	20593
for the Thomas Edison Program pursuant to sections 122.28 to	20594
122.38 of the Revised Code, of which not more than ten per cent	20595
shall be used for operating expenses incurred in administering the	20596
program.	20597
Of the foregoing appropriation item 195532, Technology	20598
Programs and Grants, up to \$1,510,000 in fiscal year 2015 shall be	20599
allocated to Connect Ohio to support the Digital Works initiative.	20600
Of the foregoing appropriation item 195532, Technology	20601
Programs and Grants, up to \$780,500 in fiscal year 2015 shall be	20602
allocated to Connect Ohio to provide broadband mapping and	20603
economic development consultation services.	20604
BUSINESS ASSISTANCE	20605
The foregoing appropriation item 195533, Business Assistance,	20606
may be used to provide a range of business assistance, including	20607
grants to local organizations to support economic development	20608

activities that promote minority business development, small	20609
business development, entrepreneurship, and exports of Ohio's	20610
goods and services. This appropriation item shall also be used as	20611
matching funds for grants from the United States Small Business	20612
Administration and other federal agencies, pursuant to Public Law	20613
No. 96-302 as amended by Public Law No. 98-395, and regulations	20614
and policy guidelines for the programs pursuant thereto.	20615
APPALACHIA ASSISTANCE	20616
The foregoing appropriation item 195535, Appalachia	20617
Assistance, may be used for the administrative costs of planning	20618
and liaison activities for the Governor's Office of Appalachia, to	20619
provide financial assistance to projects in Ohio's Appalachian	20620
counties, and to pay dues for the Appalachian Regional Commission.	20621
These funds may be used to match federal funds from the	20622
Appalachian Regional Commission.	20623
OHIO-ISRAEL AGRICULTURE INITIATIVE	20624
The foregoing appropriation item 195537, Ohio-Israel	20625
Agricultural Initiative, shall be used for the Ohio-Israel	20626
Agricultural Initiative.	20627
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	20628
The foregoing appropriation line item 195901, Coal Research	20629
and Development General Obligation Debt Service, shall be used to	20630
pay all debt service and related financing costs during the period	20631
July 1, 2013, through June 30, 2015 for obligations issued under	20632
sections 151.01 and 151.07 of the Revised Code.	20633
THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT	20634
SERVICE	20635
The foregoing appropriation item 195905, Third Frontier	20636
Research & Development General Obligation Debt Service, shall be	20637
used to pay all debt service and related financing costs during	20638

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the period from July 1, 2013, through June 30, 2015, on	20639
obligations issued for research and development purposes under	20640
sections 151.01 and 151.10 of the Revised Code.	20641
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE	20642
The foregoing appropriation item 195912, Job Ready Site	20643
Development General Obligation Debt Service, shall be used to pay	20644
all debt service and related financing costs during the period	20645
from July 1, 2013, through June 30, 2015, on obligations issued	20646
for job ready site development purposes under sections 151.01 and	20647
151.11 of the Revised Code.	20648
Sec. 257.50. BUSINESS ASSISTANCE PROGRAMS	20649
The foregoing appropriation item 195649, Business Assistance	20650
Programs, shall be used for administrative expenses associated	20651
with the operation of tax credit programs, loan servicing, the	20652
Ohio Film Office, workforce initiatives, and the Office of	20653
Strategic Business Investments.	20654
STATE SPECIAL PROJECTS	20655
The State Special Projects Fund (Fund 4F20), may be used for	20656
the deposit of private-sector funds from utility companies and for	20657
the deposit of other miscellaneous state funds. State moneys so	20658
deposited may also be used to match federal housing grants for the	20659
homeless.	20660
MINORITY BUSINESS ENTERPRISE LOAN	20661
All repayments from the Minority Development Financing	20662
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee	20663
Program shall be deposited in the State Treasury to the credit of	20664
the Minority Business Enterprise Loan Fund (Fund 4W10).	20665
MINORITY BUSINESS BONDING FUND	20666

Notwithstanding Chapters 122., 169., and 175. of the Revised 20667

20698

As Passed by the House	
Code, the Director of Development Services may, upon the	20668
recommendation of the Minority Development Financing Advisory	20669
Board, pledge up to \$10,000,000 in the fiscal year 2014-fiscal	20670
year 2015 biennium of unclaimed funds administered by the Director	20671
of Commerce and allocated to the Minority Business Bonding Program	20672
under section 169.05 of the Revised Code.	20673
If needed for the payment of losses arising from the Minority	20674
Business Bonding Program, the Director of Budget and Management	20675
may, at the request of the Director of Development Services,	20676
request that the Director of Commerce transfer unclaimed funds	20677
that have been reported by holders of unclaimed funds under	20678
section 169.05 of the Revised Code to the Minority Bonding Fund	20679
(Fund 4490). The transfer of unclaimed funds shall only occur	20680
after proceeds of the initial transfer of \$2,700,000 by the	20681
Controlling Board to the Minority Business Bonding Program have	20682
been used for that purpose. If expenditures are required for	20683
payment of losses arising from the Minority Business Bonding	20684
Program, such expenditures shall be made from appropriation item	20685
195658, Minority Business Bonding Contingency in the Minority	20686
Business Bonding Fund, and such amounts are hereby appropriated.	20687

### INCUMBENT WORKFORCE TRAINING VOUCHERS

- (A) The Director of Budget and Management may transfer up to 20689 \$30,000,000 cash in each fiscal year from the Economic Development 20690 Programs Fund (Fund 5JCO) used by the Board of Regents to the Ohio 20691 Incumbent Workforce Job Training Fund (Fund 5HRO) used by the 20692 Development Services Agency.
- (B) Of the foregoing appropriation item 195526, Incumbent 20694
  Workforce Training Vouchers, up to \$30,000,000 in each fiscal year 20695
  shall be used to support the Ohio Incumbent Workforce Training 20696
  Voucher Program.
  - (C) The Ohio Incumbent Workforce Training Voucher Program

shall conform to guidelines for the operation of the program,	20699
including, but not limited to, the following:	20700
(1) A requirement that a training voucher under the program	20701
shall not exceed \$6,000 per worker per year;	20702
(2) A provision for an employer of an eligible employee to	20703
apply for a voucher on behalf of the eligible employee;	20704
(3) A provision for an eligible employee to apply directly	20705
for a training voucher with the pre-approval of the employee's	20706
employer; and	20707
(4) A requirement that an employee participating in the	20708
program, or the employee's employer, shall pay for not less than	20709
thirty-three per cent of the training costs under the program.	20710
On July 1, 2014, or as soon as possible thereafter, the	20711
Director of Development Services may request that the Director of	20712
Budget and Management reappropriate any unexpended, unencumbered	20713
balance of the prior fiscal year's appropriation to the foregoing	20714
appropriation item 195526, Incumbent Workforce Training Vouchers,	20715
for fiscal year 2015. The Director of Budget and Management may	20716
request additional information necessary for evaluating the	20717
request, and the Director of Development Services shall provide	20718
the requested information to the Director of Budget and	20719
Management. Based on the information provided by the Director of	20720
Development Services, the Director of Budget and Management shall	20721
determine the amount to be reappropriated, and those amounts are	20722
hereby reappropriated for fiscal year 2015.	20723
DEFENSE DEVELOPMENT ASSISTANCE	20724
The Director of Budget and Management shall transfer up to	20725
\$5,000,000 in cash in each fiscal year from the Economic	20726
Development Programs Fund (Fund 5JC0) used by the Board of Regents	20727
to the Ohio Incumbent Workforce Job Training Fund (Fund 5HRO) used	20728

by the Development Services Agency. The transferred funds shall be

used for appropriation item 195622, Defense Development	20730
Assistance, for economic development programs and the creation of	20731
new jobs to leverage and support mission gains at Department of	20732
Defense facilities in Ohio by working with future base realignment	20733
and closure activities and ongoing Department of Defense	20734
efficiency initiatives, assisting efforts to secure Department of	20735
Defense support contracts for Ohio companies, assessing and	20736
supporting regional job training and workforce development needs	20737
generated by the Department of Defense and the Ohio aerospace	20738
industry, and for expanding job training and economic development	20739
programs in human performance related initiatives. A portion of	20740
these funds shall be matched in the aggregate amount of \$5,000,000	20741
by either public or private industry partners, educational	20742
entities, or federal agencies.	20743

Of the foregoing appropriation item 195622, Defense 20744

Development Assistance, \$3,000,000 shall be used by Applied 20745

Research Corporation to support education or research projects 20746

conducted by public-private partnerships in Ohio that seek to 20747

develop and train the workforce of Ohio in all industries. 20748

On July 1, 2014, or as soon as possible thereafter, the 20749 Director of Development Services may request that the Director of 20750 Budget and Management reappropriate any unexpended, unencumbered 20751 balance of the prior fiscal year's appropriation to the foregoing 20752 appropriation item 195622, Defense Development Assistance, for 20753 fiscal year 2015. The Director of Budget and Management may 20754 request additional information necessary for evaluating the 20755 request, and the Director of Development Services shall provide 20756 the requested information to the Director of Budget and 20757 Management. Based on the information provided by the Director of 20758 Development Services, the Director of Budget and Management shall 20759 determine the amount to be reappropriated, and those amounts are 20760 hereby reappropriated for fiscal year 2015. 20761

ADVANCED ENERGY LOAN PROGRAMS	20762			
The foregoing appropriation item 195660, Advanced Energy Loan	20763			
Programs, shall be used to provide financial assistance to	20764			
customers for eligible advanced energy projects for residential,	20765			
commercial, and industrial business, local government, educational	20766			
institution, nonprofit, and agriculture customers, and to pay for	20767			
the program's administrative costs as provided in sections 4928.61	20768			
to 4928.63 of the Revised Code and rules adopted by the Director	20769			
of Development Services.	20770			
TOURISMOHIO ADMINISTRATION	20771			
Of the foregoing appropriation item 195683, TourismOhio	20772			
Administration, \$1,000,000 in fiscal year 2014 shall be used to	20773			
administer a program established by the Development Services	20774			
Agency pursuant to section 122.121 of the Revised Code.	20775			
Of the foregoing appropriation item 195683, TourismOhio	20776			
Administration, \$250,000 in fiscal year 2014 shall be used by Lake	20777			
Erie Heritage Foundation for the promotion of events relating to	20778			
bicentennial celebrations of the War of 1812 and the Battle of				
Lake Erie.	20780			
Of the foregoing appropriation item 195683, TourismOhio	20781			
Administration, \$500,000 in fiscal year 2015 shall be used to	20782			
support the 2015 Major League Baseball All-Star Game in	20783			
<u>Cincinnati.</u>	20784			
VOLUME CAP ADMINISTRATION	20785			
The foregoing appropriation item 195654, Volume Cap	20786			
Administration, shall be used for expenses related to the	20787			
administration of the Volume Cap Program. Revenues received by the	20788			
Volume Cap Administration Fund (Fund 6170) shall consist of	20789			
application fees, forfeited deposits, and interest earned from the	20790			
custodial account held by the Treasurer of State.	20791			

	Sec. 259	9.10. DDD DEPARTMENT OF	DEV	ELOPMENTAL DI	[SA]	BILITIES	20792
General Revenue Fund							20793
GRF	320412	Protective Services	\$	1,918,196	\$	1,918,196	20794
GRF	320415	Lease-Rental Payments	\$	15,843,300	\$	16,076,700	20795
				14,743,300			
GRF	322420	Screening and Early	\$	300,000	\$	300,000	20796
		Intervention					
GRF	322451	Family Support	\$	5,932,758	\$	5,932,758	20797
		Services					
GRF	322501	County Boards	\$	44,449,280	\$	44,449,280	20798
		Subsidies					
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000	20799
GRF	322507	County Board Case	\$	2,500,000	\$	2,500,000	20800
		Management					
GRF	322508	Employment First	\$	3,000,000	\$	3,000,000	20801
		Pilot Program					
GRF	653321	Medicaid Program	\$	6,186,694	\$	6,186,694	20802
		Support - State					
GRF	653407	Medicaid Services	\$	430,056,111	\$	437,574,237	20803
TOTA	L GRF Ger	neral Revenue Fund	\$	524,186,339	\$	531,937,865	20804
				523,086,339			
Gene	ral Serv	ices Fund Group					20805
1520	653609	DC and Residential	\$	3,414,317	\$	3,414,317	20806
		Operating Services					
TOTA	L GSF Ger	neral Services Fund	\$	3,414,317	\$	3,414,317	20807
Grou	р						
Federal Special Revenue Fund Group						20808	
3A50	320613	DD Council	\$	3,297,656	\$	3,324,187	20809
3250	322612	Community Social	\$	10,604,896	\$	10,604,896	20810
		Service Programs					
3A40	653604	DC & ICF/IID Program	\$	8,013,611	\$	8,013,611	20811

		Support			
3A40	653605	DC and Residential	\$ 159,548,565	159,548,565	20812
		Services and Support			
3A40	653653	ICF/IID	\$ 354,712,840	\$ 353,895,717	20813
3G60	653639	Medicaid Waiver	\$ 932,073,249	\$ 1,025,921,683	20814
		Services			
3G60	653640	Medicaid Waiver	\$ 36,934,303	\$ 36,170,872	20815
		Program Support			
3M70	653650	CAFS Medicaid	\$ 3,000,000	\$ 3,000,000	20816
TOTAI	L FED Fed	leral Special Revenue	\$ 1,508,185,120	\$ 1,600,479,531	20817
Fund	Group				
State	e Special	Revenue Fund Group			20818
5GE0	320606	Operating and	\$ 7,407,297	\$ 7,407,297	20819
		Services			
2210	322620	Supplement Service	\$ 150,000	\$ 150,000	20820
		Trust			
5DJ0	322625	Targeted Case	\$ 33,750,000	\$ 37,260,000	20821
		Management Match			
5DK0	322629	Capital Replacement	\$ 750,000	\$ 750,000	20822
		Facilities			
5Н00	322619	Medicaid Repayment	\$ 160,000	\$ 160,000	20823
5JX0	322651	Interagency Workgroup	\$ 45,000	45,000	20824
		- Autism			
4890	653632	DC Direct Care	\$ 16,497,169	\$ 16,497,169	20825
		Services			
5CT0	653607	Intensive Behavioral	\$ 1,000,000	\$ 1,000,000	20826
		Needs			
5DJ0	653626	Targeted Case	\$ 91,740,000	\$ 100,910,000	20827
		Management Services			
5EV0	653627	Medicaid Program	\$ 685,000	\$ 685,000	20828
		Support			
5GE0	653606	ICF/IID and Waiver	\$ 40,353,139	\$ 39,106,638	20829
		Match			

S200 653622   Medicaid Admin and   \$ 17,341,201 \$ 19,032,154   20830   20831   20830   20831   20830   20831   20830   20831   20830	Am. Sub. H. B. As Passed by					Page 681
Simple   S	5S20 65362		\$	17,341,201	\$ 19,032,154	20830
TOTAL SSR State Special Revenue \$ 494,618,806 \$ 559,483,258 \$ 281,200 \$ 200420 \$ 200	5Z10 65362	4 County Board Waiver	\$	284,740,000	\$ 336,480,000	20831
Sec. 263.10. EDU DEPARTMENT OF EDUCATION   20835			\$	494,618,806	\$ 559,483,258	20832
General Revue Fund 20836  GRF 200321 Operating Expenses \$ 13,142,780 \$ 13,142,780 20837  GRF 200408 Early Childhood \$ 33,318,341 \$ 45,318,341 20838  Education  GRF 200420 Information Technology \$ 4,241,296 \$ 4,241,296 20839  Development and Support  GRF 200421 Alternative Education \$ 7,403,998 \$ 7,403,998 20840  Programs 12,403,998  GRF 200422 School Management \$ 3,000,000 \$ 3,000,000 20841  Assistance  GRF 200424 Policy Analysis \$ 328,558 \$ 328,558 20842  GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 20843  Support  GRF 200426 Ohio Educational \$ 29,625,569 \$ 19,625,569 20844  Computer Network  GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 20845  GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 20846  GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847  Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848  GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20848	_	BUDGET FUND GROUPS			\$ 2,695,314,971	20833
GRF 200321 Operating Expenses \$ 13,142,780 \$ 13,142,780 20837  GRF 200408 Early Childhood \$ 33,318,341 \$ 45,318,341 20838  Education  GRF 200420 Information Technology \$ 4,241,296 \$ 4,241,296 20839  Development and Support  GRF 200421 Alternative Education \$ 7,403,998 \$ 7,403,998 20840  Programs 12,403,998  GRF 200422 School Management \$ 3,000,000 \$ 3,000,000 20841  Assistance  GRF 200424 Policy Analysis \$ 328,558 \$ 328,558 20842  GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 20843  Support  GRF 200426 Ohio Educational \$ 29,625,569 \$ 19,625,569 20844  Computer Network  GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 20845  GRF 200439 Student Assessment \$ 55,895,000 \$ 75,895,000 20846  GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847  Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848  GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20848	Sec. 2	263.10. EDU DEPARTMENT OF	' EDI	UCATION		20835
GRF 200408 Early Childhood \$ 33,318,341 \$ 45,318,341 20838     Education  GRF 200420 Information Technology \$ 4,241,296 \$ 4,241,296 20839     Development and Support  GRF 200421 Alternative Education \$ 7,403,998 \$ 7,403,998 20840     Programs 12,403,998  GRF 200422 School Management \$ 3,000,000 \$ 3,000,000 20841     Assistance  GRF 200424 Policy Analysis \$ 328,558 \$ 328,558 20842  GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 20843     Support  GRF 200426 Ohio Educational \$ 29,625,569 \$ 19,625,569 20844     Computer Network  GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 20845  GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 20846  GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847     Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848  GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849	General Re	venue Fund				20836
Education  GRF 200420 Information Technology \$ 4,241,296 \$ 4,241,296 20839     Development and Support  GRF 200421 Alternative Education \$ 7,403,998 \$ 7,403,998 20840     Programs	GRF 200321	Operating Expenses	\$	13,142,780	\$ 13,142,780	20837
CRF 200420	GRF 200408	Early Childhood	\$	33,318,341	\$ 45,318,341	20838
Development and Support		Education				
Support  GRF 200421 Alternative Education \$ 7,403,998 \$ 7,403,998	GRF 200420	Information Technology	\$	4,241,296	\$ 4,241,296	20839
GRF 200421       Alternative Education Programs       \$ 7,403,998 \$ 7,403,998       \$ 7,403,998       \$ 20840         GRF 200422       School Management Assistance       \$ 3,000,000 \$ 3,000,000       20841         GRF 200424       Policy Analysis \$ 328,558 \$ 328,558       20842         GRF 200425       Tech Prep Consortia \$ 260,542 \$ 260,542       20843         Support       Computer Network       19,625,569 \$ 20844         GRF 200426       Ohio Educational \$ 29,625,569 \$ 19,625,569       20844         GRF 200427       Academic Standards \$ 3,800,000 \$ 3,800,000       20845         GRF 200437       Student Assessment \$ 55,895,000 \$ 75,895,000       20846         GRF 200439       Accountability/Report \$ 3,500,000 \$ 3,750,000       20847         Cards       Cards         GRF 200442       Child Care Licensing \$ 827,140 \$ 827,140       20848         GRF 200446       Education Management \$ 6,833,070 \$ 6,833,070       20849		Development and				
Programs		Support				
GRF 200422 School Management \$ 3,000,000 \$ 3,000,000 20841 Assistance  GRF 200424 Policy Analysis \$ 328,558 \$ 328,558 20842 GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 20843 Support  GRF 200426 Ohio Educational \$ 29,625,569 \$ 19,625,569 20844 Computer Network  GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 20845 GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 20846 GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847 Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848 GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849	GRF 200421	Alternative Education	\$	7,403,998	\$ 7,403,998	20840
Assistance  GRF 200424 Policy Analysis \$ 328,558 \$ 328,558 20842  GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 20843  Support  GRF 200426 Ohio Educational \$ 29,625,569 \$ 19,625,569 20844  Computer Network  GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 20845  GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 20846  GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847  Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848  GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849		Programs			12,403,998	
GRF 200424 Policy Analysis \$ 328,558 \$ 328,558 20842  GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 20843  Support  GRF 200426 Ohio Educational \$ 29,625,569 \$ 19,625,569 20844  Computer Network  GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 20845  GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 20846  GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847  Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848  GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849	GRF 200422	School Management	\$	3,000,000	\$ 3,000,000	20841
GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 \$ 20843 Support  GRF 200426 Ohio Educational \$ 29,625,569 \$ 19,625,569 20844 Computer Network  GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 20845 GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 20846 GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847 Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848 GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849		Assistance				
Support  GRF 200426 Ohio Educational \$ 29,625,569 \$ 19,625,569 20844 Computer Network  GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 20845 GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 20846 GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847 Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848 GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849	GRF 200424	Policy Analysis	\$	328,558	\$ 328,558	20842
GRF 200426 Ohio Educational \$ 29,625,569 \$ 19,625,569 20844  Computer Network  GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 20845  GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 20846  GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847  Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848  GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849	GRF 200425	Tech Prep Consortia	\$	260,542	\$ 260,542	20843
Computer Network  GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 20845  GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 20846  GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847  Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848  GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849		Support				
GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 20845 GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 20846 GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847 Cards GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848 GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849	GRF 200426	Ohio Educational	\$	29,625,569	\$ 19,625,569	20844
GRF 200437 Student Assessment \$ 55,895,000 \$ 75,895,000 20846  GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847		Computer Network				
GRF 200439 Accountability/Report \$ 3,500,000 \$ 3,750,000 20847  Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848  GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849	GRF 200427	Academic Standards	\$	3,800,000	\$ 3,800,000	20845
Cards  GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848  GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849	GRF 200437	Student Assessment	\$	55,895,000	\$ 75,895,000	20846
GRF 200442 Child Care Licensing \$ 827,140 \$ 827,140 20848 GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849	GRF 200439	Accountability/Report	\$	3,500,000	\$ 3,750,000	20847
GRF 200446 Education Management \$ 6,833,070 \$ 6,833,070 20849		Cards				
	GRF 200442	Child Care Licensing	\$	827,140	\$ 827,140	20848
Information System	GRF 200446	Education Management	\$	6,833,070	\$ 6,833,070	20849
		Information System				

		and Licensure					
5960	200656	Ohio Career	\$	529,761	Ś	529,761	20870
0200		Information System	т	02,702	т	025,702	200.0
5H30	200687	School District	\$	25,000,000	Ś	25,000,000	20871
5215 5		Solvency Assistance	т		т	20,000,000	200.1
5.TC0	200629	Career Advising and	<u>\$</u>	0	<u>\$</u>	10,000,000	20872
		Mentoring	<u></u>	-			
5JC0	<u>200654</u>	Adult Career	<u>\$</u>	0	<u>\$</u>	2,500,000	20873
		Opportunity Pilot	<u></u>	_		_,,,,,,,,	
		Program					
5KX0	200691	Ohio School	\$	487,419	\$	487,419	20874
		Sponsorship Program	,	, ,	•	,	
5KY0	200693	Community Schools	\$	83,000	\$	83,000	20875
		Temporary Sponsorship	·	·		·	
TOTAL	GSF Gen	eral Services					20876
Fund (	Group		\$	41,764,032	\$	47,108,544	20877
						<u>59,608,544</u>	
Eodon	ol Crosi	al Derropus Fund Croup					20070
	ai speci 200601	al Revenue Fund Group	ė.	2 160 642	<b>ب</b>	2 160 642	20878 20879
3090	200601	Neglected and	\$	2,168,642	Þ	2,168,642	20879
2670	200607	Delinquent Education	à	0 200 664	4	0 700 140	20000
	200607	School Food Services	\$	8,200,664		8,700,149	20880
3700	200624	Education of	\$	1,530,000	Þ	1,530,000	20881
27.00	200602	Exceptional Children	à	750 000	4	750 000	20002
3AF U	200603	Schools Medicaid	\$	750,000	Þ	750,000	20882
2 7 1 1 0	200671	Administrative Claims	Ċ	20 400 000	<b>~</b>	20 400 000	20002
3ANU	200671	School Improvement	\$	20,400,000	Þ	20,400,000	20883
25110	22252	Grants	4	1 050 000	4	0	00004
3BKU	200628	Longitudinal Data	\$	1,250,000	\$	0	20884
2050	200661	Systems	à	14 554 740	4	14 554 740	20005
3050	200661	Early Childhood	\$	14,554,749	Þ	14,554,749	20885
2000	200646	Education Taggher Incentive	<b>ب</b>	15 105 500	<del>ب</del>	15 102 205	20006
	200646	Teacher Incentive	\$	15,125,588			20886
3D20	200667	Math Science	\$	6,000,000	Ş	6,000,000	20887

		Partnerships			
3EC0	200653	Teacher Incentive -	\$ 1,300,000	\$ 0	20888
		Federal Stimulus			
3EH0	200620	Migrant Education	\$ 2,900,000	\$ 2,900,000	20889
3EJ0	200622	Homeless Children	\$ 2,600,000	\$ 2,600,000	20890
		Education			
3EK0	200637	Advanced Placement	\$ 450,000	\$ 450,000	20891
3ENO	200655	State Data Systems -	\$ 1,250,000	\$ 0	20892
		Federal Stimulus			
3FD0	200665	Race to the Top	\$ 136,000,000	\$ 58,074,046	20893
3FN0	200672	Early Learning	\$ 7,040,000	\$ 7,040,000	20894
		Challenge - Race to			
		the Top			
3GE0	200674	Summer Food Service	\$ 13,596,000	\$ 14,003,800	20895
		Program			
3GF0	200675	Miscellaneous	\$ 700,000	\$ 700,000	20896
		Nutrition Grants			
3GG0	200676	Fresh Fruit and	\$ 4,738,000	\$ 4,880,140	20897
		Vegetable Program			
3Н9О	200605	Head Start	\$ 225,000	\$ 225,000	20898
		Collaboration Project			
3L60	200617	Federal School Lunch	\$ 350,608,075	\$ 361,126,273	20899
3L70	200618	Federal School	\$ 108,480,590	\$ 112,819,813	20900
		Breakfast			
3L80	200619	Child/Adult Food	\$ 106,992,650	\$ 110,202,428	20901
		Programs			
3L90	200621	Career-Technical	\$ 44,663,900	\$ 44,663,900	20902
		Education Basic Grant			
3M00	200623	ESEA Title 1A	\$ 560,000,000	\$ 560,000,000	20903
3M20	200680	Individuals with	\$ 443,170,050	\$ 443,170,050	20904
		Disabilities			
		Education Act			
3T40	200613	Public Charter	\$ 500,000	\$ 0	20905

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		Schools			
3Y20	200688	21st Century	\$ 48,201,810	\$ 50,611,900	20906
		Community Learning			
		Centers			
3Y60	200635	Improving Teacher	\$ 101,900,000	\$ 101,900,000	20907
		Quality			
3Y70	200689	English Language	\$ 9,700,000	\$ 9,700,000	20908
		Acquisition			
3Y80	200639	Rural and Low Income	\$ 3,300,000	\$ 3,300,000	20909
		Technical Assistance			
3Z20	200690	State Assessments	\$ 11,800,000	\$ 11,800,000	20910
3Z30	200645	Consolidated Federal	\$ 7,949,280	\$ 7,949,280	20911
		Grant Administration			
TOTAI	L FED Fed	deral Special			20912
Rever	nue Fund	Group	\$ 2,038,044,998	\$ 1,977,403,455	20913
State	e Special	Revenue Fund Group			20914
4540	200610	GED Testing	\$ 1,050,000	\$ 250,000	20915
4550	200608	Commodity Foods	\$ 24,000,000	\$ 24,000,000	20916
4R70	200695	Indirect Operational	\$ 6,600,000	\$ 6,600,000	20917
		Support			
4V70	200633	Interagency Program	\$ 717,725	\$ 717,725	20918
		Support			
5980	200659	Auxiliary Services	\$ 1,328,910	\$ 1,328,910	20919
		Reimbursement			
5BJ0	200626	Half-Mill Maintenance	\$ 19,000,000	\$ 20,000,000	20920
		Equalization			
5MM0	200677	Child Nutrition	\$ 500,000	\$ 500,000	20921
		Refunds			
5T30	200668	Gates Foundation	\$ 200,000	\$ 153,000	20922
		Grants			
5U20	200685	National Education	\$ 300,000	\$ 300,000	20923
		Statistics			
6200	200615	Educational	\$ 300,000	\$ 300,000	20924

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.

The foregoing remainder of appropriation item 200421,

Alternative Education Programs, shall be used for the renewal of

successful implementation grants and for competitive matching

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20949

grants to school districts for alternative educational programs

for existing and new at-risk and delinquent youth. Programs shall	20950
be focused on youth in one or more of the following categories:	20951
those who have been expelled or suspended, those who have dropped	20952
out of school or who are at risk of dropping out of school, those	20953
who are habitually truant or disruptive, or those on probation or	20954
on parole from a Department of Youth Services facility. Grants	20955
shall be awarded only to programs in which the grant will not	20956
serve as the program's primary source of funding. These grants	20957
shall be administered by the Department of Education.	20958

The Department of Education may waive compliance with any 20959 minimum education standard established under section 3301.07 of 20960 the Revised Code for any alternative school that receives a grant 20961 under this section on the grounds that the waiver will enable the 20962 program to more effectively educate students enrolled in the 20963 alternative school.

Of the foregoing appropriation item 200421, Alternative 20965

Education Programs, a portion may be used for program 20966

administration, monitoring, technical assistance, support, 20967

research, and evaluation. 20968

## Sec. 263.160. STEM INITIATIVES

The foregoing appropriation item 200457, STEM Initiatives, 20970 shall be used for building and equipment costs associated with the 20971 Lake County Incubator Project located on or near Lakeland 20972 Community College. The purpose of this project is to improve the 20973 workforce of Lake County and foster an environment of 20974 entrepreneurial business creation by, among other initiatives, 20975 offering programs that enhance the number of high school students 20976 that eventually enroll in and complete certificate programs in 20977 science, technology, engineering, and mathematics (STEM) fields 20978 and by offering additional dual enrollment opportunities. The 20979 building housing the project shall accommodate advanced STEM and 20980

21011

computer coding programs, a fabrication laboratory, and medical	20981
sciences education facilities. Educational programs hosted at the	20982
building shall be delivered through a partnership between the Lake	20983
County Educational Service Center, the Auburn Career Center, and	20984
Lakeland Community College.	20985
TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT	20986
The foregoing appropriation item 200465, Technology	20987
Integration and Professional Development, shall be used by the	20988
Department of Education to provide grants to educational	20989
television stations working with partner education technology	20990
centers to provide Ohio public schools with instructional	20991
resources and services, with priority given to resources and	20992
services aligned with state academic content standards. Such	20993
resources and services shall be based upon the advice and approval	20994
of the Department, based on a formula used by the former eTech	20995
Ohio Commission unless and until a substitute formula is developed	20996
in consultation with Ohio's educational television stations and	20997
educational technology centers.	20998
Sec. 263.230. FOUNDATION FUNDING	20999
Of the foregoing appropriation item 200550, Foundation	21000
Funding, up to \$675,000 in fiscal year 2014 shall be used to	21001
support the work of the College of Education and Human Ecology at	21002
the Ohio State University in reviewing and assessing the alignment	21003
of courses offered through the distance learning clearinghouse	21004
established in sections 3333.81 to 3333.88 of the Revised Code	21005
with the academic content standards adopted under division (A) of	21006
section 3301.079 of the Revised Code.	21007
Of the foregoing appropriation item 200550, Foundation	21008
Funding, up to \$40,000,000 in each fiscal year shall be used to	21009
provide additional state aid to school districts, joint vocational	21010

school districts, community schools, and STEM schools for special

education students under division (C)(3) of section 3314.08,	21012
section 3317.0214, division (B) of section 3317.16, and section	21013
3326.34 of the Revised Code, except that the Controlling Board may	21014
increase these amounts if presented with such a request from the	21015
Department of Education at the final meeting of the fiscal year.	21016
Of the foregoing appropriation item 200550, Foundation	21017
Funding, up to \$2,000,000 in each fiscal year shall be reserved	21018
for Youth Services tuition payments under section 3317.024 of the	21019
Revised Code.	21020
Of the foregoing appropriation item 200550, Foundation	21021
Funding, up to \$3,800,000 in each fiscal year shall be used to	21022
fund gifted education at educational service centers. The	21023
Department shall distribute the funding through the unit-based	21024
funding methodology in place under division (L) of section	21025
3317.024, division (E) of section 3317.05, and divisions (A), (B),	21026
and (C) of section 3317.053 of the Revised Code as they existed	21027
prior to fiscal year 2010.	21028
Of the foregoing appropriation item 200550, Foundation	21029
Funding, up to \$43,500,000 in fiscal year 2014 and up to	21030
\$40,000,000 in fiscal year 2015 shall be reserved to fund the	21031
state reimbursement of educational service centers under the	21032
section of this act Am. Sub. H.B. 59 of the 130th General Assembly	21033
entitled "EDUCATIONAL SERVICE CENTERS FUNDING"; and up to	21034
\$3,500,000 in each fiscal year shall be distributed to educational	21035
service centers for School Improvement Initiatives and, in	21036
consultation with the Governor's Director of 21st Century	21037
Education, for the provision of technical assistance as required	21038
by the Elementary and Secondary Education Act Flexibility waivers	
	21039
approved for Ohio by the United States Department of Education.	21039

improvement plans as required in section 3302.04 of the Revised

Code and to provide technical assistance and support in accordance	21044
with Title I of the "No Child Left Behind Act of 2001," 115 Stat.	21045
1425, 20 U.S.C. 6317, as administered pursuant to the Elementary	21046
and Secondary Education Act Flexibility waivers approved for Ohio	21047
by the United States Department of Education.	21048
	01040

Of the foregoing appropriation item 200550, Foundation 21049

Funding, up to \$20,000,000 in each fiscal year shall be reserved 21050

for payments under sections 3317.026, 3317.027, and 3317.028 of 21051

the Revised Code. If this amount is not sufficient, the Department 21052

of Education shall prorate the payment amounts so that the 21053

aggregate amount allocated in this paragraph is not exceeded. 21054

Of the foregoing appropriation item 200550, Foundation 21055 Funding, up to \$2,000,000 in each fiscal year shall be used to pay 21056 career-technical planning districts for the amounts reimbursed to 21057 students, as prescribed in this paragraph. Each career-technical 21058 planning district shall reimburse individuals taking the online 21059 General Educational Development (GED) test for the first time for 21060 application/test fees in excess of \$40. Each career-technical 21061 planning district shall designate a site or sites where 21062 individuals may register and take the exam. For each individual 21063 that registers for the exam, the career-technical planning 21064 district shall make available and offer career counseling 21065 services, including information on adult education programs that 21066 are available. Any remaining funds in each fiscal year shall be 21067 reimbursed to the Department of Youth Services and the Department 21068 of Rehabilitation and Correction for individuals in these 21069 facilities who have taken the GED for the first time. The amounts 21070 reimbursed shall not exceed the per-individual amounts reimbursed 21071 to other individuals under this section for each section of the 21072 21073 GED.

Of the foregoing appropriation item 200550, Foundation 21074 Funding, up to \$410,000 in each fiscal year shall be used to pay 21075

career-technical planning districts \$500 for each student that	21076
receives a journeyman certification, as recognized by the United	21077
States Department of Labor.	21078
Of the foregoing appropriation item 200550, Foundation	21079
Funding, up to \$18,713,327 in each fiscal year shall be used to	21080
support school choice programs.	21081
Of the portion of the funds distributed to the Cleveland	21082
Municipal School District under this section, up to \$11,901,887 in	21083
each fiscal year shall be used to operate the school choice	21084
program in the Cleveland Municipal School District under sections	21085
3313.974 to 3313.979 of the Revised Code. Notwithstanding	21086
divisions (B) and (C) of section 3313.978 and division (C) of	21087
section 3313.979 of the Revised Code, up to \$1,000,000 in each	21088
fiscal year of this amount shall be used by the Cleveland	21089
Municipal School District to provide tutorial assistance as	21090
provided in division (H) of section 3313.974 of the Revised Code.	21091
The Cleveland Municipal School District shall report the use of	21092
these funds in the district's three-year continuous improvement	21093
plan as described in section 3302.04 of the Revised Code in a	21094
manner approved by the Department of Education.	21095
Of the foregoing appropriation item 200550, Foundation	21096
Funding, up to \$2,000,000 in fiscal year 2015 shall be used to pay	21097
college-preparatory boarding schools the per pupil boarding amount	21098
pursuant to section 3328.34 of the Revised Code.	21099
Of the foregoing appropriation item 200550, Foundation	21100
Funding, up to \$500,000 in each fiscal year shall be used to	21101
support Jobs for Ohio's Graduates.	21102
Of the foregoing appropriation item 200550, Foundation	21103
Funding, up to \$250,000 in fiscal year 2015 may be used for	21104
payment of the Post-Secondary Enrollment Options Program for	21105
students instructed at home pursuant to section 3321.04 of the	21106

Revised Code.	21107
Of the foregoing appropriation item 200550, Foundation	21108
Funding, up to \$5,000,000 in fiscal year 2014 shall be used to	21109
reimburse school districts for the full amount deducted in that	21110
year under section 3310.55 of the Revised Code for Jon Peterson	21111
Scholarships awarded under sections 3310.51 to 3310.64 of the	21112
Revised Code to students who did not attend a public school in	21113
their resident district in the previous school year. If this	21114
amount is not sufficient, the Department of Education shall	21115
prorate the payment amounts so that the aggregate amount	21116
appropriated in this paragraph is not exceeded.	21117
Of the foregoing appropriation item 200550, Foundation	21118
Funding, an amount shall be available in each fiscal year to be	21119
paid to joint vocational school districts in accordance with	21120
division (A) of section 3317.16 of the Revised Code and the	21121
section of this act Am. Sub. H.B. 59 of the 130th General Assembly	21122
entitled "TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL	21123
DISTRICTS."	21124
Of the foregoing appropriation item 200550, Foundation	21125
Funding, up to \$700,000 in each fiscal year shall be used by the	21126
Department of Education for a program to pay for educational	21127
services for youth who have been assigned by a juvenile court or	21128
other authorized agency to any of the facilities described in	21129
division (A) of the section of this act Am. Sub. H.B. 59 of the	21130
130th General Assembly entitled "PRIVATE TREATMENT FACILITY	21131
PROJECT."	21132
Of the foregoing appropriation item 200550, Foundation	21133
Funding, up to \$675,000 in fiscal year 2015 shall be used to	21134
provide grants on a competitive basis to public and chartered	21135
nonpublic schools for their participation in the electronic	21136
textbook pilot project. These funds shall be administered as	21137
provided under the section of this act Am. Sub. H.B. 59 of the	21138

130th General Assembly entitled ELECTRONIC TEXTBOOK PILOT PROJECT.	21139
Of the foregoing appropriation item 200550, Foundation	21140
Funding, up to \$500,000 in fiscal year 2014 and up to \$3,000,000	21141
in fiscal year 2015 shall be used for the New Leaders for Ohio	21142
Schools Pilot Project in accordance with Section 733.40 of this	21143
act Am. Sub. H.B. 59 of the 130th General Assembly.	21144
The remainder of appropriation item 200550, Foundation	21145
Funding, shall be used to distribute the amounts calculated for	21146
formula aid under section 3317.022 of the Revised Code and the	21147
section of this act Am. Sub. H.B. 59 of the 130th General Assembly	21148
entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED	21149
VILLAGE SCHOOL DISTRICTS."	21150
Appropriation items 200502, Pupil Transportation, 200540,	21151
Special Education Enhancements, and 200550, Foundation Funding,	21152
other than specific set-asides, are collectively used in each	21153
fiscal year to pay state formula aid obligations for school	21154
districts, community schools, STEM schools, college preparatory	21155
boarding schools, and joint vocational school districts under this	21156
act Am. Sub. H.B. 59 of the 130th General Assembly. The first	21157
priority of these appropriation items, with the exception of	21158
specific set-asides, is to fund state formula aid obligations. It	21159
may be necessary to reallocate funds among these appropriation	21160
items or use excess funds from other general revenue fund	21161
appropriation items in the Department of Education's budget in	21162
each fiscal year, in order to meet state formula aid obligations.	21163
If it is determined that it is necessary to transfer funds among	21164
these appropriation items or to transfer funds from other General	21165
Revenue Fund appropriations in the Department of Education's	21166
budget to meet state formula aid obligations, the Department of	21167
Education shall seek approval from the Controlling Board to	21168
transfer funds as needed.	21169

The Superintendent of Public Instruction shall make payments, 21170

transfers, and deductions, as authorized by Title XXXIII of the	21171
Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and	21172
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in	21173
amounts substantially equal to those made in the prior year, or	21174
otherwise, at the discretion of the Superintendent, until at least	21175
the effective date of the amendments and enactments made to Title	21176
XXXIII by this act Am. Sub. H.B. 59 of the 130th General Assembly.	21177
If a new school district, community school, or STEM school opens	21178
prior to the effective date of this act Am. Sub. H.B. 59 of the	21179
130th General Assembly, the Department of Education shall pay to	21180
the district or school an amount of \$5,000 per pupil, based upon	21181
the estimated number of students that the district or school is	21182
expected to serve. Any funds paid to districts or schools under	21183
this section shall be credited toward the annual funds calculated	21184
for the district or school after the changes made to Title XXXIII	21185
in this act Am. Sub. H.B. 59 of the 130th General Assembly are	21186
effective. Upon the effective date of changes made to Title XXXIII	21187
in this act Am. Sub. H.B. 59 of the 130th General Assembly, funds	21188
shall be calculated as an annual amount.	21189

## Sec. 263.240. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND 21190 EXEMPTED VILLAGE SCHOOL DISTRICTS 21191

The Department of Education shall distribute funds within 21192 appropriation item 200550, Foundation Funding, for temporary 21193 transitional aid in each fiscal year to each qualifying city, 21194 local, and exempted village school district. 21195

(A) For fiscal years 2014 and 2015, the Department shall pay 21196 temporary transitional aid to each city, local, or exempted 21197 village school district that experiences any decrease in its state 21198 foundation funding for the current fiscal year from its 21199 transitional aid guarantee base. The amount of the temporary 21200 transitional aid payment shall equal the difference between its 21201

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foundation funding for the current fiscal year and its	21202
transitional aid guarantee base. If the computation made under	21203
this division results in a negative number, the district's funding	21204
under this division shall be zero.	21205
(1) As used in this section, foundation funding for each	21206
city, local, and exempted village school district for a given	21207
fiscal year equals the sum of the amount calculated for the	21208
district under section 3317.022 of the Revised Code, as re-enacted	21209
by this act Am. Sub. H.B. 59 of the 130th General Assembly, and	21210
the amounts calculated for the district under divisions (G)(1) and	21211
(2) of section 3317.0212 of the Revised Code, as amended by $\frac{\text{this}}{\text{code}}$	21212
act Am. Sub. H.B. 59 of the 130th General Assembly, for that	21213
fiscal year.	21214
(2) The transitional aid guarantee base for each city, local,	21215
and exempted village school district equals the sum of the amounts	21216
computed for the district for fiscal year 2013, under Sections	21217
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the	21218
129th General Assembly. The Department of Education shall adjust,	21219
as necessary, the transitional aid guarantee base of any local	21220
school district that participates in the establishment of a joint	21221
vocational school district that begins receiving payments under	21222
section 3317.16 of the Revised Code, as re-enacted by this act Am.	21223
Sub. H.B. 59 of the 130th General Assembly, for fiscal year 2014	21224
or fiscal year 2015, but does not receive payments under Section	21225
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, for	21226
fiscal year 2013. The Department shall adjust any such local	21227
school district's guarantee base according to the amounts received	21228
by the district in fiscal year 2013 for career-technical education	21229
students who attend the newly established joint vocational school	21230
district in fiscal year 2014 or fiscal year 2015.	21231
(B)(1) Notwithstanding section 3317.022 of the Revised Code,	21232

as re-enacted by this act Am. Sub. H.B. 59 of the 130th General

Assembly, in fiscal year 2014, no city, local, or exempted village	21234
school district shall be allocated foundation funding that is	21235
greater than 1.0625 times the district's transitional aid	21236
guarantee base.	21237
(2) Notwithstanding section 3317.022 of the Revised Code, as	21238
re-enacted by this act Am. Sub. H.B. 59 of the 130th General	21239
Assembly, in fiscal year 2015, no city, local, or exempted village	21240
school district shall be allocated foundation funding that is	21241
greater than 1.105 times the district's fiscal year 2014 base,	21242
which is the amount computed for foundation funding for the	21243
district for fiscal year 2014 plus any amount calculated for	21244
temporary transitional aid for fiscal year 2014 under division (A)	21245
of this section and after any reductions made for fiscal year 2014	21246
under division (B)(1) of this section. The Department shall	21247
adjust, as necessary, the fiscal year 2014 base of any local	21248
school district that participates in the establishment of a joint	21249
vocational school district that begins receiving payments under	21250
section 3317.16 of the Revised Code for fiscal year 2015, but does	21251
not receive such payments for fiscal year 2014. The Department	21252
shall adjust any such local school district's fiscal year 2014	21253
base according to the amounts received by the district in fiscal	21254
year 2014 for career-technical education students who attend the	21255
newly established joint vocational school district in fiscal year	21256
<u>2015.</u>	21257
(3) The Department shall reduce a district's payments under	21258
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022	21259
of the Revised Code, as re-enacted by this act Am. Sub. H.B. 59 of	21260
the 130th General Assembly, and divisions (G)(1) and (2) of	21261
section 3317.0212 of the Revised Code, as amended by this act Am.	21262
Sub. H.B. 59 of the 130th General Assembly, proportionately as	21263
necessary in order to comply with this division. If those amounts	21264

are insufficient, the Department shall proportionately reduce a

district's payments under divisions $(A)(3)$ , $(8)$ , and $(9)$ of	21266
section 3317.022 of the Revised Code, as re-enacted by this act	21267
Am. Sub. H.B. 59 of the 130th General Assembly.	21268
Sec. 263.250. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL	21269
SCHOOL DISTRICTS	21270
The Department of Education shall distribute funds within	21271
appropriation item 200550, Foundation Funding, for temporary	21272
transitional aid in each fiscal year to each qualifying joint	21273
vocational school district.	21274
(A) For fiscal years 2014 and 2015, the Department shall pay	21275
temporary transitional aid to each joint vocational school	21276
district that experiences any decrease in its state core	21277
foundation funding under division (A) of section 3317.16 of the	21278
Revised Code, as re-enacted by this act Am. Sub. H.B. 59 of the	21279
130th General Assembly, for the current fiscal year from its	21280
transitional aid guarantee base. The amount of the temporary	21281
transitional aid payment shall equal the difference between the	21282
district's funding under division (A) of section 3317.16 of the	21283
Revised Code for the current fiscal year and its transitional aid	21284
guarantee base. If the computation made under this division	21285
results in a negative number, the district's funding under this	21286
division shall be zero.	21287
The transitional aid guarantee base for each joint vocational	21288
school district equals the amount computed for the district for	21289
fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of	21290
the 129th General Assembly. The Department of Education shall	21291
establish, as necessary, the transitional aid guarantee base of	21292
any joint vocational school district that begins receiving	21293
payments under section 3317.16 of the Revised Code, as re-enacted	21294
by this act Am. Sub. H.B. 59 of the 130th General Assembly, for	21295
	01005

fiscal year 2014 or fiscal year 2015, but does not receive

payments under Section 267.30.60 of Am. Sub. H.B. 153 of the 129th	21297
General Assembly, for fiscal year 2013. The Department shall	21298
establish any such joint vocational school district's guarantee	21299
base as an amount equal to the absolute value of the sum of the	21300
associated adjustments of any local school districts' guarantee	21301
bases under Section 263.240 of this act Am. Sub. H.B. 59 of the	21302
130th General Assembly.	21303

- (B)(1) Notwithstanding division (A) of section 3317.16 of the 21304 Revised Code, as re-enacted by this act Am. Sub. H.B. 59 of the 21305 130th General Assembly, in fiscal year 2014, no joint vocational 21306 school district shall be allocated state core foundation funding, 21307 as computed under division (A) of section 3317.16 of the Revised 21308 Code, as re-enacted by this act Am. Sub. H.B. 59 of the 130th 21309 General Assembly, that is greater than 1.0625 times the district's 21310 transitional aid guarantee base. 21311
- (2) Notwithstanding division (A) of section 3317.16 of the 21312 Revised Code, as re-enacted by this act Am. Sub. H.B. 59 of the 21313 130th General Assembly, in fiscal year 2015, no joint vocational 21314 school district shall be allocated state core foundation funding, 21315 under division (A) of section 3317.16 of the Revised Code, as 21316 re-enacted by this act Am. Sub. H.B. 59 of the 130th General 21317 Assembly, that is greater than 1.105 times the district's fiscal 21318 year 2014 base, which is the amount computed for state core 21319 foundation funding for the district for fiscal year 2014 under 21320 division (A) of section 3317.16 of the Revised Code, as re-enacted 21321 by this act Am. Sub. H.B. 59 of the 130th General Assembly, plus 21322 any amount calculated for temporary transitional aid for fiscal 21323 year 2014 under division (A) of this section and after any 21324 reductions made for fiscal year 2014 under division (B)(1) of this 21325 section. The Department shall establish, as necessary, the fiscal 21326 year 2014 base of any joint vocational school district that begins 21327 receiving payments under section 3317.16 of the Revised Code for 21328

Assistance and grants shall be subject to approval by the

Controlling Board. Except as provided under division (C) of this

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section, any required reimbursements from school districts for 21360 solvency assistance shall be made to the appropriate account in 21361 the School District Solvency Assistance Fund (Fund 5H30). 21362

- (B) Notwithstanding any provision of law to the contrary, 21363 upon the request of the Superintendent of Public Instruction, the 21364 Director of Budget and Management may make transfers to the School 21365 District Solvency Assistance Fund (Fund 5H30) from any fund used 21366 by the Department of Education or the General Revenue Fund to 21367 maintain sufficient cash balances in Fund 5H30 in fiscal years 21368 2014 and 2015. Any cash transferred is hereby appropriated. The 21369 transferred cash may be used by the Department of Education to 21370 provide assistance and grants to school districts to enable them 21371 to remain solvent and to pay unforeseeable expenses of a temporary 21372 or emergency nature that the school district is unable to pay from 21373 existing resources. The Director of Budget and Management shall 21374 notify the members of the Controlling Board of any such transfers. 21375
- (C) If the cash balance of the School District Solvency 21376 Assistance Fund (Fund 5H30) is insufficient to pay solvency 21377 assistance in fiscal years 2014 and 2015, at the request of the 21378 Superintendent of Public Instruction, and with the approval of the 21379 Controlling Board, the Director of Budget and Management may 21380 transfer cash from the Lottery Profits Education Reserve Fund 21381 (Fund 7018) to Fund 5H30 to provide assistance and grants to 21382 school districts to enable them to remain solvent and to pay 21383 unforeseeable expenses of a temporary nature that they are unable 21384 to pay from existing resources under section 3316.20 of the 21385 Revised Code. Such transfers are hereby appropriated to 21386 appropriation item 200670, School District Solvency Assistance -21387 Lottery. Any required reimbursements from school districts for 21388 solvency assistance granted from appropriation item 200670, School 21389 District Solvency Assistance - Lottery, shall be made to Fund 21390 7018. 21391

CAREER ADVISING AND MENTORING PROGRAM	21392
The foregoing appropriation item 200629, Career Advising and	21393
Mentoring, shall be used by the State Superintendent of Public	21394
Instruction to create the Career Advising and Mentoring Grant	21395
Program. The Superintendent shall develop guidelines for the	21396
grants. The program shall award competitive matching grants to	21397
provide funding for local networks of volunteers and organizations	21398
to sponsor career advising and mentoring for students in eligible	21399
school districts. Each grant award shall match up to three times	21400
the funds allocated to the project by the local network. Eligible	21401
school districts are those with a high percentage of students in	21402
poverty, a high number of students not graduating on time, and	21403
other criteria as determined by the State Superintendent. Eligible	21404
school districts shall partner with members of the business	21405
community, civic organizations, or the faith-based community to	21406
provide sustainable career advising and mentoring services.	21407
ADULT CAREER OPPORTUNITY PILOT PROGRAM	21408
ADULT CAREER OPPORTUNITY PILOT PROGRAM  The foregoing appropriation item 200654, Adult Career	21408 21409
The foregoing appropriation item 200654, Adult Career	21409
The foregoing appropriation item 200654, Adult Career  Opportunity Pilot Program, shall be used by the Superintendent of	21409 21410
The foregoing appropriation item 200654, Adult Career  Opportunity Pilot Program, shall be used by the Superintendent of  Public Instruction to award and administer planning grants for the	21409 21410 21411
The foregoing appropriation item 200654, Adult Career  Opportunity Pilot Program, shall be used by the Superintendent of  Public Instruction to award and administer planning grants for the  Adult Career Opportunity Pilot Program established in section	21409 21410 21411 21412
The foregoing appropriation item 200654, Adult Career  Opportunity Pilot Program, shall be used by the Superintendent of  Public Instruction to award and administer planning grants for the  Adult Career Opportunity Pilot Program established in section  3313.902 of the Revised Code. The Superintendent may award grants	21409 21410 21411 21412 21413
The foregoing appropriation item 200654, Adult Career  Opportunity Pilot Program, shall be used by the Superintendent of  Public Instruction to award and administer planning grants for the  Adult Career Opportunity Pilot Program established in section  3313.902 of the Revised Code. The Superintendent may award grants of up to \$500,000 to not more than five eligible institutions. The	21409 21410 21411 21412 21413 21414
The foregoing appropriation item 200654, Adult Career  Opportunity Pilot Program, shall be used by the Superintendent of  Public Instruction to award and administer planning grants for the  Adult Career Opportunity Pilot Program established in section  3313.902 of the Revised Code. The Superintendent may award grants  of up to \$500,000 to not more than five eligible institutions. The  grants shall be used by selected eligible institutions to build	21409 21410 21411 21412 21413 21414 21415
The foregoing appropriation item 200654, Adult Career  Opportunity Pilot Program, shall be used by the Superintendent of  Public Instruction to award and administer planning grants for the  Adult Career Opportunity Pilot Program established in section  3313.902 of the Revised Code. The Superintendent may award grants of up to \$500,000 to not more than five eligible institutions. The  grants shall be used by selected eligible institutions to build  capacity to implement the program beginning in the 2015-2016	21409 21410 21411 21412 21413 21414 21415 21416
The foregoing appropriation item 200654, Adult Career Opportunity Pilot Program, shall be used by the Superintendent of Public Instruction to award and administer planning grants for the Adult Career Opportunity Pilot Program established in section 3313.902 of the Revised Code. The Superintendent may award grants of up to \$500,000 to not more than five eligible institutions. The grants shall be used by selected eligible institutions to build capacity to implement the program beginning in the 2015-2016 academic year.	21409 21410 21411 21412 21413 21414 21415 21416 21417
The foregoing appropriation item 200654, Adult Career Opportunity Pilot Program, shall be used by the Superintendent of Public Instruction to award and administer planning grants for the Adult Career Opportunity Pilot Program established in section 3313.902 of the Revised Code. The Superintendent may award grants of up to \$500,000 to not more than five eligible institutions. The grants shall be used by selected eligible institutions to build capacity to implement the program beginning in the 2015-2016 academic year.  The Superintendent of Public Instruction and the Chancellor,	21409 21410 21411 21412 21413 21414 21415 21416 21417
The foregoing appropriation item 200654, Adult Career  Opportunity Pilot Program, shall be used by the Superintendent of  Public Instruction to award and administer planning grants for the  Adult Career Opportunity Pilot Program established in section  3313.902 of the Revised Code. The Superintendent may award grants of up to \$500,000 to not more than five eligible institutions. The  grants shall be used by selected eligible institutions to build  capacity to implement the program beginning in the 2015-2016  academic year.  The Superintendent of Public Instruction and the Chancellor, or their designees, shall develop an application process to award	21409 21410 21411 21412 21413 21414 21415 21416 21417 21418 21419
The foregoing appropriation item 200654, Adult Career Opportunity Pilot Program, shall be used by the Superintendent of Public Instruction to award and administer planning grants for the Adult Career Opportunity Pilot Program established in section 3313.902 of the Revised Code. The Superintendent may award grants of up to \$500,000 to not more than five eligible institutions. The grants shall be used by selected eligible institutions to build capacity to implement the program beginning in the 2015-2016 academic year.  The Superintendent of Public Instruction and the Chancellor, or their designees, shall develop an application process to award these grants to eligible institutions geographically dispersed	21409 21410 21411 21412 21413 21414 21415 21416 21417 21418 21419 21420

The Superintendent, in consultation with the Chancellor, the	21424
Governor's Office of Workforce Transformation, the Ohio	21425
Association of Community Colleges, Ohio Technical Centers, Adult	21426
Basic and Literacy Education programs, and other interested	21427
parties as deemed necessary, or their designees, shall develop	21428
recommendations for the method of funding and other associated	21429
requirements for the Adult Career Opportunity Pilot Program. The	21430
Superintendent shall provide a report of the recommendations to	21431
the Governor, the President of the Senate, and the Speaker of the	21432
House of Representatives by December 31, 2014.	21433
As used in this section, "eligible institution" has the same	21434
meaning as in section 3313.902 of the Revised Code.	21435
Sec. 263.325. (A) The Straight A Program is hereby created	21436
for fiscal years 2014 and 2015 to provide grants to city, local,	21437
exempted village, and joint vocational school districts,	21438
educational service centers, community schools established under	21439
Chapter 3314., STEM schools established under Chapter 3326.,	21440
college-preparatory boarding schools established under Chapter	21441
3328. of the Revised Code, individual school buildings, education	21442
consortia (which may represent a partnership among school	21443
districts, school buildings, community schools, or STEM schools),	21113
institutions of higher education, and private entities partnering	21445
with one or more of the educational entities identified in this	21446
division for projects that aim to achieve significant advancement	21447
in one or more of the following goals:	21448
(1) Student achievement;	21449
(2) Spending reduction in the five-year fiscal forecast	21450
required under section 5705.391 of the Revised Code;	21451
(3) Utilization of a greater share of resources in the	21452
classroom.	21453

(B)(1) Grants shall be awarded by a nine-member governing	21454
board consisting of the Superintendent of Public Instruction, or	21455
the Superintendent's designee, four members appointed by the	21456
Governor, two members appointed by the Speaker of the House of	21457
Representatives, and two members appointed by the President of the	21458
Senate. The Department of Education shall provide administrative	21459
support to the board. No member shall be compensated for the	21460
member's service on the board.	21461
(2) The board shall select grant advisors with fiscal	21462
expertise and education expertise. These advisors shall evaluate	21463
proposals from grant applicants and advise the staff administering	21464
the program. No advisor shall be compensated for this service.	21465
(3) The board shall issue an annual report to the Governor,	21466
the Speaker of the House of Representatives, the President of the	21467
Senate, and the chairpersons of the House and Senate committees	21468
that primarily deal with education regarding the types of grants	21469
awarded, the grant recipients, and the effectiveness of the grant	21470
program.	21471
(4) The board shall create a grant application and publish on	21472
the Department's web site the application and timeline for the	21473
submission, review, notification, and awarding of grant proposals.	21474
(5) With the approval of the board, the Department shall	21475
establish a system for evaluating and scoring the grant	21476
applications received under this section.	21477
(C) Each grant applicant shall submit a proposal that	21478
includes all of the following:	21479
(1) A description of the project for which the applicant is	21480
seeking a grant, including a description of how the project will	21481
have substantial value and lasting impact;	21482
(2) An explanation of how the project will be	21483

self-sustaining. If the project will result in increased ongoing

21484

spending, the applicant shall show how the spending will be offset	21485
by verifiable, credible, permanent spending reductions.	21486
(3) A description of quantifiable results of the project that	21487
can be benchmarked.	21488

If an education consortia described in division (A) of this 21489 section applies for a grant, the lead applicant shall be the 21490 school district, school building, community school, or STEM school 21491 that is a member of the consortia and shall so indicate on the 21492 grant application.

- (D)(1) Within seventy-five days after receiving a grant 21494 application, the board shall issue a decision on the application 21495 of "yes," "no," "hold," or "edit." In making its decision, the 21496 board shall consider whether the project has the capability of 21497 being replicated in other school districts and schools or creates 21498 something that can be used in other districts and schools. A grant 21499 awarded under this section to a school district, educational 21500 service center, community school, STEM school, college-preparatory 21501 boarding school, individual school building, institution of higher 21502 education, or private entity partnering with one or more of the 21503 educational entities identified in division (A) of this section 21504 shall not exceed \$5,000,000 in each fiscal year. A grant awarded 21505 to an education consortia shall not exceed \$15,000,000 in each 21506 fiscal year. The Superintendent of Public Instruction may make 21507 recommendations to the Controlling Board that these maximum 21508 amounts be exceeded. Upon Controlling Board approval, grants may 21509 be awarded in excess of these amounts. 21510
- (2) If the board issues a "hold" or "edit" decision for an 21511 application, it shall, upon returning the application to the 21512 applicant, specify the process for reconsideration of the 21513 application. An applicant may work with the grant advisors and 21514 staff to modify or improve a grant application. 21515

(E) Upon deciding to award a grant to an applicant, the board	21516
shall enter into a grant agreement with the applicant that	21517
includes all of the following:	21518
(1) The content of the applicant's proposal as outlined under	21519
division (C) of this section;	21520
(2) The project's deliverables and a timetable for their completion;	21521 21522
(3) Conditions for receiving grant funding;	21523
(4) Conditions for receiving funding in future years if the contract is a multi-year contract;	21524 21525
(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.	21526 21527 21528
(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.	21529 21530
(F) An advisory committee for the Straight A Program is	21531
hereby established. The committee shall consist of not more than	21532
eleven members appointed by the Governor that represent all areas	21533
of the state and different interests. The committee shall annually	21534
review the Straight A Program and provide strategic advice to the	21535
governing board and the Director of the Governor's Office of 21st	21536
Century Education.	21537
(G) Each grant awarded under this section shall be subject to	21538
approval by the Controlling Board prior to execution of the grant	21539
agreement.	21540
(H) Notwithstanding Section 503.50 of Am. Sub. H.B. 59 of the	21541
130th General Assembly, funds encumbered by recipients of grants	21542
awarded under this section may be used for grant-related expenses	21543
incurred outside of the fiscal year in which the grant is awarded	21544
and remain open for twelve months after the close of the fiscal	21545

year.						21546
Sec. 27	5.10. EPA ENVIRONMENTAL	PRO'	TECTION AGENO	CY		21547
General Reve	nue Fund					21548
GRF 715502	Auto Emissions	\$	10,923,093	\$	10,923,093	21549
	e-Check Program					
TOTAL GRF Ge:	neral Revenue Fund	\$	10,923,093	\$	10,923,093	21550
General Serv	ices Fund Group					21551
1990 715602	Laboratory Services	\$	252,153	\$	326,029	21552
2190 715604	Central Support	\$	10,255,680	\$	10,255,680	21553
	Indirect					
4A10 715640	Operating Expenses	\$	2,600,000	\$	2,602,000	21554
4D50 715618	Recycled State	\$	50,000	\$	50,000	21555
	Materials					
TOTAL GSF Ge:	neral Services					21556
Fund Group		\$	13,157,833	\$	13,233,709	21557
Federal Spec	ial Revenue Fund Group					21558
3530 715612	Public Water Supply	\$	2,562,578	\$	2,474,605	21559
3540 715614	Hazardous Waste	\$	4,088,383	\$	4,088,383	21560
	Management - Federal					
3570 715619	Air Pollution Control	\$	6,310,203	\$	6,310,203	21561
	- Federal					
3620 715605	Underground Injection	\$	111,874	\$	111,874	21562
	Control - Federal					
3BU0 715684	Water Quality	\$	16,205,000	\$	15,280,000	21563
	Protection					
3CS0 715688	Federal NRD	\$	200,000	\$	200,000	21564
	Settlements					
3F20 715630	Revolving Loan Fund -	\$	832,543	\$	1,114,543	21565
	Operating					
3F30 715632	Federally Supported	\$	3,012,021	\$	3,012,991	21566
	Cleanup and Response					

3FH0 715693	Diesel Emission	\$ 10,000,000	\$ 10,000,000	21567
	Reduction Grants		2,500,000	
3Т30 715669	Drinking Water State	\$ 2,609,198	\$ 2,824,076	21568
	Revolving Fund			
3V70 715606	Agencywide Grants	\$ 600,000	\$ 600,000	21569
TOTAL FED Fed	deral Special Revenue			21570
Fund Group		\$ 46,531,800	\$ 46,016,675	21571
			<u>38,516,675</u>	
State Specia	l Revenue Fund Group			21572
4J00 715638	Underground Injection	\$ 389,126	\$ 402,697	21573
	Control			
4K20 715648	Clean Air - Non Title	\$ 3,165,400	\$ 3,237,450	21574
	V			
4K30 715649	Solid Waste	\$ 15,685,342	\$ 16,330,873	21575
4K40 715650	Surface Water	\$ 6,993,800	\$ 7,688,800	21576
	Protection			
4K40 715686	Environmental	\$ 2,096,007	\$ 2,096,007	21577
	Laboratory Services			
4K50 715651	Drinking Water	\$ 6,316,772	\$ 6,476,011	21578
	Protection			
4P50 715654	Cozart Landfill	\$ 100,000	\$ 100,000	21579
4R50 715656	Scrap Tire Management	\$ 1,059,378	\$ 1,070,532	21580
4R90 715658	Voluntary Action	\$ 916,690	\$ 945,195	21581
	Program			
4T30 715659	Clean Air - Title V	\$ 14,528,885	\$ 15,080,366	21582
	Permit Program			
4U70 715660	Construction and	\$ 335,000	\$ 335,000	21583
	Demolition Debris			
5000 715608	Immediate Removal	\$ 660,033	\$ 660,293	21584
	Special Account			
5030 715621	Hazardous Waste	\$ 7,615,403	\$ 8,224,041	21585
	Facility Management			
5050 715623	Hazardous Waste	\$ 14,528,609	\$ 14,933,345	21586

	Cle	anup			
5050 7156	74 Cle	an Ohio	\$ 108,104	\$ 108,104	21587
	Env	ironmental Review			
5320 7156	46 Rec	ycling and Litter	\$ 4,514,500	\$ 4,535,500	21588
	Con	trol			
5410 7156	70 Sit	e Specific Cleanup	\$ 1,548,101	\$ 1,548,101	21589
5420 7156	71 Ris	k Management	\$ 208,936	\$ 214,826	21590
	Rep	orting			
5860 7156	37 Scr	ap Tire Market	\$ 1,497,645	\$ 1,497,645	21591
	Dev	elopment			
5BC0 7156	17 Cle	an Ohio	\$ 611,455	\$ 611,455	21592
5BC0 7156	22 Loc	al Air Pollution	\$ 2,297,980	\$ 2,297,980	21593
	Con	trol			
5BC0 7156	24 Sur	face Water	\$ 9,614,974	\$ 9,614,974	21594
5BC0 7156	72 Air	Pollution Control	\$ 5,684,758	\$ 5,684,758	21595
5BC0 7156	73 Dri	nking and Ground	\$ 4,863,521	\$ 4,863,521	21596
	Wat	er			
5BC0 7156	76 Ass	istance and	\$ 695,069	\$ 695,069	21597
	Pre	vention			
5BC0 7156	77 Lab	oratory	\$ 1,358,586	\$ 1,558,586	21598
5BC0 7156	78 Cor	rective Actions	\$ 705,423	\$ 705,423	21599
5BC0 7156	87 Are	awide Planning	\$ 450,000	\$ 450,000	21600
	Age	ncies			
5BC0 7156	92 Adm	inistration	\$ 10,582,627	\$ 10,582,627	21601
5BC0 7156	94 Env	ironmental Resource	\$ 170,000	\$ 170,000	21602
	Coo	rdination			
5BT0 7156	79 C&D	D Groundwater	\$ 203,800	\$ 203,800	21603
	Mon	itoring			
5CD0 7156	82 Cle	an Diesel School	\$ 475,000	\$ 475,000	21604
	Bus	es			
5Н40 7156	64 Gro	undwater Support	\$ 128,212	\$ 223,212	21605
5Y30 7156	85 Sur	face Water	\$ 1,800,000	\$ 1,800,000	21606
	Imp	rovement			

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6440 715631	Emergency Response	\$	284,266	\$	290,674	21607	
	Radiological Safety						
6600 715629	Infectious Waste	\$	88,764	\$	88,764	21608	
	Management						
6760 715642	Water Pollution	\$	3,921,605	\$	3,921,605	21609	
	Control Loan						
	Administration						
6780 715635	Air Toxic Release	\$	133,636	\$	133,636	21610	
6790 715636	Emergency Planning	\$	2,623,252	\$	2,623,252	21611	
6960 715643	Air Pollution Control	\$	1,100,000	\$	1,125,000	21612	
	Administration						
6990 715644	Water Pollution	\$	345,000	\$	345,000	21613	
	Control Administration	L					
6A10 715645	Environmental	\$	1,350,000	\$	1,350,000	21614	
	Education						
TOTAL SSR Sta	ate Special Revenue	\$	131,755,659	\$	135,299,122	21615	
Fund Group							
Clean Ohio C	onservation Fund Group					21616	
5S10 715607	Clean Ohio -	\$	284,124	\$	284,124	21617	
	Operating						
TOTAL CLF Cle	ean Ohio Conservation	\$	284,124	\$	284,124	21618	
Fund Group							
TOTAL ALL BUI	OGET FUND GROUPS	\$	202,652,509	\$	<del>205,756,723</del>	21619	
					198,256,723		
AREAWID:	E PLANNING AGENCIES					21620	
The Dire	ector of Environmental	Prot	tection Agency	z ma	ay award	21621	
grants from	appropriation item 7156	87,	Areawide Plan	nni	ng Agencies,	21622	
to areawide j	planning agencies engag	ed i	in areawide wa	ate:	r quality	21623	
management a	nd planning activities	in a	accordance wit	h i	Section 208	21624	
of the "Federal Clean Water Act," 33 U.S.C. 1288.							
CASH TR	ANSFERS					21626	
On July 1, 2013, or as soon as possible thereafter, the							

\$

9,463,342 \$

9,463,342

21651

Management Operations

TOTAL GSF General Services Fund

Group

As soon as possible after each bond issuance made on behalf	21672
of the Facilities Construction Commission, the Director of Budget	21673
and Management shall determine the amount of cash, if any, from	21674
the bond proceeds to be transferred, after all issuance costs have	21675
been paid, from Fund 7030 to Fund 4T80.	21676

Sec. 28	35.10. DOH DEPARTMENT	OF	HEALTH			21677
General Reve	enue Fund					21678
GRF 440412	Cancer Incidence		\$	600,000	\$ 600,000	21679

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	Surveillance System			
GRF 440413	Local Health	\$ 823,061	\$ 823,061	21680
	Departments			
GRF 440416	Mothers and Children	\$ 4,428,015	\$ 4,428,015	21681
	Safety Net Services			
GRF 440418	Immunizations	\$ 8,825,829	\$ 8,825,829	21682
GRF 440431	Free Clinics Safety	\$ 437,326	\$ 437,326	21683
	Net Services			
GRF 440438	Breast and Cervical	\$ 823,217	\$ 823,217	21684
	Cancer Screening			
GRF 440444	AIDS Prevention and	\$ 5,842,315	\$ 5,842,315	21685
	Treatment			
GRF 440451	Public Health	\$ 3,655,449	\$ <del>3,655,449</del>	21686
	Laboratory		4,305,449	
GRF 440452	Child and Family	\$ 630,444	\$ 630,444	21687
	Health Services Match			
GRF 440453	Health Care Quality	\$ 4,874,361	\$ 4,874,361	21688
	Assurance			
GRF 440454	Environmental Health	\$ 1,194,634	\$ 1,194,634	21689
GRF 440459	Help Me Grow	\$ 33,673,987	\$ 33,673,987	21690
GRF 440465	Federally Qualified	\$ 2,686,688	\$ 2,686,688	21691
	Health Centers			
GRF 440467	Access to Dental Care	\$ 540,484	\$ 540,484	21692
GRF 440468	Chronic Disease and	\$ 2,447,251	\$ 2,447,251	21693
	Injury Prevention			
GRF 440472	Alcohol Testing	\$ 1,100,000	\$ 1,100,000	21694
GRF 440473	Tobacco Prevention and	\$ 1,050,000	\$ 1,050,000	21695
	Cessation			
GRF 440474	Infant Vitality	\$ 3,116,688	\$ 3,116,688	21696
GRF 440505	Medically Handicapped	\$ 7,512,451	\$ 7,512,451	21697
	Children			
GRF 440507	Targeted Health Care	\$ 1,045,414	\$ 1,045,414	21698
	Services Over 21			

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TOTAL FED Fed				21719	
Fund Group		\$	455,010,657	\$ 457,383,142	21720
State Specia	l Revenue Fund Group				21721
4700 440647	Fee Supported	\$	25,305,250	\$ 25,613,586	21722
	Programs				
4710 440619	Certificate of Need	\$	878,433	\$ 878,433	21723
4770 440627	Medically Handicapped	\$	3,692,703	\$ 3,692,703	21724
	Children Audit				
4D60 440608	Genetics Services	\$	3,311,039	\$ 3,311,039	21725
4F90 440610	Sickle Cell Disease	\$	1,032,824	\$ 1,032,824	21726
	Control				
4G00 440636	Heirloom Birth	\$	5,000	\$ 5,000	21727
	Certificate				
4G00 440637	Birth Certificate	\$	5,000	\$ 5,000	21728
	Surcharge				
4L30 440609	HIV Care and	\$	8,333,164	\$ 8,333,164	21729
	Miscellaneous				
	Expenses				
4P40 440628	Ohio Physician Loan	\$	476,870	\$ 476,870	21730
	Repayment				
4V60 440641	Save Our Sight	\$	2,255,789	\$ 2,255,789	21731
5B50 440616	Quality, Monitoring,	\$	878,997	\$ 878,997	21732
	and Inspection				
5CN0 440645	Choose Life	\$	75,000	\$ 75,000	21733
5D60 440620	Second Chance Trust	\$	1,151,902	\$ 1,151,902	21734
5ED0 440651	Smoke Free Indoor Air	\$	250,000	\$ 250,000	21735
5G40 440639	Adoption Services	\$	20,000	\$ 20,000	21736
<u>5PEO</u> <u>440659</u>	Breast and Cervical	<u>\$</u>	<u>0</u>	\$ 100,000	21737
	<u>Cancer Services</u>				
5Z70 440624	Ohio Dentist Loan	\$	140,000	\$ 140,000	21738
	Repayment				
6100 440626	Radiation Emergency	\$	1,049,954	\$ 1,086,098	21739
	Response				

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21794

family income. The Director may adopt other rules as necessary to	21764
implement this section. Rules adopted under this section shall be	21765
adopted in accordance with Chapter 119. of the Revised Code.	21766
The Department shall disburse all of the funds appropriated	21767
under this section.	21768
HIV/AIDS PREVENTION/TREATMENT	21769
The foregoing appropriation item 440444, AIDS Prevention and	21770
Treatment, shall be used to assist persons with HIV/AIDS in	21771
acquiring HIV-related medications and to administer educational	21772
prevention initiatives.	21773
PUBLIC HEALTH LABORATORY	21774
A portion of the foregoing appropriation item 440451, Public	21775
Health Laboratory, shall be used for coordination and management	21776
of prevention program operations and the purchase of drugs for	21777
sexually transmitted diseases.	21778
HELP ME GROW	21779
HELP ME GROW  The foregoing appropriation item 440459, Help Me Grow, shall	
	21779
The foregoing appropriation item 440459, Help Me Grow, shall	21779 21780
The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow	21779 21780 21781
The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through	21779 21780 21781 21782
The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with	21779 21780 21781 21782 21783
The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459,	21779 21780 21781 21782 21783 21784
The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with other early	21779 21780 21781 21782 21783 21784 21785
The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with other early childhood funds and services to promote the optimal development of	21779 21780 21781 21782 21783 21784 21785 21786
The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with other early childhood funds and services to promote the optimal development of young children and family-centered programs and services that	21779 21780 21781 21782 21783 21784 21785 21786 21787
The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with other early childhood funds and services to promote the optimal development of young children and family-centered programs and services that acknowledge and support the social, emotional, cognitive,	21779 21780 21781 21782 21783 21784 21785 21786 21787 21788
The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with other early childhood funds and services to promote the optimal development of young children and family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital	21779 21780 21781 21782 21783 21784 21785 21786 21787 21788
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and Department of Mental Health and Addiction Services to ensure

that all early childhood programs and initiatives are coordinated	21795
and school linked.	21796
The foregoing appropriation item 440459, Help Me Grow, may	21797
also be used for the Developmental Autism and Screening Program.	21798
INFANT VITALITY	21799
The foregoing appropriation item 440474, Infant Vitality,	21800
shall be used to fund the following projects, which are hereby	21801
created:	21802
(A) The Infant Safe Sleep Campaign to educate parents and	21803
caregivers with a uniform message regarding safe sleep	21804
environments;	21805
(B) The Progesterone Prematurity Prevention Project to enable	21806
prenatal care providers to identify, screen, treat, and track	21807
outcomes for women eligible for progesterone supplementation; and	21808
(C) The Prenatal Smoking Cessation Project to enable prenatal	21809
care providers who work with women of reproductive age, including	21810
pregnant women, to have the tools, training, and technical	21811
assistance needed to treat smokers effectively.	21812
TARGETED HEALTH CARE SERVICES OVER 21	21813
The foregoing appropriation item 440507, Targeted Health Care	21814
Services Over 21, shall be used to administer the Cystic Fibrosis	21815
Program and to implement the Hemophilia Insurance Premium Payment	21816
Program.	21817
The foregoing appropriation item 440507, Targeted Health Care	21818
Services Over 21, shall also be used to provide essential	21819
medications and to pay the copayments for drugs approved by the	21820
Department of Health and covered by Medicare Part D that are	21821
dispensed to Bureau for Children with Medical Handicaps (BCMH)	21822
participants for the Cystic Fibrosis Program.	21823
The Department shall expend all of these funds.	21824

CASH TRANSFERS TO THE MEDICAID FUND	21825
On July 1, 2013, or as soon as possible thereafter, the	21826
Director of Health shall certify to the Director of Budget and	21827
Management the cash balance relating to Medicaid restructuring in	21828
the following funds, all used by the Department of Health: the	21829
General Operations Fund (Fund 4700); the General Operations Fund	21830
(Fund 1420); the General Operations Fund (Fund 3920); and the	21831
Medicaid/Medicare Fund (Fund 3910). Upon receiving this	21832
certification, the Director of Budget and Management may transfer	21833
the amount certified to the Medicaid Fund (Fund 3GD0), used by the	21834
Department of Health. If this transfer occurs, the Director of	21835
Budget and Management shall cancel any existing encumbrances	21836
pertaining to Medicaid in appropriation items 440647, Fee	21837
Supported Programs, 440646, Agency Health Services, 440618,	21838
Federal Public Health Programs, and 440606, Medicare Survey and	21839
Certification, and reestablish them against appropriation item	21840
654601, Medicaid Program Support. The reestablished encumbrance	21841
amounts are hereby appropriated.	21842
GENETICS SERVICES	21843
The foregoing appropriation item 440608, Genetics Services	21844
(Fund 4D60), shall be used by the Department of Health to	21845
administer programs authorized by sections 3701.501 and 3701.502	21846
of the Revised Code. None of these funds shall be used to counsel	21847
or refer for abortion, except in the case of a medical emergency.	21848
MEDICALLY HANDICAPPED CHILDREN AUDIT	21849
The Medically Handicapped Children Audit Fund (Fund 4770)	21850
shall receive revenue from audits of hospitals and recoveries from	21851
third-party payers. Moneys may be expended for payment of audit	21852
settlements and for costs directly related to obtaining recoveries	21853
from third-party payers and for encouraging Medically Handicapped	21854
Children's Program recipients to apply for third-party benefits.	21855

Moneys also may be expended for payments for diagnostic and	21856				
treatment services on behalf of medically handicapped children, as	21857				
defined in division (A) of section 3701.022 of the Revised Code,	21858				
and Ohio residents who are twenty-one or more years of age and who	21859				
are suffering from cystic fibrosis or hemophilia. Moneys may also	21860				
be expended for administrative expenses incurred in operating the	21861				
Medically Handicapped Children's Program.	21862				
MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS	21863				
The foregoing appropriation item 440607, Medically	21864				
Handicapped Children - County Assessments (Fund 6660), shall be	21865				
used to make payments under division (E) of section 3701.023 of	21866				
the Revised Code.	21867				
CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO	21868				
THE TOBACCO USE PREVENTION FUND	21869				
	01070				
On July 1, 2013, or as soon as possible thereafter, the	21870				
Director of Budget and Management shall transfer \$2,439,230 cash	21871				
from the Public Health Priorities Trust Fund (Fund L087) to the	21872 21873				
Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating					
needs of the Department of Health's tobacco enforcement and					
cessation efforts.	21875				
CASH TRANSFER FROM THE PRE-SECURITIZATION TOBACCO PAYMENTS	21876				
FUND TO THE TOBACCO USE PREVENTION FUND	21877				
Notwithstanding Section 512.20 of Am. Sub. H.B. 487 of the	21878				
129th General Assembly, on July 1, 2014, or as soon as possible	21879				
thereafter, the Director of Budget and Management may transfer	21880				
cash determined to be in excess of the tobacco enforcement needs	21881				
of the Attorney General from the Pre-Securitization Tobacco	21882				
Payments Fund (Fund 5LS0) to the Tobacco Use Prevention Fund (Fund	21883				
5BX0).	21884				

Sec. 301.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES

General Rev	renue Fund			21886
GRF 600321	Program Support	\$ 31,320,964	\$ 31,109,751	21887
GRF 600410	TANF State/Maintenance	\$ 152,386,934	\$ 152,386,934	21888
	of Effort			
GRF 600413	Child Care	\$ 84,732,730	\$ 84,732,730	21889
	State/Maintenance of			
	Effort			
GRF 600416	Information Technology	\$ 54,223,871	\$ 54,184,700	21890
	Projects			
GRF 600420	Child Support Programs	\$ 6,498,667	\$ 6,591,048	21891
GRF 600421	Family Assistance	\$ 3,161,930	\$ 3,161,930	21892
	Programs			
GRF 600423	Families and Children	\$ 6,384,514	\$ 6,542,517	21893
	Programs			
GRF 600442	<u>Healthier Buckeye</u>	\$ <u>0</u>	\$ 2,400,000	21894
	<u>Grants</u>			
GRF 600502	Child Support - Local	\$ 23,814,103	\$ 23,814,103	21895
GRF 600511	Disability Financial	\$ 22,000,000	\$ 22,000,000	21896
	Assistance			
GRF 600521	Family Assistance -	\$ 41,132,751	\$ 41,132,751	21897
	Local		42,932,751	
GRF 600523	Family and Children	\$ 54,255,323	\$ <del>54,255,323</del>	21898
	Services		65,455,323	
GRF 600528	Adoption Services			21899
	State	\$ 28,623,389	\$ 28,623,389	21900
	Federal	\$ 38,202,557	\$ 38,202,557	21901
	Adoption Services Total	\$ 66,825,946	\$ 66,825,946	21902
GRF 600533	Child, Family, and	\$ 13,500,000	\$ 13,500,000	21903
	Adult Community &			
	Protective Services			
GRF 600534	Adult Protective	\$ 500,000	\$ <del>500,000</del>	21904
	Services		10,500,000	
GRF 600535	Early Care and	\$ 123,596,474	\$ 123,596,474	21905

	Education			
GRF 600540	Food Banks	\$ 6,000,000	\$ 6,000,000	21906
GRF 600541	Kinship Permanency	\$ 3,500,000	\$ 3,500,000	21907
	Incentive Program			
<u>GRF</u> 600545	Workforce Pilot Program	\$ <u>0</u>	\$ 3,000,000	21908
GRF 655522	Medicaid Program	\$ 38,267,970	\$ 38,267,970	21909
	Support - Local			
GRF 655523	Medicaid Program	\$ 30,680,495	\$ 30,680,495	21910
	Support - Local			
	Transportation			
TOTAL GRF G	eneral Revenue Fund			21911
	State	\$ 724,580,115	\$ 724,580,115	21912
			752,980,115	
	Federal	\$ 38,202,557	\$ 38,202,557	21913
	GRF Total	\$ 762,782,672	\$ <del>762,782,672</del>	21914
			791,182,672	
General Ser	vices Fund Group			21915
4A80 600658	Public Assistance	\$ 34,000,000	\$ 34,000,000	21916
	Activities			
5DM0 600633	Administration &	\$ 19,660,339	\$ 19,660,339	21917
	Operating			
5HC0 600695	Unemployment	\$ 60,000,000	\$ 60,000,000	21918
	Compensation Interest			
5HL0 600602	State and County	\$ 3,020,000	\$ 3,020,000	21919
	Shared Services			
TOTAL GSF G	eneral Services			21920
Fund Group		\$ 124,780,339	\$ 116,773,328	21921
Federal Spe	cial Revenue Fund Group			21922
3270 600606	Child Welfare	\$ 29,769,866	\$ 29,769,866	21923
3310 600615	Veterans Programs	\$ 8,000,000	\$ 8,000,000	21924
3310 600624	Employment Services	\$ 26,000,000	\$ 26,000,000	21925
	Programs			

4A90 600607	Unemployment	\$	9,006,000	\$ 9,006,000	21947
	Compensation			12,506,000	
	Administration Fund				
4E70 600604	Family and Children	\$	400,000	\$ 400,000	21948
	Services Collections				
4F10 600609	Family and Children	\$	683,549	\$ 683,549	21949
	Activities				
5DB0 600637	Military Injury Relief	\$	2,000,000	\$ 2,000,000	21950
	Subsidies				
5DP0 600634	Adoption Assistance	\$	500,000	\$ 500,000	21951
	Loan				
5ES0 600630	Food Bank Assistance	\$	500,000	\$ 500,000	21952
5KU0 600611	Unemployment	\$	2,000,000	\$ 2,000,000	21953
	Compensation Support -				
	Other Sources				
5NG0 600660	Victims of Human	\$	100,000	\$ 100,000	21954
	Trafficking				
5U60 600663	Family and Children	\$	4,000,000	\$ 4,000,000	21955
	Support				
TOTAL SSR St	ate Special Revenue				21956
Fund Group		\$	25,063,397	\$ <del>25,063,397</del>	21957
				28,563,397	
Agency Fund	Group				21958
1920 600646	Child Support	\$	129,250,000	\$ 129,250,000	21959
	Intercept - Federal				
5830 600642	Child Support	\$	14,000,000	\$ 14,000,000	21960
	Intercept - State				
5B60 600601	Food Assistance	\$	1,000,000	\$ 1,000,000	21961
	Intercept				
TOTAL AGY Ag	ency Fund Group	\$	144,250,000	\$ 144,250,000	21962
Holding Acco	unt Redistribution Fund	Gro	oup		21963
R012 600643		\$	2,200,000	\$ 2,200,000	21964

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### Am. Sub. H. B. No. 483 As Passed by the House

#### Settlements

R013 600644 Forgery Collections	\$	10,000 \$	10,000	21965
TOTAL 090 Holding Account	\$	2,210,000 \$	2,210,000	21966
Redistribution Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$ 3,	586,058,989 \$ <del>3</del>	<del>,541,671,446</del>	21967
		<u>3</u>	,573,571,446	

#### Sec. 301.40. COUNTY HEALTHIER BUCKEYE GRANTS

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.

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#### **COUNTY ADMINISTRATIVE FUNDS**

- (A) The foregoing appropriation item 600521, Family 21977
  Assistance Local, may be provided to county departments of job 21978
  and family services to administer food assistance and disability 21979
  assistance programs. 21980
- (B) The foregoing appropriation item 655522, Medicaid Program 21981 Support Local, may be provided to county departments of job and 21982 family services to administer the Medicaid program and the State 21983 Children's Health Insurance program.
- (C) At the request of the Director of Job and Family 21985
  Services, the Director of Budget and Management may transfer 21986
  appropriations between appropriation item 600521, Family 21987
  Assistance Local, and appropriation item 655522, Medicaid 21988
  Program Support Local, in order to ensure county administrative 21989
  funds are expended from the proper appropriation item. 21990
- (D) If receipts credited to the Medicaid Program Support Fund 21991 (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 21992

(Fund 3840) exceed the amounts appropriated, the Director of Job	21993
and Family Services shall request the Director of Budget and	21994
Management to authorize expenditures from those funds in excess of	21995
the amounts appropriated. Upon approval of the Director of Budget	21996
and Management, the additional amounts are hereby appropriated.	21997
FAMILY ASSISTANCE-LOCAL	21998
Of the foregoing appropriation item 600521, Family Assistance	21999
- Local, \$1,500,000 in fiscal year 2015 shall be allocated to the	22000
Putnam County YMCA in the city of Ottawa.	22001
Of the foregoing appropriation item 600521, Family	22002
Assistance-Local, \$300,000 in fiscal year 2015 shall be allocated	22003
to the Jewish Federation of Cincinnati to provide operating funds	22004
for the Mayerson Jewish Community Center, Jewish Family Service of	22005
Cincinnati, and Dream Homes, Inc.	22006
WORKFORCE PILOT PROGRAM	22007
The foregoing appropriation item 600545, Workforce Pilot	22008
The foregoing appropriation item 600545, Workforce Pilot  Program, shall be used for the Workforce Training Pilot Program	22008 22009
Program, shall be used for the Workforce Training Pilot Program	22009
Program, shall be used for the Workforce Training Pilot Program for the Economically Disadvantaged.	22009 22010
Program, shall be used for the Workforce Training Pilot Program for the Economically Disadvantaged.  Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES	22009 22010 22011
Program, shall be used for the Workforce Training Pilot Program  for the Economically Disadvantaged.  Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES  Of the foregoing appropriation item 600523, Family and	22009 22010 22011 22012
Program, shall be used for the Workforce Training Pilot Program  for the Economically Disadvantaged.  Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES  Of the foregoing appropriation item 600523, Family and Children Services, \$150,000 in each fiscal year shall be provided	22009 22010 22011 22012 22013
Program, shall be used for the Workforce Training Pilot Program  for the Economically Disadvantaged.  Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES  Of the foregoing appropriation item 600523, Family and Children Services, \$150,000 in each fiscal year shall be provided to children's crisis care facilities, as defined in section	22009 22010 22011 22012 22013 22014
Program, shall be used for the Workforce Training Pilot Program for the Economically Disadvantaged.  Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES  Of the foregoing appropriation item 600523, Family and Children Services, \$150,000 in each fiscal year shall be provided to children's crisis care facilities, as defined in section 5103.13 of the Revised Code. The Director of Job and Family	22009 22010 22011 22012 22013 22014 22015
Program, shall be used for the Workforce Training Pilot Program for the Economically Disadvantaged.  Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES  Of the foregoing appropriation item 600523, Family and Children Services, \$150,000 in each fiscal year shall be provided to children's crisis care facilities, as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds based on the number of children at	22009 22010 22011 22012 22013 22014 22015 22016
Program, shall be used for the Workforce Training Pilot Program for the Economically Disadvantaged.  Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES  Of the foregoing appropriation item 600523, Family and Children Services, \$150,000 in each fiscal year shall be provided to children's crisis care facilities, as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds based on the number of children at each facility. A children's crisis care facility may decline to	22009 22010 22011 22012 22013 22014 22015 22016 22017
Program, shall be used for the Workforce Training Pilot Program  for the Economically Disadvantaged.  Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES  Of the foregoing appropriation item 600523, Family and Children Services, \$150,000 in each fiscal year shall be provided to children's crisis care facilities, as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds based on the number of children at each facility. A children's crisis care facility may decline to receive funds provided for under this section. A children's crisis	22009 22010 22011 22012 22013 22014 22015 22016 22017 22018
Program, shall be used for the Workforce Training Pilot Program for the Economically Disadvantaged.  Sec. 301.143. CHILDREN'S CRISIS CARE FACILITIES  Of the foregoing appropriation item 600523, Family and Children Services, \$150,000 in each fiscal year shall be provided to children's crisis care facilities, as defined in section 5103.13 of the Revised Code. The Director of Job and Family Services shall allocate funds based on the number of children at each facility. A children's crisis care facility may decline to receive funds provided for under this section. A children's crisis care facility that accepts funds provided under this section shall	22009 22010 22011 22012 22013 22014 22015 22016 22017 22018 22019

(A) Of the foregoing appropriation item 600523, Family and	22023
Children Services, \$10,000,000 in fiscal year 2015 shall be used	22024
as follows:	22025
(1) Up to \$3,200,000 shall be used to match eligible federal	22026
Title IV-B ESSA funds and federal Title IV-E Chafee funds	22027
allocated to public children services agencies.	22028
(2) 75 per cent of the remaining funds shall be allocated to	22029
public children services agencies in accordance with section	22030
5101.14 of the Revised Code.	22031
(3) 25 per cent of the remaining funds shall be allocated to	22032
counties identified by the Department of Job and Family Services	22033
as hardship counties, in amounts determined by the Department,	22034
based on the county hardship ranking established by the Department	22035
under division (C) of this section.	22036
(B) The Department shall provide to public children services	22037
agencies that receive funding under division (A)(2) of this	22038
section information regarding evidence-informed strategies and	22039
offer technical and other assistance to agencies that adopt	22040
suggested strategies. Each public children services agency	22041
receiving funding under that division shall review its programs,	22042
identify agency needs, and select strategies to implement to	22043
improve outcomes. An agency may implement evidence-informed	22044
strategies that are not part of the strategies provided by the	22045
Department under this division, but shall be required to implement	22046
and collect outcome data about those strategies without assistance	22047
from the Department.	22048
(C) To determine the counties that are to receive funding	22049
under division (A)(3) of this section, the Department shall adopt	22050
rules in accordance with section 111.15 of the Revised Code to	22051
establish a county hardship ranking. When adopting the rules, the	22052
Department shall consider the following:	22053

(1) The number of children residing in the county based on	22054
the most recent decennial federal census;	22055
(2) The percentage of children living in poverty in the	22056
county, based on the most recent data;	22057
(3) The county's average unemployment rate for the	22058
immediately preceding fiscal year;	22059
(4) The county's average real estate property values for the	22060
immediately preceding fiscal year;	22061
(5) The amount of taxes collected by the county in the	22062
immediately preceding fiscal year;	22063
(6) The amount of the county's public children services	22064
agency annual expenditures in the immediately preceding fiscal	22065
year.	22066
(D)(1) Funds received under division (A)(3) of this section	22067
shall supplement, not replace, county funds spent on childrens'	22068
services. A county that receives funds under division (A)(3) of	22069
this section shall not reduce its annual expenditures for	22070
childrens' services below the average amount spent on childrens'	22071
services for the immediately preceding three fiscal years. The	22072
Department shall reduce the amount allocated to a county that	22073
reduces its spending below the average amount spent in the	22074
immediately preceding three fiscal years.	22075
(2) The Department may waive the requirements of division	22076
(D)(1) of this section if the county presents to the Department	22077
evidence of events that have led to a significant change to the	22078
county's fiscal stability, including the loss of a major local	22079
employer or other negative impacts to the local base of taxation.	22080
CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM	22081
Of the foregoing appropriation item 600523, Family and	22082
Children Services, \$1,200,000 in fiscal year 2015 shall be used to	22083

fund the Child Placement Level of Care Tool Pilot Program.						
Sec. 32	3.10. MCD DEPARTMENT OF	MED	DICAID			22085
General Reve	nue Fund					22086
GRF 651425	Medicaid Program	\$	177,071,199	\$	180,446,636	22087
	Support - State					
GRF 651525	Medicaid/Health Care					22088
	Services					
	State	\$ 4	1,739,421,777	\$ 5	5,097,244,293	22089
				<u> </u>	5,097,769,249	
	Federal	\$ 8	3,961,692,337	\$ 5	<del>),502,550,748</del>	22090
				2	9,503,467,185	
	Medicaid/Health Care	\$13	3,701,114,114	\$1-4	1,599,795,041	22091
	Services Total			<u>14</u>	1,601,236,434	
GRF 651526	Medicare Part D	\$	309,349,142	\$	313,020,518	22092
TOTAL GRF Ger	neral Revenue Fund					22093
	State	\$ 5	5,225,842,118	\$ =	<del>5,590,711,447</del>	22094
				<u> </u>	5,591,236,403	
	Federal	\$ 8	3,961,692,337	\$ 5	<del>),502,550,748</del>	22095
				2	9,503,467,185	
	GRF Total	\$1.4	1,187,534,455	\$1.5	5,093,262,195	22096
				<u>15</u>	5,094,703,588	
General Serv	ices Fund Group					22097
5DL0 651639	Medicaid Services -	\$	462,900,000	\$	514,700,000	22098
	Recoveries					
5FX0 651638	Medicaid Services -	\$	6,000,000	\$	6,000,000	22099
	Payment Withholding					
TOTAL GSF Ger	neral Services Fund	\$	468,900,000	\$	520,700,000	22100
Group						
Federal Spec	ial Revenue Fund Group					22101
3ER0 651603	Medicaid Health	\$	123,074,778	\$	123,089,606	22102
	Information					

	Technology				
3F00 651623	Medicaid Services -	\$	2,965,609,943	\$ 3,196,808,545	22103
	Federal				
3F00 651624	Medicaid Program	\$	565,046,401	\$ 454,423,399	22104
	Support - Federal				
3FA0 651680	Health Care Grants -	\$	45,400,000	\$ 44,500,000	22105
	Federal				
3G50 651655	Medicaid Interagency	\$	1,712,881,658	\$ 1,895,403,348	22106
	Pass-Through				
TOTAL FED Fe	deral Special Revenue	\$	5,412,012,780	\$ 5,714,224,898	22107
Fund Group					
State Specia	l Revenue Fund Group				22108
_	Resident Protection	\$	2,878,319	\$ 2,878,319	22109
	Fund				
5AJ0 651631	Money Follows the	\$	5,555,000	\$ 4,517,500	22110
	Person				
5GF0 651656	Medicaid Services -	\$	531,273,601	\$ 531,273,601	22111
	Hospitals/UPL				
5KC0 651682	Health Care Grants -	\$	10,000,000	\$ 10,000,000	22112
	State				
5R20 651608	Medicaid Services -	\$	398,000,000	\$ 398,000,000	22113
	Long Term Care				
5U30 651654	Medicaid Program	\$	54,305,843	\$ 37,903,126	22114
	Support				
6510 651649	Medicaid Services -	\$	215,527,947	\$ 215,314,482	22115
	HCAP				
TOTAL SSR St	ate Special Revenue	\$	1,217,540,710	\$ 1,199,887,028	22116
Fund Group					
Holding Acco	ount Redistribution Fund	Gr	oup		22117
R055 651644	Refunds and	\$	1,000,000	\$ 1,000,000	22118
	Reconciliations				
TOTAL 090 Ho	lding Account	\$	1,000,000	\$ 1,000,000	22119

TOTAL ALL BUDGET FUND GROUPS \$21,286,987,945 \$22,529,074,121 22120 22,530,515,514

	Sec. 32	7.10. MHA DEPARTMENT OF	MEI	NTAL HEALTH A	ND	ADDICTION	22122
SERV	ICES						22123
Gene	ral Reve	nue Fund					22124
GRF	333321	Central	\$	13,495,337	\$	13,486,290	22125
		Administration					
GRF	333402	Resident Trainees	\$	450,000	\$	450,000	22126
GRF	333415	Lease-Rental Payments	\$	15,843,300	\$	16,076,700	22127
				14,743,300			
GRF	333416	Research Program	\$	321,998	\$	321,998	22128
		Evaluation					
GRF	334412	Hospital Services	\$	190,514,437	\$	190,514,437	22129
GRF	334506	Court Costs	\$	784,210	\$	784,210	22130
GRF	335405	Family & Children	\$	1,386,000	\$	1,386,000	22131
		First					
GRF	335406	Prevention and	\$	868,659	\$	868,659	22132
		Wellness					
GRF	335421	Continuum of Care	\$	77,733,742	\$	77,633,742	22133
		Services					
GRF	335422	Criminal Justice	\$	4,917,898	\$	4,917,898	22134
		Services					
GRF	335504	Community Innovations	\$	6,500,000	\$	1,500,000	22135
GRF	335506	Residential State	\$	7,502,875	\$	7,502,875	22136
		Supplement					
GRF	335507	Community Behavioral	\$	47,500,000	\$	47,500,000	22137
		Health					
GRF	652507	Medicaid Support	\$	1,727,553	\$	1,736,600	22138
TOTAI	L GRF Gei	neral Revenue Fund	\$	<del>369,546,009</del>	\$	364,679,409	22139
				368,446,009			
Gene	ral Serv	ices Fund Group					22140
_	ZZIIO						

4750	222692	First Administration	ė.	F 400 667 6	F 400 667	22174
4/50	333623	Statewide Treatment and Prevention -	\$	5,490,667\$	5,490,667	22174
		Administration				
4850	333632	Mental Health	\$	134,233\$	134,233	22175
		Operating - Refunds				
5JL0	333629	Problem Gambling and	\$	1,361,592\$	1,361,592	22176
		Casino Addictions -				
		Administration				
5V20	333611	Non-Federal	\$	100,000\$	100,000	22177
		Miscellaneous				
6890	333640	Education and	\$	150,000\$	150,000	22178
		Conferences				
4850	334632	Mental Health	\$	2,477,500\$	2,477,500	22179
		Operating - Hospitals				
4750	335623	Statewide Treatment	\$	10,059,333\$	10,059,333	22180
		and Prevention				
5AU0	335615	Behavioral Health Care	\$	6,690,000\$	6,690,000	22181
5JL0	335629	Problem Gambling and	\$	4,084,772	4,084,772	22182
		Casino Addictions				
6320	335616	Community Capital	\$	350,000\$	350,000	22183
		Replacement				
TOTA	L SSR St	ate Special Revenue	\$	31,298,097\$	31,298,097	22184
Fund	Group					
TOTA	L ALL BU	DGET FUND GROUPS	\$	<del>698,771,638</del> \$	685,921,002	22185
				697,671,638	681,255,422	
	Sec. 33	3.10. DNR DEPARTMENT OF	CAN	TURAL RESOURCES		22187
Gene	ral Reve	nue Fund				22188
GRF	725401	Wildlife-GRF Central	\$	1,800,000 \$	1,800,000	22189
		Support				
GRF	725413	Lease Rental Payments	\$	21,622,900 \$	23,943,400	22190
GRF	725456	Canal Lands	\$	135,000 \$	135,000	22191

\$

2,126,432 \$

2,126,432

22210

2230 725665

Law Enforcement

		Administration			
2270	725406	Parks Projects	\$ 436,500	\$ 436,500	22211
		Personnel			
4300	725671	Canal Lands	\$ 883,879	\$ 883,879	22212
4S90	725622	NatureWorks Personnel	\$ 404,657	\$ 412,570	22213
4X80	725662	Water Resources	\$ 138,005	\$ 138,005	22214
		Council			
5100	725631	Maintenance -	\$ 303,611	\$ 303,611	22215
		State-owned			
		Residences			
5160	725620	Water Management	\$ 2,559,292	\$ 2,559,292	22216
6350	725664	Fountain Square	\$ 3,329,935	\$ 3,346,259	22217
		Facilities Management			
6970	725670	Submerged Lands	\$ 852,982	\$ 869,145	22218
TOTAI	GSF Ger	neral Services			22219
Fund	Group		\$ 25,457,857	\$ 25,451,293	22220
Fede	ral Speci	lal Revenue Fund Group			22221
3320	725669	Federal Mine Safety	\$ 265,000	\$ 265,000	22222
		Grant			
3B30	725640	Federal Forest	\$ 500,000	\$ 500,000	22223
		Pass-Thru			
3В40	725641	Federal Flood	\$ 500,000	\$ 500,000	22224
		Pass-Thru			
3B50	725645	Federal Abandoned	\$ 11,851,759	\$ 11,851,759	22225
		Mine Lands			
3B60	725653	Federal Land and	\$ 950,000	\$ 950,000	22226
		Water Conservation			
		Grants			
3B70	725654	Reclamation -	\$ 3,200,000	\$ 3,200,000	22227
		Regulatory			
3P10	725632	Geological Survey -	\$ 933,448	\$ 557,146	22228
		Federal			
3P20	725642	Oil and Gas - Federal	\$ 234,509	\$ 234,509	22229

		Administration			
5290	725639	Unreclaimed Land Fund	\$ 1,804,180	\$ 1,804,180	22250
5310	725648	Reclamation	\$ 500,000	\$ 500,000	22251
		Forfeiture			
5B30	725674	Mining Regulation	\$ 28,135	\$ 28,135	22252
5BV0	725658	Heidelberg Water	\$ 250,000	\$ 250,000	22253
		Quality Lab			
5BV0	725683	Soil and Water	\$ 8,000,000	\$ 8,000,000	22254
		Districts			
5EJ0	725608	Forestry Law	\$ 1,000	\$ 1,000	22255
		Enforcement			
5EK0	725611	Natural Areas &	\$ 1,000	\$ 1,000	22256
		Preserves Law			
		Enforcement			
5ELO	725612	Wildlife Law	\$ 12,000	\$ 12,000	22257
		Enforcement			
5EM0	725613	Park Law Enforcement	\$ 34,000	\$ 34,000	22258
5EN0	725614	Watercraft Law	\$ 2,500	\$ 2,500	22259
		Enforcement			
5НК0	725625	Ohio Nature Preserves	\$ 1,000	\$ 1,000	22260
5MF0	725635	Ohio Geology License	\$ 7,500	\$ 7,500	22261
		Plate			
5MW0	725604	Natural Resources	\$ 10,163,812	\$ 6,165,162	22262
		Special Purposes			
6150	725661	Dam Safety	\$ 943,517	\$ 943,517	22263
TOTAI	SSR Sta	ate Special Revenue			22264
Fund	Group		\$ 80,129,565	\$ 77,254,626	22265
Clear	n Ohio Co	onservation Fund Group			22266
7061	725405	Clean Ohio Operating	\$ 300,775	\$ 300,775	22267
TOTAI	L CLF Cle	ean Ohio Conservation	\$ 300,775	\$ 300,775	22268
Fund	Group				
Wild	life Fund	d Group			22269

\$

20,219 \$

20,219

22291

22292

Liability Fund Group

Holding Account Redistribution Fund Group

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R017 725659	Performance Cash Bond	\$	496,263	\$	496,263	22293
	Refunds					
R043 725624	Forestry	\$	2,100,000	\$	2,100,000	22294
TOTAL 090 Ho	olding Account					22295
Redistributi	on Fund Group	\$	2,596,263	\$	2,596,263	22296
TOTAL ALL BU	DGET FUND GROUPS	\$	326,105,488	\$	326,612,826	22297
					324,761,413	
Sec. 34	0.10. OOD OPPORTUNITIES	FOR	OHIOANS WITH	H DI	SABILITIES	22299
AGENCY						22300
General Reve	enue Fund					22301
GRF 415402	Independent Living	\$	252,000	\$	252,000	22302
	Council					
GRF 415406	Assistive Technology	\$	26,618	\$	26,618	22303
GRF 415431	Office for People	\$	126,567	\$	126,567	22304
	with Brain Injury					
GRF 415506	Services for <del>People</del>	\$	15,277,885	\$	15,277,885	22305
	<u>Individuals</u> with					
	Disabilities					
GRF 415508		-	28,000	•	28,000	
TOTAL GRF Ge	neral Revenue Fund	\$	15,711,070	\$	15,711,070	22307
General Serv	rices Fund Group					22308
4670 415609	Business Enterprise	\$	962,538	\$	965,481	22309
	Operating Expenses					
TOTAL GSF Ge	neral Services					22310
Fund Group		\$	962,538	\$	965,481	22311
Federal Spec	cial Revenue Fund Group					22312
3170 415620	Disability	\$	83,332,186	\$	84,641,911	22313
	Determination					
3790 415616	Federal - Vocational	\$	117,431,895	\$	113,610,728	22314
	Rehabilitation					
3L10 415601	Social Security	\$	2,748,451	\$	2,752,396	22315

	Personal Care					
	Assistance					
3L10 415605	Social Security	\$	772,000	\$	772,000	22316
	Community Centers for					
	the Deaf					
3L10 415608	Social Security	\$	445,258	\$	498,269	22317
	<del>Special</del>					
	Programs/Assistance					
	<u>Vocational</u>					
	<u>Rehabilitation</u>					
3L40 415612	Federal Independent	\$	638,431	\$	638,431	22318
	Living Centers or					
	Services					
3L40 415615	Federal - Supported	\$	916,727	\$	916,727	22319
	Employment					
3L40 415617	<del>Independent</del>	\$	1,548,658	\$	1,348,658	22320
	<del>Living/</del> Vocational					
	Rehabilitation					
	Programs					
TOTAL FED Fed	deral Special					22321
Revenue Fund	Group	\$	207,833,606	\$	205,179,120	22322
State Specia	l Revenue Fund Group					22323
4680 415618	Third Party Funding	\$	11,000,000	\$	11,000,000	22324
4L10 415619	Services for	\$	3,502,168	\$	3,502,168	22325
	Rehabilitation					
4W50 415606	Program Management	\$	12,369,751	\$	12,594,758	22326
	Expenses					
TOTAL SSR Sta	ate Special					22327
Revenue Fund	Group	\$	26,871,919	\$	27,096,926	22328
TOTAL ALL BU	DGET FUND GROUPS	\$	251,379,133	\$	248,952,597	22329
INDEPENDENT LIVING COUNCIL						22330
The foregoing appropriation item 415402, Independent Living						

Council, shall be used to fund the operations of the State	22332
Independent Living Council and to support state independent living	22333
centers and independent living services under Title VII of the	22334
Independent Living Services and Centers for Independent Living of	22335
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29	22336
U.S.C. 796d.	22337
Of the foregoing appropriation item 415402, Independent	22338
Living Council, \$67,662 in each fiscal year shall be used as state	22339
matching funds for vocational rehabilitation innovation and	22340
expansion activities.	22341
ASSISTIVE TECHNOLOGY	22342
The total amount of the foregoing appropriation item 415406	22242
The total amount of the foregoing appropriation item 415406,	22343
Assistive Technology, shall be provided to Assistive Technology of	22344
Ohio to provide grants and assistive technology services for	22345
people with disabilities in the State of Ohio.	22346
OFFICE FOR PEOPLE WITH BRAIN INJURY	22347
The foregoing appropriation item 415431, Office for People	22348
with Brain Injury, shall be provided to The Ohio State University	22349
College of Medicine to support the Brain Injury Program	22350
established under section 3304.23 of the Revised Code.	22351
VOCATIONAL REHABILITATION SERVICES	22352
The foregoing appropriation item 415506, Services for People	22353
Individuals with Disabilities, shall be used as state matching	22354
funds to provide vocational rehabilitation services to eligible	22355
consumers.	22356
SERVICES FOR THE DEAF	22357
The foregoing appropriation item 415508, Services for the	22358
Deaf, shall be used to provide grants to community centers for the	22359
deaf.	22360
INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS	22361

Sec. 34	9.10. PRX STATE BOARD (	OF PH	ARMACY		22393
General Serv	ices Fund Group				22394
4A50 887605	Drug Law Enforcement	\$	150,000	\$ 150,000	22395
4K90 887609	Operating Expenses	\$	6,701,285	\$ 6,701,285	22396
				6,901,285	
TOTAL GSF Ge	neral Services Fund	\$	6,851,285	\$ 6,851,285	22397
Group				7,051,285	
Federal Spec	ial Revenue Fund Group				22398
3BC0 887604	Dangerous Drugs	\$	390,869	\$ 0	22399
	Database				
3CT0 887606	2008	\$	224,691	\$ 112,346	22400
	Developing/Enhancing				
	PMP				
3DV0 887607	Enhancing Ohio's PMP	\$	2,000	\$ 2,000	22401
3EY0 887603	Administration of	\$	66,335	\$ 0	22402
	PMIX Hub				
TOTAL FED Fe	deral Special Revenue	\$	683,895	\$ 114,346	22403
Fund Group					
TOTAL ALL BU	DGET FUND GROUPS	\$	7,535,180	\$ 6,965,631	22404
				7,165,631	
Sec. 35	9.10. PWC PUBLIC WORKS	COMM	IISSION		22406
General Reve	nue Fund				22407
GRF 150904	Conservation General	\$	33,376,600	\$ 34,447,700	22408
	Obligation Debt		<u>26,676,600</u>		
	Service				
GRF 150907	State Capital	\$	227,810,300	\$ 228,948,900	22409
	Improvements General		210,710,300	226,948,900	
	Obligation Debt				
	Service				
TOTAL GRF Ge	neral Revenue Fund	\$	<del>261,186,900</del>	\$ <del>263,396,600</del>	22410

		237,386,900	261,396,600	
Clean Ohio Conservation Fund Group				22411
7056 150403 Clean Ohio Operating	\$	288,980 \$	288,980	22412
Expenses				
TOTAL 056 Clean Ohio Conservation	\$	288,980 \$	288,980	22413
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	<del>261,475,880</del> \$	<del>263,685,580</del>	22414
		237,675,880	261,685,580	
CONSERVATION GENERAL OBLIGATIO	N DE	BT SERVICE		22415
The foregoing appropriation it	em 1	50904, Conservat	ion General	22416
Obligation Debt Service, shall be u	sed	to pay all debt	service and	22417
related financing costs during the	peri	od from July 1,	2013,	22418
through June 30, 2015, at the times	the	y are required t	o be made	22419
for obligations issued under section	ns 1	51.01 and 151.09	of the	22420
Revised Code.				22421
STATE CAPITAL IMPROVEMENTS GEN	ERAL	OBLIGATION DEBT	SERVICE	22422
The foregoing appropriation it	em 1	50907, State Cap	ital	22423
Improvements General Obligation Deb	t Se	ervice, shall be	used to pay	22424
all debt service and related financ	ing	costs during the	period	22425
from July 1, 2013, through June 30,	201	5, at the times	they are	22426
required to be made for obligations	iss	ued under sectio	ns 151.01	22427
and 151.08 of the Revised Code.				22428
CLEAN OHIO OPERATING EXPENSES				22429
The foregoing appropriation it	em 1	50403, Clean Ohi	o Operating	22430
Expenses, shall be used by the Ohio	Pub	olic Works Commis	sion in	22431
administering Clean Ohio Conservati	on F	und (Fund 7056)	projects	22432
pursuant to sections 164.20 to 164.	27 o	of the Revised Co	de.	22433
Sec. 363.10. BOR BOARD OF REGE	NTS			22434
General Revenue Fund				22435
GRF 235321 Operating Expenses	\$	2,850,357 \$	2,850,357	22436

GRF 235501	State Share of	\$ 1,789,699,580	\$	1,818,225,497	22453
	Instruction		1	,821,325,497	
GRF 235502	Student Support	\$ 632,974	\$	632,974	22454
	Services				
GRF 235504	War Orphans	\$ 5,500,000	\$	5,500,000	22455
	Scholarships				
GRF 235507	OhioLINK	\$ 6,211,012	\$	6,211,012	22456
GRF 235508	Air Force Institute of	\$ 1,740,803	\$	1,740,803	22457
	Technology				
GRF 235510	Ohio Supercomputer	\$ 3,747,418	\$	3,747,418	22458
	Center				
GRF 235511	Cooperative Extension	\$ 23,086,658	\$	23,056,658	22459
	Service				
GRF 235514	Central State	\$ 11,063,468	\$	11,063,468	22460
	Supplement				
GRF 235515	Case Western Reserve	\$ 2,146,253	\$	2,146,253	22461
	University School of				
	Medicine				
GRF 235516	Wright State Lake	\$ 200,000	\$	0	22462
	Campus Agricultural				
	Program				
GRF 235519	Family Practice	\$ 3,166,185	\$	3,166,185	22463
GRF 235520	Shawnee State	\$ 2,326,097	\$	2,326,097	22464
	Supplement				
GRF 235523	Youth STEM	\$ 2,000,000	\$	3,000,000	22465
	Commercialization and				
	Entrepreneurship				
	Program				
GRF 235524	Police and Fire	\$ 107,814	\$	107,814	22466
	Protection				
GRF 235525	Geriatric Medicine	\$ 522,151	\$	522,151	22467
GRF 235526	Primary Care	\$ 1,500,000	\$	1,500,000	22468
	Residencies				

_				
GRF 235535	Ohio Agricultural	\$ 34,126,100	\$ 34,629,970	22469
	Research and			
	Development Center			
GRF 235536	The Ohio State	\$ 9,668,941	\$ 9,668,941	22470
	University Clinical			
	Teaching			
GRF 235537	University of	\$ 7,952,573	\$ 7,952,573	22471
	Cincinnati Clinical			
	Teaching			
GRF 235538	University of Toledo	\$ 6,198,600	\$ 6,198,600	22472
	Clinical Teaching			
GRF 235539	Wright State	\$ 3,011,400	\$ 3,011,400	22473
	University Clinical			
	Teaching			
GRF 235540	Ohio University	\$ 2,911,212	\$ 2,911,212	22474
	Clinical Teaching			
GRF 235541	Northeast Ohio Medical	\$ 2,994,178	\$ 2,994,178	22475
	University Clinical			
	Teaching			
GRF 235552	Capital Component	\$ 13,628,639	\$ 10,280,387	22476
GRF 235555	Library Depositories	\$ 1,440,342	\$ 1,440,342	22477
GRF 235556	Ohio Academic	\$ 3,172,519	\$ 3,172,519	22478
	Resources Network			
GRF 235558	Long-term Care	\$ 325,300	\$ 325,300	22479
	Research			
GRF 235563	Ohio College	\$ 90,284,264	\$ 90,284,264	22480
	Opportunity Grant			
GRF 235572	The Ohio State	\$ 766,533	\$ 766,533	22481
	University Clinic			
	Support			
GRF 235599	National Guard	\$ 16,711,514	\$ 17,384,511	22482
	Scholarship Program			
GRF 235909	Higher Education	\$ 221,168,700	\$ 248,822,000	22483

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	General Obligation		215,368,700	245,822,000	
	Debt Service				
TOTAL GRF Ger	neral Revenue Fund	\$ <del>2</del>	,331,062,630	\$ 2,379,360,162	22484
		<u>2</u>	,325,262,630	2,379,460,162	
General Serv	ices Fund Group				22485
2200 235614	Program Approval and	\$	903,595	\$ 903,595	22486
	Reauthorization				
4560 235603	Sales and Services	\$	199,250	\$ 199,250	22487
5JC0 235649	Co-op Internship	\$	8,000,000	\$ 8,000,000	22488
	Program				
5JC0 235668	Defense/Aerospace	\$	4,000,000	\$ 4,000,000	22489
	Workforce Development				
	Initiative				
5JC0 235685	Manufacturing	\$	2,000,000	\$ 0	22490
	Workforce Development				
	Initiative				
TOTAL GSF Ger	neral Services				22491
Fund Group		\$	15,102,845	\$ 13,102,845	22492
Federal Spec	ial Revenue Fund Group				22493
3120 235612	Carl D. Perkins	\$	1,350,000	\$ 1,350,000	22494
	Grant/Plan				
	Administration				
3120 235617	Improving Teacher	\$	3,200,000	\$ 3,200,000	22495
	Quality Grant				
3120 235641	Adult Basic and	\$	14,835,671	\$ 14,835,671	22496
	Literacy Education -				
	Federal				
3120 235672	H-1B Tech Skills	\$	1,100,000	\$ 1,100,000	22497
	Training				
3BW0 235630	Indirect Cost	\$	50,000	\$ 50,000	22498
	Recovery - Federal				
3Н20 235608	Human Services	\$	1,000,000	\$ 1,000,000	22499

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Project	
TOTAL FED Federal Special Revenue	22500
Fund Group \$ 21,535,671 \$ 2	21,535,671 22501
State Special Revenue Fund Group	22502
4E80 235602 Higher Educational \$ 29,100 \$	29,100 22503
Facility Commission	
Administration	
4X10 235674 Telecommunity and \$ 49,150 \$	49,150 22504
Distance Learning	
5D40 235675 Conferences/Special \$ 1,884,095 \$	1,884,095 22505
Purposes	
5FR0 235643 Making Opportunity \$ 230,000 \$	230,000 22506
Affordable	
5P30 235663 Variable Savings Plan \$ 8,066,920 \$	8,104,370 22507
6450 235664 Guaranteed Savings \$ 1,290,718 \$	1,303,129 22508
Plan	
6820 235606 Nursing Loan Program \$ 891,320 \$	891,320 22509
TOTAL SSR State Special Revenue	22510
Fund Group \$ 12,441,303 \$ 1	2,491,164 22511
Third Frontier Research & Development Fund Group	22512
7011 235634 Research Incentive \$ 8,000,000 \$	8,000,000 22513
Third Frontier Fund	
TOTAL 011 Third Frontier Research & \$ 8,000,000 \$	8,000,000 22514
Development Fund Group	
TOTAL ALL BUDGET FUND GROUPS \$ 2,388,142,449 \$ 2,43	<del>34,489,842</del> 22515
<u>2,382,342,449</u> <u>2,43</u>	<u>34,589,842</u>
Sec. 365.10. DRC DEPARTMENT OF REHABILITATION AND COR	RRECTION 22517
General Revenue Fund	22518
	73,724,802 22519
	00,215,085
	6,000,000 22520

	,					
GRF	501405	Halfway House	\$	45,049,356	\$ 46,024,108	22521
				48,399,340	<u>51,197,937</u>	
GRF	501406	Lease Rental Payments	\$	104,099,500	\$ 99,534,800	22522
				103,099,500		
GRF	501407	Community	\$	34,187,858	\$ 34,314,390	22523
		Nonresidential				
		Programs				
GRF	501408	Community Misdemeanor	\$	12,856,800	\$ 12,856,800	22524
		Programs				
GRF	501501	Community Residential	\$	63,345,972	\$ 66,150,781	22525
		Programs - CBCF		64,224,472	69,453,455	
GRF	503321	Parole and Community	\$	64,480,938	\$ 65,029,680	22526
		Operations		66,102,094	71,676,403	
GRF	504321	Administrative	\$	20,659,664	\$ 20,907,476	22527
		Operations				
GRF	505321	Institution Medical	\$	243,289,774	\$ <del>254,139,452</del>	22528
		Services		239,397,895	<u>251,994,058</u>	
GRF	506321	Institution Education	\$	19,102,051	\$ 19,112,418	22529
		Services				
TOTA	L GRF Ge	neral Revenue Fund	\$ =	L,496,839,928	\$ 1,497,794,707	22530
			1	L,509,829,607	1,537,262,822	
Gene	eral Serv	ices Fund Group				22531
1480	501602	Institutional	\$	3,139,577	\$ 3,139,577	22532
		Services				
2000	501607	Ohio Penal Industries	\$	41,393,226	\$ 40,609,872	22533
4830	501605	Property Receipts	\$	582,086	\$ 582,086	22534
4B00	501601	Sewer Treatment	\$	2,023,671	\$ 2,067,214	22535
		Services				
4D40	501603	Prisoner Programs	\$	17,499,255	\$ 17,499,255	22536
4L40	501604	Transitional Control	\$	1,113,120	\$ 1,113,120	22537
4S50	501608	Education Services	\$	4,114,782	\$ 4,114,782	22538
5710	501606	Training Academy	\$	125,000	\$ 125,000	22539
		Receipts				

under the p	rimary leases and agreem	ents	s for those b	uil	dings made	22567			
under Chapters 152. and 154. of the Revised Code. These									
appropriations are the source of funds pledged for bond service									
charges on	related obligations issu	ed ι	under Chapter	s 1	52. and 154.	22570			
of the Revi	sed Code.					22571			
OSU ME	DICAL CHARGES					22572			
Notwit]	hstanding section 341.19	2 of	the Revised	Co	de, at the	22573			
request of	the Department of Rehabi	lita	ation and Cor	rec	tion, The	22574			
Ohio State	University Medical Cente	r, i	including the	Ar	thur G.	22575			
James Cance	r Hospital and Richard J	. Sc	olove Research	h I	nstitute and	22576			
the Richard	M. Ross Heart Hospital,	sha	all provide n	ece	ssary care	22577			
to persons	who are confined in stat	e ac	dult correction	ona	1	22578			
facilities.	The provision of necess	ary	care shall be	e b	illed to the	22579			
Department a	at a rate not to exceed	the	authorized r	eim	bursement	22580			
rate for the	e same service establish	ed k	by the Departi	men	t of	22581			
Medicaid und	der the Medicaid Program					22582			
CORREC'	TIVE CASH TRANSFER					22583			
At the	request of the Director	of	Rehabilitation	on (	and	22584			
Correction,	the Director of Budget	and	Management ma	ay	transfer an	22585			
amount not	to exceed \$2,391 in cash	tha	at was mistak	enl	y deposited	22586			
in the Fede	ral Grants Fund (Fund 32	30)	to the Genera	al :	Revenue	22587			
Fund.						22588			
g.,	OF 10 MAY DEDADEMENT OF		77 ET ON			22500			
Sec. 3	95.10. TAX DEPARTMENT OF	ΊΑΣ	(A.I.TON			22589			
General Rev						22590			
GRF 110321	Operating Expenses		72,568,330	\$	67,968,332	22591			
GRF 110404	Tobacco Settlement	\$	178,200	\$	178,200	22592			
	Enforcement								
GRF 110901	Property Tax	\$	666,640,000	\$	678,255,600	22593			
	Allocation - Taxation				673,255,600				
TOTAL GRF G	TOTAL GRF General Revenue Fund \$ 739,386,530 \$ 746,402,132								

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			731,386,530		741,402,132	
General Services Fund Group 2						
2280 110628	Revenue Enhancement	\$	15,500,000	\$	17,500,000	22596
					17,100,000	
4330 110602	Tape File Account	\$	175,000	\$	175,000	22597
5BP0 110639	Wireless 9-1-1	\$	290,000	\$	290,000	22598
	Administration					
5CZ0 110631	Vendor's License	\$	250,000	\$	250,000	22599
	Application					
5MN0 110638	STARS Development and	\$	5,000,000	\$	3,000,000	22600
	Implementation					
5N50 110605	Municipal Income Tax	\$	150,000	\$	150,000	22601
	Administration					
5N60 110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	22602
	Administration					
5V80 110623	Property Tax	\$	11,978,310	\$	11,978,310	22603
	Administration				11,178,310	
5W70 110627	Exempt Facility	\$	49,500	\$	49,500	22604
	Administration					
TOTAL GSF Ge	neral Services					22605
Fund Group		\$	33,492,810	\$	33,492,810	22606
					32,292,810	
State Special Revenue Fund Group						22607
4350 110607	Local Tax	\$	20,000,000	\$	20,700,000	22608
	Administration				20,300,000	
4360 110608	Motor Vehicle Audit	\$	1,459,609	\$	1,459,609	22609
4370 110606	Income Tax	\$	38,800	\$	38,800	22610
	Contribution					
4380 110609	School District Income	\$	5,802,044	\$	<del>5,802,044</del>	22611
	Tax				5,402,044	
4C60 110616	International	\$	682,415	\$	682,415	22612
	Registration Plan					

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4R60 110610	Tire Tax	\$	244,193	\$	244,193	22613
	Administration					
5V70 110622	Motor Fuel Tax	\$	5,035,374	\$	5,035,374	22614
	Administration					
6390 110614	Cigarette Tax	\$	1,750,000	\$	1,750,000	22615
	Enforcement					
6420 110613	Ohio Political Party	\$	500,000	\$	500,000	22616
	Distributions					
6880 110615	Local Excise Tax	\$	775,015	\$	775,015	22617
	Administration					
TOTAL SSR St	ate Special Revenue					22618
Fund Group		\$	36,287,450	\$	<del>36,987,450</del>	22619
					36,187,450	
Agency Fund Group						22620
4250 110635	Tax Refunds	\$1	,546,800,000	\$	1,546,800,000	22621
7095 110995	Municipal Income Tax	\$	21,000,000	\$	21,000,000	22622
TOTAL AGY Agency Fund Group \$1,567,800,000 \$ 1,567,800,000				22623		
Holding Acco	unt Redistribution Fund	Gro	oup			22624
R010 110611	Tax Distributions	\$	50,000	\$	50,000	22625
R011 110612	Miscellaneous Income	\$	50,000	\$	50,000	22626
	Tax Receipts					
TOTAL 090 Holding Account						22627
Redistributi	on Fund Group	\$	100,000	\$	100,000	22628
TOTAL ALL BU	DGET FUND GROUPS	\$ 2	<del>2,377,066,790</del>	\$	2,384,782,392	22629
		2	<u>2,369,066,790</u>		2,377,782,392	
<u>OPERATI</u>	NG EXPENSES					22630
Of the	foregoing appropriation	ite	<u>em 110321, Op</u>	er	ating	22631
Expenses, \$175,000 in FY 2015 shall be allocated to Energy					22632	
Industries Ohio for the supplier development program.					22633	
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK					22634	
The foregoing appropriation item 110901, Property Tax					22635	

TAX REFUNDS

22666

Allocation - Taxation, is hereby appropriated to pay for the	22636
state's costs incurred due to the Homestead Exemption, the	22637
Manufactured Home Property Tax Rollback, and the Property Tax	22638
Rollback. The Tax Commissioner shall distribute these funds	22639
directly to the appropriate local taxing districts, except for	22640
school districts, notwithstanding the provisions in sections	22641
321.24 and 323.156 of the Revised Code, which provide for payment	22642
of the Homestead Exemption, the Manufactured Home Property Tax	22643
Rollback, and Property Tax Rollback by the Tax Commissioner to the	22644
appropriate county treasurer and the subsequent redistribution of	22645
these funds to the appropriate local taxing districts by the	22646
county auditor.	22647
Upon receipt of these amounts, each local taxing district	22648
shall distribute the amount among the proper funds as if it had	22649
been paid as real property taxes. Payments for the costs of	22650
administration shall continue to be paid to the county treasurer	22651
and county auditor as provided for in sections 319.54, 321.26, and	22652
323.156 of the Revised Code.	22653
Any sums, in addition to the amounts specifically	22654
appropriated in appropriation item 110901, Property Tax Allocation	22655
- Taxation, for the Homestead Exemption, the Manufactured Home	22656
Property Tax Rollback, and the Property Tax Rollback payments,	22657
which are determined to be necessary for these purposes, are	22658
hereby appropriated.	22659
MUNICIPAL INCOME TAX	22660
The foregoing appropriation item 110995, Municipal Income	22661
Tax, shall be used to make payments to municipal corporations	22662
under section 5745.05 of the Revised Code. If it is determined	22663
that additional appropriations are necessary to make such	22664
payments, such amounts are hereby appropriated.	22665

The foregoing appropriation item 110635, Tax Refunds, shall	22667			
be used to pay refunds under section 5703.052 of the Revised Code.				
If it is determined that additional appropriations are necessary				
for this purpose, such amounts are hereby appropriated.	22670			
INTERNATIONAL REGISTRATION PLAN AUDIT	22671			
The foregoing appropriation item 110616, International	22672			
Registration Plan, shall be used under section 5703.12 of the	22673			
Revised Code for audits of persons with vehicles registered under	22674			
the International Registration Plan.	22675			
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	22676			
Of the foregoing appropriation item 110607, Local Tax	22677			
Administration, the Tax Commissioner may disburse funds, if	22678			
available, for the purposes of paying travel expenses incurred by	22679			
members of Ohio's delegation to the Streamlined Sales Tax Project,	22680			
as appointed under section 5740.02 of the Revised Code. Any travel	22681			
expense reimbursement paid for by the Department of Taxation shall	22682			
be done in accordance with applicable state laws and guidelines.	22683			
TOBACCO SETTLEMENT ENFORCEMENT	22684			
The foregoing appropriation item 110404, Tobacco Settlement	22685			
Enforcement, shall be used by the Tax Commissioner to pay costs	22686			
incurred in the enforcement of divisions (F) and (G) of section	22687			
5743.03 of the Revised Code.	22688			
STARS DEVELOPMENT AND IMPLEMENTATION FUND	22689			
The foregoing appropriation item 110638, STARS Development	22690			
and Implementation Fund, shall be used to pay costs incurred in	22691			
the development and implementation of the department's State Tax	22692			
Accounting and Revenue System. The Director of Budget and	22693			
Management, under a plan submitted by the Tax Commissioner, or as				
otherwise determined by the Director of Budget and Management,				
shall set a schedule to transfer cash from the Tax Reform System	22696			

State Special Revenue Fund Group

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22777

Mitigation and Air Quality (CMAQ) Program. The Director of	22746
Transportation shall process Federal Highway	22747
Administration-approved projects as recommended by the Director of	22748
Environmental Protection.	22749
In addition to the allowable expenditures set forth in	22750
section 122.861 of the Revised Code, Diesel Emissions Reduction	22751
Grant Program funds also may be used to fund projects involving	22752
the purchase or use of hybrid and alternative fuel vehicles that	22753
are allowed under guidance developed by the Federal Highway	22754
Administration for the CMAQ Program.	22755
Public entities eligible to receive funds under section	22756
122.861 of the Revised Code and CMAQ shall be reimbursed from	22757
moneys in the Highway Operating Fund (Fund 7002) designated for	22758
the Department of Transportation's Diesel Emissions Reduction	22759
Grant Program.	22760
Private entities eligible to receive funds under section	22761
122.861 of the Revised Code and CMAQ shall be reimbursed through	22762
transfers of cash from moneys in the Highway Operating Fund (Fund	22763
7002) designated for the Department of Transportation's Diesel	22764
Emissions Reduction Grant Program to the Diesel Emissions	22765
Reduction Fund (Fund 3FH0), used by the Environmental Protection	22766
Agency, or at the direction of the local public agency sponsor and	22767
upon approval of the Department of Transportation, through direct	22768
payments to the vendor in the prorated share of federal/state	22769
participation. Total expenditures between both the Environmental	22770
Protection Agency and the Department of Transportation shall not	22771
exceed the amounts appropriated in this act for appropriation item	22772
715693, Diesel Emissions Reduction Grants, \$10,000,000 in FY 2014	22773
and \$2,500,000 in FY 2015.	22774
On or before June 30, 2014, the Director of Environmental	22775

Protection may certify to the Director of Budget and Management

the amount of any unencumbered balance of the foregoing

appropriation item 715693, Diesel Emissions Reduction Grants, for	22778
fiscal year 2014 to be used for the same purpose in fiscal year	22779
2015. Once the certification permitted under this section has been	22780
submitted and approved by the Director of Budget and Management,	22781
the amount approved <del>is hereby</del> <u>may be</u> appropriated for fiscal year	22782
2015.	22783

Any cash transfers or allocations under this section 22784 represent CMAQ program moneys within the Department of 22785 Transportation for use by the Diesel Emissions Reduction Grant 22786 Program by the Environmental Protection Agency. These allocations 22787 shall not reduce the amount of such moneys designated for 22788 metropolitan planning organizations.

The Director of Environmental Protection, in consultation 22790 with the directors of Development Services and Director of 22791 Transportation, shall develop guidance for the distribution of 22792 funds and for the administration of the Diesel Emissions Reduction 22793 Grant Program. The guidance shall include a method of 22794 prioritization for projects, acceptable technologies, and 22795 procedures for awarding grants.

### Sec. 751.10. RECOVERY REQUIRES A COMMUNITY PROGRAM 22797

The Department of Mental Health and Addiction Services, in 22798 consultation with the Department of Medicaid, shall administer the 22799 Recovery Requires a Community Program to identify individuals 22800 residing in nursing facilities who can be successfully moved into 22801 a community setting with the aid of community non-Medicaid 22802 services.

The Director of Mental Health and Addiction Services and the 22804 Medicaid Director shall agree upon an amount representing the 22805 savings realized from decreased nursing facility utilization to be 22806 transferred within the biennium from the Department of Medicaid to 22807 the Department of Mental Health and Addiction Services to support 22808

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7,000,000

General Assembly be amended to read as follows:

Higher Education Improvement Fund (Fund 7034)

Structural Concrete Repairs

C37838

Sec. 207.100. CCC CUYAHOGA COMMUNITY COLLEGE

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C37839	Roof Repair and Replacements	\$	2,900,000	22838
C37840	Workforce Economic Development	\$	1,700,000	22839
	Renovations			
C37841	St. Vincent Charity Medical Center -	\$	500,000	22840
	Geriatric Behavioral Health Project			
C37842	Playhouse Square Ohio Theatre	\$	1,500,000	22841
C37843	Cleveland Museum of Art - Final Phase	\$	2,000,000	22842
<u>C37844</u>	Rock and Roll Hall of Fame	\$	1,060,522	22843
TOTAL Hi	gher Education Improvement Fund	\$	<del>15,600,000</del>	22844
			16,660,522	
TOTAL AL	L FUNDS	\$	<del>15,600,000</del>	22845
			16,660,522	
Sec	. 207.250. OTC OWENS COMMUNITY COLLEGE			22847
Higher E	ducation Improvement Fund (Fund 7034)			22848
C38816	Penta Renovations	\$	4,750,000	22849
C38826	College Hall Renovation	\$	750,000	22850
C38827	Manufacturing Training Simulators	\$	290,000	22851
<u>C38828</u>	ProMedica Transformative Low Income	\$	250,000	22852
	Medical Senior Housing			
TOTAL Hi	gher Education Improvement Fund	\$	<del>5,790,000</del>	22853
			6,040,000	
TOTAL AL	L FUNDS	\$	<del>5,790,000</del>	22854
			6,040,000	
Sec	. 207.340. UTO UNIVERSITY OF TOLEDO			22856
Higher E	ducation Improvement Fund (Fund 7034)			22857
C34058	Campus Energy Cost Reduction Project	\$	1,500,000	22858
C34067	Anatomy Specimen Storage Facility	\$	3,500,000	22859
C34068	Academic Technology and Renovation	\$	3,000,000	22860
	Projects			
C34069	Campus Infrastructure Improvements	\$	3,000,000	22861

C34070	NW Ohio Plastics Training Center	\$ 2,000,000	22862
C34071	Elevator Safety Repairs and Replacements	\$ 2,000,000	22863
C34072	Building Automation System Upgrades	\$ 1,500,000	22864
C34073	Mechanical System Improvements	\$ 1,500,000	22865
C34074	Backbone Core Router Replacements	\$ 1,600,000	22866
C34075	Network Infrastructure Replacement	\$ 1,400,000	22867
C34076	Northwest Ohio Food Partnership Center	\$ 1,000,000	22868
C34077	Mercy College Science Facilities	\$ 500,000	22869
	Expansion and Renovation		
C34078	Northwest Ohio Workforce Development and	\$ 1,000,000	22870
	Advanced Manufacturing Training Center		
C34079	Promedica Transformative Low Income	\$ <del>250,000</del>	22871
	Medical Senior Housing		
TOTAL Hig	gher Education Improvement Fund	\$ 23,750,000	22872
		23,500,000	
TOTAL ALI	FUNDS	\$ <del>23,750,000</del>	22873
		23,500,000	

Sec. 207.440. The Ohio Public Facilities Commission is hereby 22875 authorized to issue and sell, in accordance with Section 2n of 22876 Article VIII, Ohio Constitution, and Chapter 151. and particularly 22877 sections 151.01 and 151.04 of the Revised Code, original 22878 obligations in an aggregate principal amount not to exceed 22879 \$506,000,000 \$507,000,000, in addition to the original issuance of 22880 obligations heretofore authorized by prior acts of the General 22881 Assembly. These authorized obligations shall be issued, subject to 22882 applicable constitutional and statutory limitations, as needed to 22883 provide sufficient moneys to the credit of the Higher Education 22884 Improvement Fund (Fund 7034) and the Higher Education Improvement 22885 Taxable Fund (Fund 7024) to pay costs of capital facilities as 22886 defined in sections 151.01 and 151.04 of the Revised Code for 22887 state-supported and state-assisted institutions of higher 22888 education. 22889

Sec.	. 223.10. DNR DEPARTMENT OF NATURAL RESOURCE	CES		22890
Wildlife	Fund (Fund 7015)			22891
С725К9	Wildlife Area Building	\$	6,400,000	22892
	Development/Renovations			
TOTAL Wil	dlife Fund	\$	6,400,000	22893
Administr	cative Building Fund (Fund 7026)			22894
C725D5	Fountain Square Telephone Improvements	\$	2,250,000	22895
C725D7	MARCS Equipment	\$	2,490,150	22896
C725E0	DNR Fairgrounds Areas Upgrading	\$	485,000	22897
C725N7	District Office Renovations	\$	2,000,000	22898
TOTAL Adm	ninistrative Building Fund	\$	7,225,150	22899
Ohio Park	s and Natural Resources Fund (Fund 7031)			22900
C72549	Facilities Development	\$	1,250,000	22901
C72599	State Parks, Campgrounds, Lodges, Cabins	\$	2,600,000	22902
C725C2	Canals Hydraulics Work and Support	\$	200,000	22903
	Facilities			
C725E1	Local Parks Projects Statewide	\$	11,366,525	22904
C725E5	Project Planning	\$	2,749,000	22905
C725J0	Natural Areas/Preserves	\$	1,000,000	22906
	Maintenance/Facilities			
С725КО	State Park Renovations/Upgrading	\$	13,027,940	22907
C725N5	Wastewater/Water Systems Upgrades	\$	12,055,000	22908
C725N8	Operations Facilities Development	\$	2,500,000	22909
C72501	The Wilds	\$	500,000	22910
C725T3	Healthy Lake Erie Initiative	\$	10,000,000	22911
C725U0	Savanna Ridge Enterprise Zone -	\$	500,000	22912
	Cleveland Metroparks Zoo Zoological			
	Society Savannah Ridge Project			
TOTAL Ohi	o Parks and Natural Resources Fund	\$	57,748,465	22913
Parks and	d Recreation Improvement Fund (Fund 7035)			22914
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	42,050,000	22915

for the administration of local projects, \$3,500,000 shall be used

be used for the City of Celina Boardwalk, \$1,000,000 shall be used

for the Flats East Gateway and Riverfront Park, \$1,000,000 shall

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22943

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for the Middletown River Center, \$1,000,000 shall be used for the	22944
Voice of America Multi-Purpose Field and Athletic Complex,	22945
\$1,000,000 shall be used for the Euclid Waterfront Improvements	22946
Plan - Phase II Implementation, \$875,000 shall be used for the	22947
Preble County Agricultural Facility Improvements, \$500,000 shall	22948
be used for the New Economy Neighborhood - Phase II, \$500,000	22949
shall be used for the Nimisila Spillway Replacement Project,	22950
\$350,000 shall be used for the Perry Township Park Lakeshore	22951
Stabilization, \$300,000 shall be used for the Fairfield Sports	22952
Complex Entrance, \$250,000 shall be used for the Riverfront	22953
Enhancement, \$250,000 shall be used for the Earl Thomas Conley	22954
Riverside Park Campground, \$150,000 shall be used for the Treasure	22955
Island River Corridor Improvement, \$150,000 shall be used for the	22956
Russ Nature Reserve, \$100,000 shall be used for the Hillsboro	22957
North High Trail and Pedestrian Bridge, \$100,000 shall be used for	22958
the PASA Field Lighting, \$100,000 shall be used for the Gallipolis	22959
Riverfront Project - Phase I, \$80,000 shall be used for the Black	22960
River Landing Pavilion, \$50,000 shall be used for the Loudonville	22961
Public Swimming Pool, \$35,000 shall be used for the A.S.K.	22962
Playground, \$30,000 shall be used for the Medina Community	22963
Recreation Center, \$25,000 shall be used for the Newbury Veterans'	22964
Memorial Park, and \$21,525 shall be used for the Black Swamp	22965
Education Center Parking Lot.	22966

#### LOCAL PARKS PROJECTS

Of the foregoing appropriation item C725E2, Local Parks 22968 Projects, an amount equal to two per cent of the projects listed 22969 may be used by the Department of Natural Resources for the 22970 administration of local projects, \$15,000,000 shall be used for 22971 the Veterans Memorial, \$5,000,000 shall be used for the City of 22972 Cleveland - Lakefront Access Project, \$4,000,000 shall be used for 22973 the Banks Project - Phase IIIA, \$1,500,000 shall be used for the 22974 Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the 22975

Lima Stadium Park, \$1,000,000 shall be used for the Little Miami	22976
Scenic Trail- Bridge Construction, \$500,000 shall be used for the	22977
Shaker Heights Van Aken District, \$500,000 shall be used for the	22978
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy	22979
Greenway Trail Highbanks Connector, \$500,000 shall be used for	22980
Hilliard Station Park, \$500,000 shall be used for the MidPointe	22981
Crossing - Swift Park, \$500,000 shall be used for the Smale	22982
Riverfront Park, \$500,000 shall be used for the Green Township	22983
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used	22984
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall	22985
be used for the City of Sylvania River Trail, \$285,545 shall be	22986
used for the Celina Westview Park Quad, \$250,000 shall be used for	22987
the New Bremen Lions Park Development, \$250,000 shall be used for	22988
the Montgomery County Agricultural Facility Improvements, \$250,000	22989
shall be used for Northam Park, \$250,000 shall be used for the	22990
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for	22991
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel	22992
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike	22993
Path, \$150,000 shall be used for the Logan County Agricultural	22994
Facility Improvements, \$150,000 shall be used for the Help All	22995
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used	22996
for York Township Park, \$150,000 shall be used for Eastview Park,	22997
\$120,000 shall be used for the Shelby County Agricultural Facility	22998
Improvements, \$100,000 shall be used for the Ohio to Erie Trail,	22999
\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000	23000
shall be used for the Shanes Park Expansion, \$92,000 shall be used	23001
for the Defiance County Agricultural Facility Improvements,	23002
\$50,000 shall be used for the Moonville Rail Trail Bridges and	23003
Construction, \$50,000 shall be used for the All-Pro Freight	23004
Stadium Improvements, \$50,000 shall be used for the Bowling Green	23005
Nature Center, \$49,000 shall be used for the Lynchburg Old School	23006
Park, \$45,000 shall be used for the Bruce L. Chapin Bridge -	23007
Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill	23008

Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park, \$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000 shall be used for the Round Town Bike Trail, and \$27,750 shall be used for the Shalersville Park Walking Trail.				23009 23010 23011 23012
Sec.	. 239.10. FCC FACILITIES CONSTRUCTION COMM	ISSIC	ON	23013
Lottery E	Profits Education Fund (Fund 7017)			23014
C23014	Classroom Facilities Assistance Program	\$	100,000,000	23015
	- Lottery Profits			
TOTAL Lot	ttery Profits Education Fund	\$	100,000,000	23016
Administ	cative Building Fund (Fund 7026)			23017
C23016	Energy Conservation Projects	\$	3,000,000	23018
C230E5	State Agency Planning/Assessment	\$	500,000	23019
TOTAL Adm	ninistrative Building Fund	\$	3,500,000	23020
Cultural	and Sports Facilities Building Fund (Fund	7030	))	23021
C23022	Woodward Opera House Redevelopment	\$	100,000	23022
C23023	OHS - Ohio History Center Exhibit	\$	840,750	23023
	Replacement			
C23024	OHS - Statewide Site Exhibit Renovation	\$	420,000	23024
C23025	OHS - Statewide Site Repairs	\$	1,152,700	23025
C23027	OHS - Zoar Village Building Restoration	\$	502,500	23026
C23028	OHS - Basic Renovations and Emergency	\$	850,000	23027
	Repairs			
C23030	OHS - Rankin House State Memorial	\$	653,000	23028
C23031	OHS - Harding Home State Memorial	\$	250,000	23029
C23032	OHS - Ohio Historical Center	\$	985,000	23030
	Rehabilitation			
C23033	OHS - Stowe House State Memorial	\$	300,000	23031
C23038	OHS - Fort Amanda State Memorial	\$	395,000	23032
C23042	Tecumseh - Sugarloaf Mountain	\$	33,500	23033
	Amphitheatre			
C23044	OHS - Ohio River Museum	\$	52,200	23034

C23045	OHS - Lockington Locks Stabilization	\$ 358,900	23035
C23057	OHS - Online Portal to Ohio's Heritage	\$ 1,246,000	23036
C23059	Lake Erie Nature and Science Center	\$ 300,000	23037
C23068	Huntington House	\$ 75,000	23038
C23077	Columbus Museum of Art: Expansion and	\$ 1,101,000	23039
	Renovation Phase 3		
C23083	Stan Hywet Hall & Gardens Restoration	\$ 1,560,522	23040
C23091	Ohio Theatre - Toledo	\$ 201,000	23041
C23098	Twin City Opera House	\$ 400,000	23042
C230A1	Preble County Historical Society	\$ 50,000	23043
C230A6	Secrest Auditorium Renovation	\$ 125,000	23044
C230B1	Karamu House	\$ 1,060,522	23045
C230C5	OHS - Collections Storage Facility	\$ 212,000	23046
	Object Evaluation		
C230C6	OHS - Historic Site Signage	\$ 300,000	23047
C230C8	OHS - Serpent Mound	\$ 397,900	23048
C230D1	OHS - Great Circle Earthworks	\$ 75,000	23049
C230D4	OHS - Fort Laurens	\$ 45,000	23050
C230E6	OHS - Exhibits for Native American Sites	\$ 500,000	23051
C230E7	OHS - Hayes Presidential Center	\$ 50,000	23052
C230E8	OHS - Armstrong Air and Space Museum	\$ 45,000	23053
C230E9	OHS - Museum of Ceramics	\$ 223,850	23054
C230F1	OHS - Campus Martius Museum	\$ 145,200	23055
C230F2	Second Century Project	\$ 200,000	23056
C230F3	Stuart's Opera House	\$ 500,000	23057
C230F4	The Gordon, Hauss, Folk Company Mill	\$ 250,000	23058
C230F5	Thatcher Temple Art Building	\$ 37,500	23059
C230F6	Fitton Center for Creative Arts	\$ 100,000	23060
C230F7	Oxford Community Arts Center	\$ 450,000	23061
C230F8	Gammon House Improvements	\$ 75,000	23062
C230F9	Clark State Community College Performing	\$ 275,000	23063
	Arts Center		
C230G1	Murphy Theatre	\$ 150,000	23064

Victoria Opera House Restoration Phase 2

30,000

23091

C230K6

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C230K7	Georgian Museum Storage Facility	\$	30,000	23092
C230K8	Sherman House Museum	\$	35,000	23093
C230K9	Washington Court House Auditorium	\$	100,000	23094
	Project			
C230L1	McCoy Community Center of the Arts -	\$	50,000	23095
	Video Projection System			
C230L2	Glass Axis Relocation	\$	150,000	23096
C230L3	Harmony Project	\$	300,000	23097
C230L4	CCAD Cinematic Arts and Motion Capture	\$	750,000	23098
	Studio and Auditorium			
C230L5	Columbus Theater-Based Community	\$	1,000,000	23099
	Development Project			
C230L6	Franklin Park Conservatory Joint	\$	1,000,000	23100
	Recreation District			
C230L7	Sauder Village - 1920 Homestead	\$	300,000	23101
C230L8	Fulton County Visitor and Heritage	\$	1,000,000	23102
	Center			
C230L9	Ariel-Ann Carson Dater Performing Arts	\$	100,000	23103
	Centre			
C230M1	French Art Colony/Riverby Theatre Guild	\$	100,000	23104
C230M2	Geauga County Historical Society	\$	56,000	23105
C230M3	Chardon Lyric Theatre	\$	50,000	23106
C230M4	Chardon Heritage House	\$	200,000	23107
C230M5	Incline Theater Project	\$	550,000	23108
C230M6	Cincinnati Art Museum - Make Room for	\$	825,000	23109
	Art			
C230M7	Hamilton County Memorial Hall	\$	2,000,000	23110
C230M8	Cincinnati Zoo	\$	2,000,000	23111
C230M9	Union Terminal Restoration	\$	5,000,000	23112
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	23113
C230N2	Kan Du Community Arts Center	\$	520,000	23114
C230N3	Findlay Central Auditorium	\$	1,000,000	23115
C230N4	Appalachian Forest Museum	\$	100,000	23116

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C230N5	Logan Theater	\$ 25,000	23117
C230N6	Willard Train Viewing Platform	\$ 50,000	23118
C230N7	Markay Theatre Renovation	\$ 150,000	23119
C230N8	Grand Theater Restoration Project	\$ 140,000	23120
C230N9	South Leroy Historic Meeting House	\$ 15,000	23121
	Restoration		
C230P1	Willoughby Fine Arts Association -	\$ 500,000	23122
	Facility Expansion		
C230P2	Ironton Cultural Arts Operations	\$ 100,000	23123
	Facility		
C230P3	Sterling Theater Revitalization Project	\$ 200,000	23124
C230P4	Logan County Veterans' Memorial Hall	\$ 250,000	23125
C230P5	Columbia Station 1812 Block House	\$ 28,000	23126
	Project		
C230P6	Avon Isle Renovation Phase 2	\$ 82,775	23127
C230P7	Oberlin Gasholder Building/Underground	\$ 200,000	23128
	Railroad Center		
C230P8	Carnegie Building Renovation	\$ 500,000	23129
C230P9	Toledo Zoo	\$ 750,000	23130
C230Q1	Imagination Station Improvements	\$ 695,000	23131
C230Q2	War of 1812 Exhibit	\$ 35,000	23132
C230Q3	Columbus Zoo and Aquarium	\$ 1,000,000	23133
C230Q4	Toledo Repertoire Theatre	\$ 150,000	23134
C230Q5	Valentine Theatre Initiative	\$ 136,000	23135
C230Q6	Southern Park Historic District	\$ 250,000	23136
C230Q7	Butler Institute of Art	\$ 279,717	23137
C230Q8	Stambaugh Auditorium	\$ 500,000	23138
C230Q9	Marion Palace Theatre	\$ 731,000	23139
C230R1	Bradford Rail Museum	\$ 275,000	23140
C230R2	K12 and TEJAS Building Project	\$ 50,000	23141
C230R3	River Run Murals Project	\$ 82,500	23142
C230R4	Dayton Contemporary Dance Company Studio	\$ 125,000	23143
	Renovations		

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TOTAL Cultural and Sports Facilities Building Fund \$ 76,400,704	23170	
75,340,182		
School Building Program Assistance Fund (Fund 7032)	23171	
C23002 School Building Program Assistance \$ 575,000,000	23172	
TOTAL School Building Program Assistance Fund \$ 575,000,000	23173	
TOTAL ALL FUNDS \$ 754,900,704	23174	
<u>753,840,182</u>		
STATE AGENCY PLANNING/ASSESSMENT	23175	
The foregoing appropriation item C230E5, State Agency	23176	
Planning/Assessment, shall be used by the Facilities Construction	23177	
Commission to provide assistance to any state agency for	23178	
assessment, capital planning, and maintenance management.	23179	
GEAUGA COUNTY HISTORICAL SOCIETY	23180	
Of the foregoing appropriation item C230M2, Geauga County	23181	
Historical Society, \$12,000 shall be used for Geauga Historical	23182	
Society - White Barn Restoration, \$18,000 shall be used for Geauga		
Historical Society - Maple Museum, and \$26,000 shall be used for		
Geauga Historical Society - Lennah Bond Center.	23185	
SCHOOL BUILDING PROGRAM ASSISTANCE	23186	
The foregoing appropriation item C23002, School Building	23187	
Program Assistance, shall be used by the School Facilities	23188	
Commission to provide funding to school districts that receive	23189	
conditional approval from the Commission pursuant to Chapter 3318.	23190	
of the Revised Code.	23191	
Sec. 701.50. DISASTER SERVICES	23192	
Notwithstanding any other provision of law, upon the request	23193	
of the Department of Public Safety, the Controlling Board may	23194	
approve the transfer of up to $\$4,000,000$ $\$6,000,000$ from the	23195	
Disaster Services Fund (Fund 5E20) to a fund and appropriation	23196	
item used by the Department of Public Safety for Putnam County	23197	

23224

23225

3345.86 of the Revised Code as enacted by this act.

(B) For fiscal year 2015, the combined enrollment in city,

local, and exempted village school districts under division (B) of

In the case of a terminal distributor of dangerous drugs

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holding a license issued or renewed pursuant to section 4729.54 of

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the Revised Code that is valid on the effective date of this

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section, the license remains in effect until April 1, 2015, unless
earlier revoked or suspended. The license holder is subject to the
renewal schedule established by division (I) of section 4729.54 of
23252
the Revised Code, as amended by this act.

(A) A workforce integration task force for individuals who	23255
are deaf or blind is hereby established within the Opportunities	23256
for Ohioans with Disabilities Agency. The task force shall be	23257
co-chaired by the Executive Director of the Opportunities for	23258
Ohioans with Disabilities Agency and the Director of the	23259
Department of Job and Family Services. The co-chairs shall appoint	23260
the members of the task force.	23261
(B) The task force shall collect data on the following	23262
regarding individuals who are deaf or blind in Ohio:	23263
(1) The average income levels for those individuals who are	23264
employed compared to those who are not employed;	23265
(2) The number of those individuals;	23266
(3) Where those individuals are geographically located;	23267
(4) The number of those individuals who are employed and in	23268
what job categories they are employed;	23269
(5) Whether barriers to employment exist for those	23270
individuals.	23271
(C) The task force shall use the data collected and any other	23272
information necessary to make recommendations regarding how those	23273
individuals may be more fully integrated into the workforce to	23274
increase employability and income parity. The task force shall	23275
issue a report of its findings and recommendations to the Governor	23276
not later than January 1, 2015. Upon issuance of its report, the	23277
task force ceases to exist.	23278
death and TE1 33 MODELED OF TRAINING DILLOW DROCKING FOR THE	02070
Section 751.33. WORKFORCE TRAINING PILOT PROGRAM FOR THE	23279
ECONOMICALLY DISADVANTAGED	23280
(A) The Workforce Training Pilot Program for the Economically	23281
Disadvantaged is hereby established to provide grants to provide	23282
training in life and technical skills. The Director of Job and	23283
Family Services shall administer the Pilot Program for a period of	23284

two years, beginning July 1, 2014.	23285
(B) The Director of Job and Family Services, in consultation	23286
with the Director of Development Services and JobsOhio, shall	23287
issue a request for proposals from entities seeking to receive a	23288
grant under this section to create and administer a demonstration	23289
project in the field of workforce development. The demonstration	23290
project shall provide training to those individuals located in the	23291
region described in division (C) of this section where the project	23292
is located who the applicant determines are economically	23293
disadvantaged. The request for proposals shall include all of the	23294
following as conditions of eligibility to receive a grant:	23295
(1) The applicant must include in the proposal a description	23296
of the manner in which the applicant will determine whether an	23297
individual is economically disadvantaged.	23298
(2) The demonstration project must provide life skills	23299
training to assist an individual in developing character traits	23300
necessary to obtain employment, as well as technical and	23301
field-related training.	23302
(3) In creating and administering the demonstration project,	23303
the applicant must collaborate with an organization in the region	23304
described in division (C) of this section where the project is	23305
located and with at least one organization that is a	23306
community-based nonprofit organization with experience in	23307
life-skill support services and workforce development.	23308
(4) The applicant must satisfy any other requirements	23309
established in the request for proposals.	23310
(C)(1) The Director of Job and Family Services, in	23311
consultation with the Director of Development Services and	23312
JobsOhio, shall award a grant in fiscal year 2015 for a	23313
demonstration project described in division (B) of this section in	23314
each of the following regions of the state:	23315

(a) The counties of Allen, Crawford, Defiance, Fulton,	23316
Hancock, Hardin, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky,	23317
Seneca, Van Wert, Williams, Wood, and Wyandot;	23318
(b) The counties of Ashland, Ashtabula, Columbiana, Cuyahoga,	23319
Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage,	23320
Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne;	23321
(c) The counties of Auglaize, Champaign, Clark, Clinton,	23322
Darke, Fayette, Greene, Mercer, Miami, Montgomery, Preble, and	23323
Shelby;	23324
(d) The counties of Delaware, Fairfield, Franklin, Knox,	23325
Licking, Logan, Madison, Marion, Morrow, Pickaway, and Union;	23326
(e) The counties of Adams, Athens, Belmont, Carroll,	23327
Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes,	23328
Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum,	23329
Noble, Perry, Pike, Ross, Scioto, Vinton, and Washington;	23330
(f) The counties of Brown, Butler, Clermont, Hamilton, and	23331
Warren.	23332
(2) The Director of Job and Family Services may award a grant	23333
to one or two demonstration projects located in a region described	23334
in division (C)(1) of this section; however, no region shall	23335
receive more than two million dollars in grant funding under this	23336
section.	23337
(D) The Director of Job and Family Services shall adopt rules	23338
in accordance with Chapter 119. of the Revised Code to establish	23339
reporting requirements for recipients of grants awarded under this	23340
section. The rules shall require a grant recipient to report on	23341
the successful completion rate of demonstration project	23342
participants, rate of job placement of participants, tracking of	23343
participant's employment after completion of the project, and any	23344
other information requested by the Director. The Director shall	23345
require grant recipients to report this information during the	23346

Sub. H.B. 59 of the 130th General Assembly, \$24,850,000 in fiscal	23376
year 2015 shall be used as follows:	23377
(a) To provide six step-down regional crisis stabilization	23378
units, for a total of up to 90 beds, in accordance with a state	23379
allocation formula the Department of Mental Health and Addiction	23380
Services shall create;	23381
(b) To provide state funds to the boards of alcohol, drug	23382
addiction, and mental health services serving Cuyahoga, Franklin,	23383
Hamilton, Lucas, Mahoning, Montgomery, Stark, and Summit counties	23384
for either of the following:	23385
(i) Subject to divisions (D)(1) and (3) of this section, the	23386
capital or leasing costs associated with making up to four hundred	23387
recovery housing beds available in those counties;	23388
(ii) Additional step-down regional crisis stabilization units	23389
that are funded in accordance with the state allocation formula	23390
created under division (B)(1)(a) of this section.	23391
(c) Subject to divisions $(D)(2)$ and $(3)$ of this section, to	23392
provide state funds to the other boards of alcohol, drug	23393
addiction, and mental health services for the capital or leasing	23394
costs associated with making up to four hundred eighty recovery	23395
housing beds available in those counties;	23396
(d) Subject to division (E) of this section, to provide state	23397
funds to boards for the first two years of operating expenses of	23398
recovery housing;	23399
(e) Subject to division (F) of this section, to contract for	23400
a network of recovery housing.	23401
(2) In providing state funds to boards under this section,	23402
the Department shall prioritize funding for counties that have no	23403
recovery housing on the effective date of this section.	23404
(C) On July 1, 2014, or as soon as possible thereafter, the	23405

Department of Medicaid shall calculate the variance between the	23406
actual and projected enrollment of newly eligible individuals	23407
under the Medicaid expansion in fiscal year 2014. The projected	23408
enrollment shall be the number specified in the "Fiscal Impact of	23409
the Affordable Care Act on Medicaid Enrollment and Program Cost"	23410
report produced by Mercer Health and Benefits LLC for the State of	23411
Ohio's Office of Medical Assistance on February 13, 2013. If the	23412
actual enrollment is more than ten per cent less than the	23413
projected enrollment, the Director of Mental Health and Addiction	23414
Services may allocate up to \$24,850,000 of the appropriation item	23415
335507, Community Behavioral Health, in Am. Sub. H.B. 59 of the	23416
130th General Assembly to boards of alcohol, drug addiction, and	23417
mental health services to continue programs the boards started in	23418
fiscal year 2014. Any of that amount not so allocated shall be	23419
used in accordance with division (B) of this section.	23420

- (D)(1) Funding for the capital or leasing costs of recovery 23421 housing in Cuyahoga, Franklin, Hamilton, Lucas, Mahoning, 23422 Montgomery, Stark, and Summit counties is subject to the 23423 following:
- (a) If recovery housing exists in the county on the effective 23425 date of this section, the Department shall pay fifty per cent and 23426 the board serving the county shall pay the other fifty per cent of 23427 the capital or leasing costs of additional recovery housing in the 23428 county.
- (b) If no recovery housing exists in the county on the 23430 effective date of this section, the Department shall pay ninety 23431 per cent and the board serving the county shall pay the remaining 23432 ten per cent of the capital or leasing costs of recovery housing 23433 in the county, except that if the board cannot afford to pay ten 23434 per cent, the Department shall pay one hundred per cent of the 23435 capital or leasing costs.
  - (2) In the case of all other counties, the Department shall

pay ninety per cent and the board serving the county shall pay the	23438
remaining ten per cent of the capital or leasing costs of recovery	23439
housing in the county, except that if the board cannot afford to	23440
pay ten per cent, the Department shall pay one hundred per cent of	23441
the capital or leasing costs.	23442
(3) Each board that receives state funds under division	23443
(B)(1)(b) or (c) of this section and uses the funds for the	23444
capital costs of recovery housing shall, to the greatest extent	23445
possible, give priority to developing new or additional recovery	23446
housing through a grant process under which one or more nonprofit	23447
entities use the grants for the capital costs of developing new or	23448
additional recovery housing in the county or counties that the	23449
board serves. A nonprofit entity that receives such a grant shall	23450
do both of the following to the greatest extent possible:	23451
(a) Develop the new or additional recovery housing by	23452
rehabilitating existing buildings, using materials from existing	23453
buildings that no longer need the materials, or both;	23454
(b) In developing the new or additional recovery housing, use	23455
one or more of the following:	23456
(i) Volunteers;	23457
(ii) Apprentices working under a bona fide apprenticeship	23458
program that is registered with the Ohio Apprenticeship Council	23459
created in section 4139.02 of the Revised Code or with the United	23460
States Department of Labor;	23461
(iii) Individuals who have successfully completed training in	23462
the construction field that is offered by a career-technical	23463
center, joint vocational school district, comprehensive	23464
career-technical center, or compact career-technical center	23465
offering adult training;	23466
(iv) Employees hired through a hiring hall contract or	23467
agreement.	23468

(E) The Department shall pay ninety per cent of the operating	23469
expenses of recovery housing for the first two years that the	23470
recovery housing is operated in a county if the Department pays	23471
one hundred per cent of the capital or leasing costs for the	23472
recovery housing.	23473
(F)(1) Through a competitive bidding process, the Department	23474
shall enter into a three-year contract with a nongovernmental	23475
organization under which the organization shall organize a network	23476
of recovery housing in the state that has all of the following	23477
features:	23478
(a) An internet-based database of recovery housing available	23479
in the state;	23480
(b) A resource hub for recovery housing providers that	23481
assists the providers' development and operation efforts and	23482
enables providers to connect with other recovery housing providers	23483
in this and other states for the purpose of shared learning;	23484
(c) Quality standards for recovery housing and a peer-review	23485
process that uses the standards to endorse individual recovery	23486
housing sites;	23487
(d) A system that monitors data that can be used to determine	23488
outcomes for recovery housing.	23489
(2) The Department shall not spend a total of more than	23490
\$500,000 on the contract entered into under division (F)(1) of	23491
this section.	23492
Section 751.70. SUBSTANCE ABUSE PREVENTION AND TREATMENT	23493
BLOCK GRANT	23494
Of the appropriation item 335507, Community Behavioral	23495
Health, in Am. Sub. H.B. 59 of the 130th General Assembly,	23496
\$5,078,200 in fiscal year 2015 shall be used to maintain the level	23497
of funding for the Substance Abuse Prevention and Treatment Block	23498

Correction pursuant to this section, the county auditor shall

23557

certify, for any court located within that county that is applying	23558
for or receiving funding under this section, to the Department of	23559
Rehabilitation and Correction the information necessary to	23560
determine that court's eligibility for, and the amount of, funding	23561
under this section.	23562
(G) For a specialized docket staff member employed by a court	23563
in this section, the amount of state funding available under this	23564
section shall be sixty-five per cent of the payroll costs	23565
specified in division (E) of this section. This state funding	23566
shall not exceed \$50,700.	23567
(H) The Department of Rehabilitation and Correction shall	23568
disburse this state funding in quarterly installments to the	23569
appropriate county or municipality in which the court is located.	23570
(I) Of the foregoing appropriation item 501502, Specialty	23571
Docket Staff Payroll Costs, the Department of Rehabilitation and	23572
Correction shall use up to one per cent of the appropriation in	23573
fiscal year 2015 to pay the costs it incurs in administering the	23574
duties and responsibilities established in this section.	23575
(J) The Department of Rehabilitation and Correction may adopt	23576
rules, guidelines, and procedures as necessary to carry out the	23577
purposes of this section.	23578
Section 751.110. RETURNING OFFENDERS	23579
	23317
(A) As used in this section:	23580
"Returning offender" means an individual who is released from	23581
confinement in a state correctional facility to live in the	23582
community on or after the effective date of this section.	23583
"State correctional facility" has the same meaning as in	23584
section 2967.01 of the Revised Code.	23585
(B) Subject to division (C) of this section, the boards of	23586
alcohol, drug addiction, and mental health services serving	23587

Cuyahoga, Franklin, Hamilton, Montgomery, and Summit counties	23588
shall prioritize the use of funds made available to the boards by	23589
the Department of Mental Health and Addiction Services under Am.	23590
Sub. H.B. 59 of the 130th General Assembly to temporarily assist	23591
returning offenders who have severe mental illnesses, severe	23592
substance use disorders, or both, and reside in the alcohol, drug	23593
addiction, and mental health service districts the boards serve,	23594
obtain Medicaid-covered community mental health services,	23595
Medicaid-covered community drug addiction services, or both. A	23596
board shall provide the temporary assistance to such a returning	23597
offender regardless of whether the returning offender resided in	23598
the district the board serves before being confined in a state	23599
correctional facility. Such a returning offender's priority for	23600
the temporary assistance shall end on the earlier of the	23601
following:	23602
(1) The date that the offender is enrolled in the Medicaid	23603
program or, if applicable, the date that the suspension of the	23604
offender's Medicaid eligibility ends pursuant to section 5163.45	23605
of the Revised Code;	23606
(2) Sixty days after the offender is released from	23607
confinement in a state correctional facility.	23608
(C) The assistance provided to returning offenders under this	23609
section shall not receive priority over community addiction	23610
services that are prioritized under section 340.15 of the Revised	23611
Code or the program for pregnant women with drug addictions	23612
developed under section 5119.17 of the Revised Code.	23613

# Section 752.10. MORATORIUM ON STRS MITIGATING RATE 23614

Notwithstanding division (D) of section 3305.06 and section 23615 3305.061 of the Revised Code, the percentage of an electing 23616 employee's compensation contributed to the State Teachers 23617 Retirement System by a public institution of higher education 23618

under division (D) of section 3305.06 of the Revised Code to	23619
mitigate any financial impact of an alternative retirement program	23620
on the retirement system shall not exceed four and one-half per	23621
cent. The percentage shall be effective until July 1, 2015.	23622
Section 752.20. ORSC STUDY OF ARP MITIGATING RATE	23623
(A) The Ohio Retirement Study Council shall study the	23624
applicability, operation, and efficacy of the percentage of an	23625
electing employee's compensation contributed by a public	23626
institution of higher education under division (D) of section	23627
3305.06 of the Revised Code to mitigate any financial impact of an	23628
alternative retirement program on the Public Employees Retirement	23629
System, State Teachers Retirement System, and School Employees	23630
Retirement System and make recommendations on any changes in	23631
determining the appropriate mitigating rate. The study shall	23632
research the historical impact of the mitigating rate and whether	23633
its purpose is being served.	23634
(B) Not later than December 31, 2014, the Council shall	23635
prepare and submit to the Governor, the President of the Senate,	23636
and the Speaker of the House of Representatives a report of its	23637
findings and recommendations.	23638
Section 757.20. (A) As used in this section:	23639
(1) "Certificate owner" and "qualified rehabilitation	23640
expenditures" have the same meanings as in section 149.311 of the	23641
Revised Code.	23642
(2) "Taxpayer," "tax period," "excluded person," "combined	23643
taxpayer," and "consolidated elected taxpayer," have the same	23644
meanings as in section 5751.01 of the Revised Code.	23645
(3) "Pass-through entity" has the same meaning as in section	23646
5733.04 of the Revised Code.	23647

(B) A taxpayer that is the certificate owner of a	23648
rehabilitation tax credit certificate issued under section 149.311	23649
of the Revised Code may claim a credit against the tax levied by	23650
section 5751.02 of the Revised Code for tax periods ending on or	23651
before June 30, 2015, provided that the taxpayer is unable to	23652
claim the credit under section 5725.151, 5725.34, 5726.52,	23653
5729.17, 5733.47, or 5747.76 of the Revised Code.	23654

The credit shall equal the lesser of twenty-five per cent of
the dollar amount of the qualified rehabilitation expenditures
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indicated on the certificate or five million dollars. The credit
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shall be claimed for the calendar year specified in the
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certificate and after the credits authorized in divisions (A)(1)
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to (4) of section 5751.98 of the Revised Code, but before the
23660
credits authorized in divisions (A)(5) to (7) of that section.
23661

If the credit allowed for any calendar year exceeds the tax 23662 otherwise due under section 5751.02 of the Revised Code, after 23663 allowing for any other credits preceding the credit in the order 23664 prescribed by this section, the excess shall be refunded to the 23665 taxpayer. However, if any amount of the credit is refunded, the 23666 sum of the amount refunded and the amount applied to reduce the 23667 tax otherwise due for that year shall not exceed three million 23668 dollars. The taxpayer may carry forward any balance of the credit 23669 in excess of the amount claimed for that year for not more than 23670 five calendar years after the calendar year specified in the 23671 certificate, and shall deduct any amount claimed in any such year 23672 from the amount claimed in an ensuing year. 23673

A person that is an excluded person may file a return under 23674 section 5751.051 of the Revised Code for the purpose of claiming 23675 the credit authorized in this section. 23676

If the certificate owner is a pass-through entity, the credit 23677 may not be allocated among the entity's owners in proportions or 23678 amounts as the owners mutually agree unless either the owners are 23679

part of the same combined or consolidated elected taxpayer as the	23680
pass-through entity or the director of development services issued	23681
the certificate in the name of the pass-through entity's owners in	23682
the agreed-upon proportions or amounts. If the credit is allocated	23683
among those owners, an owner may claim the credit authorized in	23684
this section only if that owner is a corporation or an association	23685
taxed as a corporation for federal income tax purposes and is not	23686
a corporation that has made an election under Subchapter S of	23687
Chapter 1 of Subtitle A of the Internal Revenue Code.	23688

The credit authorized in this section may be claimed only on 23689 the basis of a rehabilitation tax credit certificate obtained by a 23690 certificate owner after December 31, 2013, but before June 30, 23691 2015.

A person claiming a credit under this section shall retain 23693 the rehabilitation tax credit certificate for four years following 23694 the end of the latest calendar year in which the credit was 23695 applied, and shall make the certificate available for inspection 23696 by the tax commissioner upon request.

#### Section 757.30. (A) As used in this section:

- (1) "Eligible business" means a for-profit business 23699 association that has at least six employees but not more than 23700 ninety-nine employees and that has maintained its principal place 23701 of business in the state for at least a two-year period ending on 23702 the date the business applies for assistance under this section. 23703 The business must generate at least seven hundred fifty thousand 23704 dollars but not more than twenty-five million dollars in annual 23705 revenue and must have increased both its number of full-time 23706 equivalent employees in this state and its gross revenue during at 23707 least three of the five years preceding the date of application. 23708
- (2) "Full-time equivalent employee" means the quotient 23709 obtained by dividing the total number of hours for which an 23710

eighty.

(B) There is hereby created in the Development Services 23713

Agency the Economic Gardening Technical Assistance Pilot Program. 23714

The Director of Development Services may contract with or 23715

coordinate one or more persons to aid in the administration and 23716

operation of the program. 23717

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The Director shall provide technical assistance to eligible 23718 businesses, including, but not limited to, access to information 23719 and market intelligence services, including information on 23720 markets, customers, and competitors, such as business databases, 23721 geographic information systems, search engine marketing, and 23722 business connection development encouraging interaction and 23723 exchange among business owners and resource providers such as 23724 trade associations, academic institutions, business advocacy 23725 organizations, peer-based learning sessions, and mentoring 23726 programs. The Director, through the program, is authorized to 23727 promote the general business and industrial interests of the 23728 state. 23729

- (C)(1) The Director, in selecting eligible businesses to 23730 assist, shall select businesses in more than one industry 23731 classification and, to the extent practicable, shall choose 23732 businesses that are geographically distributed throughout the 23733 state.
- (2) A business receiving assistance under the program must 23735 enter into an agreement with the Director to establish the 23736 business's commitment to participate in the program. The agreement 23737 must require, at a minimum, that the business do all of the 23738 following:
- (a) Attend the number of meetings between the business and 23740 the Director or another person designated by the Director as 23741

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below, on that date.

division during the biennium that includes fiscal years 2014 and	23772
2015 only to the owner of a catalytic project whose application is	23773
pending with the Director before the effective date of this act,	23774
provided the qualified rehabilitation expenditures paid or	23775
incurred by the owner on the catalytic project exceed seventy-five	23776
million dollars. Such certificate may be issued for a tax credit	23777
award cycle that ended before the effective date of this act,	23778
provided that such tax credit award cycle ended during the	23779
biennium that includes fiscal years 2014 and 2015. All terms used	23780
in this section have the same meanings as in section 149.311 of	23781
the Revised Code.	23782
Section 757.50. The amendment by this act of section 5709.17	23783
of the Revised Code applies to tax year 2014 and every tax year	23784
thereafter.	23785
Section 757.60. Section 757.30 of H.B. 483 of the 130th	23786
Section 757.60. Section 757.30 of H.B. 483 of the 130th  General Assembly is hereby repealed, effective two years after the	23786 23787
General Assembly is hereby repealed, effective two years after the	23787
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General Assembly is hereby repealed, effective two years after the effective date of that act.	23787 23788
General Assembly is hereby repealed, effective two years after the effective date of that act.  Section 806.10. The items of law contained in this act, and	23787 23788 23789
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General Assembly is hereby repealed, effective two years after the effective date of that act.  Section 806.10. The items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this and their applications that can be given effect without the invalid item of law or application.  Section 812.20. The amendment, enactment, or repeal by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471	23787 23788  23789 23790 23791 23792 23793 23794  23795 23796 23797

Sections 501.10, 503.20, 512.10, 512.20, 512.30, 512.40,	23801
610.20, 610.21, 751.40, and 812.20 of this act.	23802
Section 812.30. Except as otherwise provided in this act, the	23803
amendment, enactment, or repeal by this act of a section is	23804
subject to the referendum under Ohio Constitution, Article II,	23805
Section 1c and therefore takes effect on the ninety-first day	23806
after this act is filed with the Secretary of State, or if a later	23807
effective date is specified below, on that date.	23808
Section 812.40. (A) The following take effect two years after	23809
the effective date of this act:	23810
(1) The amendments by this act to sections 340.01, 340.03,	23811
340.08, 340.09, 340.15, 5119.21, 5119.22, and 5119.23 of the	23812
Revised Code;	23813
(2) The enactment by this act of sections 340.092, 340.093,	23814
340.20, 5119.362, 5119.363, and 5119.364 of the Revised Code.	23815
(B) The amendments by this act to division (A) of section	23816
5119.25 of the Revised Code take effect two years after the	23817
effective date of this section. The amendments by this act to	23818
division (C) of that section take effect at the earliest time	23819
permitted by law.	23820
Section 815.10. Section 133.07 of the Revised Code is	23821
presented in this act as a composite of the section as amended by	23822
both Am. Sub. H.B. 699 and Sub. S.B. 126 of the 126th General	23823
Assembly. The General Assembly, applying the principle stated in	23824
division (B) of section 1.52 of the Revised Code that amendments	23825
are to be harmonized if reasonably capable of simultaneous	23826
operation, finds that the composite is the resulting version of	23827
the section in effect prior to the effective date of the section	23828
as presented in this act.	23829